

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 7352/2021

Date of Institution ... 23.08.2021

Date of Decision ... 25.10.2022

Muhammad Ilyas S/O Said Afzal, Ex-Constable Khyber Pakhtunkhwa Police.
R/O Hassanzai Tahkal Bala Tehsil & District Peshawar.

... (Appellant)

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa Peshawar and two
others.

... (Respondents)

MR. RASHID RAUF SWATI,
Advocate

--- For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

--- For respondents.

SALAH-UD-DIN
MIAN MUHAMMAD

MEMBER (JUDICIAL)

MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Precisely stated the facts surrounding the instant service appeal are that, disciplinary action was taken against the appellant on the allegations that he was charged in case FIR No. 79 dated 29.01.2021 under Section 9-D KPCNSA Police Station Hoti, District Mardan. On conclusion of the inquiry, the appellant was awarded major penalty of dismissal from service vide order dated 22.04.2021. The same was challenged by the appellant through filing of departmental appeal, however the said penalty was also upheld by the Additional Inspector General of

Police Elite Force Khyber Pakhtunkhwa Peshawar vide order dated 22.06.2021, hence the appellant filed the instant service appeal for redressal of his grievance.

2. Respondents contested the appeal by way of submitting written reply, wherein they refuted the assertions raised by the appellant in his appeal.

3. Learned counsel for the appellant has argued that the appellant was falsely charged in case FIR No. 79 dated 29.01.2021 under Section 9-D KPCNSA Police Station Hoti and his acquittal in the aforementioned case has affirmed his innocence; that the inquiry officer had recommended in his inquiry report that the inquiry proceedings against the appellant may be kept pending till final decision of the criminal case but even then major penalty of dismissal from service was wrongly and illegally awarded to the appellant; that the inquiry proceedings were conducted in clear violation of mandatory provisions of Khyber Pakhtunkhwa Police Rules, 1975; that disciplinary action was taken against the appellant on account of his involvement in the criminal case, however the appellant has already been acquitted by competent court of law; that upon acquittal of the appellant in the concerned criminal case, the very ground on the basis of which he was proceeded against departmentally has vanished away, therefore, appellant is legally entitled to reinstatement in service with all back benefits.

4. On the other hand, learned Assistant Advocate General for the respondents has contended that the appellant was arrested in case of

smuggling of Narcotics and the same has brought bad name to Elite force; that criminal as well as departmental proceedings can run parallel and mere acquittal of the appellant in the criminal case could not be considered as a ground for his exoneration from charges in the departmental proceedings; that the appellant was not acquitted on merit, rather he was acquitted by extending him the benefit of doubt, therefore, his acquittal would not make him entitled to exoneration in the departmental proceedings; that the witnesses examined during the inquiry have supported the allegations leveled against the appellant and his guilt stood proved, therefore, he was rightly dismissed from service;



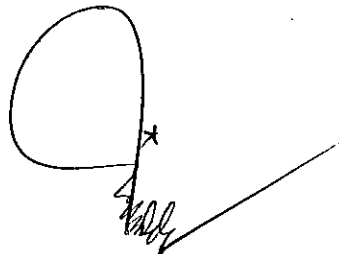
5. We have heard the arguments of learned counsel for the parties and have perused the record.

6. A perusal of the record would show that the department had initiated disciplinary action against the appellant on the ground that he was charged in case FIR No. 79 dated 29.01.2021 under Section 9-D KPCNSA Police Station Hoti, District Mardan, however the appellant has already been acquitted in the said case vide judgment dated 06.10.2022 passed by learned Additional Sessions Judge-I/Judge Special Court, Mardan. It is now well settled that acquittal of an accused in a criminal case, even if based on benefits of doubt, would be considered as honourable acquittal. The appellant was awarded major penalty on the sole ground that he was charged in criminal case. Admittedly, the appellant has been acquitted in the said case, therefore, the very ground on the basis of which disciplinary action was taken against the appellant, has vanished

away. Moreover, the inquiry officer had also recommended that the inquiry proceedings against the appellant may be kept pending till final decision of the criminal case but the competent Authority without waiting for the outcome of the criminal case, dismissed the appellant from service in a cursory manner. Furthermore, during the inquiry proceedings, statements of witnesses namely ASI Sabir Sultan (Incharge PP) as well as Inspector Mira Khan (OII PS Hoti) were recorded but the appellant was not provided an opportunity of cross examination on the said witnesses, which has created material defects in the inquiry proceedings. The impugned orders are, therefore, wrong and illegal, hence not sustainable in the eye of law.

7. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.10.2022



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



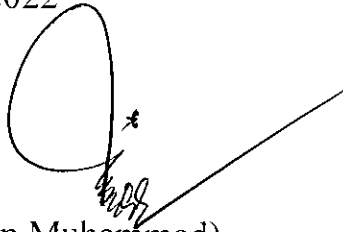
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ORDER
25.10.2022

Learned counsel for the appellant present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.10.2022



(Mian Muhammad)
Member (Executive)



(Salah-Ud-Din)
Member (Judicial)

06th July, 2022

Appellant alongwith his counsel present. Mr. Kabir Ullah Khattak, Additional AG alongwith Shiraz H.C for respondents present.

Respondents have submitted written reply/comments which is placed on file. Copy of the same is handed over to counsel for the appellant. To come up for arguments on 17.10.2022 before D.B.

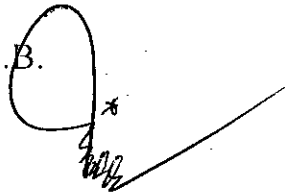


(Kalim Arshad Khan)
Chairman

17.10.2022

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant stated that the appellant has already been acquitted in the criminal case vide judgment dated 06.10.2022, however appellant has not yet obtained attested copy of the said judgment, therefore, an adjournment may be granted for arguments. Adjourned. To come up for arguments on 25.10.2022 before the D.B.



(Mian Muhammad)
Member (E)



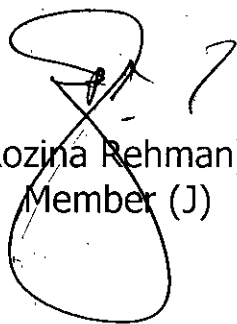
(Salah-Ud-Din)
Member (J)

22.12.2021

Appellant present through counsel. Preliminary arguments heard and record perused.

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices of the be issued to the respondents for submission of reply/comments. To come up for reply/comments on 08.03.2022 before S.B.

Appellant deposited
Security & Process Fee
23/12/21


(Rozina Rehman)
Member (J)

08.03.2022

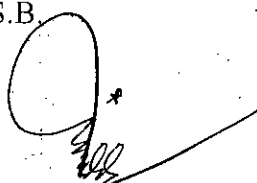
Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.05.2022 for the same as before.


Reader.

26.05.2022

Appellant in person present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Mukhtar H.C for the respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of the respondents seeks time for submission of written reply/comments. Granted. To come up for written reply/comments 06.07.2022 before S.B.



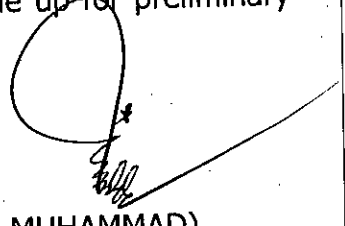

(Mian Muhammad)
Member (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7352/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/08/2021	<p>The appeal of Mr. Muhammad Ilyas resubmitted today by Zulee Huma Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>20/10/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-	20.10.2021	<p>Learned counsel for the appellant present.</p> <p>Learned counsel for the appellant seeks adjournment to further prepare the brief. Adjourned. To come up for preliminary hearing before the S.B on 22.12.2021.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

The appeal of Muhammad Ilyas son of Said Afzal, Ex Constable, KP Police, District Peshawar presented today i.e. on 23.08.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of the appeal may be got signed by the appellant.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Check list is not attached with the appeal.
- 4- Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 5- Annexures D mentioned in Para 3 is not attached with the appeal.
- 6- Five more copies/sets of appeal along with annexures i.e. complete on all respect may also be submitted with the appeal in file cover.

No. 1644 /S.T,

Dt. 23/08 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.


Zelee Huma Adv. Pesh.

Respectfully Submitted :

1. Memo of appeal signed by appellant
2. Annexure marked/flagged.
3. check list attached.
4. Certificate, to the effect that on same subject matter, no appeal filed earlier, given at the bottom of last page of memo of appeal.
5. Annexure "D" mentioned in para 3 attached.
6. Five complete spare copies of sets of appeal submitted.

Resubmitted after doing the needful
Please

30/8/2021


Counsel for Appellant

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

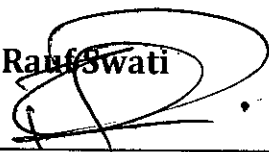
CHECK LIST

Case Title: Muhammad Iyas vs I.G.P and others.

S#	CONTENTS	YES	NO
1	This Appeal has been presented by _____		
2	Whether counsel / appellant/ respondent/ deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent oath commissioner?	✓	
8	Whether Appeal / Annexures are properly paged?	✓	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?		
11	Whether annexures are attested?		
12	Whether copies of annexures are readable/ clear?		
13	Whether copy of appeal is delivered to AG/ DAG?		
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner/ Appellant / Respondents?	✓	
15	Whether number of referred cases given are correct?		
16	Whether appeal contains cutting / overwriting?		✓
17	Whether list of books has been provided at the end of the appeal?		✓
18	Whether case relate to this Court?	✓	
19	Whether requisite number of spare copies are attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether security and process fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, Notice along with copy of Appeal and annexures has been sent to Respondents? On _____		
26	Whether copies of comments / reply / rejoinder submitted? On _____		
27	Whether copies of comments/ reply/ rejoinder provided to opposite party? On _____		

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name:-**Rashid Rauf Swati**

Signature: - 

Dated: - 30/08/2021.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

7352/2

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7472

Muhammad Ilyas Son of Said Afzal, Ex Constable Khyber Pakhtunkhwa
Police, Resident of Hassanzai Tahkal Bala Tehsil & District Peshawar.

23/08/2021

(Appellant)

Versus

1. The Inspector General Police Khyber Pakhtunkhwa Peshawar
2. Additional Inspector General of Police Elite Force Khyber Pakhtunkhwa Peshawar
3. Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar

(Respondents)

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT 1974,
AGAINST THE ORDER BEARING ENDORSEMENT NO 3753-59 DATED
22/04/2021, PASSED BY RESPONDENT NO 3 WHEREBY APPELLANT
WAS DISMISSED FROM SERVICE BY THE RESPONDENT NO 3 AND
ORDER BEARING ENDORSEMENT NO 6427-29 DATED 22/06/2021,
CONVEYED TO APPELLANT ON 27/07/2021, OF RESPONDENT NO 2
WHEREBY DEPARTMENTAL APPEAL FILED BY THE APPELLANT ON
27/05/2021, WAS DISMISSED

Filed to day
Registrar

Re submitted to
and filed.

PRAYER

ON ACCEPTANCE OF THE APPEL THE IMPUGNED ORDERS DATED
22/04/2021 PASSED BY RESPONDENT NO 3 AND ORDER DATED
22/06/2021 PASSED BY RESPONDENT NO 2, MAY GRACIOUSLY BE
SET ASIDE AND APPELLANT, MAY BE REINSTATED TO SERVICE WITH
ALL LEGALLY DUE BENEFITS

ANY OTHER RELIEF, WHICH THIS HONORABLE TRIBUNAL MAY
DEEM FIT, MAY ALSO BE GRANTED.

30/8/2021
Registrar

2

Respectfully Submitted

1. That, after fulfillment of requisite criteria, appellant was appointed/enlisted as constable in Khyber Pakhtunkhwa Police Force on 08/12/2009. **Copy of Appointment Order is Annexure "A"**.
2. That appellant performed his duty with full devotion and dedication to the entire satisfaction of the immediate bosses.
3. That appellant was involved in false case vide FIR No 79 dated, 29/01/2021 of Police Station Hoti Mardan and disciplinary proceedings were initiated against the appellant by the respondent No 3 on 01.02.2021, by issuance of charge sheet and summary of allegations to which appellant filed reply. **Copies are Annexure "B"**.
4. That on 16/03/2021 final Show Cause Notice was issued to appellant. Appellant filed written reply to Show Cause notice. **Copy of Show Cause Notice is Annexure "C" and copy of Reply is Annexure "D"**
5. That appellant was dismissed from service by the respondent No 3 vide order dated 22/04/2021. **Copy is Annexure "E"**.
6. That on 27/05/2021, appellant filed departmental appeal against the order dated 22/04/2021 passed by respondent No 3, to the respondent No 2, on sound and plausible reasons which was dismissed and conveyed to appellant on 26/07/2021. **(Copy of Departmental Appeal and Order is Annexure "F" & "G")**.
1. That being aggrieved and dissatisfied of the impugned order passed by the Respondents No 2 & 3 appellant is before this Hon'ble Tribunal *inter alia* on the following grounds:

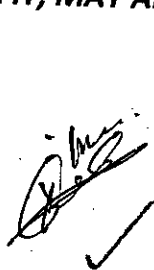
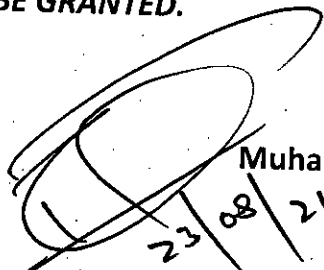
GROUND

- A. That the so-called disciplinary proceedings are in violation of settled law on the subject as such the impugned order/notification of dismissal of appellant from service by the respondent No 3 is liable to be set-aside.
- B. That impugned order passed by the respondents No 3 is against the law facts and service record of appellant and not tenable.
- C. That appellant throughout his career performed his duties properly and with full dedication to entire satisfaction of his immediate bosses and left no room for any complaint.
- D. That impugned order is, arbitrary and based on malafide besides, discriminatory and as such, is not maintainable.
- E. That legal requirements and codal formalities required for imposition of major penalty were not fulfilled, while passing the impugned order/notification as such impugned notification is not tenable.
- F. That appellant has been punished prematurely as the disciplinary proceedings were initiated against the appellant because of registration of crime. Appellant has categorically denied his involvement in said crime. More so the correctness or otherwise of, crime report registered against the appellant vide FIR No 79 dated 29/01/2021 of police station Hoti Mardan is yet not determined. Appellant is on bail in said case trial is pending before competent court of law. Therefore, there is no justification of disciplinary proceedings against the appellant and to impose penalty.
- G. That appellant has been condemned unheard and as such fundamental rights of appellant guaranteed by the Constitution of Islamic Republic of Pakistan have been infringed beside the violation of principles of natural justice.
- H. That penalty imposed is harsh and disproportionate and against the settled principles therefore is not tenable.

- I. That major penalty was imposed on Appellant without fulfillment of codal formalities which is again violation of fundamental rights of *Fair Trail* guaranteed by the Constitution.
- J. That no opportunity of *Personal Hearing* was provided to the appellant during so called disciplinary proceedings and appellant was condemned unheard.
- K. That proper procedure was not adopted by the respondents No 3 while passing the impugned order and as such damaged the career of appellant without any justification.
- L. That appellant was treated in accordance with law and as such impugned penalty is not sustainable.
- M. That any other ground will be agitated during arguments with the permission of the Court/Tribunal.

IT IS, THEREFORE HUMBLY PRAYED THAT, ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDERS MAY BE SET-ASIDE AND APPELLANT MAY BE INSTATED TO SERVICE WITH ALL BACK BENEFITS.

ANY OTHER RELIEF WHICH THIS HON'BLE TRIBUNAL DEEM FIT, MAY ALSO BE GRANTED.

Muhamamd Ilyas Appellant

Through

Rashid Rauf Swati & Zele Huma Advocates

23/08/21

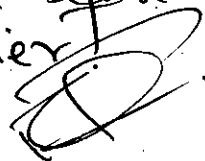
AFFIDAVIT

Stated on oath that the contents of the appeal are true and correct nothing has been concealed or misstated.



(Deponent)

certified that no such appeal on this subject matter, has been filed before this Hon'ble Tribunal earlier.



(Appellant)



ENLISTMENT ORDER

Annex 'A' 

Mr. Muhammad Ilyas S/o Said Afzal

r/o Hassan Bai Tehkal Berles
PS Tehkal Distt: Peshawar

is hereby Enlisted as Constable in BPS (5) with effect from _____

and allotted Constabulary No. 1512 HC

Height 5 - 11 Chest 33 x 35

Education FA D/O 23-3-1989

Age on enrolment 20 Years 8 Months 11 Days.


His service is purely on temporary basis and liable for termination at any time without any notice.

Amela

DY: COMMANDANT,
Frontier Reserve Police,
N.W.F.P, Peshawar.

