

Or.....05
27.10.2021

APP for the state present. All the accused on bail, present and counsel submitted fresh wakalatnama on behalf of the all the accused which is placed on file. Complainant also present. The complainant has been cross examined.

Counsel for the accused submitted an application u/s 249-A CrPC which is placed on file and notice of the application be given to the state.

File is to come up for arguments/order on **16.11.2021**.




(Rehmat Ullah Wazir)
JM-I/MTMC,
Camp Court, Kalaya, Orakzai

Or.....06
16.11.2021

APP for the state present. All the accused on bail, along with their counsel present. Complainant also present.

My this order is to dispose off an application u/s 249-A Cr.P.C. Counsel for the accused present and argued that the statement of Mujahid Khan/complainant in the present case has been recorded as PW-01, which is a strong ground for the acquittal of the accused and that there is no solid evidence against the accused and further stated that a compromise has been effected between the parties, wherein he stated that he has effected compromise with the accused and have got no objection if the accused are acquitted. Further he stated that prosecution has submitted a discharge application u/s 4C (iii) of KP Prosecution Act,2005 on 27.05.2021, which is also available on case file.



REHMAT ULLAH WAZIR
CIVIL JUDGE I, JM-1
CAMP COURT
KALAYA, ORAKZAI

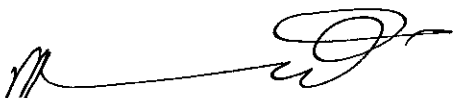
On the other hand, Learned APP for the stated opposed the application and argued the same and requested that the application should not be accepted at this stage.

I have heard both the sides and came to the conclusion that firstly it has been admitted by the complainant in his cross examination that he does not know the names of the accused even today and also he does not remember the name of the person who told him the names of the accused and further that it is correct that the person who told him the names of the accused was not eyewitness to the occurrence rather he presumed their names. Secondly, it has been admitted that the time of occurrence is 13:15 hrs on 20.02.2021 while it has been reported at 16:00 hours on the same day while admittedly the Boya Check-post where the matter was reported was very close to the place of occurrence. Thirdly, it has been admitted that the site-plan was prepared in his absence. Lastly, he has stated that he has entered into a compromise with the accused party and he has got no objection if the accused are acquitted.

Thus, in the light of aforesaid findings I am of the opinion that there is no probability of the accused being convicted of any offence, therefore, the application in hand is accepted and the accused are acquitted U/S 249-A CrPC 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 cosigned to the record room after its necessary completion and compilation.

Announced
16.11.2021


(Rehmat Ullah Wazir)
JM-I/MTMC,
Camp Court, Kalaya, Orakzai