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IN THE COURT OF BAKHT ZADA, SENIOR CIVIL JUDGE/JM,
ORAKZAI

Case No..... OF 2024.

Date of institution.....26.06.2024.

Date of decision.....26.06.2024.

FIR No. 07, dated 13.04.2024, U/S 506/186 PPC, PS Ghiljo

Order No.01
26.06.2024

Complete challan received from the prosecution along with application for discharge of accused. Be entered.

Sr. PP for the state present. He has submitted an application for discharge of accused U/S 4-C (ii)/ 5-B of the prosecution act, 2005. In the instant case, FIR No. 7, dated 13.04.2024 registered U/S 506/186 PPC of PS Ghiljo.

Brief facts as alleged in the FIR are that complainant Abdur Rauf SI, PS Ghiljo has sent a Murasila through constable Abdur Raziq No. 1067 to the effect that he was present along with other police officials on Dabori road Ghiljo for Nakabandi in connection with checking the vehicles, meanwhile a person namely chairman Muhammad Karim S/O Zamin Shah, Muhammad Adil S/O Mahmadi Khan, Jamshed Khan S/O Shandi Gul along with 3/4 persons came and inquired that we have made barricade and why we are searching the visitors. During the hard talks, they abused the police party and started threatening them the

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above persons have made interference in the official duty of police. The Murasila was incorporated into the above-mentioned FIR.

The prosecutor/petitioner has requested for discharge of the case due to deficient evidence and that the case is unfit for trial.

Arguments of the learned Sr. PP/petitioner for the state heard and available record perused which shows that there is no independent eye-witness of the occurrence. There is no evidence mentioned in the report as well as in challan except mere oral allegations. Neither script of the alleged speech nor photography and videography of the incident have been collected. Sufficient incriminating material to connect the accused with the commission of the offence are not available on the case file. Names of the police officials and there is no probability of conviction of the accused charged in the FIR even if statements of all the PWs are recorded. I, therefore, discharge the instant case on the ground of deficient evidence. The accused are on bail. Their sureties are also discharged from the liability of their bail bonds.

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

ANNOUNCED
26.06.2024



(Bakht Zada)
Senior Civil Judge/JM,
Orakzai at Baber Mela.