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FORM "A"

FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI

Case Title: State Vs Ahmad Ullah et

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order 11	26.06.2024	<p>APP for the state present. Accused Ahmad Ullah on bail present while accused Imtiaz exempted. Complainant in person present.</p> <p>Vide this order I intend to dispose of instant application filed u/s 249-A Cr.P.C. by accused/petitioners.</p> <p>Arguments already heard and record perused.</p> <p>Brief facts of the case are that complainant has alleged in the FIR that on the day of occurrence he alongwith other police officials was on routine patrolling and during patrol he visited the site where free distribution of flour amongst needy and poor persons was in progress under the Government Scheme. The police officials were busy in maintaining discipline at distribution point. A large number of people were standing in row waiting for their turn to receive flour. Meanwhile a person amongst the people left his place in the row and moved to the front of row. Other people in the row complained his said action and accordingly he said to that very person to go back to his previous position in the row but instead of going back he started scuffle with him. With the aid and assistance of other police officials said person was arrested and boarded in official vehicle, due to which his other tribe men became angry and started throwing the stones towards police party, due to which the mirror of official vehicle was broken and other damage was also caused. During this hustle and bustle one Hazrat Ullah s/o Badshah Hussain fired at police party but luckily no one got injured. After firing the accused disappeared in mob and further the mob also managed to release the person from the official vehicle.</p>

26.06.2024

SYED ABAAS BUKHARI  
Civil Judge/JM-II  
Tehsil Courts Kalaya

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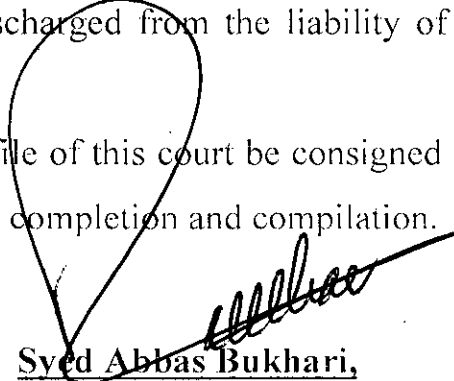
IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI  
Case Title: \_\_\_\_\_ Vs \_\_\_\_\_

<p><i>Contd. order 11</i></p>	<p>26.06.2024</p> <p><i>26.06.2024</i></p> <p><b>SYED ABBAS BUKHARI</b> Civil Judge/JM-II Tehsil Courts Kalaya</p>	<p>Thereafter police party came back to PS. Meanwhile the tribe men in shape of procession came towards police station and blocked the main road for any sort of traffic. Said procession was being led by the accused nominated in the FIR. The main gate of police station was locked by police party but the mob used abusive language and further threw stones at police station due to which main gate of police station and other articles mentioned in the FIR were damaged.</p> <p>It is also pertinent to mention here that at bail stage BBA of the accused was confirmed on the basis of compromise between the parties and furthermore, complainant appeared before the court and submitted compromise deed, wherein it was mentioned that as per instructions of DPO and with the intervention of elders of locality he has patched up the matter with the accused, hence he has got no objection if the accused are released on bail or subsequently acquitted during trial at later stage.</p> <p>It is also worth mentioning here that today complainant Younas Khan SHO PS Mishti Mela appeared before the court and stated at the bar that he is no more interested to pursue the instant case as he has previously patched up the matter with the accused. To this effect his statement was recorded in main suit no. 3/2 of 2024.</p> <p>It is also pertinent to mention here that apart from the compromise previously effected between parties to the instant case, there is also no such conclusive evidence or material available on the record which could lead to the conviction of accused at later stage. No specific role has been attributed to any accused except attributing role of firing to accused Hazart Ullah but neither the weapon of</p>
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<p><i>Contd... order 11</i></p>	<p>26.06.2024</p>	<p>offence has been recovered from accused Hazrat Ullah nor any empties have been recovered from the spot or have been shown in the site plan. There is also no such evidence available on the record that the distribution of flour was actually in progress and furthermore, under what scheme said distribution was being conducted. No source of satisfaction has been disclosed by complainant for charging 46 accused in the FIR and furthermore, how he mentioned the names of accused as well as their parentage in the FIR. Whether all the accused were previously known to him or he implicated them in the instant case. Moreover, the alleged occurrence took place on 27.03.2023 while FIR was chalked on 04.06.2023 i.e. after about more than two months of the alleged occurrence. Furthermore, no reason for such a long delay has been disclosed by prosecution during arguments.</p> <p>Hence, in the light of the above discussion the application in hand filed under section 249-A Cr.P.C. is hereby <b>accepted</b> and the accused facing trail namely 1. Ahmad Ullah s/o Khayal Akbar and 2. Imtiaz s/o Razeef Khan are acquitted U/S 249-A Cr.P.C from the charges levelled against them. They are on bail. Their bail bonds stand cancelled and sureties are discharged from the liability of bail bonds.</p> <p>Police file be returned while file of this court be consigned to record room after necessary completion and compilation.</p> <p><b><u>Announced.</u></b> 26.06.2024</p> <p style="text-align: right;"> <b>Syed Abbas Bukhari,</b> Judicial Magistrate-II, Tehsil Court Kalaya, Orakzai</p>
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