

27<sup>th</sup> September, 2022

There is nobody present on behalf of the petitioner. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Muhammad Nawaz, DSP (Legal) for respondents present.

2. Learned Additional Advocate General submitted that both the parties have challenged the judgment of the Tribunal in the august Supreme Court of Pakistan and because of that reason neither petitioner nor his counsel is appearing before the Tribunal. Learned Additional Advocate General suggested that let this petition be adjourned sine-die leaving the parties at liberty to get it restored and decided after the judgment of the august Supreme Court of Pakistan in the CPLAs filed by both the parties. Order accordingly. Consign.

3. *Pronounced in open court in D.I.Khan and given under my hands and seal of the Tribunal this 27<sup>th</sup> day of September, 2022.*



(Kalim Arshad Khan)  
Chairman  
Camp Court D.I.Khan

23.05.2022

Nemo for the petitioner. Mr. Muhammad Zubair, H.C alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Representative of the respondents stated at the bar that the judgment under execution has been challenged by both the parties through filing of separate of CPLAs before the august Supreme Court of Pakistan.

Notice for prosecution of the execution petition be issued to the petitioner as well as his counsel through registered post and to come up for further proceedings on 28.07.2022 before the S.B at Camp Court D.I.Khan.

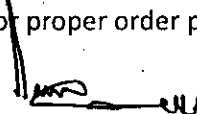





(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 101/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	11.02.2022	<p>The execution petition of Mr. Amjid Ali received today by post through Mr. Inamullah Khan Kundi Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	28.03.2022	<p>This execution petition be put up before touring S. Bench at D.I.Khan on <u>28-03-2022</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel<del>s</del> are on strike. To come up for further proceedings tomorrow on 29.03.2022 before S.B at camp court, D.I.Khan.</p> <p style="text-align: right;"> CHAIRMAN, Camp Court, D.I.Khan</p>
	29.03.2022	<p>None present for the petitioner.</p> <p>Notice be issued to the petitioner, his counsel as well as respondents for the date fixed. To come up for implementation report on 23.05.2022 before S.B at camp court, D.I.Khan.</p> <p style="text-align: right;"> CHAIRMAN, Camp Court, D.I.Khan</p>

The Implementation application of Mr. Amjad Ali son of Abdul Jabbar Caste Kundi r/o village Pai Tehsil & District Tank received today by post on 01.02.2022 is incomplete on the following scores which is returned to the counsel for the applicant for completion and resubmission within 15 days.

- 1- Affidavit may be got attested by the Oath Commissioner.
- 2- Wakalat nama in favour of petitioner is not attached with the petition which may be placed on it.
- 3- Two more copies/sets of the application along with annexures i.e. complete in all respect may also be submitted with the application.

No. 276 /S.T,

Dt. 03/02 /2022

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Inamullah Khan Kundi Adv.  
High Court D.I.Khan.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

EXECUTION PETITION NO. 3721 OF 2022

**Amjad Ali**

**Versus**

**Govt. of Khyber Pakhtunkhwa etc**

**EXECUTION PETITION**

**INDEX**

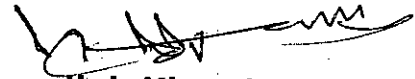
<b>S.No</b>	<b>Particulars of the Documents</b>	<b>Annexure</b>	<b>Page</b>
1)	Grounds of Execution petition with affidavits	--	1-2
2)	Copy of service appeal along with judgment dated 15/12/2021	--	3-10
3)	Wakalatnama	--	11

**Humble Petitioner**



**Amjad Ali**

Through Counsel



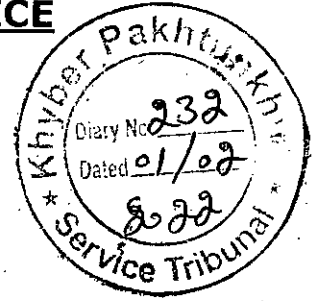
**Inamullah Khan Kundi**  
Advocate High Court

January 31, 2022

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL PESHAWAR**

EXECUTION PETITION NO. 232/2022 OF 2022



**Amjad Ali** son of Abdul Jabbar caste Kundi r/o village Pai  
Tehsil & District Tank.

(Petitioner)

Versus

1. Provincial Police Officer (IGP), Khyber Pakhtunkhwa Peshawar.
2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar.
3. Deputy Inspector General of Police/D.I.Khan Range Dera Ismail Khan.
4. Superintendent of Police FRP Dera Ismail Khan.

(Respondents)

**EXECUTION PETITION**

That the petitioner hereby applies for execution of the Judgment herein below as follows:

1	Appeal No.	Service Appeal No. <b>516/2019</b>
2	Name of Parties	<b>Amjad Ali</b> son of Abdul Jabbar caste Kundi r/o village Pai Tehsil & District Tank.  Versus <ol style="list-style-type: none"><li>1. Provincial Police Officer (IGP), Khyber Pakhtunkhwa Peshawar.</li><li>2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar.</li><li>3. Deputy Inspector General of Police/D.I.Khan Range Dera Ismail Khan.</li><li>4. Superintendent of Police FRP Dera Ismail Khan.</li></ol>
2	Date of Judgment	15/12/2021

*[Handwritten signature]*

2

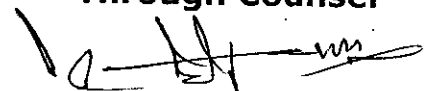
3	Whether any Appeal preferred from Department	Nil
4	Previously execution petition is filled or not	No
5	Relief granted in the judgment	This Honourable Tribunal was pleased to accept the appeal with following wordings, <b>"We set aside the impugned orders and direct that appellant be reinstated in service."</b>
6	Amount of Costs, if any	Nil
7	Against whom to be executed	<b>Respondents</b>
8	Mode in which the assistance of the court if required	The respondents may kindly be directed to reinstate the service of petition as per judgment dated 15/12/2021.

It is therefore, humbly prayed that the instant petition may kindly be accepted.

**Humble Petitioner**

امجد علی

**Amjad Ali  
Through Counsel**



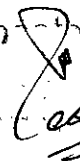
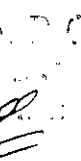
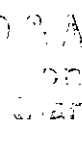
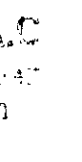

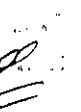
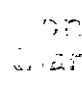


**Inamullah Khan Kundi**  
Advocate High Court

January 31, 2022

**Affidavit:**

I, the petitioner, do hereby solemnly affirm and declared on Oath that all the contents of the petition are true and correct to the best of my knowledge and belief and no other petition on the same subject matter was filed earlier.

*Attested.*

Adv.  O.S.  D.O.  A.C.   
O.S.  D.O.  A.C.   
D.O.  A.C. 

**Deponent**

امجد علی

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR**

In service Appeal No. 516 /2019

**Amjad Ali  
(Appellant)**

**VERSUS**

**PPO KPK etc  
(Respondents)**

**INDEX**

S.No.	Description of documents	Annexure	Pages
1.	Memorandum of service Appeal and affidavit	--	1-7
2.	Copy of CNIC	A	8-9
3.	Copy of the impugned order dated 18/06/2010	B	10
4.	Copy of judgment of High Court dated 05/11/2018	C	11-17
5.	Copy of departmental appeal	D	18-19
6.			20-21
7.	Vakalatnama	--	22-23
8.	charge sheet	E	24
9.	Application	F	25


Dated: 28/03/2019

Your humble appellant



**Amjad Ali**

Through counsel



**Inam Ullah Khan Kundi  
Advocate High Court,**



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 516 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 496

Dated 01/4/2019

**Amjad Ali** son of Abdul Jabbar caste Kundi r/o Village Pai,  
Tehsil & District Tank.  
Ex-Constable#7210/FRP

**(Appellant)**

**VERSUS**

1. Provincial Police Officer, (IGP), Khyber Pakhtunkhwa Central Police Office Peshawar.
2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar.
3. Deputy Inspector General of Police, D.I.Khan Range, Dera Ismail Khan.
4. Superintendent of Police, FRP, D.I.Khan Range, Dera Ismal Khan.

..... **(RESPONDENTS)**

Filed to-day

Registrar

01/4/19

**APPEAL UNDER SECTION 4 OF THE KPK SERVICES TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER NO. OB-605 DATED 18/06/2010 ISSUED BY THE RESPONDENT#4, WHEREBY THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF REMOVAL FROM SERVICE.**

**Note:** Addresses given above shall suffice the object of service. All necessary and proper parties have been arrayed in the panel of respondents.

Re-submitted to-day  
and filed.

Registrar 22/11/19

**Respectfully Sheweth;**

1. That the appellant was inducted in Police Department (FRP) Dera Ismail Khan as Constable and prior to the implementation of the impugned order the appellant had been serving the under the SP FRP Dera Ismail Khan and since induction had been performing his duties with honesty and with great zeal but unfortunately the appellant was falsely implicated in a concocted, fabricated and inconsistent FIR#195 dated 28/03/2009 u/s 302 PPC registered at Police Station Tank, for settling score by some rivals. Copy of the CNIC of the petitioner is annexed as **Annexure-A**.
2. That the respondent#4, charge sheeted the appellant and had served statement of allegation upon him. The appellant denied the allegations and submitted his reply but the case was kept pending till the final decision of the criminal case registered against the appellant by competent court of law.
3. That the learned trial court i.e. Additional Sessions Judge Tank, after the conclusion of the trial, convicted the appellant under section 302 (b) PPC and sentenced the appellant for life imprisonment with Diyat vide judgment dated 22/04/2010.
4. That thereafter, the respondent#4 (SP FRP Dera Ismail Khan) without affording any opportunity of hearing to the appellant and to defend him in accordance with law vide impugned order# 605 dated 18/06/2010 removed the appellant from service. Copy of the impugned order dated 18/06/2010 is annexed as **Annexure-B**.
5. That the appellant, preferred an appeal against conviction by impugning the order dated 22/04/2010 of learned trial court before the Peshawar High Court Bench Dera Ismail Khan and the same was accepted by the Honourable High Court vide judgment dated 05/11/2018 and the appellant was acquitted from the charges leveled against him. Copy of the judgment dated 05/11/2018 of High Court is annexed as **Annexure-C**.
6. That appellant preferred a departmental appeal on 04/12/2018 to the respondents being appellate authority and disclosed all the true facts and acknowledging the real happenings with the

