

**IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI**

Case No .....19/2 of 2024.

Date of institution.....18.07.2024.

Date of decision.....23.07.2024.

Case FIR No. 37 dated 22.05.2024 u/s 382/34 PPC, PS Kalaya**Order No. 03**

23.07.2024

APP for the state present. Accused Muhammad Suleman on bail present. Accused Qasim is absconding. Complainant Naeem Khan present. He stated that he has patched up the matter with the accused nominated in the FIR. To this effect, his statement was recorded which is duly signed by him. Compromise deed is Ex.PA. Copy of his CNIC is Ex.PB. On previous date, notice u/s 249-A Cr.PC was given to the prosecution. Today, APP for the state submitted application for discharge of the accused u/s 5(b) of the Khyber Pakhtunkhwa Prosecution Act, 2005 read with sec 494 Cr.P.C. Arguments heard and record gone through.

**ZAHIR KHAN**  
Civil Judge/JM  
Kalaya Orakzai



Brief facts of the prosecution's case as unfolded in the FIR are that on 21.05.2024 at 14:00 hours, complainant Naeem Khan was on his way to Dana Khwala, Orakzai for outing, when two persons intercepted him by aiming their weapons at him, where after, one of

them snatched Rs.3500/- cash and also snatched Honda CD-70 motorcycle bearing registration No. FC-9733-Kohat. The complainant collected the information and after satisfaction, he charged accused Muhammad Suleman and Qasim for the commission of the offence.

Record shows that the alleged occurrence took place on 21.05.2024 at 14:00 hours and it was reported on 22.05.2024 at 11:00 hours. There is 01 day un-explained delay in the report. Record further

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shows that BBA of accused Muhammad Suleman was confirmed by the court of learned ASJ-II, Orakzai vide order dated 06.06.2024 on the ground of compromise. Today, complainant produced compromise

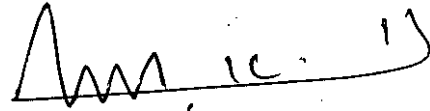
deed Ex.PA. As on merits, there is no independent witness to the occurrence. Source of satisfaction regarding involvement of accused in the commission of the offence has not been disclosed by the complainant. No recovery whatsoever has been effected from the possession of the accused or on his pointation.

Resultantly, application of the prosecution is allowed and accused facing trial namely Muhammad Suleman is discharged from the charges leveled against him. He is on bail. His sureties stand discharged from their liability. Per record, accused Qasim is absconding, however, as per office report, he has also been released on

post arrest bail, however, his supplementary challan is yet to be put in court. The court will requisition the record after submission of supplementary challan against accused Qasim accordingly. Case property, if any be kept intact till the conclusion of trial of the above named accused.

File be consigned to record room after necessary completion and compilation.

**Announced.**  
23.07.2024



(Zahir Khan)  
Judicial Magistrate-I,  
Tehsil Kalaya, Orakzai