

**ORDER SHEET**  
**ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Crl. Appeal No. 232/2018**

Muhammad Maqsood

Versus

Muhammad Hafeez Tabassum.

<b>S. No. of order/ proceedings</b>	<b>Date of order/ Proceedings</b>	<b>Order with signature of Judge and that of parties or counsel where necessary.</b>
---	---	--

(06)

16.06.2020

Mr. Irfan Hussain, Advocate for the petitioner.  
Mr. Hasnain Haider, State Counsel.  
Mr. Sajjad Haider Malik, Advocate for respondent.  
Syed Ali Kamran, ASI.

Through this criminal appeal, the appellant has assailed the order dated 01.12.2018, passed by learned Judicial Magistrate, Section 30 (West) Islamabad in case F.I.R No. 363, dated 02.07.2010, registered U/s 365, 386, 448, 506, 454, 380, 411, 148, 149 PPC, P.S Shalimar, Islamabad, whereby application U/s 249-A, Cr.P.C filed by respondent has been accepted and respondent has been acquitted from the said case.

2. Learned counsel for the appellant inter-alia contends that learned Judicial Magistrate has passed the impugned order on the basis of order dated 24.03.2018, passed by learned Sessions Judge (West), Islamabad while referring that the co-accused have already been acquitted in this case.

3. At the very outset, learned counsel for the respondent conceded the prayer of the appellant and contends that the impugned order dated 01.12.2018, passed by learned Judicial Magistrate, Section 30, (West), Islamabad has been passed without considering the law and the record.

4. Keeping in view the above development, instant criminal appeal is **Allowed** and the impugned order dated 01.12.2018, passed by learned Judicial Magistrate, Section 30 (West), Islamabad is hereby **Set-Aside** and matter is remanded to the learned Trial Court, who shall decide the matter afresh after hearing the parties in accordance with law.

(MOHSIN AKHTAR KAYANI)  
JUDGE

RAMZAN