

5. **Order of discharge passed u/S. 249-A. Remedy.** An order passed u/S. 249-A amounts to an order of acquittal, as such the remedy to assail the same lies in filing appeal against acquittal u/S. 417, Cr.P.C. [NLR 1999 Cr. Lah. 185].

6. **Pendency of civil litigation.** Proceedings in a criminal case cannot be stayed till the final decision of a civil suit and the both cases are to be decided independently. [PLJ 2009 Lahore 316]

7. **Power of magistrate to acquit an accused.** Magistrate is given power of acquitting an accused person at any stage of the case. [PLJ 2009 SC 341]

8. **Power of Magistrate.** Power not in curtailment of the power of High Court under Section 561-A or in derogation of it. [PLD 1981 SC 607]. Trial Court is free to look into police papers, other material and legal aspect of the case. [NLR 1999 Cr.LJ 137]. Magistrate can deal with application at any time irrespective of the fact whether charge is framed or not. [2003 YLR 2749]. Magistrate under this section is bound to issue notice to the State and that discretion can only be exercised after hearing both parties. [2005 PCr.LJ 252].

9. **Premature acquittal.** Unfortunately while passing an omnibus and identical order dismissing more than one hundred appeals in limine on merits High Court had failed to advert to individual and critical legal questions agitated and highlighted by appellant through his appeal. [PLJ 2016 SC 117]

10. **Quashing of FIR.** There is no absolute bar on power of High Court to quash an FIR and it is not always necessary to direct aggrieved person to first exhaust remedy available u/S. 249-A, Cr.P.C [PLJ 2000 SC 63].

11. **Recording of evidence.** By enacting Sections 249-A and 265-K, Cr.P.C. the Legislature in its wisdom has not left the question of recording evidence as a condition before taking action under either of the provisions. [PLD 1999 SC 1063].

12. **Requirements.** Requirements are that the hearing is to be given to the prosecution and counsel of accused and that reasons are to be recorded in support of the conclusion that charge is groundless or that there is no probability of the accused being convicted. [2003 YLR 1390; 2000 MLD 220; PLD 1993 Kar. 253]. No restriction on the power of trial Court to pass order without framing charge. [PLJ 1999 Cr.C. (Lah.) 265]. It is necessary that an application is made by the accused. [1990 MLD 206]. Magistrate to examine (i) FIR (ii) Statement of P.Ws. u/S. 161(iii) Report of police-officer u/S. 173; (iv) Challan (v) Charge framed before arriving at the decision whether there is no probability of the accused being convicted. [2000 MLD 220]. It is necessary that prosecution should be given opportunity to prove the allegation levelled in the FIR. [2000 PCr.LJ 752].

13. **Scope and extent.** Provision of S. 249-A is meant to decide criminal case without completion of trial. [PLJ 2015 Cr.C. 659] Section 249-A, Cr.P.C. is an exception to normal rule that acquittal takes place after full trial. This provision reflects a compromise between collective good of society and rights of an individual offender. Idea is to spare offender from rigors of full trial if Court at any stage finds that charge is groundless and prosecution is not likely to succeed. [PLJ 2004 SC 2]. An application u/S. 249-A or Section 265-K, Cr.P.C. can be moved at any stage of proceedings, but such application has to be dealt with strictly on merits in light of provision of law. [PLJ 2010 Lahore 640]. Trial at last stage, not proper to decide application [1999 MLD 1645] Case was fixed for statement U/S 342 Cr.P.C. acquittal set aside. [2005 SCMR 1544] Case fixed for statement U/S 342 Cr.P.C not warrant. [2012 PCr.LJ 76]

14. **Ss. 249-A, 561-A & 265-K.** Powers under Sections 249-A, 265-K co-extensive with similar powers of High Court. [1985 SCMR 257]. Charge necessitating recording of evidence-Accused should wait. [1985 SCMR 775]. Acquittal by closing evidence without proving due service or adopting coercive measure--Illegal Order can be suo motu revised by High Court. [PLD 1991 Lah. 268]. Provisions co-extensive and both can be resorted to. Proper course to approach trial Court first. [1990 PCr.LJ 1209]. Can be applied before framing of charge. [1992 PCr.LJ 2054, 110].