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STATE VS TARIQ ALI

FIR No. 123, Dated 26.12.2024, u/s 302/324 PPC
Police Station: Kalaya

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

SESSION CASE NO. : 20/2 OF 2025
DATE OF INSTITUTION : 18.08.2025
DATE OF DECISION : 27.08.2026

STATE THROUGH FARMAN ALI S/O KISRAT ALI, CASTE MANI
KHEL, DISTRICT ORAKZAI

------(Complainant)

VS

TARIQ ALI S/O JAMSHID ALI, CASTE MANI KHEL, DISTRICT
ORAKZAI

------(Accused)

Present: Abul Qasim, Senior Public Prosecutor for the State.
: Syed Muzahir Hussain Advocate for complainant.
: Javid Muhammad and Insaf Ali Advocates for accused.

FIR No. 123
U/S: 302/324 PPC

Dated: 26.12.2024
Police Station: Kalaya

JUDGEMENT
27.08.2026

This case was registered against the accused **Tariq Ali**
S/O Jamshid Ali, Caste Mani Khel, District Orakzai vide
FIR No. 123, Dated 26.12.2024 registered at Police
Station Kalaya u/s 302/324 PPC.

2. According to the prosecution's case, the local police,
while responding to information about the occurrence,
reached THQ Hospital, Kalaya on 26.12.2024 and found
the dead body of deceased Kasrat Ali in the emergency
room. The son of deceased namely Farman Ali reported
the matter to the local police at 1245 hours that he along
with his father were going to Kalaya Bazar for
purchasing household articles on the day of occurrence.
His father was ahead of him, when they reached to the

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fields Wacha Sardawa situated at Qalat at 1200 hours, the accused Tariq Ali was present there with a Kalashnikov who immediately made firing upon the complainant and his father; as a result, father of the complainant got hit and died on the spot while the complainant luckily escaped unharmed. Motive behind the occurrence was reported to be "raising Ghag by the accused upon sister of the complainant".

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. Formal charge was framed, to which the accused pleaded not guilty and claimed trial. The prosecution produced a total of ten (10) witnesses before the Court. A brief resume of the depositions of the prosecution's witnesses

is as under;

- I. Dr. Farooq Azam, Medical Officer, appeared before the Court as PW-1. He stated that he examined the dead body of Kasrat Ali s/o Shah Wali Khan on 26.12.2024 at 12:50 pm. During the post-mortem examination, the PW found the following external appearance and injuries on the dead body;

I – External Appearance.

Mark of ligature on neck and dissection: Nil

Condition of subject stout emaciated, decomposed etc., clothing: Fresh body stained with blood.

Wound, bruises, position, size, nature:
4x3cm entry wound on left flank & its exit wound was 5x4cm on mid axillary line at the level of right nipple.

3 entry wounds on left side of chest around left nipple, each 1x1.5cm in size. They had a single exit wound in right axilla 7x5cm in size.

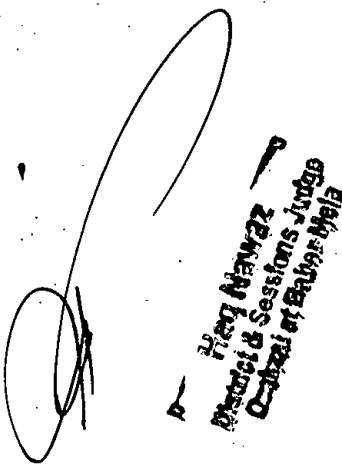
One entry wound in epigastric region 2x1cm in size. Its exit wound was straight backward 3x2cm in size.

II – Cranium and Spinal Cord: Healthy

III – Thorax:

1. Walls, ribs and cartilages: Damaged.
2. Pleurae-Damaged.
3. Larynx and trachea-Healthy.
4. Right lung- Damaged.
5. Left lung-Damaged.
6. Pericardium and heart-Damaged.
7. Blood vessels-Damaged.

IV – Abdomen:


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Walls, Peritoneum, Diaphragm, Stomach and its contents, small intestine and their contents, liver: Damaged, rest healthy.

V – Muscles, Bones, Joints: As per PM report. According to opinion of the Medical Officer, the cause of death was vital organ damaged and bleeding.

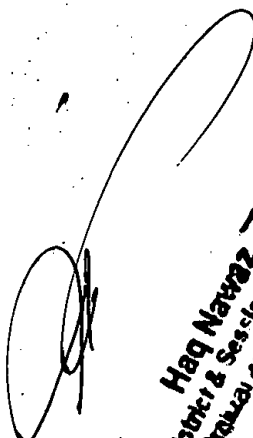
Probable time:

Between injury and death: Immediate.

Between death and post mortem: 30-40 minutes.

The PW produced the post-mortem report as Ex. PM. He endorsed the injury sheet and handed over blood-stained clothes of the deceased to police.

- II. Murtaza OII appeared before the Court and recorded his statement as PW-2. He stated that the investigation was entrusted to him after arrest of the accused. He produced the accused before the Court of Judicial Magistrate vide application Ex. PW 2/1 on 30.05.2025 and one-day custody was granted. He again produced the accused before the Court of JM vide application Ex. PW 2/2 for further custody, but his request was turned down and


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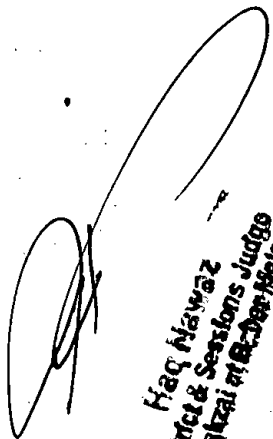
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the accused was sent to judicial lock-up. He handed over the case file to SHO after completion of investigation.

III. Humayun Khan Moharrir recorded his statement as PW-3. He deposed that the Murasila was received by him from Shal Muhammad SHO through constable Muhammad Irshad on 26.12.2024 which was incorporated by him into FIR Ex. PA. He handed over its copy to Incharge Investigation. He also received parcels No. 1 to 3 from the IO which were kept by him safely in Malkhana after making its entries in register No. 19 Ex. PW 3/1. He handed over the parcels to the IO for sending the same to FSL on 28.12.2025, but these were returned to him due to technical fault. He again handed the same over to IO on 24.01.2025 for its transmission to FSL. His statements u/s 161 CrPC were recorded.


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IV. SHO, Shal Muhammad, appeared before the Court and recorded his statement as PW-4. He stated that on receiving information about the incident, he rushed to THQ Hospital Kalaya on 26.12.2024. He reduced the report of complainant into Murasila which is Ex. PW

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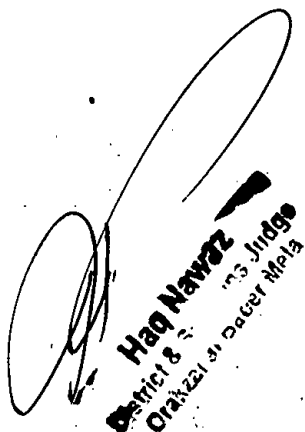
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4/2 and sent it to Police Station through Constable Muhammad Irshad for registration of FIR. The PW prepared injury sheet and inquest report of the deceased which are Ex. PW 4/3 and 4/4 and handed the same over to the doctor through constable Shabbir. He submitted challan u/s 512 CrPC which is Ex. PW 4/5. The PW arrested the accused on 29.05.2025 vide card of arrest Ex. PW 4/6 and submitted supplementary challan Ex. PW 4/7 against the accused.

V. Constable Sajid Ullah appeared before the Court as PW-5. He deposed that he was present with the IO on the spot on 26.12.2024 when he recovered blood-stained earth from the place of deceased with seventeen crime empties of 7.62 bore from the place of accused through recovery memo Ex. PW 5/2. The IO packed and sealed the same into parcels No. 1 and 2. He is also witness to the recovery memo Ex. PW 5/3 through which the IO recovered blood-stained garments of the deceased which was sealed into parcel No. 3. The PW received parcels No. 1 to 3 from the IO and took the same to FSL on 28.12.2024, but returned the same due to technical fault. He again received



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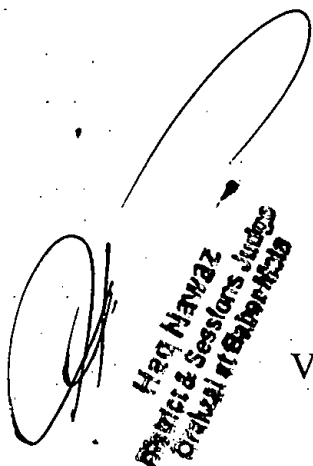
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the parcels from the IO and took the same to FSL on 24.01.2025. The parcels No. 1 and 3 were again returned due to clerical mistake which were again took by him to FSL on 25.01.2025. His statements were recorded by the IO u/s 161 CrPC.

VI. Shabbir Khan Constable appeared before the Court and recorded his statement as PW-6. He stated that the SHO handed over the dead body and relevant documents for escorting it to the doctor on 26.12.2024. He handed over the dead body to the doctor and received blood-stained garments of the deceased from the doctor which was handed over by him to the IO. His statement was recorded u/s 161 CrPC.

VII. Rahid Ali appeared before the Court as PW-07. He stated that he verified the report of complainant by putting his thumb impression on the Murasila and identified the dead body of Kasrat Ali to the local police and doctor on 26.12.2024. His statement was recorded by the IO u/s 161 CrPC.

VIII. Aftab Hassan IO appeared before the Court and recorded his statement as PW-8. He stated that after entrustment of investigation in the


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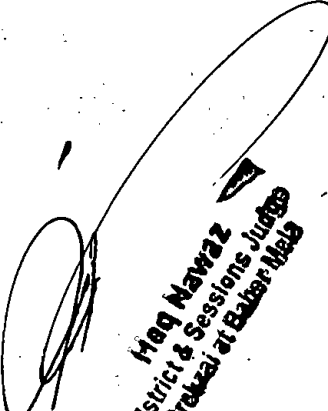
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instant case, he visited the spot and prepared site plan Ex. PW 8/2 on pointation of the complainant. The IO took into possession blood-stained earth from the place of deceased along with seventeen empty shells of 7.62 bore from the place of accused vide recovery memo Ex. PW 5/2 in presence of the marginal witnesses which were packed and sealed into parcels No. 1 and 2 (Ex. P1 and P2). He received blood-stained garments of the deceased along with post-mortem report and sealed the garments into parcels No. 3 (Ex. P3). He took the same into possession vide recovery memo. He recorded the statements of PWs u/s 161 CrPC. He handed over the parcels to Moharrir Hamayun Khan and recorded his statement u/s 161 CrPC. The PW sent the parcels to FSL Peshawar along with applications Ex. PW 8/3 and 8/4 and route permits Ex. PW 8/5 and 8/6 through constable Sajid Ullah on 28.12.2024, but the same were returned due to technical fault. The PW prepared lists of the LRs of deceased on 29.12.2024 which is Ex. PW 8/7. He got issued warrant of arrest against the accused u/s 204 CrPC and proclamation u/s 87 CrPC. The IO


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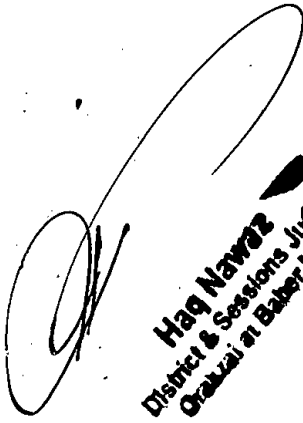
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again sent the parcels to FSL through constable Sajid Ullah on 24.01.2025 along with applications and route permits, but parcels No. 1 and 3 were again returned due to clerical mistake which were again sent to FSL by the PW on 25.01.2025 along with route permit Ex. PW 8/12. The FSL reports were placed on file by him which are Ex. PW 8/13 and 8/14. He handed over the case file to SHO for submission of challan.

IX. Complainant, Farman Ali, stood in the witness box as PW-9. He stated that the deceased Kasrat Ali was his father and the accused is his cousin. He along with his father Kasrat Ali were going to Kalaya Bazar for purchasing household articles on 26.12.2024. His father was ahead of him at some distance. When they reached to Sardawa situated at Qalat at 1200 hours, the accused was present there having a Kalashnikov with him. The accused started firing upon them, due to which father of the complainant got hit and died on the spot while the complainant luckily escaped unhurt. Motive for the offence was that the accused had raised Ghag upon sister of the complainant. He produced an affidavit written

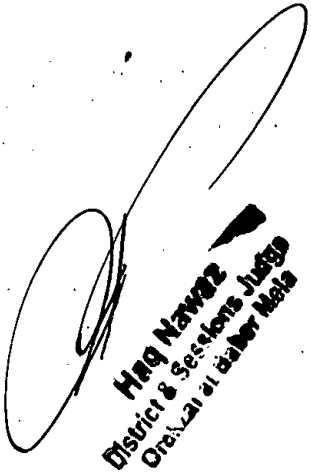

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between his father and the accused, agreement deed between the accused and one Nasir Ali with whom sister of the complainant got engaged, application submitted by his sister Mst. Fozia Begum to SHO Kalaya for taking action against the accused Tariq Ali for raising Ghag against her, application submitted by deceased/father of the complainant to SHO Kalaya for taking action against the accused facing trial, as mark "A (Ex. PW 9/X-1) to D". They took the deceased to THQ Hospital Kalaya and made report to the local police in the shape of Murasila. The contents of the report were read over to the complainant who thumb impressed the same while one Rahid Ali verified his report who also thumb impressed the same. The complainant pointed out the place of occurrence to the IO, who prepared the site plan at his instance. The complainant charged the accused for the commission of offence.


