

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

SPECIAL CASE NO. : 24/3 OF 2023
DATE OF INSTITUTION : 04.05.2023
DATE OF DECISION : 23.05.2023

STATE THROUGH MUJAHID KHAN SI/NET, POLICE STATION
KALAYA

.....(COMPLAINANT)

-VERSUS

1. MUHAMMAD HUSSAIN S/O PIR BADSHAH, CASTE AFRIDI
2. JAMSHID KHAN S/O SHARAB DIN, CASTE AFRIDI,
PRESENTLY RESIDING AT SULTANZAI

..... (ABSCONDING ACCUSED)

Present: Umar Niaz, District Public Prosecutor for State.

FIR No. 16 **Dated:** 11.02.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019 & 512 Cr.P.C.
Police Station: Kalaya

ORDER NO. 04
23.05.2023

DPP, Umar Niaz for State present. Accused
Muhammad Hussain and Jamshid Khan are absconding.

- (2). Arguments heard and record perused.
- (3). The case of the prosecution as Murasila Ex. PA based
FIR Ex. PA/1 is; that on 11.02.2023 the complainant Mujahid
Khan SI/PW-1 along with other police officials were present
on the spot where at about 08:30 hours a motorcycle riding
by two persons approaching from Sultanzai Dara via kacha
road towards the picket. The persons, on seeing the police
party, turned back who were chased by the local police but
they abandoning a yellowish pink colour plastic bag made
their escape good from the spot. The persons were identified
by the local police as Jamshid s/o Sharab Din and Muhammad
Hussain. The search of the bag led the complainant/PW-1 to
the recovery of 20 packets of chars, each weighing 1000

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
23/05/23

(6)

State VS Muhammad Hussain etc.

Case no.: 24/3, FIR no.: 16, Dated: 11.02.2023, u/s 9 (d) CNSA/ 512
CrPC, PS: Kalaya

grams, making a total of 20000 grams. The complainant/PW-1 separated 10 grams of chars from each packet for chemical analysis of FSL, packed and sealed the same into parcels no. 1 to 20 whereas the remaining quantity of chars weighing 990/990 grams were sealed in parcel no. 21 to 40 while the empty bag weighing 120 grams was packed and sealed in parcel no. 41 by affixing monogram of 'MK' on all the parcels. The complainant/PW-1 took into possession the recovered chars vide recovery memo Ex. PC. Murasila Ex. PA was drafted and sent to Police Station which was converted into FIR Ex. PA/1 by Humayun Khan AMHC/PW-3.

(4). After completion of investigation, the prosecution submitted challan against the absconding accused Muhammad Hussain and Jamshid Khan u/s 512 Cr.P.C. The accused were proceeded u/s 512 Cr.P.C and the prosecution was directed to produce evidence in absentia of the accused. Accordingly, the prosecution produced and examined as many as 05 witnesses.

(5). It is evident from the record that despite being proceeded u/s 204 Cr.P.C as well as u/s 87 Cr.P.C, accused Muhammad Hussain and Jamshid Khan are avoiding their lawful arrest and there is no likelihood of their arrest in near future and a prima facia case has been made out against the absconding accused; hence, they are declared proclaimed offenders. Perpetual warrants of arrest be issued against them and DPO, Orakzai is directed to enter their names in the register of proclaimed offenders. All the legal course be adopted for their arrest and they be brought before the court as and when arrested. Consign.



Pronounced
23.05.2023

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