

(3)

State Vs Mamoor Khan FIR No 40 Dated 08.11.2019 U/S 341/427/147/149 PPC

Or-----05
06.03.2020

APP, Amir Shah for the state present
Accused Mamoor Khan, Sher Malik, KhialWali, Ameer Gul and Salamat
Khan present

- i. Complete challan submitted by prosecution for discharge of accused (1) Mamoor Khan S/O Askar Khan (2) Sher Malik S/O Shabanan Gul (3) Khail Wali S/O Maroof Khan (4) Ameer Gul S/O Janat Gul (5) Slammat Khan S/O Mena Gul u/s 4-CII of prosecution Act,2005. The grounds for discharge is already mentioned in application of prosecution u/s 4 (c) II of prosecution Act 2005 which is already available on file. Accused are on bail.
- ii. To the extent of Absconding Accused namely (1) Muhammad Ullah S/O Ahmad Khan (2) Namdar Khan S/O Baz Khan (3) Abdullah S/O Abdul Ghani and (4) Naseeb Gul S/O Shoaib Gul, Prosecution prayed for initiating proceedings U/S 512 Cr.P.C
- iii. Perusal of record available on file would show that local police charged the accused namely in instant case F.I.R No. 40 Dated: 341/147/149 and 427 P.P.C at Police Station Kalaya, Lower Orakzai.
- iv. 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^{Le. 03.04} the accused with the commission of offence. The owner/driver of the damage vehicle did not charge the accused for the commission of the offence.
- v. 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

Muhammad Amir Shah
Civil Judge (M.I.I)
Orakzai (Babbar Circle)
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instant case is just a futile exercise and wastage of the time of this court. Therefore, accused (1) **Mamoor Khan** S/O Askar Khan (2) **Sher Malik** S/O Shabanan Gul (3) **Khail Wali** S/O Marroof Khan (4) **Ameer Gul** S/O Janat Gul (5) **Slamat Khan** S/O Mena Gul 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.

vi. As far as Absconding accused (1) **Muhammad Ullah** S/O Ahmad Khan (2) **Namdar Khan** S/O Baz Khan (3) **Abdullah** S/O Abdul Ghani and (4) **Naseeb Gul** S/O Shoaib Gul, are concerned, in the light of statement of SW and PWs, said accused are avoiding their lawful arrest and is not possible in near future. Therefore, the accused are hereby declared **Proclaimed Offender**. Their names be entered in the list of POs and Perpetual warrant of arrest be issued against them.

vii. Vehicle with following Description:

i. Reg. No.	J2334 Peshawar
ii. Year of Model	1989
iii. Year of Manufacture	1989
iv. Engine No.	3L3853924
v. Chassis No.	LH106-0014512
vi. Maker's Name	Toyota Motor Corp Japan
vii. Make Name	Toyota Hilux

be returned to the lawful owner after due process of law.

viii. File be consigned to record room after its necessary completion.

Announced

06.03.2020

Muhammad Imtiaz
Civil Judge (II)
(M. Imtiaz)
J.M. II/MTMC, Orakzai