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- X. DFC Muhabbat Ali recorded his statement as PW-10. He stated that the accused was avoiding his lawful arrest. He was entrusted with warrant u/s 204 CrPC Ex. PW 10/2 which was returned unserved by him. He also affixed

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proclamation u/s 87 CrPC Ex. PW 10/3 against the accused. His statement was recorded by the IO u/s 161 CrPC.

4. After completion of prosecution 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. The learned Sr. PP and counsel for the complainant submitted that the accused was directly charged for the murder of father of the complainant. The report was made to the local police without any delay wherein motive behind the occurrence was cited by the complainant which has also been proved. The empties were recovered from the spot. The PWs have been lengthy cross examined but no contradiction was brought on record. They, therefore, requested for convicted of the accused.

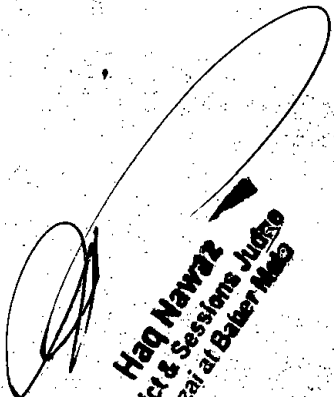
6. On the other hand, the learned defence counsel submitted that according to the FIR the occurrence was taken place on the pathway from the village of complainant towards Kalaya Bazar, but the presence of accused in the site plan has been shown in a Bagh at point No. 1 which contradicts the initial report. He further submitted that additions were made at point No. 1 of the site plan to

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show the recovery of empties without any specific point given to the place of recovery. The injury sheet and inquest report were not signed by the concerned police official. The identifier of the dead body/PW-7 denied to have recorded his statement u/s 161 CrPC in his cross examination. There is no report of return of the parcels from FSL available on record in contradiction to the statements of PWs. No case property was shown in supplementary challan against the accused. The record about motive behind the occurrence was not produced to the IO during the course of investigation. He, therefore, requested that the prosecution's case is full of doubts; hence, the accused be acquitted from the charges levelled against him.


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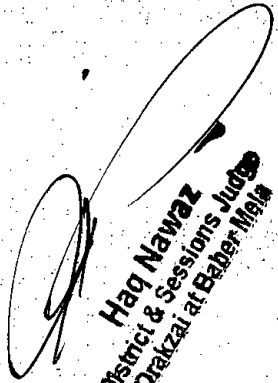
After hearing both the parties and perusal of the record, it was found that the occurrence was taken place on 26.12.2024 at 1200 hours in the fields of Wacha Sardawa situated at Qalat when the complainant and his father, Kasrat Ali were on their way from their village to Kalaya Bazar. According to the complainant/PW-9, the accused was present there, duly armed with Kalashnikov. When he saw the deceased, the accused started firing; as a result of which, the father of complainant got hit and expired on the spot whereas he escaped unhurt from the firing of accused. The motive behind the occurrence was stated to be "raising Ghag by the accused against the sister of

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complainant". The matter was promptly reported by the complainant/son of the deceased within 45 minutes of the occurrence which was reduced into Murasila Ex. PW 4/2. He charged the accused for the commission of offence. The complainant in his statement produced a jirga verdict Ex. PW 9/X1 before the Court with a Tehreer Nama mark 'B' and two applications dated 24.10.2024 and 07.11.2024 by sister and father of the complainant to SHO Police Station Kalaya as mark 'C' and mark 'D', which establish the dispute between the parties regarding raising Ghag by the accused against the sister of complainant. The jirga verdict Ex. PW 9/X1 was admitted to be correct in the cross examination of the complainant. Hence, the motive behind the occurrence has sufficiently been proved. The complainant reproduced the prosecution's story in his statement. He was subjected to a lengthy cross examination, but no material contradiction could be brought on record to the benefit of accused.



