

IN THE COURT OF ZAHIR KHAN,
JUDICIAL MAGISTRATE-I, TEHSIL KALAYA, ORAKZAI

Case No.....88/2 of 2022.

Date of institution.....12.12.2022.

Date of decision.....16.12.2022.

FIR No. 110, dated 26.10.2022, U/S 435/34 PPC, PS Kalaya

APP, Nisar Ahmad for the state

Order No.02
16.12.2022

APP for the state present. Accused on bail present. Complainant namely Rehman Gul also present. He stated that he has pardoned the accused in the name of Almighty Allah and has got no objection if accused is acquitted/discharged from the charges levelled against him. Statement of complainant separately recorded. Copy of his CNIC is Ex. PA. APP for the state was confronted with the same. He submitted application for discharge of accused. Arguments on application filed by prosecution for discharge of accused heard and record perused.

Record shows that complainant namely Rehman Gul has charged the accused namely Arab Khan, Sultan and Rizwan Ullah for commission of the offence U/S 435/34 PPC vide FIR No. 110 dated 26.10.2022 of PS Kalaya.

Learned APP for the state filed application for discharge of the accused U/S 5 (b), Prosecution Act, 2005 read with Section 494 Cr. PC.



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Civil Judge/JM
Kalaya Orakzai

Prosecution has requested for discharge of the accused on the ground that complainant has affected compromise with the accused and he is no more interested in prosecution of the case.

Record shows that the alleged occurrence took place on 16.10.2022 and FIR was registered on 26.10.2022. There is unexplained delay in lodging of FIR. Nothing incriminating has been recovered from possession of accused. Accused have not confessed their guilt. Complainant is no more interested in prosecution of the case.

Therefore, keeping in view the available record, application for discharge of the accused U/S 5 (b), Prosecution Act, 2005 read with Section 494 Cr. PC, accused namely Arab Khan, Sultan and Rizwan Ullah nominated in FIR stand discharged in the instant case. They are on bail. Their sureties stand discharged from their liability. Case property, if any be dealt with in accordance with law.

Copy of the order be placed on police file as well as Judicial file. Instant file be consigned to record room after necessary completion and compilation.

ANNOUNCED
16.12.2022



Zahir Khan
JMIC-I, Tehsil Kalaya, Orakzai