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FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

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
1	2	3
Order 05	25.09.2023	<p>Dy. PP for the state present. All accused on bail, along with counsel present. Complainant in person present, whose statement is recorded as PW-01. Counsel for accused submitted an application u/s 249-A Cr. PC.</p> <p>Through my this order is to dispose of application u/s 249-A Cr.P.C.</p> <p>Arguments heard and record perused.</p> <p>Now on perusal of the record and valuable assistance of learned counsel for accused/petitioners and learned Dy. PP for the state this court is of the opinion that admittedly accused facing trial have patched up the matter through compromise and to this fact has also been admitted by PW-01 in his cross examination. Furthermore, the accused facing trial also produced compromise deed, wherein they had stated that they had patched up the matter with the intervention of elders of the locality and to this effect their joint statement was also recorded and placed on file. Furthermore, as for as perusal of evidence so for recorded by prosecution in the instant case is concerned, it is pertinent to mention here that PW-01, the complainant in the instant case, had admitted in his cross examination that it is correct that he is not eyewitness of the occurrence. Furthermore, he also admitted that at the time when he reached the spot none of the accused was present. He further admitted that no empties were recovered from the spot. He had not recorded the statement of any independent witness and thus he failed to comply with mandatory provision of section 103 Cr. PC. He further admitted that the occurrence was not seen by anyone and furthermore after arrest of the accused nothing incriminating was recovered from the immediate possession of the accused.</p> <p>In light of above discussion, the prosecution evidence so for recorded in the instant case is full of dents and make the case of prosecution one of further inquiry. On the other hand neither any incriminating article was recovered from the spot or from the possession of accused facing trial nor the occurrence was seen by anyone, which make the</p>

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SYED ABBAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

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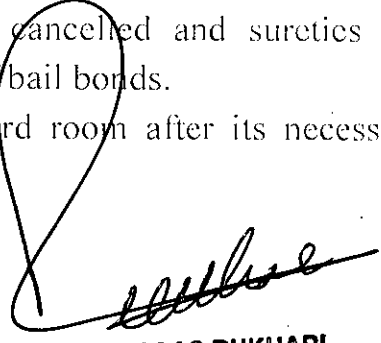
occurrence doubtful.

Hence, in the light of aforesaid findings I am of the opinion that there is no probability of conviction of the accused facing trial at later stage, accordingly, the application in hand is **accepted** and the accused is acquitted U/S 249-A Cr.P.C from the charges levelled against them. They are on bail. Their bail bonds stand cancelled and sureties are discharged from the liability of bail bonds.

File be consigned to the record room after its necessary completion and compilation.

Announced

25.09.2023



SYED ABAAS BUKHARI
Civil Judge/JM-II
Tehsil Courts Kalaya

RECORDED
IN THE COURT OF
SYED ABAAS BUKHARI
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Tehsil Courts Kalaya