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

SPECIAL CASE NO. : 23/3 OF 2023
DATE OF INSTITUTION : 04.05.2023
DATE OF DECISION : 22.05.2023

STATE THROUGH MUHAMMAD YOUNAS SHO, POLICE STATION
MISHTI MELA

.....(COMPLAINANT)

-VERSUS-

ACCUSED ANAS KHAN S/O SULTAN AKBAR, AGED ABOUT 21
YEARS, R/O CASTE MALA KHEL, TAPA CHAR KHELA, DRE
SOTEY, PO GHILJO, DISTRICT ORAKZAI

..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for State.

FIR No. 12 **Dated:** 04.03.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019

Police Station: Mishti Mela

JUDGEMENT
22.05.2023

The above-named accused is charged for the
offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA,
2019 vide FIR no. 12, dated 04.03.2023 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 were present on the spot
where at about 1200 hours a person walking on foot
holding a white colour shopping bag in his hand was
stopped for checking. Nothing incriminating was
recovered from the personal search of the accused. The

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search of the bag led the complainant to the recovery of 1100 grams of chars.

(3). After completion of investigation, complete challan was put in court. The accused was summoned who accordingly appeared before the court and copies of the record were provided to him in line with section 265-C Cr.P.C. Today, the case was fixed for 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. The statement of 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 1100 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 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 1100 grams of chars by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of 02 (two) years 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:
22.05.2023

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: 22.05.2023

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