

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1210/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/08/2022	<p>The appeal of Iftikhar Ali presented today by Mr. Muhammad Irshad Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>05-08-2022</u>.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

The appeal of Mr. Iftikhar Ali S/O Mian Gul, SI, Tehsil Takht Bhai and District Mardan received today i.e. on 25.07.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Annexures of the appeal may be attested.
2. Affidavit attested by the Oath Commissioner is not attached with the appeal.
3. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 2253 /S.T,

Dt. 25/7 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Irshad Adv. Pesh.

Mardan

Respected Sir,

*The objections levelled
are resolved and resubmitted
before your honor.*

M. Irshad

*Muhammad Irshad
Advocate High Court
BC-09-2340
At District Courts Mardan
Cell: 0343-8567931*

04.8.2022

Before The Service Tribunal, Peshawar.

Service Appeal No. 1210 /2022

Iftikhar Ali SI

Versus

Govt of KPK & others

Appeal

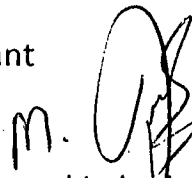
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Dated 23/07/2022

Through counsel

Appellant

M. 
Muhammad Irshad

Advocate

High court at Mardan

Cell # 03438567931

mirshadhumraz@gmail.com

Muhammad Irshad
Advocate High Court
BC-09-2340
At District Courts Mardan
Cell: 0343-8567931

①

**BEFORE THE HONORABLE SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. _____/2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 825

Dated 27/7/22

IFTIKHAR ALI S/O Mian Gul (SI 426/MR District Police Mardan),
Village Kalushah Haji Zarghon Shah Killi Tehsil Takht Bhai District
Mardan.

..... Appellant

Versus

Government of KPK through

1. The Secretary, Home Department, K.P.K Peshawar
2. The Inspector General of Police K.P.K Peshawar
3. Regional Police Officer Mardan.
4. District Police Officer Mardan.

..... Respondents

Appeal under section 4 of The service Tribunal Act, 1974 against the order of the Respondent No.1, vide order dated 06/07/2022 No 1476-83/22, whereby the Appellant's petition was partially accepted and was awarded punishment effective for sixty days despite the fact that the appellant has been discharged by the court in FIR 684 dated 13/06/2021 U/S 161, 162, 119B, 118D, Act-2017 PPC PS Toru as a result of disciplinary proceedings.

Prayer in Appeal:-

That the appellant may please be restored to the position prior to 13/06/2021 with back service benefits sand seniority may please be ordered in accordance with merit as appellant has been declared innocent by the concern judicial magistrate and orders of respondents bearing no's 2178 dated 19/11/2021, 1608—09/ES dated 25/02/2022 and 1476-83/22 dated 06/07/2022 may please be declared null and void and without lawful authority.

Respectfully Sir,

Appellant submits as under

1. That the Appellant was posted as station house officer (SHO) at police station Toru in District Police Mardan.
2. That the appellant was malafidely charged in FIR 684 dated 13/06/2021 U/S 161, 162, 119B, 118D, Act-2017 PPC and was suspended. **Copy of FIR attached as annex "A"**
3. That the appellant was discharged of the allegation by the concern judicial magistrate. **Copy of order of Judicial Magistrate Mardan attached as annex "B"**
4. That the respondent no 4 in order OB no 2178 dated 19/11/2021 has awarded major punishment of reduction in pay by one stage. **Copy of DPO order attached as annex "C"**
5. That Appellant was aggrieved from the order of respondent no 4 moved appeal before RPO vide 1608—09/ES dated 25/02/2022 which order of DPO was enhanced as reduction in pay by one stage into reduction in rank from Sub Inspector to ASI. **Copy of appeal & order of RPO/DIG attached as annex "D"**
6. That the appellant moved petition to the Inspector General of Police KP where in it was held that punishment is effective only for sixty days vide order 1476-83/22 dated 06/07/2022.
Copy of petition & order of IG office attached as annex "E".
7. That the impugned orders are illegal, unjustified and against the principles of naturel justice. Hence, the same is liable to be set-aside on the following amongst many other grounds:-
 - A. That the respondents had no authority to lodge FIR against petitioner as the allegations / matter pertains to anticorruption department, Hence, the respondents has acted beyond thier authority, by imposing major penalties.

- B. That the impugned orders were passed as punishment, which are not provided under the relevant law and rules as no enquiry have been conducted.
- C. That the appellant was acquitted on 22/09/2021 by the judicial magistrate and was punished by DPO / respondent no 4 OB no 2178 dated 19/11/2021 which is utter disregard of the principles
- D. That the whole of the proceedings were carried-out in utter disregard to the relevant rules.
- E. That the Appellant is not provided the right of defense, under the law and he is condemned unheard.
- F. That Appellant seeks leave of this Honorable Tribunal to claim further grounds also.

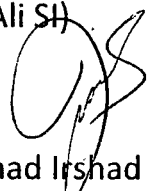
It is prayed that on acceptances of this Appeal, the impugned orders may please be set aside and the Appellant may be ordered in the seniority be considered as before 13/06/2021 with back service benefits. Any other remedy which this honorable tribunal deems proper and fit may also be awarded to the appellant.

Date:- 23/07/2022

Appellant 

(Iftikhar Ali SI)

Through:-

M. 


Muhammad Irshad

Advocate High Court

at Mardan

Affidavit:-

I, IFTIKHAR ALI S/O Mian Gul (SI 426/MR District Police Mardan), Village Kalushah Haji Zarghon Shah Killi Tehsil Takht Bhai District Mardan the Appellant do hereby state on Solemn affirmation that the contents of this Appeal Are true and correct to the best of my knowledge And belief.

Deponent: 

IN THE COURT OF MAZHAR ALI KHAN
JUDICIAL MAGISTRATE-I, MARDAN.



State.....Vs.....Iftikhar Khan

Complete Challan submitted. Be registered. SPP for the State present. Accused is on bail present.

Accused facing trial namely Iftikhar Khan son of Mian Gul resident of Takht Bhai District Mardan has been charged by complainant Adil, vide case FIR No. 684 dated 13.06.2021 u/s 161/162/119B/118D Act of P.S Toru, Mardan.

Perusal of case file reveals that accused facing trial is directly charged in the instant case FIR but no evidence is placed on file to connect him with the commission of the offence. The offence with which the accused facing trial is charged in non-compoundable, however, the complainant had submitted an affidavit during bail stage wherein it has been mentioned that the accused facing trial was charged by him on instigation of Qadir Khan. The statements u/s 164 Cr.PC of Qadir Khan and Bahar Ali available on file wherein they narrated different story as mentioned by the complainant, therefore, when the statements u/s 164 Cr.PC and story narrated in the FIR are kept in juxta position it creates serious doubts in the prosecution story. Moreover, there is contradiction in the application submitted to the DPO Mardan by the complainant and the application submitted to the Chief Minister by him both are available on file.

In such circumstances, there seems no likelihood of conviction of the accused facing trial in the present case, even further trial held which will be nothing but a futile exercise.

Resultantly, accused facing trial is discharged from the charges leveled against him in the present case. Accused is on bail, he and his sureties are released from the liability of bail bonds.

As it is evident from the record that the complainant has given false information to the police which has resulted in the wastage of precious time of this Court, therefore, **copy of this order be sent to SHO concerned for initiating proceedings u/s 182 PPC against the complainant namely Adil.**

Case property be dealt in accordance with law.

File be consigned to record room after necessary completion and compilation.

Announced:
22.09.2021

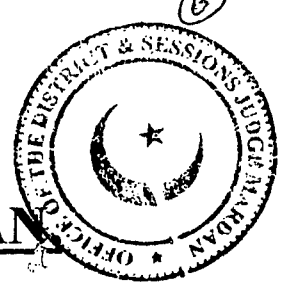
(Mazhar Ali Khan)
Judicial Magistrate, Mardan

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27 SEP 2021

Examiner Copying Branch
Session Court Mardan

29⁶/₂₁ New 23⁶/₂₁ 773/4



IN THE COURT OF MAZHAR ALI KHAN
JMIC-I, MARDAN

سرکار ایف آئی

ORDER 03
24.06.2021

Petitioners along with counsel present. IO along with record present. APP for the state present.

Counsel for the petitioners argued that the statements of petitioners Qadar Khan and Bahar Ali u/s 164 Cr.PC are necessary to be recorded in order to bring the actual facts on record. Learned APP for the state opposed the recording of statements and turned it as fatal to the prosecution story.

The purpose of recording statement u/s 164 Cr.PC is to bring new facts or relevant facts on record so that a fair investigation could be ensured. In the instant matter there is nothing fatal in the intended statements of the petitioners therefore, they are allowed to record their statements u/s 164 Cr.PC. Moreover, the statements of the PWs are already recorded u/s 161 Cr.PC and mere reducing the same before the Court u/s 164 Cr.PC would not be fatal to the prosecution story.

Accordingly their statements were got recorded u/s 164-Cr.PC after fulfilling all the codal formalities. Copy of the 164 Cr.PC statements be placed on police file.

