

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 42/3 OF 2022
DATE OF INSTITUTION : 13.12.2022
DATE OF DECISION : 30.01.2023

STATE THROUGH MUHAMMAD YOUNAS SHO, POLICE STATION
MISHTI MELA

.....(COMPLAINANT)

-VERSUS-

KHALIL ULLAH S/O SAADI KHAN, AGED ABOUT 29/30 YEARS,
R/O SHIEKHAN, TAPA SAMOZAI, DISTIRICT ORAKZAI

..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for State.
Sana Ullah Khan Advocate for accused facing trial.

FIR No. 39 **Dated:** 04.10.2022 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019

Police Station: Mishti Mela

JUDGEMENT
30.01.2023

The above-named accused is charged for the
offence u/s 9 (d) of the Khyber Pakhtunkhwa Control of
Narcotic Substances Act, 2019 vide FIR no. 39, dated
04.10.2022 of Police Station Mishti Mela.

(2). As per contents of FIR, the complainant
Muhammad Younas SHO along with other police
officials having laid a picket were present on the spot
where a person holding a blue colour plastic bag in his
right hand on way towards the picket, on seeing police
party tried to escape but was overpowered. The search of
the plastic bag led the complainant to the recovery of 01
packet of chars, weighing 1100 grams.

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(3). After completion of investigation, complete challan was put in court. The accused was summoned, copies of the record were provided to him u/s 265-C Cr.P.C, formal charged 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 on the grounds, that he is a poor person, cannot afford the expenses of litigation, and that being first offender, 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 Cr.P.C.

(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 1100 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019. Hence, he is convicted of the offence. But as the accused is first offender and there is no record of his previous


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involvement in such like offences besides the accused is of young age; therefore, he must have a chance of repentance and reformation. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, poor financial status and recovery of 1100 grams of chars taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of one year subject to the executing of bonds in the sum of Rs. 50,000/- 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., chars be destroyed in accordance with law after the period provided for appeal/revision. Consign.

Pronounced:
30.01.2023





SHAUKAT AHMAD KHAN)
Sessions Judge/Judge Special
Court, 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


(SHAUKAT AHMAD KHAN)
Sessions Judge/Judge Special
Court, Orakzai at Baber Mela