



**IN THE COURT OF SYED OBAIDULLAH SHAH**  
SESSIONS JUDGE, ORAKZAI (AT BABER MELA)

SESSIONS CASE NO. : 11/2 OF 2024  
DATE OF INSTITUTION : 03.07.2024  
DATE OF DECISION : 10.07.2024

STATE THROUGH REHMAT ULLAH SUB DIVISION OFFICER  
(SDO), TRIBAL ELECTRIC SUPPLY COMPANY (TESCO)

.....(COMPLAINANT)

-VERSUS-

MOEEN S/O SADIQ HUSSAIN, R/O QOUM BAR MUHAMMAD  
KHEL, DISTRICT ORAKZAI

..... (ABSCONDING ACCUSED)

**Present:** Umar Niaz, District Public Prosecutor for the State.


**FIR No.** 14  
**U/S:** 462-K PPC & 512 Cr.P.C.

**Dated:** 26.03.2024  
**Police Station:** Kurez

ORDER NO. 03  
10.07.2024

DPP, Umar Niaz for the State present. Accused Moeen is absconding. PW Arif Khan OII present and examined as PW-1. The prosecution abandoned the remaining PWs and closed its evidence.

- (2). Arguments heard and record gone through.
- (3). The prosecution's case, as outlined in the FIR is as follows: the complainant, SDO Rehmat Ullah TESCO through a Murasila addressed to the SHO of Police Station Kurez made a report to the local police to the fact that on 24.10.2023, the absconding accused was found committing illegal theft of electricity at Kokoshah Ghar, District Orakzai which amounts to financial loss burdened upon his

  
10/7/2024  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela

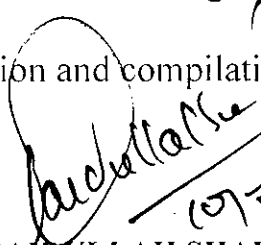
department. The Murasila was converted into FIR by Syed Ibn Ul Hassan MHC.

- (4). After completion of investigation, the prosecution submitted challan against the absconding accused who was proceeded u/s 512 Cr.P.C and the prosecution was directed to produce evidence in absentia of the accused. Accordingly, the prosecution produced and examined only 01 witness.
- (5). It is evident from the record that despite being proceeded u/s 204 Cr.P.C as well as u/s 87 Cr.P.C, the accused is avoiding his lawful arrest and there is no likelihood of his arrest in near future. As per evidence recorded by the prosecution, a prima facia case has been made out against the absconding accused **Moeeen**; hence, he is declared proclaimed offender. Perpetual warrant of arrest be issued against him and DPO, Orakzai is directed to enter his name in the register of proclaimed offenders. All the legal course be adopted for his arrest and he be brought before the court as and when arrested.

Order announced. File of this court be consigned to record room after its necessary completion and compilation.

Dated: 10.07.2024



  
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Sessions Judge, Orakzai  
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**SW-1**  
06.07.2024


**STATEMENT OF DFC MUHAMMAD AYAZ, POLICE  
STATION KUREZ ON OATH**

Stated that I was entrusted with warrant 204 Cr.P.C, Ex. SW 1/1 for search of accused Moeen s/o Sadiq Hussain, r/o Caste Bar Muhammad Khel District, Orakzai. In compliance of which I visited the village and the house of the accused but the accused was not found; therefore, I returned warrant 204 Cr.P.C unexecuted along with my report overleaf warrant which is Ex. SW 1/2. Similarly, I was also entrusted with proclamation notice u/s 87 Cr.P.C, Ex. SW 1/3. In compliance of which, I affixed one copy of proclamation notice on the notice board of the issuing court, second copy on the main gate of the house of accused and returned the third copy along with my report overleaf notice u/s 87 Cr.P.C. I have recorded statements of elders of the locality overleaf notice u/s 87 Cr.P.C which is Ex. SW 1/4. My statement was recorded by the IO u/s 161 Cr.P.C. Today, I have seen all the exhibits which are correct and correctly bear my signatures.

XXX.....

Nil (Accused Absconding).

**RO & AC**  
06.07.2024

  
(**SYED OBAIDULLAH SHAH**)  
Sessions Judge/ Judge Special Court,  
Orakzai at Baber Mela.