

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

ORAKZAI

Case No. 63/2

Case FIR No. 76 Dated: 17.06.2021 U/S 506/34,

PS Kalaya


Order No.14

08.10.2022

APP for the state present. Accused Israr Gul, Sadiq and Khanzada on bail present. Accused Noorshad is exempted. Complainant namely Muhammad Ashraf S/O Siyal Khan present. Complainant stated that he has pardoned the accused in the name of Almighty Allah and has got no objection if accused are acquitted from the charges levelled against them. To this effect, his statement is separately recorded which is duly thumb impressed by him. Copy of CNIC of complainant is Ex. PA.

Record shows that case was fixed for evidence of prosecution for today. PWs absent. After submission of challan and framing of formal charge, complainant was examined as PW-01. Statement of SI Aftab was recorded as PW-02. Statement of constable Nikzad Ali was recorded as PW-03 and statement of Muhammad Zahid (Moharrir) was recorded as PW-04.


As stated above, statement of complainant was recorded as PW-01. PW-01, in his cross examination stated that the local police came to the spot at about 03:00PM. The police nafri included SHO Shal Muhammad Khan, Farooq inspector and others. He reported the occurrence to SHO Shal Muhammad Khan at the spot. They were brought to the PS by SHO. Record shows that report of the


ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

08/10/22

complainant was reduced into writing in shape of Murasila by the then SHO Malak Abdul Janan. SHO Shal Muhammad Khan has not been shown present at the spot at the time of report. Complainant, in his cross examination further stated that the distance between spot and PS Kalaya would be 50 km. Per record, the alleged occurrence took place on 17.06.2021 at 12:30 PM and it was reported at 13:00 hours while complainant stated that they returned back to the spot from PS at 01:00PM. Complainant also stated that the distance between him and accused, at the time of occurrence is about 100 yards while as per site plan, the distance between complainant, PWs and accused is about 29 to 31 yards. Similarly, PW-02 in his cross examination stated that they left for the spot at about 02:00PM and reached there at about 02:30PM. The distance between spot and PS would be about 11/12 km. Muhammad Zahid, the then Moharrir, deposed as PW-04, in his cross examination he stated that he received Murasila at 13:40 hours.

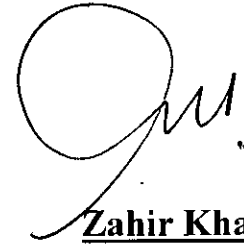
There are so many dents and doubts in case or prosecution. There are material contradictions in statements of PWs. Furthermore, complainant stated today that he has forgiven the accused in the name of Almighty Allah. To this effect, statement of complainant was separately recorded. Copy of his CNIC is Ex.PA. Resultantly, accused nominated in the FIR are acquitted from the charges leveled against them U/S 249-A Cr. PC, in case FIR No. 76 dated: 17.06.2021 U/S 506/34 PPC, PS Kalaya. The accused are on bail. Their 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.


ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai

08/10/22

File be consigned to record room after completion and compilation.

Announced
08.10.2022



Zahir Khan
Judicial Magistrate-I,
Kalaya, Orakzai