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

SPECIAL CASE NO. : 17/3 OF 2023
DATE OF INSTITUTION : 20.03.2023
DATE OF DECISION : 27.03.2023

STATE THROUGH MUHAMMAD SHAFIQ KHAN SHO, POLICE
STATION KUREZ BOYA
.....(COMPLAINANT)

-VERSUS-

SYED MATLOOB HUSSAIN S/O SYED AMAL BADSHAH, AGED
ABOUT 32 YEARS, R/O CASTE BAR MUHAMMAD KHEL, TAPA
BABA NAWASI, DISTRICT ORAKZAI
..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for State.

FIR No. 04 **Dated:** 09.02.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kurez Boya

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. 04, dated 09.02.2023 of Police Station
Kurez Boya.

- (2). As per contents of FIR, the complainant
Muhammad Shafiq Khan SHO along with other police
officials, having laid a picket on the spot, at about 1640
hours stopped a flying-coach bearing Registration No. P-
8215/Peshawar for the purpose of checking. A person
occupying rear seat of the vehicle having a white colour
plastic shopper in his lap was deboarded but nothing
incriminating was recovered from his personal search.

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The search of the plastic shopper led the complainant to the recovery of 01 packet of chars weighing 1000 grams, wrapped with yellow colour scotch tape.

(3). After completion of investigation, complete challan was put in court. The accused was summoned who accordingly appeared before the court and submitted application for disposal of his case on the basis of plead guilty waving of his rights provided u/s 265-C Cr.P.C, 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 recorded u/s 342 Cr.P.C.

(4). Arguments heard and record perused. Perusal of case file shows that the accused was having only 1000 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 Narcotic Substances 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 repentance. Keeping in view the aforementioned


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circumstances and the clean breast admission of the guilt of the accused, his poor financial status and recovery of only 1000 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:
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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