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

**Case No.....17/2 of 2021.**
**Date of Institution.....28.05.2021.**
**Date of Decision.....08.05.2023.**

**Order. 25**
08.05.2023

APP for the state present. Accused Muhammad Yaseen on bail along with counsel present. Accused Shabeer alias Shabu is absconding. Complainant absent. SI Aftab Hassan present and his statement recorded as PW-01. Rest of the PWs are 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 Muhammad Yaseen after being charged for the commission of the offence was arrested and later on, released on bail. Complete challan was put in court against accused on 28.05.2021. Accused was summoned who appeared before the court and formal charge was framed to which accused pleaded not his guilt and claimed trial. Thereafter, prosecution was allowed to produce its evidence.

08/05/2023

ZAHIR KHAN
Civil Judge-IM
Kalaya Orakzai

As mentioned above, challan was submitted by prosecution on 28.05.2021 and formal charge was farmed on 01.08.2022. Complainant was summoned but he failed to appear before the court. Per reports of DFC, complainant namely Hashmat Khan S/O Yaqoob Khan is serving in FC and posted at Waziristan, KPK. It is further reported that mobile phone number of the complainant is not responding. 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