




IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

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Case Title: State vs Mehmood Khan

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.01	25.10.2022	<p>Complete Challan received from the court CJ/JM-I, Kalaya for the purpose of the trial. Register. Accused, Mehmood Khan is on bail. He be summoned for 31.10.2022. Notice also be issued to his sureties and complainant for date fixed.</p> <p align="right">  (SHAUKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela </p>
Order No.02 <u>دندان دنگو سٹ</u>	31.10.2022 <u>عزیز محمد خان</u>	<p>DPP, Umar Niaz for the State present. Accused, Mehmood Khan on bail present. Copies of the record provided to the accused within the meaning of 265-C CrPC. Case file be put up for framing of charge on 07.11.2022.</p> <p align="right">  (SHAUKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela </p>
Order No.03	07.11.2022	<p>DPP, Umar Niaz for the State present. Accused, Mehmood Khan on bail present.</p> <p>...</p> <p>...</p> <p>Today, the case was fixed for framing of charge; however, perusal of case file shows that the evidence available on file against the accused is, the statement of accused himself recorded u/s 161 CrPC and the recovery of weapon of offence, allegedly recovered on the pointation of accused; therefore, notice is given to</p> <p align="left">  Shaukat Ahmad Khan District & Sessions Judge, Orakzai at Baber Mela </p>

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<p>Contin. Order No.03</p>	<p>Shaukat Ahmad Khan District & Sessions Judge, Orakzai at Baber Mela 07/11/22</p>	<p>prosecution as to the fact that whether in the light of aforementioned deficient evidence, a charge can be farmed against the accused? The learned DPP is heard on the point and the record perused.</p> <p>Brief facts of the case, as per contents of FIR are; that the complainant Hassan Jaan SHO on 06.07.2022 acting on information regarding the occurrence, reached the spot where he found Noor Said s/o Azram Khan and Mst. Zarwali Jaan w/o Azram Khan murdered while Muhammad Sajid s/o Noor Said and Mst. Minhaj Bibi as injured, as a result of firing of unknown accused. The dead bodies and the injured were shifted to DHQ hospital Mishti Mela and the instant FIR was registered against unknown accused. Later on, Mst. Minhaj Bibi also succumbed to her injuries and died.</p> <p>During the course of investigation, the local police recorded statement of Muntazira Bibi (daughter of Azram Khan), one of the inmates of the house, wherein she stated that on the day of occurrence, she was busy in doing her household work, when her brother Noor Said (deceased) came to the house and started quarrelling with her brother. In the meanwhile, she heard the reports of fire shots and saw the deceased Noor Said made firing at her brother, mother, sister and nephew and that she went inside the</p>

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<p>Contin. Order No.03.</p>		<p>room being frightened. The local police also recorded the statement of injured Muhammad Sajid, the only survivor of the incident. He also stated that on the day of occurrence his father Noor Said (deceased), came to house and started quarrelling with her grandmother and made firing at her grandmother, Mst. Minhaj Bibi and him and that he became unconscious and unaware of the fact that as to whether the deceased Noor Said has committed suicide or he has been fired upon by someone else.</p> <p>During the course of investigation, the local police arrested the present accused Mehmood Khan on the basis of suspicion and recorded his statement u/s 161 CrPC wherein he has allegedly stated that on the day of occurrence, he was sleeping in his room when he heard the reports of fire shots at which he came out and saw that the deceased Noor Said had made firing upon Mst. Zarwali Jaan, Mst. Minhaj Bibi and Muhammad Sajid. That he (deceased Noor Said) also made firing at him but he luckily escaped unhurt and in self-defense he made firing at Noor Said, as a result of which he was hit and died on spot. Hence, he was charged in the instant case. During the course of investigation, a Kalashnikov bearing no. 1975MP7144 was recovered on pointation of accused for which he could not produce any license. Hence, section</p>


 07/11/22
 Shahid Kat Ahmed Khan
 District & Sessions Judge
 Orakzai at Baber Mela

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<p>Contin. Order No.03</p>		<p>15AA was added in the case and separate challan was submitted against the accused facing trial.</p> <p>Perusal of case file shows that the weapon of offence has not been recovered from personal possession of accused rather on the pointation of accused in the process of which, despite the availability of private witnesses, no witness from the public has been associated with the process of search or recovery. Similarly, the alleged weapon of offence has not been sent to FSL along with empties recovered from the spot to confirm as to whether the same has been used in the commission of offence or otherwise.</p> <p>Hence, in view of what is discussed above, it is held that there is no ground to proceed against the accused facing trial. Accordingly, accused Mehmood Khan is discharged of the offense. Accused is on bail. His bail bonds stand cancelled and his sureties are absolved of the liabilities of his bail bonds. Consign.</p> <p><u>Pronounced:</u> 07.11.2022</p> <p> (SHA UKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela</p>

