FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF NOOR UL HAQ, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI

Case Title: _____ Vs _____

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
1	2	3
Order-04	08.10.2026	APP for the state present. Accused facing trial present. Vide this order the Court intends to dispose of the instant case under section 249-A Cr.PC. Brief facts of the case in hand folded in the Naqal Mad No. 05 dated 29.12.2025, that the complainant/SHO was on area patrolling, when he received information at PP Kandi Mishti, that three motorcars coming from District Kurram through way of the Ghiljo. On the said information, the said motorcars were stopped for the purpose of checking. The driver of the motorcar bearing No.1394/Khyber, disclosed his name as Nik Wali. On his body search, no incriminating material has been recovered from his possession, while he did not produce any valid registration of the said motorcar. The person seated in the front seat disclosed his name as Khial Zameer son of Lal Zameer. Upon his body search, no incriminating materials have been extracted out of him. The driver of the motorcar bearing No. EW-894/ICT-Islamabad, disclosed his name as Abdullah. On his body search, nothing incriminating has been recovered from his possession, however could not produce any valid documents regarding the said motorcar.

08.10.26
Noor Ul Haq
Civil Judge/JM-II
Orakzai at Kalaya

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		The driver of the motorcar fielder bearing No. 1392/Khyber, disclosed his name as Abid Ullah. Nothing incriminating has been recovered from his possession; however, he also could not produce any valid documents/registration regarding the said motorcar. The drivers were cursory interrogated on the spot and they contended that the owner of the said motorcars is Khial Zameer. According to police, the above drivers contended that they are smugglers. The owner of the said motorcars was also interrogated on the spot, while he admitted the ownership of the motorcar. On the basis of Naqal Mad, FIR No. 02 dated 05.01.2026 U/s 419/420/468/471/34 PPC PS Mishti Mela was lodged against the accused facing trial. Recovery memo was drafted on the spot. Inquiry u/s 523/550 Cr. PC are initiated. Accused were arrested u/s 54 Cr. PC. Complete challan was put in court against the accused facing trial. Accused were summoned. They appeared before the court. Provisions of Section 241-A Cr. PC were complied with. Record reveals that the accused were charged for non-production of valid registration of alleged motorcars. It is, however, admitted position that alleged motorcars are Non-

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		Custom Paid (NCP) and the alleged spot of occurrence is Erstwhile FATA, while as per government policy for NMDs, such vehicles are permitted on roads in Erstwhile FATA. It is also noted that no cognizable offence has been made by the accused facing trial, as the FIR mentions that nothing incriminating has been recovered from possession of the accused. Moreover, the allegation against the accused namely Abdullah that he is the possession of tampered vehicle, the inquiry u/s 156(iii) Cr. PC was initiated against him. No proof of tampering was brought on record, now has any tampering material been recovered from possession of accused. The motorcars were already returned to its respective owners, on superdari. Moreover, the motor cars in question were not subjected to any forensic examination to show tampering. The police and prosecution have claimed that one of such motor cars had a fake number plate of Islamabad. They also claim that they had sent a letter to the said department for verification and have received confirmation. However, copy of the said document, placed on file is computer generated one and does not have any sign, seal, or stamp of the excise department Islamabad. Apart from this, the number plate alleged affixed on the motorcar, has also not been taken on

08/10/26

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		recovery memo. The file does not show any evidence, that whether such number plate was actually affixed on the motorcar in question, and who has affixed it. Hence, for the reasons mentioned above, there is no probability of conviction of the present accused, even if the entire/remaining evidence of prosecution is recorded. Further proceedings in the case would be a futile exercise. Under circumstances, by exercising powers under section 249-A Cr.P.C, accused facing trial namely **Abdullah & Khial Zameer** are hereby acquitted from the charges levelled against them. Their sureties stand discharged from the liability of bail bonds. Sureties of motorcars are also discharged. Other case property, if any, be kept intact till expiry of period of appeal and thereafter be dealt with in accordance with law. Police record be returned forthwith to quarter concerned. File be consigned to record room after its necessary completion and compilation. **Announced** 08.10.2025 **Noor Ul Haq,** Judicial Magistrate-II 08/10/26 Tehsil Courts, Kalaya, Orakzai