

**IN THE COURT OF ZAHIR KHAN JUDICIAL
MAGISTRATE-I, TEHSIL KALAYA, DISTRICT ORAKZAI**

Case No56/2 of 2022.

Date of institution.....03.10.2022.

Date of decision.....08.02.2023

Case FIR No. 68, Dated 16.07.2022, U/S 392/34 PPC, PS Kalaya

Order No.07
08.02.2023

APP for the state present. Accused Siad Bar Khan on bail present. Complainant namely Khan Muhammad also present. He stated that he has affected compromise with accused facing trial and he is no more interested in prosecution of the case. He has got no objection if accused is acquitted from the charges levelled against him. Statement of complainant separately recorded which is duly signed and thumb impressed by him. Copy of his CNIC is Ex. PA. Compromise deed/affidavit on stamp paper is Ex. PB.

APP for the state submitted application U/S 5(b) of the Khyber Pakhtunkhwa Prosecution Act, 2005 read with Section 494 Cr. PC contending that complainant has affected compromise with the accused facing trial and there is no probability of conviction of accused.

Arguments heard and record perused.


08/02/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Record shows that complainant namely Khan Muhammad has charged accused namely Siad Bar Khan for commission of the offence U/S 392/34 PPC vide FIR No. 68 dated 16.07.2022 of PS Kalaya.

Record shows that complainant named above has affected compromise with the accused facing trial outside the court and he is no more interested in prosecution of the case. Copy of his CNIC is Ex. PA and compromise deed/affidavit is Ex. PB. As on merits, the alleged occurrence took place on 02.07.2022 and FIR was registered on 16.07.2022. Recovery of the alleged snatched vehicle has not been affected from the possession of the accused facing trial. There is no criminal history of accused. Accused has not confessed his guilt before the court.

Keeping in view the available record coupled with compromise between the parties, application of prosecutor U/S 5 (b), Prosecution Act, 2005 read with Section 494 Cr. PC is accepted and accused nominated in FIR stands acquitted in the instant case. He is on bail. His sureties stand discharge from their liability. Case property, i.e., pick-up (Datson) has already been released on Superdari to the complainant.

Case file be consigned to record room after necessary completion and compilation.

ANNOUNCED
08.02.2023



Zahir Khan
JMIC-I, Tehsil Kalaya, Orakzai