

(12)

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

SPECIAL CASE NO. : 31/3 OF 2023
DATE OF INSTITUTION : 16.08.2023
DATE OF DECISION : 10.10.2023

STATE THROUGH MUQADAR KHAN SI, POLICE STATION
KALAYA

.....(COMPLAINANT)

-VERSUS-

MUHAMMAD ISRAR S/O JAN AKBAR, AGED ABOUT 36 YEARS,
R/O CASTE FERAZ KHEL, TAPA GHAIKAT KHEL VILLAGE
CHONTRA, DISTRICT ORAKZAI

..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for State.
: Khursheed Alam Advocate for accused.

FIR No. 51 **Dated:** 14.05.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019


Police Station: Kalaya

JUDGEMENT

10.10.2023

The above-named accused is charged for the offence u/s 9 (d) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 vide FIR no. 51, dated 14.05.2023 of Police Station Kalaya.

- (2). As per contents of FIR, the complainant Muqadar Khan SI along with constables Shahid Ullah and Fazal Rabi during routine patrolling were present on the spot where at about 1630 hours a person walking on foot holding a blue colour plastic shopper in his right hand, who later on disclosed his name as the accused named above, was stopped whose personal search led the complainant to the recovery of 02 packets of chars wrapped with yellow colour


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scotch tape, each weighing 1000 grams, making a total of 2000 grams.

(3). After completion of investigation, complete challan was put in court. The accused was summoned, copies of the record were provided to him u/s 265-C Cr.P.C, formal charged 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 a false case has been registered against him and he is a government official having low salary income, 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. The accused was having 2000 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa Control of


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Narcotic Substances Act, 2019. Hence, he is convicted of the offence. But as the accused is first offender and there is no record of his previous involvement in such like offences. Besides the accused is of young age; therefore, he must have a chance of repentance and reformation. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, poor financial status and recovery of only 2000 grams of chars by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of one (01) year subject to the executing of bonds in the sum of Rs. 50,000/- with two sureties to the effect that the accused would commit no offence and to keep the peace and be of good behavior during the period of probation and to appear and receive the sentence, if called upon to do so during that period to the satisfaction of Probation Officer concerned. Case property i.e., chars be destroyed in accordance with law after the period provided for appeal/revision. Consign.




Pronounced:
10.10.2023


(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: 10.10.2023


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