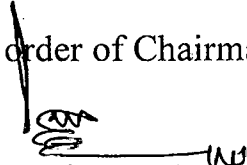


FORM OF ORDER SHEET

Court of _____

Case No.- 1744/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	02/12/2022	<p>The appeal of Mr. Naveed Ali Shah resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Naveed Ali Shah Ex-Constable no. 2700 FRP Peshawar Range Peshawar received today i.e. on 23.11.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Annexures of the appeal may be attested.
- 4- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 5- Annexure-A of the appeal is illegible which may be replaced by legible/better one.
- 6- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3354 /S.T,

Dt. 23-11 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

Respected Sir

1- Removed

2- Removed

3- Removed

4- The appellant did not keep the copy of departmental appeal, therefore unable to annex with the appeal which may be requisite from the department.

5- Better copy of Annexure-A was made and annexed.

6- Removed.

Resubmitted after compliance



01/12/2022.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1744/2022

Naveed Ali Shah

V/S

Police Department

INDEX

S.No.	Documents	Annexure	P. No.
1	Memo of Appeal	-----	01-05
2	Affidavit	-----	06
3	Copies of FIR and DD No.7	A&B	07-09
4	Copies of charge sheet, statement of allegations and reply	C&D	10-15
5	Copy of inquiry report	E	16-18
6	Copies of bail out order dated 31.05.2019, medical prescription, letter dated 16.07.2019 and letter dated 19.07.2019	F,G,H&I	19-25
7	Copies of show cause notice and reply	J&K	26-27
8	Copies of order dated 08.08.2019 and order dated 12.09.2019	L&M	28-30
9	Copies of revision and order dated 09.01.2020	N&O	31-32
10	Copies of judgment dated 20.01.2022, application and rejection order dated 04.11.2022	P,Q&R	33-41
11	Vakalat Nama	-----	42

THROUGH:

APPELLANT


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)

Cell# 0333-9390916

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

SERVICE APPEAL NO. 1744/2022

Naveed Ali Shah, Ex-Constable No.2700,
FRP, Peshawar, Range Peshawar.

Case No. 2024

Story No. 2024

Dated 23/11/2022

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police, Frontier Reserve Police, Peshawar Range, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 08.03.2019, WHEREBY MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 12.09.2019, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED, AGAINST THE ORDER DATED 09.01.2020, WHEREBY THE BOARD DECIDED THAT THE REVISION OF THE APPELLANT IS HEREBY KEPT PENDING TILL DECISION OF THE CASE FROM THE COMPETENT COURT AND THE INSTANT PETITION IS REJECTED AND NEW REVISION PETITION BE SUBMITTED AFTER DECISION OF THE CASE AND AGAINST THE 04.11.2022 WHEREBY THE REVISION PETITION OF THE PETITIONER WAS REJECTED.

Filed today
23/11/22

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 08.03.2019, 12.09.2019, 09.01.2020 AND 04.11.2022 MAY KINDLY BE SET ASIDE AND RESPONDENTS MAY FURTHER BE DIRECTED TO REINSTATE THE APPELLANT INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant was appointed as constable in the respondent department in the year 2010. The appellant since his appointed performing his duty with great devotion and honesty, whatsoever assigned to him and no complaint has been filed against him regarding his performing.
2. That the FIR No.822 dated 03.11.2018 U/S 392-171, 419,420 PPC 15AA was registered against unknown persons and SHO Daudzai through DD No.7 dated 03.02.2019 mentioned that the appellant was arrested in the above mentioned FIR. **(Copies of FIR and DD No.7 are attached as Annexure-A&B)**
3. That on the basis of above criminal case, charge sheet along with statement of allegations were served to the appellant in the Prison in which the appellant was charged as Constable Naveed Ali shah No.2700 of FRP Peshawar Range, Peshawar being involved in case FIR No.822 dated 03.11.2018 U/S 392-171, 419-420 PPC 15AA also absented himself from lawful duty w.e.from 02.02.2019 till date 14.02.2019, which was replied by the appellant in which he denied the allegations and mentioned in his reply that the allegations were incorrect and baseless. **(Copies of charge sheet, statement of allegations and reply are attached as Annexure-C&D)**
4. That inquiry was conducted against the appellant which was not according to the prescribed procedure as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, but despite that the appellant was hold responsible by the inquiry officer, however, the inquiry officer recommended that as the criminal case is pending against the appellant, therefore,

inquiry may be kept pending till the conclusion of his criminal case.
(Copy of inquiry report is attached as Annexure-E)

5. That the competent court has granted bail to the appellant on 31.05.2019 and after release from the Prison, the appellant became ill and did his treatment from the Hospital Tangi Charsadda and when the appellant recovered from illness he went to join his duty and started his duty and also submitted his medical prescription which was sent by respondent No.3 to the concerned Hospital through letter dated 16.07.2019 for verification which was verified and found correct and the same is endorsed through letter dated 19.07.2019. **(Copies of bail out order dated 31.05.2019, medical prescription, letter dated 16.07.2019 and letter dated 19.07.2019 are attached as Annexure-F,G,H&I)**
6. That show cause notice was issued to the appellant which is replied by the appellant in which he again denied the allegations and clearly mentioned that the allegations leveled against are incorrect and baseless. **(Copies of show cause notice and reply are attached as Annexure-J&K)**
7. That on the basis of above mentioned criminal case, the appellant was dismissed from service vide 08.08.2019. The appellant filed departmental appeal against the dismissal order dated 08.08.2019, however the appellant did not keep the copy of departmental appeal which may be requisite from the respondent department. The departmental appeal of the appellant was rejected on 12.09.2019 for no good grounds. **(Copies of order dated 08.08.2019 and order dated 12.09.2019 are attached as Annexure-L&M)**
8. That the appellant filed revision for his reinstatement on 16.09.2019 and on the revision of the appellant, an order 09.01.2020 was passed in which it was mentioned that his case is under trial in the Court. Therefore, the Board decided that his revision petition is hereby kept pending till decision of the case from the competent court and the instant petition was rejected and new revision petition be submitted after decision of the case. **(Copies of revision and order dated 09.01.2020 is attached as Annexure-N&O)**
9. That the appellant was acquitted in criminal case by the competent court of law on 20.01.2022 and as per the direction of the Board constituted on the revision of the appellant by respondent No.1, the appellant filed application to re-open his pending revision after his acquittal, but his revision was rejected on 04.11.2022 without giving any reason. **(Copies of judgment dated 20.01.2022, application and rejection order dated 04.11.2022 are attached as Annexure-P,Q&R)**

10. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 08.08.2019, 12.09.2019, 09.01.2020 and 04.11.2022 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That no regular inquiry was conducted against the appellant as neither statements were recommended in the presence of the appellant nor gave him opportunity of cross which is violation of law and rules and as such the impugned order are liable to be set aside.
- C) That as the appellant was involved in the criminal case and in the inquiry officer gave his recommendation that as the criminal case is pending against the appellant, therefore, inquiry may be kept pending till his criminal case, but the competent authority without reasoning for not agreeing with the recommendation of the inquiry officer dismissed the appellant, which is against the rules and violation of superior courts judgments.
- D) That the inquiry was not conducted according to the prescribed procedure to dig out realty facts the allegations and the inquiry officer without recording the statements of the witness hold the appellant responsible, which is not against the norms justice and fair play.
- E) That the appellant was suspended on the base of FIR dated 03.11.2018 and should continue his suspension till the conclusion of criminal case pending against the appellant under Police Rules 1934 and CSR 194-A, but he was dismissed from service, which is clear violation of Police Rules 1934 and CSR-194-A and as such the impugned orders are liable to be set aside.
- F) The appellant was dismissed from service on the basis of criminal case, but he acquitted in that criminal case, therefore, there remain no ground to penalize the appellant on the basis of that criminal case.
- G) That in the impugned order of dismissal from service allegation of absence of 145 days was also levelled again the appellant, but he was behind the bar in the criminal case pending against him and when he granted bail on 31.05.2019 and released from the Prison, the appellant became ill and did his treatment from the Hospital Tangi Charsadda and when the appellant recovered from the illness, he went to join his duty on and started his duty and also submitted his medical

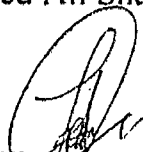
prescription, which was sent by respondent No.3 to the concerned Hospital through letter dated 16.07.2019 for verification which was verified and found correct and the same is endorsed through letter dated 19.07.2019, which means that the appellant was not willfully absent from his duty but due to behind the bar and illness he was compelled to remain absent from his duty.

- H) That when the departmental appeal of the appellant was rejected on 12.09.2019, he filed revision on 19.09.2019 on which order dated 09.01.2020 was passed in which it was mentioned that his case is under trial in the Court. Therefore, the Board decided that his revision petition is hereby kept pending till decision of the case from the competent court and the instant petition was rejected and new revision petition be submitted after decision of the case and when he was acquitted from the criminal case 20.01.2022, then filed application to re-open his revision as per the direction of the Board, which means that revision of the appellant was kept pending by the Board due to the criminal case pending against the appellant and he re-opened his revision through application after his acquittal from the criminal case, which shows that the appellant filed only one revision which was kept pending by the authority due to the criminal case pending against him and then he filed application to re-open his pending revision and the rejection order dated 04.11.2022, it also not mentioned by the competent authority that he filed the second revision.
- I) That the appellant has not been treated in accordance with law and rules and has been condemned unheard throughout.
- J) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

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


APPELLANT
Naveed Ali Shah

THROUGH:


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2022

Naveed Ali Shah

VS

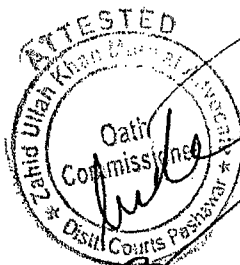
Police Department

AFFIDAVIT

I, Naveed Ali Shah, Ex-Constable No.2700, FRP, Peshawar, Range Peshawar, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

Naveed

DEPONENT



ابتدائی اطلاعی رپورٹ

(فائل) ابتدائی اطلاع نسبت جرم دست اندازی پولیس رپورٹ شدہ زبردفعہ ۱۵۴ مجموعہ ضابطہ نو جداری

ضلع پشاور

تھانہ داود زئی

تاریخ وقت وقوعہ 3.11.2018 بوقت 19:30 بجے

علت نمبر 822

۱۔ تاریخ وقت رپورٹ	03.11.2018 بوقت 19:55 بجے چاکیدگی پرچہ مورخہ بوقت 20:30 بجے
۲۔ نام و سکونت اطلاع دہندہ و مستغیث
۳۔ مختصر کیفیت جرم (معرفة) حال اگر کچھ لگتا ہو	PPC 392-171-109-412-419-420 / 15AA
۴۔ جانے وقوعہ فاصلہ تھانہ سے اور سمت	میں شبقد روڈ بنیادی شاف
۵۔ نام و سکونت ملزم	
۶۔ کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو توجہ بیان کرو	برسیدگی تحریری مراسلہ پر مقدمہ قائم کیا جاتا ہے۔
۷۔ تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل عام

ابتدائی اطلاع نیچے درج کرو:- بوقت صدر بجے ایک تحریری مراسلہ منجانب رؤف خان ASI سے بدست کنسٹیبل --- موصول ہو کر بہ مضمون ذیل ہے بخدمت جناب SHO صاحب تھانہ داود زئی دوران گشت وقوعہ ہذا کی اطلاع پر فوری طور جانے وقوعہ بالا آکر موٹر کار نمبر ATV867/Islamabad از قسم Aqua کے ساتھ مسیان (۱) نورالامین ولد محمد خان بھمر --- ساکن دوران کورڈ اصلاحی آباد، شبقد (۲) طیب ولد حاجی عمر گل ساکن یوسف خان قلعہ شبقد رکھڑے پا کر نورالامین یوں رپورٹ کرتا ہے کہ شبقد بازار نیو بوداک نام سے ہول سیلز موبائل کو --- آج میں پشاور صدر بلور پلازہ سے مختلف دکانوں سے مختلف قسم کے تقریباً 500 عدد موبائلز خرید کر جس کی رسیدات وصول کر کے فارغ ہونے پر اپنے دکانات شبقد رجا رہا تھا۔ جب بوقت وقوعہ جانے وقوعہ بالا پہنچا تو ایک موٹر کار کو نمبر A-9565 برنگ سفید سبز سرکاری رنگ نمبر پلیٹ --- موٹر کار سے آگے ہو کر اور مجھے کھڑا ہونے کا اشارہ کر کے میں نے موٹر کار سائیڈ پر کھڑا ہوا تو وہ ہمارے سامنے کھڑے ہوئے۔ جس سے دو کسان اتر کر ایک کے ہاتھ میں پستول تھا اور کالے کپڑے اور --- جیسے لوہی پہنے ہوئے تھے مجھے نیچے اترنے کو کہا جب میں نیچے اتر تو مجھے سے موبائل مانگ کر ہم نے تمام رسیدات دے دیئے اور پھر مجھ سے میرا شناختی کارڈ اور میرا موبائل برنگ Blue جس میں دو عدد نمبررات 0345-9384250، 0300-5641600 اور --- میرے ساتھی طیب سے موبائل دو عدد موبائلز ہوائی P8-Lite جس میں سم نمبر 03009351658 زیر استعمال تھا اور دوسرا J7 Pro بغیر سم لے لئے اور پھر میرے --- موبائل سیٹ جو کہ کچھ کارٹن اور کچھ شاپر میں تھے میرے گاڑی سے لے کر اپنے ساتھ لے گئے اور گاڑی سارٹ کی اور بطرف پشاور چلے گئے میں اپنے خریدے ہوئے موبائل سیٹ زیر استعمال سیٹ اور طیب سے دو عدد موبائلز بذور چھیننے کا برخلاف موٹر کار نمبر A-9565 اور دو کسان اسم و مسکن نامعلوم جو شکل سے جانتا ہوں دعویدار ہوں دستخط انگریزی طیب نے رپورٹ بالا کی تائید کی دستخط انگریزی کارروائی پولیس حسب گفتہ سائل رپورٹ حرف بہ حرف درج بالا کر کے سنایا سمجھایا جا کر درست تسلیم کر کے زیر رپورٹ خود دستخط مثبت کی جسکی تائیدی دستخط طیب نے مثبت کی جس کی میں تصدیق کرتا ہوں مضمون رپورٹ سے صورت جرم بالا کا پائی جا کر مراسلہ بدست کنسٹیبل عبداللہ ارسال تھانہ ہے پر چوہا جا کر انوسٹی گیشن شاف کو مامور تفتیش کیا جائے دستخط انگریزی

8

صفحہ 3۔ حاکم دران شہر۔ آئندہ تحریریں سے اسلم کی صورت میں عدالت کے لئے 308 نمبر پر
حرف بہ حرف درج بالا نمبر پر یہ جرم بیان کیا جا رہا ہے کہ یہ جرم
تعمیرت سے الگ ہے اور اس کی تہذیباً اور اخلاقاً اور
INU

اسکی
MSI P.S.D. 201
3-11-18

ATTESTED

19 NOV 2018

(Examiner)
District Court Peshawar

اطلاع کے لیے اطلاع دہندہ کا دستخط ہوگا اس کی ہر نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حرف الف یاب سرخ روشنائی
ایک لزم یا مشترک علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھنا ہے۔

10

مورخہ 3.11.2018 کاروائی تھانہ آمدہ تحریری مراسلہ بدست کنشیل عبداللہ 308 موصول حرف بہ حرف درج بالا ہو کر پرچہ مجرم بالا چاک کیا جا کر نقول پرچہ جات بنرض تفتیش حوالہ عبدالولی خان SI/INV کیے جاتے ہیں پرچہ گزارش ہے۔

-sd-

ASI-PS-Daudzai

3.11.2018

From: The Superintendent of Police, FRP
Peshawar Range, Peshawar.

To: The Superintendent of Prison,
District Peshawar.

No. 433 /PA, dated the 01/04/2019.

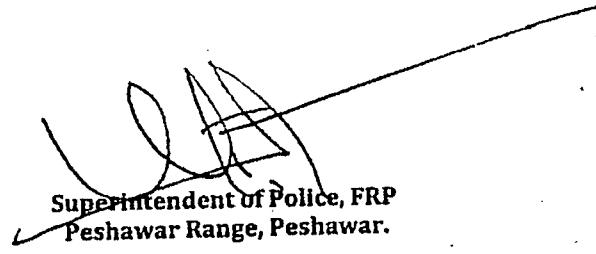
Subject: DEPARTMENTAL PROCEEDING.

Memo:

It is submitted for your kind information that accused Constable Naveed Ali Shah No.2700 of this Establishment involved in case FIR No.822, dated 03.11.2018 U/S 392-171 PPC at PS Dudzai Peshawar was arrested in judicial remand Peshawar. Now the said accused Constable is in your prison/jail.

It is therefore requested that SI/Iltaf Hussain and Constable Yousaf Iqbal No.2888 of FRP Peshawar Range, Peshawar may kindly be allowed on 04.04.2019 for recording allocute from the accused constable for the completion of departmental enquiry please.

The Duty Foot constable Khan Wali No.3024 may also kindly be allowed to submit this official letter please.


Superintendent of Police, FRP
Peshawar Range, Peshawar.

32

10

01/04/2019

(18)
11

CHARGE SHEET U/R 6(1)(A) NWFP (NOW KHYBER PAKHTUNKHWA)
POLICE RULES 1975.

You Constable Naveed Ali Shah No.2700, posted at FRP/Peshawar Range Peshawar are hereby charged for committing the following Omission/Commissions.

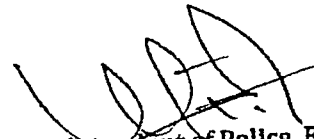
Constable Naveed Ali Shah No.2700 of FRP Peshawar Range, Peshawar being involved in case FIR No.822 dated 03.11.2018 U/S 392-171, 419-420 PPC 15AA also absented himself from lawful duty w.e.from 02.02.2019 till to date without any leave/permission from the Competent Authority.

You are hereby called upon to submit your written defence against the above charged before the inquiry officer.

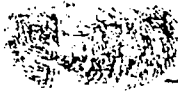
Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

SUMMARY/STATEMENT OF ALLEGATION

Constable Naveed Ali Shah No.2700 of FRP Peshawar Range, Peshawar being involved in case FIR No.822 dated 03.11.2018 U/S 392-171, 419-420 PPC 15AA also absented himself from lawful duty w.e.from 02.02.2019 till to date without any leave/permission from the Competent Authority. Your reply should reach to the inquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.


Superintendent of Police, FRP
Peshawar Range, Peshawar.

صنایع شہرہ بدست
درجہ اولیٰ



Deed
L7101-6138915-3
7.3-2019

07/03/19
07/3/19

(12) (10)

**REPORT OF INQUIRY AGAINST CONSTABLE NAVEED ALI SHAH NO.2700. CONTAINED
UNDER SUB-RULE 4. OF RULE 5 OF NWFP (NOW KHYBER PAKHTUNKHWA) (E&D)
RULES 1975.**

It has been made to appear before me that accused Constable Naveed Ali Shah No.2700, is prima-facie guilty of the following charges to be dealt with under General Police proceedings contained u/r 5(4) of NWFP Rules (E&D) 1975.

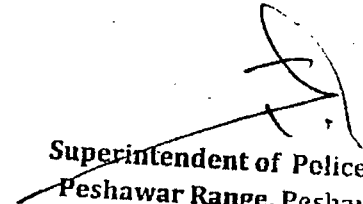
Constable Naveed Ali Shah No.2700 of FRP Peshawar Range, Peshawar being involved in case FIR No.822 dated 03.11.2018 U/S 392-171, 419-420 PPC 15AA also absented himself from lawful duty w.e.from 02.02.2019 till to date without any leave/permission from the Competent Authority.

The act of accused official falls within the ambit of misconduct within the meaning of rules 2 (iii) rules 1975 and is liable to be proceeded with under the General police proceedings, contained in Police Rules 1975.

From the above charge, I am convinced that the said official has ceased to become efficient and it accused of gross misconduct therefore, I Superintendent of Police FRP/Peshawar Range, Peshawar being authorized officer within the meaning of 2(ii) of the said rules nominate enquiry Officer.. RI/Iltaf Hussain FRP/PR to enquiry into the charge, levelled against him.

The enquiry officer after completing all enquiry proceedings, shall forward the verdict/Findings to the undersigned within due dated period of 10-days contained U/S 6 (5) of the rules.

Charge sheet and summary of allegations against the accused officer, are being issued separately, reply where of shall be submitted before the inquiry officer within the period of 07.days from date of receipt.


Superintendent of Police FRP,
Peshawar Range, Peshawar.

No. 58 /PA dated Peshawar Range the 14/02/2019.

