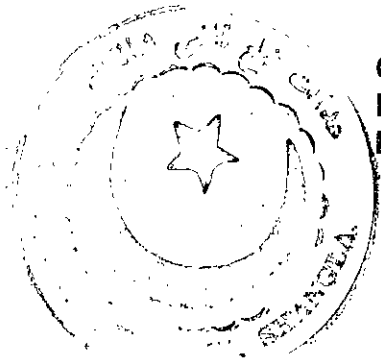


IN THE COURT OF BABAR ALI KHAN DISTRICT & SESSIONS
JUDGE/ZILLA QAZI SHANGLA, CAMP COURT AT SWAT.



Case No: 01/3 of 2014
Date of Institution: 17.03.2014
Date of Decision: 10.11.2016

THE STATE.

Versus

1. Zar Muhammad s/o Multanat Khan alias Shina
2. Bakht Ali s/o Rozi Khan
3. Usman Ali alias Raid Alam s/o Amir Baz
4. Wali Hayat alias Wilayat Khan s/o Lajbar alias Balai r/o Dambara, Koz Paw, Tehsil Puran District Shangla.....Accused facing trial.

CASE FIR NO. 80 DATED 22.02.2014 U/S 17(3) Harraba.

457,342,170/34 PPC POLICE STATION ALOCH, DISTRICT SHANGLA.

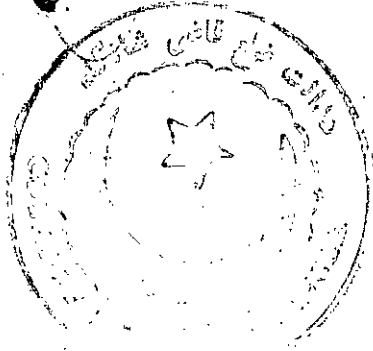
JUDGMENT.

District & Sessions Judge (1), Swat
(Camp Court Swat)

1. Complete challan against the accused named above submitted by the prosecution in instant case FIR No: 80 dated 22.02.2014 u/s 17(3) Harraba, 457,342,170/34 PPC PS Aloch, District Shangla.

2. Brief facts of prosecution case are that on dated 22/02/2014 at 08:05 hours complainant Amreez Khan s/o Haji Ajmeer Khan r/o Burjo Kanay, Koz Paw District Shangla has lodged the report asserting therein that on dated 19/02/2014 at 00:30 hours at night he along with other inmates of the house were asleep when in the meantime someone knocked at the outer door due to which he went and asked about their identity. In response it was replied that they were Army Men and were

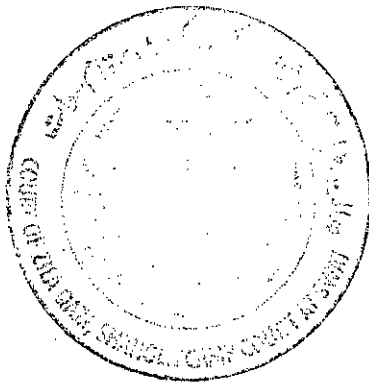
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checking the house. As such the complainant opened the door. That four armed persons whose faces were ~~not~~ entered into the house and locked all the family members along with complainant in one room and started search of the house. That after search of the house, all the accused left the house by stating that they have completed the search and now they will search other houses as well. That thereafter the complainant searched the house and found that 12 Tola Gold ornaments worth Rs.600000/- (Six lacs) along with cash amount of Rs.14530/-, Kalashnikov local made, 02 number of shotguns with other weapons were taken by them. That after due satisfaction the complainant charged the accused named above for the commission of offence. As such the instant FIR got registered.

[Signature]
District & Sessions Judge/70, 51
(Camp Court Swat)

3. Initially accused Zar Muhammad and Bakht Ali were arrested while accused Usman Ali & Wali Hayat were absconding. Complete Challan against the arrested accused while Challan u/s 512 Cr.P.C was submitted against the absconding co-accused. Later on accused Usman Ali alias Raid Alam and Wali Hayat alias Wilayat Khan were arrested and their supplementary Challans were submitted for trial. On the process of the court all the accused attended the court in custody. After the compliance of Section 265-C Cr.P.C, formal charge was framed in which accused met with denial and claimed trial.

