

State Vs Haji Shabib Ali FIR No 09 Dated 13.02.2020 U/S 3/7 PCA

Or-----01  
13.03.2020

Case file receive from the Prosecution. Complete Challan submitted u/s 3/7 PCA. It be registered in the relevant register. Notice be issued to Complainant while accused be summoned for

19/03/2020

Muhammad Imtiaz  
Civil Judge/JM  
Orakzai (Barar Meha)  
MUSHAMMAD IMTIAZ  
JM JMTMC  
ORAKZAI

Or-----02  
19.03.2020

*APP, Amir Shah for the state present*  
*Accused Haji Shabib Ali on bail present*

- i. Complete challan submitted by prosecution for discharge of accused namely **Haji Shabib** Ali S/O Habib Ali R/O Bar Muhammad Khel, Mandi, Lower Orakzai, u/s 4-CII/5-B of prosecution Act, 2005. The grounds for discharge is already mentioned in application of prosecution u/s 4-CII/5-B of prosecution Act 2005 which is available on file. Accused is on bail.
- ii. Perusal of record available on file would show that local police charged the accused namely **Haji Shabib** Ali S/O Habib Ali in instant case FIR No. 09 Dated: 13.02.2020 U/S 3/7 PCA at Police Station Kalaya, Lower Orakzai.
- iii. 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. The SHO has not annexed any list of selling of flour higher than the government rate. There is no official price list available on the record.

Muhammad Imtiaz  
Civil Judge/JM-II  
Orakzai (Barar Meha)  
19.03.2020

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- iv. 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 Haji Shabib Ali S/O Habib Ali is hereby discharged from the charges levelled against him. As he is on bail his bail bonds stand cancelled and sureties are discharged from their liability of bail bonds.
- v. File be consigned to record room after its necessary completion.

Announced  
19.03.2020

Muhammad Imtiaz  
Civil Judge/JM-II  
Orakzai (Babar Mela)  
(M. Imtiaz)  
JM II/MTMC, Orakzai