

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

**Case No. 25/2 of 2021**

**Case FIR No. 121 Dated: 29.11.2020 U/S 365, 384/34 PPC,**

**PS Kalaya**


**Order. No. 20**

06.12.2022

APP for the state present. Accused Ameen Ullah and Rafail on bail along with counsel present. Rest of the accused are exempted. Complainant absent. Counsel for accused/petitioners produced attested record of compromise affected between the parties at BBA stage in the court of learned District & Sessions Judge, Orakzai. Arguments on application U/S 249-A Cr. PC heard and record gone through.

Record shows that the instant case was registered against accused/petitioners for committing robbery i.e., snatching the motorcar of complainant, kidnapping the complainant and putting him in wrongful confinement vide FIR No. 121, dated 29.11.2020, U/S 365/384/34 PPC, PS Kalaya.

Accused Shoaib and Rafail were arrested and later on, released on bail on the basis of compromise. Bail before arrest of accused Ameen Ullah was confirmed on the basis of compromise vide order dated 12.01.2021 by the court of learned District & Sessions Judge, Orakzai. Accused

  
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Civil Judge JM  
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Muhammad Sadeeq is placed in column No. 2 of the challan form. Per record, no case is made out against accused Muhammad Sadeeq.

After submission of complete and supplementary challan against the accused/petitioners, accused were summoned. They appeared and provisions of Section 241-A Cr. PC were complied with. Complainant was also summoned but he did not appear before the court despite repeated summons/notices and warrant of arrest.

Record transpires that the alleged occurrence took place on 07.11.2020 at 17:00 hours and FIR was registered on 29.11.2020. There is unexplained delay in lodging of the FIR. Complainant has already affected compromise with accused/petitioners at bail stage. Attested record produced today and record placed on file, shows that complainant namely Jalal Khan appeared before the court concerned and recorded his statement wherein, he stated that he has entered into compromise with accused/petitioners. He has forgiven the accused/petitioners and has got no

objection upon their acquittal at the time of trial. Compromise deed was exhibited as Ex. PA while copy of his CNIC was exhibited as Ex. PA/1.

Furthermore, accused Muhammad Sadeeq has already been placed in column No. 2 of challan form due to deficient evidence against him.

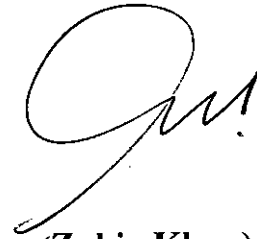


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There is no probability of accused/petitioners being convicted. Further proceedings would be a futile exercise and wastage of precious time of the court, therefore, application U/S 249-A Cr. PC is hereby accepted and accused facing trial are acquitted from the charges levelled against them. Their bail bonds stand cancelled. Sureties are discharged from their liability. Case property i.e., motorcar bearing registration No. BK-171, Islamabad has already been handed over to complainant on Superdari.

File be consigned to record room after necessary completion and compilation.

**Announced.**  
06.12.2022



(Zahir Khan)  
Judicial Magistrate-I,  
Tehsil Kalaya, Orakzai