Copy to:-

enquiry Officer. RI/Iltaf Hussain FRP/PR

ب
وزیر
نیاہ
۳
۱۱

صوبہ خاگدا

بدیافت بیانی و فزونی خدمت یوں کہ آپ انکو سزاوار
دفتر حوالا کا حاضر ہوئے اور من و فقر سے بیان لینا قائم بند
کرت ہے من و فقر جو انی احمد یوش لو اس اور عمل کے آزادی کے
سابق بیان دے رہا یوں جو کہ ذیل ہے۔

یہ کہ میں و فقر حروفہ 24/12/2010 FRP کا پورچ ہوا یوں اور ریلوے کورس
ATC نیگوں میں سال 2011 میں پاس کیا ہے۔ بعد از ریلوے کورس
FRP کا حاضر ہو کر CCP پلاؤن میں تعینات ہو کر مختلف جگہوں پر
تعینات رہا یوں۔ بدوران تعیناتی مختلف کورسز میں کورسنگ کیا
ہے۔

یہ کہ من و فقر CCP پلاؤن میں تعینات تھا۔ بدوران تعیناتی بعد اہتمام
کے تحت اپنے دوست گلزار ولد فقیر محمد سالان شیر پورہ گلزار شاہ کے ساتھ گھر
جا یا کرتے تھا جو کہ 108 میں بطور کنسلی تعینات تھا۔

یہ کہ جب تاریخ فتحی گزرتا گیا گیا میں شام کے بعد گھر خود جا رہا تھا کہ
میرے دوست گلزار نے فتحی فون کیا کہ چار سہ گھنٹوں میں
آ جاؤ۔ میں وہاں پہنچ کر تھا کہ پولیس نے فتحی گزرتا کر لیا۔ 9 سے دن
میرے ساتھ رہنا اور سائیل تھا۔ حروفہ 19/04/19

یہ کہ فتحی جو الزام تھا گیا ہے۔ ہم اس پر غلط اور جھوٹ پر مبنی ہے۔
فدھیرے ساتھ کوئی بہانہ سوتی ہے اور نہ میں نے ایسا قائم کیا
ہے۔

یہ کہ پولیس نے فتحی حروفہ 19/04 کو گزرتا کر 02 دن فقیر اہلکار
جیل میں رکھا فتحی ہم حروفہ 19/04 کو سوتی ہے۔
پس یہی بیان ہے جو حقیقت پر مبنی ہے۔

Handwritten signature and date 09/04/19.

Handwritten signature and date 09/11/22.

سوال نمبر 1 :- حوالہ دیکھ کر جواب دو کہ 18/03/2007ء کو پاکستان نے افغانستان سے اپنا سفارت خانہ بحال کیا تھا۔ اس بارے میں آپ کو کیا جاننے ہے؟
جواب :- 18/03/2007ء کو پاکستان نے افغانستان سے اپنا سفارت خانہ بحال کیا تھا اور اس میں ملوث سولہ لوگ تھے۔

سوال نمبر 3 :- محترمہ ولد فقیر محمد سکن شہر باغیچہ عبدالرحیم کورن سے آپ کو کیا پتا تھا؟
جواب :- وہ میرا دوست تھا اور B-1 میں رہتا تھا۔ اس کے ساتھ ساتھ وہ ایک کھوپڑی کے لئے کھڑا تھا۔

سوال نمبر 4 :- خود کار نمبر 887 کس کی ہے اور کس شہر سے تعلق رکھتی ہے اور کس گاڑی پر چلتی ہے؟
جواب :- خود کار نمبر 887 اسلام آباد سے تعلق رکھتی ہے اور وہ ایک گاڑی پر چلتی ہے۔

سوال نمبر 5 :- خود کار نمبر 887 کس کی ہے اور کس شہر سے تعلق رکھتی ہے اور کس گاڑی پر چلتی ہے؟
جواب :- خود کار نمبر 887 اسلام آباد سے تعلق رکھتی ہے اور وہ ایک گاڑی پر چلتی ہے۔

سوال نمبر 6 :- خود کار نمبر 887 کس کی ہے اور کس شہر سے تعلق رکھتی ہے اور کس گاڑی پر چلتی ہے؟
جواب :- خود کار نمبر 887 اسلام آباد سے تعلق رکھتی ہے اور وہ ایک گاڑی پر چلتی ہے۔

سوال نمبر 7 :- خود کار نمبر 887 کس کی ہے اور کس شہر سے تعلق رکھتی ہے اور کس گاڑی پر چلتی ہے؟
جواب :- خود کار نمبر 887 اسلام آباد سے تعلق رکھتی ہے اور وہ ایک گاڑی پر چلتی ہے۔

15

سوال نمبر 7۔ فرقہ 11/03/18 میں آپ کی کیا کیفیت تھی؟

جواب:۔ میں فرقہ 11/03/18 کے پلاٹوں میں تھی جو کہ نائڈ میڈی Zone کے تھے۔

نائڈ میڈی میں سب سے پہلے میں نے اپنا نام درج کیا۔

سوال نمبر 8۔ قواد ولد انصیر احمد سائمنہ مشر طیب ولد گل کے ساتھ یوسف نکلہ گلزہ

نقیر محمد سے آپ کا کیا تعلق ہے۔ یہ آپ کا دستہ دار ہے یا دوست؟

جواب:۔ اس میں گلزہ جو میرا دوست ہے۔ باجی میں کسی کو بھی نہیں جانتا۔

محمد

Alkesh
11/03/18

میں وہاں ہر گھنٹہ تعداد پولیس نے مجھے گھر فٹنگ کیا۔ کنٹریل ڈیویژن سے
 کنٹریل ڈیویژن کے سربراہ سے سوالات جوابات کے لیے جوئیف ہزار اور قابل
 جواب نادر بھٹی ریٹائرڈ کے جواب میں جانے کے لیے ڈیویژن کے سربراہ
 سے روڈنگی کی نادر بھٹی کے ساتھ بلڈ میں کنٹریل ڈیویژن کا بیگڈ قانون
 رپورٹ کوئی جوابی 15 بلڈ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 پندرہویں ہر گھنٹہ ہزار کنٹریل ڈیویژن کے جواب میں بلڈ ہے۔ وزیر
 1471-80/0451 26-10-18
 اس ضمن میں ہزار کنٹریل ڈیویژن کے جواب میں بلڈ ہے۔ وزیر
 ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 1471-80/0451 26-10-18
 ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 1471-80/0451 26-10-18
 ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 1471-80/0451 26-10-18
 ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 1471-80/0451 26-10-18

5/12

خبرداروں کے لیے کنٹریل ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 24/12/10 2700 PR
 ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 03/11/10 822 PR
 ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 06/02/19 392/171 PPC
 ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 412/109/419/420 PPC/ISA
 ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 04/02/19 164
 ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 04/02/19 164
 ڈیویژن کے سربراہ کے لیے جوئیف ہزار اور قابل علاقہ ہے۔ وزیر
 04/02/19 164

(جاری ہے 1)

کے الزام میں بیان صحافتی میں رہنے اور الزام منہ نہ کر چکا ہے۔ صحافتی میں کس سے اس سوالات کے لئے نظر سواک جن 3، 4، 5، 6، 8 اس کے لئے کی دلالت کرتی ہے۔ مذکورہ دیگر ملزمان کو کسی مذکورہ طور پر جاننے والا ہے۔ میں ججمنٹ انٹرنیٹ ایجوکیشن میں ایسی صورتیں اور دستیاب کاغذات کی روشنی میں اس نتیجہ پر پہنچا کہ کئی مذکورہ قاضی مندرجہ میں کافی نگرانی کا کام ہے۔ جو ان کے لئے صحافتی معاشرے کی تازہ خبر ہے جو ڈیجیٹل فورس کے لئے برعکس واضح کے طور پر وراثت ثبوت ہے۔ علاوہ ازیں کئی مذکورہ صحافتی معاشرے کی صورتیں سرکاری ملازم ہیں۔ اور عوام کی جان و مال کی حفاظت کرنا اس کی ذمہ داری تھی۔ لیکن مذکورہ کئی مذکورہ صحافتی اور عوامی کے خلاف قانون ہے۔ جس کے مفروضہ مندرجہ دلالت میں زیر مباحث ہے۔ تاہم سفید طلب امور تک محفوظ کرنے کی تجویز ہے۔ مزید حکم انٹرنیٹ ایجوکیشن کے

18

25/04/2019
 25/04/2019
 25/04/2019

F (19)

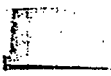
FORM "A"
FORM OF ORDER SHEET
IN THE COURT OF ALAMGIR SHAH, ASJ-VI, PESHAWAR
Petition No.478/BA of 2019
Naveed Ali Shah & Another--- Vs --- The State etc.

