


(13)
IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: State vs Juma Gul etc.


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
<p>Order No.13</p>	<p>29.08.2023</p>	<p>DPP, Umar Niaz for the State present. Accused Hafeez Ullah is absconding. Complainant Watan Badshah not present. PWs Imtiaz Khan SHO, constables Ghani Ur Rehman, Muhammad Mustafa, HC Abdullah, Khalil Khan MASI and Saif Ur Rehman OII present and examined as PW-4 to PW-9 respectively. Prosecution abandoned the remaining PWs and closed its evidence.</p> <p>Arguments heard and record perused.</p> <p>Perusal of case file shows that initially the acquitted co-accused Juma Gul, the then complainant, had made a report to the police to the fact that on the day of occurrence his son Hafeez Ullah (the absconding accused) and his nephew Azi Ullah (the injured then deceased) had left the house at 1600 hours. That at 1900 hours Azi Ullah (the injured then deceased) telephonically informed him that they had been fired upon by someone, at which he reached on the spot and found his nephew lying unconscious on the spot. He charged unknown accused. Later on, the injured succumbed to injuries. Watan Badshah, the father of deceased, on 16.01.2023 recorded his statement before Judicial Magistrate wherein he alleged that on the day of occurrence he was in Karachi when his son Azi Ullah called him that he was fired upon by his cousin Hafeez</p>


Shaukat Ahmad Khan
 District & Sessions Judge
 Orakzai at Baber Mela
 29/8/23

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Contin. Order No.13		<p>Ullah (the absconding accused) and that after due satisfaction he has come to know that Juma Gul, the acquitted co-accused, has abetted the offence.</p> <p>After arrest of acquitted co-accused, complete challan was submitted. Formal charge was framed against acquitted co-accused. SW was examined and prosecution was directed to produce evidence against absconding co-accused in absentia. During course of trial the challaned accused namely, Juma Gul was acquitted vide order dated 22.08.2023 u/s 265-K CrPC whereas with respect to absconding co-accused prosecution was directed to produce, remaining evidence in absentia. As a prima facie case has made out against the absconding accused Hafeez Ullah s/o Juma Gul; hence, he is declared proclaimed offender. Perpetual warrant of arrest be issued against him and DPO, Orakzai is directed to enter his name in the register of proclaimed offenders. All the legal course be adopted for his arrest and he be brought before the court as and when arrested. Case property be kept intact till final disposal of case. Consign.</p> <p><u>Pronounced:</u> 29.08.2023</p> <p style="text-align: right;"> (SHAUKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela</p>