

**Order 08**  
**18-06-2022**

APP for the state present. Accused absent. APP for the state was confronted with the available record as per which the prosecution had requested for cancellation of the case. APP for the state contended that accused may be discharged from the charges leveled against them.

Record would show that case in hand was registered against unknown accused vide FIR No:110 Dated: 09.10.2020 u/s 188/148/149 PPC. After completion of investigation, final report for cancellation of the case was forwarded to the court by prosecution. The learned predecessor disagreed with the cancellation report and summons was issued to the accused. Accused namely Qasid Ali and Palawan Shah appeared before the court while as per statement of elder and reports of DFC, accused Jawad Hassan has been died.

Record shows that order under section 144 Cr.P.C bearing Endst: 4450/C/DC-Ork was promulgated by deputy commissioner Orakzai on 15.08.2020 whereby certain activities such as hate material/wall chalking, pillion riding, display of weapons and visit to restricted places etc were banned from 15.08.2020 to 05.09.2020 (20 days). FIR was registered on 09.10.2020. At the time of the registration of the case, order/notification dated: 15.08.2020 was not effective.

  
**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**

Even otherwise, no court can take cognizance of an offence punishable U/S 188 PPC except on the complaint in writing of the public servant concerned or of some other public servant to whom he is subordinate. There is no complaint from the authorizes who had promulgated the order dated:15.08.2020.

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Keeping in view the above facts and circumstances and legal position, accused namely Qasid Ali, Palawan Shah and Moeen Hussain are discharged while proceedings against deceased accused namely Jawad Hassan stand abated.

File be consigned to record room after necessary completion and compilation.

**ANNOUNCED**  
**18.06.2022**



**ZAHIR KHAN**  
JMIC, Kalaya Orakzai

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**Civil Judge/JM**  
**Kalaya Orakzai**