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
ORDER	31.05.2019	<p><u>Present:</u></p> <p>Mr. Ali Zaman Advocate for the accused/petitioner. Miss. Beenish Gul APP for the State. Complainant alongwith Mr. Rohullah Jan Advocate.</p> <p>***</p> <p>Case file requisitioned on the written application filed by learned counsel for the accused/petitioner seeking recording the statement of the complainant qua compromise.</p> <p>The accused/petitioners 1) Naveed Ali Shah S/o Wahid Shah and 2) Hamza S/o Faqeer Mohammad seek post-arrest bail in case FIR No. 822 dated 03.11.2018 registered u/s 392/171/109/419/420/412 PPC r/w 15-AA with P.S Daudzai, Peshawar on the fresh ground of compromise.</p> <p>Brief facts of the case are that on 03.11.2018 at 19:30 hours, on the receipt of information regarding the occurrence, local police rushed to the spot where complainant namely Noor Ul Ameen S/o Mohammad Khan and Tayab S/o Haji Qamar Gul (the present accused/petitioner) reported the matter to local police who drafted a Murasila to the effect that he is the whole seller of mobile phone sets and having three shops at Shabqaqdar bazaar. He alleged that today he purchased 500 different sort of mobile phone sets from Bilhor Plaza, Sadar Bazar, Peshawar and on his way to bearing registration No. A-9565 of white colour having</p>

Alamgir Shah
Additional District & Sessions Judge-VI
Peshawar

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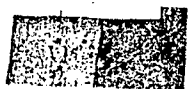
(3)



Sl. No.	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
	31.05.2019	<p>Government number plate ahead the motorcar of the complainant and signaled to stop him. The two persons/accused wearing Excise official uniform, de-boarded from the said vehicles and asked about receipts of the mobile phone sets. On demand the complainant handed over receipts, CNIC and mobile phone set S-8+Black alongwith two SIMs while his other colleague Tayab also handed over his two mobile phone sets i.e. P-8 Lite with one SIM and J-7 Pro to persons/accused and also kept the 500 purchased mobile phone sets in their motorcar, hence, the instant case.</p> <p>Today, at the very outset the complainant Noor Azameen voluntarily recorded statement that he has got no objection if this bail application is accepted. Affidavit produced by the complainant is Ex.PA while copy of NIC of complainant is Ex.PB.</p> <p>Without touching the merits of the case, it is pertinent to mention here that the plea of the post arrest bail of the accused/petitioners was dismissed by this court which was upheld upto Hon'ble Peshawar High Court, Peshawar.</p> <p>In light of the above observations, since the complainant has patched up the matter with petitioner outside the court and categorically stated that he has got no objection if this bail application is accepted and to this effect also recorded statement, therefore, only for the purpose of bail the aforesaid statement is taken into consideration. Moreover, the offences 392 PPC is non-compoundable but according to the verdict, reported in 2004 PCr.LJ</p>

Additional District Judge
 Peshawar

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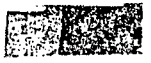
Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
Contd...	31.05.2019	<p>490 (Peshawar), 2009 P.Cr.LJ 542 (Peshawar) and 2009 SCMR 448, it has been held that the fact that parties had themselves voluntarily forgiven the crime and entered into an outside Court settlement, could be considered as a ground for releasing the accused on bail in the interest of justice and equity, in cases of non-compoundable offences.</p> <p>Consequently, this application is allowed and the accused/petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 1,00,000/- (One Lac Only) with two sureties each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means. File be consigned to record room after completion and compilation.</p> <p>Announced 31.05.2019</p> <p><i>(Signature)</i> (ALAMGIR SHAH) ASJ-VI, PESHAWAR.</p>

Additional District & Sessions Judge VI, Peshawar

(Signature)

No. _____
 Dated of _____
 Name _____
 Wt. 4000
 Fee _____
 No. _____
 Date _____

12188
 27-6-19
 27-6-19
 27-6-19



DOOR PATIENT TICKET

DHS - 02 (F)

23

CRP No: 1077

Abdul Qadir

Age: Sex:

Spouse's Name

Monthly SPD Serial No.

Provisional Diagnosis:

Date	Clinical Findings / Investigations / Treatment / / Test Findings
10/6/13	<p>Improving Post 87111 suturing heart Discharge ok Supt. Supr Heptocam 2000 No Espimide 20 No 81111 No Naproxen Ad Bed rest for today</p>

فست
 دوتا
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فست
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عد 10 والى

شده بعد بيان ليا. PHQ تناسق
 بعد 1142
 19-7-19
 مع ك ف
 في فز كوره لى والى در 2 رونا

صا بى الى!
 نقل بطاقت امل

MAMPD
 20-7-2019

AD

H (24/07)

The Superintendent of Police, F.R.P
Peshawar Range, Peshawar.

To: The Medical Officer,
THQ Hospital Tangi.

No. 308 /PA, dated the 16 / 07 /2019.


Subject: VERIFICATION OF MEDICAL CERTIFICATES.

Memo:

It is submitted that this establishment has initiated a departmental enquiry against Constable Naveed Ali Shah No.2700 of FRP-Peshawar Range, absented himself from lawful duty w.e.from 01.06.2019 to 27.06.2019 for the total period of (26) days without any leave permission from competent authority. During the enquiry he produced some medical certificates of your hospital duly attested by medical officer THQ Hopital Tangi.

It is therefore, requested that please to verify the medical chits/outdoor patient tickets are authentic or otherwise and may please be communicated to this office please.

Submitted please.


Superintendent of police, FRP,
Peshawar Range, Peshawar. m

enclosed-(70)

E/O

personally visit
for verification
to Tangi
Chayanda

20-7-2019

RANGE OF THE MEDICAL SUPERINTENDENT CAT-C HOSPITAL
TANGI CHARSADDA

I
25

NO. 1142 /MS Cat-C Hospital Tangi

Dated 19/7 /2019

To,

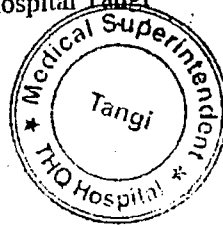
The Superintendent of Police, FRP
Peshawar Range

Subject: VERIFICATION OF MEDICAL CERTIFICATES

R/Sir,

Reference to your Letter No: 308/PA dated: 16/07/2019 on subject cited above.
It is stated that Medical certificates received under reference in respect of Mr.Naveed Ali Shah
Constable No.2700 of FRP Peshawar Range is hereby returned duly verified and found correct.

M. Ali
Medical Superintendent
Cat-C Hospital Tangi



20-7-2019

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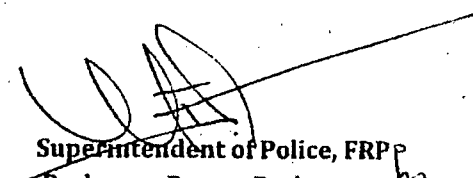
FINAL SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

I, Superintendent of Police FRP Peshawar Range Peshawar, as Competent Authority do hereby serve you Constable Naveed Ali Shah No.2700, of FRP/PR Peshawar.

