

**IN THE COURT OF JAHANGIR ALI GONDAL,
ADDITIONAL SESSIONS JUDGE, RAWALPINDI,**

Sessions Case No.....55 of 2020

Sessions Trial No.... of 2020

The State Vs. Muhammad Saqib

Case FIR No. 910

Dated: 14.12.2019

Offences u/s 365-B/376 PPC

Police Station: Rawat, Rawalpindi

Date of Decision: 22.08.2020

22.08.2020

Present:- Accused person Muhammad Saqib on bail.

Muhammad Adnan Advocate, learned counsel for
accused person.

Mr. Aqeel Awan, learned DDPP for the State

Victim Mst. Shamsha alias Sanjeela in person.

JUDGMENT

The accused person namely Muhammad Saqib was sent to face trial in case FIR No. 910, dated 14.12.2019 under offences 365-B/376 PPC, got registered at Police Station Rawat, Rawalpindi by Adil Hussain Shah son of Farzand Hussain Shah.

2. Briefly stated the prosecution story is that on 14.12.2019 at about 06:30 PM, in the area of Dhok Adra, within the territorial jurisdiction of police station Rawat, Rawalpindi the accused person alongwith other co-accused person abducted Mst. Shamsha alias Sanjeela daughter of complainant and thereafter, committed forcibly rape with her.

3. Formal charge against the accused was framed to which he pleaded not guilty and claimed trial under the law. Prosecution was asked to substantiate the charge against accused through production of evidence. Prosecution produced two

witness's complainant as Pw-1 and victim Mst. Shamsa alias Sanjeela.

4. Accused person submitted application u/s 265-K Cr.P.C. Notice of the said application was given to the prosecution.

5. Arguments heard and record perused.

6. Allegations against the petitioner/accused is that he alongwith other co-accused person abducted the daughter of the complainant and committed forcibly rape with her. Complainant Adil Hussain Shah appeared before the court as Pw-1 on 13.08.2020 and recorded his statement that he got registered case FIR against Muhammad Saqib and other accused persons but now, he does not want to pursue the case anymore and he has no objection if the accused person Muhammad Saqib is acquitted in this case. Today i.e. 22.08.2020, victim Mst. Shmsa alias Sanjeela appeared before the court as Pw-2 and deposed on oath that neither she was abducted nor she was committed rape by anyone, her father registered the case FIR against the present accused Muhammad Saqib and other accused due to misunderstanding, she does not want to pursue the case anymore and she has no objection if the accused Muhammad Saiqb is acquitted in this case. During the cross examination nothing favourable to prosecution came on record.

7. Since the complainant Pw-1 and victim Pw-2, who are the star witnesses of the prosecution, have exonerated the accused from the commission of offence and they are no more interested in further prosecution of case, hence they cannot be compelled to do so. As Pw-2 victim has specifically and categorically deposed on oath that the accused person did not

abduct her and not commit rape with her. In the light of the statement of the victim the charge against the accused has become groundless and there is no possibility or probability of accused being convicted in this case if the remaining evidence is summoned and recorded. No useful purpose would be served by continuing this trial further. If the trial is continued it would amount only to wastage of precious time of the court and to create hardships and difficulties for the accused person. This is not a fit case for conviction of accused person. Consequently, remaining prosecution evidence is not summoned and recorded. Petition filed by the accused does fall within the ambit of provisions contained in 265-K Cr.P.C. and the same is hereby accepted and accused Muhammad Saqib is acquitted from the instant case under section 265-K Cr.P.C. Accused is on bail, his bail bonds and surety are discharged. Case property, if any, be dealt with in accordance with law after the expiry of period of appeal or revision, if any. File be consigned to the record room after its due completion.

Announced
22.08.2020

Jahangir Ali Gondal
Addl. Sessions Judge, Rawalpindi

Certified that this judgment consists of 03 pages and each page has been dictated, read, corrected and signed by me.

Addl. District Judge, Rawalpindi

The State Vs. Muhammad Saqib

22.08.2020

Present:- Accused person Muhammad Saqib on bail.
Learned counsel for accused person.
Mr. Aqeel Awan, learned DDPP for the State
Victim Mst. Shamsha alias Sanjeela in person.

Vide my separate judgment even dated petition u/s 265-K Cr.P.C. is accepted. Accused is on bail, his bail bonds and surety are discharged. Case property, if any, be dealt with in accordance with law after the expiry of period of appeal or revision, if any. File be consigned to the record room after its due completion.

Announced
22.08.2020

Jahangir Ali Gondal
Addl. Sessions Judge,
Rawalpindi