25

IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE, ORAKZAI (AT BABER MELA)

CRIMINAL APPEAL NO.	:	1/10 OF 2026
DATE OF INSTITUTION	:	21.01.2026
DATE OF DECISION	:	27.02.2026

AMEER JAN S/O SAKHI BAZ, CASTE MALAK DEEN KHEL, SAR DANDI, DISTRICT ORAKZAI

..... (APPELLANT/CONVICT)

-VERSUS-

STATE THROUGH SHO POLICE STATION KALAYA

..... (RESPONDENT)

Present : Abid Ali Advocate for appellant/convict.
: Sr. PP, Abul Qasim for the State.

JUDGEMENT
27.02.2026

This criminal appeal was preferred by the appellant/convict against the judgment dated 28.11.2025 of the Court of learned Judicial Magistrate, Tehsil Courts Kalaya, Orakzai passed in case No. 13/3 of 2023 whereby the appellant was convicted in case FIR No. 36, Dated 10.04.2023, registered at Police Station Kalaya and sentenced to three (03) years simple imprisonment with fine of Rs. 60,000/- under Sections 15 and 17 of the Khyber Pakhtunkhwa Arms Act, 2013. In default of payment of fine, the convict was directed to undergo 09 months simple imprisonment. The conviction was suspended by the Trial Court and the appellant was placed on probation for a period of two (02) years.

Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

2. According to averments of the FIR, the SHO Police Station Kalaya along with other police contingent laid a barricade at Karghan Check-Post on 10.04.2023 when a white motorcar Suzuki Mehran bearing Registration No.

LZZ2155/Punjab arrived there from Medan District Khyber at 1800 hours. The vehicle was stopped and the driver was disembarked who disclosed his name as Ameen Jan s/o Sakhi Baz. The complainant recovered 1802 rounds of 303 bore from a secret cavity in the switchboard of the vehicle. The Murasila and other documents were sent to the police station for registration of the FIR.

3. After completion of investigation, complete challan was put in Court. The accused was summoned. Copies were provided to him u/s 241-A CrPC and he was formally charged. The accused pleaded not guilty and claimed trial. The prosecution produced a total of 05 witnesses before the Court of Judicial Magistrate whereafter statement of the accused was recorded. He neither recorded his statement on oath nor produced any evidence in defence.

Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

4. The learned trial, after hearing both the parties, convicted and sentenced the accused as mentioned above; hence, this appeal was preferred.

5. After hearing both the parties and perusal of the record, it was found that the case in hand was registered on the basis of recovery of 1802 cartridges of 303-bore from vehicle No. AZZ2155/Punjab driven by the accused on 10.04.2023 at 1800 hours at Karghan Check-Post. The recovery memo Ex. PW 1/1 and the Murasila Ex. PW 4/3 as well as FIR Ex. PA mention the recovery of said cartridges of 303-bore. The recovered cartridges were sealed in parcel No. 1 by the

Seizing Officer. He handed it over to Moharrir who further handed over the same to IO on 13.04.2023 for sending to FSL. The IO sent the same to FSL through PW-3 with application to FSL Ex. PW 1/1 and route permit Ex. PW 1/2. The FSL report Ex. PW 1/3 discloses three kinds of cartridges containing 910 live cartridges of 8mm bore, 730 live cartridges of 303 bore and 162 cartridges of 7.62mm bore. However, the said fact was not taken into consideration by the Trial Court in the impugned judgment. Since, the Seizing Officer has re-iterated the recovery of 303 bore cartridges from the accused in his statement before the Court which were not found to be 1802 in FSL but the same were 730 live cartridges concealed in the vehicle driven by the accused. No other discrepancy in the prosecution's evidence or material contradiction in the statements of PWs was pointed out by the learned counsel for the appellant.

Haq Nawaz
District & Sessions Judge
Central at Baber Mela

6. In such circumstances, the appeal is partially allowed. The impugned judgment is modified and the appellant is convicted u/s 15 and 17 of the Khyber Pakhtunkhwa Arms Act, 2013, to undergo simple imprisonment for a period of one (01) year each. Both the punishments shall run concurrently. The appellant was placed on probation by the Trial Court for a period of two (02) years which is reduced to a period of one (01) year accordingly. File of this court be consigned to record room after its necessary completion

28

and compilation. Copy of this judgment be sent to the Probation Officer for information and compliance.

Announced:
27.02.2026

(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela

CERTIFICATE

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

Dated: 27.02.2026

(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela