

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

SPECIAL CASE NO. : 38/3 OF 2023  
DATE OF INSTITUTION : 29.11.2023  
DATE OF DECISION : 14.12.2023

STATE THROUGH MUHAMMAD YOUNAS SHO, POLICE STATION  
KUREZ

.....(COMPLAINANT)

-VERSUS-

KHANDAN S/O TAJ MIR, AGED ABOUT 27 YEARS, R/O CASTE  
QAMBAR KHEL, DREPLARE BAZ GARHA WALA, PO BARA,  
TEHSIL BARA, DISTRICT KHYBER

..... (ACCUSED FACING TRIAL)

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

**FIR No. 42**                      **Dated:** 20.10.2023      **U/S:** 9 (d) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019  
**Police Station:** Kurez

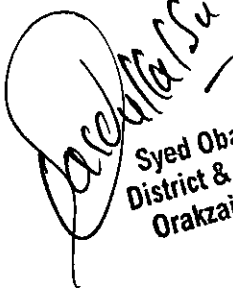
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**JUDGMENT**  
**14.12.2023**

The above-named accused is charged for the offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 vide FIR No. 42, dated 20.10.2023 of Police Station Kurez.

(2). As per contents of FIR, the complainant Muhammad Younas SHO along with other police officials having laid a picket were present on the spot where at about 1400 hours a motorcycle rode by a person travelling from Anjani towards the picket was stopped for the purpose of checking but nothing incriminating was recovered from his personal search. The search of a white colour plastic shopper led the complainant to the recovery of 2000 grams of chars.

(3). After completion of investigation, complete challan was put in court. The accused was summoned, Section 265-C Cr.P.C was complied with and the accused

  
Syed Obaidullah Shah  
District & Sessions Judge  
Orakzai at Baber Mela


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was charge sheeted but 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, cannot afford the expenses of litigation, and that being first offender, lenient view may be taken against him. Application is placed on file.
- (5). Arguments heard and record gone through.
- (6). Perusal of the case file reveals 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 2000 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) 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 the clean breast admission of the guilt of the accused, poor financial status and recovery of only 2000 grams of chars by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of one (01) year 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

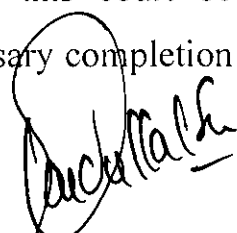
  
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concerned. Case property i.e., chargs be destroyed in accordance with law after the period provided for appeal/revision. With respect to the motorcycle, one Safeel Khan present before the court submitted application that he is the actual owner of the motorcycle and the accused had taken the same from him for a short period of time; the application seems genuine; hence, accepted and the motorcycle be returned to its lawful owner.

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

Dated: 14.12.2023

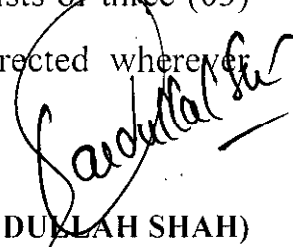


(SYED OBAIDULLAH SHAH)  
Sessions Judge/Judge Special  
Court, Orakzai at Baber Mela

CERTIFICATE

Certified that this judgment consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 14.12.2023



(SYED OBAIDULLAH SHAH)  
Sessions Judge/Judge Special  
Court, Orakzai at Baber Mela

