(6)

COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

Case Title:___

	Serial No	Date of	Order or other Proceedings with Signature of Judge or
	of order or	Order	Magistrate and that of parties or counsel where necessary
	proceedings	Proceedings	
	1	2	· · · · · · · · · · · · · · · · · · ·
	Order No. 07	29.05.2024	DPP for the state present. Accused Muhammad Ishtiaq S/O
			Mushtaq Masih and Aqid Ali S/O Noor Muhammad present
			on bail. PWs absent. Notice U/S 249-A Cr. PC given to the
			prosecution.
٠,			Brief facts of the case are that complainant Shiaz Khan
			SHO sent a Murasila through constable Saif Ullah No. 1530
			to the effect that he along with other police officials were
			on gasht in the official vehicle. During gasht Nakabandi
			was made at the place of occurrence, meanwhile a motorcar
			number BD-4100, black colour coming from Kurez Bazar
			side was stopped. The driver was asked to step out, who
			disclosed his name as Muhammad Ishtiaq S/O Mushtaq
			Masih. On his body search, one 30 bore pistol along with
			license No. 661. There is sanctioned U/S 144 Cr. PC on the
			exhibition of weapons vide letter No. 204/CDC/ORK of the
			District Administration. Another person present on the front
			seat having 12 bore gun which was recovered from his
	Fa	ice.	possession. He disclosed his name as Aqid Ali S/O Noor
		5.29	Muhammad. He failed to produce any license of the same. Both of them were arrested and charged in the instant FIR
	29	T ZADA T	
	- BAKT Senior	T ZADAJM IVII JudgiJM al Baber Mela	Kurez Boya.
•	Orakza		
			Arguments of the learned counsel for the accused and

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Order No. 07 Continue	29.05.2024	learned DPP for the state heard and available record
		perused which shows that notification U/S 144 Cr. PC has
		neither annexed with the case file nor there is any evidence
		on the available record that the same has been affixed at a
		conspicuous place which further shows that the accused
		facing trial were not in the notice of the same. The
		occurrence has taken place at the main thoroughfare Kurez
	* <u>* * * * * * * * * * * * * * * * * * </u>	Dauli road, but none of independent witnesses has
		associated to verify the factum, mode and manner of the
		recovery. The mandatory provision of 103 Cr. PC has been
		violated. There is neither any FSL report nor any report of
		the armorer on the case file to the effect that whether the
-		weapon in question was in working condition or otherwise.
		Keeping in view the above facts and circumstances, there is
•		no probability of conviction of accused even if the
		statements of all the PWs are recorded, therefore, I hereby
		acquit both the accused facing trial U/S 249-A Cr. PC from
		the charges levelled against them. Pistol of Muhammad
		Ishtiaq accused being licensed weapon be returned to him,
		while the weapon allegedly recovered from Aqid Ali i.e.,
		gun 12 bore is hereby confiscated to the state.
		Case file be consigned to the record room after its
		necessary completion and compilation
		Announced: 29.05.2024 (Bakht Zada) Senior Civil Judge/JM,
		Orakzai at Baber Mela.