

8

STATE VS MUHAMMAD IMRAN
FIR No. 25 | Dated: 29.11.2023 | U/S: 9 (d) and 11-A of the Khyber
Pakhtunkhwa CNSA 2019 | Police Station: Ghiljo

IN THE COURT OF SYED OBAIDULLAH SHAH
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 40/3 OF 2023
DATE OF INSTITUTION : 21.12.2023
DATE OF DECISION : 16.01.2024

STATE THROUGH IBRAHIM KHAN SHO, POLICE STATION
GHILJO

.....(COMPLAINANT)

-VERSUS-

MUHAMMAD IMRAN S/O KHIAL JAHAN, AGED ABOUT 35/36
YEARS, R/O CASTE AKHEL, MOHSIN KHEL, DISTRICT ORAKZAI

..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for the State.

FIR No. 25 **Dated:** 29.11.2023 **U/S:** 9 (d) and 11-A of
the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Ghiljo

JUDGMENT
16.01.2024

The above-named accused is charged for the
offence u/s 9 (d) and 11-A of the Khyber Pakhtunkhwa
CNSA; 2019 vide FIR No. 25, dated 29.11.2023 of
Police Station Ghiljo.

(2). As per contents of FIR, the complainant
Ibrahim Khan SHO along with other police officials in
official vehicle laid a picket on main road Shahu Khel
Garhi where at about 1230 hours a person holding a blue
colour plastic shopper in his left-hand walking on foot
from Ghiljo was stopped. The search of the shopper led
the complainant to the recovery of 02 packets of chars
wrapped with yellow colour scotch tape, each weighing
1200 grams, making a total of 2400 grams. The


16/01/24
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

9


STATE VS MUHAMMAD IMRAN
FIR No. 25 | Dated: 29.11.2023 | U/S: 9 (d) and 11-A of the Khyber
Pakhtunkhwa CNSA 2019 | Police Station: Ghiljo

complainant also recovered a white colour plastic shopper from side pocket of the accused wherefrom 20 grams of ice were recovered.

(3). After completion of investigation, complete challan was put in court. The accused was summoned, copies of the record were provided to him u/s 265-C CrPC and he was charge sheeted but he pleaded not guilty and claimed trial. Today, the case was fixed for prosecution evidence; however, the accused submitted application for disposal of his case on the basis of plead guilty on the grounds, that he is a poor person and a bread earner of his family, cannot afford the expenses of litigation, and that being first offender, lenient view may be taken against him. Application is placed on file.

(4). Arguments heard and record gone through.

(5). Perusal of the case file reveals that the accused was having only 2400 grams of chars and 20 grams of ice in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) and 11-A of the Khyber Pakhtunkhwa CNSA, 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 young age; therefore, he must have a chance of repentance and reformation. Keeping in view the aforementioned circumstances and


16/11/23
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

10

STATE VS MUHAMMAD IMRAN

FIR No. 25 | Dated: 29.11.2023 | U/S: 9 (d) and 11-A of the Khyber Pakhtunkhwa CNSA 2019 | Police Station: Ghiljo

the clean breast admission of the guilt of the accused, his poor financial status and recovery of only 2400 grams of chars and 20 grams of ice by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of two (02) years subject to the 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. Accused is in custody, he be released, if he submits the required bond, subject to that if he is not required in any other case. Case property i.e., chars be destroyed in accordance with law after the period provided for appeal/revision.

(6). Judgment announced. File of this court be consigned to record room after its necessary completion and compilation.

Dated: 16.01.2024

(Signature)
16/01/24
(SYED OBAIDULLAH SHAH)
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: 16.01.2024

(Signature)
16/01/24
(SYED OBAIDULLAH SHAH)
Sessions Judge/Judge Special
Court, Orakzai at Baber Mela

