

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

SPECIAL CASE NO. : 18/3 OF 2023
DATE OF INSTITUTION : 21.03.2023
DATE OF DECISION : 27.03.2023

STATE THROUGH MUHAMMAD AMIR ASHO, POLICE STATION
MISHIT MELA

.....(COMPLAINANT)

-VERSUS-

HAIDER ULLAH S/O MOEEN SHAH, AGED ABOUT 32 YEARS, R/O
CASTE SHEIKHAN, TANBEY

..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for State.

FIR No. 07 **Dated:** 03.02.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019

Police Station: Mishti Mela

JUDGEMENT
27.03.2023

The above-named accused is charged for the
offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA,
2019, vide FIR no. 07, dated 03.02.2023 of Police
Station Mishti Mela.

- (2). As per contents of FIR, the complainant,
Muhammad Amir ASHO along with other police
officials, having laid a picket were present on the spot,
where at about 1500 hours a person having a blue colour
plastic shopper in his right hand on way towards the
picket on seeing the police party tried to make his escape
good from the spot but was overpowered. Nothing
incriminating was recovered from his personal search.

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
27/03/23

The search of the plastic shopper led the complainant to the recovery of 2000 grams of chars.

(3). After completion of investigation, complete challan was put in court. The accused was summoned through Addendum-B from Sub-Jail Orakzai.; however, the accused submitted application for disposal of his case on the basis of plead guilty for the reasons, waiving of his rights provided u/s 265-C CrPC on the grounds, that he is a poor person and a sole bread earner of his family, 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 recorded u/s 342 Cr.P.C.

(4). Arguments heard and record perused. Perusal of case file shows that the accused was having 2000 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. Keeping in view the aforementioned circumstances and the clean breast

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Meela
27/03/23

admission of the guilt of the accused, his poor financial status and recovery of only 2000 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. Accused is in custody. If the accused submitted the required bond, he be released, if not required in any other case. Case property i.e., chars be destroyed in accordance with law after the period provided for appeal/revision. Consign.



Pronounced:
27.03.2023

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: 27.03.2023

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