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IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE/JUDGE SPECIAL COURT, ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 28/3 OF 2022
DATE OF INSTITUTION : 19.09.2022
DATE OF DECISION : 29.09.2022

STATE THROUGH UMAR KHAN ASI, POLICE STATION DABORI
.....(COMPLAINANT)

-VERSUS-

ACCUSED ANAR GUL S/O GHAREEB GUL, AGED ABOUT 42
YEARS, R/O SHALOBAR QAMBAR KHEL, DISTRICT KHYBER
..... (ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for State.
: Khursheed Alam Advocate for accused.

FIR No. 15 **Dated:** 21.05.2022 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019
Police Station: Dabori

JUDGEMENT
29.09.2022

The above-named accused is charged for the offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA, 2019 vide FIR no. 15, dated 21.05.2022 of Police Station Dabori.

(2). As per contents of FIR, the complainant Umar Khan ASI along with other police officials having laid a picket on the spot, stopped a person while coming on foot from Dabori side. The personal search of the accused led the complainant to the recovery of 1300 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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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 Cr.P.C, 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. In view of the application of accused, prosecution did not want to produce the evidence. Statement of the accused recorded u/s 342 Cr.P.C.

- (4). Arguments heard and record perused.
- (5). Perusal of case file shows that the accused was having 1300 grams of chars in his possession; therefore, he is held guilty of the offence punishable u/s 9 (d) of the Khyber Pakhtunkhwa CNSA. 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. The accused is of young age and he must have a chance of repentance. 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 1300 grams of chars by taking a lenient view, instead of sentencing him at once, he is placed on probation for a period of two 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., chas be destroyed in accordance with law after the period provided for appeal/revision. Consign.

Pronounced:
29.09.2022



SHAUKAT AHMAD KHAN)
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: 29.09.2022



(SHAUKAT AHMAD KHAN)
Sessions Judge/Judge Special
Court, Orakzai at Baber Mela

