

IN THE COURT OF SYED OBAIDULLAH SHAH
SESSIONS JUDGE/JUDGE SPECIAL COURT/JUDGE
JUVENILE COURT, ORAKZAI (AT BABER MELA)

SPECIAL CASE NO. : 9/2 (J) OF 2023
DATE OF INSTITUTION : 11.12.2023
DATE OF DECISION : 08.01.2024

STATE THROUGH MUHAMMAD YOUNAS SHO, POLICE STATION
KUREZ

.....(COMPLAINANT)

-VERSUS-

AKHTAR WALI S/O GUL WALI, AGED ABOUT 15/16 YEARS, R/O
CASTE ZAKHA KHEL DISTRICT KHYBER

..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for the State.

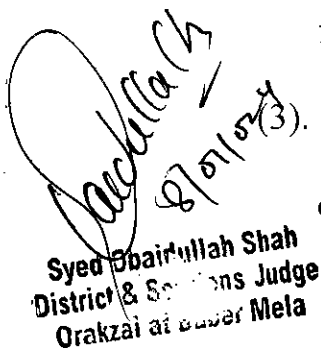
FIR No. 44 **Dated: 12.11.2023** **U/S: 9 (b) of the Khyber**
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kurez

JUDGMENT
08.01.2024

The above-named accused is charged for the offence u/s 9 (b) of the Khyber Pakhtunkhwa CNSA, 2019 vide FIR No. 44, dated 12.11.2023 of Police Station Kurez.

(2). As per contents of FIR, the complainant Muhammad Younas SHO along with other police officials during routine patrolling were present on the spot where at about 1140 hours a person found in suspicious condition was stopped whose personal search led the complainant to the recovery of 70 grams of opium from a black colour plastic shopper holding by him.

After completion of investigation, complete challan was put in court. The accused was summoned,


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section 265-C Cr.P.C was complied with. Today, the case was fixed for framing of charge but 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.


- (4). Arguments heard and record gone through.
- (5). Perusal of the case file reveals that the accused was having only 70 grams of opium in his possession; therefore, he is held guilty of the offence punishable u/s 9 (b) of the Khyber Pakhtunkhwa CNSA, 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 and reformation. Keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, his poor financial status and recovery of only 70 grams of opium by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of two (02) 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


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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., opium be destroyed in accordance with law after the period provided for appeal/revision.

- (6). Judgment announced. File of this court be consigned to record room after its necessary completion and compilation.

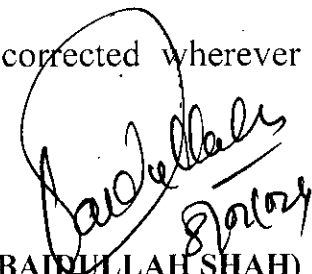
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Sessions Judge/Judge Special
Court, Orakzai at Baber Mela

CERTIFICATE

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

Dated: 08.01.2024


(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special
Court, Orakzai at Baber Mela

