

20

FORM "A"
FORM OF ORDER SHEET

Court of SAYED FAZAL WADOOD, ADDITIONAL DISTRICT & SESSIONS JUDGE, ORAKZAI

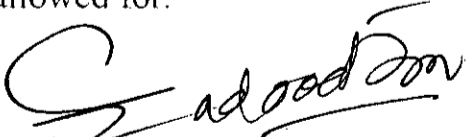
Case No. 6/9 SC of 2023

State vs.... Zaman Khel etc.

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order-03	04-05-2023	<p>Accused Sohbat Khan, Shahid and Javid are absconding; whereas, accused Zaman Khel has been died in the same occurrence. Case file received from learned Judicial Magistrate-I, Tehsil Court Kalaya, District Orakzai in capacity of Area Magistrate for Police Station Kalaya, after recording evidence u/s 512 of the Code of Criminal Procedure, 1898. Entry has already been made in the relevant Register.</p> <p>Accused, Sohbat Khan, Shahid and Javid as well as late Zaman Khel are charged in case FIR No. 116, dated 24.09.2021, registered u/s 302/311/324/452/34 of Pakistan Penal Code, 1860 at Police Station Kalaya. The story of FIR speaks that accused Sohbat Khan and Shahid Khan have allegedly committed murder of Zaman Khel on pretext of honor killing. The Second deceased Mst Amna Bibi wife of Olan Khan was reportedly killed by co-accused Javid on the same motive of honor killing. All of the absconding accused named above have been charged for commission of the offence of honor killing of female deceased Mst Amna Bibi and male deceased Zaman Khel; whereas, Zaman Khel (deceased) was astonishingly charged for house-trespass.</p> <p>The absconding accused, despite being proceeded u/s 204 of the Code of Criminal Procedure, 1898 read with Section 87, failed to put appearance. Hence, they were proceeded u/s 512 of the Code of Criminal Procedure, 1898. The Court of learned Judicial Magistrate, after recording the statements of as many as thirteen (13) PWs, has sent the file to the court of Hon'ble the District & Sessions Judge, Orakzai for issuance of perpetual warrant, which was entrusted to this Court. The</p>

SAYED FAZAL WADOOD
Addl. District & Sessions Judge
Orakzai at Mangu

21

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
		<p>abatement report pertaining to deceased Zaman Khel being charged for house-trespass was also received by the learned Judicial Magistrate-I, Kalaya which has been referred in Order of referral bearing No. 24 dated 10-04-2023.</p> <p>It is evident from the record that the above-named accused are deliberately avoiding their lawful arrest and there is no probability of their arrest in near future; hence, as per record, a prima facie case exists against the absconding accused, against whom, evidence is preserved. They are being declared proclaimed offenders. Evidence recorded in absentia can be offered in the trial against the accused if the witnesses so examined were unavailable, incapable or where their attendance could not be procured conveniently.</p> <p>Perpetual warrant of arrest be issued against Sohbat Khan, Shahid and Javid. District Police Officer, Orakzai is directed to enter their names in the register of proclaimed offenders. All the legal course be adopted for their arrest and they be brought before the Court as and when arrested. Case property be kept intact till final disposal of the case. Abatement report against accused Zaman Khel has been confirmed by the SHO while recording his statement as PW-13 and being dead is agreed with. File be consigned to District Record Room after necessary completion and compilation within span allowed for.</p> <p><u>Announced</u> 04.05.2023</p> <p style="text-align: right;">  Sayed Fazal Wadood, AD&SJ, Orakzai at Baber Mela </p>