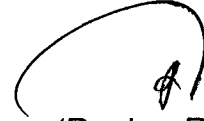


12.05.2022

Appellant present through counsel.

He made a request for adjournment in order to prepare the brief of the case. Adjourned. To come up for preliminary hearing on 19.07.2022 before S.B.



(Rozina Rehman)
Member (J)

19.07.2022

Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 21.09.2022 before S.B.





(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 219/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23/02/2022	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 16.02.2022 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. The same may be entered in the Institution register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	<p><i>5th dated 2/2/22</i></p>	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>12-05-2022</u></p> <p><i>Notices be issued to the appellant and his counsel for the date fixed.</i></p> <p style="text-align: right;"> CHAIRMAN</p>

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
JUDICIAL DEPARTMENT

Writ Petition No.1670-P/2019.

Liaqat Ali

Vs.



Senior Civil Judge, Charsadda and another

Date of hearing **16.02.2022**
Petitioner by: **Mr. Saadullah Khan Marwat, Advocate.**
Respondents by: **Mr. Rab Nawaz Khan, A.A.G.**

JUDGMENT

IJAZ ANWAR, J. For the reasons mentioned in Writ Petition No.1658-P of 2019 titled Noor Shah Ali Versus District & Sessions Judge, Charsadda and others, this writ petition is sent to the Khyber Pakhtunkhwa Service Tribunal, Peshawar for its decision in accordance with law. Parties are directed to appear before the Tribunal on **24.02.2022**.

Announced
16.02.2022


JUDGE

JUDGE

Before the Peshawar High Court Peshawar

CHECK LIST.

Case Title: <i>Jayfat Ali</i>Versus..... <i>Sej & abn.</i>			
1.	Case is duly signed.		
2.	The law under which the case is preferred has been mentioned.	YES	NO
3.	Approved file cover is used.	YES	NO
4.	Affidavit is duly attested and appended.	YES	NO
5.	Case and annexure are properly paged/ numbered according to index.	YES	NO
6.	Copies of annexure are legible and attested. If not, then better copies duly attested have been annexed.	YES	NO
7.	Certified copies of all the requisite documents have been filed.	YES	NO
8.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filed.	YES	NO
9.	Case is within time.	YES	NO
10.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	YES	NO
11.	Court fee in shape of stamp paper is affixed. (for writ Rs.500, for other was required).	YES	NO
12.	Power of attorney is in proper form.	YES	NO
13.	Memo of addresses filed.	YES	NO
14.	List of books mentioned in the petition.	YES	NO
15.	The requisite number of spare copied attached. (Writ Petition-3 Nos, Civil Appeal (SB-1, DB-2) Civil Revision (SB-1, DB-2)).	YES	NO
16.	Case (Revision/appeal/petition etc.) is filed on the prescribed form.	YES	NO
17.	Power of attorney is attested by jail authority (for jail prisoner only).	YES	NO

It is certified that formalities/documents as requires in column 2 to 18 above, have been fulfilled.

Signature. *[Signature]*

Sec Allah Khan Muneer
Advocate Peshawar.

Date: 25/12/2019.

For office use only.

Case No. _____

Case received. _____

Complete in all respect; Yes/No (if No the grounds) _____

Date in court. _____

Date. _____
(Deputy Registrar)

Signature. _____
(Reader)
Countersigned _____

[Signature]
26-2-19

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. 16701/2019

Service Appeal no. 219/2022

Liaqat Ali

versus

SCJ & Others

INDEX

S. No.	Documents Descriptions	Annex	Page #
1	Opening Sheet		A
2	Memo of Writ Petition		1-4
3	Affidavit		5
4	Addresses of Parties		6
5	Copy of FIR dated 31-05-2005	"A"	7-8
6	SCN dated 20-10-2005	"B"	9-10
7	Reply to SCN dated 25-10-2005	"C"	11
8	Charge Sheet & Allegation dated 10-11-2005	"D"	12-14
9	Reply to Charge Sheet dated 15-11-2005	"E"	15-16
10	Statement of Mujeeb-ur-Rehman, 19-01-06	"F"	17
11	Statement of Raham Sher dated 19-01-06	"G"	18
12	Statement of petitioner dated 24-01-2006	"H"	19-20
13	Inquiry report dated 21-02-2006	"I"	21-24
14	Judgment of Special Judge dated 21-08-06	"J"	25-38
15	Dismissal order dated 05-01-2007	"K"	39
16	Representation dated 24-01-2007	"L"	40-43
17	Order of sine die dated 02-11-2007	"M"	44-45
18	Restoration application dated 12-01-2010	"N"	46-47
19	Dismissal order dated 14-01-2010	"O"	48
20	Appeal to Service Tribunal dated 11-02-2010	"P"	49-53
21	Order dated 29-01-2019	"Q"	54
22	Notice		55
23	Court Fee of Rs. 500/=		
24	Wakalatnama		

RE-FILED TO

Deputy Registrar

08 MAR 2019

FILED TODAY

Deputy Registrar

26 FEB 2019

Petitioner(s)

Through

Dated: 23-02-2018

33
 Saadullah Khan Marwat
 Advocate,
 21-A Nasir Mension,
 Shoba Bazar, Peshawar
 Ph: 0300-5872676

59

26 FEB 2019

IN THE PESHAWAR HIGH COURT, PESHAWAR

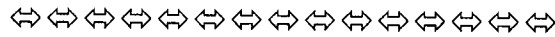
W. P. No. 1670-P / 2019

Service Appeal no. 219/2022

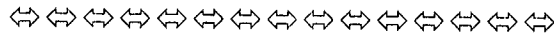
Liaqat Ali S/O Shahkhel
R/O Mirzai Shabqadar,
Ex, Execution Moharrir,
Court of Civil Judge /
Judicial Magistrate,
Shabqadar Petitioner

VERSUS

1. Senior Civil Judge,
Charsaddar.
2. District Judge,
Charsadda Respondent



WRIT PETITION UNDER ARTICLE 199
OF THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973:



Respectively Sheweth:

1. That petitioner was appointed as Execution Moharri and was posted with Senior Civil Judge, Charsadda. At the time of the occurrence he was performing duty with Civil Judge / Judicial Magistrate, Shabqadar.
2. That FIR No. 343 dated 31-05-2005 Police Station Shabqadar u/s 452/506/342/436/477/148/149 PPC wherein no one was charged for the commission of offence, however, one Raham Sher recorded confessional statement in the court where in petitioner along with Noor Shah Ali, Junior Clerk / Moharrir were named as counterparts. Later on the section of law were changed through section 409/436/161/165-A/182 PPC read with 5(2) of the prevention of Corruption Act, 1947.
(Copy as annex "A")

FILED TODAY
Deputy Registrar
26 FEB 2019

- That on implicating of the petitioner in the case, he was served with Show Cause Notice on 20-10-2005 regarding burning of record of some cases which was replied on 25-10-2005 by the petitioner and denied the allegations. (Copy as annex "B" & "C")
4. That on 10-11-2005, petitioner was served with Charge Sheet & Statement of Allegation by Civil Judge Charsadda and not by the Inquiry Officer himself. The Statement of Allegation was replied on 15-11-2005 and denied the same. (Copy as annex "D" & "E")
 5. That on 09-01-2006, statements of Mujeeb-ur-Rehman bailiff, Raham Sher were recorded by the Inquiry Officer when in the meanwhile the court of Special Judge (P) Anti-Corruption, Peshawar initiated criminal proceedings against petitioner etc. (Copies as annex "F", "G", & "H")
 6. That on 21-02-2006, the Inquiry Officer adjourned the enquiry proceeding till the decision of the criminal case. (Copy as annex "I")
 7. That on 21-08-2006, the court convicted petitioner etc for 05 years imprisonment and fine as per the aforesaid judgment. (Copy as annex "J")
 8. That on 05-01-2007, petitioner was dismissed from service with effect from 21-08-2006 retrospectively and not with immediate effect as per law, rules and judgment. (Copy as annex "K")
 9. That on 24-01-2007, petitioner submitted appeal before R. No. 02 which was adjourned sine die on 02-11-2007 as the subject matter was subjudice before the higher forum for decision and after decision, the case of appellant shall be restored on his application as and when the same is submitted. (Copies as annex "L" & "M")
 10. That on 12-01-2010, petitioner submitted application before R. No. 02 for restoration and decision of the departmental appeal, which was after restoring the same, dismissed on 14-01-2010. (Copies as annex "N" & "O")
 11. That thereafter, petitioner filed appeal before Service Tribunal on 11-02-2010 which was returned vide order dated 29-01-2019 to seek remedy before appropriate forum as per the reported judgment, 2016 SCMR 1206. (Copy as annex "P" & "Q")

Hence this Writ Petition, inter alia, on the following grounds:

FILED TODAY
 Deputy Registrar
 26 FEB 2019



GROUND:

- a. That petitioner has more service than 14 years in his credit and no benefit of the rendered services were ever given to him.
- b. That on perusal of the record, it is quite clear that the enquiry was not conducted in accordance with the rule on the subject. Petitioner was behind the bar since 23-08-2005 till 14-11-2006. The Inquiry Officer did not visit him in Jail to either record statement of witnesses if any, or to provide him opportunity of defence.
- c. That it was obligatory for the authority to serve petitioner with Final Show Cause Notice and to supply him all the enquiry proceedings to enable him to submit comprehensive reply but such mandatory requirement was ignored which vitiates all the proceeding to be null and void.
- d. That one Mujeeb-ur-Rehman bailiff of the court of R. No. 01 who was in equal footing with other counterparts was made approver and petitioner etc. were dealt with severely and as per the judgments all similarly placed persons will be dealt with similarly and equally on similar charges but PW-4 Mujeeb-ur-Rehman was exonerated from the charges and is serving the court of R. No. 01 as bailiff till date while petitioner was dismissed from service, thus discriminated.
- e. That criminal and departmental action as per the judgments of the apex Supreme Court of Pakistan can go side by side even at variance decisions, yet in the case in hand, the original as well as appellate authority did not adhere to law, yet mandatory requirement in the departmental action was not observed.
- f. That Show Cause Notice and Statement of Allegations were served upon the petitioner by R. No. 01 himself and not the Inquiry Officer. This glaring illegality vitiates all the proceedings to be null and void and then the impugned order becomes void-ab-initio.
- g. That original as well as appellate orders were not made in accordance with law but with ulterior motive, so are illegal, improper, unjust, without lawful authority and of no legal effect. Hence liable to be reserved.

LED TODAY
 Deputy Registrar
 26 FEB 2019

It is, therefore, most humbly prayed that on acceptance of the Writ Petition, in exercise of the extraordinary constitutional jurisdiction, this Hon'ble Court be pleased to:

- a. Declare order dated 05-01-2007 and 14-01-2010 of R. No. 01 and 02 to be illegal, improper, unjust, malafide, discriminatory, without lawful authority and of no legal effect.
- b. Direct the authority to reinstate petitioner in service with all consequential benefits of service;


AND / OR

- c. Any other writ / order / direction deemed proper and just in the circumstances of the case may also be issued / order / given.

Petitioner(s)

Through


Saadullah Khan Marwat


Amjad Nawaz
Advocates

Dated 23-02-2019

LIST OF BOOKS:

1. Constitution.
2. 2016 SCMR 1206
3. 2008 PLC (CS) 609

FILED TODAY
Deputy Registrar
26 FEB 2019

CERTIFICATE:

As per instructions of my client, certified that no such like Writ Petition was earlier filed by the petitioner before this Honorable Court.
(D.B Case)


Advocate

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. -P / 2019

Liaqat Ali

versus

SCJ & Others

AFFIDAVIT

I, Liaqat Ali S/O Shahkhel R/O Mirzai Shabqadar, do hereby solemnly affirm and declare that the contents of the **Writ Petition** are true and correct to the best of my knowledge and belief.

Identified By:

Saad Ullah Khan

Saad Ullah Khan

Advocate

Li
 DEPONENT
 CNIC#: 17101-4386574-1
 Cell No. 0345-9179121

No. 21979
 Certified that on
 affirmed on solemnly
 day of Feb 25
 s/o Shahkhel Liaqat Ali
 who is personally known to me
 Saad Ullah Khan

FILED TODAY
 Deputy Registrar
 26 FEB 2019

25/2/19
 Verified



قومی شناختی کارڈ
 17101-4386574-1
 تاریخ پیدائش: March 17, 1970
 219107742384377
 عمران یوسف خان
 گشتہ کارڈ لینے پر قریبی ایجنس میں نوال دیں۔
 دہکھارہ جیل

قومی شناختی کارڈ
 17101-4386574-1
 تاریخ پیدائش: 17/11/2025
 219107742384377
 عمران یوسف خان
 گشتہ کارڈ لینے پر قریبی ایجنس میں نوال دیں۔
 دہکھارہ جیل

Census 1998 Database

The individual exists in the census database as شاه لیاقت علی خان father's name and date of birth "March 7, 1970" current address چارسدہ چارسدہ میروزہ ای جمال

Other Information that does not appear on card

Place of Birth چارسدہ

Religion Islam

Mother's Name ماندارہ

Digital Signature



IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. _____ / 2019

Liaqat Ali

versus

SCJ & Others

ADDRESSES OF PARTIES

Petitioner:

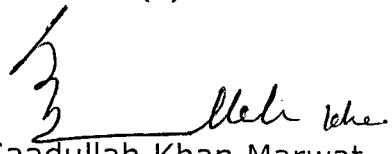
Liaqat Ali S/O Shahkhel
R/O Mirzai Shabqadar,
Ex, Execution Moharrir,
Court of Civil Judge /
Judicial Magistrate,
Shabqadar

Respondents:

1. Senior Civil Judge,
Charsaddar.
2. District Judge,
Charsadda

Petitioner(s)

Through


Saadullah Khan Marwat

Advocate

Date: 23-02-2019

FILED TODAY
Deputy Registrar
26 FEB 2019

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ شاہراہ نو چکداری

شعبہ _____

تاریخ و وقت درج کی _____

343

پورٹ _____

لاہور دہندہ دستخط _____

بیم (معدومہ) حال اگر کچھ ایسا یاد _____

عناصلہ تقاضا سے اور دست _____

دقت ملزم _____

جو تفتیش سے متعلق کسی بھی اگر اطلاع درج _____

میں توقف ہوا تو وجہ بیان کرو۔ _____

سے روایتی کی تاریخ و وقت _____

بدرستی تمہاری رپورٹ مندرجہ ذیل پر مبنی ہے۔

ابتدائی اطلاع کے درج کرنے کی اس وقت ایک تمہاری رپورٹ کے اراں شہر پارک
 ولد شاہجیان سنگھ کو مندرجہ ذیل کے متعلقہ حالات کو کچھ ایسا یاد ہے کہ وہ اپنے مقصد کے لئے شاہراہ نو چکداری
 احمد ظن سول جج جوڈیشل کمپلیکس میں تشریف لائے تھے۔ تشریف لے کر شاہراہ نو چکداری کے ناٹک کورٹ پہنچے
 جوڈیشل کمپلیکس میں تشریف لائے۔
 To The SHO shahzadar subject Registration.
 of FIR Memo find enclosed herewith the statement of chokidar
 namely, sheharat Khan regarding mischief with respect to the
 record of the court lying in the office of The Moharrir of the
 Court by breaking open the doors of the office putting all the
 case files and putting fire to the same. It is therefore
 required that FIR be registered in respect of the subject
 statement of Sheharat Khan s/o Shah Jehan, R/o Kotak Shahzadar. Posted a
 chokidar in civil court. Shahzadar. Stated that on the night
 occurrence at about 1-30 AM 31-5-05 I was present in the
 premises of the court where I noticed some noise in the
 corner of the premises of the court. I came there where

Handwritten signature

FIR 31-5-05

some 4/5 Persons overpowered me and muffled my face with a piece of cloth. the said unknown Persons climbed over the roof of the court room passing me through the adjacent mosque for outside and boarded me in a car parked somewhere outside the Premises of the court. After some while they made me came down from the car forcibly walked me for some time They made me sit in an unknown Place. After some time some other Persons came and told the others that they have got the work done. The said unknown Persons against took me some where else and put me down leaving my face muffled and hands cuffed. During morning time some kids passed there who opened my face and hands then I came to the court where I found the doors of the office of the Mohaxir of the court broke open and the record of the court burnt. I went to the P.S and informed the local Police.

دستبرد اول نشان انگلوسٹ شہر پارکس کاروائی قائم ہو کر
 تیسری رپورٹ کے صرف ہدف دن چالہ ہو کر یہیں بھیج دیا جائے کہنگ بقول پیر جہاں
 نوزن لکھنؤ والے اپنی وارہ انٹرنیشنل شاپ کے ساتھ ہیں پیر جہاں

SOR
 31-5-05

دستخط

عہدہ

نوٹ: اطلاع کے نیچے دہندہ کا دستخط ہوگا۔ یا اس کی مہر نشان لگایا جائے گا اور افسر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہے۔
 زروف الفبایا روشنائی سے یا مقابل نام ہر ایک ملزم یا مشتہر علی الترتیب واسطے باشندگان علاقہ یا وسط اسیاء یا افغانستان جہاں
 موزوں ہو دیکھنا چاہیے۔

محمد علی
 [Signature]

B 9 20.10.05
OFFICE OF THE CIVIL JUDGE/JUDL: MAGST: CHARSADDA.

No. 454 /CJ/JM, Charsadda.

Dated: 20.10.2005

To,

Mr. Liaqat Ali,
Execution Moharrir,
To the Court of Civil Judge/JM,
Shabqadar.

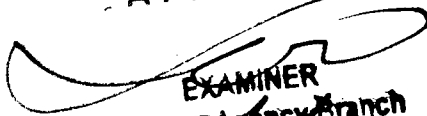


SUBJECT: SHOW CAUSE NOTICE.

Pursuant to the report of Civil Judge/Judicial Magistrate, Shabqadar, you attached to his Court stood involved in a criminal case vide FIR No. 343 dated 31.5.2005 registered u/s 452 / 477/433/342/506/148/149 P.P.C at F.S Shabqadar and has been arrested by the local police under the said offences for setting on fire and causing damage to the public property i.e. Record Room of the Court of Civil Judge/JM, Shabqadar. You are therefore, served with this Show cause Notice for your involvement in a criminal case. You are directed to explain your position that as to why disciplinary action should not be initiated against you under the NWFP (E & D) Rules, 1973 on the afore said allegations.

Your reply should reach to this Court within seven days positively after receipt of this Show Cause Notice, failing which, you shall be

ATTESTED


EXAMINER
Copying Agency Branch
Court of Dist & Sessions Judge
Charsadda

(Contd.... On 1

(12)

proceeded against in accordance with law.

Manzoor Qadir
(MANZOOR QADIR)
Civil Judge/Judl. Magistrate/
Inquiry Officer,
Charsadda.

20.10.05

Copy forwarded for information to the:-

- 1. Hon'ble Distt: & Sessions Judge, Chd:
- 2. Learned Senior Civil Judge, Charsadda.
- 3. Learned Civil Judge/JM, Shabqadar.
- 4. Service Record of the Official concerned.
- 5. Office Copy.

Manzoor Qadir
(MANZOOR QADIR)
Civil Judge/Judl: Magistrate,
Inquiry Officer,
Charsadda.

20.10.05

Handwritten Urdu notes:
کاپی منجانب سے
محکمہ ایجنسی
کے ذریعے
محکمہ سیشن جج
کے پاس
بجایا گیا ہے

Handwritten signature
ATTESTED
EXAMINER
Copy to Agency Branch
Court of Distt. & Sessions Judge
Charsadda

C

11

25-10-05

To

The Civil Judge / JM / Inquiry Officer,
Charsadda.

REPLY TO SHOW CAUSE NOTICE

16



My reply to Show Cause Notice bearing No. 454/ CJ / JM
Dated: 20/10/2005 is to the following effect:-

- 1. That: I was/is serving as Execution Moharrir in the court of learned Civil Judge / Judicial Magistrate, Shabqadar and performing my duties to the best of my knowledge and ability and also honestly.
- 2. That: unfortunately the Record Room of the said-court was set on fire by some unknown element (s) for which firstly Shahriyar Chowkidar was involved and arrested.
- 3. That: later on, it was under pre-plan that one Raham Sher, who is totally stranger to me, was managed by the local Police at the instance of his enemies, who willingly or unwillingly recorded his statement U/S 164/363 Cr PC, wherein I alongwith Noor Shali Moharrir were falsely involved for the commission of offence.
- 4. That I am innocent and have committed no offence. The charges leveled against me are totally false and fabricated because I cannot even think of such like act(s), what to talk of its doing.

It is, therefore, requested that, my reply may kindly be considered sympathetically and judiciously keeping in view my brilliant past service record. Please.

Dated:- 25.10.2005.

Yours Obediently,

ATTESTED

EXAMINER
Copying Agency Branch
Court of Distt & Sessions Judge
Charsadda.

(LIAQAT ALI)

Execution Moharrir in the court of CJ/JM.
Shabqadar, now confined in Sub-Jail.
Charsadda.

D 12

10-11-05

CHARGE SHEET.

I, Manzoor Qadir Mehmood, Civil Judge/

(14)

Judl: Magistrate, Charsadda, duly appointed Authorized
Officer vide order dated 26.8.2005 of the Learned Senior
Civil Judge, Charsadda, do hereby charge you accused
Official Liaqat Ali, Execution Moharrir as under:-

Firstly:- That you official involved in a criminal
case registered against you vide case FIR No. 343 dated
31.5.2005 u/s 452/477/436/342/506/148/149 P.P.C at P.S
Shabqadar.

Secondly:- That you was served with a show cause
notice for your involvement in a criminal case by the
undersigned vide letter No. 454/CJ/JM, Charsadda dated
20.10.2005.

Thirdly:- That in response to the above show cause
notice dated 20.10.2005, you have submitted your reply
dated 25.10.2005 which was received by the undersigned
on 10.11.2005 and was found unsatisfactory, having regard
to the grave nature of the allegations against you,
which also tentamounts to gross misconduct and indis-
cipline under the NWFP Govt: Servants (E&D) Rules, 1973.

ATTESTED

EXAMINER
Copy to A.C. Branch
Court of Dist. Sessions Judge
Charsadda

(C/P-2)

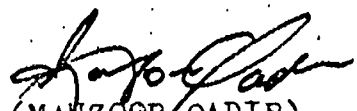
15

and I, being Authorized Officer call upon you accused official to show cause as to why one or more penalties as enumerated under Section 4 of the Govt: Servants (E.D) Rules 1973 should not be imposed upon you.

Your reply should reach to the undersigned within 7 days from the receipt of the communication of the charge and statement of allegations, failing which, ex-parte action will be initiated against you.

You are also required to state whether you wish to be heard in person. A statement of allegations is also enclosed herewith.

Dated: 10.11.2005.



(MANZOOR QADIR)
Civil Judge/Judl: Magistrate,
Charsadda.

10/11/05

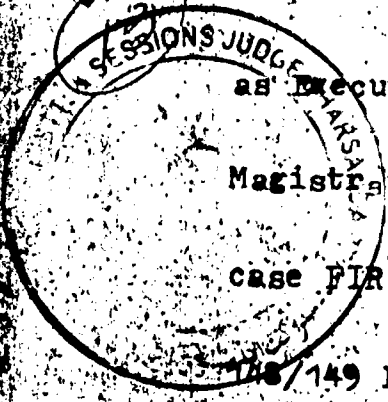
ATTESTED



EXAMINER
Copying Agency Branch
Court of Distt & Sessions Judge
Charsadda

14
10-11-05

STATEMENT OF ALLEGATIONS.



Whereas, you accused/official Liaqat Ali as Execution Moharrir in the Court of Civil Judge/Judl: Magistrate, Shabsadda, involved in a criminal case vide case FIR No. 343 dated 31.5.2005 u/s 452/477/436/3A2/506/123/149 P.P.C at P.S Shabsadda.

And whereas, you was served with a show cause notice for your involvement in a criminal case by the undersigned vide letter No. 454/OJ/JM, Charsadda dt: 20.10.2005.

And whereas, you in response to the above showcause notice dated 20.10.2005 submitted your reply dt: 25.10.2005 which was received by the undersigned on 10.11.05 and was found unsatisfactory, having regard to the grave nature of the allegations against you, which also tentamounts to gross misconduct and indiscipline as defined under the NWFP Govt: Servants (R&D) Rules 1973.

And I, being authorized officer, direct you accused official to appear before me on 17.11.05 to explain and answer the allegations levelled against you and put in your defence. You are also required to state whether you wish to be heard in person.

Dt: 10.11.2005 **ATTESTED**

(Signature)
(MANZOOR QADIR)
Civil Judge/Judl: Magistrate/
Authorized Officer,
Charsadda.

(Signature)
EXAMINER
Conv. to a new branch
Court of Civil Judge
Charsadda

10-11-05

7. That I desire to be heard in person and also to engage for my defence.

Keeping in view the above narrated facts and circumstances, my involvement in the criminal case, referred to above, is based on no evidence, as record reveals, as such while considering my reply to the Charge Sheet and Statement of Allegation sympathetically and legally the same charge sheet and statement of allegation may be dropped. Please.

Dated. 15-11-2005

Yours Obediently,

Sd/-
LIAQAT ALI
Execution Moharrir to
the court of -
Shabqadar, now confined
in sub-Jail, Charsadda.

Liaqat Ali

Keeping in view the above narrated facts and circumstances, my involvement in the criminal case, referred to above, is based on no evidence, as record reveals, as such while considering my reply to the charge sheet and statement of allegations sympathetically and legally the same charge sheet and statement of allegations may be dropped, please.

18

Dated 15/11/2005

Yours Obediently

Liaqat Ali

(LIAQAT ALI)

Execution Moharrir to the Court of CJM
Shabqadar, now confined in Sub-Jail,
Charsadda.

ATTESTED

[Signature]

EXAMINER

Copying Agency Branch
Court of Distt & Sessions Judge
Charsadda

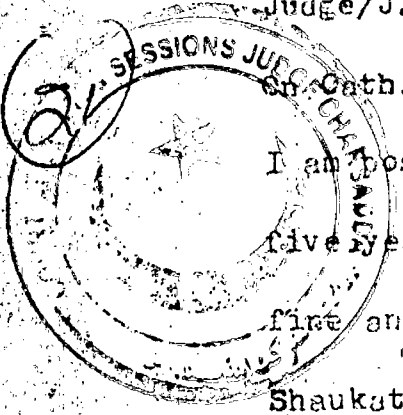
E

17

19.1.06

A.W-1

Statement of Mujib Ur Rehman Bailiff in the Court of Civil Judge/J.M, Shabqadar.



Sr. Cath.

I am posted as Bailiff in the court of civil Judge, since five years. On 31.5.2005 the Court record was destroyed by fire and a proper case was registered The Illaga Magistrate Shaukat Khan was busy in inquiry in the said matter. Liaqat Moharrir of the Court told me that to inform Reham Sher about the inquiry and whole proceedings in respect of the mischief dated 31.5.2005. After two days I delivered Liaqat Ali message to Reham Sher in Sro Killay Petrol Pump. I did not informed the Liaqat about the message.

XXX.....On 23.5.2005 I have been brought to the P.S Shabqadar on the pretext that I was required by the Civil Judge Shabqadar regarding the election. In the P.S I have been tortured for the whole night. Then I was taken to P.S Sarderri wherein I spent two nights. Where I was not tortured. Then I was brought to P.S Shabqadar again, wherein I was again tortured. I have been produced before the Magst: in the handcuffs and my statement was recorded u/s 161 Cr.P.C which is correct.

RO & AC

Dt: 19.1.2006.

(Signature)
(MANJOOR QADIR)
Civil Judge/J.M/Inquiry Officer,
Charzadda.

19.1.06

ATTESTED
(Signature)
2 EXAMINED
Copying Agency, District
Court of Dist & Sessions Judge
Charzadda.

G - 18
19.1.06
A.W-2

Statement of Raham Sher S/O Sher Mohammad aged about 55/56 years
R/O Alizai.

(22)
On Oath.

I am accused in case FIR No. 342 dated 31.5.2005 u/s 436/452/409
E.P.C/ 5(2) anti corruption Act P.S Shabadar. My remand was not
obtained, however, I was produced to Illaha Magistrate after 4/5
days, where in I did not confessed my guilt. My thumb impression
was obtained on a blank paper. My civil case was under trial in
the Court of Illaha Magistrate, Shabadar. List facing inquiry is
well known to me as I usually attend my dates in respect of my
civil cases. I know nothing further.

XXX.....Nil, opportunity given.

RO & AC

Dt: 19.1.2006.

(Signature)
(MANZOOR QADIR)
CJ/JM/Inquiry Officer, Charsadda.


19.1.06

ATTESTED

(Signature)
EXAMINER
Copying Agency Branch
Court of Dist & Sessions Judge
Charsadda

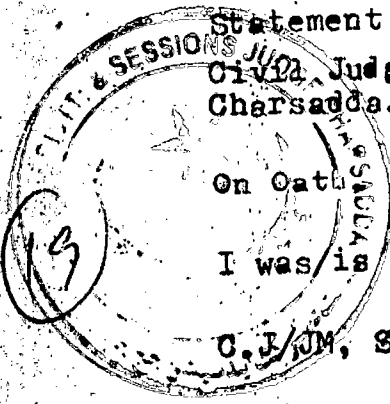
197
Date of Application 16/1/1979
Name of Applicant Mrs. S. S. S. S.
Words 8400
Fee _____
Urgent Fee _____
Signature of Applicant _____
Date of Preparation 27/1/1979
Date of Delivery 27/1/1979

Examined/Master
Copy & Adm. Branch
Court of Dist. & Session Judge
Chairsadda

Certified to be true copy


H

19
24-1-06



Statement of Liaqat Ali, Execution Moharrir in the Court of Civil Judge/Judl: Magistrate, Shabqadar, Presently Sub-Jail, Charsadda.

On Oath

I was/is serving as Execution Moharrir in the Court of Learned C.J/M, Shabqadar and performing my duties to the best of my

knowledge, ability and with honesty and to the entire satisfaction of my officials. Un-fortunately the record room of the said Court was sent on fire by some un-known elements for which firstly, Sehehriyar Chowkidar was arrested. Later on under pre-planned that one Raham Sher who was totally strange to me was managed by the local police at the instance of his enemies who un-willingly recorded his statements u/s 164 CrPC wherein I alongwith Noor Shali Moharrir were firstly involved for the commission of the offence. I am innocent and committed no offence. Both the witnesses under inquiry have not deposed against me and their statements clearly shows that the local police has obtained their statements through torture and undue influence, therefore, the charges levelled against me are totally false and fabricated, because, I cannot think even of such like things. Therefore, keeping in view my brilliant past service, I may kindly be absolved from the charges levelled against me and be exonerated from this inquiry and be re-instated.

h.d
24-1-06

XXXX.... In my presence the local police of P.S Shabqadar has not obtained the statements of Raham Sher and Mujib Ur Rehman forcibly. In my presence when I was in custody, Mujib Ur Rehman was tortured by the local police. It is correct that cases of

EXAMINER
Court of Dist & Sessions Judge
Charsadda

Raham Sher was pending in the Civil Court Shabqadar which was

.....
in my custody. Witness voluntarily stated that we three Moharir
were working jointly in the Court of Civil Judge, Shabqadar.
I belong to Shabqadar, village Mirzai.

RO & AC

Dt: 24.1.2006.

(Signature)
(MANZOOR QADIR)
CJ/JM/Inquiry Officer, Chd:
24.1.06

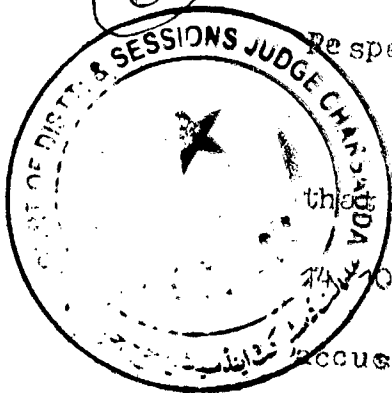
ATTESTED
(Signature)
ZAMINER
Coping Agency Branch
Court of Dist & Sessions Judge
Charsadda

"I"

21

21.2.06

ENQUIRY REPORT AGAINST THE ACCUSED/OFFICIAL NAMEDLY LIAQAT ALI, EXECUTION MOHARRIR IN THE COURT OF CJ/JM, MR. SHAUKAT KHAN, SHABQADAR.



Respected Sir,

With due respect, it is hereby submitted that the undersigned received the instant inquiry on 21.2.2005. After conducting the inquiry against the accused official, I have the honor to submit the detail report with my recommendation at the end.

BRIEF FACTS.

Brief facts of the present inquiry are that, accused official Mr. Liaqat Ali, Execution Moharir attached to the Court of Mr. Shaukat Khan, Civil Judge/Judl: Magistrate, Shabqadar stood involved in a criminal case vide FIR No. 434 dated 31.5.2005 registered u/s 452/477/436/342/506/148/149 PPC at P.S Shabqadar and has been arrested by the local police under the said offences for setting on fire and causing damage to the public property i.e Record Room of the Court of Civil Judge/Judl: Magistrate, Shabqadar.

As such, the undersigned was appointed as Authorized Officer to conduct enquiry into the matter under the E & D Rules-1973, vide Office Order No. 401/SCJ/JM, Chd: dated 26.2.2005, issued by the Learned Senior Civil Judge, Charsadda, Mr. Safi Ullah Jan.

ATTESTED

EXAMINER
Coping Agency Branch
Court of Dist & Sessions Judge
Charsadda

(C/F-2)

2007 Civil Judge
Magistrate Charsadda

21-22

Bettsey

**ENQUIRY REPORT AGAINST THE ACCUSED/OFFICIAL NAMED LIAQAT ALI,
EXECUTION MOHARRIR IN THE COURT OF CJ/JM, MR. SHAUKAT KHAN,
SHABQADAR.**

Respected Sir,

With due respect, it is hereby submitted that the undersigned received the instant inquiry on 14-10-2005. After conducting the inquiry against the accused official, I have the honour to submit the detail report with my recommendation at the end.

BRIEF FACTS.


Brief facts of the present inquiry are that, accused official Mr. Liaqat Ali, Execution Moharrir attached to the court of Mr. Shoukat Khan, Civil Judge/Judicial Magistrate, Shabqadar stood involved in a criminal case vide FIR No. 434 dated 31-05-2005 registered u/s 452/477/436/342/506/148/149 PPC at P.S Shabqadar and has been arrested by the local police under the said offence for setting on fire and causing damage to the public property i.e. Record Room of the Court of Civil Judge/Judicial Magistrate, Shbaqadar.

As such, the undersigned was appointed as authorized Officer to conduct enquiry into the matter under the E&D Rules-1973, vide officer order No. 401/SCJ/JM, Chd: dated 26-08-2005, issued by the learned Senior Civil Judge, Charsadda, Mr. Safi Ullah Jan.

After receiving the enquiry on 14-10-2005, the accused/official was served with a Show Cause Notice No. 454/CJ/JM, Charsadda dated 20-10-2005 along with statement of allegations, to which the accused/official submitted his reply dated 25-10-2005, wherein he denied the allegations leveled against him, however, reply of the accused/official was formally charge sheeted on 10-11-2005. Accordingly he submitted his reply/where-in he denied the charges leveled against him.

There after the accused/official was given opportunity to produce evidence in his support, who availed this opportunity and produced Mujib Ur Rehman Bailiff of CJ/JM, Shabqadar as AW-1, while statement of Reham Sher S/O Sher Mohammad was recorded as AW-2.

A.W-1, Mujib Ur Rehman Bailiff, he stated on oath that I am posted as Bailiff in the court of CJ, Shabqadar since five years. On 31-05-2005 the court record was destroyed by fire and a proper case was registered. Further stated that Illaqa Magistrate, Mr. Shoukat Khan was busy in enquiry in the said matter. Further stated that Liaqat Moharrir of the court told me that to inform Raham Sher about the inquiry and whole proceedings in respect of the mischief dated 31-05-2005. This A.W-1 Further stated that after two days I delivered Liaqat Ali (PTO)



22

7

After receiving the enquiry on 14.10.05, the accused/official was served with a show cause notice No. 454/CJ/JM, Charsadda dated 20.10.2005 alongwith statement of allegations, to which the accused/official submitted his reply dated 25.10.2005, wherein he denied the allegations levelled against him, however, reply of the accused/official was found un-satisfactory. Therefore, the accused/official was formally charge sheeted on 10.11.2005. Accordingly he submitted his reply/wherein he denied the charges levelled against him .

There after the accused/official was given opportunity to produce evidence in his support, who availed this opportunity and produced Mujib Ur Rehman Bailiff of CJ/JM, Shabqadar as AW-1, while statement of Raham Sher S/O Sher Mohammad was recorded as AW-2.

A.W-1, Mujib Ur Rehman Bailiff, has stated on oath that I am posted as Bailiff in the Court of CJ, Shabqadar since five years. On 31.5.2005 the Court record was destroyed by fire and a proper case was registered. Further stated that Illaq Magistrate, Mr. Shaukat Khan was busy in enquiry in the said matter. Further stated that Liaqat Moharrir of the Court told me that to inform Raham Sher about the inquiry and whole proceedings in respect of the mischief dated 31.5.2005. This A.W-1 further stated that after two days I delivered Liaqat Ali

ATTESTED

EXAMINER
 Coping Agency Branch
 Court of Dist. & Sessions Judge
 Charsadda

(C/P-3)

[Handwritten Signature]
 CIVIL Judge, Judicial
 Magistrate Charsadda

(8)

message to Reham Sher in Sro Killay Petrol Pump. Also stated that I did not informed the Liaqat about the message .

A.W-2 is the statement of Reham Sher S/O Sher Mohammad, wherein he stated on oath that I am accused in case FIR No. 342 dated 31.5.2005 u/s 436/452/409 PPC/5(2) Anti Curroption Act of P.S Shabqadar. Further stated that my remand was not obtained, however, I was produced to Illaqa Magistrate after 4/5 days wherein I did not confessed my guilt and my thumb-impresion was obtained on a blank paper. Further stated that my civil case was under trial in the Court of Illaqa Magistrate, Shabqadar. This A.W-2 also stated that liaqat facing inquiry is well known to me as I usually attend my dates in respect of my civil cases. Further stated that I know nothing further.

[Handwritten signature]
Civil Judge
Magistrate, Ch...

While statement of the accused/official Liaqat Ali was also recorded on 24.1.2006.

As the accused/official Liaqat Ali is charged in case FIR No. 434 dated 31.5.2005 u/s 452/477/438/342/506/148/149 PPC at P.S Shabqadar and has been arrested by the local police in the said offence on for setting/fire and causing damages to the public property i.e Record Room of the Court of CJ/JM, Shabqadar.

ATTESTED

As the trial is under process and any opinion of the

EXAMINER
Cooping Agency Branch
Court of Dist & Sessions Judge
Shabqada
[Handwritten signature]

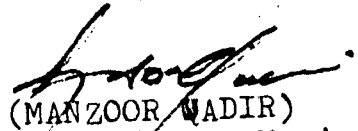
(C/P-4)

24

9

undersigned at this stage would either benefited the
accused/official or would effect the pending trial.

Therefore, the inquiry is hereby adjourned till the
decision of the trial.



(MANZOOR WADIR)
Civil Judge/Judl: Magistrate,
Charsadda.

21-2-06

ATTESTED

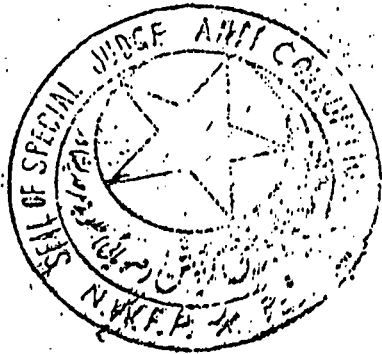


EXAMINER
Copying Officer Branch
Court of Dist & Sessions Judge
Charsadda

In the Court of Senior Special Judge, Anti-Corruption NWFP,
Peshawar.

Case No.40 of 2005.

Date of Decision. 21-8-2006



State Versus:-

- ✓ 1. Liaqat Ali S/O Shakhel,
R/O Mirzai, Ex-Moharrir,
Court of Judicial Magistrate,
Shabqadar.
- ✓ 2. Noor Shah Ali S/O Jamroz,
R/O Sokhtar, Ex-Moharrir,
Court of Judicial Magistrate,
Shabqadar.
- 3. Raham Sher S/O Sher Muhammad,
R/O Hajizai, now at Akbar Filling
Station,
Saro Kalay.
- 4. Sheharyar S/O Shah Jehan,
R/O Kotak Tarnao, Chowkidar,
Court of Judicial Magistrate,
Shabqadar.
- 5. Sajjad (alias) Manay,
S/O Purdil, R/O Haleemzai,
District Charsadda.


ATTESTED

EXAMINED
Court of Special Judge
Anti-corruption
NWFP, Peshawar.
23/8/06

Case FIR No.343 Dated 31.5.2005 U/S 409/436/161/165-
A/182/PPC read with section 5(2)PC Act of P.S. Shabqadar,
Charsadda.

Judgment:-

Present case pertains to the court of Civil Judge, Shabqadar, District Charsadda. According to the initial information recorded on 31.5.2005, when Shaukat Ahmed Khan Civil Judge, Shabqadar reached the court in the morning, Rahim Dad peon informed him


SPECIAL JUDGE
Anti-Corruption
Peshawar
21-8-06

that the court record had been burnt that night. The presiding officer summoned Sheharyar chowkidar and recorded his statement Ex.PW1/1. He stated that in the night of occurrence, while on duty, at about 1.30 AM he noticed a noise from corner of the court premises and when he approached he was over-powered by some 4/5 persons who muffled him and put him in a car present outside and took him away to an un-known place and after some time another person informed these persons that they had got the work done. He was then taken to some-where else and left him handcuffed and muffled. That in the morning some passer-by kids released him and when he reached to court he found door of moharrir office broken open and record of the court burnt. According to this ^{Statement} Sheharyar went to the police station and informed the local police.

The Presiding officer forwarded this statement of Sheharyar chowkidar under his covering letter Ex.PW1/2, to the police station for registration of case. This report was taken as first information and case was registered as FIR No.343 Ex.PA u/s 452/506/342/436/477/148/149/PPC relying upon the information provided by Sheharyar.

Sheharyar chowkidar was arrested as suspected offender. On the following day i.e. 1.6.2005, Sheharyar disclosed that the narrations that he made to the Presiding Officer and incorporated in the FIR were concocted and actually he was not present on duty during the eventful night. His statement u/s 161 Cr.PC. was taken after three days in custody.

In course of investigation, police got a clue that one local proclaimed offender Ashfaq was behind the incident, and that he and his brother Adnan were on friendly terms with Raham Sher, chowkidar of a filling station in village Sarokalay. In course of enquiry as directed by the Sessions Judge, Charsadda, while recording statement of court officials, name of Raham Sher came forth. At this, Liaqat Ali Moharrir of the court allegedly asked Mujeebur Rehman bailiff of the same court to inform the said, Raham Sher regarding the fact. Mujeebur Rehman approached Raham Sher in his petrol pump where he was chowkidar at "sarokalay" and give him the message of the moharrir. This is what

was subsequently disclosed by Mujeebur Rehman bailiff in statement Ex.PW3/1 recorded on 26.8.2005 u/s 164 Cr.PC.

On 23.8.2005 Raham Sher was arrested and on 24.8.2005 he was produced before the magistrate vide application Ex.PW8/1 and he recorded his confessional statement Ex.PW1/4 u/s 164 Cr.PC. In his confessional statement Raham Sher disclosed that he had developed friendly relations with co-accused Noor Shah Ali and Liaqat Ali both moharrirs of court of civil judge, Shabqadar, in course of his civil suit titled "Sarwar vs-Raham Sher" and that Ashfaq co-accused wanted to police in so many criminal cases was raided for which Ashfaq suspected Raham Sher as police informer and asked him (Raham Sher) to end up the court cases pending against him any way. According to this statement the accused Noor Shah Ali and Liaqat Ali were approached and a bargain against Rs.1,50,000/- was struck which amount was paid to Noor Shah Ali and after one day the record was burnt.

After recording this confessional statement of Raham Sher on 24.8.2005, the accused Noor Shah Ali and Liaqat Ali moharrirs were also arrested and sections of law were converted to 161/162/409/436/477/PPC read with section 5(2)PC Act.

On 25.8.2005, vide application Ex.PW8/2 they both were produced before the magistrate and after obtaining six days police custody vide application Ex.PW8/2 & Ex.PW8/3 they were admitted to judicial lock up vide Ex.PW8/4.

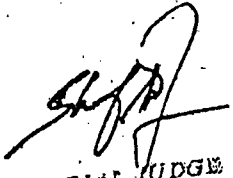
It is pertinent to mention that in the confessional statement of Raham Sher there is mention that accused Noor Shah Ali and Liaqat Ali were approached for bargain, Raham Sher was accompanied by Adnan co-accused brother of co-accused Ashfaq and third person of unknown identity. In course of investigation the accused Sajjad was arrested as that "third person".

The investigation was conducted under the supervision of a special team and after completion of investigation challan was submitted for trial.

Charge was framed against accused Liaqa Ali, Noor Shah Ali, Raham Sher in custody and Sheharyar and Sajjad Alias Manay who were released by them on bail. The other co-accused Ashfaq and Adnan were placed u/s 512 Cr.PC and all of the accused pleaded innocence./

ATTESTED

EX. P.W. 8/2
Court of Special Judge
Anti-corruption
NWFP, Peshawar
23/8/06


SPECIAL JUDGE
Anti-Corruption N.W.F.P.
Peshawar
21-8-06

The following persons were examined as Prosecution witnesses :-

- 1) Shaukat Ahmed khat, Judicial Magistrate, Shabqadar as PW-1.
- 2) Ikramullah khan, ASI, P.S. Shabqadar as PW-2.
- 3) Mujeebur Rehman, Ballf of the court of Judicial Magistrate/Civil Judge, Shabqadar as PW-3.
- 4) Muzaffar khan S.I. P.S. Pabbi as PW-4.
- 5) Badshah Gul, ASI, P.S. Kabli as PW-5.
- 6) Mushtaq Ahmed, SHO P.S. Mattani as PW-6.
- 7) Rahim Shah, SHO P.S. Charsadda as PW-7.
- 8) Hamdullah S.I. Investigation P.S. Shabqadar as PW-8

one Qamar Zaman was abandoned by the prosecution.

Statement of Abdul Mabood DFC was also recorded as SW-1.

After conclusion of the prosecution evidence statement of accused u/s 342 Cr.PC recorded. Accused Raham Sher opted to be examined on oath and also wished to produce defence evidence. His statement was recorded on oath and one Hamdullah produced by him was examined as DW-1. It was at this juncture when the prosecution requested for summoning of Moharrir of the court of Civil Judge, Shabqadar alongwith record pertaining to civil suit No.287/1 titled Sarwar Vs-Raham Sher and the request was allowed.

Riazur Rehman Moharrir was examined as CW-1 who produced copies of the relevant record Ex.CW1/1 to Ex.CW1/6.

After conclusion of the statement of CW-1, additional statement of the accused Raham Sher, Liaqat Ali, Noor Shah Ali were recorded. It was this point when the co-accused Ashfaq also surrendered by then partial arguments in the case has already been heard. It was deemed proper that he be tried separately and was ordered accordingly.

I have heard arguments advanced by the learned defence counsel and P.P. for state and gone through the record with their valuable assistance.

Shaukat Ahned khan PW-1 was Civil Judge/Judicial Magistrate Shabqadar and the incident pertains to his court. As PW-1 he gave account of the officials attached to his court and the

ATTESTED

EXAMINER
Court of Special Judge
Anti-corruption
M.Y.S.P. No. 287/1
21-8-06

SPECIAL JUDGE
Anti-Corruption
21-8-06

lot includes Liaqat Ali, Noor Shah Ali, Moharrirs, Sheharyar chowkidar accused and Mujeebur Rehman Bailiff. The witness has narrated the primary circumstances leading to registration of the case. He confirmed recording of statement of Sheharyar chowkidar Ex.PW1/1 and its transmission to the police station under his covering letter Ex.PW1/2 for registration of case. According to him he forwarded a copy of covering letter to the Registrar, Peshawar High Court and second copy to his Sessions Judge for information. He is the witness who recorded confessional statement of Raham Sher on 24.8.2005 Ex.PW1/4 and has confirmed his signature and seal of the court on Ex.PW1/4; on memo Ex.PW1/3 and certificate Ex.PW1/5. The witness was subjected to lengthy cross examination.

In course of cross examination this PW ~~which~~ ^{is} pointed out that he had recorded 164 Cr.PC statement of Mujeebur Rehman PW-3 also. The witness denied that he had supervised the investigation rather stressed that he recorded the statements as Illaqa Magistrate. In his cross examination he rebutted the suggestion that seal of the court was affixed on the confessional statement Ex.PV1/4 before recording the text and obtaining thumb impression of the accused. He gave detail account of the events while recording this confessional statement according to which the accused was produced on 8.30 AM and that after an hour time given for relaxation. Statement was recorded at 9.30 AM which lasted till 9.45 AM. He rebutted the suggestion that the accused had told him that he was in police custody since 21.8.2005 and that he was innocent. The witness admitted that he did not refer the accused for medical check up before and after recording confessional statement. About the 164 Cr.PC statement of Mujeebur Rehman Bailiff the witness rebutted the suggestion that the statement Ex.PW3/1 was provided to him and he adopted the same or that he obtained signature of Mujeebur Rehman on a blank paper.

ATTESTED

M
 Court of Sessions
 Anti Corruption
 Peshawar
 20/8/06

Shafiq
 SPECIAL JUDGE
 Anti-Corruption Peshawar
 21-8-06

PW-2 Ikramullah ASI is a marginal witness to the recovery memo Ex.PW2/1 vide which he as I.O. collected material mentioned in the memo, from the spot. He is also marginal witness of the recovery memo Ex.PW2/2 vide which motor cycle No.PRR-1617 Ex.P-5 was taken into possession.

PW-3 Mujeebur Rehman is the bailiff of the court of civil judge, Shabqadar. In his examination-in-chief recorded on oath he has reproduced the narrations recorded in his statement Ex.PW3/1 and confirmed his signature on his statement Ex.PW3/1 recorded on 26.8.2005. In his cross examination he stated he was tortured, kept under observation till 26.8.2005 and then the statement was recorded which was a result of tortured and he was forced to make the statement against the accused. according to this witness he was produced before the magistrate in hand cuffs and was forced to give false statement.

PW-4 Muzafar khan ASI was incharge investigation of P.S. Shabqadar during the relevant days. He prepared site plan Ex.PW4/1, on the pointation of Sheharyar chowkidar. He prepared the recovery memo Ex.PW2/1 and took into possession ash Ex.P-1, semi burnt files P-2, semi burnt chairs P-3 and a broken 7-up bottle P-4 from the spot. He recorded statements of marginal witnesses of the recovery memo. He arrested Sheharyar and obtained his police custody. He photo graphed the scene of occurrence and recorded statements of the locals living around.

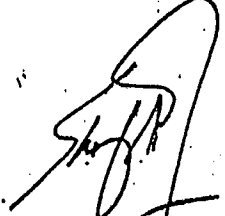
PW-5 Badshah Gul ASI is scribe of the FIR Ex.PA which was registered on the basis of written report Ex.PW1/2.

PW-6 Mushtaq Ahmed SHO submitted complete challan in the case. In his cross examination he pointed out that the special investigation team headed by S.P. investigation was constituted after the remarks of the honourable High Court while hearing the bail petition of the accused and a note to this effect has been recorded in this regard by Hamdullah PW-8. The witness emphasized that the investigation was carried out by a team of senior police officers like DIG Mardan, DPO Charsadda, SP investigation Charsadda, DSP Shabqadar and SDPO investigation and has rebutted the suggestion that only Hamdullah S.I. has conducted the investigation and it was supervised by him (the witness) alone.

PW-7 Rahim Shah SHO remained associated with the investigation after when section 5(2)PC Act was added. The witness relied upon the investigation already carried out and which was almost complete.

