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Case Title: State VS Ajab Noor etc (FIR. 35, PS: Lower)

Or-----05
01.10.2020

APP, for the state present.

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.

Perusal of record available on file would show that local police charged the accused in instant case FIR No. 35 Dated: 03.05.2020 U/S 342/506/427/148/149 PPC at Police Station Kalaya, Lower Orakzai.

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. furthermore, nothing incriminating have been recovered from the possession of the accused. The case is weak on evidentiary point of view.

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) Ajab Noor s/o Abdullah Noor (2) Ihsam Uddin s/o Mehmând Khan (3) Wasil Khan s/o Ahmad Khel (4) Qabal Khan s/o Qeemat Shah (5)Yarmat Gul s/o Khyber Gul and (6) Paida Khan s/o Piawo Shah 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.

File be consigned to record room after its necessary completion.

Announced
01.10.2020


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