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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. : 31/3 OF 2021
DATE OF INSTITUTION : 23.10.2021
DATE OF DECISION : 02.07.2022

STATE THROUGH SHO SALEEM KHAN, PS GHILJO

..... (COMPLAINANT)

-VERSUS-

MUHAMMAD ISHTIAQ SON OF ABDUL KAMAL AGED ABOUT 27 YEARS,
R/O QAUM RABIA KHEL, DAVEZI PALOSA, DISTRICT HANGU

..... (ACCUSED FACING TRIAL ON BAIL)

Present: Muhammad Zubair, Assistant Public Prosecutor for State.

FIR No. 27 **Dated:** 29.07.2021 **U/S:** 4 PO
Police Station: Ghiljo


JUDGEMENT

02.07.2022

The above-named accused is charged for the offence u/s 4PO vide FIR No. 27, dated 29.07.2021 of Police Station Ghiljo.


(2). As per contents of FIR, the complainant Saleem Khan SHO along with other police officials stopped a Land Cruiser jeep for the purpose of checking in which the present accused was seated in the front seat. On search of accused, one bottle of liquor (*Desi Sharab*) was recovered from his personal possession by the local Police, who disclosed his name as Muhammad Ishtiaq.

(3). After completion of investigation, complete challan was put in the 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.


SAYED FAZAL WADOOD
District & Sessions Judge
Orakzai at Hangu

(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 as was recorded statement of APP. Statement of the accused is recorded u/s 342 of the Code of Criminal Procedure, 1898.

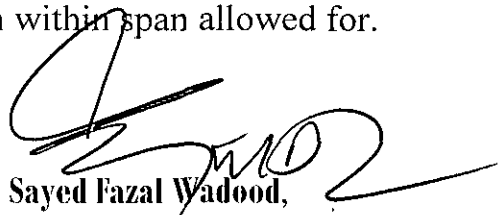
(5). Arguments heard and record perused. Perusal of case file shows that though the accused has pleaded not guilty to the charge already framed against him; however, he has confessed his guilt vide his application submitted today. The accused was having one bottle of liquor in his possession; therefore, he is held guilty of the offence punishable 4 PO. 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 and a meager quantity in shape of one bottle liquor has been recovered; 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, he is sentenced for imprisonment till raising of the Court with fine of Rs. 1000 in default thereof, he shall undergo two days simple imprisonment. Case property be destroyed in accordance with law after the period provided for appeal/revision.


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

Announced:
02.07.2022




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: 02.07.2022



Sayed Fazal Wadood,
AD&SJ/JSC, Orakzai at Baber Mela