

IN THE COURT OF JUDICIAL MAGISTRATE-III M.F.C QUETTA.

PPC Case No. 144/2021

F.I.R No:168/2020.

P.S Kharotabad, Quetta.

1. Saima Chaudary Wife of Habib Manzoor,
2. Aman S/o Habib Manzoor,
3. Amjad Abdullah S/o Abdullah,
4. Aneesh S/o Abdullah,
5. Anoosh S/o Amjad Abdullah,
6. Naseem Wilson S/o Wilson,
7. Javed Wilson S/o Wilson Chaudary,
8. Mst. Shazia Wife of Amjad,
9. Mst. Alina D/o Habib Manzoor,
10. Mst. Kanwal D/o Wilson.

.....Accused/Applicants Facing Trial.

VERSUS

The State

.....Respondent.



OFFENCE U/S 337/AD, 354, 452, 427, 436, 504, 506/B,
147, 149 OF P.P.C

APPLICATION UNDER SECTION 249-A CR.P.C FOR
ACQUITTAL OF ACCUSED/APPLICANTS FACING
TRIAL.

Junior of Mr. Amir Afridi Advocate (Late) for
accused/applicants.

Ms. Aster Mehak, Advocate for Complainant.

Ms. Sania Shoukat ADPP for the State.

ORDER:-

22.02.2022

1. Through this Order I intend to dispose of the instant case registered against the accused persons named above in case FIR No. 168/2020 under sections 337/AD, 354, 452, 427, 436, 504, 506/B, 147, 149 of P.P.C at Police Station Kharotabad, Quetta.
2. Brief facts of the case are that on 11.10.2020 at about 10:30 Pm accused persons in furtherance of their common intention armed with

sticks entered into house of complainant Naseem S/o Sadiq and used filthy language, made assault upon complainant and his mother with sticks and bricks due to which they sustained injuries at their person, broke the main door and set fire to the wooden hut adjacent to complainant's house. Subsequently, the instant case was registered against all of the accused persons.

3. After completion of investigation, instant challan of the case was submitted against the accused persons titled above. After meeting all due codal formalities a formal charge was framed under sections 337/AD, 354, 452, 427, 436, 504, 506/B, 147, 149 of PPC. After denial of accused the counsel of accused/applicants filed an application under section 249-A Cr.P.C for the acquittal of accused persons on the basis of unavailability of evidence. Notice along with copy of the application under section 249-A Cr.P.C was given to the state through ADPP to defend the same.

Arguments were heard from both sides while available entire record was perused.

The perusal of entire record of case reveals that two cross FIR's i.e. 168/2020 & 169/2020 in P.S Kharotabad were lodged by both parties as the section of FIR No. 169/2020 were compoundable in nature. Therefore, the parties submitted their compromise deed and the same case was disposed of. In this case complainant Naseem Sadique was examined on oath as PW-1, who also resiled from his earlier stance of FIR and stated that minor quarrel had taken place between him and his neighbors (accused facing trial) and now compromise has also been effected between them. Another key/eye witness of prosecution namely: Mst. Perveen was examined on oath as PW-2, who also seconded the version of PW-1.

6. Sifting of record reveals that no other material evidence was found on record against the accused persons which could connect them in the alleged offences. Moreover, the main evidence has almost been produced by the prosecution who were resiled from their earlier stance. Both PW's admitted the compromise and categorically stated that some minor quarrel had taken place between them and their neighbors (accused facing trial)
7. The Prosecution case if be believed in Toto, even then the charge against the accused persons is groundless, as no evidence is available

on record against them. Furthermore, compromise have been effected between them. Therefore, in view of these reasons this court finds further trial by such set of available evidence on record against accused/applicants as purposeless. In view of above this court is fully convinced that if prosecution is allowed to proceed with such set of available evidence there exists no chance of conviction of accused/applicants. Resultantly, the accused persons Saima Chaudary Wife of Habib Manzoor, Aman S/o Habib Manzoor, Amjad Abdullah S/o Abdullah, Aneesh S/o Abdullah, Anoosh S/o Amjad Abdullah, Naseem Wilson S/o Wilson, Javed Wilson S/o Wilson Chaudary, Mst. Shazia Wife of Amjad, Mst. Alina D/o Habib Manzoor, Mst. Kanwal D/o Wilson are acquitted of the charge accordingly. The accused persons are on bail, their bail bonds shall stand discharged after lapse of appeal period.

Given under my hand and seal of the court this day of 22nd February, 2022.

S. Khan
(Jamil Ahmed Mizri)

Judicial Magistrate III/ M.F.C, QUETTA.

Certified to be True Copy

DISTRICT & SESSION JUDGE, QUETTA.

Article 27 of the Qanun-e-Shahadat Order 1984

Compared by
Section Writer

[Signature]

[Signature]
18/9/22

GHULAM HUSSAIN & OTHERS VS MUHAMMAD USMAN &
OTHERS CONTEMPT OF COURT

Order sheet

04-06-2022

Called. Counsel for applicants Miss Asthar Mahak Advocate present. Counsel for respondents 1 to 5 Mr. Amjad Raisani Advocate present. In the last hearing arguments were heard to as whether instant application filed under order XXXIX rule 2 sub rule 3 CPC is maintainable?

The applicants have alleged the respondents 1 to 5 for raising construction on the suit property despite the fact that this court vide an order dated 09-11-2021 had directed parties of the suit, to maintain Status Quo in respect of the suit property. The respondent have denied that ad-interim injunctive order of the court dated 09-11-2021 has been violated by them. It is a question to be determined on merits that whether order of the court has been violated by respondents. Application is held maintainable. Issue are framed. To come up on 14-06-2022 for list of witnesses of applicants.