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IN THE COURT OF SAYED FAZAL WADOOD
ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT,
ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 22/3 OF 2021
DATE OF INSTITUTION : 27.07.2021
DATE OF DECISION : 30.10.2021

STATE THROUGH SALEEM KHAN SHO, PS UPPER GILJO

..... (COMPLAINANT)

-VERSUS-

MUHAMMAD ARIF S/O MULTAN KHAN; AGED ABOUT 41/42
YEARS' R/O BALYAMINA DISTRICT HANGU
(ACCUSED FACING TRIAL ON BAIL)

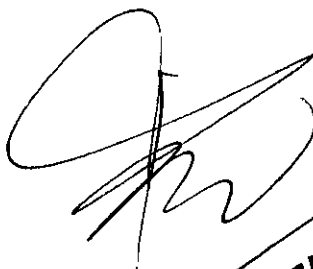
Present: Amir Shah, AAP for State.
: Sana Ullah Advocate for accused.

FIR No. 22 **Dated:** 15.06.2021 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Upper, Ghiljo

JUDGEMENT
30.10.2021

The above-named accused is charged for the offence u/s
9 (d) KP CNSA vide FIR no. 22, dated 15.06.2021 of Police
Station Upper Ghiljo.

(2). As per contents of FIR, the complainant Saleem Khan
SHO along with other police officials, present on barricade,
stopped the accused. On search the local police recovered one
packet of Char from the trouser fold of the accused which came
out 1110 grams after its weighment through digital scale.
Quantity of 10 grams was separated for FSL and sealed the same
in parcel No. 01 while remaining 1100 grams have been sealed
into parcel NO.02. Consequently, the captioned FIR was
registered that given birth to the subject case.



SAYED FAZAL WADOOD
Addl: District & Sessions Judge
Orakzai at Hangu

(3). After completion of investigation, complete challan was put in court. The accused was summoned who accordingly appeared before the Court and submitted application for disposal of case on the basis of plead guilty for the reasons that he is poor person, cannot afford the expenses of litigation, and that being first offenders, 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 of the Code of Criminal Procedure 1898.

(4). Perusal of case file shows that the accused was having 1110 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of KP CNSA 2019. Hence, he is convicted of the offence. But as the accused is first offenders and there is no record of his previous involvement in such like offences; therefore, he must have a chance of repentance. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt by the accused, poor financial status and recovery of only 1110 grams of chars, by taking a lenient view, accused is sentenced for 02 years 06 months simple imprisonment and Rs. 500,000/ as fine. In default of payment of fine he shall undergo further six months simple imprisonment. By taking lenient view his sentence is converted into probation, he is placed on probation for a period of two years and six month 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. In default of payment of fine simple imprisonment of six month is also converted in probation. In application, the accused also submitted that he being the sole earner of the livelihood of his family wants to go abroad for the purpose of earning for his family and he also have applied for visa for going abroad. Consequently, this Court orders that the convicted offender may produce visa and ticket to concerned Probation Officer for the purpose obtaining permission for going abroad. it is further observed that grant of such permission, if can be gathered from any enabling provision of the law or rules on the subject will ultimately give benefits to the applicant, his family and interest of the state in broad prospective. Case property i.e., chas be destroyed in accordance with law after the period provided for appeal/revision. File of this Court be consigned to District Record Room Orakzai after necessary completion and compilation within span allowed for.

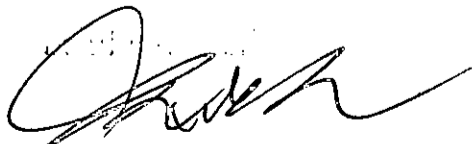
Announced:
30.10.2021


Sayed Fazal Wadood,
AD&SJ/JSC, Orakzai at Baber Mela

CERTIFICATE

Certified that this Judgment consists of three (03) pages. Each page has been read over, corrected wherever necessary and signed by me.

Dated: 30.10.2021


Sayed Fazal Wadood,
AD&SJ/JSC, Orakzai at Baber Mela