appellant but did not receive any response. Copy of departmental appeal is annexed as **Annexure-D**.

3

7. That the impugned order#OB-605 dated 18/06/2010 is based on mala fide and against the law, thus, the appellant left with no other remedy, the appellant approaches this honourable tribunal seeking reinstatement in service with all back benefits from 28/03/2009 in consequence of setting aside impugned order on gracious acceptance of the instant petition on grounds hereinafter preferred.

### **G R O U N D S**

- a. That the order passed by the departmental authorities, impugned hereby are arbitrary, discriminatory, legally and factually incorrect, ultra virus, void ab initio and militate against principle of natural justice, thus, are liable to be set aside and malafide.
- b. That since the aforesaid criminal case registered against the appellant was false and fabricated and the appellant was involved in the said case due to previous grouse, therefore, the legal heirs of the deceased has effected compromise with the appellant and have exonerated the appellant from the charge leveled against him.
- c. That since the order of learned trial court was non speaking and was the result of mis-reading and non reading of the evidence brought on record, therefore, the Honourable Peshawar High Court had granted the interim relief to the appellant and had released on bail much before the final decision of his appeal.
- d. That the appellant was not involved in any case of moral treptituted, misconduct or corruption therefore, the appellant was not required to be removed from his service. Therefore, the impugned order of the SP FRP D.I.Khan is corum non judice and is liable to be set aside.

4

- e. That the aforesaid criminal case registered against the appellant was false and fabricated and the appellant was involved in the said case due to mala fide and previously enmity. Moreover, the legal heirs of deceased have effected compromise with the appellant. Hence, the service of the appellant is liable to be reinstated with all back benefits.
- f. That the appellant is innocent and has been subjected to the penalty for no fault on his part. SP FRP/respondent#4 failed to follow the prescribed procedure and conducted ex-parte proceedings and the inquiry officer also failed to regulate the departmental inquiry in accordance with law and procedures described for the purpose and as such erred at the very outset of the proceedings, thus, thus causing grave miscarriage of justice as well as prejudice to the appellant in making his defence.
- g. That it is a matter of record that appellant has been vexed in clear defiance of law and principle laid by the superior courts as well as the tribunals as could be gathered from the facts and circumstances of the case.
- h. That the respondents/department awarded major penalty i.e. removal from service on the basis of false and fabricated case. Even then the punishment awarded to the appellant is too harsh for the bogus and baseless case.
- i. That appellant was not called for personal hearing before the respondent#4. The proceeding against the appellant has not conducted according to the law even the inquiry conducted was ex-parte, hence, the impugned order dated 18/06/2010 is liable to be set aside. No personal hearing, show cause notice, no opportunity to cross examine the witness and no any type of inquiry has been conducted by the respondents.
- j. That the appellant had sufficient length of service rendered for the department while adjudicating the matter of departmental authority utterly ignored not only the

provisions of law on the point but the rights, too, of the appellant including fringe benefits and by imposing the harshest of the penalties in defines of law as aforesaid, deprived the family of appellant of its only means of earning livelihood.

- k. That the respondents while adjudicating in the matter of departmental proceedings of the appellant were disposed of the entire matter in a slip shot manner through the orders impugned hereby, thus, the award of impugned punishment is patently unwarranted, illegal, ultra virus, nullity in law and apparently motivated for extraneous reasons and is not maintainable in law.
- l. That the petition of appeal is duly supported by law and rules formulated there under, besides the affirmation/affidavit annexed hereto.
- m. That this honourable Tribunal is competent and has ample powers to adjudge the matter under reference/appeal.
- n. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

**In wake of submission made above applicant humbly requested that the impugned order No. OB-605 dated 18/06/2010 issued by the respondent#4 may please be set aside and the applicant may graciously be reinstated in service with all back benefits w.e.f 28/03/2009.**

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

Dated: 28/03/2019

Your humble appellant

**Amjad Ali**

son of Abdul Jabbar caste  
Kundi r/o Village Pai,  
Tehsil & District Tank.  
Ex-Constable#7210/FRP.  
Through counsel

**Inam Ullah Khan Kundi**  
Advocate High Court,

(b)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

In service Appeal No. \_\_\_\_\_/2019

**Amjad Ali**  
**(Appellant)**

**VERSUS**

**PPO KPK etc**  
**(Respondents)**

**CERTIFICATE**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

Dated \_\_\_/03/2019



Appellant

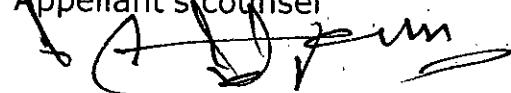
**NOTE**

Appeal with annexure along-with required sets thereof are being presented in separate file covers.