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8. During the course of investigation, the Investigating Officer recovered blood-stained earth and seventeen crime empties of 7.62 bore from the place of occurrence vide recovery memo Ex. PW 5/3. The blood-stained garments of the deceased were also taken into possession by him vide recovery memo Ex. PW 5/2. He also produced the FSL reports before the Court as Ex. PW 8/13 and 8/14. According to which, the blood-stained earth and blood-

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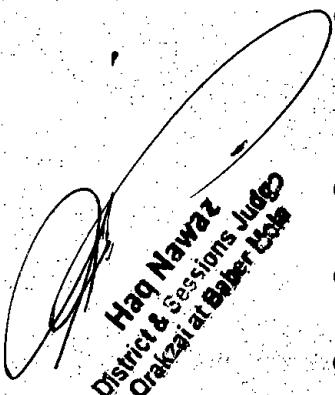
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stained garments were having human blood and the seventeen 7.62 mm bore crime empties were fired from one and same 7.62 mm bore weapon. Both the IO and marginal witness of the recovery memos recorded their statements before the Court as PW-8 and PW-5. They deposed in support of the prosecution's case and were subjected to sufficient cross examination, but no material contradiction could be brought on record rather the recovery of blood-stained earth and seventeen crime empties from the place of occurrence, before the preparation of the site plan, were admitted in the cross examination of PW-5.

9. The Medical officer conducted post-mortem examination on the dead body at 1250 hours on the day of occurrence. He deposed as PW-1 that the deceased sustained five entry wounds on his body and the cause of death was vital organ damage and bleeding. The recovery of seventeen crime empties from the spot supports the complainant version that he was also fired upon by the accused but he escaped unhurt.

10. So far non-signing of injury sheet and inquest report by the concerned police officials are concerned, it is pertinent to note that being Newly Merged District, the District Police Orakzai are in the primitive stage of their absorption from Khasadars to regular force. In a similar


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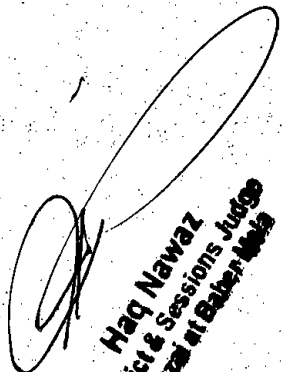
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situation, the **Hon'ble Peshawar High Court, Peshawar** in its judgment dated 26.11.2025 passed in the case of **"Misbah VS Sahir and the State"** bearing **Cr. Appeal No. 347-P/2025** held that;

"Defects in investigation, especially in districts such as Khyber (erstwhile FATA including Orakzai), which is a newly merged district where many police officials are former Khasadar personnel still familiarizing themselves with modern investigation procedures, cannot be treated as fatal to the prosecution."

11. In view of the above facts and circumstances, the prosecution has established their allegations against the accused through sufficient and confidence inspiring evidence that the deceased was done to death by the accused by firing at him. He also attempted at the life of complainant but he escaped unhurt. The accused **Tariq Ali S/O Jamshid Ali, Caste Mani Khel, District Orakzai**, is, therefore, convicted u/s 302-B to undergo rigorous imprisonment for life. He shall pay an amount of Rs. 10 lacs as compensation to the legal heirs of deceased Kasrat Ali in terms of Section 544-A CrPC. In default of payment of compensation, the convict shall undergo simple imprisonment for a period of six (06) months. The


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accused is also convicted u/s 324 PPC and sentenced to rigorous imprisonment for a period of three (03) years with payment of fine of Rs. 100,000/-. In default of payment of fine, the convict shall further undergo simple imprisonment for a period of three (03) months. Both the punishments shall run concurrently with the benefit of Section 382-B CrPC. The case property be destroyed after the period provided for appeal/revision. Copy of the judgment is provided to the accused free of cost. File of this Court be consigned to record after its necessary completion and compilation.

Announced:
27.08.2026

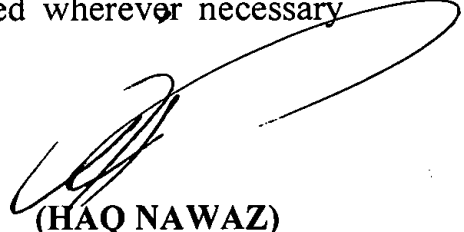

(HAQ NAWAZ)
Sessions Judge, Orakzai,
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CERTIFICATE

Certified that this judgment consists of sixteen (16) pages.

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

Dated: 27.08.2026


(HAQ NAWAZ)
Sessions Judge, Orakzai,
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