

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 42/3 OF 2021
DATE OF INSTITUTION : 16.08.2021
DATE OF DECISION : 24.11.2021

STATE THROUGH AFTAB AHMAD ASHO, PS KALAYA

.....(COMPLAINANT)

-VERSUS-

WAQAR YOUNAS S/O KHAISTA JAN AGED ABOUT 19 YEARS,
TRIBE AKA KHEL, AMAN TALAB, DISTRICT KHYBER

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

Present: Umar Niaz, District Public Prosecutor for State.
: Sana Ullah Khan Advocate for accused facing trial.

FIR No. 80 **Dated:** 21.06.2021 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kalaya

JUDGEMENT
24.11.2021

The above-named accused is charged for the offence u/s 9 (d) KP CNSA vide FIR no. 80, dated 21.06.2021 of Police Station Ghiljo.

(2). As per contents of FIR, the complainant Aftab Ahmad ASHO alongwith other police officials were on their routine patrolling acting on information regarding smuggling of chars via motorcycle, laid a picket on the spot. At about 1500 hours near Utman Khel petrol pump a person riding a motorcycle was stopped on the basis of suspicion, whose personal search led the complainant to the recovery of 02 packets of chars, each weighing 1100 grams (total 2200 grams of chars recovered).


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Meia
24/11/21

(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 Cr.P.C, formal charged 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, cannot afford the expenses of litigation, 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 Cr.P.C.


Shaukat Ahmed Khan
 District & Sessions Judge
 Orakzai at Baber Meia (5)
 24/11/21

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 2000 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of Khyber Pakhtunkhwa Control of Narcotic Substance Act. 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; 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, poor financial status and recovery of only 2000 grams of chars by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of one 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 while the motorcycle being not used in the commission of offence, be returned to its lawful owner, if not required in other case. Consign.

Pronounced:


24.11.2021


(SHAUKAT AHMAD KHAN)
Sessions Judge/Judge Special
Court, 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: 24.11.2021


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