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

SPECIAL CASE NO. : 2/3 OF 2023  
DATE OF INSTITUTION : 10.01.2023  
DATE OF DECISION : 10.02.2023

STATE THROUGH GUL ASGHAR ASHO, PS DABOORI

.....(COMPLAINANT)

-VERSUS-

**JUMA GUL SON OF GUL FAQEER R/O QAUM MALA KHEL TAPPA  
CHAR KHELA, DISTRICT ORAKZAI  
MULTAN KHAN SON OF SAYED ANWAR R/O SHALOBAR, DISTRICT KHYBER  
(ACCUSED FACING TRIAL)**

Present: Naid Wali, APP for State.

FIR No. 23                      Dated: 12.11.2022      U/S: 5 Explosive Substance Act  
Police Station: Daboori

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JUDGEMENT  
10.02.2023

The above-named accused are charged for the offence u/s 9 (d) KP CNSA vide FIR no. 23, dated 12.11.2022 of Police Station Daboori.

- (2). As per contents of FIR, the complainant Gul Ashghar ASHO along with other police officials, made barricade on Arhanga to Daboori road near Badan Kalay, while the accused was stopped by the local police and searched. Local Police recovered 3 Hand Grenade from personal possession of the accused Juma Gul which were handed over to him by accused Multan Khan 2/3 days before the occurrence. Consequently, the captioned FIR was registered that given birth to the subject case.

  
SAYED FAZAL WALI  
District & Sessions Judge  
Orakzai at Hangu

(11)

(3). After completion of investigation, complete challan was put in court. The accused were summoned who accordingly appeared before the Court and pleaded guilty for the reasons that they are poor person, cannot afford the expenses of litigation, and that being first offenders, lenient view may be taken against them. 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 of the Code of Criminal Procedure 1898.

(5). Perusal of case file shows that the accused Juma Gul was having 03 Hand Grenade in his possession which were handed over to him by Accused Multan Khan; therefore, they are held guilty of the offence punishable u/s 5 Explosive Substance Act. Hence, they are convicted of the offence. But as the accused are first offenders and there is no record of their previous involvement in such like offences; therefore, they must have a chance of repentance. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt by the accused, poor financial status and recovery of only 3 Hand Grenades, by taking a lenient view, instead of sentencing them at once, they are placed on probation for a period of two 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

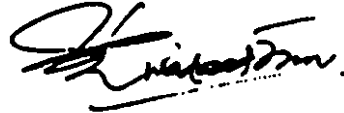
  
SAYED FAZAL VWA  
Addl: District & Sessions J...  
Orakzai at Hangu

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concerned. Accused are in custody. They be released forthwith, if not required in any other case. Case property be destroyed in accordance with law after the period provided for appeal/revision. File of this Court be consigned to District Record Room Orakzai after necessary completion and compilation within span allowed for.

**Announced:**

10.02.2023

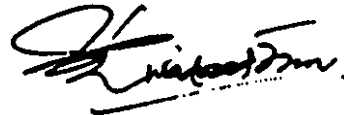


Sayed Fazal Wadood,  
AD&SJ/JSC, Orakzai at Baber Mela  
SAYED FAZAL WADU  
Addl: District & Sessions Judge  
Orakzai at Hangu

**CERTIFICATE**

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

Dated: 10.02.2023



Sayed Fazal Wadood,  
AD&SJ/JSC, Orakzai at Baber Mela  
SAYED FAZAL WADU  
Addl: District & Sessions Judge  
Orakzai at Hangu