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Or.....07  
18.02.2022

APP for the state present. Accused namely Irfan Ullah on bail, along with counsel present. Complainant in person present, whose statement is recorded as PW-01.

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 Atlas Bibi/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 probability of the accused being convicted as there is no solid evidence against 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.

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 I was not present at the time of occurrence rather I was on duty at school. Secondly, the complainant has admitted in her cross examination that the local police never recorded my statement nor prepared the site plan.

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 is acquitted U/S 249-A Cr.P.C from the charges levelled against him. He is on bail. His 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  
18.02.2022

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