Name of Application: ایف آئی
No. of Application: 10562
Date of presentation of application: 24/6/21
Date of presentation of copies: 26/6/21
Number of copies: P-05
Court Fees: /
Urgent Fees: /
Signed of copyist/Examiner: [Signature]
Date of Delivery: 26/6/21

Mazhar Ali Khan
JMIC-I, Mardan

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26 JUN 2021

Examiner Copying Branch
Session Court, Mardan



①

بیان نذر دفع نمبر 164

قادر خان ولد عطر ننگ خان سکنہ حصار، تحصیل و ضلع مردان
پر حلف بیان کیا کہ

مورخ $2 \frac{6}{21}$ تاریخ دو بجے نوٹر سرمدی صدر، عادل ولد نوشہر خان سکن
 طور و سیر جوئر ریورٹ بکریاں چرانے کا بھی ملزم ہے کو بکریاں حوالہ
 کر کے صبیح چرانے کی خاطر گوچر آباد سجد سوکڑے لے گئے تھے جو تن
 مندرجہ بالا حق المدخ دی گئے ریورٹ بکریاں میں سے تیس (36) عدد بکریاں
 ریورٹ سے لیس پیش ہو چکی ہیں۔ حج و قعود کی المدخ ملنے ہی میں
 موقع پر جانور SHH5 گھرانہ طور کے عقب بہار علی اور سید
 ہارون لوی درج کرنے ریورٹ اور المدخ دینے بھجوانے کے حسب
 المدخ SHH5 صہب جمع لوی، بہار علی، ہارون کے وقت
 گوچر آباد سجد سوکڑے بھی آہنچے ہم نمانے تلاش و پتہ پزیری
 کافی دلچسپی لیس پیش بکریاں ریورٹ کھینچوں دستیاب
 ہوئی۔ نتیجی اگر بہار علی مذکورہ ملزم افتخار خان کو لے
 لوی پولیس کے بطور الغام دو بکرے پیش کرے جو SHH5
 صہب بکرے لینے سے انکار کر دی اور بتایا کہ یہ ہماری
 ریورٹ میں شامل ہے ہم لوگوں کے جان و مال کے محفوظ

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 Session Court Mardan

2

ہیں اور ہمیں باقاعدہ حکومت سے کامیاباً خواہ دیا جائے ہے۔ جس صورت
 مقدمہ عدلیہ عامل کو اس لئے حتماً طور کے کی خاطر لیجوریسٹریز اور دیگر
 اپنے ساتھ جمع کیا ہے۔ اور اس کے علاوہ میں اس میں اسٹیٹ پیپر
 کی خبر کی ہے جس میں فوٹو اسٹیٹ اعلیٰ تفتیشی ایجنسی کے SI کو
 پیش کی ہے۔ یہی دلیل بیان ہے۔

~~سنیور سیشن جج~~
~~JMICH I~~
~~Mardan~~
 24-06-21

قادر خان اولہ عطوف خان
 16101-7153687-3

قادر خان

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 21 JUN 2021
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 Session Court Mardan

بیان زیر دفعہ 164 Crpc

ہمارے ولی اسرارزادہ یاگن حیدر، تحصیل ضلع مردان
پر حلف بیان کیا کہ

مستحق قادر خان ولد عطرنگ خان ساکن دیہہ ام جوگہ میرا بہنوئی ہے
جس کے بڑے بھائی فقیر عادل ولد نوشہر خان ساکن قاسیم پور و میرہ
بکریوں کی نگہداشت کی خاطر رکھا گیا تھا۔ چند لوگ قبل میری پیشبرد
زوج قادر خان نے رات کو وقت فون کرنے اٹھ دی کہ بکریوں کے
ایوڑ سے چند بکریاں لے کر پیش ہو گئی ہے وقوعہ میرا سے باخبر
ہو کر کھانہ طور و جاگر SH5 صاحب بذات خود چل کر کچھ دیر بعد
بکریوں کے ایوڑ میں لے کر پیش بکریاں نزدیکی اراضیات سے دستیاب
ہوئی جو بعد میں میں نے انعامی طور پر بکریوں میں سے دو بکرے
SH5 صاحب کو پیش کی اور سنا کہ وہی انہوں (SH5) نے لینے سے
انکار کیا اور سنا کہ وہی بتلایا کہ ہماری ڈیوٹی میں آئی ہے اور
وہی دو عدد بکرے میں سے سنا کہ خود دیکھ خود سے کیا ہوں یہی
میرا بیان ہے۔

شکر دست لکھنا

~~J.M.C. Mandar
24-06-21~~

ہمارے ولی اسرارزادہ

16 101-4796171-3

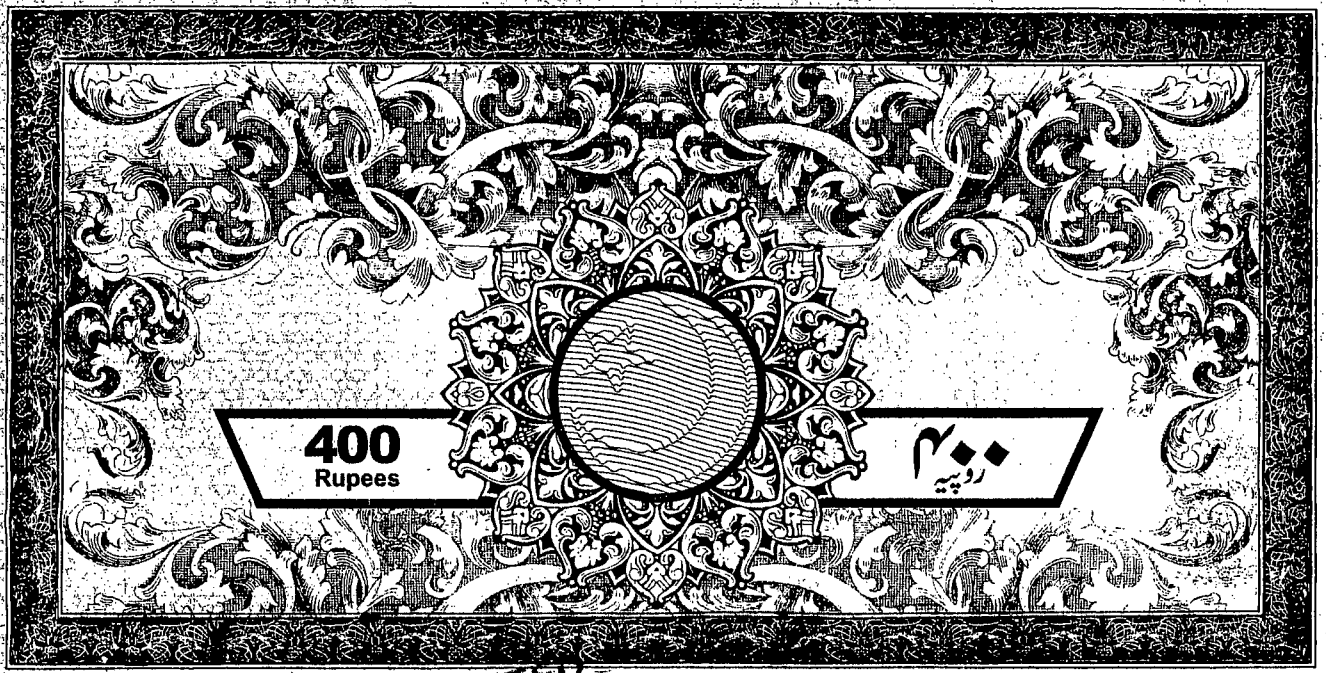
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BY

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28 JUN 2021

Examiner Copying Branch
Session Court, Marwan



ATTESTED
M

بیان حلفی

ماہانہ سمیان صاحب خان و عطر خان صاحبان علیہ بیہار علیہ کی اسم ازاد سائنس میں حاصل
 اردان کے ہیں حلفاً اور کرتے ہیں کہ آج سے پچھلے یوم قبل مسیٰ عادلہ کی نوٹس سائنس طور و عید
 جو کہ میرے ساتھ تخت ٹور کے نے رات کے ٹور کیا دو بجے اطلاع دی ہے آپ کے 24 بجے
 کی جو کہ میرے نگہداشت میں ہے میں سے تیسوں راس بکریاں بوجہ جواب میں پیش
 ہو چکے ہیں جو قواعد کی اطلاع ملتے ہی بذات خود موقع پر پہنچ گیا۔ مسیٰ بیہار علیہ مذکورہ
 بالا پسر آرم کے مرنے کے لئے رپورٹ کا نام طور و بھولے گئے۔ حسب اطلاع /
 رپورٹ بنا 540 کا نام طور و بھولے گئے اور قومی گجر آباد کوٹھے کے اٹھیں۔ مانی بلات
 پندرہ بکریاں کیس میں پیش شدہ بکریاں اور کھیونے سے مل گئے ہیں اور بھولے گئے
 مسیٰ بیہار علیہ نے جواب 540 سے ندری بطور انعام دو راس بکریاں پیش کر دیئے تین
 540 کے بکریاں ہمیں واپس کر دیئے اور لینے سے انکار کر دیا اور لیا ہے یہ ہمارے
 ڈیوٹی ہے ہم لوگوں کے جانے کے واقف ہے۔ جسے ہم تنخواہ حکومت سے لیتے ہیں پر
 ہرگز اسے اصرار نہیں بلکہ ہمارا فرض ہے۔ البتہ اپنے ٹور مسیٰ عادلہ کو اسٹو جنٹ
 رکھنے کی خاطر بطور سزا دو راس بکریاں اپنے پاس چھپا کر رکھے تھے۔ جو 540 کا
 دینے تھے ہم سمیان بالا اور کرتے تھے۔ مسیٰ عادلہ کی نوٹس سائنس طور و ماسم
 جس میں ٹور ہے۔ ہمارے مشورے کے لئے جو درخواست بر خلاف 540 اختیار علیہ کا نام طور
 سزا سزا جھوٹ اور من گھڑت بنا ہے۔ ہم سمیان 540 کے خلاف کسی قسم کا کاروائی
 نہیں کرنا چاہتے 540 طور و اپنی فرض تناسس اپنا نذر اور دیانت دہرے لوگوں میں
 ہے۔ اور دن رات حنت اور ملنے سے اپنا ڈیوٹی سزا انجام دے رہے ہیں۔ ٹور مسیٰ کے سزا
 اور ایملہ سزا درخواست کی۔ بیان حلفی سزا اور کرتے ہیں۔



1407/21
1007/21
1506/2021
345 BBA
4292/21

**IN THE COURT OF SAID BADSHAH
ADDITIONAL DISTRICT & SESSIONS JUDGE-V, MARDAN.**

Iftikhar Khan....Vs....The State

Or.....04
10.07.2021

APP for state present. Accused/petitioner alongwith his counsel present. Complainant Adil also present and submitted compromise affidavit and stated at the bar that he has got no objection on confirmation of instant BBA petition of accused/petitioner. In this regard his statement recorded by exhibiting compromise affidavit Ex.PA while copy of his CNIC is Ex.PA-1.

Accused/petitioner namely **Iftikhar Khan** SI/SHO PS Toru, Mardan seek his pre arrest bail in case FIR No.684 dated 13.06.2021 registered under Section 161/162/119-B/118-D Act at Police Station Toru, Mardan.

4

Brief facts of the case are that the complainant Adil moved an application to the DPO, Mardan on the ground that on the night of occurrence on 02.06.2021 some goats were found missing. He informed the owner of the goats and himself went out for the search of the same. The owner also made a report to the SHO upon which all of them were in search of the said goats. The goats were later on found, however, the SHO demanded Rs.2-lacs from him. That being a poor person was no money, therefore, the SHO concerned took away two goats from him. That now the owner of the goats demanded Rs.70,000/- from him. Hence, on the application of the complainant on the direction of the DPO, Mardan the present FIR was registered against the accused/petitioner.

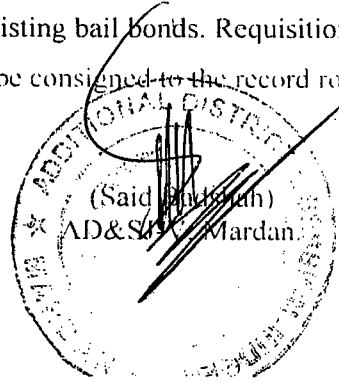
The offences for which the accused/petitioner is charged not compoundable, however, the complainant had submitted affidavit wherein it has been mentioned that the accused/petitioner was charged by him on instigation of Qadir Khan. The statement of Qadir Khan was also recorded U/S 164 cr.P.C wherein he has narrated a different story as mentioned by the complainant, therefore, when the statement U/S 164 Cr.P.C and story narrated in the FIR are kept in juxta position it would reflect that the case of accused/petitioner is one of further inquiry and also shows malafide on the part of complainant party. The complainant has also got no objection on confirmation of accused/petitioner, regarding which his statement was also recorded, hence, the instant BBA is accepted and the ad interim order dated **15.06.2021** is hereby confirmed on existing bail bonds. Requisitioned record be returned to the concerned PS. File be consigned to the record room.

Announced
10.07.2021

Certified To Be True Copy

1 JUL 2021

**Examiner Copying Branch
Session Court Mardan**



⑤
OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9250169 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

ANNEX "C"

(13)

No. 426/PA /PA

Dated 18/11/2021

ORDER ON ENQUIRY OF SI IFTIKHAR ALI NO.426/MR

This order will dispose-off a Departmental Enquiry under Police Rules-1975, initiated against the subject official, under the allegations that while posted as SHO Police Station Toru (now under suspension Police Lines Mardan), was placed under suspension vide his office order No.1007 dated 13-06-2021, issued vide order/endorsement No.3718-21/EC dated 13-06-2021, on account of demanding an amount of Rs.02 Lac as bribe from a poor person namely Adil Son of Nausher resident of Toru Mera in the light of extending help by Toru Police in finding out his missing goats, but due to non availability the said amount with the mentioned Adil, SI Iftikhar Ali took two goats from him as illegal bribe vide case FIR No.634 dated 13-06-2021 U/S 161/163/119B/118D Act-2017 PPC PS Toru registered against SI Iftikhar Ali.

To ascertain real facts, the delinquent official was proceeded against departmentally through ASP Muhammad Qais Khan, the then SDPO Takht-Bhai vide this office Statement of Disciplinary Action/Charge Sheet No.142/PA dated 17-06-2021, who (R.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.4113/PA dated 03-07-2021, holding responsible SI Iftikhar Ali of misconduct & recommended for major punishment.

In this connection, SI Iftikhar Ali was served with a Final Show Cause Notice under Police Rules-1975, issued vide this office No.249/PA dated 13-07-2021, to which his reply was received and found un-satisfactory.

SI Iftikhar Ali

SI Iftikhar Ali was heard in OR on 18-11-2021 and was given opportunity to defend his position, to which, he failed. From the perusal of enquiry papers, Findings of Enquiry Officer and materials available on record, SI Iftikhar Ali was found of gross misconduct, therefore, awarded him major punishment of reduction in pay by one stage. He is reinstated in service from the date of suspension & counted his suspension's period as duty with immediate effect. In exercise of the power vested in me under Police Rules-1975.

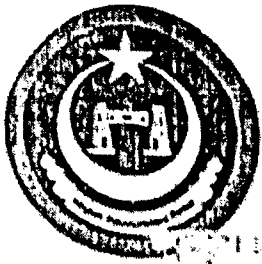
OB No. 426/PA

Dated 18/11/2021

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

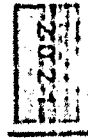
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**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

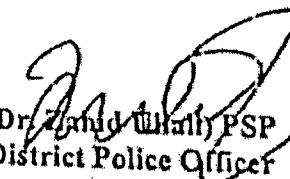
Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com




CHARGE SHEET

I, **DR. ZAUID ULLAH (PSP)**, District Police Officer Mardan, as competent authority, hereby charge **SI Iftekhar Khan**, while posted as SHO PS Toru (now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(Dr. Zauid Ullah) PSP
District Police Officer
Mardan

ATTESTED

To P. O.

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OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpormdnt@gmail.com



No. 142 /A

Dated 12/6/2021

DISCIPLINARY ACTION

I, DR. ZAHID ULLAH (PSP), District Police Officer Mardan, as competent authority am of the opinion that SI Istikhar Khan, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, SI Istikhar Khan, while posted as SHO Police Station Toru (now under suspension Police Lines Mardan) was found of gross misconduct by demanding an amount of Rs.02 Lac as bribe from a poor man (namely Adil Son of Nausher resident of Toru Mera on account of extending help by Toru Police in tracing out his missing goats, but due to non availability the said amount with the mentioned Adil, SI Istikhar Khan Ex- SHO Toru took two goats from him as illegal bribe vide case FIR No.684 dated 13-06-2021 U/S 161/162/119B/118D Act-2017 PPC PS Toru.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, ASP Muhammad Oais Khan SDPO Takht-Bhai is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

SI Istikhar Khan is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

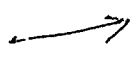
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M. [Signature]

(Dr. Zahid Ullah) PSP
District Police Officer
Mardan

Subject: Reply to the Final Show Cause Notice no 249-PA dated 13.7.2021.

Respected sir,

(1) It is submitted that on 12.6.2021 complainant Adil s/o Nawsher Khan s/o Toun Dossim submitted an application against the Petitioner. The complainant blamed that on the night of occurrence i.e. 2.6.2021 some goats lying in his custody were found missing. He informed the owner of goat namely Qadar Khan and himself went out in the search of the same. The owner also had made a report to SHO / Town upon which all the police party were in search of the same goats. The goats were later on recovered. However the SHO demanded Rs 2-lacs from him. That being a poor person having no money, therefore the SHO took away 02 goats from him. That now the owner of the goats demanded Rs 70,000 from him. The complainant resorted for taking legal action against the SHO / Town and the return of his 02 goats. (Application dated 12.6.21 is attached)

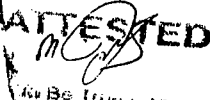


(2)

The said application was handed over to DSP / SMT to initiate legal proceeding against the Petitioner. DSP / SMT was required legally to initiate Preliminary enquiry into the matter, in order to confirm the allegation mentioned in the application. The same day DSP / SMT summoned the Petitioner along with the complainant Adil, Qadar Khan and Bahar Ali / brother-in-law.

M. J.
ATTESTED
13/07/2021

of Qadar Khan to his office. All the concerned were examined and their statements were recorded by DSP / SMT. Complaint disclosed that 02 goats have been recovered from the possession of the owner namely Qadar Khan. In his statement, there is nothing against the petitioner. Qadar Khan disclosed that he reported the matter to SHO / Toru through Bahar Ali. All the missing goats were recovered except the 02 goats which he kept with himself. He further added that Bahar Ali produced 02 goats before the SHO as reward but the SHO refused. The same day statement of petitioner's friend namely Falak Raj no 2244 was also recorded, wherein he disclosed that Bahar Ali produced 02 goats before the SHO as reward but the SHO refused. Moreover the said 02 goats were also produced before the DSP / SMT. (Statements of all concerned are enclosed.) The petitioner along with other concerned left the office of DSP / SMT.

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(3) on 14.6.2021 petitioner came to know that regarding the application of complainant - Adil a Criminal Case vide FIR no 684 dated 13.6.2021 u/s 161, 162 - 119B - 118-D Act 2017 PS Toru has been registered against the petitioner. (Copy of FIR enclosed)

(4) on 15.6.2021, petitioner obtained BBA from the court of Seid Bach Asy T. Marlow, which was fixed for 28.6.2021. (Copy of BBA enclosed)

5) on 15.6.2021 Qadar Khan (owner of the goats) and Bahar Ali (brother-in-law of Qadar Khan) who informed the Police regarding the missing of goats have voluntarily drafted a written Affidavit no 117 dated 15.6.2021, where in they have categorically mentioned that they produced 02 goats before the SHO/Toru & showed but he refused. They also added that his servant namely Adul has submitted a false and baseless application against SHO/Toru. The said application was submitted on the instigation of some unknown person. (copy of written Affidavit is enclosed.)

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6) The statements of Bahar Ali, Qadar Khan and Petitioner's gunners namely Fatah Raj no 2244, Bahar Khan no 3347 were also recorded n/s 161 Crpc by the S/O Niaz Mohi, which are placed in file. All of them have disclosed that neither SHO/Toru has demanded Rs 02 lakh as bribe from the complainant nor he had taken away 02 goats from the complainant as illegal bribe. (copies of the statements of All concerned are enclosed.)

