

Case Title: State VS Muhammad Shafique

Or-----05
01.04.2021

APP for the state present. Accused on bail present.

The accused facing trial submitted, an application for plead guilty in case FIR no. 40 Dated: 16.09.2020 U/S 15AA KP, PS: U/Orakzai. He put himself at the mercy of the court. 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 carrying a Kalashnikov with butt, bearing no. N900890 alongwith a fixed charger and 05 spare chargers containing 60 rounds of 7.62 bore. Hence, the FIR.

Charge has already been framed while the prosecution has not recorded any evidence till date.

As per available record on file and clear admission, the accused being first offender is repentant of his guilt. Also, the accused belongs to Erst-While FATA which is a war-torn zone and where the possession of arms was not something illegal and was a fashion of the day. Therefore, the accused is convicted for **03 years** simple imprisonment in sec. 15AA, KPK Arms Act, 2013.

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.

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District Judge
Civil Judge
Orakzai

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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 a Kalashnikov alongwith a fixed charger and 05 spare chargers containing 60 rounds of 7.62 bore are hereby confiscated to state and be dealt in accordance with law.

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

Announced
01.04.2021


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