

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

Case No .....1/2 of 2024.

Date of institution.....01.02.2024.

Date of decision.....18.03.2024.

Case FIR No. 45 Dated: 01.11.2023 U/S: 381-A, 468,471 PPC. Police Station: Mishti  
Mela, Orakzai

*State vs Muhammad Mofeed*

**Order No.07**  
**18.03.2024**

APP for the state present. Accused Muhammad Mofeed on bail present. Complainant Mami Khan present. Complainant stated that he has already patched up the matter with accused facing trial outside the court and has got no objection on acquittal of the accused facing trial. Statement of complainant is separately recorded which is duly thumb impressed by him. Copy of his CNIC is Ex.PA. APP for the state submitted application for withdrawal of the case u/s 494 Cr.PC due to deficient evidence on file and lack of interest of complainant in prosecution of the accused. Arguments heard and record gone through.

Record reveals that complainant namely Mami Khan has charged accused facing trial Muhammad Mofeed for stealing his motorcycle Honda 125-CC red color, bearing Reg. No. FB-5646, Kohat from Sray Garay, government primary school, Lower Orakzai.



**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**

18/03/024

Prosecution is seeking discharge of case u/s 5 (b) of the Khyber Pakhtunkhwa Prosecution Act, 2005 read with section 494 Cr.PC on the grounds that there is unexplained delay in report/registration of the case. There is no eye witness to the occurrence and source of information regarding involvement of accused in the commission of the offence has not been disclosed by the complainant. Complainant is no more interested in prosecution of the accused as he has patched up the matter. Per contents of the application, there is no probability of the conviction of the accused on the basis of available record and due to compromise/lack of interest of complainant in prosecution of the accused. Record shows that the occurrence is an un-witnessed one. There is unexplained delay in report/ registration of the case. Source of information is not disclosed by the complainant. Complainant is no more interested in prosecution of the accused. As for as, section 468, 471 PPC is concerned, FSL report regarding the motorcycle is placed on file as per which the chasses number before and after chemical treatment is EA-603721 which is also mentioned in the report of complainant.

Keeping in view the available record, application for discharge of the accused u/s 5 (b) of the Khyber Pakhtunkhwa Prosecution Act, 2005 read with section 494 Cr.PC, is accepted and accused Muhammad Mofeed stands discharged in the instant case. He is on



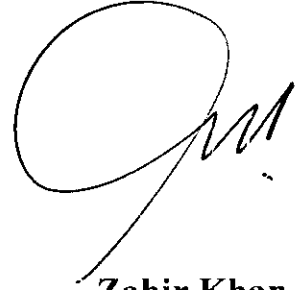
**ZAHIR KHAN**  
**Civil Judge/JM**  
**Kalaya Orakzai**

18/03/24

10  
bail. His sureties stand discharge from their liability. Case property already released on superdari to complainant.

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

**ANNOUNCED**  
18.03.2024



**Zahir Khan**  
JMIC-I, Tehsil Kalaya, Orakzai