

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

SPECIAL CASE NO. : 2/3 OF 2024
DATE OF INSTITUTION : 08.01.2024
DATE OF DECISION : 26.01.2024

STATE THROUGH NASIR AHMAD SHO, POLICE STATION
KALAYA

.....(COMPLAINANT)

-VERSUS-

1. HIDAYAT ULLAH S/O JUMA KHAN, CASTE UTMAN KHEL
2. ABDULLAH S/O HASHIM ALI KHAN, CASTE UTMAN KHEL
3. MAJEED S/O ASHNA KHAN, CASTE FERAZ KHEL
4. SUFIAN S/O MUHAMMAD HAJI, CASTE STORI KHEL
5. HAZRAT S/O ARIF, CASTE STORI KHEL

..... (ABSCONDING ACCUSED)

Present: Nisar Ahmad, Assistant Public Prosecutor for the State.

FIR No. 94 **Dated:** 28.09.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019 & 512 Cr.P.C.

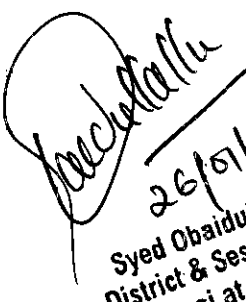
Police Station: Kalaya

ORDER NO. 04
26.01.2024

APP, Nisar Ahmad for the State present. Accused Hidayat Ullah, Abdullah, Majeed, Sufian and Hazrat are absconding. PWs Nasir Ahmad SHO, Constable Muhammad Irshad, Humayun AMHC, Constable Khan Wada and Constable Muhammad Shakoor present and examined as PW-2 to PW-6 respectively. The prosecution abandoned remaining PWs and closed its evidence.

(2). Arguments heard and record gone through.


(3). The prosecution's case, as outlined in Murasila Ex. PA based FIR Ex. PA/1 is as follows: On 28.09.2023, the complainant, Nasir Ahmad SHO/PW-2 received information


26/01/24
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

(6)

State VS Hidayat Ullah etc.
FIR No.: 94, Dated: 28.09.2023, u/s 9 (d) CNSA & 512 CrPC, Police
Station: Kalaya

regarding presence of accused Hidayat Ullah, Abdullah, Majeed, Sufian and Hazrat carrying plastic bags on their shoulders intending to smuggle them to Bara District Khyber. The complainant, acting on this information, along with constables Muhammad Irshad/PW-3, Manzoor Ali, Alim Jan and Wajid Ullah, laid a picket on the spot where at about 1000 hours the above-mentioned persons duly armed carrying plastic bags on their shoulders, who were tried to stop by the complainant but they threw the bags, ran away towards hilly area and opened firing on the police officials. In response, the complainant party also made firing at them, but all the accused made their escape good from the spot. The complainant/PW-2 recovered 20 packets of chars from the respective bags of each of the accused. Each packet upon weightment amounted to 1000 grams, totalling 100,000 grams while the empty bags collectively weighed 560 grams. The complainant/PW-2 separated 10 grams of chars from each packet for chemical analysis through FSL, packed and sealed into different parcels whereas the remaining quantity of chars and the empty bags were sealed in different parcels, by affixing/placing monogram of 'NA' on all parcels. The complainant/PW-2 took into possession the recovered chars vide recovery memo Ex. PC/1. Murasila Ex. PA was drafted and sent to the Police Station through constable Muhammad


26/9/24
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Meta

7

State VS Hidayat Ullah etc.
FIR No.: 94, Dated: 28.09.2023, u/s 9 (d) CNSA & 512 CrPC, Police
Station: Kalaya

Irshad/PW-3 which was converted into FIR Ex. PA/1 by
Humayun AMHC/PW-4.

(4). After completion of investigation, the prosecution submitted challan against the absconding accused who were proceeded u/s 512 Cr.P.C and the prosecution was directed to produce evidence in absentia of the accused. Accordingly, the prosecution produced and examined as many as 06 witnesses.

(5). It is evident from the record that despite being proceeded u/s 204 Cr.P.C as well as u/s 87 Cr.P.C, the accused are avoiding their lawful arrest and there is no likelihood of their arrest in near future. As per evidence recorded by the prosecution, a prima facia case has been made out against the absconding accused **Hidayat Ullah, Abdullah, Majeed, Sufian** and **Hazrat**; hence, they are declared proclaimed offenders. Perpetual warrants of arrest be issued against them and DPO, Orakzai is directed to enter their names in the register of proclaimed offenders. All the legal course be adopted for their arrest and they be brought before the court as and when arrested.

Order announced. File of this court be consigned to record room after its necessary completion and compilation

Dated: 26.01.2024



Obaidullah
26/01/24
SYED OBAIDULLAH SHAH
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela