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Order No.12
28.07.2022

Brother of complainant namely Muhammad Shahid S/O Nadar Khan, present. Accused namely Talib Jan on bail present. Brother of complainant stated that complainant Hashmat Khan is missing and his whereabouts is not known since 13.08.2021. He further stated that compromise has been effected between the parties, therefore, requested that accused be acquitted accordingly.

Brother of complainant stated that they have patched up the matter with the accused facing trial and have forgiven him in the name of Almighty Allah. To this effect, statement of brother of complainant was separately recorded wherein he reiterated the same contention. Copy of his CNIC is Ex.PA. He produced compromise document on a simple white paper contending that stamp papers are not available today at Kalaya. The same is Ex. PB.

Record shows that so many notices were issued to the complainant which are returned by official concerned with reports that complainant is missing and his whereabouts is not known. APP for the state was confronted with the statement of brother of complainant, compromise and notices issued to complainant. He was heard. Record gone through.

Record shows that complainant namely Hashmat has charged accused Talib Jan and Tariq Mehmood for criminal intimidation by making aerial firing vide FIR No. 06 dated: 20.01.2021 U/S 506/34 PPC, PS Kalaya. Separate challan was put in court by

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Civil Judge/JM
Kalaya Orakzai

prosecution in respect of Juvenile accused namely Tariq Mehmood.


Parties have effected compromise. Complainant is missing since 13.08.2021 and his whereabouts is not known which is evident from summons/notices issued by the court. As on merits, the occurrence took place on 30.12.2020 at 02:00 AM (night time).

It is a night occurrence. As per FIR, accused facing trial started firing at 02:00 AM and complainant came out of his house at 03:15 AM when he saw accused passing through his house. Source of identification has not been mentioned in the FIR. No empty shell has been recovered from the spot. Allegedly, the walls of house of complainant were hit but no spent bullet has been recovered and taken into possession during spot inspection by IO. No motive behind the occurrence is advanced in the FIR. Accused have not confessed their guilt before the court. There is no criminal history of the accused.

Resultantly, accused facing trial is acquitted from the charges leveled against him U/S 249-A Cr. PC in case FIR No. 06 dated: 20.01.2021 U/S 506/34 PPC, PS Kalaya. Accused is on bail. His bail bonds stand cancelled. Sureties are discharged from the liabilities of the bail bonds. Case property, if any, be dealt with in accordance with law.

File be consigned to record room after completion and compilation.

Announced
28.07.2022



Zahir Khan
Judicial Magistrate-I,
Kalaya, Orakzai