IN THE COURT OF ZAHIR KHAN, JUDICIAL MAGISTRATE -I TEHSIL KALAYA, DISTRICT ORAKZAI

Case No.....30/2 of 2020.
Date of Institution.....23.12.2020.
Date of Decision.....08.05.2023.

Order. 31
08.05.2023

APP for the state present. Accused are exempted. Counsel for accused Mr. Insaf Ali Advocate present. Complainant absent. Remaining PWs are also not in attendance.

Counsel for accused facing trial submitted application for stopping of proceedings of the case u/s 249 Cr.PC alleging that complainant is not appearing before the court. APP for the state conceded the application. Arguments heard and record perused.

Record shows that accused after being charged for the commission of the offence were arrested and later on, released on bail. Complete challan was put in court against accused on 23.12.2020. Accused were summoned who appeared before the court and formal charge was framed on 26.01.2021 to which accused pleaded not their guilt and claimed trial. Thereafter, prosecution was allowed to produce its evidence.

08/05/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

As mentioned above, challan was submitted by prosecution on 23.12.2020 and formal charge was farmed on 26.01.2021.

Complainant was time and again summoned but he failed to appear before the court. Even warrants of arrest returned unexecuted. Per reports of DFC, complainant namely Muhammad Serab S/O Saif Ullah has gone to Dubai. Resultantly, application is allowed and proceedings of the trial are stopped U/S 249 Cr. PC as prayed for.

Pertinent to mentioned that stopping of proceedings u/s 249 Cr.PC does not by itself terminate the proceedings finally as the case is neither discharged nor acquittal ordered. Proceedings are to be taken as pending. Prosecution or complainant can resort to trial court for revival of trial which will commence from the stage it is discontinued.

Case property be kept intact.

Copy of this order be placed on police file and the same be returned to quarter concerned while file of this court be consigned to record room after its necessary completion and compilation.

Announced.
08.05.2023

(Zahir Khan)
Judicial Magistrate-I,
Kalaya, Orakzai