

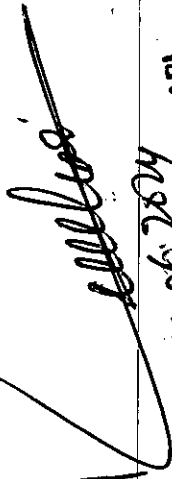
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FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI
Case Title: State Vs Shabce & Etc

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
<p>Order 11</p>	<p>26.06.2024</p>	<p>APP for the state present. Accused Shabbir, Del Nawaz and Raheel Badshah on bail present while rest of the accused facing trial are exempted. Accused Ahmad Shah s/o Sahib Shah, Khaid s/o Shameer Khan and Saeed Ullah s/o Sakhi Badshah are absconding. Complainant in person present. Formal charge against accused Raheel Badshah framed and placed on file.</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</p>




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<p><i>Contd. order 11</i></p>  <p>26.06.2024</p> <p>SYED ABBAS BUKHARI Civil Judge/J-II Tehsil Courts Kalaya</p>	<p>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. 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 wherein the attested copy of compromise deed was exhibited as Ex-PA while copy of his CNIC was exhibited as Ex-PB.</p> <p>It is also pertinent to mention here that apart from the</p>
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<p><i>Contd... order 11</i></p>	<p>26.06.2024</p> <p style="text-align: center;">  26.06.2024 SYED ABBAS BUKHARI Civil Judge/Judicial Magistrate Kalaya Orakzai Tehsil District </p>	<p>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 Hazrat Ullah but neither the weapon of 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 accepted and the accused facing trail namely 1. Shabir Khan s/o Minab Khan, 2. Mustaqeem s/o Aisar Khan, 3. Hazrat Ullah s/o Badshah Hussain, 4. Behrain s/o Khan Muhammad; 5. Shahid s/o Hanif, 6. Dilnawaz s/o Gulistan, 7. Raheem Ullah s/o Itbar Khan, 8. Asif s/o Aziz Ur Rehman, 9. Hassan Ullah s/o Nourang Khan, 10. Ashna Gul s/o Khapair Gul, 11. Ishfaq s/o Islam Gul, 12. Mewa Khan</p>
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s/o Rustam, 13. Jasim s/o Sakhi Marjan, 14. Shakir Ullah s/o Jan Asghar, 15. Nayab s/o Wazir Gul, 16. Jan Ullah s/o Karam Khan, 17. Jalil Khan s/o Pera Gul, 18. Musharaf Khan s/o Zar Khan, 19. Rehman Ullah s/o Kalat Khan, 20. Khan Akbar s/o Muhammad Afzal, 21. Qadar s/o Hassan Gul, 22. Fazal Akbar s/o Kameen Gul, 23. Naseer Ullah s/o Anar Gul, 24. Saeed Ullah s/o Naseeb Badshah, 25. Adil Nawaz s/o Naseem Shah, 26. Jameel Khan s/o Nasrat Khan, 27. Yousaf s/o Fazal Rahim, 28. Qismat Khan s/o Fazal Rahim, 29. Sar Khan s/o Muhammad Khan, 30. Alaf Khan s/o Zar Muhammad, 31. Sana Ullah s/o Sahib Shah, 32. Musharaf Khan s/o Haji Rehman, 33. Munir Khan s/o Abdur Rehman, 34. Said Nawaz s/o Maidan Khel, 35. Hakeem Ullah s/o Sadiq, 36. Muhammad Saleem s/o Aisar Gul, 37. Akaa Khel s/o Gul Asghar, 38. Razmeen s/o Salamat Khan, 39. Raheel Badshah s/o Sakhi Badshah, 40. Shahzaib s/o Ameen Wazir and 41. Babo Rehman s/o Sher Jan 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.

Keeping in view the available record this court is satisfied that a prima facie case exists against the absconding accused namely Ahmad Shah s/o Sahib Shah, Khaid s/o Shameer Khan and Saeed Ullah s/o Sakhi Badshah, they intentionally avoiding their lawful arrest, hence, accused are hereby declared as proclaimed offenders. Their names be entered in register/list of proclaimed offenders. Perpetual warrants of arrest be issued against them. Case property (if any) be kept intact till arrest and trial of the accused. Police file be returned while file of this court be




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