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Order No 09 11/01/2021

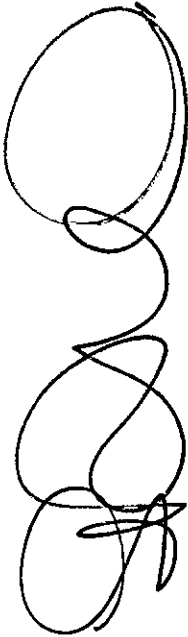
Present:

Accused Niaz Ali on bail with counsel,
Complainant Noor Jaffar in person,
Mr. Amir Shah APP for the state.

The counsel for accused submitted application u/s 265-K Cr.PC for the acquittal of accused. Notice of the application given to the prosecution.

Arguments of learned counsel for the accused/petitioner and learned APP on the said application heard and record perused.

The accused facing trial was charged by the complainant for the offence of Ghag in respect of his daughter to the affect that the accused stopped the marriage of his daughter with Bashir Raza to whom she is already engaged. The complainant patched up the matter with the accused and was not interested in the trial against the accused. On 15-12-2020 during the trial the statement of complainant was recorded as PW-01. The complainant during his cross examination stated that he had not produced any private and independent witness in support of his allegation against the accused and he has not mentioned the manner of Ghag by the accused. The complainant further stated that his daughter is now married to Faqir Ali and she is living a happy married life with him. The complainant to this affect produced marriage registration certificate which is placed on file. The complainant stated that he does not want to prosecute the accused and his daughter also not interested to prosecute the accused. The complainant is no more interested in the case against the accused and today the complainant present before the court again stated that the application submitted by the accused for his acquittal may be accepted and the accused may be acquitted.



SHAIKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu

The record shows that the FIR was registered on the complaint of present complainant (PW-01) who is the father of Mst; Shagofta Parween and main witness of case who now does not want to proceed the case against the accused. The Nekah of the daughter of complainant has been performed and she had been married to Faqir

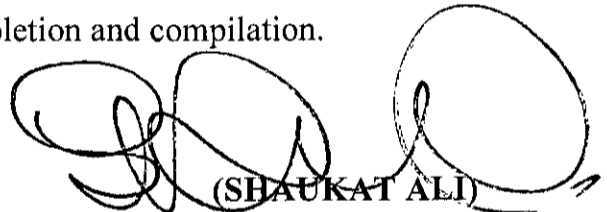
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Ali with her free will and living a happy life with him as stated by her father. Furthermore the complainant stated that his daughter cannot appear before the court for evidence therefore the case cannot be proceeded further for recording of evidence and the main witness recorded their statements who does not further prosecute the accused in the present case hence in such circumstances further proceeding in the case would bear no useful purpose. The accused can be acquitted at any stage of the trial when there is no possibility of the conviction of the accused. In the case against the accused if the remaining prosecution witnesses are examine even then there is no possibility of conviction of accused and the ultimate result would be the acquittal of accused.

In view of the above facts the application u/s 265-K Cr.PC is accepted and the accused facing trial is acquitted from the charges leveled against him. The accused is on bail, his sureties are discharged from the liability of bail bonds.

File be consigned to record room after its necessary completion and compilation.

Announced
11/01/2021


(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela