(7)

COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

07/2/2023 **Case Title:** State VS Musa Khan

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order 08	16.05.2023	App for the state present. Complainant absent despite repeated services. Accused on bail present. Today the case was fixed for prosecution evidence, the record shows that on the previous dates notices of pursuance issued against the complainant returned with report of DFC that the complainant has been served properly and despite repeated calls on his cell number, he is not appearing before the court. It is also pertinent to mention here that as per the notice issued by this court on 07.03.2023 and 17.04.2023, returned with the report that the complainant was informed on his cell number. But despite having information of the trial, he did not bother to appear only for a single time before the court, meaning there by that he is not interested in the instant trial and prosecution is failed to produce the complainant till date. Also, it was opinion of the prosecution that the complainant belongs to District Peshawar and there is no prospect of his arrival in the near future. Thus, in these circumstances, proceeding further with the instant case without the presence of the complainant being star witness of the prosecution would be a futile exercise, therefore, I deem it just and appropriate to stop the proceedings u/s 249 Cr.P.C due to absence and non-availability of the complainant. The instant case file be consigned to record room after necessary completion and compilation while copy of this order be placed on police file. Prosecution is directed to resubmit the same along with the prosecution witnesses upon the availability of complainant. **Announced** **16.05.2023** **(Rehmat Ullah Wazir)** SCJ/JM, Orakzai (at Baber Mela)