

5

State VS Noor Ul Haq etc.
FIR No.: 112, Dated: 15.12.2023, u/s 9 (d) CNSA & 512 CrPC, Police
Station: Kalaya

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

SPECIAL CASE NO. : 6/3 OF 2024
DATE OF INSTITUTION : 02.02.2024
DATE OF DECISION : 29.02.2024

STATE THROUGH ANWAR KHAN SI, POLICE STATION KALAYA

.....(COMPLAINANT)

-VERSUS-

1. NOOR UL HAQ S/O NORAB KHAN
2. ZAR WALI S/O ZAR NABI, BOTH R/O CASTE QAMBER KHEL,
MANZAKHAI, DISTRICT KHYBER.

..... (ABSCONDING ACCUSED)

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

FIR No. 112 **Dated:** 15.12.2023 **U/S:** 9 (d) of the Khyber
Pakhtunkhwa Control of Narcotic Substances Act, 2019 & 512 Cr.P.C.
Police Station: Kalaya

ORDER NO. 06
29.02.2024

DPP, Umar Niaz for the State present. Accused Noor Ul Haq and Zar Wali are absconding. PWs; Moharrir Muhammad Jamil, Minhaz Hussain Oll and Nasir Khan SHO present and examined as PW-4 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 15.12.2023, the complainant, Anwar Khan SI along with constables Manzoor Ali No. 424 and Muhammad Irshad No. 336 in an official vehicle driven by Muhammad Ayaz, during routine patrolling were present on the spot where at about 1100 hours, a Motorcycle Honda-125 without registration number having Engine No. 8901235 and Chassis No. EA383453, riding by two persons, amongst them a person occupying the

Obaidullah Shah
29/2/2024
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

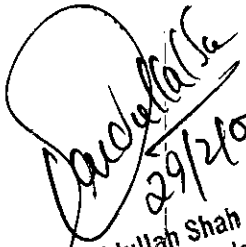
6

State VS Noor Ul Haq etc.
FIR No.: 112, Dated: 15.12.2023, u/s 9 (d) CNSA & 512 CrPC, Police
Station: Kalaya

pillion seat was having a white colour bag in his lap on way from Chaman Jana was signalled to stop but they, on seeing the police party, turned back who were chased by the local police and after covering some distance they fell down from the motorcycle, abandoned it as well as the bag and made their escape good from the spot. Upon search of the bag, the complainant recovered 49 packed of chars, wrapped with yellow colour scotch tape; each packet upon weighment amounted to 1000 grams of chars, making a total of 49000 grams of chars. On the spot, the complainant separated 10 grams of chars from each packet for chemical analysis through FSL, packed and sealed into parcels 1 to 49. Amongst the total packets, 17 packets of chars weighing 16830 grams were sealed in parcel no. 50, 16 packets of chars weighing 15840 grams were sealed in parcel no. 51 and 16 packets of chars weighing 15840 were sealed in parcel no. 52 while the empty bag was packed and sealed in parcel no. 53 by the complainant. The spot proceedings were captured through cellular phone and were converted into USB which was packed and sealed in parcel no. 54 by the complainant. All the parcels were affixed with monograms of 'NA'. The complainant took into possession the recovered chars along with the motorcycle vide recovery memo Ex. PC. Murasila Ex. PA was drafted and sent to the Police Station through Constable Manzoor Ali which was converted into FIR Ex. PA/1 by Moharrir Muhammad Jameel. Later on, the absconding accused Noor Ul Haq and Zar Wali were nominated as accused by the complainant.

(4).

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


29/12/2024
Syed Abaidullah Shah
District & Sessions Judge
Court of Paper Mela

(7) (8)

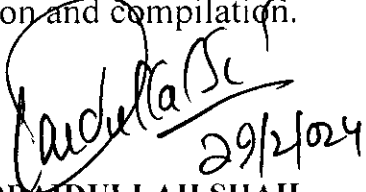
State VS Noor Ul Haq etc.
FIR No.: 112, Dated: 15.12.2023, u/s 9 (d) CNSA & 512 CrPC, Police
Station: Kalaya

(5). It is evident from the record that despite being proceeded u/s 204 CrPC as well as u/s 87 CrPC, 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 facie case has been made out against the absconding accused **Noor Ul Haq and Zar Wali**; 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. Case property be kept intact till final disposal of the case.

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

Dated: 29.02.2024




29/2/24
SYED OBAIDULLAH SHAH
Sessions Judge/Judge Special Court,
Orakzai at Baber Mela