

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Case No.....03/12 of 2022.

Date of institution.....01/11/2022.


Date of decision.....27.02.2023.

Case FIR No. 107, dated 19.10.2022, U/S 5 KP Explosive
Substance Act, 2013, PS Kalaya

Order.No.09
27.02.2023

Accused Muzamil Hassan produced in custody. PWs ASHO Muqadar Khan, SI Muhammad Hanif and Moharrir Humayun Khan present. Counsel for accused Mr. Asad Ijaz Advocate present. Accused submitted application for plead guilty and requested for lenient view.

Perusal of record shows that on 19.10.2022 at 11:00AM at Darma Kalay Road, SHO/complainant along with other police nafri improvised barricade. Accused was stopped being suspect and during his body search, one hand grenade No. F156, liver number 78Y3PFM-2/583 was recovered from the personal possession of the accused. It was packed and sealed into parcel No. 1 by affixing 3 seals under the mark of SH. Accused disclosed his name Muzamil Hussain S/O Kasteer Khan, Qaum Bar Muhammad Khel, Tappa Abdul Aziz Khel, Orakzai. Accused was formally arrested. Murasila was sent to PS for registration of the case through constable Muhammad Rasool No. 1423 and on the



27/02/2023
ZAHIR KHAN
Civil Judge JM
Kalaya Orakzai

strength of Murasila, the instant case was registered against the accused.

Complete challan against accused was put in court on 21.11.2022. Accused was produced before the court. Provisions of 241-A Cr. PC were complied with. Formal charge was framed. Initially, accused pleaded not guilty and claimed trial. Today, he filed application for pleading his guilt and requested for lenient view. After pleading his guilt, show cause notice under section 243 Cr.P.C. was given to the accused as to why he should not be convicted. Resultantly, he prayed for lenient view while placing himself at the mercy of this court.

There is nothing on record which could show that accused is member of any terrorist organization. There is no criminal history of the accused.

Keeping in mind the wholehearted confession of guilt by the accused and being a first offender, a lenient view is taken and accused facing trial is convicted and sentenced for offence Under Section 5 Explosive Substances Act, 2013 with simple imprisonment of 06 months. Benefit of Section 382-B Cr. PC is extended to the accused. As far as forfeiture of property of convict/accused to the government is



27/02/2023

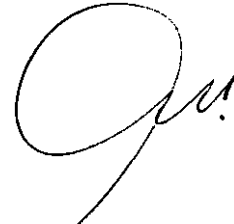
ZAHIR KHAN
Civil Judge, JM
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concerned, per record there is no personal property in the name of the
accused. Accused is a young, poor and jobless person.

Case property be dealt with in accordance with the law.

File be consigned to record room after necessary completion and
compilation.

Announced
27.02.2023



(Zahir Khan)
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai