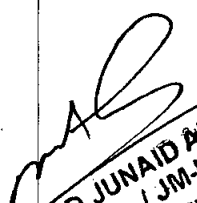


(14)

**FORM "A"**  
**FORM OF ORDER SHEET**

IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI  
Case Title: \_\_\_\_\_ Vs \_\_\_\_\_

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-13	16.12.2024	<p>APP for the state present. Accused Naqeeb Ali on bail present while accused Muhammad Ayaz exempted. Counsel for accused facing trial present. No one for complainant present. Counsel for accused submitted an application under section 249-A Cr. PC which is placed on file.</p> <p>Vide this order this Court intends to dispose of the instant application under section 249-A Cr.PC.</p> <p>Brief facts of the case in hand are that complainant Mst. Meerab Jan widow of Saadat Ali reported the issue to the local police in the police station, that on 04.12.2023 at about 16:00 hours, she alongwith her nephew Mst. Romeen Naz and Mst. Shahminaz were going for visiting to their relative for asking her illness. When we reached to the house of one Jangyali, some women came out of her house and started harsh words, used abusive language. Meanwhile, accused Naqeeb Ali and Muhammad Ayaz started beating us with sticks and mokos due to which she got injured on her right hand wrist and head while Mst. Shaminaz got injured on her head. Report of the complainant was reduced in shape of mad No. 10 dated</p>

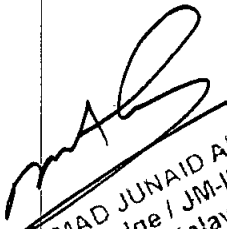
  
**MUHAMMAD JUNAID ALAM**  
Civil Judge / JM-II  
Orakzai at Kalaya

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**FORM "A"**  
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<p>Continued Order-13</p>	<p>16.12.2024</p>	<p>04.12.2023 was registered which was later on, converted into FIR after obtaining legal opinion from the office of DPP, Orakzai. Motive behind the occurrence is previous enmity.</p> <p>After completion of investigation, complete challan was put in court against the accused. Provisions of Section 241-A Cr. PC were complied with. Formal charge was framed. Accused pleaded not guilty and claimed trial. Prosecution was allowed to produce evidence against accused facing trial, 03 PWs have been examined so far.</p> <p>Muqadar Khan ASHO was examined as <b>PW-01</b>. He stated in his cross examination that complainant party was not present at the time of registration of FIR.</p> <p>Anwar Khan SI, was examined as <b>PW-02</b>. He stated in his cross examination that his statement was not recorded under section 161 Cr. PC.</p> <p>Nasir Khan, was examined as <b>PW-03</b>. He stated in his cross examination that challan forms and rest of the record is prepared in one and the same handwriting. Complete challan was prepared on 11.01.2024.</p> <p>Arguments of learned counsel for accused facing trial heard while learned APP for the State advanced his arguments. Upon perusal of the record and valuable assistance of the</p>
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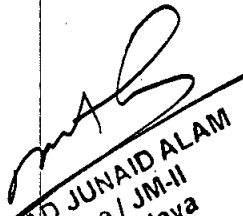
  
MUHAMMAD JUNAID ALAM  
Civil Judge / JM-II  
Orakzai at Kalaya

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**FORM "A"**  
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Case Title: \_\_\_\_\_ Vs \_\_\_\_\_


<p>Continued order 13</p>	<p>16.12.2024</p>	<p>counsel for accused/petitioners and learned APP for the state, that accused/petitioners through instant application allege that a series of contradiction exist in the statements of PWs and furthermore, there are serious dents in the evidence so far recorded by the prosecution, which make the case of prosecution one of further inquiry. Furthermore he allege that the instant case was put in Court on 18.12.2023, since than the complainant is not appearing before the court and several summons/notices have been issued for his attendance, which were returned with the report that complainant was telephonically informed and thus she did not appeared before this court despite due personal service. He further alleges that there is no probability of conviction of accused at later stage after recording of entire/remaining evidence of prosecution. Contrary to this learned APP for the state vehemently opposed the instant application and argued that accused have been directly charged in the instant case. They further argued that there exists no dent in the prosecution evidence and furthermore, the application in hand is pre-mature, hence the prosecution may kindly be allowed to produce their remaining evidence in order to bring home the charge against accused facing trial.</p>
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**MUHAMMAD JUNAID ALAM**  
Civil Judge / JM-II  
Orakzai at Kalaya

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Case Title: \_\_\_\_\_ Vs \_\_\_\_\_

Continued order 13	16.12.2024	<p>In light of above discussion, the application under section 249- A Cr. PC is allowed and accused facing trial namely Naqeeb Ali and Muhammad Ayaz are hereby acquitted U/S 249-A Cr.P.C from the charges levelled against them. Their bail bonds stand cancelled and sureties are discharged from the liability of bail bonds. Case property, if any, be kept intact till period of appeal.</p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><b><u>Announced</u></b> 16.12.2024</p> <p style="text-align: right;"> <b><u>Muhammad Junaid Alam,</u></b> Judicial Magistrate-II Tehsil Courts, Kalaya, Orakzai</p>
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