

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

SPECIAL CASE NO. : 44/3 OF 2022
DATE OF INSTITUTION : 13.12.2022
DATE OF DECISION : 15.12.2022

STATE THROUGH MUHAMMAD SHAFIQ KHAN SHO, POLICE
STATION KUREZ

.....(COMPLAINANT)

-VERSUS-

GUL NABI S/O NABI GHULAM, AGED ABOUT 30 YEARS, R/O
SHERKOT, PRESENTLY RESIDING AT ALIZAI, DARWI KHEL,
DISTRICT KOHAT

.....(ACCUSED FACING TRIAL)

Present: Umar Niaz, District Public Prosecutor for State.

FIR No. 23 **Dated:** 20.11.2022 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019

Police Station: Kurez

JUDGEMENT
15.12.2022

The above-named accused is charged for the
offence u/s 9 (d) of the Khyber Pakhtunkhwa CNSA,
2019, vide FIR no. 23, dated 20.11.2022 of Police
Station Kurez.

- (2). As per contents of FIR, the complainant,
Muhammad Shafiq Khan SHO along with other police
officials during gasht having laid a picket present on the
spot, stopped a Suzuki bearing No. 8925/GK and person
having a plastic colour bag in his lap seated in the front
seat of the vehicle was boarded. The search of the bag
led the complainant to the recovery of 1000 grams of
chars.

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(3). After completion of investigation, complete challan was put in court. The accused was summoned through Addendum-B from Sub-Jail Orakzai.; however, the accused submitted application for disposal of his case on the basis of plead guilty for the reasons, waiving of his rights provided u/s 265-C CrPC on the grounds, that he is a poor person and a sole bread earner of his family, 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. Perusal of case file shows that the accused was having 1000 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. 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 1000 grams of chars by

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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. 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. Accused is in custody. He be released forthwith, if not required in any other case. Case property i.e., chargs be destroyed in accordance with law after the period provided for appeal/revision. Consign.

Pronounced:
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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: 15.12.2022




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