

9/16

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

SPECIAL CASE NO. : 12/3 OF 2023
DATE OF ORIGINAL INSTITUTION : 01.02.2023
DATE OF TRANSFER-IN : 09.03.2023
DATE OF DECISION : 04.11.2023

STATE THROUGH MUJAHID KHAN SI/INCHARGE NARCOTICS
ERADICATION TEAM (NET)

.....(COMPLAINANT)

-VERSUS-

ABDUL WAHID S/O NOKAR KHAN, AGED ABOUT 24 YEARS, R/O
CASTE MISHTI, TAPPA DARWI KHEL, DISTRICT ORAKZAI

..... (ACCUSED FACING TRIAL)

Present : Umar Niaz, District Public Prosecutor for State.
: Hamid Sarfaraz Advocate, the counsel for accused facing trial.

FIR No. 114 **Dated: 12.11.2022** **U/S: 9 (d)** of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019, 468/471 PPC and
512 CrPC **Police Station: Kalaya**

JUDGEMENT
04.11.2023

The above-named accused faced trial for the offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019, 468/471 PPC & 512 CrPC vide FIR No. 114, dated 12.11.2022 of Police Station Kalaya.

- (2). The case of the prosecution as per contents of Murasila based FIR is; that on 12.11.2022, the complainant Mujahid Khan SI along with constable Amir Abbas and Sadar Ali HC in official vehicle driving by constable Abdul Haq were present on the spot where at about 1100 hours a white colour motorcar bearing Registration No. ANY 988 on way from Utman Khel towards the picket was stopped for the purpose of checking. The driver of the motorcar was made come down

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

02/11/23

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

97

from motorcar, his person was searched but nothing incriminating were recovered from his personal search. Upon search of the motorcar, 23 packets of chars each wrapped with yellow colour scotch tape, weighing 1000 grams, making a total of 23,000 grams of chars were recovered from a secret cavity. The complainant separated 10 grams of chars from each packet for chemical analysis through FSL, sealed the same into parcels no. 1 to 23 whereas the remaining quantity of chars weighing 990/990 grams were sealed in parcels no. 24 to 46 by placing/affixing monograms of 'SH' on all the parcels. The complainant took into possession the recovered chars and the motorcar bearing Registration No. ANY 988 vide recovery memo. The accused disclosed his name as **Abdul Wahid** s/o Nokar Khan who was arrested on the spot by issuing his card of arrest. Murasila was drafted and sent to Police Station through Sadar Ali HC which was converted into FIR by Muhammad Jameel MHC.

- (3). After registration of FIR, it was handed over to Muhammad Hanif OII for investigation. Accordingly, after receipt of FIR, he reached the spot, prepared site plan on the pointation of the complainant and recorded the statements of PWs u/s 161 Cr.P.C. On 14.11.2022, the IO sent the samples of chars for chemical analysis to FSL through constable Abdul Wadood, the result whereof was received and placed on file by him. The IO took the motorcar mentioned above to FSL for

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
20/11/22

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

98

verification of its chassis number. The result of which was received and placed on file by him which shows that the chassis number of the motorcar tempered, on the basis of which section 468/471 PPC were added in the instant case and the absconding accused Ihsan Ullah was nominated as accused in the case. After completion of investigation, he handed over the case file to SHO who submitted complete challan against the accused facing trial.

(4). Upon receipt of case file for the purpose of trial, the accused was summoned through addendum-B, copies of the record were provided to him in line with section 265-C CrPC and formal charge was framed against him to which he pleaded not guilty and claimed trial. With respect to absconding accused Ihsan Ullah, the statement of SW was recorded, and in view of his statement, absconding accused Ihsan Ullah was proceeded u/s 512 Cr.P.C and the prosecution was directed to produce evidence in his absentia. Accordingly, the witnesses were summoned and examined. The gist of the evidence is as follow;

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

52/11/23

- I. Shal Muhammad SHO appeared in the witness box as PW-1. He has submitted complete challan Ex. PW 1/1 against the accused facing trial and challan Ex. PW 1/2 against the absconding accused in the instant case.

II. Muhammad Jameel MHC appeared in the witness box as PW-2. He has incorporated the contents of Murasila Ex. PA/1 into FIR Ex. PA. He has received the case property from the complainant duly packed and sealed which he had kept in mal khana in safe custody besides parked the motorcar in vicinity of the police station. The witness further deposed that he has recorded entry of the case property in Register No. 19 Ex. PW 2/1 and he has handed over the samples of the case property to the IO for sending the same to FSL on 14.11.2022.

