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**IN THE COURT OF ZAHIR KHAN JUDICIAL
MAGISTRATE-I, TEHSIL KALAYA, DISTRICT ORAKZAI**

**Criminal case No. 79/2 of 2022, FIR No. 21 Dated: 08.09.2021, U/S: 379 PPC. Police
Station: Kurez Boya, Lower Orakzai**

State Vs Gul Shahzada

**Order No.08
23.08.2022**

APP for the state present. Accused Gul Shahzada on bail present. Complainant namely Gohar Hussain absent. Today, the case was fixed for formal charge, however, APP for the state filed application for discharge of accused due to deficient evidence. Arguments heard and record gone through.

Record shows that complainant namely Gohar Hussain has charged accused namely Gul Shahzada for commission of the offence U/S 379 PPC vide FIR No. 21 dated 08.09.2021 of PS Kurez Boya.

Learned APP for the state filed application for discharge of the accused U/S 5 (b), Prosecution Act, 2005 read with Section 494 Cr. PC. Prosecution has requested for discharge of the accused on the ground of deficient evidence against the accused.

Record shows that allegations of theft have been levelled against accused. The alleged occurrence took place on 07.08.2021 and it was reported to the local police on 08.08.2021. FIR was registered on 08.09.2021. There is unexplained delay in lodging of FIR. Nothing incriminating whatsoever has been recovered and taken into possession from possession of the accused or on his pointation. Per record, there is


ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

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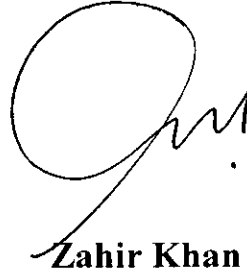
no criminal history of accused. Accused has not confessed his guilt before the court.

Keeping in view the available record, application for discharge of the accused U/S 5 (b), Prosecution Act, 2005 is accepted and accused nominated in FIR stands discharged in the instant case. He is on bail. His sureties stand discharge from their liability. Case property, if any be dealt with in accordance with law.

Copy of the order be placed on police file as well as Judicial file. Instant file be consigned to record room after necessary completion and compilation.

ANNOUNCED

23.08.2022



Zahir Khan
JMIC-I, Tehsil Kalaya, Orakzai