

(5)

Case Title: State VS Mufti Yar Muhammad (FIR. 64, PS: Lower)

Or-----04  
13.10.2020

*APP, for the state present.*  
*Complainant in person present.*  
*Accused on bail present.*

Complainant recorded his statement before the court regarding compromise with the accused party today, whereby he stated that he has pardoned the accused in the name of Almighty Allah. Thereafter, the prosecution submitted an Application for discharge of accused, u/s 4-CII of prosecution Act, 2005 read with S. 494 Cr.P.C on the basis of lacking of evidence against the accused, one day unexplained delay in lodging the FIR and the today's statement of compromise of the complainant.

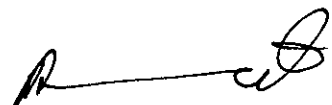
Perusal of record available on file would show that local police charged the accused in instant case FIR No. 64 Dated: 22.06.2020 U/S 506, 337A(ii) PPC at Police Station Kalaya, Lower Orakzai.

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 main section of law levelled against the accused is compoundable. 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 *Mufti Yar Muhammad s/o Mehmood Khan* is 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.

File be consigned to record room after its necessary completion.

Announced  
13.10.2020

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