

76

In the name of almighty Allah who has got unlimited jurisdiction over and beyond the universe.

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

SPECIAL CASE NO. : 11/3 OF 2022
DATE OF INSTITUTION : 19.04.2022
DATE OF DECISION : 27.02.2023

STATE THROUGH Abdur Rauf ASI/NET, PS GHILJO ORAKZAI

(COMPLAINANT)

-VERSUS-

Sahib Gul son of Azram Khan aged about 43/44 years, r/o Qaum Mishti, Tappa Haider Khel, District Orakzai.

(ACCUSED FACING TRIAL ON BAIL)

Present: Naid Wali, Assistant Public Prosecutor for State.

: Accused on Bail.

FIR No. 04 Dated: 11.03.2022 U/S: 9 (D) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019

Police Station: Ghiljo Orakzai

JUDGEMENT
27.02.2023

The above-named accused is charged for the offence u/s 9

(d) KP CNSA vide FIR No. 04, dated 11.03.2022 of Police Station Ghiljo Orakzai.

(2). As per contents of FIR, the complainant along with other police officials were present on barricade, where one person was coming and was stopped on suspicion, who disclosed his name as Sahib Gul. He was searched which led the complainant to the recovery of 1225 grams of chars.

(3). After completion of investigation, complete challan was put in court. The accused was summoned, copies of the documents were provided to him u/s 265-C of the Code of Criminal

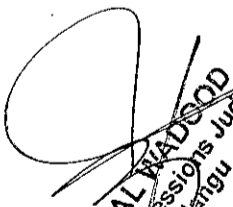
SAYED FAZAL WADOOD
Additional District & Sessions Judge
Orakzai at Heragu

27

Procedure, 1898. Charge 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 for the reasons that he is a poor and that being first offender and further that he cannot afford the litigation expenses and that 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 of the Code of Criminal Procedure, 1898.

(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 1225 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of KP CNSA. 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 a poor person and he had submitted an application that he is a poor person and cannot afford the expenses of litigation. 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, by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of one year subject to

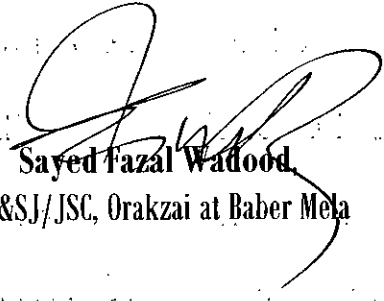

SAYED FAZAL WADOOD
Addl. District & Sessions Judge
Orakzai, Peshawar

28

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.

(6). File be consigned to District Record Room after necessary completion and compilation within span allowed for.

Announced:
27.02.2023


Sayed Fazal Wadood
AD&SJ/JSC, 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: 27.02.2023


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