

ORDER NO. 3
22.04.2022

DPP, Umar Niaz for the State present. Accused Munir Khan and Sarhad are still absconding. The prosecution examined PWs Nasir Khan SI, Yousaf constable, Minhaz Hussain OII, Shal Muhammad SHO and Humayun Khan Moharrir as PW-1 to PW-5 respectively. The prosecution abandoned remaining PWs and closed its evidence.

(2). Arguments heard and record perused.

(3). The case of the prosecution as per contents of Murasila Ex. PA/1 converted into FIR Ex. PA is; that on 11.02.2022, the complainant, Nasir Khan SI/PW-1 alongwith other police officials acting upon information regarding smuggling of narcotics by the above-named accused via motorcycle, laid a picket on the spot where at about 1530 hours, a motorcycle riding by two persons, without registration number, on way from Manzakhe side towards the spot, on seeing the police party abandoned the motorcycle and threw two bags of white colour and made their escape good from the spot. The search of the first white colour bag led the complainant/PW-1 to the recovery of 13 packets of chars, each on weighing turned 1000 grams, a total of 13000 grams of chars. The complainant/PW-1 separated 10 grams of chars from each packet for chemical analysis of FSL, packed and sealed the same into parcels no. 1 to 13 whereas the remaining quantity of chars weighing 12870 grams were packed and sealed in parcel no. 14. Similarly, the search of the second white colour bag also led the complainant/PW-1 to the recovery of 12 packets of chars, each on

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
27/04/22

(5)

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Police Station Kalaya


weighing turned 1000 grams, a total of 12000 grams of chars. He separated 10 grams of chars from each packet for chemical analysis of FSL, packed and sealed the same into parcels no. 15 to 26 whereas the remaining quantity of chars weighing 11880 grams were packed and sealed in parcel no. 27. The complainant/PW-1 took into possession the recovered chars alongwith the said motorcycle vide recovery memo Ex. PC. Murasila Ex. PA/1 was drafted and sent to the PS which was converted into FIR Ex. PA by PW-5 Moharrir Humayun Khan.

(4). After completion of investigation, the prosecution submitted challan u/s 512 Cr.P.C against the accused. The absconding accused were proceeded u/s 512 Cr.P.C and the prosecution was directed to produce evidence in absentia of the accused. Accordingly, the prosecution produced and examined as many as 05 witnesses.

(5). It is evident from the record that despite being proceeded u/s 204 Cr.P.C as well as u/s 87 Cr.P.C, accused Munir Khan and Sarhad are avoiding their lawful arrest. As per evidence recorded by the prosecution, a prima facia case has made out against the absconding accused; hence, they are declared proclaimed offenders. Perpetual warrant of arrest be issued against them and DPO, Orakzai is directed to enter their names in the register of proclaimed offenders. All the legal course be adopted for their arrest and they be brought before the court as and when arrested.

Consign.

Pronounced
22.04.2022


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