

IN THE COURT OF JUDICIAL MAGISTRATE-XIII/MFC, QUETTA.

Case No.02/2023

FIR No. 08/2023

P.S Hanna Urak, Quetta

State

Versus

Irfan Ali s/o Malik Ashfaq,

Caste Awan r/o Alamdar Road, Quetta.

(Accused/applicant)

OFFENCE UNDER SECTION 15-E BALOCHISTAN ARMS ACT 2022.
APPLICATION UNDER SECTION 249-A Cr.P.C.

Present: Mr. Kamran Tareen Advocate for accused/applicant.
Mr. Sajjid Baloch State Representative.

ORDER.

14th May, 2024

By virtue of this order, I intend to dispose of application under Section 249-A Cr.P.C filed for acquittal of accused/applicant who was involved in case F.I.R No. 08/2024 lodged under section 15-E Balochistan Arms Act 2022 at P.S Hanna Urak, Quetta by the complainant Wazir Muhammad ASI/DO with assertions that on 22.01.2024 at about 12:30 PM accused along with co-accused have been apprehended in case vide FIR No.08/24 offence under section 15-E The Balochistan Arms Act 2022 P.S Hanna, Quetta and his body was searched resulted in recovery of one T.T Kof vide bearing KAC-8734 on the spot from his possession. On demand, accused could not produce any license or permit. Hence, this the FIR and instant case.

2. After completion of usual investigation, challan was submitted before this court for trial. The accused person was noticed, copies were provided to him. Thereafter, a formal charge was framed to the accused on 15th April, 2024 which was denied by him. Upon the denial of charge, the prosecution was directed to substantiate evidence in support of its case. Subsequently, the case was fixed for evidence, meanwhile, the counsel of accused/applicant filed an application under Section 249-A Cr.P.C, copy of the same was provided to the state representative and fixed for arguments.

3. Arguments heard. Learned Counsel for accused/applicant contended that he was employee of M/s S.S Security Services Pvt Ltd and alleged pistol is licensed weapon which is registered on name of said security company which was recovered from his possession. He produced the copies of license, as well as letter pad of said company which shows that accused/applicant is employee of said company. Hence, the learned counsel said that no case is made out against the accused/applicant; thus, requested that the accused/applicant be acquitted.

23.5.2024
Kamran Tareen
Advocate

4. On the other hand, State representative relied on the available record.
5. Submissions made by the Learned Counsel for accused/applicant and State representative considered in the light of available record which on careful perusal reflects that the accused claims to possess the license of the T.T Kof duly issued on the name of Abdul Rahim and others having license No.3001100000950265 dated 18th May, 2022. To verify, the same license was sent for verification through letter vide No. 71/JM-XIII, Qta dated 16.03.2024 to which a report has been received from the office of Home Department Sindh vides its letter No.SO(Sec) HD-7 (Misc)/2024 **Government Of Sindh Home Department, Karachi** Dated on 19.03.2024. The license of alleged T.T Kof bearing No. KAC-8734 is genuine. And accused/applicant is employee of said security company. Thus, the charge has now become groundless against the accused/applicant and there is no probability of accused/applicant being convicted of any offence. Thus, further pendency of the above titled case will not serve a fruitful purpose rather it will be wastage of precious time of this court.
6. Therefore, keeping in view the above facts and circumstances, further proceeding with the case is just futility and wastage of precious time of this Court as there is no likelihood of the accused/applicant being convicted of the offence, the application u/s 249-A Cr.P.C. is accepted and accused/applicant is acquitted of the charge. He is present on bail, his bail bonds stand discharged after lapse of appeal period. File after its due completion and compilation be consigned to record. Given under my hand and seal of the Court this 14th day of May, 2024.

Sd/-

(Muhammad Akram Pandrani)

Announced in the open Court.

Incharge Judicial Magistrate-XIII/MFC,
QUETTA

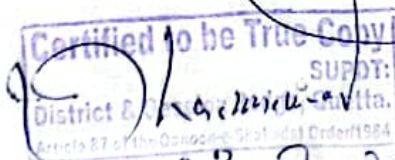
Case Property Order:-

Case property (i) T.T Kof 30 Bore bearing No.KAC-8734 and magazine (ii) one vehicle i.e vitz car bearing registration No. AQH-568, Engine No. 1166432, Chassis No. SCP10-0447716 be handed over to the owner/last possession holder on production of original documents and their due verification after adopting the due process of law on lapse of appeal/revision period.

Sd/-

(Muhammad Akram Pandrani)

Incharge Judicial Magistrate-XIII/MFC,
QUETTA



Prepared by
Section Writer

23.7.24