III. Mujahid Khan SI is the complainant of the case. He as PW-3 repeated the same story as narrated in the FIR.

IV. Head Constable Sadar Ali is PW-4. He besides being eyewitness of occurrence is marginal witness of recovery memo Ex. PC as well vide which the complainant has taken into possession the recovered chars and the motorcar. He also reiterated the contents of FIR in his statement.

V. Constable Abdul Wadood is PW-5. He has taken the samples of chars in parcels no. 1 to 23 to the FSL for chemical analysis on 14.11.2022 and after submission of the same, he has handed over the receipt of the parcels to the IO.


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

02/11/23

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

100

VI. Investigating Officer Muhammad Hanif was examined as PW-6 who in his evidence deposed in respect of the investigation carried out by him in the instant case. He has prepared the site plan Ex. PB on the pointation of the complainant, recorded the statements of witnesses on the spot, issued parwana-e-drustagi Ex. PW 6/1, drafted applications Ex. PW 6/2 and Ex. PW 6/3 for verification of the motorcar, produced the accused before the court of Judicial Magistrate vide his application Ex. PW 6/4, sent the representative samples to FSL along with application addressed to the incharge FSL Ex. PW 6/5 and road permit certificate Ex. PW 6/6 and result of the same Ex. PK/1 was placed on file by him, took the vehicle in question to the FSL and the result whereof received and placed on file by him as Ex. PK, added section 468/471 PPC in the instant case, conducted proceedings against the absconding accused, placed on file copy of Register No. 19 Ex. PW 2/1, copies of daily diaries Ex. PW 6/14 and Ex. PW 6/15 and submitted the case file to SHO for its onward submission.

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Bajr Mela
02/11/23

(5). Prosecution closed its evidence whereafter the statement of accused was recorded u/s 342 Cr.P.C but the accused neither wished to be examined on oath nor opted to

(101)

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

produce any evidence in defence. Accordingly, arguments of learned DPP for State and learned counsel for accused facing trial heard and case file perused.

(6). Learned DPP for State submitted that the accused facing trial is directly nominated in the FIR, huge quantity of chars has been recovered from possession of the accused facing trial, the recovered chars are sealed and sampled on the spot by the complainant, the IO has conducted investigation on the spot, the samples for chemical analysis have been transmitted to the FSL within the prescribed period and the same have been found positive for chars vide report of FSL Ex. PK/1. The complainant, the witnesses of the recovery, the official transmitted the samples to the FSL and the IO have been produced by the prosecution as witnesses, whom have fully supported the case of the prosecution and their statements have been lengthy cross examined but nothing contradictory could be extracted from the mouth of any of the witness of the prosecution and that the prosecution has proved its case beyond shadow of any doubt.

Shaukat Ahmaz Khan
District & Sessions Judge,
Orakzai at Baber Mela
04/11/23

(7). Learned counsel for the defence argued that though the accused facing trial is directly nominated in the FIR, the alleged chars have been shown recovered from his possession and the report of FSL support the case of prosecution; however, the accused facing trial is falsely implicated in the instant case and nothing has been recovered from his

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

possession. He argued that the prosecution has failed to prove the mode and manner of recovery and the mode and manner of investigation allegedly conducted by the IO on the spot, as detailed by the prosecution on the case file. He concluded that there are various dents in the case of prosecution leading to its failure to bring home the charge against the accused facing trial.

(8). In the light of arguments advanced by learned DPP for the State, arguments of learned counsel for the defence and the available record, following are the points for determination of charge against the accused facing trial:

- (i). Whether the occurrence has taken place in the mode and manner as alleged by the prosecution?
- (ii). Whether the investigation has been carried out in the mode and manner as alleged by the prosecution?
- (iii). Whether the case of prosecution is substantiated through report of FSL?

(9). The case of prosecution, as per contents of Murasila Ex. PA/1, court statements of Mujahid Khan SI as PW-3 and HC Sadar Ali as PW-4 is, that the complainant Mujahid Khan SI/PW-3 along with constable Amir Abbas and Sadar Ali HC/PW-4 in official vehicle driving by constable Abdul Haq were present on the spot where at about 1100 hours a white colour motorcar bearing Registration No. ANY 988 on way from Utman Khel towards the picket was stopped for the

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
02/11/23

103

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

purpose of checking. The driver of the motorcar was made come down from motorcar, his person was searched but nothing incriminating were recovered from his personal search. Upon search of the motorcar, 23 packets of chars each wrapped with yellow colour scotch tape, weighing 1000 grams, making a total of 23,000 grams of chars were recovered from a secret cavity. The complainant/PW-3 on the spot has separated 10 grams of chars from each packet for chemical analysis through FSL, sealed the same into parcels no. 1 to 23 whereas the remaining quantity of chars weighing 990/990 grams were sealed in parcels no. 24 to 46, placing/affixing monograms of 'SH' on all the parcels. The accused disclosing his name as **Abdul Wahid** s/o Nokar Khan, was arrested on the spot by issuing his card of arrest Ex. PW 3/1. The Murasila Ex. PA/1 has been transmitted by Head Constable Sadar Ali/PW-4 to police station where, after registration of FIR by Muhammad Jameel MHC/PW-2, it has been handed over to Muhammad Hanif/PW-6, the IO of the case. The IO has visited the spot and conducted investigation by making a site plan Ex. PB on the pointation of Mujahid Khan SI/PW-3 and recorded the statements of marginal witnesses.

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
02/11/23

The prosecution in order to prove its case in the mode and manner as alleged, has examined Mujahid Khan SI, the complainant of the case, as PW-3 who has reiterated the contents of Murasila Ex. PA/1 and Head Constable Sadar Ali,


(109)

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

the eyewitness witness of the occurrence and marginal witness of recovery memo Ex. PC as PW-4 who besides repeating the same story as narrated in the FIR, has stated to have taken the documents to the police station for registration of FIR and handed over the documents to Muhammad Jameel MHC/PW-2 who has registered the FIR. The witnesses have been cross examined.

The complainant/PW-3 and police officials accompanied him at the time of occurrence were posted at NET (Narcotics Eradication Team) and not in any police station. As per contents of Murasila Ex. PA/1, the occurrence has taken place at 1100 hours on 12.11.2022. The place of occurrence is "Karghan" check-post located at a distance of 10/12 km towards east from police station. But the name of police station is not mentioned. Similarly, the Murasila is addressed to the official Incharge police station but the name of police station is not mentioned; however, the FIR has been registered at Police Station Kalaya. The complainant/PW-3 in the very first line of cross examination has stated that he was not posted in Police Station Kalaya and was Incharge NET Lower Orakzai having a separate office at Tehsil Headquarter Kalaya. However, there is nothing available on file as to the fact that where he has travelled to the place of occurrence to justify his presence on the spot. In this respect, when he was cross examined, he stated that they do not used to maintain a


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
02/11/23

105

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

daily diary of their departure from their office while leaving for patrolling. Moreover, the place of occurrence i.e., "Karghan" check-post, as per cross examinations of complainant/PW-3, the marginal witness/PW-4 and the IO/PW-6, is a police post where regular police officials are posted. All the three witnesses in their respective cross examinations have admitted that the police officials deputed at "Karghan" check-post were present over there, but being natural witnesses, no official from them has been associated by the complainant with the occurrence. Similarly, the IO has also not recorded the statement of any of the police officials, at least to the extent of the presence of complainant party on the spot. With respect to process of search and recovery on the spot, as per contents of Murasila Ex. PA/1, there was no prior information to the complainant. The recovery has allegedly been effected from secret cavity of motorcar but not on the pointation of the accused. The particulars of the motorcar as mentioned in the Murasila Ex. PA/1 are; XLI bearing Registration No. ALY/988, Chassis No. NZE/210-6071989, Engine No. ZNZ-FE-1299 of white colour. The same particulars are mentioned in the recovery memo Ex. PC. The registration book of motorcar has also been shown recovered from the possession of the accused. The same particulars of the motorcar are mentioned in daily diary No. 12 regarding return of complainant/PW-3 from the spot to the police station.

