

IN THE COURT OF REHMAT ULLAH WAZIR,
JM-I/MTMC, CAMP COURT, KALAYA, ORAKZAI

CASE NO. : 16/3 OF 2021
DATE OF INSTITUTION : 07.10.2021
DATE OF DECISION : 18.02.2022

STATE THROUGH SHAL MUHAMMAD KHAN, SHO, PS: KALAYA,
L/ORAKZAI.

------(Complainant)

VS

Muhammad Saeed S/O Saifoor Khan,
*R/O Qaum Mandra Khel, Tappa Madad Khel, PO Feroz
Khel, District L/Orakzai.*

------(Accused Facing Trial)

Present: Nisar Khan, Assistant Public Prosecutor for complainant.
: Abid Ali Advocate, for accused facing trial.

ORDER
18.02.2022

1. Accused facing trial, Muhammad Saeed S/O Saifoor Khan present who is charged in case FIR No. 88 Dated 14.07.2021 U/S 15AA of PS: Kalaya, Lower Orakzai for possession of 30-bore Pistol along with 10 live rounds of 30-bore without license which were recovered from his possession.
2. Brief facts of the case are that the complainant along with other police officials were present at barricade. That one, Muhammad Saeed in suspicious conditions came from Headquarter, Kalaya side when reached to the place of occurrence, the above person was stopped for the purpose of checking. Upon the search one 30-bore pistol without number and 10 live rounds of the same bore recovered from the badda shalwar of accused for which he

REHMAT ULLAH WAZIR
CIVIL JUDGE JM-I
CAMP COURT
KALAYA ORAKZAI

(29)

could not produce any valid license or documents on the spot.

3. Upon which, on 14.07.2021, the instant case was registered at PS: Kalaya, L/Orakzai vide FIR. 88.
4. After completion of the investigation, the complete challan was submitted on 07.10.2021 to this court. The accused on bail was summoned. The accused on bail appeared and the provisions of 241-A Cr.P.C were duly complied with. The formal charge against the accused on bail was framed on 20.12.2021, to which the accused pleaded not guilty and claimed trial.
5. Prosecution was given ample opportunity to adduce its evidence as it desired. Prosecution produced the following evidence;

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|--|-------------------|
| i. Copy of FIR. | Ex.PA |
| ii. Complete Challan | Ex.PW-4/6 |
| iii. Murasila | Ex.PA/1 |
| iv. Recovery Memo | Ex.PW-3/1, |
| v. Card of arrest of accused Maroof Khan | Ex.PW- 4/1 |
| vi. Application for Judicial Remand | Ex. PW-4/2 |
| vii. Site Plan | Ex-PB |
| viii. Application for FSL | Ex. PW-4/4 |
| ix. Daily Diary | Ex. PW-4/3 |
| x. Register No. 19 | Ex. PW-1/1 |
| xi. Road Certificate | Ex. PW-4/5 |

Then after, on 18.02.2022, the learned APP for the state closed

EHMAT ULLAH WAZIR
CIVIL JUDGE/JM-1
CAMP COURT
KALAYA ORAKZAI

the evidence on behalf of the prosecution.

6. Statements of accused on bail u/s 342 Cr.P.C was recorded wherein he neither opted to be examined on oath u/s 342(2) of the Cr.P.C nor he wanted to produce any defence evidence in his defence.
7. After conclusion of trial, arguments of the learned counsel for the accused facing trial and of the APP for the complainant heard and record perused.
8. The accused is charged with the offence U/S 15AA. Sec. 15AA deals with possession of unlicensed weapon.
9. Keeping in view, the record on file and the depositions of PWs, the prosecution is required to prove its case against the accused beyond any reasonable doubts.
10. PW-01, who is the Moharrir of the PS, stated that he received the murasila and reduced its contents to the FIR and that he received the case property and entered the same in its relevant register. Nothing contradictory has been extracted out of him during cross examination.
11. PW-02, Constable Shams Ul Ghani, who handed over the parcels to the FSL and submitted receipt to the IO. Nothing contradictory has been extracted out of him during cross examination.
12. PW-03, who is the marginal witness of the recovery memo has fully described the story of the recovery and that he signed the recovery memo in the presence of other marginal witnesses. Nothing contradictory has been extracted out of him during cross examination.
13. PW-04, is the complainant in the instant case, has narrated all the

REHMAT ULLAH WAZIR
CIVIL JUDGE/JM-1
CAMP COURT
KALAYA ORAKZAI

facts in line with the story of the prosecution and have exhibited all the relevant documents in his statement. No contradiction has been discovered by the defence in his statement.

14. In the light of the above discussion, it is clear that the case of prosecution is proved beyond reasonable doubts and the accused facing trial is connected with the commission of offence.
15. Therefore, the accused Muhammad Saeed S/O Saifoor Khan is **convicted** U/S 15 of the Khyber Pakhtunkhwa Arms Act, 2013, with imprisonment till rising of the court and with fine Rs:500/- (five hundred) in default of which he will have to undergo simple imprisonment for a period of 01-month.
16. Case property in the shape of a 30-bore pistol and 10 live rounds of same bore are hereby confiscated to state and be dealt in accordance with law.
17. File be consigned to record room after its necessary completion and compilation.

Announced
18.02.2022




(Rehmat Ullah Wazir)
JM-I/MTMC,
Camp Court, Kalaya, Orakzai

CERTIFICATE

Certified that this order consists of four (04) pages. Each page has been read, corrected where-ever necessary and signed by me.

Dated: 18.02.2022



(Rehmat Ullah Wazir)
JM-I/MTMC,
Camp Court, Kalaya, Orakzai