

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

SPECIAL CASE NO. : 25/3 OF 2023
DATE OF INSTITUTION : 04.05.2023
DATE OF DECISION : 23.05.2023

STATE THROUGH HASSAN JAN SHO, POLICE STATION KUREZ

.....(COMPLAINANT)

-VERSUS-

MUHAMMAD ALI S/O SHARIF KHAN, CASTE STORI KHEL, TAPA
LALBI KHEL, TEHSIL LOWER, DISTRICT ORAKZAI

..... (ABSCONDING ACCUSED)

Present: Umar Niaz, District Public Prosecutor for State.

FIR No. 13 **Dated:** 16.03.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019 & 512 Cr.P.C.

Police Station: Kurez

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DPP, Umar Niaz for State present. Accused
Muhammad Ali is absconding.

(2). Arguments heard and record perused.

(3). The case of the prosecution as per Murasila Ex. PA
based FIR Ex. PA/1 is; that on 16.03.2023 the complainant
Hassan Jan SHO/PW-1 along with constables Syed Abbas
Ali, Junaid Ali and Khalid Ali/PW-2 during routine patrolling
in official vehicle were present on the spot, where at about
1500 hours a person walking on foot from fields towards the
main road having a white colour bag on his shoulder, on
seeing the police party threw the bag and made his escape
good from the spot. The search of the bag led the complainant
to the recovery of 13 packets of chars, wrapped with yellow
colour scotch tape, each on 1000 grams, making a total of
13000 grams while empty sack came out 33 grams. The
complainant/PW-1 separated 10 grams of chars from each


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packet for chemical analysis through FSL, packed and sealed the same into parcels no. 1 to 13 whereas the remaining quantity of chars weighing 12870 grams along with the empty bag were sealed in parcel no 14, by affixing monogram of 'HK' on all parcels. The complainant/PW-1 took into possession the recovered chars vide recovery memo Ex. PW 1/2. Murasila Ex. PA was drafted and sent to the Police Station through constable Khalid Ali/PW-1 which was converted into FIR Ex. PA/1 by Intikhab Ali AMHC/PW-3. The absconding accused Muhammad Ali s/o Sharif Khan was charged for the commission of offence on the basis of information.

(4). After completion of investigation, the prosecution submitted challan against the absconding accused Muhammad Ali who was 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, the accused is avoiding his lawful arrest and there is no likelihood of his arrest in near future. As per evidence recorded by the prosecution, a prima facia case has been made out against the absconding accused Muhammad Ali s/o Sharif Khan; hence, he is declared proclaimed offender. Perpetual warrant of arrest be issued against him and DPO Orakzai is directed to enter his name in the register of proclaimed offenders. All the legal course be adopted for his arrest and he 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