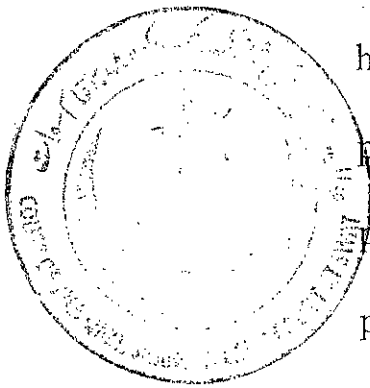
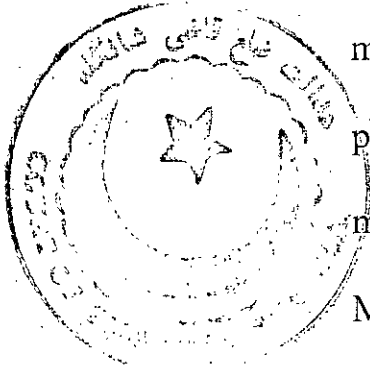


4. Prosecution in support of the charge produced the following witnesses.

5. **PW-1 Amir Dost Khan s/o Lajbar r/o Margzai, Koz Paw District Shangla** who is the marginal witness to the recovery memo Ex.PW-1/1 vide which the I.O in his presence took into possession one box with broken lock from which the accused had stolen 12 Tolas of Gold ornaments and 14500 rupees from the same produced by complainant. He is also marginal witness to the recovery memo Ex.PW-1/2 vide which the I.O in his presence during house search of accused Zar Muhammad arrested him and recovered one gun/repeater 12 bore having three cartridges from the cot of accused lying beneath the pillow. That in his presence the local police also conducted raid on the house of accused Wilayat Khan but the accused was not found however one SMG along with four live rounds was recovered and was taken into possession vide recovery memo Ex.PW-1/3. That local police also conducted raid on the house of accused Bakht Ali and the accused was arrested and from his cot one Kalashnikov along with two live rounds were recovered and taken into possession by local police through recovery memo Ex.PW-1/4. That accused Bakht Ali & Zar Muhammad pointed the scene of occurrence (house

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District & Sessions Judge (C), S
(Camp Court Swat)

of the complainant) and at their pointation, pointation memo Ex.PW-1/5 was prepared by local police in his presence. He is also marginal witness to the pointation memo Ex.PW-1/6 vide which the accused Zar Muhammad pointed the place of recovery of repeater from his house. Similarly he is also marginal witness to the pointation/recovery memo Ex.PW-1/7 vide which the local police recovered and took into possession one 12 bore shotgun double barreled and Kalashnikov along with twenty live rounds from the cave at the pointation of accused Zar Muhammad and Bakht Ali which were concealed by them after the occurrence. That in his presence the accused Zar Muhammad pointed that the stolen gold ornaments has been concealed by him in the house of co-accused Wali Hayat on which the accused led the police party there and recovered one plastic bag containing ornaments from the back side of box and handed over to the police which was taken into possession vide recovery memo Ex.PW-1/8 and pointation memo Ex.PW-1/9 was also drafted by local police in his presence. That he is marginal witness to the recovery memo Ex.PW-1/10 vide which the local police recovered one Kalashnikov & rounds from the house of accused Bakht Ali at his pointation and he also signed the



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District & Sessions Judge, Swat
(Camp Court Swat)

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memo of identification of Gold ornaments Ex.PW-1/1.


He verified the recovery proceedings as well as his signatures and that of other marginal witnesses on the recovery memos as correct.

6. **PW-2 Arsala Khan constable No.917 PS Chowga** who is the marginal witness to the recovery memo Ex.PW-2/1 vide which the I.O recovered and took into possession one "Junki", three nose rings, one ear ring, one long ring, one broken Nicklaus, one locket and one "Karai" concealed into the pocket of coat by the accused at his pointation. He is also marginal witness to the recovery memo Ex.PW-2/2 vide which the I.O recovered and took into possession the share of stolen amount of Rs.600 from the accused produced by the accused in his house. He is also marginal witness to the recovery memo Ex.PW-2/3 vide which the I.O recovered and took into possession one rifle along with two live rounds at the pointation of accused Wilayat Ali which was used by him during the occurrence. He verified the recovery proceedings as well as his signatures thereon as correct.
7. **PW-3 Bahdur Sher HC PS Aloch** who is marginal witness to the recovery memo Ex.PW-3/1 vide which the I.O took into possession one mobile phone Nokia from

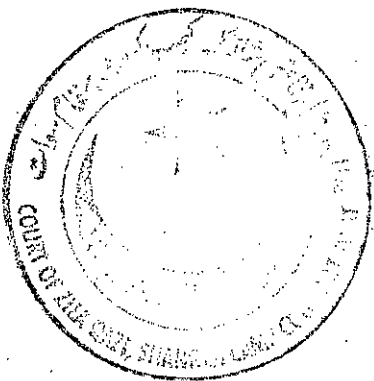
District & Sessions Judge
(Camp Court Swat)

accused Wilayat Khan. He verified the recovery proceedings as well as his signature thereon as correct.

8. **PW-4 Sher Ali No.915 PS Aloch** who is the marginal witness to the recovery memos Ex.PW-4/1 vide which the I.O recovered and took into possession Rs.10000/- from accused Zar Muhammad as stolen amount. He is also marginal witness to the recovery memo Ex.PW-4/2 vide which the I.O recovered and took into possession Rs.1030/- from accused Bakht Ali as his share in stolen amount. That one Nokia mobile phone was taken into possession by the I.O in his presence from the accused Usman Ali alias Raid Alam vide recovery memo Ex.PW-4/3. He verified the recovery proceedings as well as his signatures thereon as correct.

