

IN THE COURT OF ASGHAR SHAH
SESSIONS JUDGE/ JUDGE JUVENILE COURT,
ORAKZAI AT BABER MELA

JUVENILE CASE NO : 3/2 (J) OF 2020

DATE OF INSTITUTION : 17.06.2020

DATE OF DECISION : 15.07.2020

STATE THROUGH AZEEM SHAH S/O HALEEM SHAH,
CASTE SHEIKHAN, SUB-TRIBE UMARZAI KACH
MELA, DISTRICT ORAKZAI

------(Complainant)

VS

UMAR GUL S/O MEERAN SHAH, CASTE SHEIKHAN,
SUB-TRIBE UMARZAI KACH MELA, DISTRICT
ORAKZAI


------(Juvenile Accused Facing Trial)

Present: Umar Niaz, District Public Prosecutor
: Sana Ullah Khan Advocate, for accused facing trial

JUDGEMENT
15.07.2020

DPP, Umar Niaz for the State and Juvenile
accused Umar Gul alongwith his counsel, Sana
Ullah Khan Advocate present and submitted an
application for disposal of the case through plead
guilty u/s 15AA.

(2). It is worth mentioning that in the instant
case one, Muhammad Zahid was murdered and
Juvenile accused facing trial, Umar Gul was
charged for the same though case FIR no. 20


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dated 31.03.2020 u/s 302 PPC and 15AA of PS
Lower Orakzai.

- (3). Yesterday i.e. on 14.07.2020, Qabil Shah and Mst. Noorani, parents of deceased, appeared before this court and submitted compromise affidavit Ex. PA alongwith proforma of compromise Ex. PB (consists of 03 sheets). They recorded statement of compromise by deposing that the matter between the parties have been patched up and on the basis of said compromise, they have got no objection on the acquittal of accused facing trial. It was further deposed that the deceased was un-married and except them, no other legal heirs do exist. Their statement was verified by the elders of the locality namely, Malik Khan Said and Malik Muhammad Zubair. The elders of the locality also produced a certificate Ex. PC thereby verified the genuineness of compromise as well as parents of the deceased being the only legal heirs. The joint statement of the elders of the locality was also recorded to this effect.

- (4). From the statements of legal heirs of the deceased verified by the elders of the locality, this Court is satisfied that a genuine compromise has



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been affected between the parties and since the offence u/s 302 PPC is compoundable. Therefore, the compromise is accepted and on the basis of said compromise, accused facing trial stand acquitted u/s 302 PPC. Whereas for section 15AA, the learned counsel for the accused facing trial today submitted an application for disposal of the case u/s 15AA as well. Therefore, on the basis of plead guilty, accused facing trial is convicted u/s 15-A of the Arms Ordinance and sentenced to pay fine of Rs. 5000/- or in default to pay one simple imprisonment besides he is also sentenced to suffer 3 years simple imprisonment under the said section. But however, the accused facing trial is first offender, having no previous involvement or conviction in such like cases besides he is juvenile, a lenient view is taken and the punishment is suspended for the above cited reasons and for the period of sentence he is placed under probation. The accused is directed to submit surety bonds in sum of Rs. 50,000 with two sureties, each in the like amount to the satisfaction of this Court for regular appearance before the probation officer. The weapon of offence i.e. rifle stand confiscated in favour of State. The surety



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bonds already submitted by the accused for appearance before this Court stand cancelled and said sureties stand discharged from the liability of bail bonds.

- (5). File be consigned to Sessions Record Room after its necessary completion and compilation.

Announced
15.07.2020



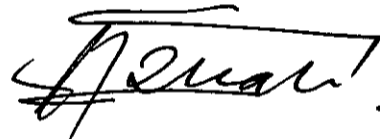
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CERTIFICATE

Certified that this judgment consists of four (04) pages. Each page has been read, corrected where-ever necessary and signed by me.

Dated: 15.07.2020.



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