7) on 21.6.2021, Qadar Khan and Bahar Ali submitted a petition in the Court of JM/MOD Maulan with the request that their statement may be saved n/s 164 Crpc in the Court. on 24.6.2021 the petition was disposed off and court ordered for recording the statements of the petitioner n/s 164 Crpc. The same the statements of concerned were

recorded u/s 160 CrPc, where they have fully supported the statements recorded u/s 161 CrPc by police. (Copy of Petitioner + order of the Court + statements recorded u/s 160 CrPc are enclosed.)

8) on 24.6.2021, Complainant submitted a petition in the Judicial Magistrate's Court through his counsel, where in he had mentioned that Acazal (petitioner) is innocent and not involved in the case. He further added that regarding the innocence of Acazal, his statement may be recorded u/s 160 CrPc. The petition was informed by the further proceedings in this regard.
 → (Copy of petition dated 24.6.2021 of complt is enclosed.)

9) on 28.6.2021, Complainant Adil submitted another petition before the Court of ASJ Mandan through his counsel, where in he had mentioned, that Acazal (Sifteh Ali) is innocent and he charged his on suspicions with the investigation some others. He also added, that if the BPA granted to the Acazal is confirmed, he is having no objection. (Copy of petition dated 28.6.2021 is enclosed.)

10) on 10.7.2021, The date of appearance of Acazal regarding BPA was fixed in the Court of ASJ Mandan. Complainant Adil was also present during proceedings. Complt. Adil produced a written Affidavit - NO 869 dated 10.7.2021 before the Court. He disclosed

that neither SHO/Toru demanded a bribe of Rs 02 lacs, nor demanded any kinds of grat from him. The statement of the complainant was also recorded in the court. The court came to the conclusion, that there is malafidelity in the part of compl. Party and hence the court confirmed the RPA, already granted to the accused. (copy of written affidavit + court order are enclosed.)

- 11) That in the light of the above circumstances, the petitioner had submitted a written application to the DPO/MDN and SP/ins/MDN for the cancellation of the case, which is pending process with DSP/SMT.

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Grounds

ATTESTED
M. P. B.
10/07/2021

- 1) The petitioner is innocent and has been falsely implicated in the instant case.
- 2) The complainant and Dastar Khan, Pacher Ali relating to the case have confirmed in their statement recorded up to 16/6/21 and 16/6/21 that petitioner is innocent.
- 3) The complainant had produced 03 written affidavits before the court at different occasions and mentioned that petitioner is innocent in the case.
- 4) The complainant statement was also recorded in the court of ASJ T. Marlan on 10.7.2021 and the court has concluded that there is malafidelity on the part of complainant party.
- 5) There is nothing on record to connect the.

The petitioner with the allegations mentioned in the FIR. The ID of the case has also failed to bring a single ayntc. of evidence on case file against the petitioner. b) The case is worth cancellation and the petitioner has filed an application for further proceedings, which is pending with ~~Dep~~ SMT.

AMRESH KED
10.01.2006

Error, omission, Discrepancy during the course of ending proceedings.

- 1) The petitioner was ^{not} properly heard during the course of ending.
- 2) The petitioner produced Dadar Khan and Bahar Ashi before the EO but their statements were not recorded. The EO was of the view that by recording such statements, the petitioner will be proved innocent in the case.
- 3) The petitioner gunners namely Farate Taj and Bahar Ihsan were also not examined during the proceedings of ending.
- 4) Similarly the petitioner was not given an opportunity of cross examination upon the complainant.
- 5) During the whole ending proceedings, no anyone from the public except complt. was examined.
- 6) The statements of complt. and other star witnesses recorded by SMT EO regarding the innocence of petitioner were not considered / touched during the course of

enquiry, which clearly indicates that how much Justice was exercised during the enquiry.

- 7) NO Cognizable offence has been committed and the case is worth cancellation.
 - 8) The EO has ignored the several important aspects of the episode by not recording the statement of concerned people.
 - 9) It is worth mentioning here that Compt. Adil has mentioned that after missing of goats he informed the owner Dadar Khan. Then why the statement of Dadar Khan was not recorded.
 - 10) The EO has also mentioned in his finding, that Oil/Si Niaz Ali has found the petitioner guilty of brib. and his statement was recorded. Why the EO failed to Peruse the Case file and to summon the witnesses against the petitioner.
- ATTESTED
The Hon. Muz. Commr.
- 11) In the concluding para of enquiry finding, the EO without any proof has believed that Si 1st Khan is guilty. which is against the norms of justice.
 - 12) During the course of enquiry, the EO has committed major error/omission/abuse of power and illegal proceedings.
 - 13) The petitioner has been entrusted as constable in police department on 1-8-1995. Since then the petitioner has performed his duty with zeal and efficiency.

- 14) The petitioner was not dealt administratively prior to this. Sefil similarly the petitioner was not punished throughout the entire service.
- 15) The petitioner has not demanded any bribe in shape of cash or quats from the complainant, which himself denied at different occasion.
- 16) The petitioner is upper class police officer and wish to get further promotion in his service career.
17. The petitioner is married with 05 kids with both parents. All the family is depend on the police service of the petitioner.

Keeping in view the above facts and circumstances, it is humbly requested that FSCN may kindly be placed please

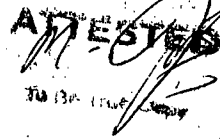
Date: 15.7.2021

Yours obediently,



SI - S. S. Ali NO 426 / MR.
Police Lines Madan.

ATTESTED
To 130-1100



**BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE
MARDAN REGION-I MARDAN**

→ **Subject: APPEAL AGAINST THE ORDER OF DPO MARDAN ISSUED VIDE O.B NO. 2178 DATED 19/11/2021 WHEREBY THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF "REDUCTION IN PAY BY ONE STAGE".**

Respected Sir,

The DPO Mardan had issued statement of disciplinary action /charge sheet No. 142/PA dated 17/06/2021 to the appellant with the following allegations:

"Demanding Rs. 2,00,000/- from a poor person namely Adil S/O Nusher R/O Toru Maira in the light of extended help by Toru Police in tracing out his missing goats, but due to non-availability the said amount with the mentioned Adil, SI Iftikhar Khan took two goats from him as illegal bribe vide case FIR No. 684 dated 13/06/2021 U/S 161, 162, 119-B, 118-D, Act 2017 PPC PS Toru registered against SI Iftikhar Ali"

1. It is submitted that in the light of the above mentioned charge sheet a departmental enquiry was initiated against the appellant and Mr. Muhammad Qais Khan (SDPO) Takht Bhai was nominated as Enquiry Officer. The appellant produced a detailed & comprehensive reply in response to the charge sheet before the E.O. The version of the appellant was not considered and the E.O recommended the appellant for the award of major punishment.
2. In the light of enquiry findings the DPO Mardan issued Final Show Cause Notice No. 249-PA dated 13/07/2021 to the appellant. In response to the final show cause notice the appellant submitted a comprehensive reply which is reproduced below:
 - i. It is submitted that on 12/06/2021 complainant Adil S/O Nusher Khan R/O Toru Qasim submitted an application against the appellant. The complainant blamed that on the night of occurrence i.e. 02/06/2021 some goats lying in his custody were found missing.

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He informed the owner of the goats namely Qadir Khan & himself went out and search of the same. The owner also made a report to SHO Toru upon which all the police party started the search of missing goats. Later on the goats were recovered. However, the SHO PS Toru demanded Rs. 2,00,000/- from him. That being a poor person having no money. Therefore, the SHO took away 02 goats from him. That now the owner of the goats demanded Rs. 70,000/- from him. In his application the complainant requested for taking legal action against SHO Toru and the return of two goats. (Application dated 12/06/2021 is enclosed).

- ii. The said application was handed over to DSP/SMT to initiate legal proceeding against the appellant. DSP/SMT was required legally to initiate preliminary enquiry in to the matter in order to confirm the allegations mentioned in the application.
- iii. The same day DSP/SMT summoned the appellant a long with the complainant Adil Khan, Qadar Khan (owners of the goats) and Bahar Ali (Brother-in-Law) of the Qadar Khan to his office. All the concerned were examined in their statements were recorded by DSP/SMT. Complainant Adil disclosed that 02 goats have been recovered from the possession of the owner namely Qadir Khan. And his statement there is nothing mentioned against the appellant. Qadar Khan disclosed that he reported the matter to SHO PS Toru through Bahar Ali. All the missing goats were been recovered except 02 goats which he kept with himself. He further added that Bahar Ali produced 02 goats before the SHO as reward but the same was refused by the SHO PS Toru. The same day statement of appellant Gunner namely Constable Falak Naz No. 2244 was also recorded wherein he disclosed that Bahar Ali produced 02 goats before the SHO as reward but the SHO refused. Moreover, the said 02 goats were also produced before DSP/SMT. The appellant along with other concerned left the office of DSP/SMT. (Statements of all concerned are enclosed).
- iv. On 14/06/2021 appellant came to know that regarding the application of complainant Adil, a criminal case vide FIR No. 684

ATTESTED
M. O. S. D.
M. O. S. D.