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Meia
02/11/23

106

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

The case property is entered in serial No. 77 of register No. 19, copy of which is placed on file, Ex. PW 2/1 where the case property is mentioned as; parcels no. 1 to 23, each containing 10 grams of chars, parcels no. 24 to 46, each containing 990 grams of chars, motorcar No. ANY/988 of white colour XLI and parcel no. 47 containing the registration book of the motorcar. According to the last column, the parcels no. 1 to 23 have been sent to the FSL on 14.11.2022 which means that the aforesaid copy of register no. 19 Ex. PW 2/1 has not been prepared on the day of occurrence i.e., 12.11.2022 but definitely after 14.11.2022. As against this, the version of prosecution regarding the particulars of motorcar is, that on the same day i.e., 12.11.2022 the IO of the case found the chassis number as NZE/120-606071989 instead of NZE/210-6071989 so he issued memo of correction dated 12.11.2022 Ex. PW 6/1. But the version of the IO/PW-6 regarding the correction of the chassis number of motorcar on the same day i.e., 11.12.2022 seems not correct because when the original register No. 19 was produced before the court, where full particulars of motorcar were found entered as against the copy already available on file as Ex. PW 2/1 where the previous entry regarding the particulars of motorcar was found erased and the fresh entry with full particulars was found made but that too with incorrect chassis number. As the said addition/deletion has been made somewhere after 12.11.2022; therefore, making

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai & Babar Me23
02/11/23

107

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

correction in the particulars of motorcar vide memo Ex. PW 6/1 on 12.11.2022 is not correct.

With respect to process of sampling, sealing and drafting of the documents and sending the same to the police station, the version of prosecution is, that the documents i.e., the recovery memo, card of arrest and Murasila were sent to the police station through PW-4/Sardar Ali HC, who as per cross examination of PW-3 has travelled to the police station via motorcycle. The same stance was repeated by said Sadar Ali HC in his cross examination as PW-4. But when he was confronted with his statement recorded u/s 161 CrPC, where he has told the IO that he has travelled to the police station in official vehicle in the company of driver Abdul Haq. Similarly, after packing of the case property the same were affixed with monogram of 'SH', which as per statement of PW-1/Shal Muhammad/SHO, denotes 'Shal Muhammad'. The complainant/PW-3 when asked about as to when and how he was in possession of the seal of Shal Muhammad SHO, he stated that few days prior to the occurrence he had borrowed the seal from Shal Muhammad. But when Shal Muhammad/PW-1 was asked about this fact he stated that he has not handed over his seal to the complainant. Similarly, the Moharrir/PW-2 of Police Station Kalaya has also stated in his cross examination that he has not handed over the seal to the complainant/PW-3. Moreover, as per record the recovery

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
6/11/23

108

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512, CrPC | Police Station: Kalaya

memo and card of arrest bear number the of FIR. In this respect the Moharrir of police station as PW-2 in his cross examination stated that both the documents were already bearing the number of FIR prior to handing over the same to him but it is not explained on the file that as to how and by whom the number of FIR prior to its registration was added on the recovery memo and card of arrest. Furthermore, when the case property i.e., parcels no. 24 to 46 was produced before the court, the same were found carried in another bag upon which the particulars of the instant FIR were scribed and the seals were broken. When the complainant/PW-3 was confronted with this fact he stated;

"I had not made any writing on the bag in which the parcels were put for convenience. I have seen the said bag in the court which bears broken three seals of SH with the case particulars inscribed on it. Self-stated that neither I have sealed the parcel in a single bag nor I have inscribed those particulars on the bag. The seal of the monogram SH on all the alleged parcels of chars today produced by me in the court is the same as available in broken form on the bag as discussed above."

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber
02/11/22

When this fact was put to PW-4, the marginal witness of recovery memo, he stated;

109

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

"All the parcels after their preparation were put in a bag for carriage convenience. I have seen the said bag in the court which bears broken three seals of SH with the case particulars inscribed on it. All the parcels number 24 to 46 also bear the monogram of SH. It is correct that whenever a parcel is prepared it is sewed and sealed with monogram. It is correct that the said bag is having the sewing thread but is in opened form. The broken seals on the open bag would have been affixed by Mujahid Khan."

The aforementioned statements of PW-3 and PW-4, create doubt regarding preparation of parcels on the spot to the fact that the alleged recovered chars were first sealed in a single bag and later on converted to parcels no. 24 to 46.

