

State Vs Raheem Ullah and others (FIR. 38, PS: Lower)

Or.....12
17.03.2021

APP for the state present. Accused Muhammad Amin on bail present. Complainant in person present. Counsel for the accused also present.

My this order is to dispose off application u/s 249-A Cr.P.C. Counsel for the accused present and argued that as the statements of the main PWs in the shape of I.O, marginal witness of the recovery memo and the injured etc are recorded and as per the statements of the PWs, there is no probability of the accused being convicted of any offence and the charge is groundless. Further, that the complainant has entered into a compromise with the main accused and they have been acquitted by this court while the instant accused is charged only with the role of abettor, thus, recording further evidence will be a futile exercise and would be result less. At the end requested for the acquittal of the instant accused.

On the other hand, Learned APP for the stated opposed the application and argued that there is sufficient evidence against the instant accused, therefore, the application should not be accepted at this stage.

I have heard both the sides and came to the conclusion that it is an admitted fact that the occurrence took place on 07.05.2020 at 16:10 hrs while it has been reported on 09.05.2020 at 09:00 hrs. thus there is unexplained delay of 41 hours. The site plan has also been prepared on 09.05.2020 and the recovery has also been effected on 09.05.2020. Motive behind the role of the instant accused is not mentioned. The complainant has entered into a compromise with the main accused and they are acquitted.

Thus, in the light of the aforesaid findings, it is established that there is no probability of the accused being convicted of any offence. therefore, the application in hand is accepted and the accused Muhammad Amin is acquitted from the charges levelled against him. He is on bail. His bail bonds stand cancelled and sureties are discharged from the liability of bail bonds.

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

Announced
17.03.2021

(Rehmat Ullah Wazir)
Judicial Magistrate-I,
Orakzai (at Baber Mela)