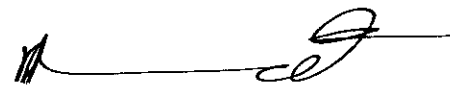


Or.....12
03.11.2021

APP for the state present. Accused namely Nabi Rehman and Ismail on bail present while the remaining accused exempted. Complainant in person present. The statement of PW-06 & PW-07 are recorded. The counsel for the accused submitted an application u/s 249-A CrPC, notice of the application be issued to the prosecution.

Summons be issued to the Umar Farooq, eyewitness.

File is come up for arguments on application u/s 249-A CrPC and attendance of the Umar Farooq on 23-11-2021



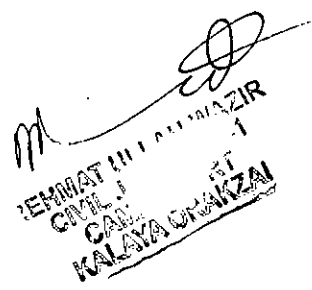
(Rehmat Ullah Wazir)
Judicial Magistrate-I,
Camp Court, Kalaya, Orakzai

Or.....13
23.11.2021

APP for the state present. Accused namely Nabi Rehman and Ismail on bail, present while the remaining accused have already been exempted through their counsel. Complainant in person present.

Through 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 statements of Ajmal Khan/complainant in the present case and eyewitness, have been recorded as PW-07 & PW-08, which is a strong ground for the acquittal of the accused and that there is no solid evidence against the accused. Both the witnesses admitted in their cross examination, that the occurrence took place at night time and they do not properly identified the accused.

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



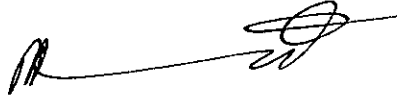
REHMAT ULLAH WAZIR
JUDICIAL MAGISTRATE-I
CAMP COURT
KALAYA ORAKZAI

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 it is correct that it was darkness and he has not identified all the accused except 05 of them and further that he has not handed over the torch to the IO through which he identified the accused. Secondly, the eyewitness has admitted in his cross examination that the occurrence took place at 09:15 PM and he has not seen/identified the 18 (all the accused) because it was dark night.

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
23.11.2021


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