

IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: State VS Jang Ali etc

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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.06	02.08.2022	<p>DPP, Umar Niaz for the state present. Complainant Gulshan Ali not present. Mr. Jabir Hussain Advocate for accused present. Accused Naqeeb Khan, Bashar Ali, Fayyaz Ali and Subhan Ali present in person. Report regarding abate proceedings against the accused Jang Ali, Niqad Ali and Sadiq Ali. To this effect statement of Mehdi Hassan SI/OII recorded and placed on file vide which the accused named-above has been reported murdered vide case FIR no. 72, dated 26.07.2022, u/s 302/324/148/149 PPC registered at Police Station Kalaya. In view of report of Investigation Officer and his statement recorded before the court, proceeding against the accused Jang Ali, Niqad Ali and Sadiq Ali are abated.</p> <p>Today, the case was fixed for framing of charge; however, accused Naqeeb Khan, Bashar Ali, Fayyaz Ali and Subhan Ali submitted application for their 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 contents of FIR is, that the complainant vide written application u/s 22-A Cr.P.C made a report that the accused facing trial along with deceased accused and absconding co-accused have raised "Ghag" and have restrained his (complainant) daughter and nieces of marrying someone else which was allowed and instant FIR was registered. After completion of investigation, the case was submitted for trial. The accused were provided with 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>


Signature of Sessions Judge
Orakzai at Baber Mela

FIR no. 71, Dated: 26.02.2022, u/s 3/4 Ghag Act, PS Kalaya

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<p>Contin. Order No.06</p>		<p>Arguments heard and record perused. Perusal of the case file shows that though the accused facing trial are directly nominated in the FIR but no time, date and place of occurrence is mentioned. Moreover, not a single statement of any independent witness has been recorded as to confirm that when, where and who has been restrained from marrying the daughter and nieces of complainant. Furthermore, a general role of "ghag" has been attributed to the accused and no specific role has been attributed to any of them. Above all, the parties have patched up the matter out of the court at bail stage wherein the complainant raised no objection upon the acquittal of accused.</p> <p>In view of what is discussed above, it is held that 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, Naqeeb Khan, Bashar Ali, Fayyaz Ali and Subhan Ali, on acceptance of their application, are acquitted from the charges levelled against them u/s 265-K Cr.P.C. The accused are on bail. Their bail bonds stand cancelled and their sureties are discharged of the liabilities of bail bonds. Proceeding against the accused namely, Jang Ali, Niqad Ali, and Sadiq Ali are abated being dead.</p> <p>Supplementary challan against the accused Muhammad Ayaz, has separately been submitted in pending BBA petition of accused. It will be taken up at the time of its submission for trial. Consign.</p> <p>Pronounced: 02.08.2022</p> <p style="text-align: right;"> (SHAUKAT AHMAD KHAN) Sessions Judge/Judge Special Court, Orakzai at Baber Mela</p>

