

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

Case No .....26/2 of 2023.

Date of institution.....03.05.2023.

Date of decision.....09.10.2023.

Case FIR No. 93 Dated: 07.08.2020 U/S: 392/34 PPC. Police Station: Kalaya, Lower  
Orakzai

State Vs Wazeer Khan etc

**Order No.14**

**09.10.2023**

APP for the state present. Accused Mujeeb on bail along with counsel present. Rest of the accused are exempted. Complainant absent. APP for the state filed application for withdrawal of the case u/s 494 Cr.PC due to deficient evidence. Arguments heard and record gone through.

Record shows that complainant namely Muhib Nawaz has charged accused namely Jandol, Mujeeb-ul-Rehman, Rab Nawaz and Wazeer Khan for snatching his motorcar bearing No. U-4809 Karachi white color model 1986 forcibly and on gun point.

Learned APP for the state filed application U/S 494 Cr. PC. Prosecution has requested for withdrawal of the case on the ground of deficient evidence against the accused.

Record shows that allegations of snatching motorcar bearing No. U-4809 Karachi white color model 1986 have been leveled

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**ZAHIR KHAN  
Civil Judge/JM  
Kalaya Orakzai**

against accused facing trial. The alleged occurrence took place on 02.08.2020 and FIR was registered on 07.08.2020. There is delay in registration of FIR. The allegedly snatched vehicle was not recovered from possession of accused facing trial or on their pointation rather the vehicle was produced by complainant to the IO after compromise with accused facing trial. This fact is evident from recovery memo Ex.PW-2/6 and statement of IO who deposed as PW-02. Complainant is not interested in prosecution of the case. Nothing incriminating whatsoever has been recovered and taken into possession from possession of the accused or on their pointation. Per record, there is no criminal history of accused. Accused have not confessed their guilt before the court.

Keeping in view the available record, application for withdrawal of the case U/S 494 Cr.PC is accepted and accused nominated in FIR stand acquitted in the instant case. They are on bail. Their sureties stand discharge from their liability. Case property, if any be dealt with in accordance with law.

Copy of the order be placed on police file as well as Judicial file. Instant file be consigned to record room after necessary completion and compilation.

**ANNOUNCED**  
09.10.2023



**Zahir Khan**  
JMIC-I, Tehsil Kalaya, Orakzai