With respect to process of investigation on the spot, as per contents of Murasila Ex. PA/1, the occurrence has taken place at "Karghan" check-post located at a distance of 10/12 km towards east of the police station but as discussed earlier the name of police station is not mentioned. Similarly, as per contents of Murasila Ex. PA/1 the motorcar has allegedly approached from Utman Khel side but in the site plan Ex. PB Utman Khel is nowhere mentioned rather the occurrence has shown taken place on a main road leading from Kohat to Headquarter from south to north but when the

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Balher Mela
09/11/22

(110)

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

complainant/PW-3 was cross examined on this point he stated that;

"A person, while on way to the spot of occurrence from Utman Khel would be facing towards east."

The PW-4 has also narrated the same fact i.e.,

"While approaching from Headquarter side one has travelled towards east."

In view of what is discussed above, it is held that the factums of non-availability of any daily diary in respect of the departure of the complainant party from office or police station and non-association of the police officials of "Karghan" check-post with the occurrence create doubt regarding the presence of the complainant party on the spot. The factum of the incorrect entry of the chassis number of the motorcar, its subsequent correction in back dates, the affixation of seal of 'SH' on the parcels denoting the name of 'Shal Muhammad' who was the SHO at that time at Police Station Kalaya coupled with failure of complainant/PW-3 to explain that as to how and when he has received the seal of another official, the factum of mentioning of FIR number over the recovery memo and Murasila prior to its registration and preparation of a single bag for the case property of parcels no. 24 to 46 and later on discarding the same, on one hand shows that the occurrence has not taken place in the mode and manner as alleged by the prosecution while on the other hand making the process of

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Melz
02/11/22

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

(111)

recovery from the alleged secret cavity of the motorcar doubtful. The contradiction regarding the spot of occurrence as told by the complainant/PW-3 and eyewitness/PW-4 in their statements and that of the site plan Ex. PB shows that either the occurrence has not taken place on the spot or the IO has not visited the spot at all.

- (10). With respect to safe custody of transportation of case property from the spot to the police station, entry of the same in register No. 19 and later on sending the same to the FSL for chemical analysis, the case of prosecution is, that the complainant/PW-3 transported the case property from the spot to the police station handed over the same to Moharrir who makes entry of the same in register No 19 and the IO on 14.12.2022 sent the representative samples in parcels no. 1 to 23 to the FSL through constable Abdul Wadood/ PW-5. In order to prove its case, the prosecution produced Muhammad Jameel MHC as PW-2, constable Abdul Wadood as PW-5 and Muhammad Hanif OII as PW-6.

However, as discussed earlier, the case property is entered at serial No. 77 of register no. 19 where the case property is mentioned in parcels no. 1 to 23 containing of 10 grams of chars each, parcels no. 24 to 46 containing 990 grams of chars, parcel no. 47 registration copy of the motorcar and the motorcar number ANY/988 of white colour XLI markka. Copy of relevant entry of register No. 19 is available on file as

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Zaber Metz

112

STATE VS ABDUL WAHID ETC.

FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC & 512 CrPC | Police Station: Kalaya

Ex. PW 2/1; however, when the original register no. 19 produced before the court a tempering was found in column 02 of register no. 19 where the previous entry regarding particulars of motorcar was found erased by filling full particulars of motorcar with registration number, chassis number and engine number which makes the case of prosecution doubtful regarding the safe custody of the case property.

(11). In the light of aforementioned discussion, it is held that the prosecution has failed to prove the alleged recovery of chars from possession of the accused facing trial in the mode and manner as detailed in the report. Similarly, the prosecution has also failed to prove the alleged mode and manner of the investigation carried out by the IO on the spot. The prosecution also failed to prove the safe custody of case property. All these facts lead to the failure of prosecution to prove the case against the accused beyond shadow of doubt. Therefore, the accused namely, **Abdul Wahid** is acquitted of the charge levelled against him by extending him the benefit of doubt. Accused is in custody. He be released forthwith, if not required in any other case.

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
02/11/23

With respect to absconding co-accused Ihsan Ullah, prima facie case has been made out; therefore, he is declared proclaimed offender. Perpetual warrant of arrest be issued against him and his name be entered on the roll of register


(113)

STATE VS ABDUL WAHID ETC.
FIR No. 114 | Dated: 12.11.2022 | U/S: 9 (d) CNSA, 468/471 PPC &
512 CrPC | Police Station: Kalaya

maintained for the purpose. The case property i.e., chargs be kept intact till arrest of the absconding accused and final disposal of the case while the motorcar be returned its lawful owner.

Consign.


Pronounced
04.11.2023


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

CERTIFICATE

Certified that this judgement consists of eighteen (18) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 04.11.2023


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

