

State Vs Hidayat Ullah and others FIR, 14, L/Orakzai)

Or-----02  
02.07.2020

DPP, Umar Niaz for the state present

i. Complete challan submitted by prosecution for discharge of accused namely (1).Hidayat Ullah S/O Shah Muhammad Khan (2). Hakim Khan S/O Muhammad Nawz (3). Aswat Khan Alias Asmat S/O Khyalmat Khan (4). Waris Khan S/O Zaribat Khan (5). Arif Khan S/O Naib Khan and (6). Muhammad Yonus S/O Zarmat Khan, All R/O Qoum Feroz Khel, Qasim Khel, Lower Orakzai, u/s 4-CII/5-B of prosecution Act, 2005. The grounds for discharge already mentioned in application of prosecution u/s 4-CII/5-B of prosecution Act 2005 which is available on file.

ii. Perusal of record available on file would show that local police charged the accused namely (1).Hidayat Ullah S/O Shah Muhammad Khan (2). Hakim Khan S/O Muhammad Nawz (3). Aswat Khan Alias Asmat S/O Khyalmat Khan (4). Waris Khan S/O Zaribat Khan (5). Arif Khan S/O Naib Khan and (6). Muhammad Yonus S/O Zarmat Khan in instant Case FIR No. **14** Dated: 16.03.2020, U/S 506/148/149 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. The SHO has not annexed any list of witnesses. There is no evidence available on the record.

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02.07.2020

- 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).Hidayat Ullah S/O Shah Muhammad Khan (2). Hakim Khan S/O Muhammad Nawz (3). Aswat Khan Alias Asmat S/O Khyalmat Khan (4). Waris Khan S/O Zaribat Khan (5). Arif Khan S/O Naib Khan and (6). Muhammad Yonus S/O Zarmat Khan are hereby discharged from the charges levelled against them. As they are on bail. Their bail bonds stand cancelled and sureties are discharged from their liability of bail bonds.
- v. File be consigned to record room after its necessary completion.

Announced

02.07.2020

  
(Rehmat Ullah Wazir)  
Judicial Magistrate-I,  
Orakzai.