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STATE VS SUBIDAR GUL
FIR No. 44 | Dated: 27.11.2022 | U/S: 9 (d) of the
Khyber Pakhtunkhwa CNSA, 2019 | Police Station:
Mishti Mela

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

SPECIAL CASE NO. : 1/3 OF 2023
DATE OF INSTITUTION : 02.01.2023
DATE OF DECISION : 08.03.2023

STATE THROUGH MUHAMMAD YOUNAS SHO, POLICE STATION,
MISHTI MELA

.....(COMPLAINANT)

-VERSUS-

SUBIDAR GUL S/O KASTER GUL, AGED ABOUT 47 YEARS, R/O
CASTE ALI KHEL, TAPA JASRAT KHEL, VILLAGE KAGO KAMAR,
TEHSIL UPPER, DISTRICT ORAKZAI

..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for State.
: Abid Ali Advocate, the counsel for accused.

FIR No. 44 **Dated: 27.11.2022** **U/S: 9 (d) of the** Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Mishti Mela

JUDGEMENT
08.03.2023

The above-named accused is charged for the
offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA,
2019 vide FIR no. 44, dated 27.11.2022 of Police Station
Mishti Mela.

(2). As per contents of FIR, the complainant
Muhammad Younas SHO along with other police
officials, having laid a picket on the spot, at about 1500
hours, stopped a Datsun vehicle for the purpose of
checking and deboarded a person from vehicle holding a
plastic bag in his underarm. The search of the plastic bag
led the complainant to the recovery of 3000 grams of
chars.


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
8/03/23


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(3). After completion of investigation, complete challan was put in court. The accused was summoned who accordingly appeared before the court, copies of the record were provided to the accused in line with section 265-C CrPC and formal charge was framed against him to which he pleaded not guilty and claimed trial. Accordingly, the witnesses were summoned and the prosecution examined 01 witness. Today, the case was fixed for evidence but 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 further 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 3000 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


Shaukat Ahmad Khan
District & Sessions Judge,
Makzai at Bahar Mela


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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 3000 grams of chars by taking a lenient view, instead of sentencing him at once, he is placed on 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., chars be destroyed in accordance with law after the period provided for appeal/revision. Consign.




Pronounced:
08.03.2023


SHAUKAT AHMAD KHAN)
Sessions Judge/Judge Special 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: 08.03.2023


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