

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

Case No28/2 of 2024.

Date of institution.....20.08.2024.

Date of decision.....30.09.2024.

Case FIR No. 37 dated 22.05.2024 u/s 382/34 PPC, PS Kalaya**Order No. 05**

30.09.2024

APP for the state present. Accused Qasim on bail present through counsel. Accused Muhammad Suleman has already been discharged from the case. Complainant Naeem Khan absent.

Today, the case was fixed for arguments on application u/s 249-

A Cr.PC submitted by accused facing trial but it the very outset of the arguments, public prosecutor requested for discharge of the accused.

He submitted written application u/s 5(b) of the Khyber Pakhtunkhwa Prosecution Act, 2005 read with sec 494 Cr.P.C. Arguments heard and record gone through.

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

ZAHIR KHAN
CIVIL Judge/JM
Kalaya Orakzai

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motorcycle bearing registration No. FC-9733-Kohat. The complainant collected the information and after satisfaction, he charged the present accused Qasim and discharged Muhammad Suleman for the commission of the offence.

Complainant has already patched up the matter with accused Muhammad Suleman and has got no objection on the acquittal of the accused. Statement of complainant was separately recorded on previous date which is duly signed by him. Copy of his CNIC is Ex.PA. 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. 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. Co-accused has already been discharged on the acceptance of application of prosecution.

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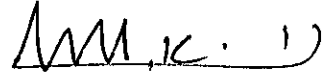
Resultantly, application of the prosecution is allowed and accused facing trial namely Qasim is discharged from the charges leveled against him. He is on bail. His sureties stand discharged from

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their liability. Case property, if any be dealt with in accordance with the law.

File of this court be consigned to record room after necessary completion and compilation along with requisitioned record.

Announced.
30.09.2024



(Zahir Khan)

Judicial Magistrate-I,
Tehsil Kalaya, Orakzai