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

SPECIAL CASE NO. : 5/3 OF 2023
DATE OF INSTITUTION : 20.01.2023
DATE OF DECISION : 17.02.2023

STATE THROUGH MUHAMMAD YOUNIS SHO, PS MISHTI MELA

.....(COMPLAINANT)

-VERSUS-

AMEEN ULLAH SON OF ABDULLAH JAN R/O QAUM ALI KHEL TAPPA
SHER KHEL, DISTRICT ORAKZAI (ACCUSED FACING TRIAL)

Present: Umer Niaz, DPP for State.

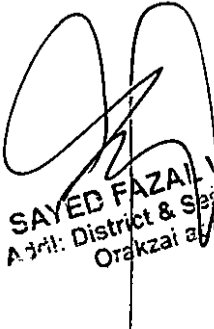
FIR No. 43 Dated: 25.11.2022 U/S: 9 (d) of the Khyber Pakhtunkhwa
Control of Narcotic Substances Act, 2019
Police Station: Mishti Mela

JUDGEMENT
17.02.2023

The above-named accused is charged for the offence u/s 9 (d) KP CNSA vide FIR no. 43, dated 25.11.2022 of Police Station Mishti Mela.

(2). As per contents of FIR, the complainant Muhammad Younis SHO along with other police officials recovered 3600 grams of chars from possession of the accused. Consequently, the captioned FIR was registered that given birth to the subject case.


(3). After completion of investigation, complete challan was put in court. The accused was summoned who accordingly appeared before the Court and pleaded guilty for the reasons that he is a poor person, cannot afford the expenses of litigation, and that being first offenders, 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 of the Code of Criminal Procedure 1898.


SAYED FAZAL WADOOD
Additional District & Sessions Judge
Orakzai & Hangu

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(5). Perusal of case file shows that the accused was having 3600 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of KP CNSA 2019. Hence, he is convicted of the offence. But as the accused is first offenders and there is no record of his previous involvement in such like offences; therefore, he 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 3600 grams of chars, 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. 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. File of this Court be consigned to District Record Room Orakzai after necessary completion and compilation within span allowed for.


Announced:
17.02.2023


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

CERTIFICATE

Certified that this Judgment consists of two (02) pages. Each page has been read over, corrected wherever necessary and signed by me.

Dated: 17.02.2023


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