

02

**COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA**

Case Title: State VS Muhammad Raziq and others

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No 01	21.06.2023	<p>Complete challan submitted through prosecution. Be entered in the relevant register. Accused are on bail. They be summoned for 08.07.2023.</p> <p>Notice be also issued to the complainant for the date fixed.</p> <p style="text-align: right;"><i>[Signature]</i> (Bakht Zada) Senior Civil Judge/JM, Orakzai (at Baber Mela)</p>
Note Reader	08.07.2023	<p>Presiding officer is availing casual leave. PP given to the parties.</p> <p>File is to come up for previous proceedings on <u>11.07.2023</u></p> <p style="text-align: right;"><i>[Signature]</i> (Reader) Senior Civil Judge/JM, Orakzai (at Baber Mela)</p>
Order No 02	11.07.2023	<p>DPP for the state present. Complainant in person present. All the accused on bail present. Counsel for the accused present who submitted wakalat nama, which is placed on file.</p> <p>Counsel for the complainant submitted application for waiving off his rights u/s 241-A Cr.P.C. Formal charge against the accused framed today to which they pleaded not guilty and claimed trial.</p> <p>Complainant present, whose statement recorded as PW-01 during cross examination, he stated that that he has not recognized the accused at the spot and the accused have satisfied him about their innocence.</p> <p style="text-align: right;"><i>[Signature]</i> <b>BAKHT ZADA</b> Senior Civil Judge/JM Orakzai at Baber Mela</p>

COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELACase Title: \_\_\_\_\_ State \_\_\_\_\_ VS Muhammad Raziq and others

<p>Order No 02 continued</p>	<p>11.07.2023</p>	<p>At this stage, counsel for the accused submitted application u/s 249-A Cr.P.C for acquittal of the accused and stated that proceeding further with the instant case would be a futile exercise. Notice of the application given to prosecution. Arguments heard.</p> <p>Accused namely Abdul Raziq s/o Zahir Shah, Qudoos Khan s/o Zahir Shah, Nadeem Khan s/o Raza Khan, Hanif Ullah s/o Siyal Akbar, Sultan Akbar s/o Gul Chaman, Azam Khan s/o Siyal Badshah, Momin Khan s/o Hewa Khan and Sher Akbar s/o Noor Badshah, are facing trial in the instant case FIR No. 05, Dated: 14.04.2023 of PS Ghiljo, U/Orakzai.</p> <p>Brief facts of the case as per report of the complaint are that complainant namely Manzoor Rehman reported on 12.04.2023 at 16:40 hrs, the matter at Police Station, Ghiljo that he was deputed at Ghiljo Bazar for emergency duty by the SHO. At 16:10 hrs, altercation took place between 02 children. He separated them from each other. One of the children used abusive language and he asked him to keep quiet. Meanwhile, accused Abdul Raziq, Qudoos Khan sons of Zahir Shah, Nadeem Khan s/o Raza Khan, Muhammad Hanif s/o Sultan Akbar, Sultan Akbar s/o Gul Chaman, Azam Khan s/o Siyal Akbar, Momin Khan s/o Hewa Khan, Sher Akbar s/o Noor Badshah, Cast Akhel, came to the spot armed with sticks and warned him dire consequences. They also warned him not to interfere in the affairs of the people and restrained him from his duties. They also torn his official uniform and beaten him. The occurrence witnessed by Aman Ullah. The complainant charged them for beating, interference in his official duty</p>
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BAKHT ZADA  
Senior  
Clerk  
11.7.2023  
Orakzai  
Mela

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<p>Order No 02 continued</p>	<p>11.07.2023</p>	<p>and tearing his official uniform. After report, the Investigation Officer visited the spot and prepared site plan, Dated: 14.04.2023 at the pointation of the complainant. His statement was recorded u/s 161 Cr.P.C.</p> <p>After hearing of arguments and perusal of the record it is found that no specific role has been attributed to any of the accused. The complainant has categorically stated during cross-examination that he has not recognized and identified the accused at the spot and later on their names were disclosed by other people before him. No confession and admission has been made by the accused/petitioners. No incriminating recovery has been made. The occurrence has taken place in the Ghiljo bazar where many people were present, but instead of reporting the matter themselves, they have made the present complainant who is constable in the PS Ghiljo. Last but not the least, the complainant has categorically stated during his cross-examination that the matter has been patched up by him with the accused petitioners in presence of the SHO concerned and in this connection, he also submitted a written compromise deed which is placed on file as Ex.PB, while copy of CNIC is placed on file as Ex.PA.</p> <p>In view of the above facts and circumstances, there is no chance for prosecution to bring home charges against the accused even if statements of all the remaining PWs are recorded. I therefore accept the instant application u/s 249-A Cr.P.C and acquit all the accused facing trial/petitioners from the charges levelled against them. They are on bail. Their bail bonds stand cancelled and sureties are discharged from the liability of bail bonds.</p>
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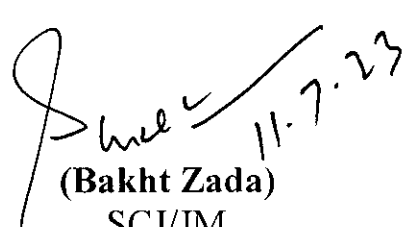
*Emee*  
**BAKHIZABA**  
Senior Civil Judge/JM  
Orakzai at Baber Mela

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11.7.23

**COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA**

Case Title: \_\_\_\_\_ State \_\_\_\_\_ VS Muhammad Raziq and others

<p>Order No 02 continued</p>	<p>11.07.2023</p>	<p>Case property if any be kept intact till expiry of the period provided for revision/appeal under the law.</p> <p>File be consigned to record room after necessary completion.</p> <p><b><u>Announced</u></b> 11.07.2023</p> <p style="text-align: right;"> <b>(Bakht Zada)</b> SCJ/JM, Orakzai (at Baber Mela)</p>
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