

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

SPECIAL CASE NO. : 2/3 OF 2023
DATE OF INSTITUTION : 06.11.2023
DATE OF DECISION : 20.12.2023

STATE THROUGH NASIR AHMAD SHO, POLICE STATION
KALAYA

.....(COMPLAINANT)

-VERSUS-

SHAHID HABIB S/O SAID HABIB, AGED ABOUT 42 YEARS, R/O
CASTE MAMOZAI, TAPA OKHUNZADGAN, PO GHILJO, TEHSIL
UPPER, DISTRICT ORAKZAI

..... (ACCUSED FACING TRIAL)

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

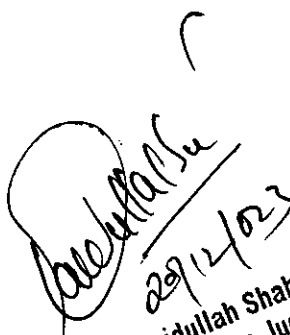
FIR No. 76 **Dated: 24.07.2023** **U/S: 15AA**
Police Station: Kalaya

JUDGMENT
20.12.2023

The above-named accused is charged for the
offence u/s 15AA vide FIR No. 76, dated 24.07.2023 of
Police Station Kalaya.

(2). As per contents of FIR, the complainant Nasir
Ahmad SHO along with other police officials during
routine patrolling were present on the spot where at
about 1600 hours a person was found in suspicious
condition who was searched by the police which led the
complainant to the recovery of 03 live rounds of 12.7
bore from his side pocket.

(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


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Syed Obaidullah Shah (3).
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 only 03 live rounds of 12.7 bore grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 15 of the Khyber Pakhtunkhwa Arms Act. 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, his poor financial


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status and recovery of only 03 live rounds of 12.7 bore 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 concerned. Case property be destroyed in accordance with law after the period provided for appeal/revision.

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

Dated: 20.12.2023

(Handwritten signature)
29/12/23

(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: 20.12.2023

(Handwritten signature)
29/12/23

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

