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

SPECIAL CASE NO. : 5/3 OF 2023
DATE OF INSTITUTION : 02.03.2023
DATE OF DECISION : 21.03.2023

STATE THROUGH SHAL MUHAMMAD SHO, POLICE STATION
KALAYA

.....(COMPLAINANT)

-VERSUS-

MEHMOOD KHAN S/O DILZAR KHAN, AGED ABOUT 33 YEARS,
R/O CASTE AKA KHEL, DISTRICT KHYBER

..... (ACCUSED FACING TRIAL)

Present: Nisar Ahmad, Assistant Public Prosecutor for State.

FIR No. 07 **Dated:** 24.01.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kalaya

JUDGEMENT
21.03.2023

The above-named accused is charged for the offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 vide FIR no. 07, dated 24.01.2023 of Police Station Kalaya.

(2). As per contents of FIR, the complainant Shal Muhammad SHO along with other police officials during routine patrolling, having laid a picket were present on the spot where at about 1600 hours a person holding a blue colour plastic bag in his right hand was stopped but nothing incriminating was recovered from his possession. The search of the plastic bag led the complainant to the recovery of 3000 grams of chars.

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(3). After completion of investigation, complete challan was put in court. The accused was summoned and copies of the record were provided to him u/s 265-C Cr.P.C. Today the case was fixed was framing of charge; however, 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 the evidence. Statement of the accused is recorded u/s 342 Cr.P.C.

(4). Arguments heard and record perused. Perusal of case file shows that the accused was having 3000 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 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 repentance and reformation. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, his poor financial status and recovery of only 3000 grams of chars by taking a lenient view, instead of sentencing him

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at once, he is placed on probation for a period of 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., chargs be destroyed in accordance with law after the period provided for appeal/revision. Consign.



Pronounced:
21.03.2023

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: 21.03.2023

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