

**IN THE COURT OF ASGHAR SHAH**  
SESSIONS JUDGE, ORAKZAI AT BABER MELA

SESSION CASE NO. : 21/2 OF 2020  
DATE OF INSTITUTION : 22.09.2020  
DATE OF DECISION : 29.09.2020

STATE THROUGH MUHAMMAD UMAR S/O DOLAT SHAH,  
TRIBE FERAZ KHEL, SUB-TRIBE QASIM KHEL, VILLAGE MIR  
BAK

------(Complainant)

VS

- 1. HAZRAT KARIM, AGED ABOUT 42 YEARS
  - 2. MUHAMMAD JAMIL, AGED ABOUT 28 YEARS
- BOTH SONS OF FAZAL KARIM, TRIBE FERAZ KHEL, SUB-  
TRIBE QASIM KHEL, VILLAGE MIR BAK

------(Accused Facing Trial)

**Present:** Umar Niaz, District Public Prosecutor.  
: Sana Ullah Khan Advocate, for accused facing trial.

ORDER  
29.09.2020

Accused facing trial, Hazrat Karim and  
Muhammad Jamil present who are charged in case FIR  
no. 73 dated 04.07.2020 U/S 302/324/34 PPC of PS  
Lower Orakzai Kalaya for the murder of one,  
Muhammad Nabi as well as ineffective firing at the  
complainant.

- (2). At the time of deciding bail application no.  
60/4 dated 15.08.2020 by the present court in respect of

*Fazal*  
29.09.20  
District & Sessions Judge,  
Orakzai at Hangu

above-named accused, parents of deceased Muhammad Nabi, Yousaf Khan and Mst. Maidan Khela appeared before this Court and produced compromise affidavit Ex. PA, proforma of compromise consists of 04 pages Ex. PB and recorded their joint statement deposing that the deceased, Muhammad Nabi was unmarried and besides them there is no other legal heir of the deceased. It was deposed that they have patched up the matter with the accused facing trial and have forgiven them in the name Almighty Allah by waving of their right of qisas and diyat and have got no objection either on the release of accused facing trial on bail or upon their acquittal at the time of trial. Similarly, complainant, Umar Gul also appeared during the hearing of the aforesaid Bail Application and produced compromise affidavit Ex. PC and by recording his statement shown no objection either on the release of accused on bail or upon their acquittal at the time of trial. In the same manner, the elders of the locality namely, Abad Gul and Umar Gul also appeared at the time of deciding the abovesaid bail application and produced certificate Ex. PD in respect of genuineness of compromise and identification of the legal heirs of the deceased. Their joint statement was also recorded and

placed on file and on the basis of said compromise, the accused facing trial were released on bail.

(3). Today, Sana Ullah Khan Advocate counsel for the accused appeared and submitted Wakalatnama alongwith attested copies of the compromise (consists of 15 pages) effected between the parties at the bail stage and requested that the compromise is still intact and requested the court for disposal of the case.

(4). Since, the offence is compoundable besides at the bail stage the compromise was produced on proper proforma by the legal heirs of the deceased and who also recorded statement of compromise for bail as well as for acquittal during the trial. More so, the elders of the locality also verified the genuineness of compromise as well as legal heirs of the deceased by producing certificate and recording statement to this effect. The version of the legal heirs of the deceased besides the elders of the locality was supported by the complainant who separately produced his compromise affidavit as well as recorded statement towards compromise for bail and acquittal. Therefore, there is nothing to proceed further. Hence, on the basis of compromise effected between the parties at the bail stage, the accused facing

Handwritten signature and date: 29/9/20  
District & Sessions Judge  
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trial, Hazrat Karim and Muhammad Jamil are acquitted of the charges levelled against them through the FIR in question. Both accused are on bail, their bail bonds stand cancelled and their sureties stand discharged from the liabilities of bail bonds. The case property be disposed of in accordance with law. However, the belongings of accused including motorcar no. LRL-7174 be return to them in accordance with law.

- (5). File be consigned to Sessions Record Room after its necessary completion and compilation.

**Announced**  
29.09.2020



**(ASGHAR SHAH)**  
Sessions Judge, Orakzai,  
at Baber Mela

**CERTIFICATE**

Certified that this order consists of four (04) pages. Each page has been read, corrected where-ever necessary and signed by me.

Dated: 29.09.2020.



**(ASGHAR SHAH)**  
Sessions Judge, Orakzai,  
at Baber Mela