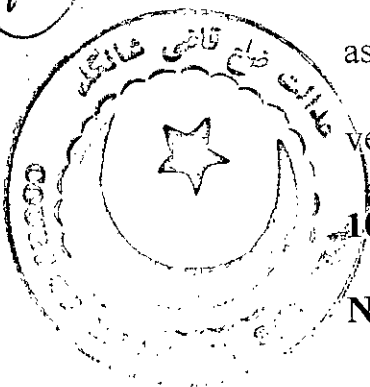

District & Sessions Judge
(Camp Court Swat)

9. **PW-5 Mujeeb-ur-Rehman No.807** who is also marginal witness to the recovery memo Ex.PW-5/1 vide which the I.O recovered and took into possession stolen money Rs.1500/- and one "Junki" at the pointation & instance of accused Usman Ali alias Raid Alam from his house which was concealed by him after occurrence. He is also marginal witness to the pointation memo Ex.PW-5/2 vide which the accused Usman Ali pointed the house of complainant (place of occurrence) and the places of presence of accused on the spot. He verified the recovery



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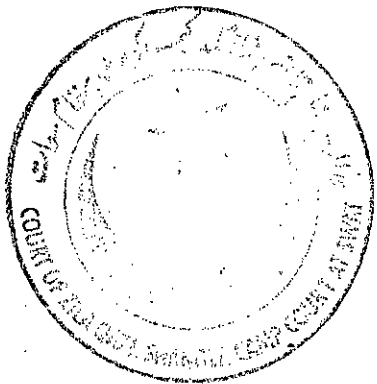
as well as pointation proceedings as correct. He also verified his signatures thereon as correct.



10. **PW-6 Faiz-Ullah Khan s/o Akhtar Munir r/o Nimkalay Aloch District Shangla** who is Goldsmith by profession and running his business in the name of "Jidda Jewllers" situated in Arif Market Puran. On 16.03.2015 the local police produced some ornaments to him and he examined the same and found three Gold nose pins while the other ornaments which were not of gold. In this regard he issued a receipt/report which is Ex.PW-6/1. He verified his report as correct.

11. **PW-7 Ayanullah s/o Masoom Khan r/o Burjo Kanay, Puran District Shangla** who is the marginal witness to the pointation memo Ex.PW-7/1 vide which the accused Wilayat Khan made the pointation of place of occurrence and also the places of presence of all the accused at the spot to the I.O in his presence. He verified the pointation memo and his signature thereon as correct.

District & Sessions Judge (Camp Court Swat)



12. **PW-8 Habib Shah SHO PS Aloch** who registered the FIR Ex.PA on the report of the complainant Amreez Khan, conducted raid on the house of accused Zar Muhammad, arrested him vide card of arrest Ex.PW-8/1, recovered one repeater having three live cartridges of 12

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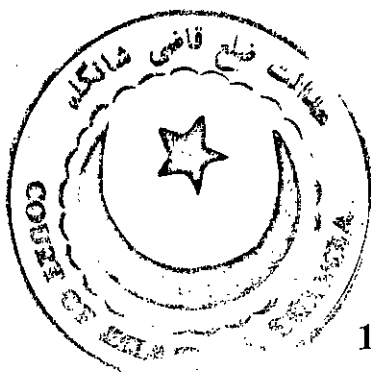


bore Ex.P-1 vide recovery memo already Ex.PW-1/2 from the cot of accused lying beneath the pillow and the I.O prepared recovery sketch on his pointation. That he also conducted raid on the house of accused Wilayat Khan and during house search the accused Wilayat Khan was not found however one SMG bearing No.1975EK5511 Ex.P-2, *one* charger having four live rounds 7.62 bore from the cot of accused and took the same vide recovery memo Ex.PW-1/3 and the I.O also prepared recovery sketch on his pointation. He further conducted house search of accused Bakht Ali, arrested him vide card Ex.PW-8/2, recovered one SMG No. 56-11403187 along with one charger having two live rounds of 7.62 bore Ex.P-3 from his cot lying beneath the pillow vide recovery memo Ex.PW-1/4 and the I.O also prepared recovery sketch on his pointation. He submitted complete Challan Ex.PW-8/3 against the accused for trial. On 30.03.2014 accused Usman Ali alias Raid Alam was arrested vide card of arrest Ex.PW-8/4 and recovered one Kalashnikov along with ten live rounds from his possession and after completion of investigation he submitted Supplementary Challan Ex.PW-8/5 against the accused for trial. He verified his signatures on various documents as correct.

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District & Sessions Judge
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13.PW-9 Nasib Zada No.203 PS Chowga at present PS

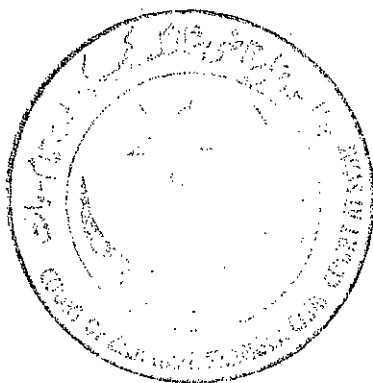
Kamach District Shangla who is marginal witness to the memo Ex.PW-9/1 vide which the I.O opened the parcel of ornaments and re-sealed the same after examination.



14.PW-10 Muhammd Sayeed Khan ASI/Inv PS Chowga

District Shangla who stated that on arrest of the accused Wilayat Khan, was handed over to him for interrogation, he took into possession one Nokia mobile phone (Ex.P-4) from the accused vide recovery memo Ex.PW-3/1, got three days police custody of accused vide application Ex.PW-10/1 and in the supervision of SDPO Puran a joint investigation team was constituted vide letter Ex.PW-10/2 consisting upon Nowsherwan Khan SI, Muhammad Bashar Khan SI and this PW. They jointly interrogated the accused Wilayat Khan and accused admitted his guilt before them and was ready for pointation of stolen money and ornaments which were concealed by the accused in his house after occurrence. The accused led the police party to his house and on his pointation three nose rings Ex.P-5, one "Junki" Ex.P-6, one ear ring Ex.P-7, another ear ring Ex.P-8, one necklace Ex.P-9, one locket Ex.P-10 and one bangle Ex.P-11 were recovered and taken into possession vide

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District & Sessions Judge (I/O)
(Camp Court Swat)



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recovery memo Ex.PW-2/1 and he also prepared recovery sketch Ex.PW-10/3 and also made photographs Ex.PW-10/4, Ex.PW-10/5 and Ex.PW-10/6. That accused also handed over him Rs.600/- as a substitute of stolen amount Ex.P-13 and took the same into possession vide recovery memo Ex.PW-2/2 and recovered one rifle 7.62 bore along with two live rounds Ex.P-15 at the pointation of accused and took into possession vide recovery memo Ex.PW-2/3 and prepared recovery sketch Ex.PW-10/7 and photographs were made which is Ex.PW-10/8, the accused also pointed out the place of occurrence and in this regard pointation memo is Ex.PW-7/1. He corrected the name of accused after perusing his CNIC as Wali Hayat instead of Wilaiat Khan vide memo Ex.PW-10/10, checked the recovered ornaments through Jeweler and in this regard obtained certificate Ex.PW6/1 and produced the accused before the court for recording his confessional statement vide application Ex.PW-10/12 and also requested for identification parade vide application Ex.PW-10/13 and placed on file DD regarding his departure from PS Ex.PW-10/14 and arrival Ex.PW-10/15. He sent the rifle to FSL vide application Ex.PW-10/16 and placed on file FSL report as Ex.PK. He also placed on file CDR report of the accused Ex.PW-

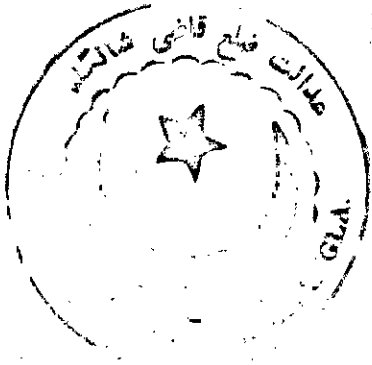
Ex.PW-
District & Sessions Judge
(Camp Court Swat)

10/17 and regarding joint investigation team submitted their report as Ex.PW-10/18. That he recorded statements of the PWs u/s 161 Cr.P.C and on completion of the investigation he handed over the file to SHO for its onward transmission.

15. PW-11 Muhammad Bashir SI PS Chowga who was then posted at PS Aloch as SI/Inv. He is the investigating officer of the case. He visited the spot and prepared site plan Ex.PB at the pointation of complainant, took into possession one tin box with broken hooks vide recovery memo Ex.PW-1/1, raided at the house of accused Zar Muhammad and he was arrested and recovered one repeater 12 bore along with three cartridges. In this regard separate Murasila was drafted and was sent to PS for registration of case. He prepared recovery sketch Ex.PW-11/1 and after that they conducted raid on the house of accused Wiliyat Khan and the SHO recovered one Kalashnikov along with charger Ex.P-18 and four live rounds Ex.P-19 vide recovery memo Ex.PW-1/3 and he prepared recovery sketch Ex.PW-11/2. They also conduct raid on the house of accused Bakht Ali and during house search the accused was arrested and recovered one Kalashnikov Ex.P-3 along with charger Ex.P-20 and two live rounds Ex.P-21 and took into

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District & Sessions Judge (C)
(Camp Court Swat)

possession vide recovery memo Ex.PW-1/4 and prepared recovery sketch Ex.PW-11/3. After that they conducted raid on the house of accused Raid Alam and memo of house search Ex.PW-11/4 was drafted. He obtained three days police custody of the accused vide application Ex.PW-11/5, during interrogation recovered Rs.10,000/- from accused Zar Muhammad as his share in the stolen amount vide recovery memo Ex.PW-4/1 and also took into possession Rs. 1030 from accused Bakht Ali as his share in stolen amount vide recovery memo Ex.PW-4/2. He obtained warrants of arrest u/s 204 Cr.P.C against the absconding accused vide application Ex.PW-11/6, drafted pointation memo Ex.PW-1/5 & Ex.PW-1/6 at the pointation of accused Zar Muhammad and Bakht Ali and also recovered one double barrel shotgun Ex.P-27, Kalashnikov Ex.P-28, charger loaded Ex.P-29, twenty live rounds Ex.P-30 at the pointation of accused Zar Muhammad duly concealed in a cave after the commission of offence vide recovery memo Ex.PW-1/7 and recovery sketch Ex.PW-11/7. He also recovered stolen gold ornaments from the house of accused Wilayat Khan at the pointation of accused Zar Muhammad vide recovery memo Ex.PW-1/8 and also prepared pointation memo of gold ornaments Ex.PW-1/9 and identification



District & Sessions Judge
(Camp Court Swat)



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memo Ex.PW-1/11. He also recovered one Klashi along with two live rounds at the pointation of accused Bakht Ali vide recovery memo Ex.PW-1/10. He produced the accused before the court for recording their confessional statements vide application Ex.PW-11/8 where the accused resiled and he also obtained proclamation notices u/s 87 cr.P.C from the court against the absconding co-accused vide his application Ex.PW-11/9 and got certificate from Jeweler Ex.PW-11/11 and also issued memo Ex.PW-11/12 for additions of crime. He recorded statement of the PWs and handed over the file to SHO concerned for its onward submission. Absconding accused Usman Ali was arrested on 30.03.2014 and he took into possession Nokia mobile from the accused vide recovery memo Ex.PW-4/3 and obtained three days police custody of the accused vide application Ex.PW-11/20. He interrogated the accused and on his pointation recovered stolen cash amount Rs.500/-, one "Junki" vide recovery memo Ex.PW-5/1 and prepared recovery sketch Ex.PW-11/21 coupled with preparation of pointation memo Ex.PW-5/2. That he produced the accused before the court for recording his confessional statement vide application Ex.PW-11/22 but the accused resiled and was sent to Judicial Lockup. He

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District & Sessions Judge
(Camp Court Swat)

also obtained CDR reports of all the accused vide his application Ex.PW-11/23. He made photographs of the accused regarding pointation proceedings which are Ex.PW-11/25, Ex.PW-11/26 and he made addition on overleaf recovery sketch of Klashinkove with red pen which is Ex.PW-11/27 and on completion of the investigation he handed over the file to SHO for its further submission.

16.PW-12 Amreez Khan s/o Ajmeer Khan who is complainant of the case. He narrated the same story as mentioned above in the brief facts of the case and verified his signature on the FIR and sated that site plan Ex.PB was also prepared by the I.O at his pointation. He also identified the stolen property as his ownership after recovery of the same.

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District & Sessions Judge, Swat
(Camp Court Swat)

17. PW-13 Muhammad Azam Khan SI PS Samar Bagh District Lower Dir who was then posted at PS Chowga District Shangla. He raided on the house of accused Wilayat Khan and arrested him vide card. of arrest Ex.PW-13/1, prepared search memo Ex.PW-13/2 and placed on file copy of the DD Ex.PW-13/3 regarding the proceedings and on completion of the investigation he submitted supplementary Challan Ex.PW-13/4 against the accused for trial.

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary data collection techniques. The primary data was gathered through direct observation and interviews with key stakeholders. Secondary data was obtained from existing reports and databases.

The analysis phase involved using statistical software to identify trends and correlations within the data. The results show a clear upward trend in the number of transactions over the period studied. This is attributed to several factors, including increased market activity and improved infrastructure.

The final section provides a summary of the findings and offers recommendations for future research. It suggests that further studies should focus on the long-term sustainability of the current trends and the impact of external factors on the data.



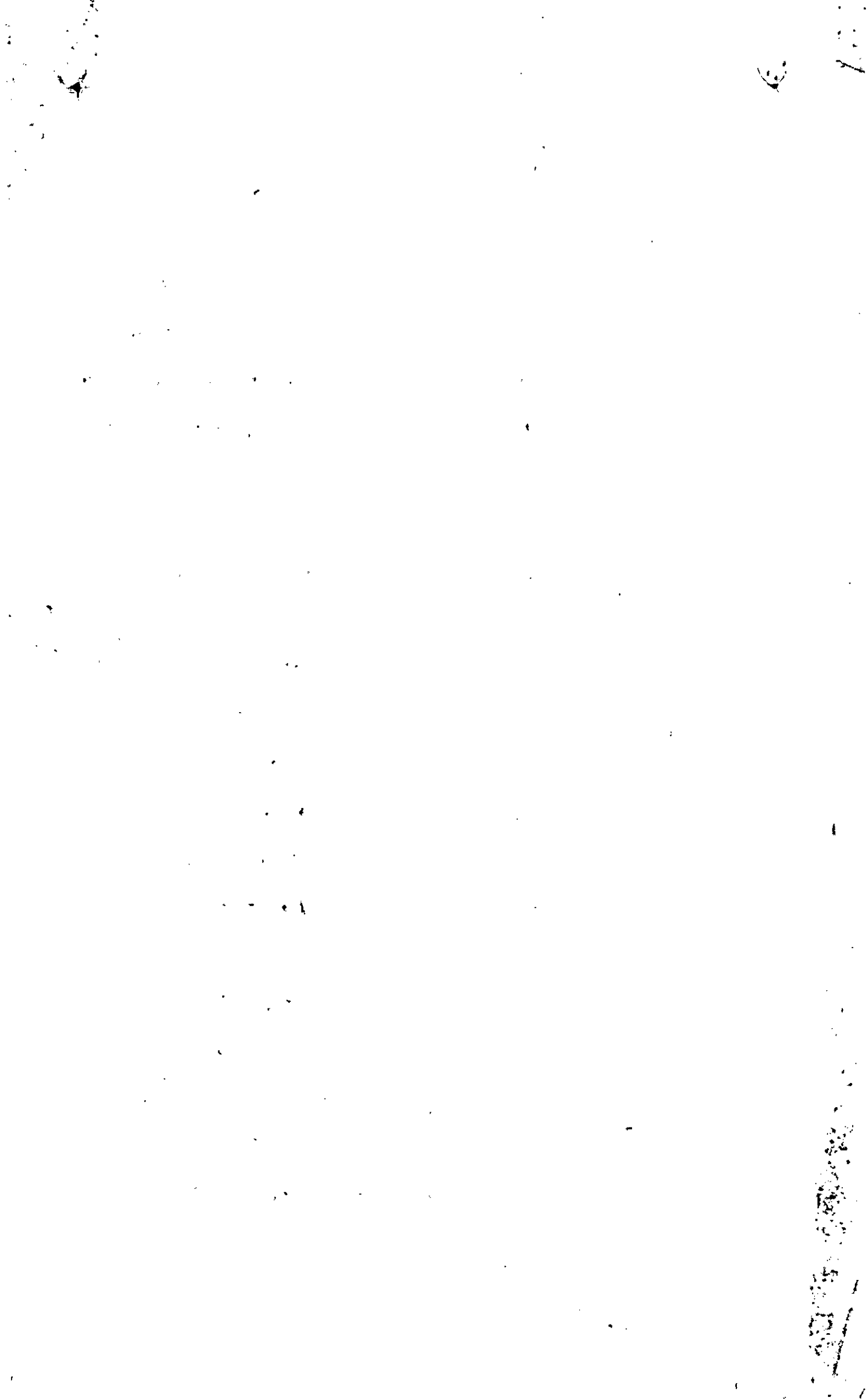
18. After examining the above mentioned PWs, prosecution summed up/closed its evidence being complete.

19. Statements of accused U/S 342 Cr.P.C were recorded in which they claimed themselves innocent and falsely charged. They did not wish to produce any defence evidence or to be examined on oath under section 340(2) Cr.P.C.

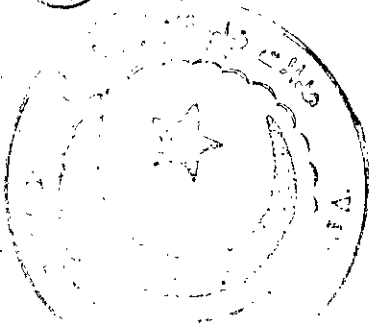
20. I have heard the arguments of learned DPP for the state assisted by the counsel for the complainant and defense counsel and have gone through the record available on file.

21. Amir Dost Khan son of Lajbar recorded his statement as PW-1 before court wherein he stated that he is marginal witness to the recovery memo Ex.PW-1/1 vide which the I.O took into possession one box with broken lock from the house of accused along with 12 tola of gold ornaments and Rs.14500/ were produced by the accused. That he is marginal witness to the recovery memo Ex.PW-1/2 vide which the I.O in his presence during house search of accused Zar Muhammad arrested him and also recovered one shotgun with three rounds of 12 bore. That the local police also raided at the house of


District & Sessions Judge
(Camp Court Swat)

