

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

SPECIAL CASE NO. : 52/3 OF 2021
DATE OF INSTITUTION : 27.09.2021
DATE OF DECISION : 12.10.2021

STATE THROUGH SHAL MUHAMMAD KHAN SHO, PS KALAYA
.....(COMPLAINANT)

-VERSUS-

GUL WALI S/O SAID MUHAMMAD, AGED ABOUT 25 YEARS,
TRIBE KAMAR KHEL, SUB-TRIBE RASOOL KHEL, HAAL
MANZAKHAY
..... (ACCUSED FACING TRIAL IN CUSTODY)

Present: Umar Niaz, District Public Prosecutor for State.


FIR No. 120 **Dated:** 09.10.2021 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kalaya

JUDGEMENT
30.10.2021

The above-named accused is charged for the offence u/s 9 (d) KP CNSA vide FIR no. 120, dated 09.10.2021 of Police Station Ghiljo.

(2). As per contents of FIR, the complainant, Shal Muhammad Khan SHO alongwith other police officials during gasht having laid a picket were present on the spot where a person walking on foot came towards the picket, stopped by the police. The personal search of the accused led the complainant to the recovery of 1100 grams of chars.

(3). After completion of investigation, complete challan was put in court. The accused was summoned


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
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through Addendum-B from Sub-Jail Orakzai. Copies of record provided to the accused u/s 265-Cr.P.c and date was fixed for framing. Formal charge was framed against the accused to which he pleaded guilty. He also submitted application for disposal of his case on the basis of plead guilty for the reasons that he is a poor person, and a sole bread earner of his family, 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.

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(5). Arguments heard and record perused. Perusal of case file shows that the accused was having 1100 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. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, his poor financial status and recovery of only 1100 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. Accused is in custody. He be released forthwith, if not required in any other case. Case property i.e., chargs be destroyed in accordance with law after the period provided for appeal/revision. Consign.

Pronounced:
30.10.2021

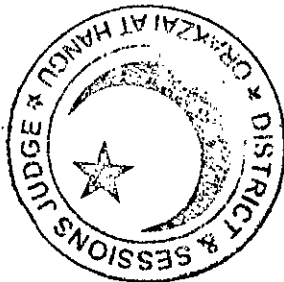


SHAUKAT AHMAD KHAN)
Sessions Judge/Judge Special
Court, Orakzai at Baber Mela

CERTIFICATE

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

Dated: 30.10.2021




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