

Or—05  
05.06.2020

*DPP, for the state present*

- i. Complete challan submitted by prosecution for discharge of accused whose names are mentioned in the complete challan., u/s 4-CII/5-B of prosecution Act, 2005. The grounds for discharge is already mentioned in application of prosecution u/s 4-CII/5-B of prosecution Act 2005 which is available on file. Accused are on bail.
- ii. Perusal of record available on file would show that local police charged the accused in instant case FIR No. 01 Dated: 08.01.2020 U/S 341/186/147/149 PPC at Police Station Kalaya, Lower Orakzai.
- iii. As per record I.O has neither recorded statements of any independent witnesses who were present at the spot nor collected any other solid evidence which connect the accused with the commission of offence. further more nothing incriminating have been recovered from the possession of the accused. The case is weak on evidentiary point of view.
- iv. In view of above, I myself agreed with the view of prosecution and there is no chance of conviction in the instant case even entire prosecution evidence is recorded. Further, proceedings in the instant case is just a futile exercise and wastage of the time of this court. Therefore, accused (1) Tajmin Ali s/o Safdar Ali (2) Yasar Ali s/o Sardar Ali (3) Sajjad Hussain s/o Bahar Ali (4) Naushad Ali s/o Abdul Hassan (5) Armin Ali s/o Gouhar Ali (6) Ibn-e-Taj s/o Sarfaraz Ali (7) Shamim Hussain s/o Abid Ali (8) Asif Ali s/o Manzar Ali (9) Jamal Hussain s/o Ghulam Faqir (10) Zaman Ali s/o Zamin Ali (11) Rehmin Ali s/o Okhyar Ali (12) Subidar Rehan Ali s/o Ali Majan are hereby discharged from the charges levelled against him. As he is on bail his bail bonds stand cancelled and sureties are discharged from their liability of bail bonds. Accused Malik Shabbir Hussain S/O Ashraf is absconding and is willfully avoiding his lawful arrest. Proceedings U/S 512 Cr.P.C have been already initiated against him. Statement of search witness SW-01 Asmeed Ali and statement of Shal Muhammad

*Continue.....*


Case Title: State VS Malik Shabbir Hussain

Or-----05  
Continued  
05.06.2020

I.O PS: L/Orakzai PW-1 have been recorded. Prosecution evidence is closed within the meaning of Sec. 512 Cr.P.C. Therefore, accused Malik Shabbir Hussain S/O Ashraf is hereby declared as proclaimed offender. DPO Orakzai is directed to enter his name in the list of Proclaimed offenders.

- v. File be consigned to record room after its necessary completion.

Announced  
05.06.2020

  
(Rehmat Ullah Wazir)  
Judicial Magistrate-I  
Orakzai (at Baber Mela)