

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

SPECIAL CASE NO. : 36/3 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:** 9 (c) of the Khyber  
Pakhtunkhwa Control of Narcotic Substances Act, 2019  
**Police Station:** Kalaya

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**JUDGMENT**  
**20.12.2023**

The above-named accused is charged for the offence u/s 9 (c) of the Khyber Pakhtunkhwa CNSA, 2019 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 240 grams of chars from his trouser-fold.

(3). After completion of investigation, complete challan was put in court. The accused was summoned,

  
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section 265-C Cr.P.C was complied with and the accused 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 240 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (c) 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

  
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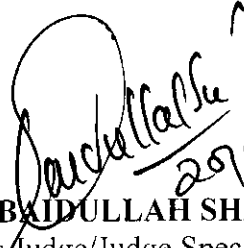
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admission of the guilt of the accused, his poor financial status and recovery of only 240 grams of chars by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of one (01) year subject to the executing of 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 concerned. Case property i.e., chars 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.

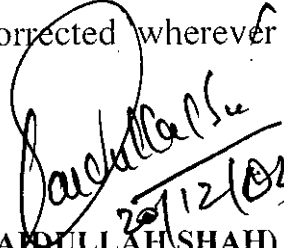
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**CERTIFICATE**

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

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

