

(19)

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. : 8/3 OF 2021
DATE OF INSTITUTION : 18.05.2021
DATE OF DECISION : 16.11.2021

STATE THROUGH RAEES KHAN ASHO, PS KALAYA

..... (COMPLAINANT)

-VERSUS-

MUHAMMAD ESA S/O MUHAMMAD YASEEN, AGED ABOUT 20 YEARS, R/O
SHAHO ROAD, MUHALLA UMAR ABAD DISTRICT HANGU

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

Present: Amir Shah, Assistant District Public Prosecutor for State.
: Sana Ullah Advocate for accused.

FIR No. 29 **Dated:** 05.03.2021 **U/S:** 9 (c) of the Khyber Pakhtunkhwa
Control of Narcotic Substances Act, 2019

Police Station: Kalaya

JUDGEMENT
16.11.2021

The above-named accused is charged for the offence u/s 9
(c) KP CNSA vide FIR No. 29, dated 05.03.2021 of Police Station
Kalaya.

- (2). As per contents of FIR, the complainant Raees Khan ASHO along with other police officials were on routine patrolling of the area where one person was coming and was stopped on suspicion, who disclosed his name as Muhammad Esa, whose search led the complainant to the recovery of 800 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 a poor person, 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 800 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (c) 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 a poor person; 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 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


SAYED FAZAL WADOOD
Judge District & Sessions Judge
Orakzai at Hangu

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.

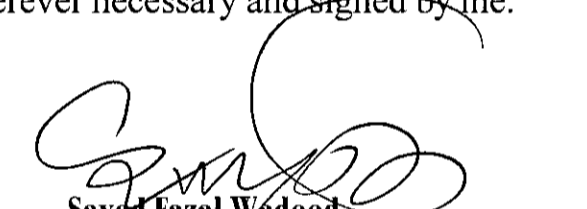
Announced:
16.11.2021


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: 16.11.2021


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