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Court of Additional Sessions Judge, Orakzai at Baber Mela


Case Title State vs Mehraban Khan etc

Case No. 7/3 of 2021

Institution Date: 19.03.2021

Decision Date: 29.06.2021

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
		<p>Mr. Sana Ullah Khan Advocate for accused/petitioner; Mr. Abid Ali Advocate for complainant; Mr. Amir Shah APP for State are in attendance.</p> <p>2. This order is intended to disposed of application for the discharge of the accused u/s 4 (C) (ii) of the Prosecution Act 2005 read with section 494 Cr.PC submitted by the District Public Prosecutor Orakzai for discharge of accused named above in case FIR No. 112 Dated 11-10-2020 u/s 3/4 Ghagg Act, 2013 KPK of PS Lower Orakzai, Kalaya.</p> <p>3. Brief facts of the case is that; the complainant submitted an application to the local police wherein he contended that his daughter Mst. Waheeda had been engaged to one faizaullah s/o Janas Khan one year ago, that now the accused have restrained her marriage through Ghagg form the last one year. No action was taken by the local police upon the same application. Thereafter the complainant submitted an application U/S 22-A CrPC before the court for registration of criminal case against the accused, the application was accepted and case was registered U/S 3/4 Ghagg Act, 2013 KPK against the accused.</p> <p>4. The case was investigated and after completion of investigation, the IO submitted the case file to the SHO for submission of complete challan who submitted complete challan against the accused for trial.</p>


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On 19.03.2021, complete challan along with application for the discharge of the accused u/s 4 (C) (ii) of the Prosecution Act 2005 read with section 494 Cr.PC was received by this Court. The accused was summoned and the application was fixed for arguments.

5. Learned counsel for accused/petitioner, counsel for complainant and learned Assistant Public Prosecutor for state were heard at length and file gone through.

6. Today the counsel for accused present before the court stated at the bar that the accused are ready to record their statements before the court that they shall not interfere in the marriage/Nikah of the daughter of complainant and the complainant is at liberty to contract the marriage of her daughter according to his own will and consent. The complainant who is also present before the court stated that if the accused are not interfering in the contract of marriage of his daughter and to this effect if they make statement before the court then he (complainant) has got no objection on the acquittal of the accused. Keeping in view the submission of complainant and accused, joint statement of complainant and accused was recorded and both the complainant and accused party thumb impressed the same.

7. For what has been discussed above, the application submitted by the prosecution for the discharge of accused is accepted and the accused Muhammad Nawaz, Niaz Khan, Muhammad Zubair, Muhammad Riaz, Noor Nawaz and Mehraban Khan are discharged in the instant case from the charges levelled against them.



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The accused are on bail, their sureties are discharged from the liability of bail bonds. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

8. Announced in open Court.



SAYED FAZAL WADOOD,
Additional Sessions Judge,
Orakzai at Baber Mela