

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

Case No.48/2021.

FIR No. 17/2021

P/S ACC FIA, Quetta.

The State Versus Abdul Ghani & others

OFFENCE UNDER SECTION 3,4, 17 of PECA-2016 R-W 406, 420,  
468, 34 109 PPC

APPLICATION UNDER SECTION 249-A Cr.P.C FOR ACQUITTAL  
OF ACCUSED PERSON

Present:-

*Miss. Aster Mehak ld. counsel for the applicants/accused  
AD legal FIA Mr. Umar Saeed for State*

**ORDER.**  
27.12.2023

1. This order shall dispose off the application under section 249-A Cr.P.C which has been filed on behalf of the applicants/accused by the learned defense counsel.

2. Brief facts necessary for disposal of instant application are that on 18.05.2020 the accused persons involved in selling SIMs to grey trafficking channels and also shared details of SIMs suspected in grey trafficking through a CD. Hence, the instant FIR was lodged against the accused persons and investigation was carried out.

3. Learned defense counsel moved the instant application under section 249-A Cr.P.C on the ground that there is no probability of applicants/accused being convicted for any offense in the case in hand and charge against them is groundless.

4. Notice and copies of the application were supplied to the other side and I heard arguments from the both sides.

5. The careful examination of the record reveals that serious nature of allegations in the charge sheet consisting list of witnesses alongwith the documentary evidences have leveled against the applicants/accused and at this very initial stage without having recorded the



said oral as well as documentary evidences innocence or guilt of accused cannot be determined. Furthermore, ignoring said evidences at this stage would cause prejudice to the prosecutions. Therefore, I am of my humble view that application under section 249-A Cr.P.C. at this stage has no weight. Consequently, it is rejected and the prosecution is directed to record its evidences within two weeks positively.

Given under my hand and seal of the court on this 27<sup>th</sup> day of December, 2023.

Announced in open court

  
(KALEEM ULLAH MUSYANI)  
Judicial Magistrate-VII/MFC,  
Quetta

Compared by  
Section Writer  
  
20-05-24

Certified to be True Copy  
SUPDT.  
District & Session Judge, Quetta  
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