

**IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI**

*Case FIR No. 69, Dated 21.05.2021 U/S 15AA, PS Kalaya*

Case No.....8/3 of 2021.

Date of Institution:..... 17.08.2021.

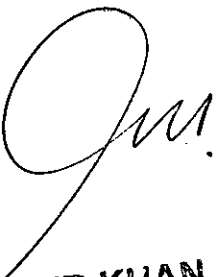
Date of Decision:.....12.04.2023.

**Order. No. 34**

12.04.2023

Accused on bail present. Today, the case was fixed for final order/judgement however, accused submitted application to the effect that they want to plead their guilt and requested for lenient view.

Brief facts of the prosecution's case as unfolded in the FIR are that, SI/complainant Nasir Khan PS Kalaya along with other police nafri was on area patrol when at Khazay metaled road Anjani, four persons were overpowered who disclosed their names as Stori Gul, Shana Gul, Mehboob Khan and Yousaf. From possession of accused Stori Gul, one 7.62 mm bore rifle bearing No. 161-71023 along with five extra magazines containing 125 cartridges of the same bore was recovered and taken into possession. From possession of Shana Gul, one 8 mm bore rifle bearing No. 1944 along with 55 cartridges of the same bore were recovered and taken into possession. Similarly, from possession of accused Mehboob Khan, one rifle 303 bore bearing No. 25824 along with 39 cartridges of the same bore were recovered and taken into possession. From possession of accused Yousaf, one rifle 303 bore bearing No. 8577 along with 40 live cartridges of the same bore were

  
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Civil Judge JM  
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recovered and taken into possession vide case FIR No. 69, Dated 21.05.2021  
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The accused submitted an application for pleading their guilt and requested for decision of their fate in the case on the basis of their plead guilty. Formal charge already framed and evidence of prosecution already recorded as PW-01 to PW-07. Accused pleaded their guilt and placed their selves at mercy of the court.

Thus, on the basis of their plead guilty and available record, the accused are hereby convicted for commission of the offence U/S 15AA. Keeping in view the whole-hearted plea of their guilt and their previous non-involvement in any such or any other criminal activity on their side, accused are sentenced to three years simple imprisonment and fine of Rs. 1,000/- for section 15AA. In default of payment of the fine, accused shall undergo one day each simple imprisonment.

There is nothing on record which could show previous involvement of accused in such like cases, therefore, the sentence ibid is suspended and converted into probation and they are placed on probation for the above period under the Probation Ordinance. They shall remain under the supervision of the Probation Officer (male) for the above-mentioned period subject to furnishing bail bonds in the sum of Rs. 50,000/- with two local and reliable sureties, to the satisfaction of probation officer (male) Orakzai, with the following conditions.

1. That they shall not repeat the offence.
2. That they shall keep and maintain peace and order in the society.

  
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3. That they must exhibit good behavior during the prescribed period of probation.
4. That they shall appear before the probation officer once in a month, which date is left to the discretion of the probation officer to be fixed.
5. That they shall not leave the country without permission of probation officer.
6. That if they violate the above conditions, the bonds will be recalled and they will be proceeded in accordance with the provision of the Ordinance *ibid*.
7. That in case of default by the convict, the direction regarding probation shall stand recalled and convict shall undergo imprisonment accordingly.


It is further added that the Probation Officer may involve the accused/convict in community services.

The Probation Officer (male) is directed to submit his report to this court about character and conditions of accused as aforesaid once in a quarter. Copy of this order be sent to the probation officer for compliance as per law.

Case property be dealt in accordance with law.

File be consigned to Record Room after its completion and compilation.

**Announced:**  
12.04.2023

  
**Zahir Khan**  
JMIC-I, Kalaya, Orakzai