

Case Title: State VS Zareef Khan and others (FIR. 32, PS: Lower)

Or-----01  
24.10.2020

*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 KPK Prosecution Service (Constitution, functions and powers) Act, 2005 read with 494 Cr.P.C. The grounds for discharge are already mentioned in application of prosecution u/s 4-CII/5-B of prosecution Act 2005 which is available on file. All the accused are on bail.

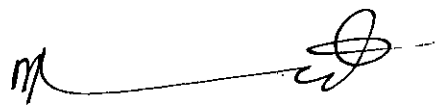
Perusal of record available on file would show that local police charged the accused in instant case FIR No. 32 Dated: 24.04.2020 U/S 341,147,149,186,188,189 PPC at Police Station Kalaya, Lower Orakzai.

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 in shape of stones, impediments from spot through which the road was allegedly blocked for general traffic. 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 namely Zareef Khan s/o Suleman and others, whose names are mentioned in complete challan 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  
24.10.2020

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