- 1) I. That consequent upon the completion of inquiry conducted against you by SI/Iltaf Hussain FRP/PR for which you were given full opportunity of hearing. On going through the finding/recommendations of the inquiry officer the material available on record and other connected papers I am satisfied that you have committed the following acts/omissions per police rules 1975.

While posted at FRP Peshawar Range, Peshawar is being involved in case FIR No.822 dated 03.11.2018 u/s 392-171 419-420 PPC 15AA and also remained absented himself from lawful duty w.e.from 02.02.2019 to 27.06.2019 for the total period of (145) days without taking leave/permission from the competent authority. Your this act amount to gross miss-conduct and punishable.

- 2) Therefore, I Superintendent of Police FRP/PR Peshawar as competent authority has tentatively decided to impose upon you Major/Minor penalty including dismissal from service under the said Rules.
- 3) You are, therefore, required to Show Cause as to why penalty should not be imposed upon you.
- 4) If no reply to Final Show Cause Notice is received within the fifteen days of it delivered in the normal course of circumstance, it shall be presumed that you have no defense to put in and consequently ex-parte action shall be taken against you.


Superintendent of Police, FRP
Peshawar Range, Peshawar.

No. 307/PA, dated Peshawar the 16 / 07 / 2019.

سید
نویسندہ نیشنل 2700
17101-6138915-3 - CNIC
0303-8283818 بقلم خود

بیان ازاں کنٹریل نوید علی شاہ عی 2700

K (27)

جناب عالی!

محوالہ فائل ٹو کار نوٹس مجاہدہ جناب SP صاحب معروضی خدمت

کہ میں سائل پر جو الزام ہے سراسر جھوٹ اور من گھڑت ہے۔

یہ کہ میں سائل سے کوئی برآمدگی وغیرہ نہیں ہوئی ہے۔

یہ کہ میں سائل نے $\frac{2}{2011}$ اشک سے $\frac{2}{19}$ گائڈ حوالات معطون گزرت

ہیں اور صرف $\frac{2}{18}$ سے $\frac{6}{2019}$ اشک تک کل یک ماہ سنڈل جیل ریسور

ہی گزرت ہیں اور صرف $\frac{6}{18}$ کو ضمانت پر رہا ہوا ہے۔

یہ کہ میں سائل نے جیل کے رہائی کے بعد تقریباً 62 یوم غیر حاضری

میں گزارے ہیں جو کہ یہ غیر حاضری سائل بیماری کی وجہ سے کی ہے، جس کی

یہ کہ میں سائل نے اپنی بے گناہی ثابت کرنا اور مدعی مقدمہ کی تسلی کر کے

میں دونوں کے درمیان رافعی نامہ موجود ہے۔ جو عدالت میں پیش کیا

گیا ہے اور عدالت سے تصدیق شدہ بیان کی اشک قبل ازین پیش کی ہو چکی ہے

آپ صاحبان سے استدعا ہے کہ سائل کے ایک عزیز اور شریف جاندان سے

تعلق رکھتا ہے کہ وہ بندہ ہم درخواست اسٹہ عا کرتا ہے کہ سائل کی جاری

رٹنوار عی داخل دفتر کرنے کا حکم صادر فرماویں۔

رٹنوار

CNIC-17101-6138915-3

Dated 23/07/2019

28

ORDER

This office order will dispose of formal departmental enquiry against Constable Naveed Ali Shah No.2700 of FRP Peshawar Range. *u file*

Brief facts of the case are that the delinquent constable was involved in criminal case vide FIR No.822 dated 03.11.2018 u/s 392-171, 419-420 PPC 15AA and also remained absented from lawful duty w.e.from 02.02.2019 to 27.06.2019 for the total period of (145) days without taking any leave/permission from competent authority.

In this regard he was issued charge sheet along with summary of allegation and SI/Iltaf Hussain of FRP Peshawar Range, was nominated as Enquiry Officer vide order No.58/PA, dated 14.02.2019. During the course of enquiry the E.O procured an information report from investigation unit regarding to his guilt in the above criminal case, which the DSP Investigation Rural Division has reported vide his office memo No.278/St, dated 16.04.2019 that both accused i.e Constable Naveed Ali Shah No.2700 and one other were send behind the bars and their bail application has cancelled by the Session Court. The DSP Investigation further reported that during interrogation the accused concerned confessed the offence and the stolen property have also been recovered from the possession of the above name constable and his other co-accused.

According to the findings of enquiry officer, it has been found that the accused constable has played main role in the criminal case, a gross misconduct on his path. The above accused constable being a member of Police Department and property of public, while he involved himself in moral, turpitude criminal offence.

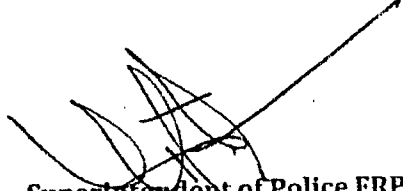
Upon the finding of E.O he was served with Final Show Cause Notice to which he replied but his reply was found unsatisfactory. He was called in Orderly room, heard in person but he failed to advance any justification before the undersigned.

In pursuance of SI Legal FRP/HQrs: opinion in the aforementioned case wherein he reported regarding to him that the appellant is being a member of Disciplined Force has been involved in a moral turpitude nature offence. The criminal case disposed off on the basis of compromise, between the parties, by meaning thereof that the accused constable in not acquitted honorably on merit

FRP/Range Pesh
OR 453
Dated 03/08/19

Keeping in view the above mentioned facts the accused constable has found to be an irresponsible person in utter discharge of the discipline of the force. He cannot become a good Police Officer and his more retention in service will stand a wrong message in force, affecting the moral of other constables. Therefore, I Tariq Sohail Superintendent of Police, FRP Peshawar Range, Peshawar exercise of power vest in me under section 5(5) of Khyber Pakhtunkhwa Police Rules 1975 (amendment in 2014) award him Major Punishment of "Dismissal from Service" with immediate effect and his period of absence is hereby treated as absence from duty without pay.

Order announced.


Superintendent of Police FRP
Peshawar Range, Peshawar.

No. 325-77/PA dated Peshawar Range the 08/08/2019.

Copy to:-

- 1. The Accountant FRP/PR Peshawar
- 2. The SRC/FRP/PR Peshawar
- 3. The OASI/FRP/PR Peshawar

FRP/Range Pesh
OB 459
Dated 08/08/19

1.

ORDER

This order will dispose of the departmental appeal preferred by ex-constable Naveed Ali Shah No. 2700 of FRP Peshawar Range, against the order of SP FRP Peshawar Range, Peshawar issued vide OB No. 459, dated 08.08.2019, wherein he was awarded major punishment of removal from service. The applicant was proceeded against on the allegations that he while found involved in a criminal case vide FIR No. 822, dated 03.11.2018 U/S 392-171, 419-420 PPC 15 AA and also remained absented from lawful duty with effect from 02.02.2019 to 27.06.2019 for the total period of (145) days without any leave or prior permission of his seniors.

