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STATE VS MUHAMMADI HAQ
FIR No. 60, Dated 18.07.2025, u/s 15AA,
Police Station: Mishti Mela

IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE, ORAKZAI AT BABER MELA

SESSION CASE NO. : 15/3 OF 2025
DATE OF INSTITUTION : 21.10.2025
DATE OF DECISION : 24.08.2026

STATE

------(Complainant)

VS

MUHAMMADI HAQ S/O GULMAT KHAN, CASTE SHEIKHAN,
UMARZAI, DISTRICT ORAKZAI

------(Accused)

Present: Abul-Qasim, Senior Public Prosecutor for the State.
: Muhammad Ishaq Advocate for accused.

FIR No. 60 || **Dated: 18.07.2025**
U/S: 15AA || **Police Station: Mishti Mela**

JUDGEMENT
24.08.2026

This case was registered against the accused

Muhammadi Haq S/O Gulmat Khan, Caste Sheikhan,

Umarzai, District Orakzai vide FIR No. 60, Dated
18.07.2025 registered at Police Station Mishti Mela u/s
15AA.

2. According to the prosecution's case, the local police, while responding to information about the occurrence, reached DHQ Hospital Mishti Mela on 18.07.2025 and found the dead body of Mst. Bibi Salma d/o Muhammadi Haq in the emergency room. The father of the deceased namely Muhammadi Haq reported the matter to the local police at 1840 hours that his daughter Mst. Salma Bibi had eloped with one Zubair some two years ago and the local police rescued her whereafter she was sent to Dar

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Ul Aman, Kohat by the court. The complainant had taken her daughter from Dar Ul Aman to his house where she was residing with him. He further reported that he was present in his home on the eventful day when he received information at 1150 hours that the said Zubair has been killed in Hangu Bazar by someone; so, he took a rifle and fired upon her daughter in a room of his house on the pretext of honour, who got hit and died on the spot.

3. After completion of investigation, complete challan was submitted against the accused. He was summoned and copies were provided to him under Section 265-C CrPC. The accused was formally charge sheeted, but he pleaded not guilty and claimed trial. The prosecution produced a total of 04 witnesses before the Court. A brief resume of the depositions of the prosecution's witnesses is as under;

1. Ihsan Ullah Moharrir recorded his statement as PW-1. He deposed that the Murasila was received by him from ASHO Amir Khan through constable Muhammad Shafiq which was incorporated into FIR Ex. PA. He handed over its copy to Incharge Investigation. The PW received parcel No. 1 from ASHO Amir Khan which was kept by him safely in Malkhana after making its entry in register No.

19. He also received parcels No. 2 and parcel


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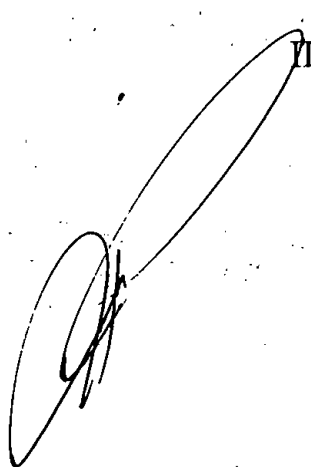
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No. 3 from the IO on 19.07.2025. Similarly, parcel No. 4, containing crime weapon, was received by the PW from the IO on 20.07.2025. The same were also kept safely in Malkhana by him after making entries in register No. 19. He handed over the parcels to the IO for sending the same to FSL on 21.07.2025. The extract of register No. 19 was produced as Ex. PW 1/1. Statement of the PW was recorded by the IO u/s 161 CrPC.

II. Muhammad Younas stood in the witness box as PW-2. He stated that he submitted complete challan Ex. PW 2/2 against the accused on 29.07.2025.

III. Muhammad Hanif IO appeared before the Court as PW-3. He stated that he produced the accused before the Court of Judicial Magistrate vide application Ex. PW 3/2 and two-days custody was granted. During investigation, the accused led the IO to the place of occurrence who recovered the weapon of offence on the pointation of accused vide recovery sketch Ex. PW 3/3. The PW took the same into possession vide recovery memo Ex. PW 3/4 which was packed and sealed by him in parcel



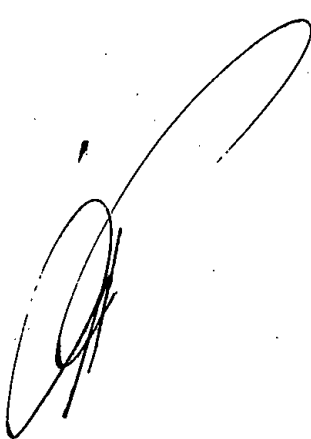
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No. 4 Ex. P1. He issued parwana Ex. PW 3/5 for addition of section 15AA in the case. He produced the accused before the Court of Judicial Magistrate vide application Ex. PW 3/6 for recording his confessional statement but the accused refused to confess and was sent to judicial lock-up. The PW sent the weapon of offence to FSL through constable Muhammad Riaz and placed the FSL report on main file.

IV. Constable Muhammad Riaz appeared before the Court as PW-4. He deposed that he was present with the IO in the police station on 18.07.2025 when Muhammad Janan brought blood-stained garments of the deceased and handed it over to the IO. The IO took it into possession vide recovery memo and sealed the same into parcel No. 2. The PW visited the spot with the IO on 19.07.2025 where the IO recovered blood through cotton from the place of deceased, through recovery memo and sealed the same into parcel No. 3. He also visited the spot with the IO who was led by the accused to the place of occurrence where he made pointation vide pointation memo. The



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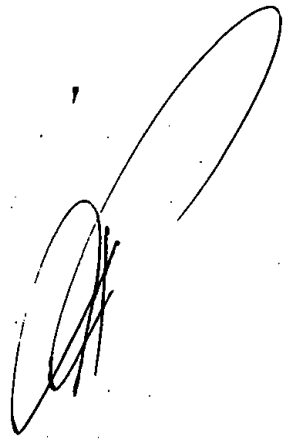
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PW witnessed the recovery of crime weapon
i.e., 7.62 bore rifle, at the instance of accused
which was taken into possession by the IO
vide recovery memo and sealed into parcel No.

4. The PW received parcels No. 1 to 4 along
with route permit and application from the IO
and took the same to FSL on 21.07.2025. His
statement was recorded u/s 161 CrPC.

4. After completion of prosecution's evidence, statement of
the accused was recorded u/s 342 Cr.P.C. The accused
claimed innocence; however, he neither wished to be
examined on oath nor opted to produce any evidence in
defence. I have heard learned Sr. PP and counsel for the
accused.

5. After hearing both the parties and perusal of the record, it
was found that during the course of investigation in the
main case, the weapon of offence was recovered on the
pointation of accused from point No. 2 of the site plan
vide sketch of recovery Ex. PW 3/3 from inside the house
of accused leading to the addition of Section 15AA in the
case. Similarly, the marginal witness to the recovery
memo who appeared before the Court as PW-4 stated in
his cross examination that the weapon in question was
recovered from the room of the house of accused hanging
on a wall. The crime weapon was sent to FSL by the IO



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through constable Muhammad Riaz/PW-4 on 21.07.2025.

The FSL report was received, according to which, the weapon in question was that of 7.62 mm bore and proper working order in its present condition.

6. The Seizing Officer appeared before the as PW-3 whereas marginal witness to the recovery as well as pointation memo appeared before the Court as PW-4. Both of them supported the prosecution's case in their statements. They were subjected to sufficient cross examination, but no material contradiction to the benefit of accused could be brought on record.

7. In view of the above facts and circumstances, it is held that the prosecution remained successful to prove the recovery of weapon of offence on the pointation of accused during the course of investigation of the main case. The accused **Muhammadi Haq** S/O Gulmat Khan, Caste Sheikhan, Umarzai, District Orakzai is, therefore, convicted u/s 15 of the Khyber Pakhtunkhwa Arms Act and sentenced to three (03) years rigorous imprisonment with the fine of Rs. 100,000/-. The convict shall suffer simple imprisonment for a period of three (03) months in case of default of payment of fine. The benefit of section 382-B CrPC is extended to him. The case property is confiscated to state. Copy of the judgment is provided to

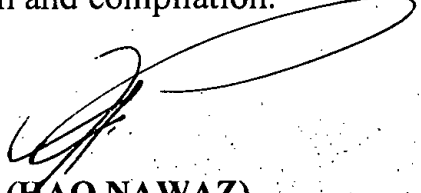
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the accused free of cost. File of this Court be consigned to
record after its necessary completion and compilation.

Announced:
24.08.2026

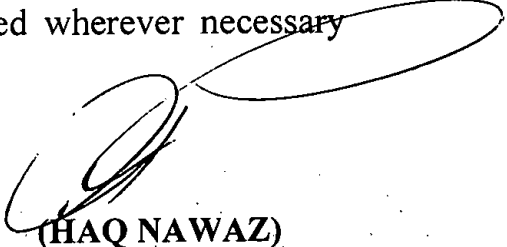

(HAQ NAWAZ)
Sessions Judge, Orakzai,
at Baber Mela

CERTIFICATE

Certified that this judgment consists of seven (07) pages.

Each page has been read, corrected wherever necessary
and signed by me.

Dated: 24.08.2026


(HAQ NAWAZ)
Sessions Judge, Orakzai,
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