

5

STATE VS TAJ MUHAMMAD

**FIR No. 17 | Dated: 21.09.2023 | U/S: 9 (d) and 11-A of the
Khyber Pakhtunkhwa CNSA 2019 | Police Station: Dabori**

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

SPECIAL CASE NO. : 35/3 OF 2023
DATE OF INSTITUTION : 03.11.2023
DATE OF DECISION : 06.11.2023

STATE THROUGH IMTIAZ KHAN SHO, POLICE STATION DABORI

.....(COMPLAINANT)

-VERSUS-

TAJ MUHAMMAD S/O MIAN GUL, AGED ABOUT 18/19 YEARS, R/O
CASTE ALI KHEL, TAPA AIMAL KHEL, DISTRICT ORAKZAI

..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for State.

FIR No. 17 **Dated:** 21.09.2023 **U/S:** 9 (d) and 11-A of
the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Dabori

JUDGEMENT

06.11.2023

The above-named accused is charged for the offence u/s 9 (d) and 11-A of the Khyber Pakhtunkhwa CNSA, 2019, vide FIR no. 17, dated 21.09.2023 of Police Station Dabori.

- (2). As per contents of FIR, the complainant, Imtiaz Khan SHO along with other police officials during routine patrolling present on the spot, stopped a person holding a shopper in his right-hand walking on foot from Ghwanda Mela towards the spot. The search of the shopper led the complainant to the recovery of 01 packet of chars, weighing 1340 grams wrapped with yellow colour scotch tape. The personal search of the accused

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

06/11/23

STATE VS TAJ MUHAMMAD

FIR No. 17 | Dated: 21.09.2023 | U/S: 9 (d) and 11-A of the
Khyber Pakhtunkhwa CNSA 2019 | Police Station: Dabori

also led the complainant to the recovery of 10 grams of ice from trouser-fold of the accused.

(3). After completion of investigation, complete challan was put in court. The accused was summoned through Addendum-B from Sub-Jail Orakzai.; however, the accused submitted application for disposal of his case on the basis of plead guilty for the reasons, waiving of his rights provided u/s 265-C CrPC on the grounds, 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. Formal charge framed against the accused to which he pleaded guilty, did not want to claim trial and placed himself at the mercy of the court.

(4). Arguments heard and record perused.

(5). Perusal of case file shows that the accused was having 1340 grams of chars and 10 grams of ice in his possession. In view of the clean breast admission of the guilt by the accused, he is held guilty of the offence punishable u/s 9 (d) and 11-A of the Khyber Pakhtunkhwa CNSA, 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. Keeping in view

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

7

STATE VS TAJ MUHAMMAD

**FIR No. 17 | Dated: 21.09.2023 | U/S: 9 (d) and 11-A of the
Khyber Pakhtunkhwa CNSA 2019 | Police Station: Dabori**

the aforementioned circumstances and the clean breast admission of the guilt of the accused, his poor financial status and recovery of only 1340 grams of chars and 10 grams of ice by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of two years 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 bond and to appear and receive the sentence, if called upon to do so during that period to the satisfaction of Probation Officer concerned. Accused is in custody. If the accused submitted the required bond, he be released, if not required in any other case. Case property i.e., chars be destroyed in accordance with law after the period provided for appeal/revision. Consign.



Pronounced:
06.11.2023

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: 06.11.2023

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