

(12)

In the name of almighty Allah who has got unlimited jurisdiction over and beyond the universe.

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

SPECIAL CASE NO. : 27/3 OF 2021
DATE OF INSTITUTION : 06.09.2021
DATE OF DECISION : 10.11.2021

STATE THROUGH IMTIAZ KHAN SI, PS DABOORI

.....(COMPLAINANT)

-VERSUS-

IRFAN ULLAH S/O NAZEER BADSHAH, AGED ABOUT 21/22 YEARS; R/O
MISHTI MELA, MAMIZAI DISTRICT ORAKZAI
..... (ACCUSED FACING TRIAL ON BAIL)

Present: Amir Shah, Assistant District Public Prosecutor for State.
: Khursheed Alam Advocate for accused.


FIR No. 09 **Dated:** 10.08.2021 **U/S:** 9 (D) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Daboori

JUDGEMENT
10.11.2021

The above-named accused is charged for the offence u/s 9
(d) KP CNSA vide FIR No. 09, dated 10.08.2021 of Police Station
Daboori.

(2). As per contents of FIR, the complainant Imtiaz Khan SI
alongwith other police officials were on routine patrolling of the
area where one person was coming from Mula Khel side and was
stopped on suspicion. By signaling, he tried to escape but
overpowered, who later on disclosed his name as Irfan Ullah, whose
search led the complainant to the recovery of 3000 grams of chars.

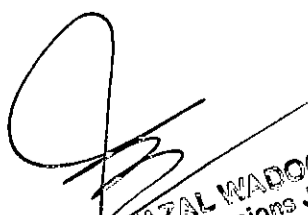
(3). After completion of investigation, complete challan was
put in court. The accused was summoned, copies of the documents
were provided to him u/s 265-C of the Code of Criminal Procedure,


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

1898. Charge was framed against him to which he 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 his case on the basis of plead guilty for the reasons that he is recorded patient of Cancer, 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 is recorded u/s 342 of the Code of Criminal Procedure, 1898.

(5). Arguments heard and record perused. Perusal of case file shows that though the accused has pleaded not guilty to the charge already framed against him; however, he has confessed his guilt vide his application submitted today. The accused was having 3000 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 suffering from fatal disease of Cancer that has already been verified by Standard Medical Board constituted by the Court of Hon'ble the District & Sessions Judge, Orakzai during pendency of bail application; therefore, he must have a chance of repentance and reformation. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, by taking a lenient view, instead of sentencing



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

(14)

him at once, he is placed on probation for a period of three years subject to the executing of bonds in the sum of Rs. 80,000/- 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., chargs be destroyed in accordance with law after the period provided for appeal/revision.

(6). File be consigned to District Record Room after necessary completion and compilation within span allowed for.

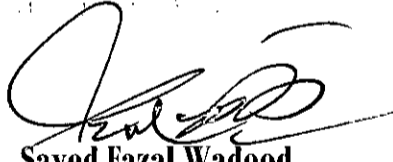
Announced:
10.11.2021


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, corrected wherever necessary and signed by me.

Dated: 10.11.2021


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