In this regard proper departmental proceedings were initiated against him as he was issued Charge Sheet and Statement of Allegations and SI Iltaf Hussain of FRP Peshawar Range was nominated as Enquiry Officer to unearth the actual facts. During the course of enquiry, the DSP Investigation Rural Division has reported vide his office memo No. 278/St, dated 16.04.2019 that both accused i.e constable Naveed Ali Shah No. 2700 alongwith one other person were send behind the bars and their bail application has cancelled by the Session Court. The DSP Investigation further reported that during interrogation the accused concerned confessed the offence and the stolen property have also been recovered from their possession. According to the findings of Enquiry Officer, it has been found that the accused constable has played main role in the criminal case, which has been established against him. The delinquent constable being a member of police department he is obligated to secure the lives and property of public, while he involved himself in moral, turpitude criminal case.

In pursuance of the opinion of Legal Branch FRP HQrs; in the aforementioned case are that the appellant is being a member of disciplined force involved in moral turpitude nature offence. The criminal case disposed off on the basis of compromise, between the parties, by meaning thereof that the accused constable is not acquitted honorably on merit.

In the light of the above narrated facts and other material available on record, he was awarded major punishment removal from service vide office OB No. 459 dated 08.08.2019.

Feeling aggrieved against the impugned order of SP FRP Peshawar Range, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 04.09.2019.

During the course of personal hearing, the applicant failed to present any justification regarding to his innocence. During course of investigation the accused officer was found guilty of the offence charged with stolen property, i.e mobile phones, which were also recovered from he possession. The accused officer had been released on bail on compromised basis and not yet acquitted of the charges. The very fact of compounding of the offence by the accused officer with the complainant party indicates his involvement in the said crime. It is settled proposition of law that the law helps the diligent and not indolent. Keeping in view the above facts his reinstatement may impinge upon the over all moral and affect adversely the discipline of the force. Thus there doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

Based on the findings narrated above, I, Sajid Ali PSP Commandant FRP Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected/dismissed being meritless.

Order Announced.

Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

No. 8096-92 /EC, dated Peshawar the 12 / 09 /2019.

Copy of above is forwarded for information and necessary action to the:-

1. SP FRP Peshawar Range, Peshawar. His service record alongwith D-file sent herewith.
2. Ex-constable Salman No. 2126 S/O Junais Khan, Police Station Faqir Abad, Village Itihad Colony, Street No. 8, House No. 03, District Peshawar.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI 583
20, dated Peshawar the 27/01/2020

MEMO NO. 375
DATE 10/01/2020

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Naveed Ali Shah No. 2700. The petitioner was dismissed from service by Supdt. of Police, FRP Peshawar Range Peshawar vide OB No. 459, dated 08.08.2019 on the allegations of involvement in criminal case vide FTR No. 822, dated 03.11.2018 w/s 392-171, 419-420 PPC 15 AA and absence from duty w.e.f 02.02.2019 to 27.06.2019 for 145 days. His appeal was rejected by Commandant, FRP, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 8096-97/EC, dated 12.09.2019.

Meeting of Appellate Board was held on 14.11.2019 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him.

The petitioner was heard and all record perused. The petitioner has been released on bail on compromise basis by the court of Additional Session Judge-VI, Peshawar vide judgment dated 31.05.2019. His case is under trial in the court. Therefore, the Board decided that his revision petition is hereby kept pending till decision of the case from the competent court and the instant petition is rejected and new revision petition be submitted after decision of the case.

This order is issued with the approval by the Competent Authority.

(ZAIB ULLAH KHAN)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. SI 584-90/20.

Copy of the above is forwarded to the:

1. ✓ Commandant, FRP, Khyber Pakhtunkhwa, Peshawar. One Service Roll alongwith D-file of the above named Ex-FC received vide your office Memo No. 9148/SI Legal, dated 08.10.2019 is returned herewith for your office record.
2. Supdt. of Police, FRP, Peshawar Range, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, GPO/Peshawar.
4. PA to Adl. IGP/HQs, Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQs, Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt. E-IV CAO Peshawar.

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33 P

IN THE COURT OF SAIMA ASIM
ADDL: SESSIONS JUDGE-VI, PESHAWAR

Sessions Case No. 262/SC of 2019

STATE...VS... FAWAD AHMAD ETC

ORDER
20/01/2022

1. This order is meant to decide application submitted by accused Hamza, Tayyab, Naveed and Fawad for their acquittal U/s 265-K Cr.PC charged vide case FIR No. 822, dated 03/11/2018 U/s 392/412/171/109/419/420 PPC at Police Station Daudzai, Peshawar. Notice of the application was given to the State and complainant and arguments on the application were heard and record perused.

20/1/22
Peshawar

The epitome of the prosecution case is that accused facing trial have been charged by complainant for robbery in the garb of customs/excise officials.

3. After completion of investigation, challan against the accused was submitted. Copies U/S 265-C Cr.PC were provided to the accused and charge against them was framed to which they pleaded not guilty and claimed trial.

ATTEST

25 JAN 2022

(Examiner)
District Court Peshawar

4. Prosecution evidence was summoned and in order to prove its against the accused, the prosecution was so far able to produce 05 PWs including complainant.
5. On 12/07/2021, after recording statement of the complainant Noor Zamin as PW-4, learned defence counsel moved an application for acquittal of the accused facing trial, notice of which was given to the prosecution. Thereafter, remaining prosecution witnesses have been summoned time and again but the prosecution was only able to produce PW-5 Inam Ullah SI who submitted supplementary challan against accused Fawad.
6. On previous date of hearing, again none of the prosecution witness was available in the Court, therefore, learned defence counsel requested for consideration of his application U/S 265-K Cr.PC.
7. Arguments of the learned counsel for accused as well as Dy.PP for State were heard and available record perused.
8. In the instant case, statement of the complainant is material for the case of prosecution who as PW-4 categorically admitted in his cross examination that two accused Naveed and Hamza were shown to him by the IO at police station and that the IO told him to identify

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ATTESTED

25 JAN 2022

(Examiner)
Muziris Court Peshawar

the said two accused inside the jail premises. He also admitted in his cross examination that he has effected compromise with the accused facing trial and have got no objection on their acquittal.

9. In his report, the complainant initially alleged snatching of 500 mobile phone sets from him but later on he alleged snatching of 623 mobile phone sets from him by the accused.

10. Furthermore, the occurrence took place at 07:30 PM on 04/11/2018 and at such hour, in the month of November, there is pitch dark which is also admitted by Imtiaz Khan/ASI in his statement as PW-1, then how the complainant was able to identify the accused at such dark hours of night. The complainant in his report, charged nobody by name without disclosing any descriptions of the accused.

It is worthwhile that registration of case in cognizable cases in shape of FIR is only an initiative that puts the criminal law in motion and it is not the conclusive piece of evidence. It is for the prosecution to establish the criminal culpability of accused beyond reasonable doubt and if there is one reasonable doubt, its benefit must go in favor of accused not as a matter of grace but

right. The object of Section 265-K Cr.PC is to acquit

20/1/22
Additional District & Sessions Judge
Faisalabad

ATTESTED

20/1/22

Examiner
Court Peshawar

the accused. if the court considers that there is no probability of conviction and the Court can exercise at any stage of the case. Section 265 ibid is self-explanatory where the court is equipped with powers to acquit the accused at any stage when there is no probability of the conviction of accused. (Rel: Agha Intiaz Ali Khan v. Muhammad Zia Ud Din 2015 P Cr.LJ 2005 Karachi High Court). There is no need to record the evidence as it is not a condition before taking action under the said provision and use of expression at any stage, is indicative of the intention that any stage could be the very initial stage. (Rel: State v. Gulfam Hussain 2018 YLR 1223, KH Zia Ahmed v. AJK Ehtisab Bureau 2017 PLD 100 Supreme Court Azad Kashmir).

