

IN THE COURT OF MUHAMMAD IMTIAZ,
JUDL: MAGISTRATE-II/MTMC, ORAKZAI

Case FIR No.:	03
Dated:	14-01-2020
Offence:	15 AA KP
P.S:	Ghiljo, U/Orakzai

Case No.	08/03 of 2020
Date of institution:	20.01.2020
Date of Decision:	28.01.2020

The State through **Zahid Amin S.H.O** P.S Giljo, U/Orakzai.

(Complainant)

VERSUS

Muhammad Salman S/O Farid Ullah R/O Palmat Kheil, Tehsil Upper, District Orakzai.

(Accused)

Mr. Amir Shah for the State and Complainant
Mr. Abid Ali Advocate for Accused

JUDGMENT

1. Briefly stated factual background of the instant case is that the complainant, reported that Police were on their routine Patrol (گشت) when they apprehended accused with a rifle 12 bore No. P-15847 without any valid license/permit. On the basis of which instant case was registered.

2. After completion of the investigation the complete challan was Submitted on 20.01.2020. Accused was summoned upon which he appeared and the provisions of section 241-A was duly complied with. The formal charge against the accused person was framed on 21.01.2020, to which the accused person pleaded not guilty and claim trail.

Muhammad Imtiaz
 Civil Judge/JM-II
 Orakzai
 28.01.2020

3. Prosecution was given opportunity to adduce its evidence as it desired. Prosecution produced the following evidence:

PW (Name and Designation)	Document produced	Exhibit
PW-01 Zahid Amin S.H.O P.S Giljo, U/Orakzai	a. Marislla b. Card of Arrest of accused c. Application before Ilaqa Magistrate for Judicial Custody d. F.I.R e. Opinion of armorers (02)	i. Ex.PA ii. Ex.PW01/02 iii. Ex.PW 01/03 iv. Ex.PA v. Ex.PA/1 vi. Ex.PA/2
PW-02 Fazal Malik Constable P.S Giljo, U/Orakzai	f. Recovery Memo g. Case Property	i. Ex.PW02/01 ii. Ex.P1

Then after, on 28-01-2020, Learned APP for the state closed evidence on behalf of the prosecution.

4. Statement of all the accused u/s 342 of Cr.P.C were recorded wherein they neither opted to be examined oath u/s 342 (2) of Cr.P.C nor they wanted to produce any evidence in their defense.

5. After conclusion of Trial, Arguments of the learned counsel for the accused facing trial and APP, and for the parties heard attentively and the available record meticulously perused with their due assistance.

6. Perusing the case file, it is clear that recovery of the one rifle of 12 bore No. 9-15847 was effected from the direct possession the accused. The same is produced before the Court.

7. It is also clear from the evidence that accused failed to produce any valid license/permit for the retaining the said rifle. The armorers report also supports the prosecution version. There

is no major contradiction in the evidence produced by the prosecution.

8. Taking stock of all the features of the instant case, it is observed that for what is discussed above it is clear that prosecution **Succeeded** to connect the accused facing trial with the very act of the commission of offence **U/S 15 AA KP** on the following grounds: -

- i. *There is direct recovery from the accused.*
- ii. *No marginal difference which would cater reasonable doubt about the guilt of accused in the Prosecution evidence.*
- iii. *Prosecution Succeeded to connect the accused with the commission of offence through un-broken chain of acts under 15AA KP.*
- iv. *Documentary evidence of Prosecution supports Oral evidence.*

9. Resultantly, the accused facing trial, namely **Muhammad Salman S/O Farid Ullah** is found **guilty** for the commission of the offence U/S 15AA KP. Keeping in view his tender age and being first offender, is hereby convicted and sentenced to simple imprisonment till rising of the court.

10. Case property stands confiscated to state. Case file be consigned to record room after necessary completion and compilation.

ANNOUNCED

28.01.2020

Muhammad Imtiaz
Civil Judge/JM-II
Orakzai (Lahar Mela)
(M. Imtiaz)

JM-II/MTMC, Orakzai

CERTIFICATE:

Certified that the instant order consists of three (03) pages; every page have been checked and signed by me

Muhammad Imtiaz
Civil Judge/JM-II
Orakzai (Lahar Mela)
(M. Imtiaz)

JM-II/MTMC, Orakzai