# IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

**Case Title:** State VS Muhammad Ullah

FIR no. 14, Dated: 11-03-2024, u/s 279/322/337G/427 PPC. PS Kalaya

| Serial No of order or proceedings | Date of Order Proceedings | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary. |
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| **Order No.56** | 26.10.2026 | Accused Muhammad Ullah present on bail. Sr. PP, Abul Qasim for the State present. Complainant and private PWs are not in attendance.<br><br>This case was registered against the accused Muhammad Ullah s/o Zulfa Khan vide FIR No. 14, Dated 11.03.2024 at Police Station Kalaya u/s 322/279/337-G/427 PPC. As per contents of the FIR, the local police, while responding to the information regarding the occurrence, reached THQ Hospital Kalaya on 11.03.2024 where they found the injured Mukhtiar Alam with the dead body of Nazim in the emergency room. The complainant/injured, Mukhtiar Alam, reported the matter to the local police at 1435 hours of the even day that he along with his cousin Nazim went to the shop of one Yar Zali situated at Tarkho Sam for purchasing household articles on the eventful day. When they were present in the veranda of the shop, a white motorcar, harshly and negligently driven by the accused, arrived there and hit the complainant and his cousin at 1300 hours. The complainant sustained injuries while his cousin Nazim died on the spot. The veranda of the shop was also collapsed and the motorcar got upside down. The accused fled away from the spot; however, the complainant identified him.<br><br>After completion of investigation, complete challan was submitted against the accused. He was summoned and copies of the record were provided to him in line with Section 265-C CrPC. The accused was formally charged, but he pleaded not guilty and claimed trial. The prosecution produced a total of 06 witnesses before the Court whereafter so many notices were issued to the complainant but he did not turn up. In the |

Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

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| | | meanwhile, the accused submitted his application u/s 265-K CrPC. Notice given to prosecution and arguments heard. Later on, the complainant appeared on the date of order, but he did not turn up again thereafter.<br><br>In view of the above facts and circumstances, the case for 265-K CrPC is not made out as the likelihood of conviction cannot be ruled out if the injured/complainant appears before the Court and records his statement. But the accused is facing trial since 05.08.2024 and except the date of order on application u/s 265-K CrPC i.e., 14.09.2026, the complainant never turned up to pursue the case. This shows his disinterest in prosecution of the accused. The proceedings could not be kept pending for an indefinite period, particularly when the trial Court is unable to conclude and decide the fate of the case. In such circumstances, the Court has no option but to adjourn the case sine die, till the appearance of the complainant before the Court for recording his evidence. Reliance is placed on **2023 PCr.LJ Note 76.**<br><br>Resultantly, the case is adjourned sine die, with directions to the prosecution to reproduce the same along with the accused and injured/complainant on any working day for further proceedings. Case property be kept intact. File of this Court be consigned to record room after its necessary completion and compilation.<br><br>**Announced**:<br>26.10.2026<br><br>**(HAQ NAWAZ)**<br>Sessions Judge, Orakzai<br>at Baber Mela |