

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 912/2015

Date of Institution ... 13.08.2015

Date of Decision ... 13.10.2021

Shah Faisal Ex. Constable No. 1760, District Police Bannu.

... (Appellant)

VERSUS

Regional Police Officer, Bannu Region Bannu and two others.

... (Respondents)

MR. FAZAL SHAH MOHMAND,  
Advocate

... For Appellant

MR. JAVED ULLAH,  
Assistant Advocate General

... For Respondents

**ROZINA REHMAN**  
**ATIQ-UR-REHMAN WAZIR**

...  
...

**MEMBER (JUDICIAL)**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E):-**

Brief facts of the case are

that the appellant joined police department as constable on 15-07-2009. During the course of his service, the appellant was proceeded against on the charges of alleged theft of motor cycle and FIR was registered against him U/S 381A/411 PPC Dated 09-04-215 and the appellant was arrested. The appellant was released on bail vide order dated 13-04-2015, thereafter departmental proceedings were initiated against him and the appellant was suspended from service vide order dated 15-04-2015 and after due process, the appellant was dismissed from service vide order dated 19-06-2015. Feeling aggrieved, the appellant filed departmental appeal, which was rejected vide order dated 05-08-2015, hence the instant service

appeal instituted on 11-08-2015 with prayers that impugned orders dated 19-06-2015 and 05-08-2015 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the appellant has not been treated in accordance with law, as mandatory provisions of law have badly been violated; that the appellant did nothing which amounts to misconduct; that no charge sheet/statement of allegation, nor any show cause notice was served upon the appellant, hence the impugned order is not maintainable in the eye of law; that there is no evidence whatsoever to establish that the appellant was involved in commission of such offense, even the mentioned motorcycle was handed over by the appellant to police, but the respondents malafiedly tangled the appellant in FIR, which was registered against one Mr. Wahab Khan, the appellant however have no connections with the said Mr. Wahab Khan as is evident from the statement of the complainant as well as from the inquiry report; that the complainant in his statement recorded in court has admitted that the appellant is innocent and hence was acquitted of the charges; that the appellant was acquitted of the charges by the court vide judgment dated 04-04-2016, which shows that the appellant was innocent in such case; that the appellant was penalized in an arbitrary manner without affording him proper opportunity of defense; that the inquiry officer has recommended that action against the appellant should be kept pending till disposal of the criminal case, but the respondents without waiting for such decision, dismissed the appellant from service, which is illegal, unlawful and contrary to the norms of natural justice.

03. Learned Assistant Advocate General for the respondents has contended that the appellant was directly involved in theft of motorcycle, as the stolen motorcycle was recovered from his possession, hence he was arrested and FIR lodged against him U/S 381A/411 PPC dated 09-04-2015; that proper inquiry through DSP Cantt was conducted, wherein all the opportunities of defense were

afforded to the appellant and charges were established against him; that the appellant was proceeded against in accordance with law and was rightly penalized for the offense he committed.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that one Muhammad-Ayub registered an FIR U/Ss 381A/411 PPC, against one Mr. Wahab Khan, who allegedly had stolen his motorcycle and upon his arrest, Mr. Wahab Khan disclosed that the said motorcycle is parked in the house of the appellant. placed on record is a recovery memo dated 09-04-2015, which shows that police party came to hujra of the appellant and the appellant voluntarily handed over such motorcycle to police and which substantiate stance of the appellant, in which he has stated that he noticed that a motorcycle was parked outside his house for longer time, so he parked such motorcycle inside his hujra for safety and informed neighbors about it to locate its owner, but in the meanwhile, police party came to his house and asked about motorcycle, which he handed over to police, not knowing that such motorcycle was case property. On the said ground, the appellant was also charged U/S 411 PPC in the said FIR already registered against Mr. Wahab Khan and the appellant was placed under suspension vide order dated 15-04-2015, which was a correct course of action and in the meanwhile the appellant was granted bail by the court vide order dated 13-04-2015 and in a situation, principles of natural justice demand that respondents must have waited for decision of a criminal court, which is also supported by section 194-A of CSR but the respondents initiated disciplinary proceedings against him upon his involvement in a criminal case and dismissed him from service, which however was not warranted, as it is a settled law that dismissal of civil servant from service due to pendency of criminal case against him would be bad unless such official was found guilty by competent court of law. Contents of FIR would remain unsubstantiated allegations, and based on the same, maximum penalty

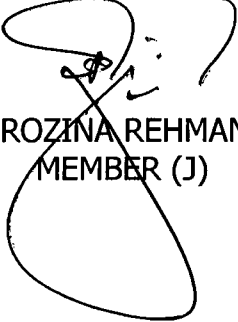
could not be imposed upon a civil servant. Reliance is placed on PLJ 2015 Tr.C. (Services) 197, PLJ 2015 Tr.C. (Services) 208 and PLJ 2015 Tr.C. (Services) 152.

06. Placed on record is an inquiry report dated 08-06-2015 conducted against the appellant and the inquiry officer in its findings have stated that though motorcycle was recovered from hujra of the appellant, but it was not investigated by the investigation officer as to whether the said motorcycle was parked by Wahab Khan for malafide or parked by the appellant for safety purpose with bonafide and that too also needs evidence, hence he had recommended that such inquiry shall be kept pending till decision of the court, but the respondents ignored recommendations of the inquiry officer and the appellant was dismissed from service vide order dated 19-06-2015 without conducting a regular inquiry. The Supreme Court of Pakistan in its judgment reported in 2008 SCMR 1369 have held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest justice. Obviously the appellant was not associated with the process of disciplinary proceedings and was condemned unheard, hence the impugned order is liable to be set at naught.

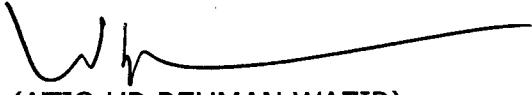
07. In the meanwhile the appellant was acquitted of the same charges by the competent court of law vide judgment dated 04-04-2016, upon which he was dismissed from service. In a situation, if a person is acquitted of the charges, the presumption would be that he was innocent. Moreover, after acquittal of the appellant in the criminal case, there was no material available with authorities to take action and impose major penalty. Reliance is placed on 2003 SCMR 207 and 2002 SCMR 57, 1993 PLC (CS) 460.

08. In view of the foregoing discussion, the instant appeal is accepted. The impugned orders dated 19-06-2015 and 05-08-2015 are set aside and the appellant is re-instated in service. The intervening period is treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED  
13.10.2021



(ROZINA REHMAN)  
MEMBER (J)



(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

ORDER

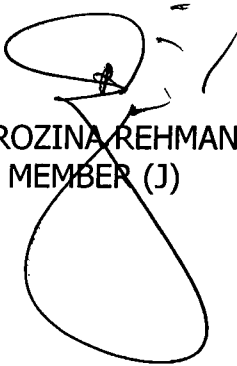
13.10.2021

Mr. Fazal Shah Mohmand, Advocate for the appellant present. Mr. Javed Ullah, Assistant Advocate General for the respondents present. Arguments heard and record perused.

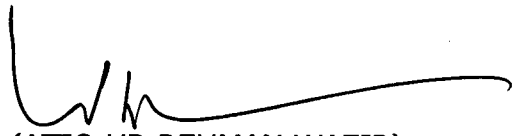
Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted. The impugned orders dated 19-06-2015 and 05-08-2015 are set aside and the appellant is re-instated in service. The intervening period is treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

13.10.2021



(ROZINA REHMAN)  
MEMBER (J)



(ATIQ UR REHMAN WAZIR)  
MEMBER (E)

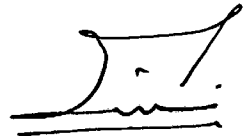
28.06.2021

Mr. Fazal Shah Mohmand, Advocate, for appellant present.  
Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested that time may be granted to him for consulting the appellant as the appellant is in custody in some other criminal case. Adjourned. To come up for arguments before the D.B on 13.10.2021. The appellant shall also deposit the amount of costs of Rs. 500/- on the date fixed.



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

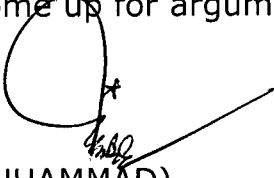
10.02.2021

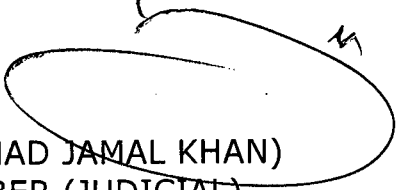
Miss. Rabia Muzaffar, Advocate, junior to senior counsel is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Farooq Khan, Inspector (Legal), for the respondents are also present.

According to the junior counsel her senior is busy in the Hon'ble Peshawar High Court, Peshawar, and requested for adjournment.

While keeping in view the date of institution of instant appeal which is 13.08.2015, the learned counsel was reminded to communicate to her senior to address arguments on the next date of hearing for which last chance is given.

File to come up for arguments on 22.03.2021 before D.B.

  
(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

22.03.2021


Counsel for the appellant present.

Mr. Muhammad Rashid, Deputy District Attorney for respondents present.

Learned counsel for the appellant requests for adjournment due to involvement of the appellant in some criminal case.

Adjourned but on payment of cost of Rs. 500/- which shall be borne by the appellant on 28/6/2021 before D.B.

  
(Mian Muhammad)  
Member (E)


  
(Rozina Rehman)  
Member(J)




13.07.2020 Counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General respondents present.

Again, a request was made for adjournment despite the fact that last chance was given on the preceding ~~order~~<sup>order</sup> sheet. Learned counsel's request for adjournment is allowed but with direction to argue the case positively on 12.10.2020 before D.B.

  
(Attiq ur Rehman)  
Member (E)

  
(Rozina Rehman)  
Member (J)

12.10.2020 Due to incomplete Bench, the case is adjourned. To come up for the same on 18.12.2020 before D.B.


  
Reader


17.12.2020 Junior counsel for appellant present.

Zara Tajwar learned Deputy District Attorney for respondents present.

Former made a request for adjournment as senior counsel is busy before Hon'ble Peshawar High Court.

Adjourned to 10.02.2021 for arguments, before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

16.12.2019

Junior to counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Being an old case of the year 2015, adjourned by way of last chance. To come up for arguments on 18.12.2019 before D.B.

  
Member

  
Member

18.12.2019

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 19.02.2020 before D.B.


  
Member

  
Member

19.02.2020

Appellant absent. Learned counsel for the appellant absent, however, Junior to counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned but as a last chance. To come up for arguments on 16.04.2020 before D.B. Appellant and his counsel be put on notice for the date fixed.

  
Member

  
Member

14.06.2019

Appellant in person and Mr. Muhammad Jan, DDA for the respondents present.

Due to general strike on the call of the Khyber Pakhtunkhwa Bar Council, the matter is adjourned to 08.8.2019 for arguments before the D.B.

  
Member

  
Chairman

08.08.2019

Clerk to counsel for the appellant present. Mr. Muhammad Jan, DDA alongwith Mr. Asghar Ali, H.C for respondents present. Clerk to counsel for the appellant seeks adjournment due to general strike on the call of Pakistan Bar council. Adjourn. To come up for arguments on 07.10.2019 before D.B.

  
Member

  
Member

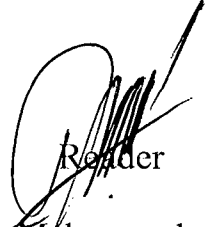
07.10.2019

Due to official tour of Hon'ble Members to Camp Court Swat, the instant matter is adjourned to 16.12.2019 for the same.

  
Reader

22.10.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 07.12.2018.



Chairman

07.12.2018

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. Case to come up for arguments on 23.01.2019 before D.B.



(Ahmad Hassan)  
Member



(M. Amin Khan Kundi)  
Member

23.01.2019

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Clerk of counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy before the august Supreme Court of Pakistan and cannot attend the Tribunal today. Adjourned to 28.03.2019 for arguments before D.B.



(HUSSAIN SHAH)  
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

28.03.2019

Due to general strike of the bar, the case is adjourn. To come up for arguments on 14.06.2019 before D.B.



