

Case Title: State VS Saeed Ullah and others (FIR. 102, PS: Lower)

Or-----01
24.03.2021

APP, for the state present.

Complete challan submitted by prosecution for discharge of accused whose names are mentioned in the complete challan, u/s 4-CII/5-B of prosecution Act, 2005 read with Sec. 494 Cr.P.C on the basis of lacking of evidence against the accused. The grounds for discharge are already mentioned in application of prosecution u/s 4-CII/5-B of prosecution Act 2005 which is available on file. Accused are on bail.


Perusal of record available on file would show that local police charged the accused in instant case FIR No. 102 Dated: 24.09.2020 U/S 188 PPC at Police Station Kalaya, Lower Orakzai.

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 case is weak on evidentiary point of view.

In view of above, I myself agreed with the view of prosecution and there is no chance of conviction in the instant case even if 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 (1) Saeed Ullah s/o Abdul Malik (2) Asad Khan s/o Bait Ullah (3) Inam Khan s/o Afzal Khan (4) Shaukat Khan s/o Wilayat Khan (5) Piawo Man Khan s/o Khana Ameen 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.

File be consigned to record room after its necessary completion.

Announced
24.03.2021


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