

Case Title: State VS Abdul Ghafoor

Or-----09  
14.01.2021

APP for the state present. Accused on bail present.

The accused facing trial has already submitted, an application for plead guilty in case FIR no. 98 Dated: 28.08.2020 u/s 15AA, 5-EXP, Sub- Act, 2013 KPK, 468/471 PPC, on the ground that he belongs to Erst-While FATA and was unaware of the prohibition of carrying arms. He further stated at the bar that he is a poor and uneducated boy that is why he could not understand the formality of formal charge and as such inadvertently opted to claim trial. Statement of accused recorded to which he pleaded his guilt and did not claim trial. Show-Cause notice was served upon the accused, wherein he placed himself at the mercy of the court.

The allegations levelled against the accused are that he was driving a motorcar bearing registration no. 5577, Peshawar and from the switch board of the same vehicle, 03 packets of explosive, 624 rounds of 303 bore and 1076 rounds of dungar bore were recovered and after investigation, it is revealed that he affixed a forged number plate bearing no. 5577, Peshawar and actually a Cuore-Cx Motorcar bearing chassis no. L501S-7521706 is found registered and the vehicle in question bearing chassis no. CE-1140002766 is not a registered vehicle, hence, the FIR.

The prosecution has not recorded its entire evidence till date. As per available record on file and clear admission, the accused being first offender is repentant of his guilt and also the accused is hardly of 23-24 years of age, which is the age of career building and grooming to do positive contribution towards the society. Also, the accused belongs to Erst-While FATA which is a war-torn zone and where the possession of explosives, prohibited arms and even non-custom paid vehicles was not something illegal and was a fashion of the day. Therefore, the accused is convicted for **03 years** simple imprisonment in sec. 5-Exp-Sub Act, KPK, 2013. He is further convicted for **03 years** simple imprisonment in sec. 15 of the KPK Arms Act, 2013 with fine of Rs. 30,000/- in default of payment of which he shall further undergo

  
Rehmat Ullah Wazir  
Civil Judge (JM-J)  
Orakzai at (Babar Mala)

simple imprisonment for 06 months. Furthermore, he is also convicted in sec. 468, PPC with **03 years** simple imprisonment. Furthermore, he is convicted in sec. 471 PPC with **04 months and 18 days** simple imprisonment. All the sentences shall run concurrently. Benefit sec. 382-B Cr.P.C be extended to accused.

Since the accused is first offender and there is nothing on file to reflect upon his character. Therefore, instead of sentencing him at once, the lenient view is taken and is deemed just and proper to require him to be under supervision of District Probation Officer u/s 5 of the probation of offender's ordinance 1960 for a period of sentence awarded to him subject to furnishing bail bonds to the tune of Rs. 80,000/- with two local and reliable sureties each in the like amount to the satisfaction of Probation Officer concerned for keeping peace and good behavior and also not repeating of the same offence for said period. The Probation Officer shall deal with the convict in accordance with law and shall keep strict supervision of the movements and behavior of the convict for the said period.

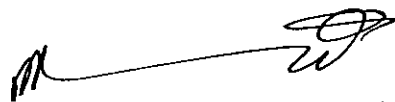
In case of default or violation, the accused shall be committed to undergo simple imprisonment for a period of 03 years. He shall ensure good behavior during the tenure of the probation of the convict. Copy of the order be sent to Probation Officer, Orakzai alongwith accused and sureties.

*Case property being 03 packets explosives and 624 rounds of 303 bore and 1076 rounds of dungar bore and the vehicle bearing secret cavity for the explosives and rounds and being unregistered/non-custom paid vehicle are hereby confiscated to state and be dealt in accordance with law.*

*One thing is hereby made clear and directions are issued to the local police to hand over the vehicle in question to the custom authorities for proper disposal after expiry of the period of appeal/revision and file intimation with the Muharrir of this court in this respect.*

File be consigned to record room after necessary completion and compilation.

Announced  
14.01.2021

  
(Rehmat Ullah Wazir)  
Judicial Magistrate-I/MTMC,  
Orakzai (at Baber Mela)