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- dated 13/06/2021 U/S 161, 162, 119B, 118-D, Act 2017 PS Toru has been registered against the appellant. (Copy of FIR is enclosed)
- v. On 15/06/2021 appellant obtained BBA from the court of said ASJ-V Mardan which was fixed for 28/06/2021. (Copy of BBA enclosed).
- vi. On 15/06/2021 Qadar Khan (owner of the goats) and Bahar Ali (brother-in-law of Qadar Khan) have voluntarily drafted a written affidavit No. 117 dated 15/06/2021 wherein they have categorically mentioned that they produced 02 goats before the SHO PS Toru but the SHO refused. They also added that his servant namely Adil (complainant) has submitted a false and baseless application against the SHO PS Toru. The said application was submitted on the instigation of some unknown person. (Copy of written affidavit is enclosed)
- vii. The statement of Bahar Ali, Qadar Khan & applicant Gunner Constable Falak Naz No. 2244, Constable Babar Ihsan No. 3347 were also recorded U/S 161 CrPC by the SI/OII Niaz Muhammad which have been placed on case file. All of them have disclosed that neither SHO Toru has demanded Rs. 2,00,000/- as bribe from the complainant, nor he had took away 02 goats from the complainant as illegal bribe. (Copies of the statements of all concerned are enclosed)
- viii. On 21/06/2021 Qadar Khan & Bahar Ali submitted a written petition in the court of Judicial Magistrate / MOD Mardan with the request that their statements may be saved U/S 164 CrPC in the Court. On 24/06/2021 the petition was disposed of and the court ordered for recording the statement of the petitioners (Qadar Khan & Bahar Ali) U/S 164 CrPC. The same day their statement were recorded where in they have fully supported the statement already recorded by U/S 161 CrPC by Police. (Copies of statements recorded U/S 164 CrPC are enclosed)
- ix. On 24/06/2021 the complainant submitted a petition in the court of Judicial Magistrate Mardan through his council, wherein complainant had mentioned that the accused (SI Iftikhar Ali) is

innocent and not involved in the case. The complainant further added that regarding the innocence of accused, his statement may be recorded in the court. (Copy of written petition of complainant Adil dated 24/06/2021 is enclosed)

- x. On 28/06/2021 complainant Adil submitted another application before the Court of ASJ Mardan through his council, wherein he had mentioned that accused (SI Iftikhar Ali) is innocent and he charged him on suspicious with the instigation of some others. Complainant also added that if the BBA granted to the accused is conformed then he has got no objection. (Copy of petition dated 28/06/2021 is enclosed)
- xi. On 10/07/2021 the day of appearance of accused regarding BBA was fixed in the Court of ASJ-V Mardan. Complainant Adil was also present during proceedings. Complainant Adil produced a written affidavit No. 869 dated 10/07/2021 before the court. He disclosed that neither SHO Toru demanded a bribed nor demanded any kind of goats from him. The statement of the complainant was recorded in the court in this regard. The court came to the confusion that there is no malafidity on the part of accused and hence conformed the BBA already granted to the accused. (Copy of written affidavit + Court order are enclosed)
- xii. In the light of above circumstances the appellant submitted a written application to the DPO Mardan and SP Investigation Mardan for the cancellation of Criminal Case which is pending in process with DSP/SMT. This petition of the appellant was not considered and case was challaned to court.
- xiii. The case was put in court and in the Court of Mazhar Ali Khan Judicial Magistrate Mardan where the trial was commenced. On 22/09/2021 the court announced the Judgment and the accused facing trial (SI Iftikhar Ali) was discharged from the charges leveled against him in the present case. According to the judgment of the court as it is evident from the record that the complainant has given false information to the police which has resulted in the wastage of precious time of this court, therefore, copy of this order be sent to

ATTESTED
M. Q.
To P. P. V.

SHO concerned for initiating proceedings U/S 182 PPC against the complainant namely Adil. (Copy court Judgment dated 22/09/2021 is enclosed).

CONCLUSIONS OF ENQUIRY FINDINGS:

The detailed and comprehensive reply in response to the FSCN mentioned above was not considered by DPO Mardan. On 19/11/2021 the appellant appeared before the DPO Mardan in person and also explained his position but of no avail. The DPO Mardan awarded major punishment of (reduction in pay by one stage) to the appellant Vide OB No. 2178 dated 19/11/2021. Being aggrieved from the said order, the appellant hereby submit the INSTANT APPEAL. (Copy of OB No. 2178 dated 19/11/2021 is enclosed)

→
GROUNDS OF APPEAL

- i. The appellant is innocent and has been falsely implicated in the criminal case.
- ii. According to the court judgment dated 22/09/2021 the appellant has been honourably discharged from the charges level against him. The court has further ordered that the complainant be proceeded against U/S 182 PPC by giving false information to police.
- iii. The complainant, Adil, Qadar Khan, Bahar Ali have confirmed in their statement recorded U/S 161 CrPC, 164CrPC the petitioner is innocent.
- iv. The complainant had produced 03 written affidavits before the courts at different occasion and had mentioned therein, the appellant is innocent in the criminal case.
- v. The complainant statement was also recorded in the court of ASJ-V Mardan on 10/07/2021 and his concluded that the appellant has innocent.
- vi. There is nothing on record to connect the appellant with the allegation mentioned in the FIR and this fact is evident from the court judgment dated 22/09/2021.

ATTESTED
M. Q.
M. Q.

- vii. The appellant was not properly heard during the course of enquiry similarly the statements of Qadar Khan, Bahar Ali were not recorded by the EO during the course of enquiry. The E.O was of the view that by recording such statements the appellant will be proved innocent in the case.
- viii. The appellant gunners namely Constable Falak Taj and Babar Ihsan were also not examined during the enquiry by the E.O. Similarly the appellant was not given an opportunity of cross examination upon the complainant.
- ix. During the whole proceeding no anyone from the public except complainant was examined.
- x. The enquiry proceeding are full of error, omissions, discrepancies. In the concluding para of the enquiry finding, the E.O without any proof has believed that appellant (SI Iftikhar Ali) is found guilty which is against the norm of justice.
- xi. The appellant has been enlisted as constable in police department on 01/08/1995. Since then the appellant has performed his duty with zeal efficiency. The appellant was not dealt departmentally prior to this.
- xii. The appellant has not demanded any bribe in the shape of cash or goats from the complainant which complainant had himself denied at different occasion.
- xiii. The appellant is (upper class passed) Police Official and wish to get further promotion in his service carrier. The punishment so awarded to the appellant well certainly ruined the appellant carrier.

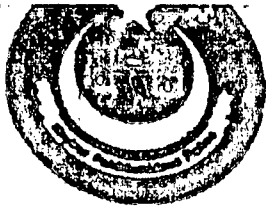
KEEPING IN VIEW THE ABOVE FACTS AND CIRCUMSTANCES IT IS HUMBLY REQUESTED THAT THE ORDER OF DPO MARDAN MAY KINDLY BE SET-ASIDE PLEASE.

Dated: 24/11/2021

Yours Obediently

SI IFTIKHAR ALI
No. 426/MR
Police Lines Mardan

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PHONE NO: 0937-9230113-114
Fax No 0937-9230115
Email: digmardan@gmail.com

GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE
REGIONAL POLICE OFFICER,
MARDAN

No. 7247 /ES, dated, Mardan Region the 22nd December, 2021.

SHOW CAUSE NOTICE

Whereas, you (SI Iftikhar Ali No.426/MR) while posted as SHO P.S Toru Mardan was placed under suspension on account of demanding an amount of Rs.2,00,000/- as bribe from one Adil son of Nausher resident of Toru Mera for tracing out his missing goats. The applicant was having no amount, therefore, you took two goats of him as a bribe vide case FIR No.684, dated 13-06-2021 u/s 161/162-PPC/119B/118D/Act-2017 P.S Toru Mardan. To authenticate the veracity of aforementioned allegations proper departmental enquiry was initiated against you through SDPO Takhtbhai Mardan and on conclusion of the same, the District Police Officer, Mardan awarded you major punishment of reduction in pay by one stage. Feeling aggrieved, you filed a departmental appeal. You were also heard in person. From the perusal of record, it transpired that the order of punishment does not commensurate with the gravity of your misconduct, rather you deserve not to be retained in the force because of the unbecoming of an officer.

Therefore, it is proposed that why your punishment shall not be enhanced as envisaged under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014.

Hence, I, Yaseen Farooq, PSP Regional Police Officer, Mardan in the exercise of the power vested under Rule 11, Sub Rule 4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014 call upon you to Show Cause as to why not impose upon you the enhance punishment of dismissal/removal of service provided in the above-mentioned rules.

Your reply shall reach this office within 07 days of receipt of the Notice, failing which it will be presumed that you have no explanation to offer.

You are at liberty to appear for personal hearing before the undersigned.


REGIONAL POLICE OFFICER,
MARDAN.

ATTESTED

T. D. 12/22/2021

SI Iftikhar Ali
District Mardan.

CC.

1. The District Police Officer, Mardan.
2. The Office Supdt. Region Office.

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**BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE
MARDAN REGION-I MARDAN**

**Subject: REPLY TO THE SHOW CAUSE NOTICE NO. 7247/ES DATED
22/12/2021**

Respected Sir,

The DPO Mardan had issued statement of disciplinary action /charge sheet No. 142/PA dated 17/06/2021 to the appellant with the following allegations:

“Demanding Rs. 2,00,000/- from a poor person namely Adil S/O Nusher R/O Toru Maira in the light of extended help by Toru Police in tracing out his missing goats, but due to non-availability the said amount with the mentioned Adil, SI Iftikhar Khan took two goats from him as illegal bribe vide case FIR No. 684 dated 13/06/2021 U/S 161, 162, 119-B, 118-D, Act 2017 PPC PS Toru registered against SI Iftikhar Ali”

1. It is submitted that in the light of the above mentioned charge sheet a departmental enquiry was initiated against the appellant and Mr. Muhammad Qais Khan (SDPO) Takht Bhai was nominated as Enquiry Officer. The appellant produced a detailed & comprehensive reply in response to the charge sheet before the E.O. The version of the appellant was not considered and the E.O recommended the appellant for the award of major punishment.
2. In the light of enquiry findings the DPO Mardan issued Final Show Cause Notice No. 249-PA dated 13/07/2021 to the appellant. In response to the final show cause notice the appellant submitted a comprehensive reply which is reproduced below:
 - i. It is submitted that on 12/06/2021 complainant Adil S/O Nusher Khan R/O Toru Qasim submitted an application against the appellant. The complainant blamed that on the night of occurrence i.e. 02/06/2021 some goats lying in his custody were found missing. He informed the owner of the goats namely Qadir Khan & himself went out and search of the same. The owner also made a report to SHO Toru upon which all the police party started the search of missing goats. Later on the goats were recovered. However, the SHO PS Toru

demanded Rs. 2,00,000/- from him. That being a poor person having no money. Therefore, the SHO took away 02 goats from him. That now the owner of the goats demanded Rs. 70,000/- from him. In his application the complainant requested for taking legal action against SHO Toru and the return of two goats. (Application dated 12/06/2021 is enclosed).

- ii. The said application was handed over to DSP/SMT to initiate legal proceeding against the appellant. DSP/SMT was required legally to initiate preliminary enquiry in to the matter in order to confirm the allegations mentioned in the application.
- iii. The same day DSP/SMT summoned the appellant a long with the complainant Adil Khan, Qadar Khan (owners of the goats) and Bahar Ali (Brother-in-Law) of the Qadar Khan to his office. All the concerned were examined in their statements were recorded by DSP/SMT. Complainant Adil disclosed that 02 goats have been recovered from the possession of the owner namely Qadir Khan. And his statement there is nothing mentioned against the appellant. Qadar Khan disclosed that he reported the matter to SHO PS Toru through Bahar Ali. All the missing goats were been recovered except 02 goats which he kept with himself. He further added that Bahar Ali produced 02 goats before the SHO as reward but the same was refused by the SHO PS Toru. The same day statement of appellant Gunner namely Constable Falak Naz No. 2244 was also recorded wherein he disclosed that Bahar Ali produced 02 goats before the SHO as reward but the SHO refused. Moreover, the said 02 goats were also produced before DSP/SMT. The appellant along with other concerned left the office of DSP/SMT. (Statements of all concerned are enclosed).
- iv. On 14/06/2021 appellant came to know that regarding the application of complainant Adil, a criminal case vide FIR No. 684 dated 13/06/2021 U/S 161, 162, 119B, 118-D, Act 2017 PS Toru has been registered against the appellant. (Copy of FIR is enclosed)
- v. On 15/06/2021 appellant obtained BBA from the court of, said ASJ-V Mardan which was fixed for 28/06/2021. (Copy of BBA enclosed).
- vi. On 15/06/2021 Qadar Khan (owner of the goats) and Bahar Ali (brother-in-law of Qadar Khan) have voluntarily drafted a written affidavit No. 117 dated 15/06/2021 wherein they have categorically mentioned that they produced

02 goats before the SHO PS Toru but the SHO refused. They also added that his servant namely Adil (complainant) has submitted a false and baseless application against the SHO PS Toru. The said application was submitted on the instigation of some unknown person. (Copy of written affidavit is enclosed)

- vii. The statement of Bahar Ali, Qadar Khan & applicant Gunner Constable Falak Naz No. 2244, Constable Babar Ihsan No. 3347 were also recorded U/S 161 CrPC by the SI/OII Niaz Muhammad which have been placed on case file. All of them have disclosed that neither SHO Toru has demanded Rs. 2,00,000/- as bribe from the complainant, nor he had took away 02 goats from the complainant as illegal bribe. (Copies of the statements of all concerned are enclosed)
- viii. On 21/06/2021 Qadar Khan & Bahar Ali submitted a written petition in the court of Judicial Magistrate / MOD Mardan with the request that their statements may be saved U/S 164 CrPC in the Court. On 24/06/2021 the petition was disposed of and the court ordered for recording the statement of the petitioners (Qadar Khan & Bahar Ali) U/S 164 CrPC. The same day their statement were recorded where in they have fully supported the statement already recorded by U/S 161 CrPC by Police. (Copies of statements recorded U/S 164 CrPC are enclosed)
- ix. On 24/06/2021 the complainant submitted a petition in the court of Judicial Magistrate Mardan through his council, wherein complainant had mentioned that the accused (SI Iftikhar Ali) is innocent and not involved in the case. The complainant further added that regarding the innocence of accused, his statement may be recorded in the court. (Copy of written petition of complainant Adil dated 24/06/2021 is enclosed)
- x. On 28/06/2021 complainant Adil submitted another application before the Court of ASJ Mardan through his council, wherein he had mentioned that accused (SI Iftikhar Ali) is innocent and he charged him on suspicious with the instigation of some others. Complainant also added that if the BBA granted to the accused is conformed then he has got no objection. (Copy of petition dated 28/06/2021 is enclosed)
- xi. On 10/07/2021 the day of appearance of accused regarding BBA was fixed in the Court of ASJ-V Mardan. Complainant Adil was also present during

(34)

proceedings. Complainant Adil produced a written affidavit No. 869 dated 10/07/2021 before the court. He disclosed that neither SHO Toru demanded a bribed nor demanded any kind of goats from him. The statement of the complainant was recorded in the court in this regard. The court came to the confusion that there is no malafidity on the part of accused and hence conformed the BBA already granted to the accused. (Copy of written affidavit + Court order are enclosed)

- xii. In the light of above circumstances the appellant submitted a written application to the DPO Mardan and SP Investigation Mardan for the cancellation of Criminal Case which is pending in process with DSP/SMT. This petition of the appellant was not considered and case was challaned to court.
- xiii. The case was put in court and in the Court of Mazhar Ali Khan Judicial Magistrate Mardan where the trial was commenced. On 22/09/2021 the court announced the Judgment and the accused facing trial (SI Iftikhar Ali) was discharged from the charges leveled against him in the present case. According to the judgment of the court as it is evident from the record that the complainant has given false information to the police which has resulted in the wastage of precious time of this court, therefore, copy of this order be sent to SHO concerned for initiating proceedings U/S 182 PPC against the complainant namely Adil. (Copy court Judgment dated 22/09/2021 is enclosed).

CONCLUSIONS OF ENQUIRY FINDINGS:

The detailed and comprehensive reply in response to the FSCN mentioned above was not considered by DPO Mardan. On 19/11/2021 the appellant appeared before the DPO Mardan in person and also explained his position but of no avail. The DPO Mardan awarded major punishment of (reduction in pay by one stage) to the appellant Vide OB No. 2178 dated 19/11/2021. Being aggrieved from the said order, the appellant hereby submit the INSTANT APPEAL. (Copy of OB No. 2178 dated 19/11/2021 is enclosed)

FATE OF APPEAL

The appeal of the appellant is pending consideration before your Honour. The appellant is trying to seek some relief from your good

M. Q. B.
TESTED

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office. Unfortunately the appellant was issued against the instant show cause Notice.

GROUND FOR FILING THE SHOW CAUSE NOTICE

- i. The appellant is innocent and has been falsely implicated in the criminal case.
- ii. According to the court judgment dated 22/09/2021 the appellant has been honourably discharged from the charges level against him. The court has further ordered that the complainant be proceeded against U/S 182 PPC by giving false information to police.
- iii. The complainant, Adil, Qadar Khan, Bahar Ali have confirmed in their statement recorded U/S 161 CrPC, 164CrPC the petitioner is innocent.
- iv. The complainant had produced 03 written affidavits before the courts at different occasion and had mentioned therein, the appellant is innocent in the criminal case.
- v. The complainant statement was also recorded in the court of ASJ-V Mardan on 10/07/2021 and his concluded that the appellant has innocent.
- vi. There is nothing on record to connect the appellant with the allegation mentioned in the FIR and this fact is evident from the court judgment dated 22/09/2021.
- vii. The appellant was not properly heard during the course of enquiry similarly the statements of Qadar Khan, Bahar Ali were not recorded by the EO during the course of enquiry. The E.O was of the view that by recording such statements the appellant will be proved innocent in the case.
- viii. The appellant gunners namely Constable Falak Taj and Babar Ihsan were also not examined during the enquiry by the E.O. Similarly the appellant was not given an opportunity of cross examination upon the complainant.
- ix. During the whole proceeding no anyone from the public except complainant was examined.

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- x. The enquiry proceeding are full of error, omissions, discrepancies. In the concluding para of the enquiry finding, the E.O without any proof has believed that appellant (SI Iftikhar Ali) is found guilty which is against the norm of justice.
- xi. The appellant has been enlisted as constable in police department on 01/08/1995. Since then the appellant has performed his duty with zeal efficiency. The appellant was not dealt departmentally prior to this.
- xii. The appellant has not demanded any bribe in the shape of cash or goats from the complainant which complainant had himself denied at different occasion.
- xiii. The appellant is (upper class passed) Police Official and remained posted as SHO in different Police Station. The appellant wish to get further promotion in his service carrier. The enhancement in punishment will certainly ruined the appellant carrier.

KEEPING IN VIEW THE ABOVE FACTS AND CIRCUMSTANCES IT IS HUMBLY REQUESTED THAT THE SUBJECT SHOW CAUSE NOTICE MAY KINDLY BE FILED PLEASE.

Dated: 24/12/2021

Yours Obediently

SI IFTIKHAR ALI
No. 426/MR
Police Lines Mardan

M. Iftikhar Ali
To: S. M. L. O. M. P.

1

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ORDER.

This order will dispose-off the departmental appeal preferred by Sub Inspector Iftikhar Ali No. 426/MR of Mardan District against the order of District Police Officer, Mardan, whereby he was awarded major punishment of reduction in pay by one stage vide OB: No. 2178 dated 19.11.2021 by the District Police Officer, Mardan. The appellant was proceeded against departmentally on the allegations that he while posted as SHO Police Station Toru was placed under suspension on account of demanding an amount of Rs.02 Lac as bribe from a poor person namely Adil Son of Nausher resident of Toru Mera in the light of extending help by Toru Police in tracing out his missing goats, but due to non availability the said amount with the mentioned Adil, SI Iftikhar Ali took two goats from him as illegal bribe vide case FIR No.684 dated 13-06-2021 U/S 161/162/119B/118D Act-2017 PPC Police Station, Toru registered against SI Iftikhar Ali.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and the then Sub Divisional Police Officer, (SDPO) Takht Bhai District Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings and recommended the delinquent Officer for major punishment.

He was issued Final Show Cause Notice, to which, his reply was received and found un-satisfactory.

The delinquent Officer was heard in Orderly Room by the District Police Officer, Mardan on 18.11.2021 and was given opportunity to clarify his position, to which, he failed. Therefore, the delinquent Officer was awarded major punishment of reduction in pay by one stage vide OB: No. 2178 dated 19.11.2021 by the District Police Officer, Mardan.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 07.01.2021. During hearing it was found that the then Sub Divisional Police Officer, (SDPO) Takht Bhai District Mardan held an enquiry and declared Sub Inspector Iftikhar Ali No. 426/MR being guilty of all that allegations as mentioned above and the punishment given by District Police Officer, Mardan was found very less. Hence, the undersigned was issued Show Cause Notice under Rule-11, Sub Rule-4 Clause (d) of the Khyber Pakhtunkhwa Police Rules, 1975 as amended 2014 for enhancement to which his reply was received and found unsatisfactory. The appellant was heard in Orderly Room held in this office

ATTESTED

To Be

twice on 20.01.2022 and 22.02.2022. Although the Officer has now managed the owner of the goats due to which he has been acquitted by the Court but I find it to be an after thought and managed afterwards. The acquittal by the Court doesn't stop us from taking departmental action against him as Police is a disciplined force and such serious acts of in-disciplined/corruption should not go un-punishable departmentally, even if they subsequently manage the complainants against them. The enquiry conducted by the then Sub Divisional Police Officer, (SDPO) Takht Bhai District Mardan is comprehensive and declared him being guilty of the charges.

A

Keeping in view the above, I, Yasoon Farooq, PSP, Regional Police Officer, Mardan, being the appellate authority, therefore, find Sub Inspector Iftikhar Ali No. 426/MR guilty of the charges of taking as bribe, two goats from the owner of the goat and therefore, hereby enhance his punishment of reduction in pay by one stage into major punishment of reduction in rank from Sub Inspector to ASI with immediate effect.

Order Announced.


Regional Police Officer,
Mardan.

No. 1603-09 /ES, Dated Mardan the 25 / 02 /2022.

Copy forwarded for information and necessary action to the:-

1. Regional Police Officer, Kohat.
2. District Police Officer, Mardan w/r to his office Memo: No. 281/LB dated 30.11.2021. His Service Record is returned herewith.

(*****)

RECEIVED

for information.

SDPO/Mardan
25/2/22



544
28-2-22

ATTESTED

MOH



8306/SB Secord Branch CPO

ANNEX

"E"

39

To,

The Provincial Police Officer,
Peshawar, Khyber Pakhtunkhwa.

Subject: MERCY PETITION AGAINST THE ORDER OF DPO MARDAN ISSUED VIDE O.B NO. 2178 DATED 19/11/2021, WHEREBY THE PETITIONER WAS AWARDED MAJOR PUNISHMENT OF REDUCTION IN PAY BY ONE STAGE AND REJECTION OF APPEAL WITH ENHANCEMENT IN PUNISHMENT BY WORTHY RPO MARDAN ISSUED VIDE HIS OFFICE ENDST NO. 1608-09/ES DATED 25/02/2022.

Respected Sir,

1. It is submitted that in the light of the above mentioned charge sheet a departmental enquiry was initiated against the appellant and Mr. Muhammad Qais Khan (SDPO) Takht Bhai was nominated as Enquiry Officer. The appellant produced a detailed & comprehensive reply in response to the charge sheet before the E.O. The version of the appellant was not considered and the E.O recommended the appellant for the award of major punishment.
2. In the light of enquiry findings the DPO Mardan issued Final Show Cause Notice No. 249-PA dated 13/07/2021 to the appellant. In response to the final show cause notice the appellant submitted a comprehensive reply which is reproduced below:
 - i. It is submitted that on 12/06/2021 complainant Adil S/O Nusher Khan R/O Toru Qasim submitted an application against the appellant. The complainant blamed that on the night of occurrence i.e. 02/06/2021 some goats lying in his custody were found missing. He informed the owner of the goats namely Qadir Khan & himself went out and search of the same. The owner also made a report to SHO Toru upon which all the police party started the search of missing goats. Later on the goats were recovered. However, the SHO PS Toru demanded Rs. 2,00,000/- from him. That being a poor person having no money. Therefore, the SHO took away 02 goats from him. That now the owner of the goats demanded Rs. 70,000/- from him. In his application the complainant requested for taking legal action against SHO Toru and the return of two goats. (Application dated 12/06/2021 is enclosed).

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- ii. The said application was handed over to DSP/SMT to initiate legal proceeding against the appellant. DSP/SMT was required legally to initiate preliminary enquiry in to the matter in order to confirm the allegations mentioned in the application.
- iii. The same day DSP/SMT summoned the appellant a long with the complainant Adil Khan, Qadar Khan (owners of the goats) and Bahar Ali (Brother-in-Law) of the Qadar Khan to his office. All the concerned were examined in their statements were recorded by DSP/SMT. Complainant Adil disclosed that 02 goats have been recovered from the possession of the owner namely Qadir Khan. And his statement there is nothing mentioned against the appellant. Qadar Khan disclosed that he reported the matter to SHO PS Toru through Bahar Ali. All the missing goats were been recovered except 02 goats which he kept with himself. He further added that Bahar Ali produced 02 goats before the SHO as reward but the same was refused by the SHO PS Toru. The same day statement of appellant Gunner namely Constable Falak Naz No. 2244 was also recorded wherein he disclosed that Bahar Ali produced 02 goats before the SHO as reward but the SHO refused. Moreover, the said 02 goats were also produced before DSP/SMT. The appellant along with other concerned left the office of DSP/SMT. (Statements of all concerned are enclosed).
- iv. On 14/06/2021 appellant came to know that regarding the application of complainant Adil, a criminal case vide FIR No. 684 dated 13/06/2021 U/S 161, 162, 119B, 118-D, Act 2017 PS Toru has been registered against the appellant. (Copy of FIR is enclosed)
- v. On 15/06/2021 appellant obtained BBA from the court of said ASJ-V Mardan which was fixed for 28/06/2021. (Copy of BBA enclosed).
- vi. On 15/06/2021 Qadar Khan (owner of the goats) and Bahar Ali (brother-in-law of Qadar Khan) have voluntarily drafted a written affidavit No. 117 dated 15/06/2021 wherein they have categorically mentioned that they produced 02 goats before the SHO PS Toru but the SHO refused. They also added that his servant namely Adil (complainant) has submitted a false and baseless application against the SHO PS Toru.

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The said application was submitted on the instigation of some unknown person. (Copy of written affidavit is enclosed)

- vii. The statement of Bahar Ali, Qadar Khan & applicant Gunner Constable Falak Naz No. 2244, Constable Babar Ihsan No. 3347 were also recorded U/S 161 CrPC by the SI/OII Niaz Muhammad which have been placed on case file. All of them have disclosed that neither SHO Toru has demanded Rs. 2,00,000/- as bribe from the complainant, nor he had took away 02 goats from the complainant as illegal bribe. (Copies of the statements of all concerned are enclosed)
- viii. On 21/06/2021 Qadar Khan & Bahar Ali submitted a written petition in the court of Judicial Magistrate / MOD Mardan with the request that their statements may be saved U/S 164 CrPC in the Court. On 24/06/2021 the petition was disposed of and the court ordered for recording the statement of the petitioners (Qadar Khan & Bahar Ali) U/S 164 CrPC. The same day their statement were recorded where in they have fully supported the statement already recorded by U/S 161 CrPC by Police. (Copies of statements recorded U/S 164 CrPC are enclosed)
- ix. On 24/06/2021 the complainant submitted a petition in the court of Judicial Magistrate Mardan through his council, wherein complainant had mentioned that the accused (SI Iftikhar Ali) is innocent and not involved in the case. The complainant further added that regarding the innocence of accused, his statement may be recorded in the court. (Copy of written petition of complainant Adil dated 24/06/2021 is enclosed)
- x. On 28/06/2021 complainant Adil submitted another application before the Court of ASJ Mardan through his council, wherein he had mentioned that accused (SI Iftikhar Ali) is innocent and he charged him on suspicious with the instigation of some others. Complainant also added that if the BBA granted to the accused is conformed then he has got no objection. (Copy of petition dated 28/06/2021 is enclosed)
- xi. On 10/07/2021 the day of appearance of accused regarding BBA was fixed in the Court of ASJ-V Mardan. Complainant Adil was also present during proceedings. Complainant Adil produced a written affidavit No. 869 dated 10/07/2021 before the court. He disclosed that neither SHO

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Toru demanded a bribe nor demanded any kind of gifts from him. The statement of the complainant was recorded in the court in this regard. The court came to the conclusion that there is no malafidelity on the part of accused and hence confirmed the BBA already granted to the accused. (Copy of written affidavit + Court order are enclosed)

- xii. In the light of above circumstances the appellant submitted a written application to the DPO Mardan and SP Investigation Mardan for the cancellation of Criminal Case which is pending in process with DSP/SMT. This petition of the appellant was not considered and case was challaned to court.
 - xiii. The case was put in court and in the Court of Mazhar Ali Khan Judicial Magistrate Mardan where the trial was commenced. On 22/09/2021 the court announced the Judgment and the accused facing trial (SI Iftikhar Ali) was discharged from the charges leveled against him in the present case. According to the judgment of the court as it is evident from the record that the complainant has given false information to the police which has resulted in the wastage of precious time of this court, therefore, copy of this order be sent to SHO concerned for initiating proceedings U/S 182 PPC against the complainant namely Adil. (Copy court Judgment dated 22/09/2021 is enclosed).
3. The detailed and comprehensive reply in response to the FSCN mentioned above was also not considered by DPO Mardan. On 19/11/2021 the appellant appeared before the DPO Mardan in person and also explained his position but of no avail. The DPO Mardan awarded major punishment of (reduction in pay by one stage) to the appellant Vide OB No. 2178 dated 19/11/2021. Being aggrieved from the said order, the appellant hereby submit the INSTANT APPEAL. (Copy of OB No. 2178 dated 19/11/2021 is enclosed).
 4. That being aggrieved from the order of DPO Mardan, the petitioner filed an appeal before the RPO Mardan. The appeal was rejected by Worthy RPO Mardan vide his Officer Order No. 1608-09/ES dated 25/02/2022 with enhancement of punishment reduction in rank from SI to ASI. (Copy of endorsement No. 1608-09/ES dated 25/02/2022 is enclosed).
 5. That it would be better to mention here that petitioner has been honorably discharged by the competent court of law in the criminal case registered against

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the petitioner this fact has been admitted by the worthy RPO Mardan in his order of rejection of appeal at mark "A" at this stage, the petitioner was given twice punishment, i.e. by DPO Mardan and RPO Mardan.

