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

Criminal case No. of 2026, FIR No. 40 Dated: 19.03.2026, U/S: 188/285 PPC Police Station: Kalaya, Lower Orakzai
State Vs Abdur Raheem etc

Order No.01
29.10.2026

Complete challan along with discharge application received from prosecution. Be entered. Accused Abdur Raheem, Muhammad Sabit, Maqbool Khan and Siraj Khan are on bail. Discharge application has been submitted by District Public Prosecutor.

Record shows that complainant namely SHO Jameel Khan has charged accused namely Abdur Raheem, Muhammad Sabit, Maqbool Khan and Siraj Khan for commission of the offence in case FIR No. 40 Dated: 19.03.2026, U/S: 188/285 PPC 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 recovery has been effected from shop for which 103 Cr.PC compliance is necessary and in the instant case no private PWs were associated. Further the recovered articles have not been sent for expert opinion, so the case in hand at present is weak from evidentiary point of view.

Perusal of the record reveals that the recovery in question was effected from a shop; however, the mandatory procedural requirements under the relevant provisions of the Code of Criminal Procedure Cr.PC were not complied with, as no private witnesses were associated with the recovery proceedings. Furthermore, the recovered articles have not been sent to the

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competent authority for obtaining an expert opinion. These omissions cast serious doubts upon the evidentiary value of the recovery proceedings and render the prosecution case weak at this stage.

In view of the foregoing circumstances and the material presently available on record, the application filed by the learned DPP, Orakzai, is allowed, and the accused are hereby discharged from the instant case. The accused Abdur Raheem, Muhammad Sabit, Maqbool Khan and Siraj Khan are discharged from the instant case. Sureties of accused also released from liability.

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:
29.10.2026

29/10/26

Noor Ul Haq,
Judicial Magistrate -II,
Tehsil Court Kalaya, Orakzai