

IN THE COURT OF NOOR UL HAQ, JUDICIAL MAGISTRATE-
II, TEHSIL KALAYA DISTRICT ORAKZAI.

State Vs Abdul Zari

Case FIR No. 87 Dated: 16.10.2025 U/S 188,34 PPC, PS Mishti
Mela.

Order. 02
14.07.2026

APP for the state present. Accused on bail present. Today, the case was fixed for attendance of accused, however, court heard the accused. Record perused.

Perusal of record shows that Vide FIR No. 87 Dated: 16.10.2025 U/S 188,34 PPC, PS Mishti Mela, accused was arrested by the local police.

Brief facts as per FIR are that on the day of occurrence SHO alongwith Constables Atta Ullah and Muhammad Zahid were patrolling in the area. During patrolling they got spy information; that accused Abdul Zari, Rahseed Ahmad and Gul Nawaz violated court order. Upon the said information they proceeded to the spot where the accused mentioned above have allegedly violated the court. Criminal case FIR No. 17 Dated: 07.04.2025 u/s 506,34 PPC PS Mishti Mela is registered in PS Mishti Mela. Accused were not arrested on the spot. SHO drafted the Murasila on the spot and handed over to Constable Atta Ullah to carry it to the PS for registration of the instant case.

After completion of investigation, challan was put in court and the accused were summoned.

Record would show that the case was registered by the police on the basis of information allegedly received regarding violation of the court order. However, police official himself stated that by the time the police party reached the place of occurrence parties were not present at the spot. Thus, no accused

(Signature)
NOOR UL HAQ
Civil Judge / JM-II
Orakzai at Kalaya

was found present at the scene, nor was any one apprehended in the act of committing the alleged offence. Moreover, the court order has restrained both parties from interference in each other's possession, and at this stage possession of the land is not clear. It is also not brought on record that the parties were in knowledge of the court restraining order. Prosecution has not disclosed the source of information on the basis of which the accused were nominated in the FIR. Since the police admittedly did not witness the occurrence themselves and reached the spot after the alleged incident had already concluded, the identity of the alleged offenders remains doubtful. No independent witness from the locality has been associated with the investigation to establish that the accused had violated the court order. In the absence of direct ocular evidence, independent corroboration, the prosecution story suffers from inherent doubt. The investigation, therefore, fails to inspire confidence. Such circumstances create a serious dent in the prosecution case and make the nomination of the accused highly doubtful. It is settled law that where the prosecution evidence creates reasonable doubt, the benefit thereof must invariably go to the accused. Accused have not confessed his guilt before the court. There is no eye witness to the occurrence.

Keeping in view the available record, the case in hand is not likely to result in conviction. Recording of full prosecution evidence would be a futile exercise and wastage of precious time of the court. Resultantly, application is allowed. Accused facing trial namely Abdul Zari and Rasheed Ahmad are acquitted in terms of Section 249-A Cr. PC from the charges leveled against them in case FIR No. 87 Dated: 16.10.2025 U/S 188,34 PPC registered at

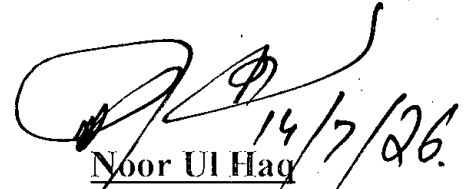
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MOOR III HAQ
Civil Judge
Orakzai

Police Station Mishti Mela. Accused are on bail. Sureties discharged from their liability. Case property, if any be dealt with in accordance with law.

File be consigned to record room after necessary completion and compilation.

Announced.

14.07.2026



Noor Ul Haq

Judicial Magistrate-II, Tehsil
Court Kalaya, Orakzai