

(11)

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

CASE NO. : 40/3 OF 2021  
DATE OF INSTITUTION : 24.06.2021  
DATE OF DECISION : 25.08.2021

STATE THROUGH RAEES KHAN ASHO, PS KALAYA, TEHSIL  
LOWER DISTRICT ORAKZAI

.....(COMPLAINANT)

-VERSUS-

1. SINAB GUL S/O GUL BAHADAR, AGED ABOUT 37 YEARS,  
TRIBE UTMAN KHEL, SUB-TRIBE BRANKA KHEL, PITAO  
KHELA, DISTRICT ORAKZAI
  2. NAJIB ULLAH S/O MUHAMMAD ALI SHAH, AGED ABOUT  
20 YEARS, TRIBE MISHTI, SUB-TRIBE HAIDER KHEL,  
SANGRA, DISTRICT ORAKZAI
- ..... (ACCUSED FACING TRIAL ON BAIL)

**Present:** Umar Niaz, District Public Prosecutor for state.

**FIR No. 22**                      **Dated:** 17.02.2021      **U/S:** 9 (c) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019

**Police Station:** Kalaya, Lower Orakzai

---

**JUDGEMENT**  
25.08.2021

Accused Sinab Gul s/o Gul Bahadar and Najib

Ullah s/o Muhammad Ali Shah faced trial for the offence  
u/s 9 (c) KP CNSA vide FIR no. 22 dated 17.02.2021 of  
Police Station Kalaya, Lower Orakzai.

(2). As per contents of FIR, the complainant Raees  
Khan ASHO alongwith other police officials having laid  
a picket, was present on the spot where a motorcycle  
riding by the accused named above on way from Kalaya  
Headquarter was stopped. The search of the persons of

25/8/21

**Shaukat Ahmad Khan**  
District & Sessions Judge,  
Orakzai at Baber Mela

the accused led the complainant to the recovery of 200 grams of chars from possession of each of the accused.

(3). After completion of investigation, complete challan was put in court. The accused were summoned, copies of the documents were provided to them u/s 265-C Cr.P.C and the formal charge was framed against them to which they 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 applications for disposal of their case on the basis of plead guilty for the reasons that they are poor person, cannot afford the expenses of litigation, and that being first offenders, lenient view may be taken against them. Applications are placed on file. In view of the application of accused, prosecution did not want to produce the evidence.


Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
25/8/21

Statements of the accused are recorded u/s 342 Cr.P.C.

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

repentance. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, their poor financial status and recovery of only 200 grams of chars by taking a lenient view, each of the accused named above are convicted u/s 9 (c) of KP CNSA Act, 2019. Upon their conviction, each of the accused is sentenced to suffer simple imprisonment for 3 days. Each of the accused is also sentenced to fine of Rs. 100,000/-. In case of default of the payment of fine, each of the accused shall further suffer three days simple imprisonment. The benefit of section 382-B Cr.P.C is extended to both the accused. Accused are on bail. Their bail bonds stand cancelled and their sureties are discharged from the liabilities of bail bonds. Case property i.e, chars be destroyed in accordance with law after the period provided for appeal/revision. The motorcycle has already been returned to the accused Sinab Gul. Consign.


**Announced:**  
25.08.2021

  
**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: 25.08.2021

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