

IN THE COURT OF BAKHT ZADA
ADDITIONAL SESSIONS JUDGE-I/JUDGE SPECIAL COURT, ORAKZAI
(AT BABER MELA)

SPECIAL CASE NO. : 09/03 OF 2025
DATE OF INSTITUTION : 04.02.2025
DATE OF DECISION : 25.02.2025

STATE THROUGH NASIR AHMAD SHO, PS KALAYA
.....(COMPLAINANT)

-VERSUS-

HAJI MUHAMMAD S/O KHANA GUL, R/O QAUM QAMAR KHEL, AFRIDI,
PRESENTLY RESIDING AT KHAZA DISTRICT ORAKZAI
..... (ACCUSED ABSCONDING)

ORDER No. 03
25.02.2025

Accused, Haji Muhammad S/O Khana Gul
charged in the case FIR No. 109, dated 04.11.2024, U/S
9(d) KP CNSA, registered at PS Kalaya.

- (2). Facts of the case as per report of the complainant Nasir Ahmad SHO are that he along with constables Farman Ullah, Alam Jan HC, Muhammad Irshad No. 336 and driver Muhammad Ayaz No. 1348 were on patrolling. During patrolling, a person having white colour sack on his shoulder was coming from Mandra Khel towards main road. Upon seeing the police party, he left the sack and ran back in the nearby forest. Upon dropping the sack, the person was recognized as Haji Muhammad S/O Khana Gul, R/O Qaum Qamar Khel, Afridi presently residing at Khaza, District Orakzai. Upon checking the sack, 15 packets chars wrapped in yellow scotch tape weighing through digital scale came out to be 1000/1000 grams


BAKHT ZADA
Addl: District & Sessions Judge-1
Orakzai at Hangu

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making the total of 15000 grams. Complainant/SHO separated 10/10 grams chars from each packet for the purpose of sending the same to FSL for chemical analysis and packed and sealed into parcel No. 1 to 15, while remaining 14850 grams chars were packed and sealed into parcel No. 16. Video of the occurrence was prepared by constable Muhammad Irshad No. 336 and converted from mobile to USB and sealed the same into parcel No. 17. All the parcels were sealed having 01/01 monogram "NA" inside the parcel while 03/03 monograms of the same were affixed on each parcel. Accused has fled the spot. Complainant/SHO prepared recovery memo and drafted Murasila for registration of FIR and was sent to PS through Constable Farman Ullah and hence the present FIR.

(3). Complete challan was submitted by the prosecution on 04.02.2025. Accused Haji Muhammad is absconding. DFC Muhabat Ali was summoned as SW, who recorded his statement as SW-01 and proceedings U/S 512 Cr. PC against absconding accused were initiated and prosecution was allowed to record evidence in absentia against him U/S 512 Cr. PC.

(4). Prosecution produced and recorded the statements of as many as two (02) PWs namely Minhaz Hussain (OII) and Farman Ullah (Marginal witness of recovery memo) and prosecution closed its evidence and the

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remaining statements of PWs will be recorded after the arrest of absconding accused.

(5). It is evident from the record that the above-named accused is deliberately avoiding his lawful arrest and there is no probability of his arrest in near future; hence, as per record, a prima facie case exists against the absconding accused Haji Muhammad. He is declared as proclaimed offender. Perpetual warrant of arrest be issued against him and SHO PS concerned is directed to enter the name of absconding accused 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. Case property be kept intact till final disposal of the case.

(6). File of this court be consigned to record after its necessary completion and compilation.

Announced:**Dated: 25.02.2025**

BAKHT ZADA
Additional Sessions Judge-I,
Orakzai at Baber Mela

CERTIFICATE

Certified that this order consists of three (03) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 25.02.2025

BAKHT ZADA
Additional Sessions Judge-I,
Orakzai at Baber Mela