

IN THE COURT OF ASGHAR SHAH, SESSIONS JUDGE ORAKZAI
AT BABER MELA

SC CASE NO. : 29/2 OF 2021
 DATE OF INSTITUTION : 11.06.2021
 DATE OF DECISION : 14.06.2021
 CASE TITLE : STATE VS NAIMAT ULLHA KHAN ETC.
 U/S : 302/34 PPC
 FIR NO : 09
 DATED : 26.01.2021
 POLICE STATION : KALAYA LOWER ORAKZAI

Order No. 01
11.06.2021

Complete Challan received from the court of Judicial Magistrate-I, Orakzai for the purpose of trial. Register. Accused are on bail. They alongwith complainant be summoned for 14.06.2021.


 (SHAUKAT AHMAD KHAN)
 Sessions Judge, Orakzai
 at Baber Mela

Order No. 02
14.06.2021

DPP, Umar Niaz for the state present. Accused, Naimat Ullah bearing CNIC no. 21601-9428374-3 and Abdullah bearing CNIC no. 21601-8495839-9 on bail present. Accused, Abdul Ameen is absconding.


 Shaukat Ahmad Khan
 District & Sessions Judge,
 Orakzai at Baber Mela
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(2). Both the accused submitted that they have effected compromise with the complainant party, who are not going to proceed further with the case and that they may be discharged of

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the offence. I heard arguments of the learned DPP and perused the available record.

(3). Perusal of case file shows that the instant case was registered against the unknown accused on the basis of report of the present accused Naimat Ullah, the then complainant, to the effect that on 26.01.2021 he was present at his house where he received information regarding the murder of his cousin, Mir Muhammad Khan at which he reached on the spot and found the dead body of his cousin lying on the spot murdered by some unknown accused with firearm. On 28.01.2021, Wali Rehman, the son of the deceased Mir Muhammad Khan, recorded his statement u/s 164 Cr.P.C wherein he charged the accused on bail and the absconding accused. As per statement of the complainant, he has shown himself present with his father at the time occurrence but has not made any report to the police rather he has charged the accused after two days of the occurrence without any plausible explanation regarding the delay. Moreover, nothing incriminating has been recovered from possession or on the pointation of the accused on bail. Furthermore, it is evident from the bail order dated 20.02.2021 of learned ASJ-II, Orakzai that the parties have effected compromise out of the court.

(4). Hence, in the view of what is discussed above, it is held that there is no ground to proceed against the accused on bail, therefore, both the accused namely, Naimat Ullah s/o Hazrat Khan and Abdullah s/o Naimat Ullah are discharged of the

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Shaukat Ahmad Khan
District & Session Judge
Orakzai at Bahar Mela

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offence. They are on bail. Their bail bonds stand cancelled and the sureties are released of

(5). With respect to absconding accused, case file be sent to PS Kalaya through learned JM, Orakzai for making proceedings against the accused u/s 512 Cr.P.C.

(6). File of this court be consigned to record room. Copy of this order be placed on judicial/police file. Copy of this order also be sent to Judicial Magistrate.

Announced:
14.06.2021



(SHAUKAT AHMAD KHAN)
Sessions Judge, Orakzai
at Baber Mela