In accordance with Article 11 (1) of the Universal Declaration of Human Rights, every one charged with penal offences has a right to be presumed innocent until proved guilty according to law in a public trial. Further Article 14 (2) ibid also states that everyone charged in criminal offence has a right to be presumed innocent until proved guilty according to law. Article 9 and Article 14 of the Constitution of Pakistan, 1973 provide the same mandate and it is also the basic

20/1/22
 Additional District Magistrate
 Peshawar

ATTESTED
 20/1/22
 District Magistrate
 Peshawar

essence of Islamic jurisprudence that no innocent person should be convicted.

13. The complainant being the main and star witness of the occurrence stated that he was shown the accused in police station and the IO told him to identify them in jail premises during identification parade, hence, there is no need to proceed with the trial against the said accused as no case is made out against them. If the remaining witnesses of prosecution are summoned and examined, it would not be enough to bring home guilt of accused facing trial and would be a futile exercise and wastage of precious time of Court.

14. In view of above legal discourse and available material on record, as no case is made out against the accused facing trial Naveed Ali Shah, Tayyab, Hamza and Fawad, accordingly they are hereby acquitted by exercising powers U/S 265-K of the Code of Criminal Procedure, 1908. They are on bail, their bail bonds stand cancelled and their sureties are relieved from liability of bonds. Case property i.e. mobile phone sets recovered during investigation have already been returned to the complainant whereas vehicles No. LEA-9565 have already been returned to the accused by the

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ATTESTED

25 JAN 2022


(Examiner)
Chief Court Peshawar

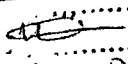
Hon'ble High Court, Peshawar, as such, bail bonds in

respect of the same are cancelled and sureties are discharged, however, the same alongwith any other case property if any be kept intact till expiry of period of appeal/revision and thereafter be disposed of according to law.

- 15. File be consigned to the Record Room after its completion and compilation.

Announced:
Dated: 20/01/2022


(SAIMA ASIM)
Additional Sessions Judge-VI,
Peshawar
Additional District & Sessions Judge-VI,
Peshawar

No.....	4371
Dated of App.....	25-01-22
Name of App.....	محمد علی احمد
Word.....	P-13
Fee.....	
Signature.....	
Dated of.....	25-01-22
Dated of.....	25-01-2022

CERTIFIED TRUE COPY


Copying Agency District Court
Peshawar

25/01/22

9101/SB

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39

BEFORE THE INSPECTOR GENERAL OF POLICE
KHYBER PUKTUNKHWA

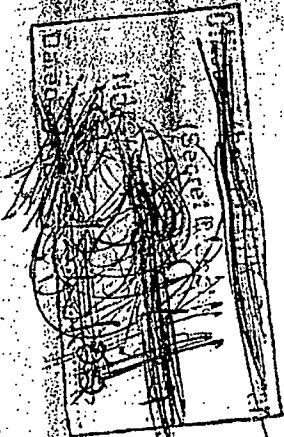
REVISION PETITION AGAINST THE
APPELLANT ORDER DATED 12-09-2019
WHEREBY THE DEPARTMENTAL APPEAL
OF THE APPLICANT AGAINST THE
DISMISSAL ORDER DATED 08-08-2019 WAS
REJECTED.

RESPECTFULLY SHEWETH:

1. That the appellant was serving as foot constable in the department, and was involved in criminal case vide F.I.R No. 822, Dated 30/11/2018, U/S 392/171/419/420 PPC 15 and on this score the applicant was dismissed from service on 08-08-2019. (Order Attached).
2. That the applicant preferred appeal against the dismissal order to the honorable commandant FRP KPK Peshawar which was rejected vide order dated 12-09-2019.
3. That the departmental appeal of the applicant was dismissed vide order dated 12-09-2019 by the commandant FRP. (Order Attached).
4. That thereafter the applicant preferred revision petition for your kind personal and consideration which was rejected with the observation, that the revision be kept pending till decision from the competent court and new revision petition be submitted after decision of the case.
5. That the applicant has acquitted by the honorable ADJ Peshawar vide his judgment dated 20-01-2022.

GROUNDS-

1. That the applicant was falsely charged in the FIR with malafidly intention.



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- B) That the absence was not well full but due to compiling circumstances.
- C) That the applicant has been acquitted from the criminal case so he has the right of re in statement into his service with all back/consequential benefits of service.
- D) That the superior courts has held in many judgments, that acquittal form the criminal case entitles the civil servants for his re in statement with all back benefits.
- E) That there is no other allegation against the applicant accept the criminal case from which the applicant acquitted vide order dated 20-01-2022 by honorable ADJ, Peshawar, so the allegation has been washed away, entitling the applicant for service.
- F) That the applicant reserved the right to agitate any other ground at the time of arguments.

It is therefore most humbly prayed that the orders dated 08-08-2019 and 12-09-2019 be set aside and applicant be re-instated in his service with all back/ consequential benefits.

Dated: 27/01/2022

Appellant

Naveed

Naveed Ali Shah

Through

030382838

031282838

Concel

Kashif Ahmad

Kashif Ahmad Tarkai

Advocate Peshawar

Cell # 0345-9072008



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

R
41

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Naveed Ali Shah No. 2700. The petitioner was dismissed from service by Superintendent of Police, FRP, Peshawar Range Peshawar vide OB No. 459, dated 08.08.2019 on the allegations of involvement in criminal case vide FIR No. 822, dated 03.11.2018 u/s 392-171, 419-420 PPC 15 AA and also remained absent from duty w.e.f 02.02.2019 to 27.06.2019 for 145 days. His appeal was rejected by Commandant, FRP, Khyber Pakhtunkhwa, Peshawar vide order Endst: No. 8096-97/EC, dated 12.09.2019.

Meeting of Appellate Board was held on 27.10.2022 wherein petitioner was heard in person. Petitioner contended that he was acquitted by the court of Additional Sessions Judge-VI, Peshawar vide judgment dated 20.01.2022.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner has been established. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The acquittal from the court does not absolve the petitioner from the liability. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-
(MUHAMMAD ALI BABAKHEL) PSP
(UNPM, NSWC)
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 2558-64 /22, dated Peshawar, the 04-01 /2022.

Copy of the above is forwarded to the:

1. Commandant, FRP, Khyber Pakhtunkhwa, Peshawar. One Service Roll and one D.File of the above named Ex-FC received vide your office Memo: No. 1494/SI Legal, dated 15.02.2022 is returned herewith for your office record.
2. Superintendent of Police, FRP, Peshawar Range Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(IRFAN ULLAH KHAN) PSP
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Naveed Ali Shah (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Department (Respondent)
(Defendant)

I/We, Naveed Ali Shah

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021

Naveed
(CLIENT)

ACCEPTED

Taimur Ali Khan
TAIMUR ALI KHAN
Advocate High Court
BC-10-4240
CNIC: 17101-7395544-5
Cell No. 0333-9390916

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar