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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. : 8/3 OF 2022
DATE OF INSTITUTION : 06.04.2022
DATE OF DECISION : 16.06.2022

STATE THROUGH IMTIAZ KHAN SHO, PS DABOORI

..... (COMPLAINANT)

-VERSUS-

MUHAMMAD TALHA SON OF FIDA MUHAMMAD AGED ABOUT 19/20
YEARS, R/O QAUM MALA KHEL, TAPPA QUTAB KHEL, DISTRICT ORAKZAI
..... (ACCUSED FACING TRIAL ON BAIL)

Present: Muhammad Zubair, Assistant Public Prosecutor for State.
: Khurshid Alam Advocate for accused.

FIR No. 06 **Dated:** 21-02-2022 **U/S:** 9 (d) of the Khyber Pakhtunkhwa
Control of Narcotic Substances Act, 2019
Police Station: Daboori

JUDGEMENT
16-06-2022

The above-named accused is charged for the offence u/s 9
(d) KP CNSA vide FIR No. 06, dated 21-02-2022 of Police Station
Daboori.

(2). As per contents of FIR, the complainant along with other
police officials were present on barricade, where a flying coach of
white color came from Daboori side and was stopped for the
purpose of checking. One person who was seated on the second seat
of the vehicle was deboarded from vehicle on suspicion. The said
person disclosed his name as Muhammad Talha. He was searched
which led the complainant to the recovery of 1050 grams of chars
covered in white colored sack.


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(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, 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 person 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 1050 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 person; 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 one year subject to the



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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 appear and receive the sentence, if called upon to do so during that period, to the satisfaction of Probation Officer concerned. Case property be dealt with as per law after expiry of period of appeal/revision.

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

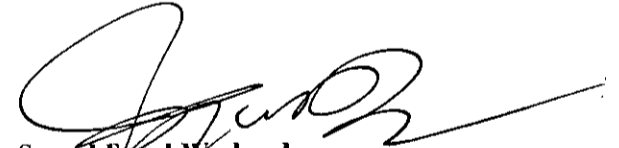
Announced:
16.06.2022


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