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IN THE COURT OF UMID ALI BALOCH,  
ADDITIONAL SESSIONS JUDGE, ISLAMABAD-WEST

Session Case No.03/2022  
FIR No.342/2022

The State.

Versus

Nazakat Ali son of Allah Dino, caste Jamro, resident of Gul  
Muhammad Jamro Village UC Jhandi Mashak District  
Khairpur.  
(Accused)

CASE FIR NO.342/2022 DATED 10.06.2022  
OFFENCE U/S 365, 302 PPC, P.S SHALIMAR. ISLAMABAD

(ON APPLICATION UNDER SECTION 265-K CR.PC.)

Present: Accused in custody.  
Mian Imtiaz Haider, Advocate for accused.  
Learned ADDP for State.  
Mr. Muhammad Tariq Bhatti learned counsel for the  
complainant.

**ORDER**  
15.12.2022

1. By this order, I dispose of application under section 265-K Cr.PC filed by accused/ petitioner.
2. Precisely, it is complainant's case that on 09.06.2022, FIR No. 342/2022, under section 365 PPC was lodged with Police Station Shalimar, Islamabad, by one Syed Amir Ali Shah son of Syed Meraj with averments that on 08.06.2022 his son namely Syed Abdullah Ali Shah aged about 23 years went out of his home and could not return back.
3. During investigation on 16.06.2022 the decomposed body of said Syed Abdullah Ali Shah was recovered from jungle area near Astabal NIH Chak Shahzad. It is alleged by the prosecution that accused/petitioner after calling the deceased committed Qata-e-Amad of deceased and thereafter, beheading deceased's his dead body was thrown in near Astabal NIH Chak Shahzad, hence, accused/petitioner was arrested in the instant case FIR.

ATTESTED

13 FEB 2025

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Islamabad

4. On 02.12.2022, learned counsel for the accused/ petitioner submitted instant application U/S-265-K Cr.P.C. Learned counsel for the accused/ petitioner argued that charge against the accused/ petitioner is frivolous, baseless and there is nothing incriminating against the accused/ petitioner and the present FIR had been lodged against the petitioner just to harass and blackmail the petitioner; that during the investigation, the police has declared the accused/ petitioner as innocent and submitted report under section 173 Cr.P.C and challan in column No.2; that there is no evidence on record against the accused/ petitioner which can connect the accused/ petitioner with the alleged offence; that the charge is totally groundless and there is no chance of conviction and if the proceedings are prolonged it will be wastage of the previous time of this court.

5. On the other hand, learned counsel for the complainant argued that sufficient martial is available on record against the accused; hence accused is liable to be convicted in the instant case FIR.

6. I have read record and heard arguments.

7. After hearing arguments and going through the record, I hereby acquit the accused u/s 265-K Cr.P.C due to following reasons:

- i. Record shows that no one is nominated in the FIR as accused.
- ii. Accused/ petitioner has been arrested in another criminal case and during investigation of that case on suspicion he was involved in this case by police.
- iii. During course of investigation not an iota of evidence was collected by police, against the accused/ applicant.
- iv. Police placed the accused/ petitioner in column No.2 of the challan due to insufficient evidence on record and placed him at mercy of the court.
- v. Entire available record has gone through but no evidence whatsoever, against the accused/ petitioner has been collected by police.

**ATTESTED**

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(West), Jalgaon

There is no direct, indirect, hearsay or circumstantial evidence on record, against the accused.

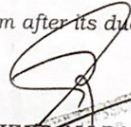


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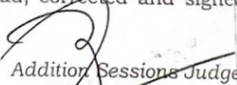
- vii. Any further proceedings of the case will be abuse of process of law as well as it will hurt and humiliate the accused/ petitioner to face any trial in this case, without any justification.
- viii. There is no material evidence available on the record to proceed further with trial and I am of the view that further proceedings in the case will just to waste the precious time of this court and will not yield any fruitful result, hence, there is no any probability of the petitioner being convicted. The courts must look into the matter judicially at the very outset and apply judicial mind and not to act in a mechanical way to grant date or linger on the matter unnecessarily, causing undue hardships to the litigants. The courts must check and arrest the unnecessary, frivolous and vexatious litigation and provide expeditious justice. The aim of section 265-K Cr.PC is also to give such relief to the accused person, if it is found or established that further proceedings will not serve any useful purpose, rather such proceedings will cause trouble.

8. For above reasons, I allow this application under section 265-K Cr.PC and acquit petitioner Nazakat Ali from this case. Acused/ petitioner be released forthwith, if not required in any other case/cases. Case property, if any, be dealt in accordance with law. File be consigned to the record room after its due completion and compilation.

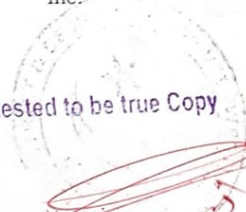
Announced:  
15.12.2022

  
(UMME ALI BALOCH)  
Addition Sessions Judge  
Islamabad-West.

It is certified that this order consists of (03) pages, each of which has been dictated, read, corrected and signed by me.

  
Addition Sessions Judge  
Islamabad-West.

Attested to be true Copy

  
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(West), Islamabad. Authorised  
UIS 87 of Qanun-e-Shahad  
Order 1984

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