

5
IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: Syed Arbab Hussain VS State


Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.05	28.07.2022	<p>DPP, Umar Niaz for the state present. Accused Syed Arbab Hussain on bail present. Complainant Syed Shoaib Hassan also present in person. NBWAs issued against them stand cancelled.</p> <p>Today, the case was fixed for framing of charge; however, the accused submitted application for his acquittal u/s 265-K CrPC. Notice of the same is given to learned DPP for the state and arguments heard.</p> <p>The case of the prosecution as per FIR is, that Mst. Bibi Muhtarma, the daughter of complainant got engaged with Syed Sakhi on 27.08.2017 and her rukhsati was fixed for 17.04.2022 but on that day the accused/petitioner came to the house of complainant, raised ghag and restrained the daughter of complainant from marrying anyone. After completion of investigation, the case was submitted for trial. The accused was provided with the copies of record u/s 265-C and fixed for framing of charge; however, the accused submitted application u/s 265-K CrPC for the reasons mentioned therein.</p> <p>Arguments heard and record perused. Perusal of the case file shows that though the accused facing trial is directly nominated in the FIR and prima facie case of prosecution is supported by statements of witnesses recorded u/s 265-K CrPC but the parties are close</p>

Shaukat Ahmad Khan
District & Sessions Judge
Orakzai at Baber Mela
28/07/22

IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

(b)

Case Title: Syed Arbab Hussain vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Contin. Order No.05		<p>relatives and they have patched up the matter out of the court. The complainant present before the court also raised no objection upon the acquittal of accused u/s 265-K CrPC.</p> <p>In view of what is discussed above, though the offence for which the accused facing trial is charged, is non-compoundable but as the complainant, who is star witness of prosecution, is not going to charge the accused; therefore, there is no probability of the conviction of accused facing trial, even if the charge is framed and the prosecution is given opportunity to produce the witnesses; therefore, accused namely, Syed Arbab Hussain s/o Syed Samin Hussain, on acceptance of his application, is acquitted from the charges levelled against him u/s 265-K Cr.P.C. The accused is on bail. His bail bonds stand cancelled and his sureties are discharged of the liabilities of bail bonds. Consign.</p> <p><u>Pronounced:</u> 28.07.2022</p> <p> (SHAUKAT AHMAD KHAN) Sessions Judge/Judge Special Court, Orakzai at Baber Mela</p>