That being aggrieved from the above mentioned orders. The petitioner hereby submit the instant MERCY PETITIONER.

GROUND FOR MERCY PETITION

- i. The appellant is innocent and has been falsely implicated in the criminal case.
- ii. According to the court judgment dated 22/09/2021 the appellant has been honourably discharged from the charges level against him. The court has further ordered that the complainant be proceeded against U/S 182 PPC by giving false information to police.
- iii. The complainant, Adil, Qadar Khan, Bahar Ali have confirmed in their statement recorded U/S 161 CrPC, 164CrPC the petitioner is innocent.
- iv. The complainant had produced 03 written affidavits before the courts at different occasion and had mentioned therein, the appellant is innocent in the criminal case.
- v. The complainant statement was also recorded in the court of ASJ-V Mardan on 10/07/2021 and his concluded that the appellant has innocent.
- vi. There is nothing on record to connect the appellant with the allegation mentioned in the FIR and this fact is evident from the court judgment dated 22/09/2021.
- vii. The appellant was not properly heard during the course of enquiry similarly the statements of Qadar Khan, Bahar Ali were not recorded by the EO during the course of enquiry. The E.O was of the view that by recording such statements the appellant will be proved innocent in the case.
- viii. The appellant gunners namely Constable Falak Taj and Babar Ihsan were also not examined during the enquiry by the E.O. Similarly the appellant was not given an opportunity of cross examination upon the complainant.

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- ix. During the whole proceeding no anyone from the public except complainant was examined.
- x. The enquiry proceeding are full of error, omissions, discrepancies. In the concluding para of the enquiry finding, the E.O without any proof has believed that appellant (SI Iftikhar Ali) is found guilty which is against the norm of justice.
- xi. The appellant has been enlisted as constable in police department on 01/08/1995. Since then the appellant has performed his duty with zeal efficiency. The appellant was not dealt departmentally prior to this.
- xii. The appellant has not demanded any bribe in the shape of cash or goats from the complainant which complainant had himself denied at different occasion.
- xiii. The appellant is (upper class passed) Police Official and wish to get further promotion in his service carrier. The punishment so awarded to the appellant well certainly ruined the appellant carrier.

KEEPING IN VIEW THE ABOVE FACTS AND CIRCUMSTANCES IT IS HUMBLY REQUESTED THAT ACCEPTANCE OF THE INSTANT MERCY PETITIONER THE ORDERS BY DPO MARDAN AND RPO MARDAN MAY KINDLY BE SET-ASIDE PLEASE.

Dated: 26/02/2022

Yours Obediently

SI IFTIKHAR ALI
No. 426/MR
Police Lines Mardan



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

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ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by ASI Ifdilchar Ali No. 426/MR (the then SI).

The petitioner was awarded punishment of reduction in pay by one stage by District Police Officer, Mardan vide OR No. 2178, dated 19.11.2021 on the allegations that he while posted as SHO Police Station, Toru was placed under suspension on account of demanding an amount of Rs. 02 lac as bribe from a poor person namely Adil s/o Nansher r/o Toru Mera in the light of extending help by Toru police in tracing out his missing goats, but due to non availability the said amount with the mentioned Adil, the petitioner took two goats from him as illegal bribe. A case vide FIR No. 684, dated 13.06.2021 u/s 161-162/119B/118D/ Act-2017 PPC Police Station, Toru was registered against the appellant. The Appellate Authority i.e. Regional Police Officer, Mardan enhanced his punishment of reduction in pay by one stage into reduction in rank from SI to ASI vide order Fndst: No. 1608-09/ES, dated 25.02.2022.

Meeting of the Appellate Board was held on 29.06.2022, wherein the petitioner was present and heard in detail.

As per FR 29, any punishment of reduction shall state the period for which it shall be effective. As the penalty imposed does not specify the period, therefore, the Appellate Board decided that the punishment be effective for a period of 60 days.

Sd/-

SABIR AHMED, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/1476-83/22, dated Peshawar, the 6/7/2022.

Copy of the above is forwarded to the:

- ✓ 1. Regional Police Officer, Mardan. One Faqir Missal of the above named appellant received vide your office Memo: No. 2623/ES, dated 31.03.2022 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. District Police Officer, Kohat. One Service Roll and one Service Book of the above named appellant received vide your office Memo: No. 4257/SRC, dated 28.04.2022 is returned herewith for your office record.
4. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. BA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. BA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO Peshawar.
8. Officer concerned.

ATTESTED.

M. J. J.
To Do: [Signature]

(DR. ZAKI ULLAH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

46

**BEFORE THE HONORABLE SECRETARY HOME & TRIBAL
AFFAIRS KPK PESHAWAR**

APPEAL ON BEHALF OF SI IFTIKHAR ALI 426/MR against the finding and orders of the IG OFFICE NO S/1476-83/22 DATED PESHAWAR, THE 6/7/22 TO THE EXTENT THAT APPELLANT PUNISHMENT WAS MAINTAINED EFFECTIVE FOR A PERIOD OF SIXTY DAYS as the appellant has already been discharged from the allegations by the concern judicial Magistrate.

Respectfully sir,

Appellant submits as under

- That petitioner SI Iftikhar Ali 426/MR is serving in Police department Mardan KP.
- That the appellant was malafidely shown involved in case FIR 684 dated 13/06/2021 u/s 161/162/119B/118D/Act-2017 PPC police station TORU.
- That the appellant is innocent and is not involved in any criminal act.
- That the District Police officer passed an order without investigating the matter in issue dated 19/11/2021 in OB no 2178.(copy attached)
- That it is natural justice principle that, "no one should be condemned unheard" and appellant was not offered opportunity to present himself and an order against facts was passed that amounts to discrimination.
- That it is also a settled principle that justice hurried justice buried same the situation in the appellant case.
- That the said order was enhanced by the Regional Police Officer Mardan dated 25/02/2022.(copy attached)
- That in which allegation, the appellant is punished, the appellant was acquitted/discharged by the concern judicial Magistrate Mardan in Case FIR 684 dated 13/06/2021 u/s 161/162/119B/118D/Act-2017 PPC police station TORU. (Copy of Judgment Attached)

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- That the appellant is innocent and the orders passed by the DPO, RPO Mardan and IG office need interference of your honor.
- That the appellant was transferred from Mardan to Kohat region which is against norms of justice hence liable to be reversed to his original appointment District.
- That the appellant has already suffered from the false allegations.

It requested and prayed that on acceptance of instant appeal the appellant may kindly be ordered acquittal from punishment of SIXTY days of penalty, enlisting him on his original seniority list with all back service benefits. Any other remedy which this honorable court deems proper may also be awarded to the appellant.

Yours faithfully

SI Iftikhar Ali

426/MR

Through counsel

Muhammad Irshad

AHC Mardan

03438567931

mirshadhumeraz@gmail.com

Rs. 50

20 JUL 2011

For In RGL82124383

Stamps attixed except in _____

uninsured letters of not more than _____

the initial weight prescribed in the _____

Post Office Guide or on which no _____

acknowledgements are _____

Received a registered* _____

Addressed to _____

Date-Stamp _____

*Write here "letter", "postcard", "parcel" _____

with the word "insured" before it when necessary.

Insured for Rs. (in figures) _____

(In words) _____

Weight _____ Kilo _____

Grams _____

insurance fee Rs. _____

Name and address of sender _____

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WAKALAT NAMA

**BEFORE THE HONORABLE SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No. _____/2022

IFTIKHAR ALI SI

Versus

Govt of KPK & others

APPEAL

I/we petitioners/plaintiffs/defendants/respondents the above noted case do hereby appoint and engage **MUHAMMAD IRSHAD** ADVOCATE HIGH COURT as our / mine counsel in subject proceeding , and authorize him to appear plead ,etc, compromise, withdraw or refer the matter for arbitration for me/us, without any liability for his default and with the authority to engage/ appoint any other advocate/ counsel at our/my expense and receive all sums and amounts payable to us/me and do all such acts , which he may deem necessary for protecting our/my interest in the matter. He is also authorized to file the appeal, revision, review, and application for restoration or application for setting aside ex-parte decree/order /proceeding on my/our behalf .

Date 23/07/2022

Sign _____

Petitioner

Muhammad Irshad Advocate

High Court at district Bar

Association Mardan (K.P.K)

ID BC-09-2340

CELL # 03438567931

Muhammad Irshad
Advocate High Court
BC-09-2340
At District Courts Mardan
Cell: 0343-8567931

Accepted and attested

Muhammad Irshad

Advocate High Court at Mardan

mirshadhumraz@gmail.com