Member



Member

Appellant in person present. Mr. Asghar Ali, H.C. for respondents present. Order could not be pronounced due to general strike of the Bar. Adjourned. To come up for arguments on 03.09.2018 before D.B.

(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
Member

16.07.2018

Appellant in person present. Mr. Asghar Ali, H.C. alongwith Mr. Sardar Shoukat Hayat, Addl: AG for respondents present. Representative of the respondents submitted enquiry report. Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 03.09.2018 before D.B.

(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
Member

03.09.2018

Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Asghar Ali, Head Constable for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 23.10.2018 before D.B.

(M. Amin Khan Kundi)  
Member

(M. Hamid Mughal)  
Member

01.06.2018


Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General alongwith Mr. Farooq Inspector for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 01.06.2018 before D.B


  
(Ahmad Hassan)  
Member

  
(Muhammad Hamid Mughal)  
Member

01.06.2018

Learned counsel for the appellant present. Mr. Riaz Paindakheil, learned Assistant Advocate General for the respondents present. Vide order sheet dated 15.08.2016 direction was issued to the respondent department to produce copy of inquiry report however the same was not acted upon. Representative is also absent. Adjourned. Respondent department is directed to furnish complete inquiry record till the next date. To come up for record and arguments on 13.07.2018 before D.B

  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

13.07.2018


Learned counsel for the appellant and Mr. Sardar Shaukat Hayat learned Additional Advocate General present. Mr. Farooq Khan Inspector representative of the respondents absent and inquiry report concerned still not provided. Salary of Mr. Farooq Khan Inspector is hereby attached till further orders. Adjourn. To come up for complete inquiry record and arguments on 16.07.2018 before D.B.

(Ahmad Hassan)  
Member

(Muhammad Hamid Mughal)  
Member

13.11.2017


Appellant in person and Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Farooq Khan, Inspector for the respondents present. Appellant seeks adjournment. Adjourned. To come up for final hearing on 15.01.2018 before D.B.


  
(AHMAD HASSAN)  
Member

  
(Muhammad Hamid Mughal)  
Member

15.01.2018


Appellant in person present. Mr. Kabir Ullah Khattak, Addl. AG for the respondents present. Lawyer community on strike on the call of Khyber Pakhtunkhwa Bar Council. Adjourned. To come up for arguments on 16.03.2018 before D.B.

  
(Gul Zeb Khan)  
Member

  
(M. Hamid Mughal)  
Member

16.03.2018

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Asghar Ali, Head Constable for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 03.04.2018 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

15.08.2016

Appellant with counsel and Mr. Muhammad Asghar Khan, H.C alongwith Mr. Ziaullah, GP for respondents present. During the course of arguments it was found that inquiry report has not been appended by either of the party, hence, the respondent-department is directed to produce the copy of same. To come up for such record and arguments on 2-12-16 before D.B.

Member

Member

02.12.2016

Counsel for the appellant and Additional AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjournment granted. To come up for arguments on 20.03.2017 before D.B.

(MUHAMMAD AAMIR NAZIR)  
MEMBER

(MUHAMMAD AZIM KHAN AFRIDI)  
CHAIRMAN

20.03.2017

Counsel for the appellant and Mr. Azghar Ali HC alongwith Mr. Ziaullah GP for the respondents present. Argument could not be heard due to incomplete bench. To come up for final hearing on 18.07.2017 before D.B.

Chairman

18.07.2017

Counsel for the appellant present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 13.11.2017 before D.B.

(Gul Zeb Khan)  
Member

(Muhammad Amin Khan Kundi)  
Member



25.08.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Constable when a criminal case under section 381-A-411 PPC was registered vide FIR No. 167 dated 9.4.2015 at PS Saddar Bannu and on the basis of the same appellant dismissed from service vide impugned order dated 19.6.2015 against which departmental appeal submitted by appellant was rejected on 5.8.2015 constraining the appellant to prefer the instant appeal on 13.8.2015.

That the criminal case is still sub-judice before the Court and, furthermore, neither any show cause notice was issued to the appellant nor proper inquiry conducted.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.11.2015 before S.B.


Amount Deposited  
Process Fee



  
Chairman

23.11.2015

Agent of counsel for the appellant and Mr. Shafi-uz-Zaman, Naib Court alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 12.4.2016.

  
Chairman

12.04.2016

Clerk to counsel for the appellant and Mr. Shafi-Uz-Zaman, Naib Court alongwith Mr. Muhammad Jan, GP for respondents present. Rejoinder submitted on behalf of the appellant copy of which is placed on file. To come up for arguments on 15.08.2016.



Member





Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 912/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13.08.2015	<p>The appeal of Mr. Shah Faisal presented today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	24-8-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>25-8-15</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 912 /2015

Shah Faisal .....Appellant

**V E R S U S**

RPO and Others.....Respondents

**I N D E X**

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-5
2.	Copy of FIR & recovery Memo	A & B	6-7
3.	Copy of compromise deed, statement of the complainant & Order	C, D & E	8-10
4.	Copy of charge sheet & reply	F & G	11-14
5.	Copy of Order dated 19-06-2015	H	15-
6.	Copy of departmental appeal & order dated 05-08-2015	I & J	16-18
7.	Wakalat Nama		19

Dated:-11-08-2015

Through

*S. F. A. I. D.*  
Appellant

*Fazal Shah*

Fazal Shah Mohmand  
Advocate Peshawar

**OFFICE:-** Cantonment Plaza Flat 3/B Khyber Bazar Peshawar  
Cell# 0301 8804841

1

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 912 /2015

Shah Faisal Ex Constable No 1760, District Police Bannu

.....Appellant

**V E R S U S**

**M.W.F. Province  
Service Tribunal**

Diary No 961

Dated 13/8/2015

1. Regional Police Officer, Bannu Region Bannu.
2. District Police Officer Bannu.
3. Provincial Police Officer KPK Peshawar .....Respondents

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974  
AGAINST THE ORDER DATED 05-08-2015 PASSED BY  
RESPONDENT NO 1 WHERE BY DEPARTMENTAL  
APPEAL OF THE APPELLANT FILED AGAINST THE ORDER  
DATED 19-06-2015 OF RESPONDENT NO 2 HAS BEEN  
REJECTED.**

**PRAYER:-**

On acceptance of this appeal the impugned Order dated 05-08-2015 of respondent No 1 and Order dated 19-06-2015 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

**Respectfully Submitted:-**

1. That the appellant joined the respondent Department as Constable on 15-07-2009 remained posted to various Police Stations and since then he performed his duties with honesty and full devotion.
2. That on 09-04-2015, the appellant while posted at Sports Complex Bannu performed his duties and when came home, saw a Motorcycle near his home in the School ground and in Isha time when the appellant came out of his house, the Motor cycle was yet there and after asking from two persons namely Hidayatullah S/O Gul Piyao Khan and Syed Ali Rehman S/O Syed Zafar Ali Shah, present there, took the same to his house and told them to tell anyone who ask about the Motor cycle that the same is in the house of the appellant.

**Filed to-  
Registrar  
13/8/15**

3. That at about 09.00 pm the SHO along with other Police Officials came to the house of the appellant and when the appellant came out of his home, the SHO asked about the Motor cycle and the same was accordingly handed over to the SHO and the appellant was accordingly taken to the Police Station and after some time told the appellant to come to the PS again. Accordingly after sufficient time the appellant was told that he has been arrested by the Police in the theft case of Motor Cycle. **(Copy of FIR and recovery Memo is enclosed as Annexure A & B).**
4. That accordingly the appellant approached the complainant party and assured him regarding his innocence, thus the matter was patched up between the parties, where after the appellant was released on bail vide Order dated 13-04-2015. **(Copy of Compromise deed, statement of complainant & Order are enclosed as Annexure C, D & E).**
5. That charge sheet with statement of allegations was issued to the appellant, which the appellant replied refuting the allegations. **(Copy of charge sheet and reply are enclosed as Annexure F & G).**
6. That thereafter an illegal inquiry was conducted by the DSP Cantt. Bannu, wherein it was recommended to keep the proceedings pending till the final disposal of criminal case, but in spite of this the appellant was dismissed from service from the date of suspension by respondent No 2 vide Order dated 19-06-2015. **(Copy of Order is enclosed as Annexure H).**
7. That the appellant filed Departmental appeal before respondent No 1, which was rejected/filed vide order dated 05-08-2015. **(Copy of departmental appeal and order dated 05-08-2015 are enclosed as Annexure I & J).**
8. That the impugned orders dated 05-08-2015 of respondent No 1 and order dated 19-06-2015 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

**GR O U N D S :-**

- A. That the impugned orders are illegal and void abinitio.

- B.** That mandatory provisions of law and rules have badly been violated by the respondents and the appellant has not been treated according to law and rules and the appellant did nothing that amounts to misconduct.
- C.** That no proper inquiry was conducted to find out the true facts and circumstances.
- D.** That no show cause notice was communicated to the appellant, and as such the impugned order is not maintainable in the eyes of law.
- E.** That the impugned order is not a speaking order and thus not tenable in the eyes of law.
- F.** That there is misapplication of law as the law mentioned in the order of respondents is not applicable in case of the appellant.
- G.** That there is no evidence that the appellant is involved in the commission of the offence he is charged with, even the mentioned Motor cycle was handed over to the Police by the appellant with his sweet will and there is no evidence that the appellant is involved in the theft of the same in any way.
- H.** That even no relation of any sort has been established between the appellant and the accused Wahab Khan.
- I.** That even the complainant in his statement recorded in court has admitted that the appellant is innocent and therefore patched up the matter.
- J.** That the appellant was not afforded the opportunity of meaningful personal hearing and the appellant never involved in the like activities.
- K.** That the appellant has more than 6 years of service with unblemished service record and is jobless since his illegal dismissal from service.
- L.** That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

4

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

SHAH  
Appellant

Dated:-12-08-2015

Through

*Fazal*

Fazal Shah Mohmand  
Advocate, Peshawar

(S)

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2015

Shah Faisal .....Appellant

**V E R S U S**

RPO and Others.....Respondents

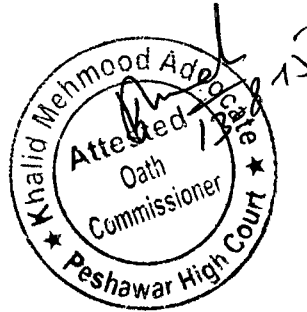
**A F F I D A V I T**

I, Shah Faisal Ex Constable No 1760, District Police Bannu, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

*SHAFI*  
DEPONENT

Identified by *Fazal*

**Fazal Shah Mohmand  
Advocate Peshawar**







تکانه صدر  
فردی راندگی / فردی قیوضگی -  
صلح یوں

جواک تقدیم نمبر 167 فورم 094 جرم 381A 411 صدر -

روبرو گوانان ذیل تقدیر عنوان جرم یا کہ میں سے نشانہ دہی علم  
و باب خان ایک قدر و طر سائیکل بلا نمبر (حاملہ سرقہ) اٹھن نم  
SZZ011 جینر نمبر MAF 577671 شہر سار جاکہ تریڈ سٹریٹ  
شاہ فیصل کانسٹیبل ولد غلام ابراہیم سکھ کوٹ سینگھ کے مکان خود  
سے لٹکال کر رقبہ کارانہ طور پیر یا المتعایل مکان خود پیش  
کر کے بطور وحدہ ثبوت بطور حال یہ سرقہ سرونے فرد قیوضہ  
پولیس میں کرتے فردی راندگی تکمیل مرتب کر کے گوانان  
سے فرد کی تکمیل پر موقع ہوئی -

(I/O) 

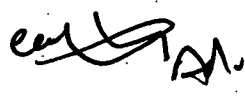
111/181/sdr  
09-4-015

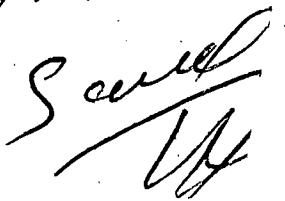
گوانان -

نثار علی شاہ HO 111/181/sdr  
تکانه صدر

~~Signature~~

ذرا بی خان 111/181/sdr  
تکانه صدر

Attested  




10

دردو اسس حالت با سکتہ درج  
اصغر پوری (نائب) سے اور البدر  
11.4.15

Order -3  
13-04-2015

HAFIZ AURANGZEB  
JM-VII Banna

APP for the state present. Accused/petitioner through counsel present.  
Complainant in person present.

Accused/petitioner namely Shah Faisal seeks post arrest bail in connection with case FIR No.167, dated; 09-04-2015 u/s 381-A-411 PPC registered at PS Saddar.

Today complainant/Muhammad Ayub Khan appeared in the court and submitted affidavit to the effect that he had patched up the matter with the accused outside the court and has got no objection if the accused/petitioner is released on bail and even on his acquittal in the instant case. Statement of complainant recorded on the back of affidavit wherein he admitted the factum of compromise.

- Arguments heard and record thoroughly perused.

In light of arguments advanced by counsel for accused/petitioner and APP and placing reliance on the judgment of Honorable Peshawar High Court Peshawar, delivered in "Aziz Khan and another VS the state and another" (P Cr. L.J Page 490) this court is of the opinion that through the offence is bailable and non-compoundable but the fact that the parties have voluntarily forgotten and forgiven accused/petitioner through an amicable settlement which is in their best interest, may be considered as a ground for bail.

Hence keeping in view the above mentioned circumstances, the bail application is accepted on the basis of compromise subject to furnishing bail bonds in the sum of Rs. 90,000/- with two local and reliable sureties in the like amount to the satisfaction of this court. Copy of this order placed on file. Requisitioned record be returned to the complainant. File consigned to RR after completion.

Announced  
13-04-2015

Hafiz Aurangzeb  
Judicial Magistrate-V  
Banna

1- registration no: 1844  
2- Date of Presentation of Application 27-4-75  
3- Date of Receipt of the file 27-4-75  
4- Date of presentation of copy 27-4-75  
5- Date of 27-4-75  
6- No of 1  
7- Ordinal 1  
8- Urgent Fee 1  
9- Total Fee 1  
10- Signature of copyist B. D. J.

**ATTESTED**  
B. D. J.  
Copying Agency  
Lower Court Building  
27-4-75

ourt  
(200)  
ce is not  
themsel  
outside

15

4

ORDER:

This order of the undersigned will dispose off the departmental proceeding, initiated against accused Constable Shah Faisal No.1760, under general proceeding of police rule 1975 (Amended vide Khyber Pakhtunkhwa gazette Notification, 27 the August 2014) for committing the following commissions/omissions.

- > That a stolen motorcycle bearing chassis No.MAF 577671 and Engine No.522011 was recovered from his house being a member of discipline force. As a result of which he was charged in case vide FIR No.167 dated 09-04-2015 U/S 381-A/411 PPC PS Saddar.

DSP/Cantt, Bannu conducted the enquiry and after through probe into the allegations, he concluded that stolen motorcycle was really recovered from his house. Hence the allegations leveled against were proved.

Opportunity of personnel hearing was provided to the accused in the orderly room held on dated 08-06-2015, but he badly failed to rebut the charges.

Keeping in view the above I, Abdur Rashid, District Police Officer, Bannu in exercise of the power vested in me under police rule 1975 (Amended vide Khyber Pakhtunkhwa gazette Notification, 27 the August 2014), hereby dismiss the accused Constable Shah Faisal No.1760 from the service from the date of suspension i.e 15-04-2015.

OB No. 550  
Dated: 19-06- /2015.

(ABDUR RASHID)PSP  
District Police Officer,  
Bannu.

No. 8406-9 dated Bannu, the 19 6 /2015

Copies to:

1. The Regional Police Officer Bannu Region Bannu for favour of information please.
2. The SRC, DPO Office, Bannu.
3. The Pay Officer with the direction to recover the amount of monthly salaries taken by the accused during the suspension.
4. The OASI, DPO Office, Bannu (along with complete enquiry file).

OASI

*Abdur Rashid*  
(ABDUR RASHID)PSP  
District Police Officer,  
Bannu.

*Abdur Rashid*

*ae [Signature]*

اپیل بر خلاف حکم DPO صاحب بنوں مورخہ 19/06/2015

بجضور عالی مرتبت جناب والا شان ریجنل پولیس آفیسر صاحب بنوں ریجن بنوں

9  
16

اپیل یہ استدعاء بحال فرمانے سائل کنسٹیبل جو جناب DPO صاحب بنوں نے فورم OB نمبر 550/19.06.2015 بندہ کونا کردہ مجرم کے تحت ملازمت سے ڈسمس کیا ہے، حالانکہ حق تو یہ ہے۔ کہ عدالتی فیصلہ تک محکمانہ کارروائی ملتوی رکھی جاتی۔ نہ ہی فائنل شوکاز نوٹس کے ذریعہ سائل کو دفاع کا موقع دیا۔

جناب عالی کترین آنجناب کے حضور صاحب ذیل مودبانہ عرض پرداز ہے کہ سائل مورخہ 15/07/2009 کو پولیس فورس میں بعیدہ کنسٹیبل بھرتی ہوا۔ ٹریننگ مکمل کر کے ضلع بنوں میں تعینات دیا۔

سائل مورخہ 09/04/2015 بوقت 7:30PM بج شام سائل سپورٹس کمپلیکس سے گھر خود آیا۔ کیونکہ بندہ سپورٹس کمپلیکس پر تعینات تھا۔ گھر پہنچ کر دیکھا۔ کہ سکول کے خالی میدان میں ایک موٹر سائیکل کھڑی تھی۔ میں نے خیال کیا کہ شاید کوئی رشتہ دار ہمارے گھر آیا ہے۔ لیکن گھر داخل ہو کر کوئی مہمان نہ تھا۔ میں نے شام کی روٹی کھائی عشاء نماز کی تیاری کے سلسلہ میں گھر سے نکلا تو موٹر سائیکل بدستور کھڑی تھی۔ وہاں پر موجود مسیماں ہدایت اللہ ولد گل پیاؤ خان اور سید علی رحمن ولد سید ظفر علی شاہ سے پوچھا کہ یہ موٹر سائیکل کس کی ہے۔ تو دونوں نے لاعلمی کا اظہار کیا عشاء پڑھنے کے بعد میں نے ان دونوں کو بتایا۔ کہ ناوقت ہے۔ ایسا نہ ہو۔ کہ کوئی غیر شخص اس موٹر سائیکل کو اپنے ساتھ نہ لے جائے۔ میں اس کو اپنے گھر کے ڈیوڑھی میں کھڑا کرتا ہوں۔ آگر کوئی پوچھ لے۔ تو بتلا دینا۔ میں نے موٹر سائیکل گھر کے ڈیوڑھی میں کھڑی کی۔ کہ بوقت 9:30 بجے SHO تھانہ صدر ہمراہ نفری آیا۔ میرے گھر دستک دی۔ میں نے خیال کیا۔ کہ شاید موٹر سائیکل مالک آیا ہے۔ گیٹ سے باہر نکلا۔ تو SHO صاحب نے پوچھا۔ کہ یہاں کوئی موٹر سائیکل تھی؟۔ میں نے ہاں میں جواب دیا۔ تو SHO صاحب نے موٹر سائیکل حورم کر نیکا کہا۔ میں موٹر سائیکل نکال کر حورم کیا۔ تو SHO صاحب نے مجھے اپنے ساتھ موبائیل میں بیٹھنے کا کہا۔ میں گاڑی میں بیٹھا۔ تھانہ صدر جا کر SHO صاحب نے کہا۔ کہ کل 10/04/2015 صبح سویرے آجائیں۔ اگلے روز میں تھانے گیا۔ سارا دن گزارا۔ منشی تھانہ سے پوچھا۔ تو منشی صاحب نے مجھے تمام حالات واقعات بتلائے۔ تیسرے روز مجھے عدالت لے گیا۔ عدالت سے جیل منتقل ہوا۔ چند روز بعد عدالت سے برضمانت رہائی ملی۔ میں نے اس ملزم سے دریافت کیا۔ کہ موٹر سائیکل کیوں ہمارے گھر کے بیرونی احاطہ میں کھڑی چھوڑی تھی۔ تو اس نے جواب میں کہا۔ کہ فنی خرابی یا تیل ختم ہونے کی وجہ سے چھوڑی تھی۔ میں نے سوال کیا، کہ مجھے کیوں اس کیس میں پھنسیا۔ تو جواب دیا۔ کہ اس نے SHO صاحب کو بتلایا کہ شاہ فیصل پولیس سپاہی کے گھر کیساتھ موٹر سائیکل کھڑی چھوڑی ہے۔ لیکن غلطی تم نے خود کی ہے۔ کیوں موٹر سائیکل گھر کے اندر لے گیا تھا۔

اللہ اعلم

اس کے ساتھ

17

## علاجہ:

اللہ تعالیٰ حاضر و ناظر ہے۔ وہ سب کچھ دیکھتا اور سن رہا ہے۔ نہ تو میں اس چوری میں ملوث رہا ہوں۔ نہ ہی اس ملزم شخص کیساتھ میرے کوئی مراسم رہے ہیں۔ نہ ہی اُس کو پہلے سے جانتا تھا۔ SHO صاحب اور تفتیشی افسر نے غلط کارروائی میرے خلاف کی ہے۔ پولیس فورس میں رہتے ہوئے ایسی فبیج حرکت کی جرات کبھی نہیں کر سکتا۔ میرے خلاف انکو آفری آفسر کی رائے کو نظر انداز کرتے ہوئے جناب DPO صاحب نے مجھے فورس سے ڈسمس کیا ہے۔ جبکہ عدالتی فیصلہ اس بارے میں صادر نہیں ہوا ہے۔ لہذا استدعا ہے۔ کہ مصدّرہ حکم جناب DPO صاحب کا عدم فرمایا جا کر مسائل کو ملازمت پر واپس بحال فرمایا جاوے۔ ماتحت پرووی ہوگی۔

Ex کا نیشنل شاہ فیصل نمبر 1760 ساکن کوٹ بلی

دستخط

موبائل نمبر

تاریخ

Attest


ORDER.

My this order will dispose off the departmental appeal of Ex: Constable Shah Faisal No. 1760 of Bannu District Police against the Major punishment of his dismissal from service under Police Rules-1975, awarded by DPO/Bannu vide OB: No. 550 dated 19.6.2015 on committing the following omissions:-

- That a stolen motorcycle bearing chassis No. MAF 577671 and engine No. 522011 was recovered from his house being a member of discipline force. As a result of which, he was directed charged in case FIR No. 167 dated 9.4.2015 u/s 381-A/411 PPC PS: Saddar.

Service Record of the appellant was thoroughly perused and the appellant heard in person in orderly room on 4.8.2015 by the undersigned.

I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me, after thoroughly perusal the record and hearing the appellant in orderly room, was not convinced by the appellant about his innocence .Therefore, the order of Major punishment of his dismissal from service, passed by DPO/Bannu vide OB; No. 550 dated 19.6.2015 cannot be interfered, being one in consonance with law. Hence appeal is rejected.

  
(Muhammad Tahir)PSP  
Regional Police Officer,  
Bannu Region, Bannu.

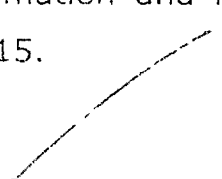
No. 1712 /EC, dated. 05/08/2015. 05/08/15

Copy to :-

- The District Police Officer, Bannu for information and n/action w/r to his office Memo: 9387 dated 13.7.2015.

Akhted

  
(Muhammad Tahir)PSP  
Regional Police Officer,  
Bannu Region, Bannu.



بعدالت جناب سروس کمپنیز ایکٹ اور

19

2 جناب  
بنام P.O. رولڈ  
شہادہ فیصلہ

مورخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام لینڈ اور کیلئے فیصلہ شہادہ مندر ایڈولسٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 13 ماہ اگست 2015ء

اللہ

لکھ دیا

لکھ دیا

لکھ دیا

**BEFORE THE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL PESHAWAR**

**Appeal No. 912/2015.**

Shah Faisal Ex-Constable No.1760,  
District Police Bannu.

(Appellant)

**VERSUS**

1. Regional Police Officer Bannu Region, Bannu.
2. District Police Officer Bannu.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

**PARA WISE COMMENTS ON BEHALF OF THE RESPONDENTS No.1, 2 & 3.**

**Respectfully Sheweth:**

**PRELIMINARY OBJECTIONS:**

- 1) That the appellant has approached the Honourable Tribunal with unclean hands
- 2) That the appellant is estopped to file the appeal due to his own conduct.
- 3) That the appeal is bad due to mis-joinder and non-joinder of necessary parties.
- 4) That the appellant has concealed the material facts from the Honourable Tribunal.
- 5) That the appeal of appellant is not maintainable in its present form.
- 6) That the appellant has no cause of action.

**OBJECTIONS ON FACTS**

1. Pertains to record. The performance of appellant was unsatisfactory as he is directly charged in FIR and the stolen/snatched article was recovered from his possession.
2. Incorrect. A stolen Motorcycle bearing chasis No.MAF577671 and Engine NO.522011 was recovered from the house of appellant by SHO Police Station Saddar on 09.04.2015. Photo copy of report is enclosed as annexure "A".
3. Incorrect. As stated above the stolen motorcycle was recovered from the house of appellant and he was arrested in case FIR No.167 dated 09.04.2015 U/S 381A, 411 PPC Police Station Saddar.
4. Pertains to Judicial record needs no comments.
5. Pertains to record needs no comments.
6. Incorrect. Proper inquiry through DSP Cantt was conducted, wherein all the opportunities of defense were provided to the appellant and the charges were established. During the course of investigation of criminal case, the appellant was also found responsible and challaned to court. Report under 173 CrPC is enclosed as annexure "B".
7. Pertains to record needs no comments.
8. Incorrect. The orders of the respondent are legal and based on facts. The appellant has wrongly challenged the same through unsound reasons.


**OBJECTIONS ON GROUNDS.**

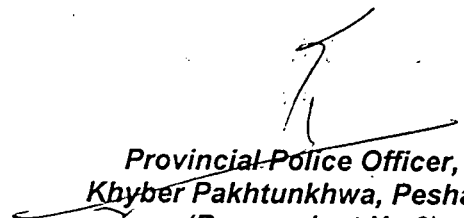
- A. Incorrect. The orders of the respondents are based on facts, justice and in accordance with Police Rules 1975.


- B. Incorrect. The appellant has been treated in accordance with law, rules and all the opportunities of defense were provided to him during the course of fair regular inquiry.
- C. Incorrect. Fair regular inquiry was conducted through DSP Cantt wherein the charges were established against the appellant.
- D. Incorrect. Charge sheet based on statement of allegation was conveyed to the appellant and after observing all the codal formalities, a legal order for dismissal of appellant was passed.
- E. Incorrect. The orders of the respondents are comprehensive, speaking and tenable in the eyes of law/rules.
- F. Incorrect. Khyber Pakhtunkhwa Police Rule 1975 is applicable to Police Force and the whole proceeding against the appellant was carried out under the said rules.
- G. Incorrect. SHO has recovered the stolen motorcycle from the appellant in the presence of witnesses. Photo copies of statements of witnesses enclosed as annexure "C" & "D".
- H. Incorrect. The recovery of stolen motorcycle from the house of appellant and investigation of criminal case fully connect the appellant with the charges.
- I. Pertain to judicial record. Compromise of the appellant with the complainant party is an admission to the charges leveled against the appellant.
- J. Incorrect. All the opportunities of defense and personal hearing were provided to the appellant as evident from the inquiry and orders of respondents.
- K. Incorrect. The Service record of appellant is indifferent and due to involvement of appellant in illegal activities, a legal order for dismissal of appellant was passed.
- L. That the respondents may be allowed to add further/additional grounds at the time of hearing of appeal.

**Prayer:**

In view of the above facts and stated reasons, it is humbly prayed that the appeal of appellant is devoid of legal force, may kindly be dismissed with costs.

  
Regional Police Officer,  
Bannu Region, Bannu.  
u (Respondent No.1)

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.3)

  
District Police Officer,  
u Bannu.  
(Respondent No.2)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR**  
**Appeal No. 912/2015.**

Shah Faisal Ex-Constable No.1760,  
District Police Bannu.

(Appellant)

**VERSUS**

1. Regional Police Officer Bannu Region, Bannu.
2. District Police Officer Bannu.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

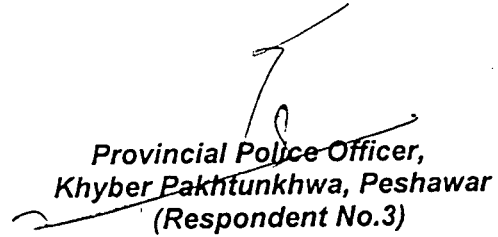
(Respondents)

**COUNTER AFFIDAVIT**

We, do hereby solemnly affirm and declare that the contents of the attached comments are true and correct to the best of our knowledge and belief and nothing has been with held or concealed from this Honorable Tribunal.



Regional Police Officer,  
Bannu Region, Bannu.  
(Respondent No.1)



Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.3)



District Police Officer,  
Bannu.  
(Respondent No.2)

**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR**  
**Appeal No. 912/2015.**

Shah Faisal Ex-Constable No.1760,  
District Police Bannu.

(Appellant)

**VERSUS**


1. Regional Police Officer Bannu Region, Bannu.
2. District Police Officer Bannu.
3. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.


(Respondents)

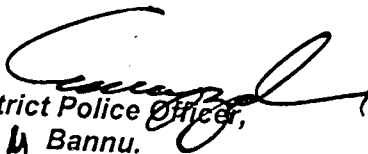
**AUTHORITY LETTER.**

Mr. Mir Faraz Khan Inspector Legal Bannu is hereby authorized to appear before  
The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the  
above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.

  
Regional Police Officer,  
Bannu Region, Bannu.  
4 (Respondent No.1)

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.3)

  
District Police Officer,  
4 Bannu.  
(Respondent No.2)



**BEFORE THE SERVICE TRIBUNAL, K.P.K, PESHAWAR**

Service Appeal No. 912/2015

Shah Faisal .....(Appellant)

**VERSUS**

R.P.O and others.....(Respondents)

**REPLICATION ON BEHALF OF THE**  
**APPELLANT.**

**Respectfully Sheweth:**

**Reply to Preliminary objections:**

All the preliminary objections raised by the respondents are incorrect, hence denied. The applicant has got vailed cause of action, instant appeal is not maintainable in its present form and the appellant has come to this Hon'ble Tribunal with clean hands. Appellant has concealed nothing

from this Hon'ble Tribunal, all necessary parties have been impleaded and the appellant is not estopped by his conduct to file instant appeal.

**Reply to Facts/ Grounds:**

All the objections raised by the respondents are incorrect and against the record. Respondents have failed to deny the plea of the appellant through convincing evidence. They have failed to bring anything on record in support of the allegations. Comments of the respondents are full of contradiction and based on malafide. Respondents have failed to show that any inquiry has been conducted in the matter nor show cause notice was issued to the appeal. The complainant has even admitted that the appellant is innocent, even otherwise the appellant has been acquitted for the charges by the competent Court of law. (Copy of the judgment is enclosed).

In the circumstances the appellant has been punished without any omission or commission on



his part, which order is not maintainable in the eyes of law and liable to be set aside.

It is, therefore, prayed that appeal of the appellant may kindly be accepted as prayed for.

Appellant

Through




Dated: 12/04/2016

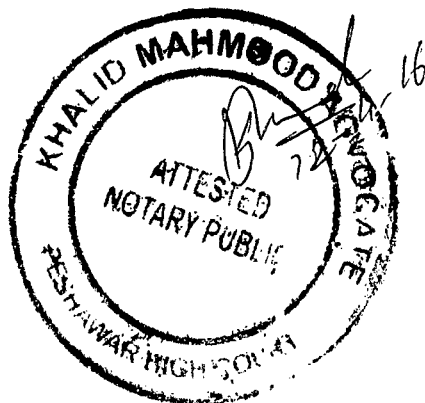
**Fazal Shah Mohmand**  
Advocate, Peshawar

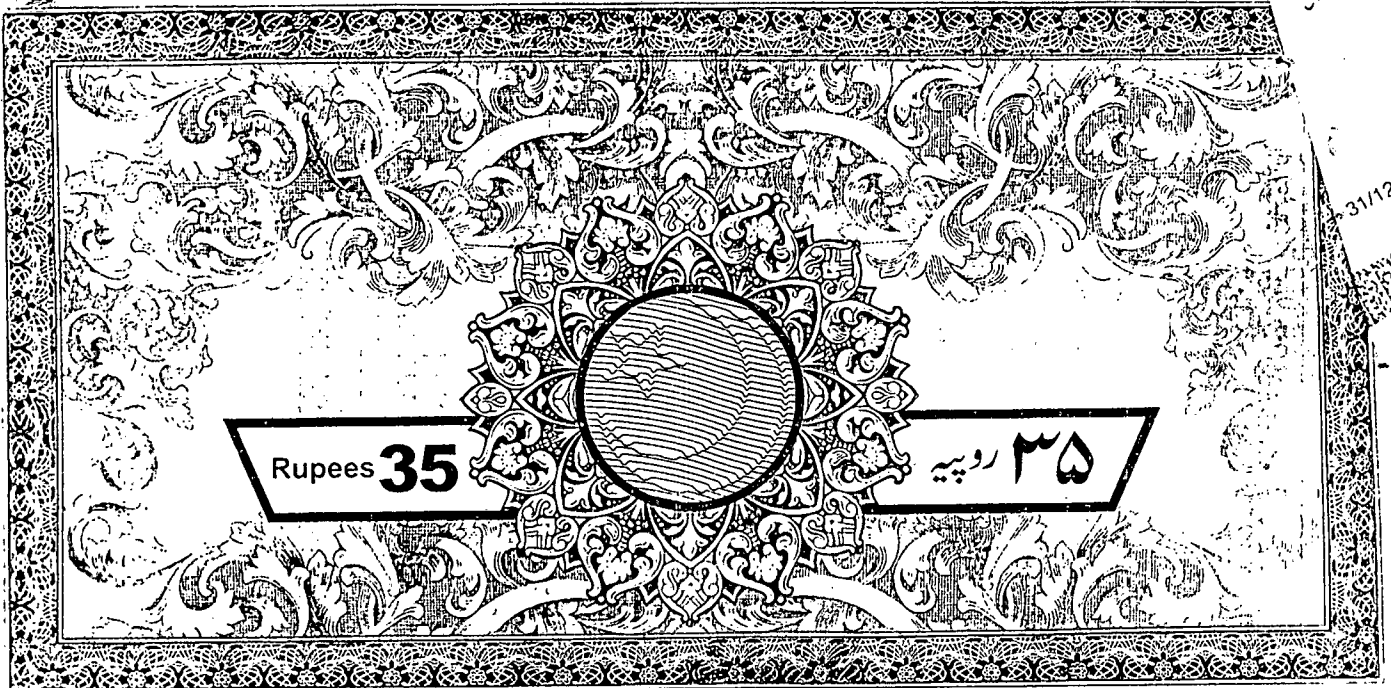
**AFFIDAVIT:**

I, Shah Faisal (Appellant), do hereby solemnly affirm and declare on oath that the contents of the **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



**DEPONENT**





Ex PB

بیلت حلقہ

کیونکہ قبیلہ بودیشیل کی سیدھیوں نے یہ بیلت

یہ بیلت

سرکار بنام شاہ منگل .. ملکہ ۱۶-۴-۱۶

تعداد ۱۶۷ نمبر ۱۵-۴-۵۹ پریم A-۱۸۳ تعداد ۱۶۷

۱۱۱  
مکہ محمد الیوب و دیگر محمد یعقوب۔ فان سہ سلم انبار نذہ الیوب کلہ بحیرہ منورہ امرا

مکہ بیان کرتا ہے کہ متحدہ ہندوستان میں اپنے اہل اہل اور شہریوں کو ان کے لئے بیلت  
تعداد میں ملنے کے بعد ان کے اپنے گناہوں پر حلف پیش کر دیا گیا۔ اور وہ اس وقت کے

اس کے خلاف دعوہ کیا گیا ہے۔ یہ ہے اب۔ اس کے خلاف دعوہ کیا گیا ہے۔ ملکہ کو

تعداد پورے، عدالت میں ہے۔ اب بار دربار ملاقات ملکہ کو ہے گناہیں منظور نہیں

ہے، اس کے خلاف کسی قسم کی قانونی کارروائی کا خواہاں نہ ہے۔ اگر ملکہ کو

بہت سے دوسرے تہ فاضل کو کوئی اس کے خلاف نہ ہوگا

کہہ بیان ملکہ نے کیا ہے۔ نمبر ۱۶-۴-۱۶

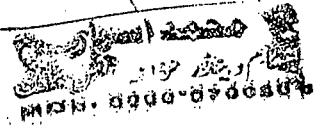
۱۱۱۱-۲۷۰۶۰۴۸-۳

محمد الیوب فان

۱۱۱

گلی ای اے اے

سال



سایان ازال محمد ایوب - دلر محمد لغوی - فان کنڈ مسلم آم بار نند البرطلمی مسجد  
میوں۔

خٹکا بیان کیا۔ تاکہ میں نے الف آئی آر پر خلاف نامعلوم ملزمان  
داٹر کیا گیا۔ اب من متفق کو مکمل طور پر تسلیم ہو گیا۔

کہ مقدمہ نڈا میں ملزم امال کھلے گناہ ہے اور نڈا میں ملزم  
شاہ فیصل دلر نڈم امال کھلے متعلق مکمل طور پر تسلیم ہو گیا۔

اور میں ملزم شاہ فیصل کے قتل کے قسم کی کارروائی کا فوراً

تہیوں ایلے اگر ملزم شاہ فیصل مقدمہ نڈا میں بالمرتب طور پر  
سزا ہو جائے تو من متفق کو کوہ نڈرو استرا فن نہ ہے۔ جبکہ قبل ازین

ہے من متفق نے ملزم شاہ فیصل کے بے گناہی کے بابت بیان حلن نہت  
کے وقت پر داخل ہدات جناب کے تہ۔ سیدنا حسن کارڈ EXPA ہے۔ اور سباز حلف

شاہ نڈا EXPB ہے۔

11101-2706048-3

محمد ایوب - فان - شوق

17.4/6

نکدر دست تسلیم کیا

جوڈیکل مینسٹر

04/04/2016



اپنے فیصلے میں عدالت نے عدالت کو  
فرمان جاری کیا ہے، 02-03-16  
محکمہ عدالت بھٹو

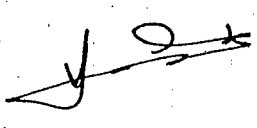
اس کی پیروی کی جائے گی۔ ملزمان پر ضمانت ناموں میں فرود جمع کیا گیا ہے۔  
مقدمہ کرنا یا جیتنے میں جمع ہو گا۔ ملزمان کو عدالت میں  
02-03-16

02-03-16  
27/1/16

  
**Ijaz-ul-Haq Awan**  
Judicial Magistrate -VI  
Bannu

**ORDER-07:**  
02.03.2016

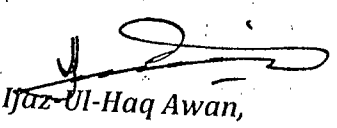
APP for the State present. Accused on bail present and submitted an application for adjournment. Reason mentioned in the application seems genuine, hence, allowed. Last opportunity given. Complainant and PWs are not in attendance, they be summoned for 15-3-16.



**Ijaz-ul-Haq Awan,**  
Judicial Magistrate-VI, Bannu.

**ORDER-08:**  
15.03.2016

APP for the State present. Accused on bail Shah Faisal alongwith his clerk of counsel present and submitted an application for adjournment on the ground that the counsel for accused has gone to Peshawar. Reason seems genuine, hence, allowed. Application placed on file. Complainant and PWs absent, they be summoned for 04-4-16.



**Ijaz-ul-Haq Awan,**  
Judicial Magistrate-VI, Bannu.  
**Ijaz-ul-Haq Awan**  
Judicial Magistrate -VI  
Bannu

**ATTESTED**

  
**Copying Agency**  
**Lower Court Bannu**  
5-4-16

ORDER-09:  
04.04.2016


APP for the State present. Accused on bail present.  
Complainant in person present.

Complainant Muhammad Ayub Khan submitted an affidavit to the effect that he has patched up and compromised the matter with the accused party outside the Court and has pardoned the accused in the name of Almighty Allah. He also stated that he would have got no objection over the acquittal of accused facing trial from the charges of instant case. To this effect, statement of complainant recorded overleaf of affidavit wherein, too he confirmed the factum of compromise to be true and correct.

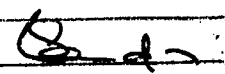
Although, the offence is non-compoundable, however, compromise between the parties being a redeeming feature with the object to bring the harmony between the parties is accepted. It is also relevant to mention that complainant is not interested in the success of prosecution case. Hence, the accused stands **acquitted** on the basis of compromise from the charges of instant case. Accused are on bail. Bail bonds of the accused stands cancelled and their sureties are absolved from their liabilities. Case property, if any, be dealt in accordance with law. Copy of this order be placed on police file.

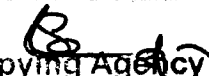
File be consigned to record room after its completion.

Announced:  
04.04.2016

  
Ijaz Ul Haq Awan,  
Judicial Magistrate-VI,  
Bannu.

Ijaz-ul-Haq Awan  
Judicial Magistrate -VI  
Bannu

- 1- Registration No: 1574  
2- Date of Presentation of Application 5-4-16  
3- Date of Receipt of the file 5-4-16  
4- Date of Preparation of copy 5-4-16  
5- Date of Dilevery of copy 5-4-16  
6- No. of copies / words 2  
7- Ordinary Fee 2  
8- Urgent Fee —  
9- Total Fee 2  
10- Signature of copyist 

**ATTESTED**  
  
Copying Agency  
Lower Court Bannu  
5-4-16

ازوف ڈی ایئر پی کینٹ ضلع بنوں

بخدمت ج.ب. ڈسٹرکٹ پولیس آفیسر بنوں

نمبر 28416 مورخہ 20 10 15

### فائل رپورٹ

عنوان: گواہی برخلاف ازاں کنشیل شاہ فیصل نمبر 1760 متعینہ سپورٹس کمپلکس حال معطل پولیس لائن بنوں

الزام:- یہ ملزم وہاب کے نشاندہی پر شاہ فیصل کے گھر سے چوری شدہ موٹر سائیکل برآوردہ ہے۔ جو کہ ملزم کیس FIR نمبر 167 مورخہ 09-04-015 دفعہ 381A-411 PPC تھانہ صدر میں نامزد چکا ہے۔

☆ بحوالہ گواہی ازاں کنشیل شاہ فیصل نمبر 1760 حال معطل لائن بنوں معروض خدمت ہوں کہ کنشیل شاہ فیصل نمبر 1760 نے اپنے ان میں وضاحت کی۔ کہ مورخہ 08-04-015 کو سپورٹس کمپلکس میں ڈیوٹی ختم کر کے گھر آیا۔ تو ہمارے سکول گیٹ کے سامنے موٹر سائیکل گھر کھڑا تھا۔ تو میں گھر کے اندر جا کر اور روٹی کھانے کے بعد باہر نکل آیا۔ تو موٹر سائیکل بدستور کھڑا تھا۔ تو میں نے اپنے ہمسائے سے کہا کہ یہ موٹر سائیکل کس کا ہے۔ اس نے جواب دیا۔ کہ پتہ نہیں اس وقت رات کے تقریباً 9:00 بجے تھے۔ تو میں نے اس کو کہا کہ اب تورات کا وقت ہے۔ اس کو میں گھر کے ڈوڑھی میں کھڑا کرتا ہوں۔ اگر کسی نے پوچھا تو ان کو کہہ دو کہ شاہ فیصل کے گھر ڈوڑھی میں کھڑا ہے۔ اسی دوران تقریباً 9:35 بجے SHO صدر افتخار علی شاہ آیا۔ اور گھر کے دروازے پر دستک لگا۔ میں نکل کر SHO صدر افتخار علی شاہ سے علیک ملیک کیا تو اس نے کہا کہ آپ کے پاس موٹر سائیکل ہے۔ میں نے ہاں میں جواب دیا۔ اور موٹر سائیکل کو بخوشی خود نکال کر انکو حوالہ کیا۔ اور ساتھ مجھے گاڑی میں بیٹھا کر تھانہ لے آیا۔ اسی وقت چھوڑ کر دوسری دن مورخہ 09-04-015 کو دوبارہ SHO صدر نے فون کر کے تھانہ کو بھلایا اور مقدمہ ہذا PPC 411 میں گرفتار کیا۔ اور جیل بھیج کر برضانت رہا ہوا۔ خدا کو حاضر و ناظر جان کر ہم ہر قسم صفائی دینے کیلئے تیار ہوں کہ میں موٹر سائیکل کی چوری میں ملوث نہیں ہوں۔

☆ جبکہ SHO تھانہ صدر افتخار علی شاہ نے یہ بیان کیا کہ میں تالاقہ میں گشت پر تھا۔ کہ جاوید HC متعینہ انوسٹی گیشن جو مقدمہ نمبر 167 مورخہ 09-04-015 مجرم 381A تھانہ صدر کی تفتیش کرتا تھا۔ بزرگیہ فون اطلاع دی کہ مقدمہ بالا میں نامزد ملزم نے نکشاف کیا ہے۔ کہ سرورقہ موٹر سائیکل شاہ فیصل نامی شخص سکنہ کوٹ بلی کیساتھ کھڑا ہے۔ جس کو ہمراہ کر کے شاہ فیصل کے گھر سے موٹر سائیکل چیسر نمبر MAF-577671 اٹچن نمبر 522011 سپرٹارر جسریشن نمبر 7933 برآوردہ کے HC جاوید کو حوالہ کیا جو مقدمہ ہذا برآوردہ فرد قبضہ پولیس کی جا کر جاوید کو حوالہ شد۔

☆ I/O جاوید HC نے وضاحت کی۔ کہ مقدمہ علت 167 مورخہ 09-04-015 مجرم 381A/411 میں نامزد ملزم وہاب نے دوران انٹاروگیشن انکشاف کیا کہ چوری شدہ موٹر سائیکل کنشیل شاہ فیصل نمبر 1760 کے گھر کھڑا کیا ہے۔ جسکے نشاندہی پر ہمراہ SHO صاحب مکان ازاں شاہ فیصل جا کر کنشیل شاہ فیصل نے بخوشی خود سرورقہ موٹر سائیکل پولیس پارٹی کو حوالہ کی تھی۔ کنشیل مذکور کو دفعہ 411 P.P.C کے تحت گرفتار کر چالان عدالت کیا تھا۔

☆ انچارج مقرب خان متعینہ سپورٹس کمپلکس بنوں نے یہ وضاحت کی کہ مورخہ 09-03-015 کنشیل شاہ فیصل پولیس کے روٹین میں شب باشی پر تھا۔ وہ ایک ڈیوٹی فل پولیس آفسر ہے۔ اور نام پر ڈیوٹی کرتا ہے۔

رائے انکوائری آفسر:

۱۰۰  
۱۱۰  
۱۱۱  
۱۱۲  
۱۱۳  
۱۱۴  
۱۱۵  
۱۱۶  
۱۱۷  
۱۱۸  
۱۱۹  
۱۲۰  
۱۲۱  
۱۲۲  
۱۲۳  
۱۲۴  
۱۲۵  
۱۲۶  
۱۲۷  
۱۲۸  
۱۲۹  
۱۳۰  
۱۳۱  
۱۳۲  
۱۳۳  
۱۳۴  
۱۳۵  
۱۳۶  
۱۳۷  
۱۳۸  
۱۳۹  
۱۴۰  
۱۴۱  
۱۴۲  
۱۴۳  
۱۴۴  
۱۴۵  
۱۴۶  
۱۴۷  
۱۴۸  
۱۴۹  
۱۵۰  
۱۵۱  
۱۵۲  
۱۵۳  
۱۵۴  
۱۵۵  
۱۵۶  
۱۵۷  
۱۵۸  
۱۵۹  
۱۶۰  
۱۶۱  
۱۶۲  
۱۶۳  
۱۶۴  
۱۶۵  
۱۶۶  
۱۶۷  
۱۶۸  
۱۶۹  
۱۷۰  
۱۷۱  
۱۷۲  
۱۷۳  
۱۷۴  
۱۷۵  
۱۷۶  
۱۷۷  
۱۷۸  
۱۷۹  
۱۸۰  
۱۸۱  
۱۸۲  
۱۸۳  
۱۸۴  
۱۸۵  
۱۸۶  
۱۸۷  
۱۸۸  
۱۸۹  
۱۹۰  
۱۹۱  
۱۹۲  
۱۹۳  
۱۹۴  
۱۹۵  
۱۹۶  
۱۹۷  
۱۹۸  
۱۹۹  
۲۰۰  
۲۰۱  
۲۰۲  
۲۰۳  
۲۰۴  
۲۰۵  
۲۰۶  
۲۰۷  
۲۰۸  
۲۰۹  
۲۱۰  
۲۱۱  
۲۱۲  
۲۱۳  
۲۱۴  
۲۱۵  
۲۱۶  
۲۱۷  
۲۱۸  
۲۱۹  
۲۲۰  
۲۲۱  
۲۲۲  
۲۲۳  
۲۲۴  
۲۲۵  
۲۲۶  
۲۲۷  
۲۲۸  
۲۲۹  
۲۳۰  
۲۳۱  
۲۳۲  
۲۳۳  
۲۳۴  
۲۳۵  
۲۳۶  
۲۳۷  
۲۳۸  
۲۳۹  
۲۴۰  
۲۴۱  
۲۴۲  
۲۴۳  
۲۴۴  
۲۴۵  
۲۴۶  
۲۴۷  
۲۴۸  
۲۴۹  
۲۵۰  
۲۵۱  
۲۵۲  
۲۵۳  
۲۵۴  
۲۵۵  
۲۵۶  
۲۵۷  
۲۵۸  
۲۵۹  
۲۶۰  
۲۶۱  
۲۶۲  
۲۶۳  
۲۶۴  
۲۶۵  
۲۶۶  
۲۶۷  
۲۶۸  
۲۶۹  
۲۷۰  
۲۷۱  
۲۷۲  
۲۷۳  
۲۷۴  
۲۷۵  
۲۷۶  
۲۷۷  
۲۷۸  
۲۷۹  
۲۸۰  
۲۸۱  
۲۸۲  
۲۸۳  
۲۸۴  
۲۸۵  
۲۸۶  
۲۸۷  
۲۸۸  
۲۸۹  
۲۹۰  
۲۹۱  
۲۹۲  
۲۹۳  
۲۹۴  
۲۹۵  
۲۹۶  
۲۹۷  
۲۹۸  
۲۹۹  
۳۰۰  
۳۰۱  
۳۰۲  
۳۰۳  
۳۰۴  
۳۰۵  
۳۰۶  
۳۰۷  
۳۰۸  
۳۰۹  
۳۱۰  
۳۱۱  
۳۱۲  
۳۱۳  
۳۱۴  
۳۱۵  
۳۱۶  
۳۱۷  
۳۱۸  
۳۱۹  
۳۲۰  
۳۲۱  
۳۲۲  
۳۲۳  
۳۲۴  
۳۲۵  
۳۲۶  
۳۲۷  
۳۲۸  
۳۲۹  
۳۳۰  
۳۳۱  
۳۳۲  
۳۳۳  
۳۳۴  
۳۳۵  
۳۳۶  
۳۳۷  
۳۳۸  
۳۳۹  
۳۴۰  
۳۴۱  
۳۴۲  
۳۴۳  
۳۴۴  
۳۴۵  
۳۴۶  
۳۴۷  
۳۴۸  
۳۴۹  
۳۵۰  
۳۵۱  
۳۵۲  
۳۵۳  
۳۵۴  
۳۵۵  
۳۵۶  
۳۵۷  
۳۵۸  
۳۵۹  
۳۶۰  
۳۶۱  
۳۶۲  
۳۶۳  
۳۶۴  
۳۶۵  
۳۶۶  
۳۶۷  
۳۶۸  
۳۶۹  
۳۷۰  
۳۷۱  
۳۷۲  
۳۷۳  
۳۷۴  
۳۷۵  
۳۷۶  
۳۷۷  
۳۷۸  
۳۷۹  
۳۸۰  
۳۸۱  
۳۸۲  
۳۸۳  
۳۸۴  
۳۸۵  
۳۸۶  
۳۸۷  
۳۸۸  
۳۸۹  
۳۹۰  
۳۹۱  
۳۹۲  
۳۹۳  
۳۹۴  
۳۹۵  
۳۹۶  
۳۹۷  
۳۹۸  
۳۹۹  
۴۰۰  
۴۰۱  
۴۰۲  
۴۰۳  
۴۰۴  
۴۰۵  
۴۰۶  
۴۰۷  
۴۰۸  
۴۰۹  
۴۱۰  
۴۱۱  
۴۱۲  
۴۱۳  
۴۱۴  
۴۱۵  
۴۱۶  
۴۱۷  
۴۱۸  
۴۱۹  
۴۲۰  
۴۲۱  
۴۲۲  
۴۲۳  
۴۲۴  
۴۲۵  
۴۲۶  
۴۲۷  
۴۲۸  
۴۲۹  
۴۳۰  
۴۳۱  
۴۳۲  
۴۳۳  
۴۳۴  
۴۳۵  
۴۳۶  
۴۳۷  
۴۳۸  
۴۳۹  
۴۴۰  
۴۴۱  
۴۴۲  
۴۴۳  
۴۴۴  
۴۴۵  
۴۴۶  
۴۴۷  
۴۴۸  
۴۴۹  
۴۵۰  
۴۵۱  
۴۵۲  
۴۵۳  
۴۵۴  
۴۵۵  
۴۵۶  
۴۵۷  
۴۵۸  
۴۵۹  
۴۶۰  
۴۶۱  
۴۶۲  
۴۶۳  
۴۶۴  
۴۶۵  
۴۶۶  
۴۶۷  
۴۶۸  
۴۶۹  
۴۷۰  
۴۷۱  
۴۷۲  
۴۷۳  
۴۷۴  
۴۷۵  
۴۷۶  
۴۷۷  
۴۷۸  
۴۷۹  
۴۸۰  
۴۸۱  
۴۸۲  
۴۸۳  
۴۸۴  
۴۸۵  
۴۸۶  
۴۸۷  
۴۸۸  
۴۸۹  
۴۹۰  
۴۹۱  
۴۹۲  
۴۹۳  
۴۹۴  
۴۹۵  
۴۹۶  
۴۹۷  
۴۹۸  
۴۹۹  
۵۰۰  
۵۰۱  
۵۰۲  
۵۰۳  
۵۰۴  
۵۰۵  
۵۰۶  
۵۰۷  
۵۰۸  
۵۰۹  
۵۱۰  
۵۱۱  
۵۱۲  
۵۱۳  
۵۱۴  
۵۱۵  
۵۱۶  
۵۱۷  
۵۱۸  
۵۱۹  
۵۲۰  
۵۲۱  
۵۲۲  
۵۲۳  
۵۲۴  
۵۲۵  
۵۲۶  
۵۲۷  
۵۲۸  
۵۲۹  
۵۳۰  
۵۳۱  
۵۳۲  
۵۳۳  
۵۳۴  
۵۳۵  
۵۳۶  
۵۳۷  
۵۳۸  
۵۳۹  
۵۴۰  
۵۴۱  
۵۴۲  
۵۴۳  
۵۴۴  
۵۴۵  
۵۴۶  
۵۴۷  
۵۴۸  
۵۴۹  
۵۵۰  
۵۵۱  
۵۵۲  
۵۵۳  
۵۵۴  
۵۵۵  
۵۵۶  
۵۵۷  
۵۵۸  
۵۵۹  
۵۶۰  
۵۶۱  
۵۶۲  
۵۶۳  
۵۶۴  
۵۶۵  
۵۶۶  
۵۶۷  
۵۶۸  
۵۶۹  
۵۷۰  
۵۷۱  
۵۷۲  
۵۷۳  
۵۷۴  
۵۷۵  
۵۷۶  
۵۷۷  
۵۷۸  
۵۷۹  
۵۸۰  
۵۸۱  
۵۸۲  
۵۸۳  
۵۸۴  
۵۸۵  
۵۸۶  
۵۸۷  
۵۸۸  
۵۸۹  
۵۹۰  
۵۹۱  
۵۹۲  
۵۹۳  
۵۹۴  
۵۹۵  
۵۹۶  
۵۹۷  
۵۹۸  
۵۹۹  
۶۰۰  
۶۰۱  
۶۰۲  
۶۰۳  
۶۰۴  
۶۰۵  
۶۰۶  
۶۰۷  
۶۰۸  
۶۰۹  
۶۱۰  
۶۱۱  
۶۱۲  
۶۱۳  
۶۱۴  
۶۱۵  
۶۱۶  
۶۱۷  
۶۱۸  
۶۱۹  
۶۲۰  
۶۲۱  
۶۲۲  
۶۲۳  
۶۲۴  
۶۲۵  
۶۲۶  
۶۲۷  
۶۲۸  
۶۲۹  
۶۳۰  
۶۳۱  
۶۳۲  
۶۳۳  
۶۳۴  
۶۳۵  
۶۳۶  
۶۳۷  
۶۳۸  
۶۳۹  
۶۴۰  
۶۴۱  
۶۴۲  
۶۴۳  
۶۴۴  
۶۴۵  
۶۴۶  
۶۴۷  
۶۴۸  
۶۴۹  
۶۵۰  
۶۵۱  
۶۵۲  
۶۵۳  
۶۵۴  
۶۵۵  
۶۵۶  
۶۵۷  
۶۵۸  
۶۵۹  
۶۶۰  
۶۶۱  
۶۶۲  
۶۶۳  
۶۶۴  
۶۶۵  
۶۶۶  
۶۶۷  
۶۶۸  
۶۶۹  
۶۷۰  
۶۷۱  
۶۷۲  
۶۷۳  
۶۷۴  
۶۷۵  
۶۷۶  
۶۷۷  
۶۷۸  
۶۷۹  
۶۸۰  
۶۸۱  
۶۸۲  
۶۸۳  
۶۸۴  
۶۸۵  
۶۸۶  
۶۸۷  
۶۸۸  
۶۸۹  
۶۹۰  
۶۹۱  
۶۹۲  
۶۹۳  
۶۹۴  
۶۹۵  
۶۹۶  
۶۹۷  
۶۹۸  
۶۹۹  
۷۰۰  
۷۰۱  
۷۰۲  
۷۰۳  
۷۰۴  
۷۰۵  
۷۰۶  
۷۰۷  
۷۰۸  
۷۰۹  
۷۱۰  
۷۱۱  
۷۱۲  
۷۱۳  
۷۱۴  
۷۱۵  
۷۱۶  
۷۱۷  
۷۱۸  
۷۱۹  
۷۲۰  
۷۲۱  
۷۲۲  
۷۲۳  
۷۲۴  
۷۲۵  
۷۲۶  
۷۲۷  
۷۲۸  
۷۲۹  
۷۳۰  
۷۳۱  
۷۳۲  
۷۳۳  
۷۳۴  
۷۳۵  
۷۳۶  
۷۳۷  
۷۳۸  
۷۳۹  
۷۴۰  
۷۴۱  
۷۴۲  
۷۴۳  
۷۴۴  
۷۴۵  
۷۴۶  
۷۴۷  
۷۴۸  
۷۴۹  
۷۵۰  
۷۵۱  
۷۵۲  
۷۵۳  
۷۵۴  
۷۵۵  
۷۵۶  
۷۵۷  
۷۵۸  
۷۵۹  
۷۶۰  
۷۶۱  
۷۶۲  
۷۶۳  
۷۶۴  
۷۶۵  
۷۶۶  
۷۶۷  
۷۶۸  
۷۶۹  
۷۷۰  
۷۷۱  
۷۷۲  
۷۷۳  
۷۷۴  
۷۷۵  
۷۷۶  
۷۷۷  
۷۷۸  
۷۷۹  
۷۸۰  
۷۸۱  
۷۸۲  
۷۸۳  
۷۸۴  
۷۸۵  
۷۸۶  
۷۸۷  
۷۸۸  
۷۸۹  
۷۹۰  
۷۹۱  
۷۹۲  
۷۹۳  
۷۹۴  
۷۹۵  
۷۹۶  
۷۹۷  
۷۹۸  
۷۹۹  
۸۰۰  
۸۰۱  
۸۰۲  
۸۰۳  
۸۰۴  
۸۰۵  
۸۰۶  
۸۰۷  
۸۰۸  
۸۰۹  
۸۱۰  
۸۱۱  
۸۱۲  
۸۱۳  
۸۱۴  
۸۱۵  
۸۱۶  
۸۱۷  
۸۱۸  
۸۱۹  
۸۲۰  
۸۲۱  
۸۲۲  
۸۲۳  
۸۲۴  
۸۲۵  
۸۲۶  
۸۲۷  
۸۲۸  
۸۲۹  
۸۳۰  
۸۳۱  
۸۳۲  
۸۳۳  
۸۳۴  
۸۳۵  
۸۳۶  
۸۳۷  
۸۳۸  
۸۳۹  
۸۴۰  
۸۴۱  
۸۴۲  
۸۴۳  
۸۴۴  
۸۴۵  
۸۴۶  
۸۴۷  
۸۴۸  
۸۴۹  
۸۵۰  
۸۵۱  
۸۵۲  
۸۵۳  
۸۵۴  
۸۵۵  
۸۵۶  
۸۵۷  
۸۵۸  
۸۵۹  
۸۶۰  
۸۶۱  
۸۶۲  
۸۶۳  
۸۶۴  
۸۶۵  
۸۶۶  
۸۶۷  
۸۶۸  
۸۶۹  
۸۷۰  
۸۷۱  
۸۷۲  
۸۷۳  
۸۷۴  
۸۷۵  
۸۷۶  
۸۷۷  
۸۷۸  
۸۷۹  
۸۸۰  
۸۸۱  
۸۸۲  
۸۸۳  
۸۸۴  
۸۸۵  
۸۸۶  
۸۸۷  
۸۸۸  
۸۸۹  
۸۹۰  
۸۹۱  
۸۹۲  
۸۹۳  
۸۹۴  
۸۹۵  
۸۹۶  
۸۹۷  
۸۹۸  
۸۹۹  
۹۰۰  
۹۰۱  
۹۰۲  
۹۰۳  
۹۰۴  
۹۰۵  
۹۰۶  
۹۰۷  
۹۰۸  
۹۰۹  
۹۱۰  
۹۱۱  
۹۱۲  
۹۱۳  
۹۱۴  
۹۱۵  
۹۱۶  
۹۱۷  
۹۱۸  
۹۱۹  
۹۲۰  
۹۲۱  
۹۲۲  
۹۲۳  
۹۲۴  
۹۲۵  
۹۲۶  
۹۲۷  
۹۲۸  
۹۲۹  
۹۳۰  
۹۳۱  
۹۳۲  
۹۳۳  
۹۳۴  
۹۳۵  
۹۳۶  
۹۳۷  
۹۳۸  
۹۳۹  
۹۴۰  
۹۴۱  
۹۴۲  
۹۴۳  
۹۴۴  
۹۴۵  
۹۴۶  
۹۴۷  
۹۴۸  
۹۴۹  
۹۵۰  
۹۵۱  
۹۵۲  
۹۵۳  
۹۵۴  
۹۵۵  
۹۵۶  
۹۵۷  
۹۵۸  
۹۵۹  
۹۶۰  
۹۶۱  
۹۶۲  
۹۶۳  
۹۶۴  
۹۶۵  
۹۶۶  
۹۶۷  
۹۶۸  
۹۶۹  
۹۷۰  
۹۷۱  
۹۷۲  
۹۷۳  
۹۷۴  
۹۷۵  
۹۷۶  
۹۷۷  
۹۷۸  
۹۷۹  
۹۸۰  
۹۸۱  
۹۸۲  
۹۸۳  
۹۸۴  
۹۸۵  
۹۸۶  
۹۸۷  
۹۸۸  
۹۸۹  
۹۹۰  
۹۹۱  
۹۹۲  
۹۹۳  
۹۹۴  
۹۹۵  
۹۹۶  
۹۹۷  
۹۹۸  
۹۹۹  
۱۰۰۰

بندہ ملزم برآمد ہو چکا ہے۔  
۱۱۰ نے کہیں پر یہ ثابت نہ کر سکا ہے۔ کہ کنشیل مذکور کا اصل ملزم وہاں نہان کیساتھ مراسم دربارہ چوری شدہ موٹر سائیکل پہلے سے  
وجود تھی۔ ورنہ ہی اس بابت کسی گواہ کا بیان ریکارڈ پر لایا ہے۔ کہ واقعی اصل ملزم نے سلاح مشورے سے چوری شدہ موٹر سائیکل کنشیل  
بناہ فیصل نمبر 1760 کے پاس سنبھال کر رکھا ہے۔ ایسے میں کنشیل مذکور کیلئے سزا تجویز کرنا انصاف کی تقاضی ہے۔

☆ اذا سفارش کیجاتی ہے۔ کہ تا فیصلہ عدالت انکوائری بڑا پیپنڈنگ رکھا جائے۔

ڈی ایس پی کینٹ بنوں

08/06/2015

Heard in person but  
Jaima unsoat's factory  
Dismissed from service  
from the date of suspension  
DPO Bannu.

(5)

واب چارج شیٹ اسٹیٹمنٹ آف الگیشن نمبر (17.04.2015) SRC/40-139 مجاریہ جناب DPO

صاحب بنوں

بنام من کنشیل شاہ فیصل 1760 حال معطل لائن

انزام: میرے خلاف الزام عائد ہے کہ بحوالہ FIR نمبر 167 مورخہ 09/04/2015 جرم  
تھانہ صدر بنوں مسروقہ موٹر سائیکل چیسس نمبر MAF-577671 انجن  
PPC 381-A/41 میرے گھر سے برآمد ہوا۔ جو اس چوری میں من کنشیل ملوث رہا ہے۔

جناب عالی: عائد شدہ الزام کی تردید کرتے ہوئے جواباً مؤدبانہ معروض ہوں کہ مورخہ 09/04/2015

بعد احتتام ڈیوٹی سپورٹس کمپلیکس میں بوقت 7:30PM روٹی کھانے گھر خود آیا۔ جو سپورٹس کمپلیکس سے میرا گھر  
تقریباً 1/2 فرلانگ کے فاصلے پر ہے۔ گھر داخل ہوتے وقت سکول کے خالی میدان میں ایک موٹر سائیکل کھڑی دیکھی  
میں نے خیال کیا کہ شاید ہمارے گھر کوئی مہمان آیا ہے۔ لیکن گھر میں کوئی مہمان نہ تھا۔ میں نے شام کی روٹی  
کھائی۔ باہر نکلا تو موٹر سائیکل بدستور کھڑی تھی۔ میں نے مسیماں ہدایت اللہ ولد گل بیوا و خان اور سید علی رحمن ولد سید ظفر  
علی شاہ سے پوچھا کہ یہ موٹر سائیکل کس کی ہے۔ تو دونوں نے لاعلمی کا اظہار کیا۔ تو اُس وقت رات کے تقریباً 9:00 بج  
ہے تھے۔ میں نے اُن دونوں کو کہا کہ میں موٹر سائیکل کو اپنے گھر کے ڈیوڑھی میں کھڑا کرتا ہوں۔ اگر مالک آئے اور  
پوچھے تو اُسے بتا دینا۔ ایسا نہ ہو کہ کوئی شخص اُسے لے نہ جائے۔ اس لئے موٹر سائیکل اپنے گھر کے ڈیوڑھی میں کھڑی  
کی۔ تقریباً 9:30 بجے رات میرے گھر کے مین گیٹ پر دستک ہوئی۔ میں نے خیال کیا کہ شاید موٹر سائیکل کا مالک آ گیا  
ہے۔ جب باہر نکلا تو SHO تھانہ صدر ہمراہ نفری کھڑا تھا۔ میں نے لمبیک سلیک کیا۔ SHO صاحب نے مجھ سے کہا  
کہ یہاں کوئی موٹر سائیکل تو نہیں تھی۔ میں نے کہا کہ موٹر سائیکل تھی لیکن مالک کا پتہ نہ تھا۔ وہ میں نے اپنے گھر کے  
ڈیوڑھی میں کھڑی کی ہے۔ تو SHO صاحب نے کہا کہ موٹر سائیکل لے آؤ۔ میں نے موٹر سائیکل نکال کر اُسے حوالے  
کی۔ جو اپنے ہمراہی کنشیل کو حوالہ کر کے اپنے ساتھ تھانہ لے گیا۔ اور مجھے بھی اپنے ساتھ موبائیل میں بٹھا کر تھانہ  
لے گیا۔ تھانہ میں کہا کہ صبح آ جائیں۔ میں اگلی صبح تھانہ گیا۔ سارا دن تھانہ میں بٹھائے رکھا۔ میں نے منشی تھانہ سے  
دریافت کیا۔ جس نے مجھے تمام واقعات زبانی بتلائے۔ تیسرے روز صبح عدالت کو پیش کیا اور سنٹرل جیل بنوں بجوایا۔ جو



عدالت سے برتھمانت رہائی ملی۔

علاج لیا! میں خدا کو حاضر و ناظر جانتے ہوئے بیان کرتا ہوں کہ نہ تو اس موٹر سائیکل چوری میں ملوث ہوں، نہ ہی اس شخص کو جانتا تھا۔ جس نے موٹر سائیکل چوری کی تھی۔ جیل میں جب چور سے پتہ کیا کہ ہماری سکول میں موٹر سائیکل کیوں کھڑی کی تھی۔ تو اس نے کہا کہ فنی خرابی کی وجہ سے کھڑی کی تھی۔ SHO صاحب نے میرے ساتھ ظلم کیا ہے اگر میں حقیقت میں اس چوری میں ملوث تھا۔ تو اپنے گھر میں موٹر سائیکل کھڑا نہ کرتا۔ اور SHO صاحب کے پتہ کرنے پر میں موٹر سائیکل تسلیم نہ کرتا۔ میں قرآن پاک پر خلفہ ہمارے ساتھ کو تیار ہوں۔

مقدمہ ہذا میں ملوث نہیں ہوں۔ آپ چونکہ مقدمہ میں بطور بلزم نامزد ہوا ہوں۔ 1973 آئین کی رو سے فیصلہ عدالت سے قبل میرے خلاف حکمانہ کارروائی غیر آئینی ہے۔ لہذا استدعا کرتا ہوں، کہ تا فیصلہ عدالت انکو امری ہذا پنڈنگ رکھی جاوے۔ جیسی صورت حال نکل آئے۔ آفسران بالا آئندہ پیش رفت کرنے کے مجاز ہونگے۔ زبانی عرض معروض کا بھی موقع دیا جاوے۔ ماتحت پروری ہوگی۔

کانشیل شاہ فیصل 1760 حال معتقل لائن

دستخط

تاریخ 29/4/2015

Attested

EO

(5)

⑧

CHARGE SHEET:

I, ABDUR RASHID, District Police Officer, Bannu, as competent authority, hereby charge you Constable Shah Faisal 1760 as follows:-

- That a stolen motorcycle bearing chassis No.MAF 577671 and Engine No.522011 has been recovered from your house being a member of discipline force. as a result of which you have been charge in case vide FIR No.167 dated 09-04-2015 U/S 381-A/411 PPC PS Saddar.
2. By reason of the above you appear to be guilty of misconduct under the police Rules 1975 (Amended vide Khyber Pakhtunkhwa gazette Notification, 27<sup>th</sup> August 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.
3. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.
4. Your written defense, if any, should reach to 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 be taken against you.
5. You are directed to intimate whether you desire to be heard in person.
6. A statement of allegation is enclosed.

*Abdur Rashid*  
(ABDUR RASHID)PSP  
District Police Officer,  
Bannu.

