

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

CASE NO. : 37/3 OF 2021
DATE OF INSTITUTION : 08.06.2021
DATE OF DECISION : 23.06.2021

STATE THROUGH INAYAT KHAN SI, KRAPPA CHECK-POST
DISTRICT ORAKZAI

.....(COMPLAINANT)

-VERSUS-

MUHAMMAD MUSTAFA S/O KHAN GUL, AGED ABOUT 23
YEARS, CASTE ALI KHEL, VILLAGE ZANKA KHEL, DISTRICT
ORAKZAI

..... (ACCUSED FACING TRIAL ON BAIL)

Present: Umar Niaz, District Public Prosecutor for state.

FIR No. 14 **Dated:** 02.04.2021 **U/S:** 9 (c) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019

Police Station: Ghiljo Upper Orakzai

JUDGEMENT
23.06.2021

Accused Muhammad Mustafa s/o Khan Gul
faced trial for the offence u/s 9 (c) KP CNSA vide FIR
no. 14 dated 02.04.2021 of Police Station Ghiljo Upper
Orakzai.

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
23/06/21

(2). As per contents of FIR, the complainant Inayat
Khan SI alongwith other police officials having laid a
picket, was present on the spot where a pick-up Datsun
on way from Ghiljo bazar was stopped wherefrom a
person occupying a front seat having a plastic bag in his
lap, was boarded. The plastic bag was searched which
led the complainant to the recovery of 900 grams of

chars. The accused disclosed his name as Muhammad Mustafa s/o Khan Gul, the accused facing trial.

(3). After completion of investigation, complete challan was put in court. The accused was summoned, copies of the documents were provided to him u/s 265-C Cr.P.C and the formal charge was framed against him to which he pleaded not guilty and claimed trial.


(4). The prosecution was directed to produce evidence. Today the case was fixed for evidence of the prosecution, however the accused submitted application for disposal of his case on the basis of plead guilty for the reasons that he is a poor person, cannot afford the expenses of litigation, and that being first offender, lenient view may be taken against him. Application is placed on file. In view of the application of accused, prosecution did not want to produce the evidence. Statement of the accused is recorded u/s 342 Cr.P.C.

(5). Arguments heard and record perused. Perusal of case file shows that though the accused has pleaded not guilty to the charge already framed against him, however he has confessed his guilt vide his application submitted today. As the accused is first offender and there is no record of his previous involvement in such like offences. Besides the accused is of the age of 23, therefore he must have a chance of repentance. Keeping in view the

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
23/06/21

aforementioned circumstances and the clean breast admission of the guilt of the accused, his poor financial status and recovery of only 900 grams of chars by taking a lenient view, the above-named accused is convicted u/s 9 (c) of KP CNSA Act, 2019. Upon his conviction, he is sentenced to suffer simple imprisonment for ten days. He is also sentenced to fine of Rs. 100,000/-. In case of default of the payment of fine, the accused shall further suffer three days simple imprisonment. The benefit of section 382-B Cr.P.C is extended to the accused. Accused is on bail. His bail bonds stand cancelled and his sureties are discharged from the liabilities of bail bonds. Case property be destroyed in accordance with law after the period provided for appeal/revision. Consign.

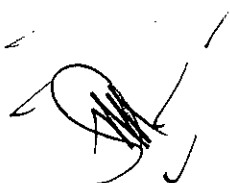
Announced:
23.06.2021


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

CERTIFICATE

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 23.06.2021


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