

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

SPECIAL CASE NO. : 3/2 (J) OF 2023
DATE OF INSTITUTION : 23.01.2023
DATE OF DECISION : 06.02.2023

STATE THROUGH IBRAHIM KHAN SHO, POLICE STATION
GHILJO

.....(COMPLAINANT)

-VERSUS-

HAFIZ S/O NIAZ BADSHAH, AGED ABOUT 17 YEARS, R/O CASTE
MALA KHEL, TAPA KUTAB KHEL

..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for State.
Khursheed Alam Advocate for accused

FIR No. 27 **Dated:** 05.12.2022 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019

Police Station: Ghiljo

JUDGEMENT
06.02.2023

The above-named accused is charged for the
offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA,
2019 vide FIR no. 27, dated 05.12.2022 of Police Station
Ghiljo.

(2). As per contents of FIR, the complainant
Ibrahim Khan SHO along with other police officials
during routine patrolling were present on the spot where
at about 1400 hours a person on way from Ghiljo was
stopped whose personal search led the complainant to the
recovery of 1020 grams of chars from his trouser-fold.

(3). After completion of investigation, complete
challan was put in court. The accused was summoned

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(10)

who accordingly appeared before the court and copies of the record were provided to him in line with section 265-C Cr.P.C. Today, the case was fixed for framing of charge; however, the accused submitted application for disposal of his case on the basis of plead guilty for the reasons 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 recorded u/s 342 Cr.P.C.

- (4). Arguments heard and record perused. Perusal of case file shows that the accused was having only 1020 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 Narcotics Substance Act, 2019. 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 of young age; therefore, he must have a chance of repentance. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, his poor financial status and recovery of only 1020 grams of chars by taking a lenient view, instead of sentencing him at once, he is placed on

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probation for a period of 01 (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., charrs be destroyed in accordance with law after the period provided for appeal/revision. Consign.



Pronounced:
06.02.2023

A handwritten signature in black ink, appearing to read "SHAUKAT AHMAD KHAN", with a small arrow pointing to the right.

SHAUKAT AHMAD KHAN
Sessions Judge/Judge Special Court/Judge
Juvenile 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: 06.02.2023

A handwritten signature in black ink, appearing to read "SHAUKAT AHMAD KHAN", with a small arrow pointing to the right.

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