

(13)

In the name of almighty Allah who has got unlimited jurisdiction over and beyond the universe.

IN THE COURT OF SAYED FAZAL WADOOD
ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 5/21-JC OF 2021
DATE OF INSTITUTION : 23.12.2021
DATE OF DECISION : 30.05.2022

STATE THROUGH SHO MUHAMMAD SHAFIQ, PS KALAYA
..... (COMPLAINANT)

-VERSUS-

HABIB ULLAH SON OF IZAT KHAN AGED ABOUT 12/13 YEARS, R/O QAUM SHALOBAR, TAPPA KOYI KHEL, PRESENTLY LERRI, DISTRICT ORAKZAI
..... (ACCUSED FACING TRIAL ON BAIL)

Present: Javed Akhtar Wazir, Senior Public Prosecutor for State.
: Khurshid Alam Advocate for accused.

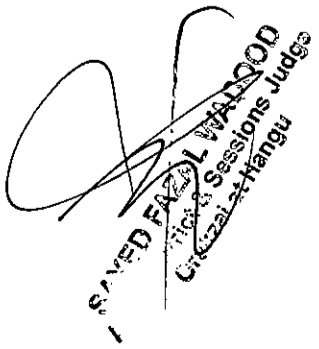
FIR No. 133 **Dated:** 31.10.2021 **U/S:** 9 (d) of the Khyber Pakhtunkhwa
Control of Narcotic Substances Act, 2019
Police Station: Kalaya

JUDGEMENT
30.05.2022

The above-named accused is charged for the offence u/s 9 (d) KP CNSA vide FIR No. 133, dated 31.10.2021 of Police Station Kalaya.

(2). As per contents of FIR, the complainant along with other police officials were present on barricade, where one person was riding on Motorcycle and was stopped on suspicion, who disclosed his name as Habib Ullah. He was searched which led the complainant to the recovery of 2400 grams of chars.

(3). After completion of investigation, complete challan was put in court. The accused was summoned, copies of the documents were provided to him u/s 265-C of the Code of Criminal Procedure,


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1898. Charge was framed against him to which he pleaded not guilty and claimed trial.

(4). The prosecution was directed to produce evidence. Today the case was fixed for evidence of the prosecution; however, the accused submitted application for disposal of his case on the basis of plead guilty for the reasons that he is a poor 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 is recorded u/s 342 of the Code of Criminal Procedure, 1898.

(5). Arguments heard and record perused. Perusal of case file shows that though the accused has pleaded not guilty to the charge already framed against him; however, he has confessed his guilt vide his application submitted today. The accused was having 2400 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of KP CNSA. 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 a poor and juvenile; 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, by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of three years subject to the executing of bonds in the sum of Rs. 80,000/- 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

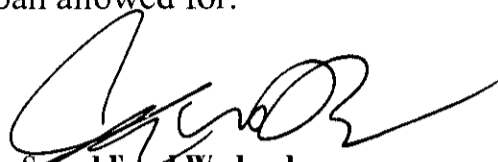
SAVED FARAZ MAHOOD
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Muzaffargarh

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

(6). File be consigned to District Record Room after necessary completion and compilation within span allowed for.

Announced:

30.05.2022



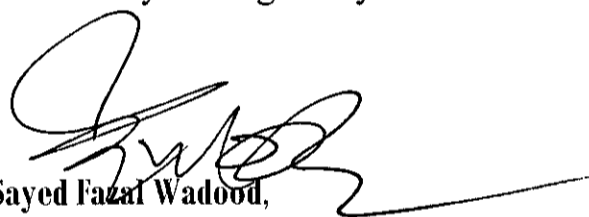
Sayed Fazal Wadood,

AD&SJ/JSC, 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: 30.05.2022



Sayed Fazal Wadood,

AD&SJ/JSC, Orakzai at Baber Mela