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State Vs Sayed Bali Shah and others

Order...22

20.01.2023

Present:

None for the state.

Complainant through counsel.

Accused Sayed Bali Shah absent.

Arguments heard on an application U/S 249 Cr.P.C.

NBWA be issued to the absent accused for next date.

File be put up for order on an application U/S 249 Cr.P.C on 25.01.2023.

Sami Ullah
Sami Ullah
Judicial Magistrate-I,
Orakzai (at Baber Mela)

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25.01.2023

Present:

No one on behalf of state.

Accused Sayed Bali Shah on bail in person.

Accused Muhammad Zahid is exempted.

Complainant through his cousin.

Accused Sayed Bali Shah S/O Haider Shah and Muhammad Zahid S/O

Sayed Bali Shah are charged in case FIR No. 17, dated 07.07.2021, U/S 379/34-PPC of PS Dabori, District Orakzai.

NBWA issued against accused namely Sayed Bali Shah on previous date, in this respect he submitted an application for cancellation of warrant the application is accepted and NBWA issued against the accused stand cancelled.

This order is directed to dispose an application U/S 249 Cr.P.C submitted by learned counsel for accused.

Arguments on an application is already heard.

Perusal of record revealed that allegedly accused have been charged in

FIR on the report of complainant (Noor Ali Shah). Noor Ali Shah

(Continued...)

Sami Ullah
Sami Ullah
Civil Judge/JM-I
Orakzai (at Baber Mela)

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25.01.2023


(complainant) did not appear before the court as his cousin stated at the bar that he had gone abroad and cannot appear before the court. Cousin of the complainant further stated that PW namely Muhammad Imran is residing in District Kurram and did not come for his evidence on previous date, also PW namely Abdur Raziq is residing outside the district Orakzai i.e. residing in District Khyber. Despite service, prosecution has not produced complainant and private witnesses before the court.

Resultantly, the Court is left with no other option, but to stop the proceedings in the instant case. Therefore, by exercising power u/s 249-Cr.P.C, the proceedings in the instant case are hereby stopped for the time being, and application on behalf of accused is **Accepted**. The record in hand be returned to quarters concerned and copy of this order be placed on police file. The case in hand may be put in Court again by the local police/prosecution, whenever all the PWs are produce in custody before the Court.

File be consigned to Record Room after necessary completion and compilation.

Announced:

25/01/2023


Sami Ullah
Civil Judge/JM-I,
Orakzai at Baber Mela.