

Case Title: State VS Habib Rehman and others (FIR. 46, PS: Ghiljo)

Or.....16

17.02.2022

APP for the state present. Complainant in person 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 are recorded and as per the statements 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 resultless. 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.

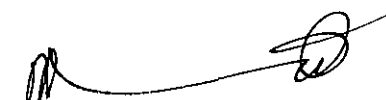
I have heard both the sides and came to the conclusion that the star witness of prosecution is the complainant but he admitted that there is no written deed or witness of the fact that I have handed over the property to the accused for look after in trust. Further, he admitted the fact that it is mentioned in the application to the DPO, Orakzai that the accused have taken illegal and forcible possession of the property but he has mentioned in the application to the DIG that the same property was handed over to the accused in trust who misappropriated the same.

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 Habib Rehman, Sarfaraz, Muhammad Akmal, Naimat Ullah, Laiq Rehman 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

17.02.2022


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