Dated 28/03/2019



Appellant's counsel



7

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

In service Appeal No. \_\_\_\_\_/2019

**Amjad Ali**  
**(Appellant)**

**VERSUS**

PPO KPK etc  
**(Respondents)**

**AFFIDAVIT**

I, **Amjad Ali**, appellant herein, do hereby solemnly affirm on oath:-

1. That the accompanying appeal has been drafted by counsel following our instructions;
2. That all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information;
3. That nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

Dated 28/03/2019



**DEPONENT**

Identified By:-



**Inamullah Khan Kundi**  
Advocate High Court,

ORDER :-

10

Annex B

Having been involved and arrested in Case FIR No.195, dated 28.03.2009, U/S 302 PPC Police Station Tank, Constable Amjad Ali No.7210/FRP, was served with Charge Sheet & Statement of allegations. His reply to the said Charge Sheet & Statement of allegations was received but the Case was kept Pending till the decision of Court.

Now the Criminal Case registered against him has been finalized and the accused has been sentenced U/S 302 (b) PPC for Life imprisonment with DIYAT amount of Rs.930000/- by the Court of Additional Session Judge, Tank.

Therefore, I MR. ASIF JAN KHAN, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers conferred upon me under the NWFP Removal from Service (Special Powers) Ord:- 2000 Amendment Act- 2005, hereby removed Constable Amjad Ali No.7210/FRP, from service from the date of occurrence i.e 28.03.2009.

ORDER ANNOUNCED.

OB No. 605

Dated 18-6-2010.

(ASIF JAN KHAN)  
Superintendent of Police,  
FRP, D.I. Khan Range, D.I. Khan.

FRP Order D.I. Khan Range

~~Attested~~  
To be true copy.

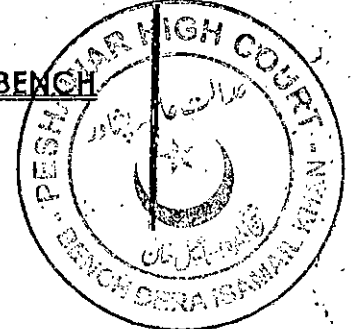
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11 Amjad

BEFORE THE PESHAWAR HIGH COURT, D.I.KHAN BENCH



Criminal Appeal No. 63 /2010

**Amjad Ali** son of Abdul Jabbar, Caste Kundi, R/O village  
Pai, Tehsil and District Tank.  
.....(Appellant/convict)

VERSUS

1. The State.
2. **Shah Nawaz** son of Sahib Jan, Caste Kundi, R/O village  
Pai, Tehsil and District Tank. (complainant).  
.....(Respondents)

Handwritten notes and signatures on the left margin, including '10/3/10' and some illegible text.

Handwritten signature and name 'Amjad Ali' on the left margin.

CRIMINAL APPEAL UNDER SECTION 410 Cr.P.C  
AGAINST THE JUDGMENT DATED 22.4.2010 OF  
ADDITIONAL SESSIONS JUDGE, TANK, WHEREBY THE  
PRESENT APPELLANT HAS BEEN CONVICTED UNDER  
SECTION 302(b) PPC AND SENTENCED TO LIFE  
IMPRISONMENT; MOREOVER, HE HAS ALSO BEEN  
BURDENED WITH DIYAT AMOUNT OF RS: 9,30,000/- TO  
BE PAID TO THE LEGAL HEIRS OF THE DECEASED AND  
RECOVERABLE AS ARREARS OF LAND REVENUE, IN  
CASE FIR NO. 195 DATED 28.3.2009, UNDER SECTION  
302 PPC, REGISTERED AT P.S TANK.

PRAYER

By setting aside the impugned conviction and  
sentences, appellant may please be acquitted of  
the charge.

Handwritten signature and name 'Amjad Ali' at the bottom left.

Cr.A.63 of 2010 (Amjad Ali Vs. State)(Grounds)

ATTESTED  
21-03-10  
EXAMINER  
Peshawar High Court  
D.I. Khan Bench

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12

ENCLOSURES

- A. Copy of the FIR is enclosed as Annexure "A".
- B. Copy of the impugned judgment dated 22.4.2010 is enclosed as Annexure "B".

**Respectfully Sheweth;**

Feeling aggrieved by the judgment of conviction recorded by Additional Sessions Judge, Tank, the same is being questioned by way of instant appeal on the following grounds amongst others:-

GROUNDS

- 1) That the impugned conviction and sentence is against law, without jurisdiction, in conflict with ground realities and material available on record and above all, it is in violation of the principles regulating the criminal dispensation of justice.
- 2) That findings of conviction are the outcome of misappreciation and non-appreciation of evidence.
- 3) That biased, partisan, inimical and prejudiced testimony of a solitary related witness cannot be made the basis of conviction, moreso it does not receive corroboration from an independent source. On this score alone, the impugned conviction is unsustainable.
- 4) The complainant (PW-8) was not present on the date and time of the occurrence with his deceased brother Muhammad Salim and the prosecution has miserably failed to establish his presence on spot at the relevant time. All factors and circumstances point out towards his absence from the scene and clearly indicate that it

808  
10/5/10

Advocate

Attorney General

EXAMINOR  
-eshwar High Court  
D.I.Khan Baloch

13

was an unseen occurrence and that PW-8 was subsequently managed by the police in order to wear the cloak of the complainant.

- 5) There are glaring contradictions on record surfacing in the statements of PWs, which have virtually vitiated the case of the prosecution.
- 6) In the words uttered by Shah Nawaz, complainant (PW-8), during the course of cross-examination, he had not witnessed the occurrence and relevant portions of the cross-examination are reproduced as under, for correct appreciation of evidence:-

"The accused after the deceased entered the Al-Sheikh sweet shop. I was also going behind my brother and I had not yet entered the shop when the firing took place".

"I cannot tell the time of firing".

- 7) The investigation in the instant case was biased and was undoubtedly against the accused under pressure from police high-ups. It is for this reason that the Investigating Officer did not bother to verify the arrival of the complainant and the deceased from Gomal Dam to Tank City. The investigation is also silent with regard to the alleged purchase of articles and medicines from Budh Mandi; moreover, the assertion that the complainant and deceased were employed at Gomal Dam, has not been proved through any documentary evidence, nor the Investigating Officer

ATTES  
EXAMINOR  
Peshawar High Court  
D.I. Khan Bench

1808  
10/11/10

Shah Nawaz  
Advocate

11/11/10  
11/11/10

14

has gathered any evidence or papers to prove the same.

- 8) The alleged ocular account is not in harmony with the medical evidence/autopsy report and site plan.
- 9) That the story of the prosecution is contradicted by the fact that no bullet marks were detected on the walls of the shop, behind the deceased and moreover, not a single spent bullet was recovered from the shop.
- 10) That in view of the time-tested and universally recognized principle of the benefit of doubt, the appellant was entitled to clean-breast acquittal in facts and circumstances of the case.

1808  
 19/05/10


For the afore-stated grounds, this appeal may please be allowed as prayed above.

Dt: 10.5.2010

Your humble appellant,

Amjad Ali

Through counsel:-

  
 Gauhar Zaman Kundi,  
 Advocate Supreme Court

ATTESTED  
 10-03-10  
 EXAMINOR  
 Peshawar High Court  
 D.I.Khan Bench

Attested and  
 to be true copy.  
 D.I.

15

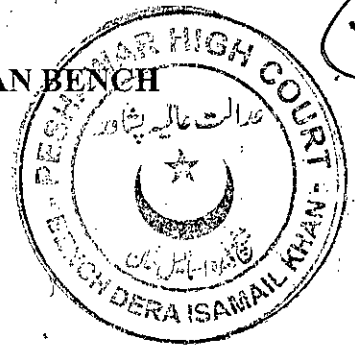
**JUDGMENT SHEET**  
**IN THE PESHAWAR HIGH COURT, D.I.KHAN BENCH**  
(Judicial Department)

Criminal Appeal No.63-D of 2010

Amjad Ali

Versus

The State and another



**JUDGMENT**

Date of hearing: 05.11.2018

For Appellant: M/S Muhammad Yousaf Khan, Saif ur Reman and Inamullah Khan Kundi Advocates

For respondent No.1: Mr. Adnan Ali, Asstt: A.G

For respondent No.2: Nemo

IJAZ ANWAR, J.- Through this single judgment, we propose to dispose of instant Criminal Appeal No.63-D/2010 filed by appellant Amjad Ali against his conviction and sentence and Criminal Revision No.15-D/2010 filed by Shah Nawaz complainant for enhancement of sentence awarded to the appellant as both the matters are the outcome of one and the same judgment dated 22.4.2010 rendered by learned Additional Sessions Judge, Tank, whereby the appellant was convicted under section 302(b) PPC and sentenced to life imprisonment with diyat amount of Rs.930000/- to be paid to the legal heirs of the deceased with benefit of section 382-B Cr.P.C extended to him.

2. On 11.9.2018, the learned counsel for the appellant submitted that legal heirs of deceased had

ATTESTED  
EXAMINOR  
Peshawar High Court  
D.I.Khan Bench

effectuated compromise with the appellant, therefore, record of the case was sent to learned Sessions Judge, Tank with the directions to verify legal heirs of the deceased, record their statements and submit detailed report for further proceedings.

16

3. On 27.9.2018, the learned Sessions Judge, Tank recorded joint statement of Shah Nawaz (brother), Sahib Jan (father), Mst. Miro Jana Bibi (mother), Mst. Nafeesa Bibi (widow) and Mst. Abida Bibi (daughter) of deceased Saleem Khan. Major legal heirs of the deceased pardoned the appellant in the name of Allah Almighty whereas in respect of shari shares of minor legal heirs, landed property will be transferred. The learned Sessions Judge, Tank also submitted his report dated 18.10.2018. The compromise arrived at between the parties appears to be genuine and free from any pressure or coercion.

4. In view of compromise effected between the parties. Criminal Appeal No.63-D/2010 is accepted, the impugned judgment of conviction and sentence dated 22.4.2010 rendered by learned Additional Sessions Judge, Tank is set aside and the appellant Amjad Ali is acquitted of the charges levelled against him in this case. The appellant is on bail and is relieved from the liability under the bail bonds.

1

ATTESTED  
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EXAMINOR  
-eshwar High Court  
D.I.Khan Bench

19

5. As the appellant has been acquitted on the basis of compromise, therefore, Criminal Revision No.15-D/2010 for enhancement of his sentence has become infructuous and is dismissed as such.

Announced.  
Dt:05.11.2018.  
Habib/\*

  
JUDGE

  
JUDGE

*Handwritten scribbles*

(DB)  
Hon'ble Mr. Justice Ijaz Anwar  
Hon'ble Mr. Justice Shakeel Ahmad

1498  
G.R.No. \_\_\_\_\_  
Application Received on 21-03-19  
Copying Fee deposited Rs. \_\_\_\_\_  
No of Papers 07  
Copying Fee 04  
Urgent Fee \_\_\_\_\_  
Total Fee 286  
Copy ready for delivery on 21-03-19  
Copy delivered on 21-03-19  
Signature of Examiner \_\_\_\_\_

21-03-19

Control to be filed Copy  
21-03-19  
EXAMINOR  
Peshawar High Court Branch Office  
Authorised by Section Officer  
Quetta-2-Quetta

To

18

Amr

The Deputy Inspector General of Police

D I Khan Range D I Khan.

SUBJECT:-

APPEAL AGAINST THE ORDER NO.605 DATED 18-06-2010 OF SUPERINTENDENT OF POLICE, FRP D I KHAN RANGE D I KHAN VIDE WHICH THE APPELLANT WAS REMOVED FROM HIS SERVICE AS CONSTABLE OF FRP D I KHAN.

Respected Sir,

Respectfully it is submitted that the appellant was serving as constable No.7210/FRP in District Tank and had long unblemished record of service at his credit when he was involved in a criminal case FIR No. 195 dated 28-03-2009 registered under section 302 PPC at PS Tank. The SP D I Khan Range D I Khan charge sheeted the Appellant and had served statement of allegation upon him. The Appellant denied the allegation and submitted his reply but the case was kept pending till the final decision of the criminal case registered against him by the competent court of law.

2. That the learned Additional Session Judge Tank after the conclusion of the trial convicted the Appellant under section 302(b) PPC and sentence the Appellant for life imprisonment with Diyat vide his judgement dated 22-04-2010.

3. That thereafter the SP FRP D I Khan Range D I Khan without affording any opportunity of hearing to the Appellant and to defend him in accordance with the law vide his order No.605 dated 18-06-2010 removed the Appellant from his service. The copy of the order is enclosed.

4. That the Appellant therefore filed an appeal No.63/2010 before the honorable Peshawar High Court D I Khan and consequently was released on bail till the decision of his appeal.

5. That the honorable Peshawar High Court D I Khan has now acquitted the Appellant vide its order dated 05-11-2018 and has set aside the order of the learned trial Court. The copy of the order is enclosed.

6. That since the aforesaid criminal case registered against the Appellant was false and fabricated and the Appellant was involved in the said case due to previous grouse, therefore the legal heir of the deceased has effected compromise with the Appellant and have exonerated the Appellant from the charge leveled against him.

Amr  
To be true  
2/2/14  
be the true



11

7. That since the order of the learned trial court was non speaking and was the result of misreading and non reading of the evidence brought on reconrd, therefore, the honorable Peshawar High Court Bench D I Khan had granted interim relief to the Appellant and had released on bail much before the final decision of his Appeal.

