

Or.....14  
26.05.2021

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APP for the state present. No one for the complainant present. All accused on bail present. Counsel for the accused also present.

My this order is intended to dispose off an application u/s 249-A Cr.P.C. Counsel for the accused present and argued that as the statements of the main PWs i.e Complainant, SHO, Gunner to the complainant and I.O are recorded and as per the statement of the PWs, there is no probability of the accused being convicted of the offence and the charge is groundless. Thus, recording further evidence will be a futile exercise and would be result less. At the end requested for the acquittal of the instant accused.

On the other hand, Learned APP for the stated opposed the application and argued that there is sufficient evidence against the instant accused, therefore, the application should not be accepted at this stage.

I have heard both the sides and came to the conclusion that the complainant in his cross examination has admitted that he himself drafted the Murasila and that it is correct that there is cutting and replacement in the names of the accused in the Murasila without any initial. Further, that his two gunners are not mentioned as eye-witnesses of the occurrence and that except the present accused, the rest of 10/12 persons are not known to him and even the shopkeeper in whose shop, the occurrence took place has not been charged. Further, that his statement has never been recorded by the I.O and that he has never seen/met the accused in the whole episode. The gunner of the complainant, who appeared as PW-03 has admitted that it is correct that the accused have not touched him and further that the complainant reported the matter to the police verbally and the same was drafted by the concerned police official.

Thus, in the light of the aforesaid findings, it is established that there is no probability of the accused being convicted of any offence. therefore, the application in hand is accepted and the accused Najeeb Ur Rehman, Fahim Khan, Muhammad Nabi and Imdad Ullah are acquitted 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  
26.05.2021



(Rehmat Ullah Wazir)  
JM-I/MTMC,  
Orakzai (at Baber Mela)