ATTESTED

EX-10
Court of Civil Judge
Charsadda
23/8/06


SPECIAL JUDGE
Anti-Corruption N.W.D.
Charsadda
21-8-06

PW-8 Hamdullah S.I. investigation Shabqadar got investigation in hand on 25.6.2005. He arrested the accused Sajjad, obtained his custody and on spy information arrested Raham Sher on 23.8.2005, who disclosed the names of the co-accused Liaqat Ali, Noor Shah Ali, Adnan and Ashfaq. He produced Raham Sher on 24.8.2005 vide application Ex.PW8/1 before the magistrate and got recorded his confessional statement. He arrested Liaqat Ali and Noor Shah Ali on 24.8.2005 and got their police custody on 25.8.2005 from the magistrate on applications Ex.PW8/2, PW8/3 & PW8/4 and admitted both the accused to judicial lock up without a confessional statement. This PW took into possession Motor Cycle PRR-1617 produced by Imroze brother of the accused Noor Shah Ali vide recovery memo Ex.PW2/2. He also got recorded statement of PW-3 Mujeebur Rehman Ex.PW3/1 u/s 164 Cr.PC and got issued 204 Cr.PC warrants in respect of accused Ashfaq and Adnan. After addition of section 5(2)PC Act, he handed over investigation to Inspector Rahim Shah.

In cross examination the witness admitted that the accused Raham Sher was not medically examined but for the reason that he was produced for confessional statement within the permissive period of detention. He rebutted the suggestion that the accused Raham Sher was arrested on 21.8.2005. The witness stated that Raham Sher was brought to the court for confessional statement at 8.10 AM and was produced before the court at 9.AM. He stressed that the investigation was conducted under the supervision of investigation team. The witness disclosed that out of 13 cases pending against the accused Adnan, Ashfaq, their father and brother in law, five files were burnt.

In their statement recorded u/s 342 Cr.PC the accused Liaqat Ali and Noor Shah Ali admitted their position as Moharrir in the court but they denied any link with the co-accused Raham Sher and stated that they knew him in course of the present case only. They denied taking of the conspiracy amount of Rs.1,50,000/- and destruction of the record. They termed 164 Cr.PC statement of Mujeebur Rehman Ex.PW3/1 and confessional statement of Raham Sher Ex.PW1/4 the result of coercion, torture and pleaded themselves all out innocent.

ATTESTED

Special Judge
Anti-Corruption
28/8/06



SPECIAL JUDGE
Anti-Corruption N.W.F.P.
Peshawar

21-8-06

In his statement u/s 342 Cr.PC Sheharyar accused admitted his position as chowkidar and he admitted his absence from the duty on the eventful night but denied to be a part of the conspiracy. He termed his statement Ex.PW1/1 as fabricated one and stated the affixation of his thumb impression on this statement ^{as} a result of command of the controlling officer.

Accused Sajjad also denied any connection with the co-accused Raham Sher, Liaqat Ali and Noor Shah Ali and also with Adnan and Ashfaq any link for the commission of offence.

In his statement made u/s 342 Cr.PC and further on oath u/s 340(ii) Cr.PC the accused Raham Sher denied any familiarity or link with the accused Noor Shah Ali and Liaqat Ali or payment of any amount to the Moharrirs. He alleges his confessional statement Ex.PW1/4 to be a result of coercion and police torture. He emphatically denied that he is a party to any civil suit pending before the civil court and specifically denied to be a defendant in civil suit titled "Sarwar Vs-Raham Sher". He, however admits that he has got no enmity or ill will with the magistrate or police.

DW-1 Hamdullah has stated that Raham Sher is a trust worthy person of humble background having no property or any civil suit and that he works with them as chowkidar in the filling station since long. He insists that Raham Sher was arrested on 21.8.2005 from the filling station.

CW-1 Riazur Rehman has produced the court record of suit No.287/1 titled "Sarwar Vs- Raham Sher", a brief account of which has already been given above in the relevant para of the statement of accused Raham Sher.

Prosecution story in shortest terms is that accused Adnan and Ashfaq involved in so many cases pending before the court some how persuaded the accused Raham Sher (who was in good terms with the co-accused Liaqat Ali and Noor Shah Ali Moharrirs of the court) to manage an "end up" to the cases. They both (Moharrirs) struck bargain with him (Raham Sher) and receiving an amount of Rs.1,50,000/- from him, they, during the night of 30 & 31.5.2005 set the case files and court record ablaze. This lot of the burnt record included five case files of the accused Adnan and Ashfaq. Further that the accused Sheharyar chowkidar of the court who was actually absent from duty on the eventful night reported a false

ATTESTED

8/8/06

Signature

OFFICIAL JUDGE
Anti-Corruption Cell
21-8-06

story to the presiding officer on the basis of which false report in the shape of FIR 343 of P.S. Shabqadar was registered.

From the produced evidence it is proved that the accused Liaqat Ali and Noor Shah Ali were moharrir of the court, custodian of the record and they were the persons knowing well about the record. The accused Sheharyar chowkidar was supposed to be on duty and he was supposed to report the real position of the occurrence to the presiding officer even if he was absent from duty. But instead of doing so the report made by him to the Presiding Officer and incorporated in the FIR Ex.PA subsequently proved false and he (Sheharyar) himself admitted it to be false.. There remains no room to doubt that the accused Sheharyar made a false report about the occurrence in order to cover up his absence from duty and to save his service career. Being so he deserves to be punished for that. So far as his role in the occurrence is concerned, it however, begins with this and ends with this. He has no role in rest part of the episode.

So far as direct or ocular evidence is concerned there is non available in the case. There is however inculpatory confessional statement Ex.PW1/4 on behalf of the accused Raham Sher, from which he has subsequently retreated,

PW-1 the magistrate who has recorded the statement and PW-8 the concerned i.O. have given an account of the relevant circumstances in which this statement was recorded. These two statements carry no fatal contradictions inter-se or within. The accused Raham Sher was, per record, arrested on 23.8.2005 and produced for recording statement on 24.8.2005. The allegations that he was arrested on 21.8.2005 and kept in illegal confinement for torture till 24.8.2005 finds no support from some solid evidence There was no complaint whatsoever during this period even on behalf of his masters in the filling station one of whom appeared as DW-1 as well. No doubt the accused was not medically examined during the process but this does not mean that he was definitely tortured. He was immediately committed to prison on 24.8.2005 and there is nothing recorded there about physical problem of the accused if at all he was tortured. The justification that he was produced before the magistrate within the permissive period after his arrest by police and for that reason he was not medically

DW/3

ATTESTED

[Handwritten signature]
23/8/06

[Handwritten signature]
21-8-06

examined itself carries weight. In his statements the accused has categorically stated that he has got no enmity or ill will with the magistrate who had recorded the confessional statement or with the police who arrested him.

While examining the circumstances of this confessional statement a single contradiction between the statement of PW-1 & PW-8 was noted about the timing. PW-1 has stated that Raham Sher was produced at 8.30 AM while PW-8 has stated that he was presented to the court at 9AM. PW-8 has however, stated that the accused was brought to the court at 8.10 AM. Date is the same and the difference is that of minutes which create no fatal doubt in mind rather reflect fairness of both the PWs while giving statement on Oath. The circumstances leading to the arrest of Raham Sher have been made clear and PW-3 is relevant whose statement was recorded u/s 164 Cr.PC during investigation. PW-3 has fully confirmed the contents of his 164 Cr.PC statement Ex.PW3/1 in his examination in chief. Though in cross examination he has termed this statement a result of torture and coercion which is unbelievable in the given circumstances. It is unbelievable that a Presiding officer of the court would let police torture his own subordinate and would himself record his false statement on production by police. The witness was produced in his well familiar environment before his own Presiding officer and it appears that the statement recorded u/s 164 Cr.PC and confirmed in the examination in chief was natural and genuine while allegations put forth in the cross examination as PW are not true, may be a result of fear of local revenge. This statement of PW-3 explains the background and circumstances in which the police initially made access to the accused Raham Sher. It is a point that had the police being searched of some one to fill the blank, it had one Sheharyar and another Sajjad already arrested and in hands available for compelling them to confess but it was not the case which support the prosecution stand that Raham Sher was a genuine case for apprehension and he gave confessional statement voluntarily based on true account of facts.

ATTESTED

M
8/8/16

21-8-06

In course of trial it was also insisted upon by defence that the thumb impression of the accused Raham Sher was obtained on blank paper and text of the confessional statement Ex.PW1/4 was



subsequently filled up . The original Ex.PW1/4 give no such visible clue from any angle rather it indicated otherwise, when the original sheet was anxiously examined with this view.

In statement u/s 342 & 340(ii) Cr.PC Raham Sher has denied any familiarity with both these accused Liaqat Ali and Noor Shah Ali and same is the case of the accused Liaqat Ali and Noor Shah Ali as reflected in their statements u/s 342 Cr.PC. Confessional statement Ex.PW1/4 attribute origination of the friendly relation of the three to a court case civil suit titled "Sarwar Vs- Raham Sher" indicated in the confessional statement. In his court statements recorded during trial, Raham Sher has subsequently specifically and categorically denied existence of any such case indicated in the confessional statement. Not only Raham Sher but also his witness DW-1 Hamdullah has also denied pendency of the suit stating that Raham Sher has a humble background having no landed property.

Statement of CW-1, however leads us some where else. The witness has produced record of civil suit No.287/1 titled "Sarwar Vs- Raham Sher" instituted on 11.4.2002 by Sarwar khan and 21 others against Raham Sher S/o Sher Muhammad and 11 others. The record produced by this witness includes Register civil suit, Order sheets of civil suit No.287/1 "Sarwar ETC Vs-Raham Sher ETC", Plaint and written statement of this case, certificate of reconstruction of the file and special power of attorney of accused Raham Sher and his thumb-impressed Vakalatnama in favour of Muhammad Fayaz advocate submitted on 09.6.2005. This record proves it more than sufficiently that civil suit "Sarwar Vs- Raham Sher" is pending since 11.4.2002, Raham Sher is party as one of the defendants in the case and he has been actively contesting it from the very beginning by submitting his written statement and has engaged counsel there in and that the case is still pending after reconstruction of the file burnt down in the accident. Question arises that if the confessional statement is not genuine then how this case was mentioned in his statement while it finds no mention on record of investigation before this statement? In the absence of something to the contrary, the only possible answer to this can be that it was the accused Raham Sher who knew about his case and he genuinely mentioned it in his confessional statement. If contents of the confessional statement

ATTENDED

M
28/8/06
[Signature]
21-8-06

that Raham Sher developed friendly relations with co-accused Noor Shah Ali and Liaqat Ali Moharrirs in course of this case/suit were incorrect then the question that what prompted Raham Sher to deny the fact of pendency of this suit against him is of even more importance. The only possible answer is that being mindful of the consequences of this fact he (Raham Sher) needed this denial to delink himself from the co-accused Liaqat Ali and Noor Shah Ali to falsify the confessional statement and he might had done it successfully had there not been statement of CW-1 and record of the case produced.

In addition to this, statement of PW-3 recorded u/s 164 Cr.PC and given on oath, as discussed above, irrespective of his unfounded allegations deposed in his cross examination indicate that Raham Sher was not only known to the accused Noor Shah Ali, Liaqat Ali rather he was dear to other staff of the court also as such Mujeebur Rehman bailiff PW-3, conveyed him the message of Liaqat Ali when he was sent to him, as confessed in the statement of PW-3.

The confessional statement of Raham Sher Ex.PW1/4 is corroborated by other facts and evidence as discussed and there remains no room to doubt that the inculpatory confessional statement of Raham Sher is voluntarily, genuine and natural giving true account of the facts. While assuming this inculpatory confessional statement valid and genuine it can be safely taken against all the three accused.

In the given circumstances, the prosecution has proved beyond doubt that the accused Raham Sher managed to pay illegal gratification to the accused Noor Shah Ali and Liaqat Ali for an illegal act to "end up" court cases of Ashfaq and Adnan and he committed an offence punishable u/s 165-A/PPC; That accused Liaqat Ali and Noor Shah Ali, both government servants as Moharrir of the court were custodian of the court record and had access to that, accepted the gratification as reward for "ending up" of cases and subsequently "accomplished the task" by putting the court record to fire. They therefore, committed an offence punishable u/s 409/161 and 436/PPC and being govt. servants guilty of misconduct, they are liable to be punished u/s 5(2)PC Act as well. That the accused Sheharyar gave false information of the incident

ACCEPTED

EX: MOJIB
Court: of Special Judge
Anti-Corruption
NWFP, Islamabad

21-8-06

which report he believed to be false and therefore committed offence punishable u/s 182/PPC.

So far as accused Sajjad is concerned the prosecution has however proved nothing against him and he deserves to be acquitted honourably.

Consequently, the accused Liaqat Ali and Noor Shah Ali are convicted and sentenced as under:-

- 1) They both are convicted and sentenced U/S 409/PPC to imprisonment for Five Years (5) R.I. with a fine of Rs.25,000/- (Twenty Five Thousand each) or in default thereof shall suffer six (6) months S.I. each.
- 2) They are also convicted and sentenced U/S 161/PPC to Two Years (2) R.I. with a fine of Rs.75,000/- (Seventy Five Thousand) each or in default thereof shall suffer One year S.I. each.
- 3) They are convicted and sentenced U/S 436/PPC to Five Years (5) R.I. with a fine of Rs.20,000/- (Twenty Thousand) each or in default thereof shall suffer Four (4) months S.I. each.
- 4) They are further convicted U/S 5(2) of the Prevention of Corruption Act, 1947 and sentenced to Three (3) years R.I. each with a fine of Rs.10,000/- (Ten thousand) each or in default thereof shall suffer Three (3) months S.I. each.

The accused Raham Sher is convicted and sentenced U/S 165-A/PPC to imprisonment for Two (2) years R.I. with a fine of Rs.10,000/- (Ten thousand) or in default thereof shall suffer Three (3) months S.I.

The accused Sheharyar is convicted and sentenced U/S 182/PPC to imprisonment for Three (3) months R.I. with a fine of Rs.1,000/- (One thousand) or in default thereof shall undergo one month S.I. He is present before the court on bail, he be taken into custody and committed to jail for execution of sentence awarded to him. It is left open to the concerned department to take departmental action against him for absence from his duty on the night of occurrence.

ATTESTED

EXAMINER
 Court of Sessions Judge
 Anti-Corruption
 NWFP. D-8-2006

21-8-06

The accused Sajjad is honourably acquitted from the charges levelled against him. He is on bail and his surety stand discharged of the liability.

All the substantive sentences of imprisonment shall run concurrently. The convict shall have the benefit of section 382-B Cr.PC. for the period spent by him as under trial prisoner in jail.

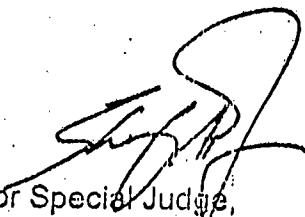
The absconding accused Ashfaq has already been arrested and supplementary challan submitted against him and separate trial is going on.

The other absconding accused Adnan is declared as proclaimed offender. Perpetual warrant of arrest be issued against him and the DPO concerned may be asked to enlist him in the register of proclaimed offenders.

The case property ash, files and bottle be kept intact till the expiry of the period of limitation prescribed for appeal/revision. So far as Motor Cycle Registration No.PRR-1617 is however, concerned it is found that it has nothing to do with the present case and it was taken by I.O. in custody from Imroz Khan brother of the accused Noor Shah Ali. It be returned to Imroze Khan S/o Jamroze Khan against proper bond to the effect that it shall be produced if ever required by any court.


File be consigned to the record room.

Announced,
Peshawar.
21.8.2006.

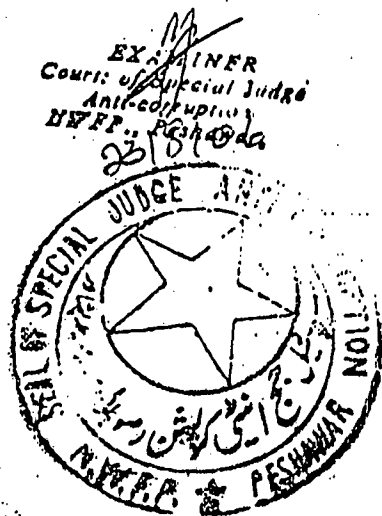

Senior Special Judge,
Anti-Corruption NWFP,
Peshawar.

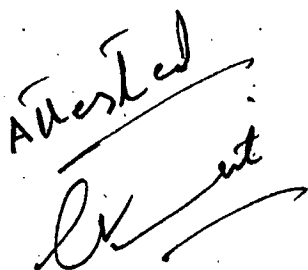
Certificate.

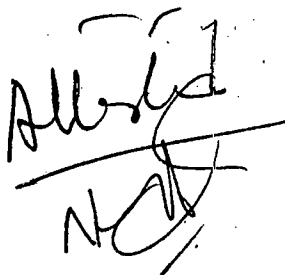
Certified that this judgement consists on Fourteen pages, each page has been corrected and signed by me wherever necessary.


Senior Special Judge,
Anti-Corruption NWFP,
Peshawar.

ATTESTED



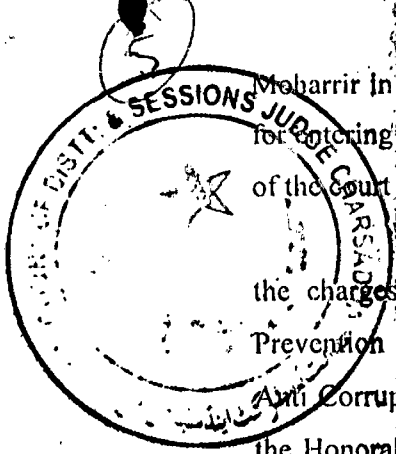
Attested


Attested


K

39
5-1-07

OFFICE ORDER:-



Whereas, Mr. Liaqat Ali was appointed as a Junior Clerk/Execution Moharrir in the establishment of undersigned, who was nominated by the co-accused for entering into conspiracy with his co-accused for setting on fire the *Judicial Record* of the Court of Civil Judge-I, Shabqadar and receiving bribe in this connection:

Whereas, he has been tried by the Special Court Anti Corruption for the charges leveled against him U/s 409/161/436 PPC and Section 5(2) of the Prevention Of Corruption Act and convicted on 21.08.06 by the Special Court for Anti Corruption, NWFP, Peshawar. The said order of conviction was also upheld by the Honorable, Peshawar High Court, Peshawar vide judgment dated 14.11.2006. In this respect an inquiry was conducted under (Efficiency & Discipline) Rules-1973, which was completed on 21.02.06 and he was served with a notice of show cause by the undersigned for personal hearing. On 23.12.06 he appeared and failed to prove himself not guilty.

Therefore, he is dismissed from service w.e.f 21.08.06

M.A.W.
MOHSIN ALI TURK,
Senior Civil Judge/JM,
Charsadda.

OFFICE OF THE SENIOR CIVIL JUDGE, CHARSADDA:

No. 18-23/SCJ.Chd.

Dated: 5-1-07

Copy forwarded to:-

1. The Worthy Registrar, Peshawar High Court, Peshawar.
2. The District & Sessions Judge, Charsadda.
3. The Civil Judge/JM-I, Shabqadar.
4. The District Account Office, Charsadda.
5. The Accountant of this court is directed to make necessary entry in the service record of the official in accordance with law and ensure the recovery of salary, if paid to the said official after the date of conviction i.e. 21.08.06.
6. The official concerned.

M.A.W.
MOHSIN ALI TURK,
Senior Civil Judge/JM,
Charsadda

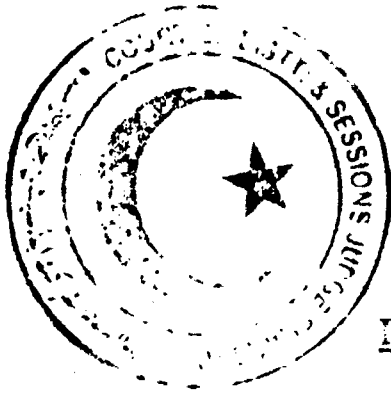
ATTESTED
[Signature]
EXAMINER
Copying Agency Branch
Court of District & Sessions Judge
Charsadda

40
24-1-07

L

BEFORE THE LEARNED DISTRICT & SESSIONS JUDGE,

CHARSADDA.



Through: Proper Channel.

DEPARTMENTAL APPEAL

Liaquat Ali S/O Shahkhel R/O Mirzai Shabqadar Tehsil & District Charsadda, Ex. Execution Moharrir in the Court Of Civil Judge / Judicial Magistrate Shabqadar District Charsadda.Appellant.

.....Versus.....

Senior Civil Judge / Authority, Charsadda.Respondent.

Department appeal against the order bearing No. 18-23/SCJ, Charsadda dated 04/01/07 passed by respondent whereby the appellant was dismissed from service w.e.f 21/08/06.

Prayer:

On acceptance of this departmental appeal to set aside the impugned order mentioned above and re-instate in service the appellant with all back benefits.

ATTESTED

EXAMINED
C. Inayat Agency Branch
Court of Dist. & Sessions Judge
Charsadda

44

Respectfully Sheweth:

Brief facts of the case:-

Brief facts of the case are as under:


1. That the appellant was serving as Execution Moharrir in the court of learned Civil Judge / Judicial Magistrate Shabqadar when at night time the record room of the said court was set on fire by some one causing damage to the public property i.e. record room of the court and certain case files. In this connection an FIR bearing No. 434 dated 31/05/05 U/Ss 452/477/436/342/506/409/161/148/149 PPC read with section 5 (2) of the Prevention of Corruption Act, in police station Shabqadar was registered. After laying hands upon Chowkidar of the court one Raham Sher was also arrested. Thereafter the appellant alongwith Noor Shah Ali Moharrir of the court were also involved in the case.
2. That on one hand, the appellant was tried on the basis of above mentioned criminal case in the court of learned Judge Anticorruption NWFP, Peshawar, where on the conclusion of evidence and hearing arguments of the parties the appellant was convicted U/Ss 409/161/436 PPC read with section 5(2) of Prevention of Corruption Act vide judgment dated 21/08/06, which order of conviction was impugned before the worthy High Court Peshawar in appeal and while upholding the order of ~~the~~ conviction passed by Judge Anticorruption NWFP, Peshawar the sentence awarded to appellant was reduced to the sentence already undergone by him.
3. That against the said judgment of worthy High Court, Peshawar, the appellant has preferred appeal before august Supreme Court of Pakistan which is pending disposal.
4. That on the other hand, Departmental Inquiry was conducted and culminated on the dismissal of appellant from service through impugned order. (Attested copies of inquiry proceedings and impugned order are enclosed), hence this Departmental Appeal is **ATTESTED** following grounds amongst others:-

EXAMINER
Copying Agency Branch
Court District Sessions Judge
Charsadda

42
GROUNDS:

- A. That the impugned order is illegal, arbitrary, perverse, harsh, without jurisdiction, without lawful authority and against natural justice.
- B. That the impugned order of dismissal is contrary to the facts on record and law on the subject.
- C. That the impugned order has been based on inadmissible evidence.
- D. That Mujeeb-ur-Rehman Bailiff (AW.1) and Raham Sher (AW.2) have not deposed against the appellant in departmental inquiry as well as in criminal trial.
- E. That the appellant has only been charged in criminal case on the statement of co-accused who has resided from his statement ultimately.
- F. That the judgment of the court of Judge Anticorruption, Peshawar as maintained by the worthy High Court, Peshawar has been made the sole basis of impugned dismissal order which is illegal.
- G. That the impugned dismissal order is not speaking one and has been passed without application of judicial mind which is against the provisions of law.
- H. That the Authority / Respondent while passing the impugned dismissal order has overlooked the fact that appellant has filed appeal before the august Supreme Court of Pakistan which is pending disposal. Proprietary required that no adverse order should have been passed against the appellant till the decision of the appeal by the august Supreme Court of Pakistan.
- I. That appellant has 16 years long service at his credit and with a jerk of pen his entire service has been put at stake.
- J. That even otherwise mere conviction by a court of law dose not constitute a valid judicial ground for taking action under Govt: Servants. (Efficiency and discipline Rules 1973).
- K. That the inquiry has not been conducted in accordance with law and Rules on the subject.

ATTESTED


EXAMINER
Copying Agency Branch
Court of Dist & Sessions Judge
Gorakhpur

- L. That while processing the case of appellant law and Rules on the point have been utterly violated.
- M. That the appellant has been condemned unheard beside discriminated on several grounds.
- N. That there is no judicial proof to connect the appellant with commission of offence and there is every likelihood of his acquittal by the august Supreme Court of Pakistan.
- O. That in any case the punishment met out is too harsh and severe in the circumstances of the case.
- P. That there are other grounds too which shall be advanced with the permission of this Hon'able court at the time of hearing this departmental appeal.

It is, therefore, prayed that on acceptance of this departmental appeal the impugned order may be set aside and the appellant re-instated in service with all back benefits, please.

Dated: 24/01/07.

Appellant

(Liaquat Ali) S/O Shahkhel
 R/O Mirzai Shabqadar Tehsil
 & District Charsadda,
 Ex. Execution Moharrir in the court of
 Civil Judge / Judicial Magistrate Shabqadar.

Affidavit:

I, the appellant do solemnly affirm on oath that the contents of my appeal are correct to the best of my knowledge and belief.

[Handwritten signature]

Deponent


(Liaquat Ali)

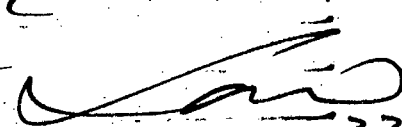
ATTESTED
[Handwritten signature]
 EXAMINER
 Copying Agency Branch
 Court of Dist & Sessions Judge
 Charsadda

MIRZAI SHABQADAR
 CHARSADDA
[Handwritten signature]

25.1.07

Certified to be true copy


Registrar
Court of Sessions
Charsadda

No 106
Date of Application 16/1/10
Name of Applicant M. S. Khan
Words 3400
Fee Nil
Urgent Fee Nil
Signature of Comptroller 
Date of Preparation 27/1/10
Date of Delivery 27/1/10

M 431

2-11-07

Order.
02.11.2007.

Appellant and representative of the respondent present. The appellant stated that in the incident of setting on fire the judicial record, Noor Shahli Moharrir of along with him this Court was dismissed by this Court while he being the employee of the Court of Senior Civil Judge, Charsadda was dismissed by his authority. Further stated that against the dismissal order, Noor Shehli has filed appeal before the Hon'ble Peshawar High Court, Peshawar, which is still subjudice and further stated that it would be in the fitness of things that proceedings in the instant appeal may be stayed till the decision of said appeal by the superior Court, as mixed questions of law and facts are involved in both the

ATTESTED
EXAMINER
Copy to the Bench
Court of Dist & Sessions Judge
Charsadda

A. Herdas
ls. at

FORM OF ORDER SHEET

45

Court of

Case No. of

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
---	-----------------------------------	--

appeals.

The request of the appellant seems to be genuine and legal; therefore, this departmental appeal is adjourned sine die, which shall be restored on the application of appellant as and when the same is submitted. File be consigned to record room.

Announced.
02.11.2007.

(*[Signature]*)
(Shahid Mohy-ud-Din Malik)
District Judge, Cherrabad.

APPROVED
[Signature]
2 EXAMINER
Company Accounts Branch
Court of District Sessions Judge
Cherrabad

عدالت صبا دسترس جج صاحب چارسدہ

audit

Notice is given to appellant for 14/01/2010. Meanwhile second he summoned for the date fixed.

(رہبرنگ)



صبا دسترس جج صاحب چارسدہ (رہبرنگ)

صبا عالی درخوردت ریٹائرمنٹ برائے سرسبز ریٹیل بلا صبا ڈیک عرض ہے۔

1 یہ کہ دیپارٹمنٹل ریٹیل بعنوان بالا عدالت حضور نے sine die ملتوی فرمایا ہے۔

2 یہ کہ دوسرا دیپارٹمنٹل ریٹیل بعنوان "نور شاہ علی سہنگ" دسترس جج صاحب چارسدہ لٹا ورنگی کورٹ میں مورم 12/21 کو فیصلہ ہو چکا ہے۔ اور دیگر دستقلہ ہائی کورٹ لٹا در عدالت حضور میں موصول ہو چکا ہے۔

3 یہ کہ ریٹیل خدا تا فیصلہ ریٹیل "نور شاہ علی سہنگ" دسترس جج صاحب چارسدہ "ملتوی فرمایا گیا اور اج ریٹیل مندرہ بھی فیصلہ ہو چکا ہے۔ لہذا اس کے بارے میں منطوقی درخوردت خدا ریٹیل بعنوان "لیاقت علی سہنگ" دسترس جج صاحب چارسدہ "سرسبز ریٹیل" کے بارے میں خور کبرٹ کا حکم صادر فرمایا گیا ہے۔

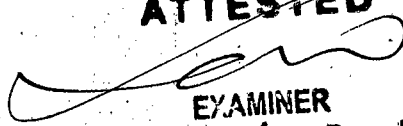
12/1/2010 مورم

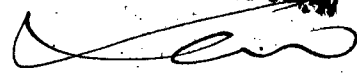
12/1/10

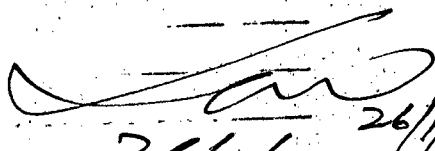
ریٹائرمنٹ لیاقت علی سہنگ اجراء فرم

لیاقت محرز سالانہ محرز سوالیہ کورس کے امتحان
کو بذریعہ سونپا لیا گیا ہے۔
3.00 بجے اطلاع دی گئی ہے۔
اپریل 2010ء

محمد علی سرپرست
13/01/2010

ATTESTED

EXAMINER
Coaching Agency Branch
Court of Justice & Sessions Judge
Charsadda

Certified to be true copy

Examiner / Muharror
Coaching Agency Branch
Court of Justice & Session Judge
Charsadda

No. 106
Date of Exam 16/1/10
Name محمد علی سرپرست
Vide No. 800
Fee
Urgency
Signature  26/1/10
Date of Exam 26/1/10
Date of Delivery 26/1/10

نمبر سند حکم درجہ 14/1/10 - 48
 کورٹ سیشن جج ڈسٹرکٹ چارسدہ

FORMS "A"
 FORM OF ORDER SHEET

Court of.....

14/1/10

Serial No. of Order or Proceedings

Serial No. of Order or Proceedings

Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary



Present: Appellant Liaqat Ali in person.

Heard.

The charge against appellant is not different from the charge against the other accused official namely Noor Shah Ali, whose appeal stand already dismissed by my learned predecessor. The order of my learned predecessor was assailed in departmental appeal No.03 of 2007 (Noor Shah Ali Vs District & Sessions Judge Charsadda) which was heard by Hon'ble Senior Fuisne Judge of Hon'ble Peshawar High Court, Peshawar. His appeal was dismissed through judgment dated 22.12.2009 on the ground that the conviction recorded against appellant and co-accused was not only maintained by the Hon'ble Peshawar High Court, Peshawar but also maintained by Hon'ble Supreme Court.

Appellant was confronted with the above position, who submitted at the bar that his case is not distinguishable from the case against Noor Shah Ali. In this state of affair this appeal being devoid of merit is hereby dismissed. File be consigned to record room.

ATTESTED

Copy to Agency Branch
 Court of District & Sessions Judge
 Charsadda

14.1.2010

(Signature of District & Sessions Judge)

P 49

BEFORE THE SERVICE TRIBUNAL N.W.F.P, PESHAWAR

N.W.F.P. Tribunal
District Peshawar
City No. 515
Date 11-2-2010

Service Appeal No. 457/2010

Liaqat Ali S/O Shahkhel
R/O Mirzai, Tehsil Shabqadar, District Charsadda
Ex-Execution Moharrir, Court of Civil Judge/
Judicial Magistrate, Shabqadar, Charsadda.Appellant

Versus

Respondents No. 1.
No 2 Respondent
against the Appellant.
vide order dated 11.01.10
dt 11/2/10

1. Senior Civil Judge, Charsadda.
2. District Judge, Charsadda. Respondents

<=>=><=>=><=>=><=>=><=>=>

APPEAL AGAINST OFFICE ORDER NO.18-23/SCJ, DATED 05.01.2007 OF RESPONDENT NO.1, WHEREBY APPELLANT WAS DISMISSED FROM SERVICE WITH EFFECT FROM 21.08.2006 RETROSPECTIVELY OR OFFICE ORDER DATED 14.01.2010 OF RESPONDENT NO.2, WHEREBY REPRESENTATION OF APPELLANT WAS DISMISSED FOR NO LEGAL REASON.

<=>=><=>=><=>=><=>=><=>=>

Filed to file
Registrar
11/2/10

Respectfully Sheweth:

1. That appellant was appointed as Execution Moharrir and was posted with Senior Civil Judge, Charsadda. At the time of occurrence, he was performing duty with Civil Judge/ Judicial Magistrate, Shabqadar.

2. That FIR No.343, dated 31.05.2005, Police Station Shabqadar u/s 452/ 506/ 342/ 436/ 477/ 148/ 149 P.P.C, wherein no one was charged for the commission of offence, however, one Reham Sher recorded confessional statement in the court, wherein appellant alongwith Liaqat Ali, Junior Clerk/ Moharrir were named as counterparts. Later on the sections of law were changed through section 409/ 436/ 161/ 165-A/ 182 P.P.C read with 5(2) of the Prevention of Corruption Act, 1947. (Copy of the FIR as annex "A").
3. That on implicating of the appellant in the case, he was served with show cause notice on 20.10.2005 regarding burning of record of some cases, which was replied on 25.10.2005 by the appellant and denied the allegations. (Copy as annex "B" & "C" respectively).
4. That on 10.11.2005, appellant was served with charge sheet and statement of allegation by Civil Judge, Charsadda and not by the Inquiry Officer himself. The statement of allegation was replied on 15.11.2005 and denied the same. (Copy as annex "D" & "E" respectively).
5. That on 19.01.2006, statements of Mujeeb-ur-Rehman bailiff, Reham Sher were recorded by the Inquiry Officer when in the meanwhile the court of Special Judge (P) Anti-Corruption, Peshawar initiated criminal proceedings against appellant etc. (Copies as annex "F", "G" & "H" respectively).
6. That on 21.02.2006, the Inquiry Officer adjourned the enquiry proceedings till the decision of the criminal case. (Copy as annex "I").

7. That on 21.08.2006, the court convicted appellant etc for 5 years imprisonment and fine as per the aforesaid judgment. Copy as annex ("J").
8. That on 05.01.2007, appellant was dismissed from service with effect from 21.08.2006 retrospectively and not with immediate effect as per law, rules and judgment. (Copy as annex "K").
9. That on 24.01.2007, appellant submitted appeal before respondent No.2, which was adjourned sine die on 02.11.2007 as the subject matter was subjudice before the higher forum for decision and after decision, the case of appellant shall be restored on his application as and when the same is submitted. (Copies as annex "L" & "M" respectively).
10. That on 12.01.2010, appellant submitted application before respondent No.2 for restoration and decision of the departmental appeal, which was, after restoring the same, dismissed on 14.01.2010. (Copies as annex "N" & "O" respectively).

Hence, this appeal, inter alia, on the following grounds;

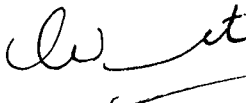

GROUND S:

- A. That appellant has rendered services for more than 14 years and no benefit of the rendered services were ever given to him.

- B. That on perusal of the record, it is quite clear that enquiry was not conducted in accordance with the rules on the subject. Appellant was behind the bar, since 26.08.2005 till 14.11.2006. The Inquiry Officer never visited him in jail to either record statement of witnesses, if any, or to provide him opportunity of defence.
- C. That it was obligatory for the authority to serve appellant with final show cause notice and to supply him all the Inquiry Proceedings to enable him to submit comprehensive reply, but such mandatory requirement was ignored, which vitiates all the proceedings.
- D. That one Mujeeb-ur-Rehman, bailiff of the court of respondent No.1 who was in equal footing with other counterparts was made approver and appellant, etc. were dealt with severely and as per the judgments, all similarly placed persons shall be dealt with similarly and equally on similar charges, but PW-4 Mujeeb-ur-Rehman was exonerated from the charges and is serving the court of respondent No.1 as bailiff till date while appellant was dismissed from service, thus discriminated.
- E. That criminal action and departmental action, as per the judgments of the Supreme Court of Pakistan, can go side by side even at variance decisions, yet in the case in hand, the original as well as appellate authority were influenced by the conviction of appellant, yet mandatory requirements in the departmental action were not complied with.

- F. That show cause notice and statement of allegations were served upon the appellant by respondent No.1 himself and not by the Inquiry Officer. This glaring illegality vitiates all the proceedings to be null and void and then the impugned order becomes void-ab-initio.
- G. That original as well as appellate orders were not made in accordance with law, but with ulterior motive, so are illegal, improper, unjust without lawful authority and of no legal effect, hence liable to be reversed.
- H. That in the case of appellant, the Inquiry Officer never submitted any inquiry report to the authority, so no punishment was suggested by the Inquiry Officer.


It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned order dated 05.01.2007 or 14.01.2010 of respondent No.1 & 2 be set aside and appellant be re-instated in service with all back benefits.

Appellant 
Through 
Saadullah Khan Marwat
Advocate,

Dated: 06.02.2010

NOTE:

Similar appeal No.104/10, titled "Noor Shah Ali. .Vs. .District Judge & others" has been admitted for regular hearing on 03.02.2010.


Advocate

Q

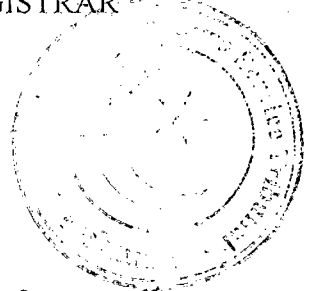
A. No. 457/10

54

16/1/2018

As per direction of the Hon'ble Chairman this appeal is accelerated and fixed for arguments before larger Bench on 29/1/2019 instead of 14/3/2019. Parties and their counsel be informed accordingly.

REGISTRAR



29.1.2019

Mr. Saadullah Khan Marwat Advocate for appellant and Addl. AG alongwith Mahboob Ali Senior Clerk for the respondents present.

Learned counsel for the appellant states that in view of judgment reported as 2016-SCMR-1206, he is under instructions to request for return of appeal in hand in order to seek remedy at the appropriate forum.

Office shall retain a copy of complete brief and return the original appeal to the appellant.

SD/-
Chairman

SD/-

(M. Hamid Mughal)
Member

SD/-

(M. Amin Khan Kundi)
Member

SD/-

(Ahmad Hassan)
Member

SD/-

(Hussain Shah)
Member

Certified true copy

SD/-

Number of copies
Copies of brief
Date of return
Date of copy
Date of copy
6/1/19
8/2/19
29-1-19
08-2-19
08-2-19

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P. No. _____ / 2019

Liaqat Ali

versus

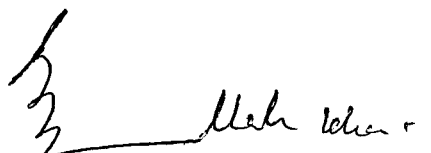
SCJ & Others

NOTICE

1. Senior Civil Judge,
Charsaddar.
2. District Judge,
Charsadda

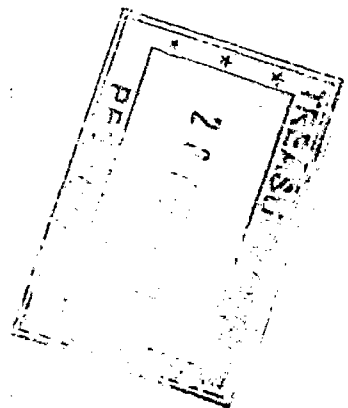
Please take notice that I am filing Writ Petition on behalf of petitioner before the Hon'ble Peshawar High Court, against the respondents to reinstate petitioner in service with all back benefits.

Dated: 23-02-2019


Saadullah Khan Marwat
Advocate

2

1
10,000
211
O. N. C. 21
19



25 $\frac{2}{19}$

بہالت جناب پشاور ہائی کورٹ پٹور

کیاٹ علی بنام سیرسول حج

دعویٰ رجسٹریشن

باعث شکریہ ایسکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کے لئے سعد اللہ سخاں مروت ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا نمٹار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر واختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 19-02-25

العبد العبد العبد

محمد
انجمن انوار

Mohd. Khan

دینا

ایڈووکیٹ

سعد اللہ سخاں مروت
ایڈووکیٹ

مس روینہ تارخ
ایڈووکیٹ

FILED TODAY
Deputy Registrar
26 FEB 2019



District Judiciary Charsadda

Senior Civil Judge,
Charsadda

Phone: 091 - 92 20 435

AUTHORITY LETTER.

Mr. Mehboob Ali, Senior Clerk is hereby authorized to sign the affidavit on our behalf in the following Writ Petition:

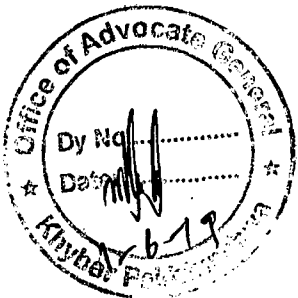
Writ Petition No: 1670-P/2019
Title: Liaqat Ali son of Shahkhel,
R/O Mizai Shabqadar,
Ex-Execution Muharrir,
Court of Civil Judge /Judicial Magistrate,
Shabqadar

VS

1. Senior Civil Judge, Charsadda
2. District & Sessions Judge, Charsadda.

Senior Civil Judge,
Charsadda.

District & Sessions Judge,
Charsadda.



BEFORE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 1670-P/2019

Liaqat Ali son of Shakhel,
R/O Mizai Shabqadar,
Ex-Execution Muharrir,
Court of Civil Judge / Judicial Magistrate, Shabqadar
.....

Petitioner

VERSUS

1. Senior Civil Judge, Charsadda.
2. District & Sessions Judge, Charsadda.

.....

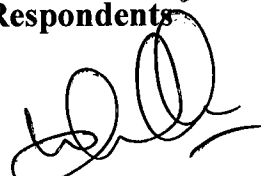
Respondents

INDEX

<i>S. No.</i>	<i>Description of Document</i>	<i>Page</i>	<i>Annexure</i>
1	Reply / Comments of Respondents	1-3	-
2	Affidavit	4	
3	Statement of allegations	5	A
4	Charge sheet	6-7	B
5	Relevant E & D Rules, 1973	8-9	C
6	Office Order: Appointment of Authorized Officer	10	

SCANNED
03 JUN 2019
Signature

Respondents


Mehboob Ali,
Senior Clerk,
District Judiciary Charsadda,
(Authority letter holder)

FILED TODAY
Deputy Registrar
01 JUN 2019

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 1670-P/2019

*Liaqat Ali son of Shakhel,
R/O Mizai Shabqadar,
Ex-Execution Muharrir,
Court of Civil Judge / Judicial Magistrate, Shabqadar*

.....
Petitioner

VERSUS

1. *Senior Civil Judge, Charsadda.*
2. *District & Sessions Judge, Charsadda.*

.....
Respondents

WRIT PETITION UNDER ARTICLAE 199 OF THE CONSTITUTION
OF ISLAMIC REPUBLIC OF PAKISTAN, 1973

Respectfully sheweth,

Reply / Comments on behalf of Respondents No. 1, Senior Civil Judge, Charsadda is as follows:

1. Related to the Record.
2. Related to the Record.
3. Related to the Record.
4. Denied. Civil Judge / Judicial Magistrate, Charsadda in the capacity of Authorized Officer has issued and served "Statement of Allegation" and "Charge Sheet" to the accused Official (Annexure A & B).
5. Related to the Record.
6. Related to the Record.
7. Related to the Record.
8. Incorrect, as the Petitioner was in Police custody and was absent from service.
9. Related to the Record.
10. Related to the Record.
11. Related to the Record.

[Handwritten signature]
18/05/19

FILED TODAY
Deputy Registrar
01 JUN 2019

GROUND S

- a. The appellant was convicted by Competent Court i.e. Special Court Anti-Corruption Peshawar, the august Peshawar High Court, Peshawar and august Supreme Court of Pakistan, therefore, the appellant was not entitled to obtain any benefit of the service rendered him previously.
- b. Inquiry was conducted in accordance with Law & Rules. The accused was in jail and brought before the Inquiry Officer on each and every date from the jail in Police custody, and a fully-fledged opportunity was provided to the accused official.
- c. No need to serve Final Show Cause Notice as the appellant was dismissed from service on conviction ground. Moreover, the conviction orders of the apex Court were irrefutable proof of misconduct and corruption of the accused official, and it is also the sufficient ground for penalty under E & D Rules, 1973. Furthermore, mere conviction in criminal case is even a sufficient ground for imposition of major penalty, and in such circumstances no need for serving final show cause or providing proper copies of the Inquiry Proceedings or judgement of the apex Courts.
- d. The name of Mujeeb-ur-Rehman was not implicated in FIR relating to the occurrence, however, he was interrogated and his statement was taken only for the purpose to exhume the facts of the matter.
- e. The Departmental Proceedings were based on the same allegations/offence whose trial was under process and opinion of the Inquiry

FILED TODAY

Deputy Registrar

01 JUN 2019

Officer at inquiry stage would sabotage the trial either way. Therefore, the proceedings were adjourned till the decision of the trial.

- f. Incorrect. It was mandate of Authorized Officer to serve Show Cause Notice and Statement of Allegations to the accused official under Rule 6 of Government Servant Efficiency & Disciplinary Rules, 1973 and not mandate of the Inquiry Officer. (Annexure C & D), as mentioned in pare 4 above.
- g. The decision made in the original criminal case by the Special Court Anti-corruption, the worthy Peshawar High Court, Peshawar and august Supreme Court of Pakistan were according to law and rules. Furthermore, no appellate Court pointed out any illegality in judgements.

In view of the above it is therefore requested that the writ petition of the Petitioner being devoid of any merits may kindly be dismissed with cost.

Respondent No. 1

Respondent No.2

Senior Civil Judge,
Charsadda.

District & Sessions Judge,
Charsadda.

18/05/2019.
Senior Civil Judge
Charsadda

FILED TODAY
Deputy Registrar
01 JUN 2019

BEFORE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 1670-P/2019

Liaqat Ali son of Shakhel,
R/O Mizai Shabqadar,
Ex-Execution Muharrir,
Court of Senior Civil Judge / Judicial Magistrate, Shabqadar

.....

Petitioner

VERSUS

- 1. Senior Civil Judge, Charsadda.
- 2. District & Sessions Judge, Charsadda.


.....

Respondents

AFFIDAVIT

I, Mehboob Ali, Senior Clerk, on behalf of the respondents in the subject writ petition do hereby solemnly affirm and declare that the contents of the reply are true and correct to the best of my knowledge and belief and that nothing has been concealed or kept secret from this Hon'ble Court.

Respondents



Mehboob Ali,
Senior Clerk,

District Judiciary, Charsadda

(Authorized on behalf of the Respondents)

mil 1710/6852085 . 0301-8907897
40

RECEIVED TODAY
District Registrar
01 JUN 2019

Jun 19
D.C

solemnly
Mehboob Ali,
Peshawar
Self

11/6/019

STATEMENT OF ALLEGATIONS.

Whereas, you accused/official Liaqat Ali
as Execution Moharrir in the Court of Civil Judge/Judl:
Magistrate, Shabsadda, involved in a criminal case vide
case FIR No. 343 dated 31.5.2005 u/s 452/477/436/342/506/
148/149 P.P.C at P.S Shabsadda.

And whereas, you was served with a show
cause notice for your involvement in a criminal case by
the undersigned vide letter No. 454/OJ/JM, Charsadda dt:
20.10.2005.

And whereas, you in response to the above
showcause notice dated 20.10.2005 submitted your reply dt:
25.10.2005 which was received by the undersigned on 10.11.05
and was found unsatisfactory, having regard to the grave
nature of the allegations against you, which also tantamounts
to gross misconduct and indiscipline as defined under the
NWFP Govt: Servants (M&D) Rules 1973.

And I, being authorized officer, direct you
accused official to appear before me on 17.11.05 to explain
and answer the allegations levelled against you and put in
your defence. You are also required to state whether you
wish to be heard in person.

Dt: 10.11.2005 ATTESTED

EXAMINER
Conv. Agency Branch
Court of Civil Judge
Charsadda

(MANZOOR QABIR)
Civil Judge/Judl: Magistrate/
Authorized Officer,
Charsadda.

10-11-05

Attested
Superintendent
Sessions Court
Charsadda

10-11-05

CHARGE SHEET.

(14)

I, Manzoor Qadir Mehmood, Civil Judge/

Judl: Magistrate, Charsadda, duly appointed Authorized Officer vide order dated 26.8.2005 of the Learned Senior Civil Judge, Charsadda, do hereby charge you accused Official Liaqat Ali, Execution Moharrir as under:-

Firstly:- That you official involved in a criminal case registered against you vide case FIR No. 343 dated 31.5.2005 u/s 452/477/436/342/506/148/149 P.P.C at P.S Shabqadar.

Secondly:- That you was served with a show cause notice for your involvement in a criminal case by the undersigned vide letter No. 454/CJ/JM, Charsadda dated 20.10.2005.

Thirdly:- That in response to the above show cause notice dated 20.10.2005, you have submitted your reply dated 25.10.2005 which was received by the undersigned on 10.11.2005 and was found unsatisfactory, having regard to the grave nature of the allegations against you, which also tantamounts to gross misconduct and indiscipline under the NWFP Govt: Servants (E&D) Rules, 1973.

ATTESTED

EXAMINER
Copying Agency Branch
Court of Dist. & Sessions Judge
Charsadda

(C/P-2)

Attested
Superintendent
Sessions Court
Charsadda

appointed, on receipt of the explanation of the accused, if any, the authorised officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall pass orders accordingly. If it is proposed to impose a major penalty, he shall forward the case to the authority alongwith the charge and statement of allegations served on the accused, the explanation of the accused, the findings of the Inquiry Officer or Inquiry Committee, if appointed, and his own recommendations regarding the penalty to be imposed. The authority shall pass such orders as it may deem proper.

[(2) The exercise of powers under clauses (i) and (iv) of sub-rule (1) by the authorised officers in the Pakistan Missions abroad shall, unless already so provided, always be subject to the approval of the authority].

6. Procedure to be observed by the Inquiry Officer and Inquiry Committee.— Where an Inquiry Officer or Inquiry Committee is appointed, the authorised officer shall—

- (1) Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration.
- (2) Require the accused within a reasonable time, which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence and to state at the same time whether he desires to be heard in person.
- (3) The Inquiry Officer or the Committee, as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him.
- (4) The Inquiry Officer or the Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing. However, every adjournment, with reasons therefor shall be reported forthwith to the authorized officer. Normally no

* Added vide Establishment Division Notification No.7/5/75-DI, dated 14-5-1975.

Attested
 M. W. R. Khan
 Superintendent
 Sessions Court
 Charsadda

OFFICE ORDER.

Consequent upon the receipt of report, submitted by Mr. Shaukat Ahmad Khan, Civil Judge/Judicial Magistrate, Shabqadar, Mr. Liaqat Ali, Executive Magistrate attached to his court stood involved in a criminal case vide FIR No.343 dated 31.5.2005 registered u/s 452/477/436/342/506/148/149 PPC at PS Shabqadar and has been arrested by the local police under the said offences for setting on fire and causing damage to the public property i.e. Record Room of the court of Civil Judge/JM, Shabqadar. As such under the E & D Rules-1973, Mr. Manzoor Qadir Khan, Civil Judge/JM, Charsadda is appointed as Authorized Officer to conduct enquiry into the matter and submit his report at the earliest.

(SAFIULLAH JAN)
SCJ/Judicial Magistrate, Chd.

OFFICE OF THE SCJ/JUDICIAL MAGISTRATE, CHARSADDA

No. 401/SCJ/JM, Chd.

Dated: 26/8/05

Copy forwarded to:-

1. The Hon'ble District & Sessions Judge, Charsadda.
2. Mr. Manzoor Qadir Khan, CJ/JM, Charsadda.
3. Mr. Shaukat Ahmad Khan, CJ/JM, Shabqadar.
4. Official concerned.
5. Office copy.

(SAFIULLAH JAN)
SCJ/Judicial Magistrate, Chd.

attested
Superintendent
Sessions Court
Charsadda