8. That the Appellant was not involved in any case of moral turpitude, misconduct or corruption therefore the Appellant was not required to be removed from his service. Therefore the impugned order of the SP FRP D I Khan Range D I Khan is coram non-judicie and is liable to be set aside.

9. That the Appellant has got a long tenure of service and there is nothing adverse against him through out.

It is therefore requested that on acceptance this appeal the impugned order dated 18-06-2010 of the SP, FRP, D I Khan Range D I Khan may graciously be set aside and the Appellant may please be reinstated in his service ,with all back benefits.

Your humble Appellant

*Amjad Ali*

Amjad Ali S/O Abdul Jabbar  
Caste Kundi R/O Village Pai  
Tehsil and District Tank

X Constable No.7210/FRP.

DATED:- 04-12-2018

Copy to:-

1. I.G.P, Khyber Pakhtunkhwa, Peshawar.
2. Superintendent of Police FRP, DIKhan Range, DIKhan.

*Handwritten note:*  
To be true copy.  
*Signature*



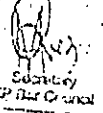
INAM ULLAH KHAN KUNDI

Advocate High Court

EC-12-3389

Date of Issue: 03-04-2018

Valid upto: 03-04-2022



ADVOCATE  
HIGH COURT

کورٹ  
فیس

عدالت صاحب سروس ٹرسٹ لپک لیسٹ اور کمپ کورٹ DIL

منجانب (امیر علی)

بنام گورنمنٹ لپک وٹلر (محمد علی)

دعوی یا جرم

(سروس لپک)

تفصیل دعوی یا جرم

باعث تحریر آنگہ

مقدمہ مندرجہ بالا عنوان میں ملحقہ طرف واسطے بیرونی وجوہات پیش یا تفسیر مقدمہ بنام

الغرض انصاف لڈی اندرون کورٹ  
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ برو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کھل ساختہ پر واخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذمیری نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر مائی یا راضی نامہ و فیصلہ برعکس کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر بیرونی مقدمہ مذکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا منسوخی ذمیری ایک طرف یا درخواست تمام اثنائی یا قرتی یا گرفتاری نکل از فیصلہ اجراء ذمیری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ محاسبہ بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیر مٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں رہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

بہ

مورخہ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Accepted  
[Signature]

[Signature]  
[Signature]

CHARGE SHEET

24

Amjad

I, ASIF JAN KHAN, SUPERINTENDENT OF

POLICE FRP D.I.KHAN RANGE, D.I.KHAN, as competent authority.

hereby charge you Constable Amjad Ali No. 7210/FRP, as follow:

On 28.3.2009, while Performing security duty at Muslim Commercial Bank Tank, made firing on your enemy with Govt: SFG who succumbed to his injuries on the spot. As a result Case FIR No. 195, dated 28.3.2009, U/S 302/IPC, Police Station Tank, registered against you and you were arrested accordingly.

This act on your part reflects lack interest towards the performance of office duties and also gross misconduct, which is punishable under the rules.

2. By reasons of the above, you appear to be guilty of misconduct under section-3 of the NWFP (Removal From Service) Special Powers, Ord: 2000 and have rendered yourself liable to all or any of penalties in section-3 of the ordinance ibid.
3. You are therefore required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer.
4. Your written defence, if any should reach the enquiry officer/committee within the specified period failing which it shall be presumed that you have no defence to put in and in that case ex parte action shall follow against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegation is enclosed.

Superintendent of Police,  
FRP, D.I.Khan Range D.I.Khan

*Amjad*  
*To be true*  
*copy.*  
*Amjad*

25 خدمت جناب سپری ضابطہ صلح ڈیڑھ اسٹیفیل خان

40 جناب عالی! Amx

گزارش ہے کہ سائل 2009 کو قتل میں سے ملوث  
ہونے پر فوری سے برخواستہ نفاذ ہو۔ سائل کو ریاستی  
آرڈر کی کاپی ملی تھی لیکن سائل نے اپیل کر لی تھی۔  
اب سائل کو جاری ٹریٹ، اور سائل نے جائزہ لینے  
کا جواب دیا، کئی کاپی درکار ہے۔

سید محمد رضا اسٹیفیل خان صاحب  
کی کاپی اور جواب کی فراہمی کی بارے  
میں نوڈسنگ

11/04/2019

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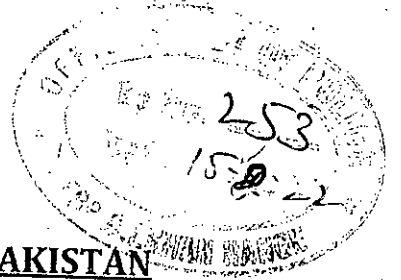
DSP/legal 8114  
7211  
اسٹیفیل خان  
for legal  
Comments pl.