(9)

STATEMENT OF ALLEGATIONS:

I, Abdur Rashid, District Police Officer, Bannu as competent authority, am of the opinion that Constable Shah Faisal 1760 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of police rules (Amended vide Khyber Pakhtunkhwa gazette Notification, 27 the August 2014)

SUMMARY OF ALLEGATIONS:

1. > That a stolen motorcycle bearing chassis No.MAF 577671 and Engine No.522011 has been recovered from his house being a member of discipline force. as a result of which he has been charge in case vide FIR No.167 dated 09-04-2015 U/S 381-A/411 PPC PS Saddar.
2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations DSP/Cantt Bannu is appointed as Enquiry Officer.
3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (17 days) after the receipt of this order.
4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

*Abdur Rashid*  
(ABDUR RASHID) PSP  
District Police Officer,  
Bannu.

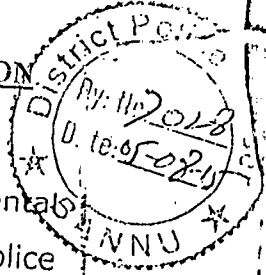
No.139-40/SRC dt. 17-11-2015

Copies to :-

1. The Enquiry Officer(DSP/Cantt Bannu)
2. The Accused Official.

POLICE DEPARTMENT.

BANNU REGION



ORDER.

My this order will dispose off the departmental appeal of Ex: Constable Shah Faisal No. 1760 of Bannu District Police against the Major punishment of his dismissal from service under Police Rules-1975, awarded by DPO/Bannu vide OB: No. 550 dated 19.6.2015 on committing the following omissions:-

- That a stolen motorcycle bearing chassis No. MAF 577671 and engine No. 522011 was recovered from his house being a member of discipline force. As a result of which, he was directed charged in case FIR No. 167 dated 9.4.2015 u/s 381-A/411 PPC PS: Saddar.

Service Record of the appellant was thoroughly perused and the appellant heard in person in orderly room on 4.8.2015 by the undersigned.

I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me, after thoroughly perusal the record and hearing the appellant in orderly room, was not convinced by the appellant about his innocence. Therefore, the order of Major punishment of his dismissal from service, passed by DPO/Bannu vide OB; No. 550 dated 19.6.2015 cannot be interfered, being one in consonance with law. Hence appeal is rejected.

(Muhammad Tahir)PSP  
Regional Police Officer,  
Bannu Region, Bannu.

No. 1712 /EC, dated. 05/08/2015.

Copy to :-

- The District Police Officer, Bannu for information and n/action w/r to his office Memo: 9387 dated 13.7.2015.

*SRE*  
*For info & Compliance*

*[Handwritten signature]*  
*21/8/15*

*[Handwritten signature in a circle]*

(Muhammad Tahir)PSP  
Regional Police Officer,  
Bannu Region, Bannu.

*1.2*  
*05/8/15*

(1760)

ORDER:

This order of the undersigned will dispose off the departmental proceeding, initiated against accused Constable Shah Faisal No.1760, under general proceeding of police rule 1975 (Amended vide Khyber Pakhtunkhwa gazette Notification, 27 the August 2014) for committing the following commissions/omissions.

- 3/
- > That a stolen motorcycle bearing chassis No.MAF 577671 and Engine No.522011 was recovered from his house being a member of discipline force. As a result of which he was charged in case vide FIR No.167 dated 09-04-2015 U/S 381-A/11 PPC PS Saddar.

DSP/Cantt, Bannu conducted the enquiry and after through probe into the allegations, he concluded that stolen motorcycle was really recovered from his house. Hence the allegations leveled against were proved.

Opportunity of personnel hearing was provided to the accused in the orderly room held on dated 08-06-2015, but he badly failed to rebut the charges.

Keeping in view the above I, Abdur Rashid, District Police Officer Bannu in exercise of the power vested in me under police rule 1975 (Amended vide Khyber Pakhtunkhwa gazette Notification, 27 the August 2014), hereby dismiss the accused Constable Shah Faisal No.1760 from the service from the date of suspension i.e 15-04-2015.

OB No. 550  
Dated: 19-06- /2015.

*Abdur Rashid*  
(ABDUR RASHID)PSP  
District Police Officer,  
Bannu.

No. 8406-9 dated Bannu, the 19-6 /2015

Copies to:

- PSW  
Y-✓
1. The Regional Police Officer Bannu Region Bannu for favour of information please.
  2. The SRC, DPO Office, Bannu.
  3. The Pay Officer with the direction to recover the amount of monthly salaries taken by the accused during the suspension.
  4. The OASI, DPO Office, Bannu (along with complete enquiry file).

*Abdur Rashid*  
(ABDUR RASHID)PSP  
District Police Officer,  
Bannu.

(10)

ORDER:

Constable Shah Faisal No. 1760 is hereby placed under suspension due to recovery of stolen motor cycle from his house as evident from DD No. 50 dated 09-04-2015 PS Saddar.

OB No. 369  
Dated 15/04/2015.

*Anashud*  
District Police Officer,  
Bannu.

No. 5858-60 /dated Bannu, the 15/04/2015

Copy of above is submitted to the :-

1. DSP/HQ Bannu.
2. Pay Officer.
3. OASI.

*J*  
District Police Officer,  
Bannu.

*As/SRC*

*اناشود*  
*16/04/15*

ایمان از ان اشعار علیہ السلام صدر در رضا سون کہ میں علامہ ترمذی  
گفتہ یہ جو دریا کہ اس دوران صادر ہوا اوشی لکھی ہو کہ

مصرہ صحت کا حرف ۱/۱۹ ص ۳۸۱ میں نہ صدر کہ ترمذی لکھا  
کہ ہذا جو دریا فون اللامح دلی کہ میں لکھی ہے میں جو دریا

مصرہ صحت کا حرف ۱/۱۹ ص ۳۸۱ میں نہ صدر کہ ترمذی لکھا  
کہ ہذا جو دریا فون اللامح دلی کہ میں لکھی ہے میں جو دریا

مصرہ صحت کا حرف ۱/۱۹ ص ۳۸۱ میں نہ صدر کہ ترمذی لکھا  
کہ ہذا جو دریا فون اللامح دلی کہ میں لکھی ہے میں جو دریا

مصرہ صحت کا حرف ۱/۱۹ ص ۳۸۱ میں نہ صدر کہ ترمذی لکھا  
کہ ہذا جو دریا فون اللامح دلی کہ میں لکھی ہے میں جو دریا

مصرہ صحت کا حرف ۱/۱۹ ص ۳۸۱ میں نہ صدر کہ ترمذی لکھا  
کہ ہذا جو دریا فون اللامح دلی کہ میں لکھی ہے میں جو دریا

مصرہ صحت کا حرف ۱/۱۹ ص ۳۸۱ میں نہ صدر کہ ترمذی لکھا  
کہ ہذا جو دریا فون اللامح دلی کہ میں لکھی ہے میں جو دریا

انظر کتبہ  
۱۱/۱۵

Attested  
[Signature]

بیان اذان جاوید <sup>۱۱۰</sup> فقانہ صدر معروض ہوں۔

کہ تعداد عدل 167 حوزہ 4/9 جم 381A میں ملزم حاضر شدہ  
سمت و ثبوت قاتل کو قتل نہیں <sup>۵۱۵</sup> سید میں <sup>۴۱۱</sup> ضابطہ گرفتار کر کے  
ملزم نے سربراہی اٹھا رکھنے پر عالم بر وقتہ ٹریسٹ سائیکل اذان مدعا کو

شاہ فیصل نامی شخص مکمل کوٹ بیلنگ کے قحجہ میں کھڑا ہوا تھا۔  
جو اس انگسٹاف پر ۱۱۰ صواب جو گیسٹ پر قضا۔ مدار کو قون اطلاع

دیکر طلب کیا۔ جو کچھ دیکر ۱۱۰ صواب نے اگر ملزم وہاں کو  
ہم بے باک پولیس نے حواہ کر کے ملزم کے نشانہ پر دکان اذان

شاہ فیصل جو عدویہ پولیس کانسٹیبل معلوم ہوا، شہے۔ شاہ فیصل کو  
طلب کر کے عالم بر وقتہ ٹریسٹ سائیکل کے بابت دریافت کی گئی

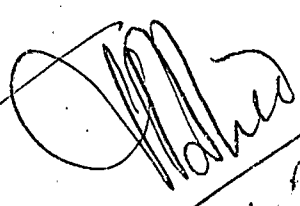
جس نے رضہ کارانہ طور پر ٹریسٹ سائیکل پیش کر کے سرور کے فرد  
فیضہ کی گئی۔ اور یہاں حواہ ٹریسٹ سائیکل ہمارے سکول کے

ساتھ کھڑا تھا۔ جو گھوڑے جا کر کھڑا ہوا تھا۔ اور مجھے معلوم  
تھا کہ یہ ٹریسٹ سائیکل عالم بر وقتہ ہے۔ تاہم تھوڑے کے ساتھ دفع

۴۱۱ لیدر کر کے ملزم کو <sup>پہنچا</sup> ۱۱۰ لے کر گرفتار کر کے  
جیل (سم) بھیجا گیا۔ جو کہ عدالت سے بر ملا ہے

یہ بیان ہے۔

Attested  
میں



JAVED

11/5/05  
No. 1-112/111/15/05

EO



بیان ازاں وقت ماں 17/11/14 پوراں سیکس بیوں

تھانہ صدر عرفان بیوں م موٹھ 4/9 کوئی شہانہ 17/11

سیاسی پرنٹا جوتم باقاعدہ رجسٹر میں درج ہے اور

اس سب کو برائے 1305 - سب انڈیا 1582 کو فائل 1711

موجود ہے اور ڈیوٹی پر ہے بقول طارق انڈیا شہانہ نقل

ڈیوٹی پر تھا اور ڈیوٹی کے دوران کسی قسم کے شکایت نہیں

تھی باقی افسانہ فی اطوار سے دیکھیں بے جبر بیوں پر ہے

بیان ہے جو کیفیت پر نہیں ہے

MWA

14-11-05-17  
17

Attested  
Eo

تاریخ: 10/4/15

(14)

بھارتیہ

مقامی پولیس اسٹیشن، ڈیپو بھارتیہ، 10/4/15

مقامی پولیس اسٹیشن، ڈیپو بھارتیہ، 10/4/15

مقامی پولیس اسٹیشن، ڈیپو بھارتیہ، 10/4/15

مقامی پولیس اسٹیشن، ڈیپو بھارتیہ، 10/4/15

مقامی پولیس اسٹیشن، ڈیپو بھارتیہ، 10/4/15

مقامی پولیس اسٹیشن، ڈیپو بھارتیہ، 10/4/15

مقامی پولیس اسٹیشن، ڈیپو بھارتیہ، 10/4/15

مقامی پولیس اسٹیشن، ڈیپو بھارتیہ، 10/4/15

R/P/15/563  
13-4-15



DSP/HQ

Digout the real facts and report progress.

SRC mml/15/10-4-15

Concerned Pc is placed under suspension with immediate effect.

Amalshid - DPO Banna, 13/04/2015.

Amalshid - DPO/SXA, 10/04

10-4-15





16

فارم نمبر

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شمارہ نمبر 152 مجموعہ ضابطہ فوجداری

تعداد	29	167
نمبر	15	0830
1- تاریخ و وقت رپورٹ	09/05/11	06:00
2- نام و سکونت اطلاع دہندہ مستغیث	محمد بلال بھٹان ولد	381A
3- مزید کیفیت جرم (م. دفعہ) حال اگر کچھ لیا گیا ہو۔	م. دفعہ 302	381A
4- وقوعہ کا صفا نامہ سے اور سمت	م. دفعہ 302	381A
5- م. سکونت جرم	م. دفعہ 302	381A
6- ذرا باری جزئیات متعلق کی نفی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کر	م. دفعہ 302	381A
7- تعداد سے روایتی تاریخ و وقت	م. دفعہ 302	381A

ابتدائی اطلاع - 2011  
 16/05/11  
 0830  
 06:00  
 محمد بلال بھٹان ولد  
 381A  
 م. دفعہ 302  
 م. دفعہ 302  
 م. دفعہ 302  
 م. دفعہ 302  
 م. دفعہ 302