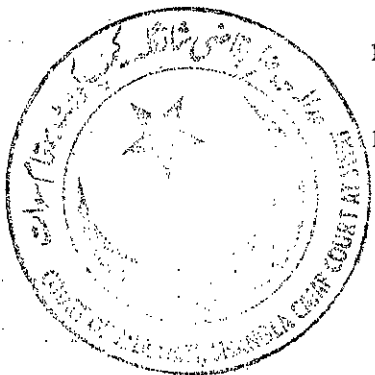


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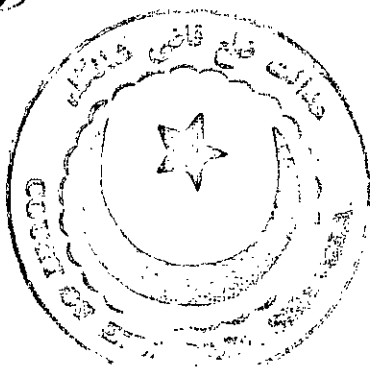
accused Walaiyat Khan but he was not found. However one SMG rifle along with four live rounds were taken into possession vide recovery Ex.PW-1/3. That the local police also conducted raid at the house of accused Bakht Ali who was arrested and from his cot one Kalashnikov and two live rounds were recovered vide recovery memo Ex.P-1/4. That both the accused Bakht Ali and Zar Muhammad made the pointation of place of occurrence and at their pointation memo Ex.PW-1/5 was prepared. He is also marginal witness to the recovery memo Ex.PW-1/6 vide which the accused pointed the place of recovery of repeater. He is also marginal witness to the pointation/recovery memo Ex.PW-1/7 vide which the local police recovered and took into possession 12 bore shotgun(DB) and Kalashnikov from a cave at the pointation of accused named above which were concealed by them after the occurrence. That in his presence accused Zar Muhammad pointed the stolen gold ornaments concealed by him in the house of accused Wali Hayat which were covered in plastic bag from the back side of a box and in this respect recovery memo Ex.PW-1/8 was made. He is also marginal witness to the recovery memo Ex.PW-1/10. That all the recovery memos correctly bears his signatures. When this witness

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 District & Sessions Court, Swat
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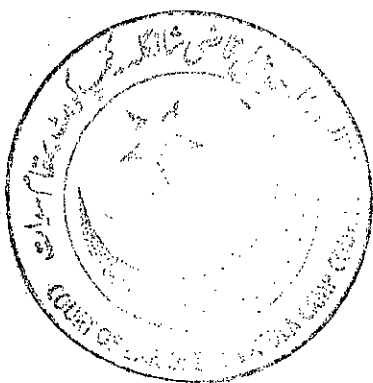
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was subjected to cross examination after ~~lengthy~~ statement he in the opening sentence stated that he is illiterate person and complainant is his son in law and also a close relative. He showed his ignorance to the question put by the learned counsel for defense that whether any cash amount was recovered at the time of arrest of accused Zar Muhammad or co-accused Bakht Ali. That the gold ornaments which were allegedly recovered from the house of accused Wiliyat Khan was not weighed by local police on the spot and it was also not checked that whether the recovered gold was in fact gold, silver or any other material. Apart from these lacunas in the statement of this witness, it is pointed out that he is close relative and father in law of the complainant due to which he becomes interested witness and his statement lose its authentic value.

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District & Sessions Court
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22. The other prosecution witnesses amongst whom Arasla Khan who is the marginal witness to the recovery memo Ex.PW-2/1 vide which the I.O took into possession one "Junke", two nose pin, one ear ring, broken necklace, locket and "Karai" along with other recovery memos but during the process of cross examination he admitted that accused Wilayat Khan produced the substitute notes of alleged stolen amount of Rs.600/- in place of real notes at



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the time of his arrest and that the numbers of the notes were not mentioned by the complainant/prosecution at the time of lodging report and showed his ignorance that as to when the said accused made pointation of the place and as to when the recovery was effected from him after his arrest. It is here worth to mention that neither of the accused facing trial made confession before the competent court of law u/s 164/364 Cr.P.C despite of the fact that they remained in police remand for three days, neither the alleged recoveries which have been effected by the local police on different occasions have been recognized by the complainant to be his ownership especially when the exact details of the stolen property coupled with the nomination of notes have not been mentioned in the first information report and thereafter subsequently.

23. The other marginal witnesses have supported the same stance but the said lacunas have remained in the evidence as discussed above.

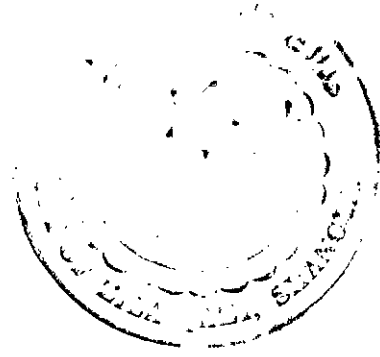
24. Ayanullah recorded his statement as PW-7 who is the marginal witness to the pointation memo Ex.PW-7/1 vide which accused Wiliayt Khan in his presence and in the presence of PW Sher Muhammad Khan made pointation of the place of occurrence and showed his presence along

District & Sessions Judge
(Camp Court Sw)

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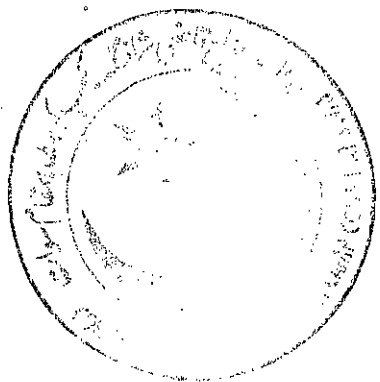
with other co-accused on the spot. He verified his signature thereon. However in the opening sentence of cross examination this witness stated that complainant is his maternal cousin. This relationship was not disclosed by the witness in his examination in chief rather it has been brought by the counsel for defense in cross examination. As such the recovery and pointation so effected in his presence becomes doubtful being entrusted witness closely related to the complainant.

