

(17)

*In the name of almighty Allah who has got unlimited jurisdiction over and beyond the universe.*

**IN THE COURT OF SAYED FAZAL WADOOD**  
ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI  
(AT BABER MELA)

SPECIAL CASE NO. : 07/3 OF 2022  
DATE OF INSTITUTION : 06.04.2022  
DATE OF DECISION : 30.01.2023

STATE THROUGH SHO Nasir Ahmed SI/NET, PS KALAYA ORAKZAI

..... (COMPLAINANT)

-VERSUS-

Naimat Ullah son of Aqal Jan aged about 29 years, r/o Qaum Feroz Khel, Tappa Ghairat Khel, District Orakzai.

..... (ACCUSED FACING TRIAL ON BAIL)

**Present:** Naid Wali, Assistant Public Prosecutor for State.  
: Accused on Bail.

**FIR No. 17**      **Dated:** 11.02.2022      **U/S:** 9 (D) of the Khyber Pakhtunkhwa  
Control of Narcotic Substances Act, 2019  
**Police Station:** Kalaya Orakzai

JUDGEMENT  
30.01.2023

The above-named accused is charged for the offence u/s 9 (d) KP CNSA vide FIR No. 17, dated 11.02.2022 of Police Station Kalaya Orakzai.

(2). As per contents of FIR, the complainant along with other police officials were present on barricade, where one person was coming and was stopped on suspicion, who disclosed his name as Naimat Ullah. He was searched which led the complainant to the recovery of 4800 grams of chars.

(3). After completion of investigation, complete challan was put in court. The accused was summoned, copies of the documents were provided to him u/s 265-C of the Code of Criminal

  
**SAYED FAZAL WADOOD**  
Addl. District & Sessions Judge  
Orakzai at Hangu

18

Procedure, 1898. Charge was framed against him to which he pleaded not guilty and claimed trial.

(4). The prosecution was directed to produce evidence. Today the case was fixed for evidence of the prosecution; however, the accused submitted application for disposal of his case on the basis of plead guilty for the reasons that he is a poor and that being first offender and further that he cannot afford the fees to engage counsel, lenient view may be taken against him. Application is placed on file. In view of the application of accused, prosecution did not want to produce the evidence. Statement of the accused is recorded u/s 342 of the Code of Criminal Procedure, 1898.

(5). Arguments heard and record perused. Perusal of case file shows that though the accused has pleaded not guilty to the charge already framed against him; however, he has confessed his guilt vide his application submitted today. The accused was having 4800 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of KP CNSA. Hence, he is convicted of the offence. But as the accused is first offender and there is no record of his previous involvement in such like offences. Besides, the accused is a poor person and he had submitted an application that he is a poor person and cannot afford the fees to engage counsel. The matter was discussed in DLEC meeting. After receipt of inquiry report, he was not declared poor by his locality. But, as per record he could not engage counsel till 24 hearings due to his poor financial status.; therefore, he must have a chance of repentance and reformation. Keeping in view the


  
SAAVED FAZAL WAJOOD  
District & Sessions Judge  
Graham at Hangu

19

aforementioned circumstances and the clean breast admission of the guilt of the accused, by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of three years subject to the executing of bonds in the sum of Rs. 80,000/- with two sureties to the effect that the accused would commit no offence and to keep the peace and be of good behavior during the period of bond and to appear and receive the sentence, if called upon to do so during that period, to the satisfaction of Probation Officer concerned. Case property i.e., chargs be destroyed in accordance with law after the period provided for appeal/revision.

(6). File be consigned to District Record Room after necessary completion and compilation within span allowed for.

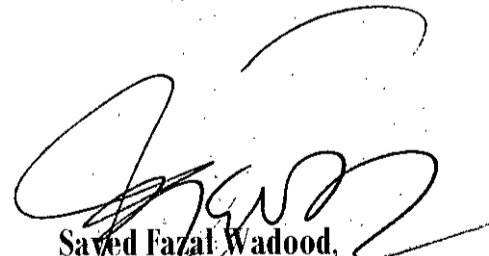
**Announced:**  
30.01.2023

  
Sayed Fazal Wadood,  
AD&SJ/JSC, Orakzai at Baber Mela

**CERTIFICATE**

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 30.01.2023

  
Sayed Fazal Wadood,  
AD&SJ/JSC, Orakzai at Baber Mela