

12

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

SPECIAL CASE NO. : 1/2 (J) OF 2022
DATE OF INSTITUTION : 20.04.2022
DATE OF DECISION : 30.04.2022

STATE THROUGH MUHAMMAD SHAFIQ SHO, POLICE
STATION KALAYA

.....(COMPLAINANT)

-VERSUS-

1. IRSHAD S/O TAJ MUHAMMAD, AGED ABOUT 17 YEARS, R/O
CASTE UTMAN KHEL, DISTRICT ORAKZAI
2. SHAHID S/O JANA GUL, AGED ABOUT 15 YEARS, R/O CASTE
FATEH KHAN KHEL, DISTRICT ORAKZAI
..... (ACCUSED FACING TRIAL ON BAIL)

Present: Nisar Ahmad, Assistant Public Prosecutor for the State.

FIR No. 07 **Dated:** 23.01.2022 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019

Police Station: Kalaya

JUDGEMENT
30.04.2022

The above-named accused are charged for the
offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA vide
FIR no. 07, dated 23.04.2022 of Police Station Kalaya.

- (2). As per contents of FIR, the complainant
Muhammad Shafiq SHO alongwith other police
officials, having laid a picket on the spot, stopped a
motorcycle riding by the above-named accused. The
personal search of each of the accused Irshad led the
complainant to the recovery of 2000 grams of chars from
trouser-fold of each of the accused.

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

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
30/04/2022

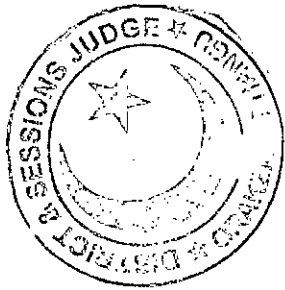
who accordingly appeared before the court and submitted application for disposal of their case on the basis of plead guilty waving of their rights provided u/s 265-C Cr.P.C, for the reasons that they are poor persons, cannot afford the expenses of litigation, and that being first offenders, lenient view may be taken against them. Application is placed on file. In view of the application of accused, prosecution did not want to produce the evidence. Statements of both the accused recorded u/s 342 Cr.P.C.

- (4). Arguments heard and record perused. Perusal of case file shows that each of the accused was having only 2000 grams of chars in his possession; therefore, they are held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa Control of Narcotics Substance Act, 2019. Hence, they are convicted of the offence. But as both of the accused are first offenders and there is no record of their previous involvement in such like offences. Besides the accused are of young age; therefore, keeping in view the aforementioned circumstances and the clean breast admission of the guilt of the accused, their poor financial status and recovery of only 2000 grams of chars of each of the accused by taking a lenient view, instead of sentencing them at once, they are placed on probation for a period of 01 (one) year

Chief Justice
District & Sessions Judge
Ghazal at Rahbar Mela
30/04/22

(14)

subject to the executing of bonds in the sum of Rs. 50,000/- with two sureties each 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., chargs be destroyed in accordance with law after the period provided for appeal/revision. Consign.



Pronounced:
30.04.2022

A handwritten signature in black ink, appearing to be 'SHAUKAT AHMAD KHAN', written over a circular stamp.

SHAUKAT AHMAD KHAN)
Sessions Judge/Judge Special
Court/ Judge Juvenile 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: 30.04.2022

A handwritten signature in black ink, appearing to be 'SHAUKAT AHMAD KHAN', written over a circular stamp.

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