

IN The COURT OF SHAHNAZ HAMEED KHATTAK,
SESSIONS JUDGE/SPECIAL JUDGE, HARIPUR

Narcotics Case No..... 45/13 of 2023
 Date of institution27.06.2023
 Date of Decision:27.06.2023.

STATE

Versus

Sohail S/o Muhammad Saeed, caste Awan R/o Kaag Tehsil & District Haripur(Accused facing trial)

Case FIR # 263, Dated 16.06.2023 under section 9 (c) of Khyber Pakhtunkhwa Control of Narcotics Substances Act, 2019, Police Station Saddar, District Haripur.

Present:- Mr. Habib Ullah Khan, Deputy Public Prosecutor for the State.
 Accused Sohail in custody.

ORDER
27.06.2023

(1) Case file received on transfer. It be registered. Put up before Camp Court, Central Prison Haripur.

(2) At the very outset the accused on appearing before the court stated at the bar that he wants to plead his guilt by placing himself at the mercy of the Court and also submitted an application for plead guilty, which is placed on file and is (Ex. PA). Provisions of S. 265-C Cr. P.C complied with, hence, charge has also been framed today.

(3). Brief facts resulted into instant criminal case registered vide case FIR No. 263, dated 16.06.2023 u/s 9-C of the Khyber Pakhtunkhwa Control of Narcotics Substances Act, 2019 at Police

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Saddar, Haripur are that accused **Sohail S/o Muhammad Saeed** was found in possession of **Heroin** weighing **487 grams** and accordingly the present case was registered.

(4) On submission of application for disposal of case after taking plea of no contest by the accused, a notice was issued to the accused u/s 265-E Cr.P.C, to which he replied that he is laborer and hardly earning bread for his family and stated that he cannot afford to contest the charge and bear the expenses and thus requested for a lenient view while deciding the case against him. His statement also recorded and placed on file.

(5) Perusal of the record shows that the accused remained behind the bar in the present case for about 11 days since his arrest and left himself on the mercy of the court coupled with being first offender and considering the quantity of narcotics as well as clean abreast plea of guilt by accused, this Court is fully inclined and satisfied that the accused with his free consent without any pressure, coercion or undue influence has admitted guilt and thereof, pleaded guilty to the charge u/s 9-C of **Khyber Pakhtunkhwa Control of Narcotics Substances Act, 2019**, therefore, the accused facing trial named above is found guilty. The accused viz above is accordingly convicted for committing the offence punishable u/s 9-C **Khyber Pakhtunkhwa Control of Narcotics Substances Act, 2019**. Accordingly, the accused named above is hereby sentenced u/s 9-C of **Khyber Pakhtunkhwa Control of Narcotics Substances Act, 2019** to imprisonment for one year and also sentenced to fine of

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Rs. 1,00,000/-. In case of default the convict shall further undergone fifteen (15) days simple imprisonment. Benefit of section 382-B Cr.P.C is extended in favour of accused.

(6) In exercise of the powers conferred u/s 5 of the Khyber Pakhtunkhwa Probation and Parole Act, 2021 and all enabling provision thereto suspend the execution of sentence and deems it appropriate to place the convict on probation for a period of one year under the supervision of Probation Officer subject to the convict should furnish surety bond to the tune of Rs.100,000/- with two sureties to the satisfaction of probation officer and subject to following conditions;

- i. He will commit no offence,
- ii. He will keep the peace,
- iii. He shall remain of good behavior during the period of the probation,
- iv. He shall not violate the terms and conditions of bond/probation,
- v. He shall abstain from dealing with narcotics.
- vi. He shall avoid the bad-company as to prevent the repetition of offence.
- vii. He will appear before the Court to receive the sentence, if called upon to do so during that period.
- viii. Accused shall appear before probation officer on monthly basis and Probation Officer shall ensure good behavior for the purpose of reformation and may associate him with any program for community service.
- ix. In case of any violation of terms of the bonds executed, the accused shall suffer the punishment awarded as substantive sentence in jail.

(7) The conviction recorded hereinabove for the subject offence, shall have no effect and thus shall be deemed not to be a conviction for any purpose other than the purpose of the proceedings in which the Order for probation of the accused is

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made and of any subsequent proceedings which may be taken against the accused under the provision of Act *ibid*. The above observations are subject to that the accused shall not commit any offence during the period of probation or is subsequently sentenced.

(8) Without prejudice to the forgoing paragraph, the conviction of law, rules, regulation, by-laws, which imposes any dis-qualification or disability upon the convicted persons, or authorizes or requires the imposition of any such dis-qualification or disability.

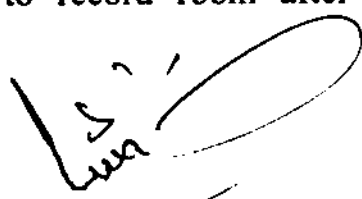
(9) The accused/convict, irrespective of order above placing him on probation, shall have the right of appeal as provided under the law.

(10) The case property i.e. Heroin be destroyed in accordance with law, but after expiry of period of appeal/revision.

(11) One copy of order handed over to the accused free of cost and one be sent to the office of DPP as per section-373 Cr.P.C. Similarly, one copy of the judgment also be sent to the office of District Probation Officer for his information.

(11) File in hand be consigned to record room after its necessary completion and compilation.

Announced
27.06.2023


Shahnaz Hameed Khattak
Sessions Judge/JSC, Haripur