

(15)

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

SPECIAL CASE NO. : 15/3 OF 2021
DATE OF INSTITUTION : 27.07.2021
DATE OF DECISION : 02.02.2022

STATE THROUGH MALAK ABDUL JANAN, SHO, PS KALAYA

.....(COMPLAINANT)

-VERSUS-

**MEHMOOD KHAN SON OF MEHBOOB KHAN AND GHANDAL
KHAN SON OF SYED MUHAMMAD R/O QAUM ZAKHA KHEL
TAPPA SHO AIB KHEL DISTRICT KHYBER.**

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


Present: Amir Shah, DyPP for State and counsel for accused.

**FIR No. 74 Dated: 13.06.2021 U/S: 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kalaya**

JUDGEMENT
02.02.2022

The above-named accused are charged for the offence u/s 9 (d) KP CNSA vide FIR no. 74, dated 13.06.2021 of Police Station Kalaya.

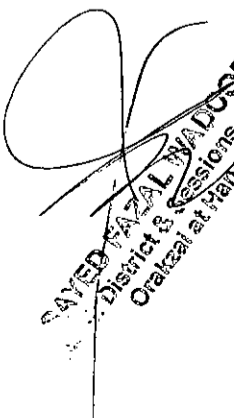
- (2). As per contents of FIR, the complainant Malak Abdul Janan SHO along with other police officials, were present on the spot during barricade, when accused were riding on their motorcycle black colour bearing registration No. F-9831, was stopped by the local police at the spot of occurrence. By search of the accused, the local police recovered 01 packet of chars from trouser fold of the accused Mehmood Khan which were wrapped in yellow scotch tape. Similarly, 01 packet of chars measuring 1900 grams also recovered from the trouser fold of the accused


SAYED FAZAL WADOOD
District Sessions Judge
Orakzai at Haragu

Ghandal Khan who was sitting on the rear seat of the Motorcycle. Upon weighing of packet it came out 1800 grams. Consequently, the captioned FIR was registered that given birth to the subject case.

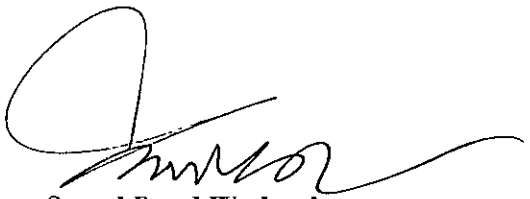
(3). After completion of investigation, complete challan was put in court. The accused were summoned who accordingly appeared before the Court and they pleaded guilty for the reasons that they are poor persons, cannot afford the expenses of litigation, intending to travel abroad for earning livelihood which is within the interest of family in particular and interest of State in general and there is no record of their previous involvement in such like offences as well 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. Statement of the accused recorded u/s 342 of the Code of Criminal Procedure 1898.

(5). Perusal of case file shows that the accused Mehmood Khan was having 1900 grams of chars in his possession and accused Ghandal Khan was having 1800 grams in his possession; therefore, they are held guilty of the offence punishable u/s 9 (d) of KP CNSA 2019. Hence, they are convicted of the offence. But as the accused are first offenders and there is no record of their previous involvement in such like offences; therefore, they 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 1900 grams


 SAYED FAZAL BAQIR
 District Sessions Judge
 Orakzai at Mairay

and 1800 grams of chars, by taking a lenient view, instead of sentencing them at once, they are placed on probation for a period of three year 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. File of this Court be consigned to District Record Room Orakzai after necessary completion and compilation within span allowed for.

Announced:
02.02.2022




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: 02.02.2022



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