

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

Criminal case No. _____ of 2026, FIR No. 89 Dated: 30.06.2026, U/S:
17/18 KP CNSA Police Station: Kalaya, Lower Orakzai
 State Vs Khan Zali etc

Order No.01
07.10.2026

Complete challan along with discharge application received from prosecution. Be entered. Accused Khan Zali and Abdul Wakeel are on bail. Discharge application has been submitted by District Public Prosecutor.

Record shows that complainant namely Muhammad Fayaz ASHO has charged accused namely Khan Zali and Abdul Wakeel for commission of the offence in case FIR No. 89 Dated: 30.06.2026, U/S: 17/18 KP CNSA Police Station: Kalaya, Lower Orakzai.

The learned District Public Prosecutor has filed application for discharge of the accused U/S 5 (b), Prosecution Act, 2005 read with Section 494 Cr. PC, on the ground that the case is mainly based on mobile sets photos etc and as the mobile has not been examined in the FSL. Stated by the IO that Peshawar Lab has no facility/capacity for the purpose, hence due to none availability of modern device evidence against the accused. He/they may be discharged.

Upon careful perusal of the record and application filed by learned DPP, it is evident that the mobile phone allegedly recovered from the accused has neither been examined nor subjected to forensic analysis. The prosecution has also candidly stated that the requisite facility/capacity for examination of the said mobile device is not presently available at the forensic laboratory in Peshawar. Moreover, no modern/digital device-based forensic evidence has

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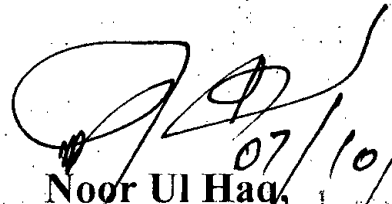
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been brought on record connecting the accused with the alleged offence. Thus, the material available on record does not furnish any legally admissible and sufficient evidence providing a reasonable basis for further proceeding against the accused. In these circumstances, keeping the accused facing trial would serve no useful purpose. Consequently, the discharge application moved by the learned DPP is accepted, and the accused Khan Zali and Abdul Wakeel are discharged from the instant case. Sureties of accused also released from liability.

As for as the case property is concerned the local police has taken into possession two mobile phones which is ordered to be returned to the owners without any surety bonds.

Copy of the order be placed on police file as well as Judicial file. Instant file be consigned to record room after necessary completion and compilation.

Announced:
07.10.2026


07/10/26
Noor Ul Haq,
Judicial Magistrate -II,
Tehsil Court Kalaya, Orakzai