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IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI AT

BABER MELA

Sessions Case No. 13 of 2020

Date of institution: 21-12-2020

Date of decision: 08-02-2021

State vs Sultan Shah etc

FIR No. 39 Dated 12/09/2020 u/s 302/34 PPC PS Upper Orakzai.

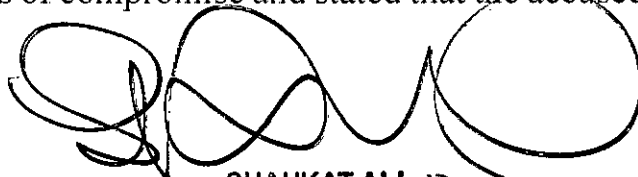
Order

08/02/2021

Accused Sultan Shah, Sohail and Hazrat Ameen on bail with Mr. Sanna Ullah Khan Advocate, counsel for accused present. Mr. Sana Ullah Khan Advocate submitted W/N on behalf of accused which is placed on file Mr. Javid Iqbal Anwar Sr.PP for the state present. Mst; Rohtaj Bibi sister of deceased Abdul Ghafar present. Abdul Aziz and Nasar Khan elders of the locality also present.

The accused facing trial are charged in the case registered against them by Muhammad Ibrahim Khan ASHO for the murder of deceased Abdul Ghafar by firing through fire armed weapons. The case was investigated, after the registration of FIR on the bases of Murasila. On completion of investigation the case file was received by this court on 21-12-2020 for trial against the accused. The accused on bail were summoned who appeared before the court on 13-01-2021 and provision of 265-C Cr.PC were complied with. The charge against accused was framed on 20-01-2021. During the trial of the case, compromise was affected between the accused and legal heir of deceased for which the accused sought adjournment to produce the legal heir of deceased and compromise documents.

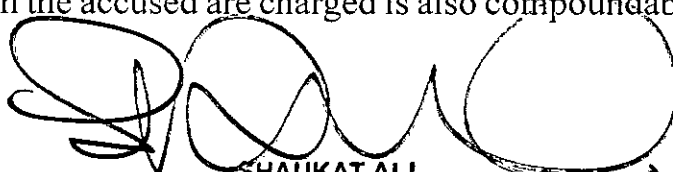
Today Mst; Rohtaj Bibi submitted affidavit of compromise along with documents of compromise and stated that the accused facing trial Sultan



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

Shah, Sohail Khan and Hazrat Ameen are charged for the murder of her brother Abdul Ghafar, that she is the only surviving legal heir of deceased and there is no other legal heirs of deceased, that the mother of deceased had been died since long and deceased was unmarried, that now she has patched up the matter with all the accused facing trial and affected compromise with them, that she has pardoned all the accused facing trial in the name of Almighty Allah and have waived of her right of Qisas and diyat, that she has affected compromise with her free will and consent without any fear and coercion, that the compromise is in their best interest which will bring peace and harmony among them being relative inter se, that she has got no objection if the accused facing trial are acquitted in the instant case. She produced affidavit of compromise, proforma of compromise. Keeping in view the factum of compromise by Mst; Rohtaj Bibi, her statement were recorded in respect of compromise in the presence of elders namely Abdul Aziz and Nasar Khan. The affidavit of compromise was placed on file as Ex,PA and proforma of compromise is Ex.PB consist of 04 sheets.

Furthermore the joint statement of Abdul Aziz and Nasar Khan who were the elders of the locality also recorded who also confirmed the factum of compromise and verified that Mst; Rohtaj Bibi is the sole legal heir of deceased and to this effect submitted certificate Ex.PZ duly thumb impressed by them. The legal heir of deceased stated that she has affected compromise with her free well and consent which will bring peace and harmony between them being relative inter se. The legal heir of deceased affected compromise with the accused with her free will and consent and she is satisfied with the compromise. The parties are relative inter se and the compromise will bring peace and harmony among them. Furthermore, the offence for which the accused are charged is also compoundable and the legal



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heir of deceased is no more interested to proceed with the trial of the case against the accused, therefore keeping in view the compromise statement of legal heir of deceased the compromise is accepted and the accused facing trial are acquitted on the basis of compromise in the instant case from the charges leveled against them. The accused facing trial who are on bail, their sureties are discharged from the liability of bail bonds.

Case property be dealt with in accordance with law. File be consigned to District Record Room Orakzai after necessary completion and compilation.

Announced
08/02/2021



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