

Case No 06/2 of 2019

Date of Institution: 15-05-2019

State Vs Zain Asghar

Or 08

12-06-2019

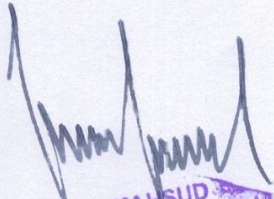
Present:

APP Syed Amir Shah for State

Accused Zain Asghar (s/o Sardar Khan r/o Zakhtan Alikhel Orakzai) on bail, along with Abid Ali Advocate

1. On the previous date the prosecution was directed to assist this court on the mode and manner of proceedings to be carried on in the instant case. A brief background of the case is that initially the case was registered with the Assistant Political Agent of Lower Orakzai. The accused was handed over to the Political Administration by security forces for trial under FCR. After merger of erstwhile FATA Agencies into districts of KP Province, the case was transferred for trial to established courts of District Orakzai. The case was sent to ATC Kohat by the Sessions Judge, Orakzai; however, the same was transferred back for trial to the Sessions court (vide the order ATC Kohat Division dated 10-05-2019).

2. Today the APP submitted written opinion in the case, which is placed on file. The perusal of record of the case reveals that there is mere allegation that the accused was "informer/facilitator of TTP, a defunct organization involved in killing of security forces and civilians". Apart from this allegation there is no piece of evidence against the accused. There is no complainant, nor name of any witness is available on record. In his written opinion the APP has requested that

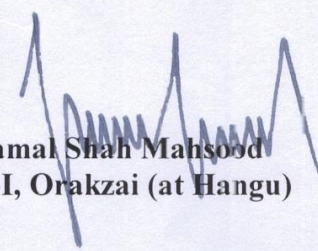

JAMAL SHAH MAHSUD
Addl: District & Sessions Judge-1,
Orakzai at Hangu

9

the accused may be discharged in the instant case. In other words, the prosecution wants to withdraw from prosecution in the instant case.

3. In light of the circumstance of the case discussed above, the request of the prosecution is found genuine and the same is accepted. Charged has not been framed in the instant case, therefore, the accused Zain Asghar is **discharged, u/s 494 Cr.PC**, in respect of the offences alleged against him.
4. The accused is on bail; his sureties are discharged from the liability of bail bonds. This file be consigned to record room after necessary completion and compilation.

Announced
12-06-2019


Jamal Shah Mahsood
ASJ-I, Orakzai (at Hangu)