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

SPECIAL CASE NO. : 10/3 OF 2021
DATE OF INSTITUTION : 04.06.2021
DATE OF DECISION : 02.11.2021

STATE THROUGH MALAK ABDUL JANAN SHO, PS KALAYA

.....(COMPLAINANT)

-VERSUS-

**BAKHTAWAR GUL S/O SHEIKH MENA GUL R/O QAUM FERROZ
KHEL TAPPA JESAL KHEL TEHSIL LOWER, DISTRICT ORAKZAI**
(ACCUSED FACING TRIAL ON BAIL)

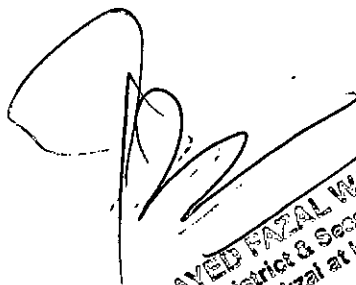
Present: Amir Shah, AAP for State.
: Sana Ullah Khan Advocate for accused.

FIR No. 40 **Dated:** 25.03.2021 **U/S:** 9 (c) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kalaya

JUDGEMENT
02.11.2021

The above-named accused is charged for the offence u/s
9 (c) KP CNSA vide FIR no. 40, dated 25.03.2021 of Police
Station Kalaya.

(2). As per contents of FIR, the complainant Abdul Janan
SHO along with other police officials, present on barricade, That
on 25.03.2021, at 15:00 hours, accused was stopped on the spot
of occurrence on suspicion. On search the local police recovered
one packet of chars from possession of accused which was
wrapped in white plastic which came out 732 grams after its
weighment through digital scale. 10 grams were separated for
FSL and sealed in parcel No. 01 while remaining 722 grams


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sealed in parcel No. 02. Consequently, the captioned FIR was registered that given birth to the subject case.

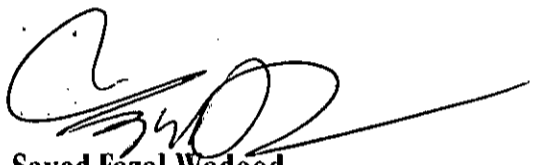
(3). After completion of investigation, complete challan was put in court. The accused was summoned who accordingly appeared before the Court and submitted application for disposal of case on the basis of plead guilty for the reasons that he is poor persons, cannot afford the expenses of litigation,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

(5). Perusal of case file shows that the accused was having 732 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 732 grams of chars, by taking a lenient view, he is convicted for the period of one year and fine of PKR. 100,000 (one lac rupees) in default of which he shall further undergo simple imprisonment for the period of six months. By taking lenient view, his sentence is converted to probation and he is placed on probation for a period of one year subject to the


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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 case of default of payment of fine his shall undergo SI for six months which is also converted into probation. Case property i.e., chargs 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.

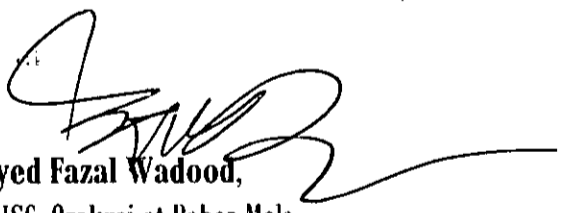
Announced:
02.11.2021


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CERTIFICATE

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

Dated: 02.11.2021


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