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Suit/Case No. 36/2 of 2022 . State vs Ishfaq Hussain etc

**IN THE COURT OF ZAHIR KHAN, JUDICIAL MAGISTRATE -I TEHSIL KALAYA,
DISTRICT ORAKZAI**

Case No.....36/2 of 2022.

Date of Institution.....05.07.2022.

Date of Decision.....22.07.2023.

Order. 17

22.07.2023


Dy.PP for the state present. Accused Ishfaq Hussain on bail along with counsel present. Accused Ijad Ali, Ajmeen Ali and Iqrar Hussain are absconding. Complainant absent.

Counsel for accused facing trial submitted application for stopping of proceedings of the case u/s 249 Cr.PC alleging that complainant and PWs are not appearing before the court. Dy.PP for the state conceded the application. Arguments heard and record perused.

Record shows that accused facing trial Ishfaq Hussain after being charged for the commission of the offence was arrested and later on, released on bail. Rest of the accused are absconding.

Complete challan was put in court against accused on 05.07.2022.

Accused was summoned who appeared before the court and formal charge was framed to which accused pleaded not his guilt and claimed trial. Thereafter, prosecution was allowed to produce its evidence.


ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai

22/07/2023

Suit/Case No. 36/2 of 2022, State vs Ishfaq Hussain etc

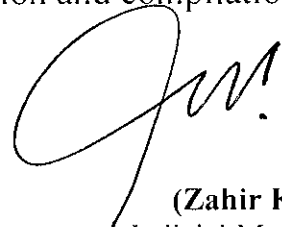
As mentioned above, challan was submitted by prosecution on 05.07.2022 and formal charge was framed on 16.08.2022. Complainant was time and again summoned but he failed to appear before the court. PWs are also not appearing before the court. Resultantly, application is allowed and proceedings of the trial are stopped U/S 249 Cr. PC as prayed for.

Pertinent to mentioned that stopping of proceedings u/s 249 Cr.PC does not by itself terminate the proceedings finally as the case is neither discharged nor acquittal ordered. Proceedings are to be taken as pending. Prosecution or complainant can resort to trial court for revival of trial which will commence from the stage it is discontinued.

Case property be kept intact.

Copy of this order be placed on police file and the same be returned to quarter concerned while file of this court be consigned to record room after its necessary completion and compilation.

Announced.
22.07.2023



(Zahir Khan)
Judicial Magistrate-I,
Kalaya, Orakzai