

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

SPECIAL CASE NO. : 7/3 OF 2023
DATE OF INSTITUTION : 02.02.2024
DATE OF DECISION : 13.02.2024

STATE THROUGH MUHAMMAD YOUNAS SHO, POLICE
STATION KUREZ

.....(COMPLAINANT)

-VERSUS-

FARMAN ULLAH KHAN S/O RAUF KHAN, AGED ABOUT 39
YEARS, R/O NEAR PATROL PUMP NASRAT KHEL, TEHSIL AND
DISTRICT KOHAT

..... (ACCUSED FACING TRIAL)


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

FIR No. 55 **Dated:** 30.12.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Kurez

JUDGMENT
13.02.2024

The above-named accused is charged for the
offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA,
2019 vide FIR No. 55, dated 30.12.2023 of Police
Station Kurez.

- (2). As per contents of FIR, the complainant,
Muhammad Younas SHO along with other police
officials during routine patrolling were present on the
spot where at about 1630 hours a person walking on
foot from RHC Starsam in suspicious condition, was
stopped by complainant whose personal search led the
complainant to the recovery of 2400 grams of chars
from a white colour plastic shopper holding by the
accused in his right hand.


Syed Obaidullah Shah
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(3). After completion of investigation, complete challan was put in court. The accused was summoned, who accordingly appeared before the court and submitted application for disposal of his case on the basis of plead guilty waving of his rights provided u/s 265-C CrPC 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.

(4). Arguments heard and record gone through.

(5). Perusal of the case file reveals that the accused was having only 2400 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, his poor financial status and recovery of only 2400 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) years subject to the executing of bonds in the sum of Rs.


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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.

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

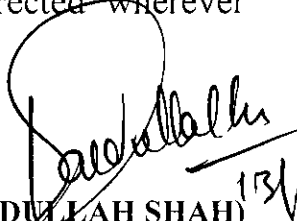
Dated: 13.02.2024


(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: 13.02.2024


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

