



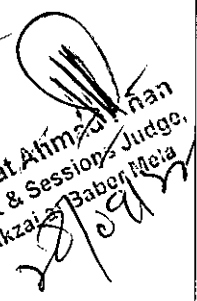
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Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.10	22.09.2022	<p>DPP, Umar Niaz for the State present. Accused Rafeel and injured Aqal Shah despite being telephonically informed not present. Mr. Sana Ullah Khan Advocate submitted application for exemption of accused on the pretext of the death of the father of accused. He also informed that the injured Aqal Shah who is father of the accused, has also died. Application is allowed. The accused Rafeel is exempted for today. Fresh summons be issued to accused for 28.09.2022.</p> <p>Notice be issued to SHO for verification of the death of injured Aqal Shah for date fixed.</p> <p style="text-align: center;"> (SHAUKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela</p>
Order No.11	28.09.2022	<p>DPP, Umar Niaz for the State present. Accused Rafeel on bail present. Sana Ullah Khan Advocate present and submitted Wakalatnama on behalf of accused. Placed on file. Report regarding the death of injured Aqal Shah received according to which the complainant has died of natural death. Today, the case was fixed for attendance of the accused, however counsel for the accused submitted application for acquittal of the accused u/s 265-K CrPC. Notice of the same is given to learned DPP for the State and arguments heard.</p> <p style="text-align: center;"> Shaukat Ahmad Khan District & Sessions Judge, Orakzai at Baber Mela 28/09/22</p>

IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

(10)

Case Title: State vs Rafeel Khan


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<p>Contin. Order No.11</p>	 <p>Shaukat Ahmad Khan District & Sessions Judge, Orakzai Baber Mela</p>	<p>The case of the prosecution as per contents of FIR is, that the complainant Imran s/o Aqal Shah on 14.12.2021 at about 1945 hours in emergency room DHQ hospital Mishti Mela made a report to the local police that on that day he was present in house at Peshawar when he received information regarding the murder of his nephew Younas and injuries to his father Aqal Shah. The complainant in his report charged unknown person for the commission of offence.</p> <p>During the course of investigation, the accused facing trial was nominated by the police for commission of the offence on the basis of suspicion. After completion of investigation, the case was submitted for trial. The accused was summoned who appeared before the court and submitted the instant application for his acquittal u/s 265-K CrPC for the reasons mentioned therein.</p> <p>Arguments heard and record perused.</p> <p>Perusal of the case file shows that the accused has been charged in the instant case on the basis of suspicion and there is nothing available on file against him except mere suspicion. The injured Aqal Shah in his statement recorded u/s 161 CrPC, has also not charged the accused for commission of offence. He has also appeared before the court at bail stage where he has recorded his statement</p>

FIR no. 142 Dated: 14/12/2021, u/s 302/324 PML, PS Kalye

(11)

IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: State VS Rafeel Khan

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Contin. Order No.11		<p>and he has not charged the present accused for the commission of offence. Furthermore, no incriminating material has either been recovered from possession or pointation of the 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, Rafeel Khan is acquitted from the charges levelled against them 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.</p> <p>Consign.</p> <p><u>Pronounced:</u> 28.09.2022</p> <p style="text-align: right;"> (SHAUKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela</p>



FIR no. 142 Dated: 14/12/2021 u/s 302/374 PS Kalaya