

**IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI**

Case No .....3/2 of 2024.  
 Date of institution.....14.02.2024.  
 Date of decision.....08.03.2024.

Case FIR No. 114 Dated: 22.12.2023 U/S 379/34 PPC, PS Kalaya

**Order. No. 04**

08.03.2024

Accused Abdul Baseer, Farman Ullah and Mujahid Ali on bail present. Complainant Aftab Ahmad present. Complainant stated that he has patched up the matter with accused outside the court and has got no objection on the acquittal of accused facing trial. Statement of complainant named above separately recorded which is duly signed by him. Copy of his CNIC is Ex.PA.


Brief facts of the prosecution's case as unfolded in the FIR are that complainant Aftab Hassan reported to the local police to the effect that his honey bee boxes were stolen by unknown persons. He was searching for real culprits and later on, he came to know that the honey bee boxes were stolen by accused Abdul Baseer, Farman Ullah and Mujahid Ali. Complainant charged the above named accused for the commission of the offence. Accused were arrested. They remained behind the bar for about 20 days and were released on bail on the basis of compromise.

After completion of investigation, complete challan was put in court against accused. Provisions of Section 241-A Cr. PC were complied with. Today, on 08.03.2024, complainant Aftab Hassan

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appeared and stated that he has patched up the matter with the accused named above outside the court and he has got no objection if they are acquitted from the charges leveled against them. His statement was separately recorded which was duly signed by him as token of its correctness. Copy of his CNIC is Ex.PA.

Perusal of record transpires that the alleged occurrence took place on 27.10.2023 at unknown time, near village Sarobi, Dago fields Lower, Orakzai and FIR was registered on 22.12.2023. There is unexplained delay of about 02 months in registration of the case. There is no eye witness to the occurrence. Source of information regarding involvement of accused in commission of the offence has not been disclosed by the complainant. Accused have not confessed their guilt before the court. There is no criminal history of accused. Furthermore, complainant has patched the matter with accused outside the court and he is no more interested in prosecution of the accused. He has got no objection on the acquittal of the accused and to this effect his statement was separately recorded. Although, the offence is non-compoundable, however, in plethora of judgments of Apex Superior Courts, compromise may be considered even in non-compoundable offences. In the newly merged districts (the Erstwhile FATA), most of the civil and criminal disputes are resolved through Jirgas and compromise. There is no probability of accused being convicted. Further proceedings would be a futile exercise and wastage of precious time of the court, therefore, application U/S 249-A Cr. PC is accepted and accused are acquitted from the charges leveled against



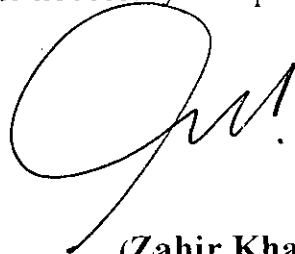
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them. They are on bail. Their sureties stand discharged from their liability.

Case property be dealt with in accordance with the law.

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

**Announced.**  
08.03.2024



**(Zahir Khan)**  
Judicial Magistrate-I,  
Tehsil Kalaya, Orakzai