

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-

1. HIFAZAT ALI S/O SAJID ALI, AGED ABOUT 31 YEARS, R/O CASTE SEPAYO, DISTRICT ORAKZAI
 2. JEHAN S/O QALANDER SHAH, AGED ABOUT 29 YEARS, R/O CASTE MISHTI, TAPA DARWI KHEL, MISHTI BAZAR, DISTRICT ORAKZAI
- (ACCUSED FACING TRIAL ON BAIL)

Present: Umar Niaz, District Public Prosecutor for State.
: Jabir Hussain Advocate for accused.

FIR No. 98 **Dated:** 02.08.2021 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kalaya

JUDGEMENT
05.11.2021

The above-named accused is charged for the offence u/s 9 (d) KP CNSA vide FIR no. 98, dated 02.08.2021 of Police Station Kalaya.

- (2). As per contents of FIR, the complainant, Shal Muhammad Khan SHO alongwith other police officials having laid a picket were present on the spot where a motorcycle having boarded by two persons on way towards the picket was stopped by the police. The personal search of both the accused led the complainant to the recovery of 1200 grams of chars from each of the accused.

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(3). After completion of investigation, complete challan was put in court. The accused were summoned, copies of record provided to the accused u/s 265-Cr.P.C, formal charge was framed against them to which they 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 their case on the basis of plead guilty for the reasons that they are poor persons, cannot afford the expenses of litigation, and that being first offenders, lenient view may be taken against them. Application is placed on file. In view of the application of accused, prosecution did not want to produce the evidence. Statements of both the accused are recorded u/s 342 Cr.P.C.

(5). Arguments heard and record perused. Perusal of case file shows that each of the accused was having 1200 grams of chars in his possession; therefore, they are held guilty of the offence punishable u/s 9 (d) of KP CNSA. Hence, they are convicted of the offence. But as both the accused are first offenders and there is no record of their previous involvement in such like offences. Besides both the accused are of young age; therefore, they must have a chance of repentance. Keeping in view the

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aforementioned circumstances and the clean breast admission of the guilt of both the accused, their poor financial status and recovery of only 1200 grams of chars by taking a lenient view, instead of sentencing them at once, they are 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 each 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. Consign.

Pronounced:
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CERTIFICATE

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

Dated: 05.11.2021



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