25. Habib Shah Khan SHO PS Aloch who registered the FIR Ex.PA upon report of the complainant conducted raid at the house of accused Zar Muhammad and arrested him vide card Ex.PW-8/1 and also recovered one shotgun with three live cartridges of the same bore. He also prepared the recovery sketch to this effect. This witness also made other recoveries but interestingly it is worth to mention that he arrested the accused Zar Muhammad from his house and at the time of search nothing was recovered from him but subsequently strange enough that Rs.10000/- were produced by the said accused to the local police. Other PWs also conducted partial investigation of the case wherein they have produced the photographs of the pointation of the accused facing trial along with CDR data which are placed on record.

District & Sessions Judge, Swat
(Camp Court Swat)

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Sess. J.

26. Complainant Amreez Khan son of Ajmeer Khan was produced as PW-12 who supported the averments of the FIR and other recovery memos. However at the time of his cross examination he admitted that the faces of all the accused facing trial were muffled due to which he was unable to recognize them and a prompt FIR could not be lodged which was subsequently registered after consultation and delay of three days.

27. Admittedly there is delay of three days of lodging of the FIR from the time of occurrence due to which the question of consultation and deliberation cannot be ruled out and it can be safely withheld that since the faces of accused were muffled therefore the complainant might have charged them on the basis of hearsay. The FIR was registered on 22/2/2014 and on the same day site plan Ex.PB was prepared whereby the complainant cited each accused facing trial at different places. Here the question arises that how it was possible for him that despite the fact that the faces of accused were covered and complainant along with other inmates of the house were locked in a room but still he pointed out their exact places. This fact is not appealable to a prudent mind rather it can be safely withheld that it was guess work on his part. In the FIR it has been stated that twelve tolas of

District & Sessions
(Court, West)

searched and nothing was found from his possession but on the following day i.e. 24/2/014 the local police made a recovery memo wherein Rs.1030/- has been shown to be recovered from him. On the same footings shotgun along with Kalashnikov is also shown to be recovered from accused Zar Muhammad on dated 26/02/2014.

30. Accused Wilayat was arrested on dated 12/3/2015 and at the time of his arrest nothing was recovered from him but the gold ornaments attributed to him has been recovered vide recovery memo dated 26/2/014 on pointation of co-accused Zar Muhammad.

31. So far the CDR data is concerned it is stated by Muhammad Sayeed Khan ASI PS Chowga in the 3rd line of his cross examination at page-6 had clearly stated that since the time period of six months has lapsed therefore the local police could not obtained the said CDR data relating to the incident. In shot the pointation along with recoveries have been effected in such a way that complainant claims 12 Tolas of gold while the recovered gold along with other ornaments of different metals are weighing 35-1/2 Tolas which is more than the claim of the complainant. Similarly the rifles/shotguns so recovered have not been properly recognized neither owned by the complainant as he could not produce any valid license

District & Sessions Judge
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copy of the said weapons therefore the stance of FIR does not seem genuine. It is further added that the private prosecution witnesses are closely related to the complainant on whose evidence reliance could not be made as discussed above.

32. For what has been discussed in detail the prosecution has failed to bring home charges against the accused facing trial beyond any shadow of doubt, therefore by extending the benefit of doubt, the accused facing trial named above are hereby acquitted of the charges leveled against them. They are in custody and be released forthwith from jail if not required in any other case and their release warrants be issued.

33. Case property is confiscated in favour of the state and be disposed of according to law but after the laps of period provided for appeal or revision.

34. File be consigned to Record Room after its necessary compilation and completion.

Announced
10.11.2016.

[Handwritten signature]

(BABAR ALI KHAN)
Sessions Judge/Zilla Qazi, Shargha
District Camp Court At Swat

CERTIFICATE

Certified that this judgment consists of 23 pages. Each page has been read, signed and corrected by me wherever necessary.

[Handwritten signature]
10/11/2016

(BABAR ALI KHAN)

Dist. Camp Court Swat

30-11-16

(Cont)

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[Handwritten mark]

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Date of Prosecution...
Date on which...
No...
On...
By...
Signature...
Copying fee...
Date of Order...

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14-11-16

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[Handwritten initials]

Nil

11-16

