

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

SPECIAL CASE NO. : 9/3 OF 2024
DATE OF INSTITUTION : 20.02.2024
DATE OF DECISION : 26.02.2024

STATE THROUGH MUHAMMAD YOUNAS SHO, POLICE STATION
KUREZ

.....(COMPLAINANT)

-VERSUS-

UMAR KHEL S/O MIAN KHAN, R/O CASTE ZAKHA KHEL, LANDI
KOTAL, DISTRICT KHYBER

..... (ABSCONDING ACCUSED)

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

FIR No. 3 **Dated:** 29.01.2024 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019 & 512 Cr.P.C.

Police Station: Kurez


ORDER NO. 02
26.02.2024

DPP, Umar Niaz for the State present. Accused Umar Khel is absconding. SW Khalid Ali DFC present and examined as SW-1. In view of the statement of SW, it is held that the accused Umar Khel is wilfully avoiding his arrest and there is no likelihood of his arrest in near future; therefore, he is proceeded u/s 512 CrPC. Prosecution is directed to produce evidence in absentia of the accused. PWs Muhammad Younas SHO, constable Saleem Khan, Mohsin Ali SI, Intikhab Ali MHC and constable Khial Hussain present and examined as PW-1 to PW-5 respectively. The prosecution abandoned remaining PWs and closed its evidence.

Arguments heard and record gone through.


Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

- (3). The prosecution's case, as outlined in Murasila Ex. PA based FIR Ex. PA/1 is as follows: On 29.01.2024, the complainant, Muhammad Younas SHO/PW-1 acting on information regarding smuggling of huge quantity of chars by the accused facing trial from Anjani towards Peshawar via a Double Cabin Dotson bearing Registration No. D-4286/Peshawar, laid a picket on the spot where at about 1140 hours a Double Cabin Dotson of white colour on way from Anjani, on seeing the police party stopped wherefrom a person deboarded himself and ran away who was chased by the police party but he made his escape good from the spot. The complainant/PW-1 found secret cavities inside the vehicle wherefrom he recovered 12 packets of chars wrapped with yellow colour scotch tape. Each packet upon weighment amounted to 1000 grams, totalling 12,000 grams. The complainant/PW-1 separated 10 grams of chars from each packet for chemical analysis through FSL, packed and sealed into parcels no. 1 to 12 whereas the remaining quantity of chars weighing 11880 grams were sealed in parcel no. 13, by affixing/placing monogram of 'MY' on all parcels. The complainant/PW-1 took into possession the recovered chars and the vehicle mentioned above vide recovery memo Ex. PC. Murasila Ex. PA was drafted and sent to the Police Station through constable Muhammad Saleem/PW-2 which


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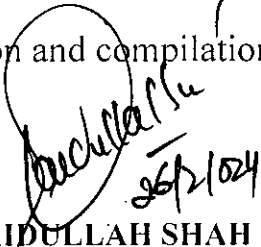
was converted into FIR Ex. PA/1 by Intikhab Ali MHC/PW-4.

- (4). After completion of investigation, the prosecution submitted challan against the absconding accused who was 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 05 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 is avoiding his lawful arrest and there is no likelihood of his arrest in near future. As per evidence recorded by the prosecution, a prima facie case has been made out against the absconding accused **Umar Khel**; hence, he is declared proclaimed offender. Perpetual warrant of arrest be issued against him and DPO, Orakzai is directed to enter his name in the register of proclaimed offender. All the legal course be adopted for his arrest and he 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: 26.02.2024




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