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

SPECIAL CASE NO. : 13/3 OF 2022
DATE OF INSTITUTION : 18.04.2022
DATE OF DECISION : 29.04.2022

STATE THROUGH AFTAB HUSSAIN SHO, PS KUREZ BOYA
.....(COMPLAINANT)

-VERSUS-

ACCUSED MAWEEZ KHAN S/O NIAZBAR KHAN, AGED ABOUT 56
YEARS, R/O CASTE ZAKA KHEL DISTRICT KHYBER
..... (ACCUSED FACING TRIAL ON BAIL)

Present: Umar Niaz, District Public Prosecutor for State.

FIR No. 35 **Dated:** 14.12.2021 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019

Police Station: Kurez Boya

JUDGEMENT
29.04.2022

The above-named accused is charged for the offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 vide FIR no. 35, dated 14.12.2021 of Police Station Kurez Boya.

(2). As per contents of FIR, the complainant Aftab Hussain SHO alongwith other police officials, having laid a picket were present on the spot where at about 1400 hours a pick-up was stopped, wherefrom a person was deboarded for checking. The complainant recovered one packet of chars weighing 1010 grams from trouser-fold of the accused.

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

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who accordingly appeared before the court and submitted application for disposal of his case on the basis of plead guilty waving of his rights provided u/s 265-C Cr.P.C, 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 1010 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 Narcotics 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 extreme old age. Therefore, 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 1010 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

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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:
29.04.2022



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: 29.04.2022

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