

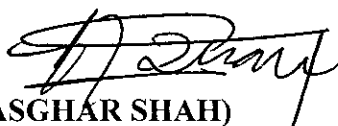
**IN THE COURT OF SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI AT BABER MELA**

CNSA CASE NO. : 20/3 OF 2020
 DATE OF INSTITUTION : 18.09.2020
 DATE OF DECISION : 26-9-2020
 CASE TITLE : STATE VS SAJI JAAN
 U/S : 9 (d) CNSA
 FIR NO : 71
 DATED : 03.07.2020
 POLICE STATION : LOWER ORAKZAI

Order No. 01

18.09.2020

Complete Challan received from DPP, Orakzai for the purpose of trial wherein he recommended discharge of the accused. Be entered. Complainant be summoned for 26.09.2020.



(ASGHAR SHAH)

Sessions Judge/Judge Special
Court, Orakzai at Baber Mela

Order No. 02

26.09.2020

DPP, Umar Niaz for the State present. Khursheed Khan ASHO present and his statement recorded as CW-1. The DPP for the state by recording his statement requested for the discharge of the accused on the strength of deficient and weak evidence.

As per brief facts of the case, on 03.07.2020, local police were on their routine patrolling in the locality when the ASHO received information regarding the smuggling of narcotics. Accordingly, the barricaded was laid on kacha

path near Mandar Khel check-post. At about 11:00 am, a person was focused having a plastic sack on his shoulders but on seeing the police personnel, the said person while throwing the sack successfully decamped from the spot. The search of the plastic sack lead to the recovery of 7 packets chars weighing 1000 grams each (total 7000 grams). The samples were separated for chemical analysis and thereafter, the parcels and remaining case property was sealed in separate parcels. The recovery memo Ex. CW 1/1 was drafted and upon inquiry, accused Saji s/o Faqeer Muhammad was nominated in the Murasila Ex. CW 1/2. On the strength of Murasila, FIR was registered.

ASGHAR SHAH
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ASGHAR SHAH
District & Sessions Judge
Orakzai, Balochistan


After completion of investigation, the learned District Public Prosecutor submitted the case for discharge of the accused within the meanings of section 4-C (II) and 5-B of the Khyber Pakhtunkhwa Prosecution Act, 2005 and requested for the withdrawal of the case u/s 494 Cr.P.C on the strength of deficient and weak evidence.

In order to ascertain the facts, complainant, Khursheed Khan ASHO was summoned and examined as CW-1. The complainant admitted in his statement that the accused was not identified either by him or his accompanied officials and that the name of the accused was confirmed from the people of the locality but the witness was unable to name the people of the locality. The learned DPP beneath

the statement of the complainant recorded his statement requested for the discharge of the accused. As such, there is nothing to proceed further because the star witness of the prosecution is unable to identify the accused besides neither his features are mentioned in the initial report nor any identification parade was conducted during the investigation to determine as to whether the accused facing trial was the real culprit or otherwise. The recording of evidence would be a futile exercise, therefore, the application of the learned DPP is accepted and above-named accused stand discharged from the instant case whereas the case stand dismissed as withdrawn. Bail bonds of the accused stand cancelled and his sureties stand absolved from the liabilities of bail bonds. Case property be disposed of in accordance with law.

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

Announced:
26.09.2020



(ASGHAR SHAH)
Sessions Judge/Judge Special
Court, Orakzai at Baber Mela

26/09/20