3iv,  
copy of order may  
be allowed, if approved  
Please

اسٹیفیل خان

11/4

Bin  
DSP/legal  
12/05/2019



**IN THE HONORABLE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

CPLA No. \_\_\_\_\_ of 2022

Amjad Ali

.....Petitioner

Versus

Provincial Police Officer (IGP) KPK and others

.....Respondents

**NOTICE**

To,

1. Provincial Police Officer, (IGP), Khyber Pakhtunkhwa Central Police Office Peshawar.
2. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar.
3. Deputy Inspector General of Police, D.I.Khan Range, Dera Ismail Khan.
- ✓ 4. Superintendent of Police, FRP, D.I.Khan Range, Dera Ismal Khan

Please take notice that today I have filed CPLA against the impugned Judgment dated 15.12.2021 passed by the Hon'ble KPK Service Tribunal Peshawar at Camp Court D.I. Khan in Service Appeal No. 516/2019 on behalf of Petitioner himself, in the Supreme Court of Pakistan, Islamabad.

*(Amjad Ali)*  
(Amjad Ali)

**Petitioner in person**

**Dated:-24-01-2022**

*Court Clerk*

*For n/a actions*

*SP/FRP D.I.K  
15/12*



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar.

aiglegal11@gmail.com

No. 50 /Legal, dated Peshawar, the 06/01 /2021.

To: The Commandant,  
FRP, Khyber Pakhtunkhwa,  
Peshawar.

Subject:- **LODGING OF CPLA AGAINST THE JUDGMENT DATED 15.12.2021 PASSED BY KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR IN SERVICE APPEAL NO. 516/2019 TILTED AMJAD ALI VS PPO & OTHERS.**

Memo:-

Please refer to your Office Letter No. 11468/SI Legal, dated 28.12.2021 on the subject cited above.

It is intimated that the subject case has been declared fit for CPLA by Scrutiny Committee Law Department on 05.01.2022.

It is, therefore, directed to depute an Officer to execute Power of Attorney and attend the office of Advocate on Record Supreme Court of Pakistan within two days.

JAIG/LEGAL

For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
05.01.2022

**POWER OF ATTORNEY**  
**IN THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**

**CPLA. No. /2022**

Govt. of Khyber Pakhtunkhwa and  
others

PETITIONER(S)

VERSUS

Amjad Ali

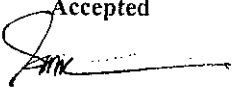
RESPONDENT(S)

I (we) Petitioner/Govt. of KPK in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Mr. \_\_\_\_\_, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [ or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [ or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

In witness whereof I/we do hereunto set my/our hand (s) this day of

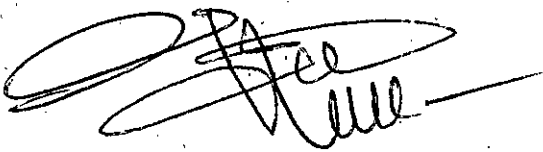
**Signed with Official seal stamp**


Accepted

  
Advocate-on-Record  
Supreme Court of Pakistan  
(for KPK) Advocate-General's  
Office KPK, High Court Building, Peshawar.  
Office Tel. # 091-9210312, 9210119

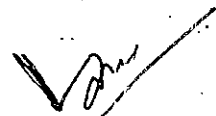
*Advocate-on-Record  
Supreme Court of Pakistan  
Govt. of Khyber Pakhtunkhwa  
Peshawar.*

1- Provincial Police Officer, Khyber  
Pakhtunkhwa, Peshawar

  
2- Commandant Frontier Reserve  
Police, Khyber Pakhtunkhwa,  
Peshawar. COMMANDANT,  
Frontier Reserve Police  
Khyber Pakhtunkhwa Peshawar

  
3- Deputy Inspector General of Police,  
D.I.Khan Range, D.I.Khan

REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

  
4- Superintendent of Police, Frontier  
Reserve Police, D.I.Khan Range,  
D.I.Khan / Superintendent of Police  
FRP, D.I.Khan Range

**Power of attorney issued on 12-01-2022**

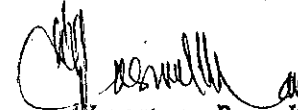


OFFICE OF ADVOCATE GENERAL KHYBER PAKHTUNKHWA, PESHAWAR

DEMAND

A sum of Rs.3500/- (Rupees Three thousand and Five hundred only) is required as expenses for filing C.P.L.A (Photo Stat, binding, Supreme Court tickets, court fee, and notices to the respondents, etc) in the Supreme Court of Pakistan in its branch registry at Peshawar in connection with case title Service Appeal No. 516/2019 Amjad Ali Versus Govt. of KPK and others

S.P. ARP/D-12  
83-1-22

  
Advocate-on-Record  
Supreme Court of Pakistan  
Govt. of Khyber Pakhtunkhwa  
Peshawar

12/01/2022