

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

SPECIAL CASE NO. : 8/3 OF 2022
DATE OF INSTITUTION : 28.03.2022
DATE OF DECISION : 18.04.2022

STATE THROUGH KALEEM ULLAH SI, PS MISHTI MELA

.....(COMPLAINANT)

-VERSUS-

ACCUSED KHIAL AKBAR S/O MUHAMMAD AFZAL, AGED ABOUT 37 YEARS, R/O CASTE MISHTI, TAPA DARWI KHEL, VILLAGE MALAYANO KALAY DISTRICT ORAKZAI

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

Present: Umar Niaz, District Public Prosecutor for State.

FIR No. 8 **Dated: 23.02.2022** **U/S: 9 (d) of the Khyber**
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Mishti Mela

JUDGEMENT
18.04.2022

The above-named accused is charged for the offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 vide FIR no. 8, dated 23.02.2022 of Police Station Mishti Mela.

- (2). As per contents of FIR, the complainant Kaleem Ullah SI alongwith other police officials were present on the spot where at about 1430 hours a Flying-Coach on way from Ghiljo side was stopped for checking. A person in suspicious condition having a plastic bag of blue colour in his hand was boarded. The search of the plastic bag led the complainant to the recovery of 02

Shaukat Ahmad Khan
District & Sessions Judge,
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packets of chars, each weighing 1000 grams, a total of 2000 grams of chars from his direct possession.

(3). After completion of investigation, complete challan was put in court, the accused was summoned who accordingly appeared before the court and copies of the record were provided to him in line with section 265-C CrPC. Today, the case was fixed for framing of charge; 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 recorded u/s 342 Cr.P.C.

(4). Arguments heard and record perused. Perusal of case file shows that the accused was having only 2000 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa Control of Narcotic Substance Act, 2019. 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. Keeping in view the aforementioned

Shaukat Ahmad Khan
District & Sessions Judge
Gulistan, State, P.K.

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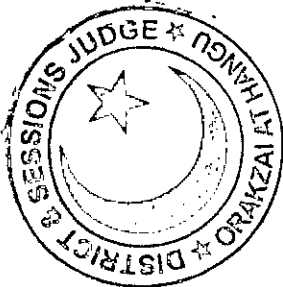
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circumstances and the clean breast admission of the guilt of the accused, his poor financial status and recovery of only 2000 grams of chars by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of 01 (one) 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. Consign.

Pronounced:
18.04.2022



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: 18.04.2022



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