

(11)

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

SPECIAL CASE NO. : 64/3 OF 2021
DATE OF INSTITUTION : 16.12.2021
DATE OF DECISION : 01.02.2022

STATE THROUGH AKHTAR MUNIR ASHO, PS MISHTI MELA

.....(COMPLAINANT)

-VERSUS-

SAUD KHAN S/O MUHAMMAD AYYUB, AGED ABOUT 29 YEARS,
R/O CASTE SHEIKHAN, VILLAGE DRAND

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

Present: Umar Niaz, District Public Prosecutor for State.
: Mr. Abid Ali Advocate for accused.

FIR No. 33 **Dated:** 21.09.2021 **U/S:** 9 (c) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019

Police Station: Mishti Mela

JUDGEMENT
01.02.2022

The above-named accused is charged for the offence u/s 9 (c) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 vide FIR no. 33, dated 21.09.2021 of Police Station Mishti Mela.

(2). As per contents of FIR, the complainant, Akhtar Munir ASHO alongwith other police officials having laid a picket were present on the spot, where a motorcycle riding by a person was stopped for the purpose of checking, the search of the motorcycle led the complainant to the recovery of 920 grams of chars.

(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, 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 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 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 920 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of KP CNSA. 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


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aforementioned circumstances and the clean breast admission of the guilt of the accused, poor financial status and recovery of only 920 grams of chars 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. Case property i.e., chars be destroyed in accordance with law after the period provided for appeal/revision while the motorcycle, being not used in the commission of offence, be returned to its lawful owner, if not required in any other case. Consign.

Pronounced:
01.02.2022



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: 01.02.2022



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

