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

SPECIAL CASE NO. : 16/3 OF 2021
DATE OF INSTITUTION : 27.07.2021
DATE OF DECISION : 04.12.2021

STATE THROUGH RAIS KHAN SHO, PS KALAYA

..... (COMPLAINANT)

-VERSUS-

**SHAH ZAMAN S/O QAMBAR ALI; AGED ABOUT 30 YEARS' R/O R/O
QAUM SEPOY TAPPA MITHAKHAN KHEL, AIN POSH KALAYA
DISTRICT ORAKZAI**

(ACCUSED FACING TRIAL ON BAIL)

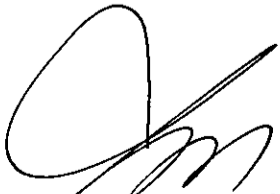
Present: Amir Shah, AAP for State.
: Jabir Hussain Advocate for accused.

FIR No. 23 **Dated:** 22.02.2021 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kalaya,

JUDGEMENT
04.12.2021

The above-named accused is charged for the offence u/s
9 (d) KP CNSA-2019 vide FIR no. 23, dated 22.02.2021 of Police
Station Kalaya.

(2). As per contents of FIR, the complainant Rais Khan SHO
along with other police officials, present on Boya Chekpost
Kurez, stopped the accused. On search the local police recovered
one packet of Char from bag of the accused which came out 1200
grams after its weighment through digital scale. Quantity of 10
grams was separated for FSL and sealed the same in parcel No.
01 while remaining 1190 grams have been sealed into parcel
NO.02. Consequently, the captioned FIR was registered that
given birth to the subject case.


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(3). After completion of investigation, complete challan was put in court. The accused was summoned who accordingly appeared before the Court and submitted application for disposal of case on the basis of plead guilty for the reasons that he is poor person, cannot afford the expenses of litigation, and that being first offenders, 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 recorded u/s 342 of the Code of Criminal Procedure 1898.

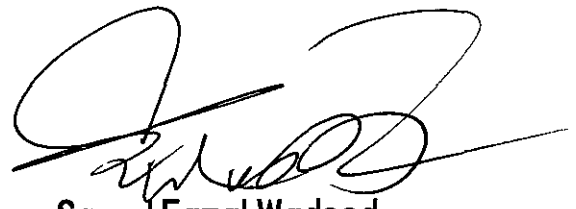
(4). Perusal of case file shows that the accused was having 1200 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of KP CNSA 2019. Hence, he is convicted of the offence. But as the accused is first offenders and there is no record of his previous involvement in such like offences; therefore, he 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 1200 grams of chars, by taking a lenient view, accused is convicted; however, by taking lenient view his sentence is being deferred and is placed on probation for a period of two 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


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(21)

Probation Officer concerned.. In application, the accused also submitted that he being the sole earner of the livelihood of his family wants to go abroad for the purpose of earning for his family and he also have applied for visa for going abroad. Consequently, this Court orders that the convicted offender may produce visa and ticket to concerned Probation Officer for the purpose obtaining permission for going abroad. it is further observed that grant of such permission, if can be gathered from any enabling provision of the law or rules on the subject will ultimately give benefits to the applicant, his family and interest of the State in broad prospective. Case property i.e., chas 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.

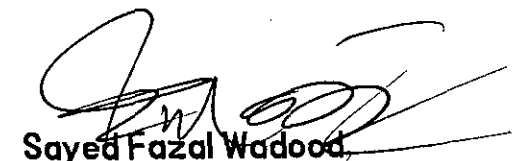
Announced:
04.12.2021


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CERTIFICATE

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

Dated: 04.12.2021


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