OB No. 1535

Date. 8/12/2009

Attested

23/08/21

Annexure "B"

6

SUMMARY OF ALLEGATIONS

I, Zaib Ullah Khan, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Constable Muhammad Ilyas No. 4796, Platoon No. 01 of Elite Force has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014).

SUMMARY OF ALLEGATIONS

As per information report of DSP Elite Force HQrs Peshawar, he is charged in case FIR No. 79, dated 29.01.2021 u/s 9DKPCNSA Police Station Hoti District Mardan.

For the purpose of scrutinizing an enquiry is conducted by the said accused with reference to the above allegations, Mr. Shah Jehan Durrani SP Elite Force HQrs Peshawar, appointed as Enquiry Officer.

The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.

The accused shall join the proceedings on the date, time, and place fixed by the Enquiry Officer.

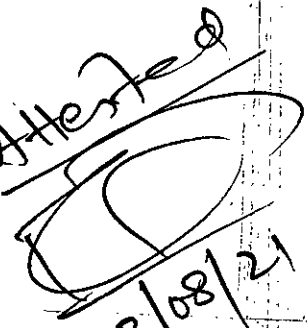
(Zaib Ullah Khan)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa,
Peshawar.

No. 937-42 /EF, dated Peshawar the 01/02/2021

Copy of the above is forwarded to the:-

1. Superintendent of Police, Elite Force HQrs Peshawar.
2. Office Supt:Account, Elite Force Khyber Pakhtunkhwa Peshawar.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. FC Muhammad Ilyas No.4796, of Elite through reader SP Elite HQrs.

(Zaib Ullah Khan)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa,
Peshawar.

Attested

23/08/21

CHARGE SHEET

7

I, Zaib Ullah Khan, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Constable Muhammad Ilyas No.4796, Platoon No. 01 of Elite Force as follows;

As per information report of DSP Elite Force HQrs Peshawar, you are charged in case FIR No. 79, dated 29.01.2021 u/s 9DKPCNSA Police Station Hoti District Mardan.

2. By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are therefore, directed to submit your defense within Seven days of the receipt of this Charge Sheet to the Enquiry Officer.

4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

(ZAIB ULLAH KHAN)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa,
Peshawar.

Attested
23/08/21

To,

SP Elite Force (HQrs)
Peshawar

Subject: "REPLY TO THE CHARGE SHEET" ISSUED
VIDE ENDORSEMENT NO.937-42/EF DATED
01/02/2021 BY DEPUTY COMMANDANT ELITE
FORCE KHYBER PAKHTUNKHWA
PESHAWAR.

Respected Sir,

It is, submitted that I was inducted in the Department in the year 2009. I am performing my duties to the best of abilities and left no room for any complaints to my high ups.

I have been falsely involved in the Case FIR No.79 dated 29/01/2021 U/S 9D CNSA, Police Station Hoti Mardan I was arrested and released on bail. That while of the case yet not commenced. The fate of the case registered against me shall be decided by the Court of competent jurisdiction.

There is no justification to initiate the departmental proceedings against me on the basis of mere allegations which are yet to be proved before the Court.

I have neat and clean past never remain involved in any illegal activity.

Therefore, it is prayed that the subject proceedings initiated against me may kindly be dropped and I may be exonerated.

Dated 17/02/2021

Yours obediently

Muhammad Ilyas
No.4796
Platoon No.1
Elite Force Peshawar

Attested
23/08/21

FINAL SHOW CAUSE NOTICE

1. Zaib Ullah Khan, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority under Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) do hereby serve you Constable Muhammad Ilyas No. 4796, Platoon No. 01, of Elite Force as follows:-

As per information report of DSP Elite Force HQrs, Peshawar, you have been charged in case FIR No. 79, dated 29.01.2021 U/S 9-D KPCNSA PS Hoti district Mardan. Being a member of discipline force, your this act amounts to gross misconduct on your part.

That consequent upon the completion of enquiry conducted against you by Mr. Shah Jehan Durrani SP Elite Force HQrs, Peshawar but you failed to satisfy the Enquiry Officer.

ii. Ongoing through the finding and recommendation of the enquiry officer, the material available on record, I am satisfied that you have committed the omission/commission specified in Police Rules and charges leveled against you have been established beyond any doubt.

2. As a result therefore, I, Zaib Ullah Khan, Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major penalty upon you, under Police Rules of the said ordinance.

3. You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.

4. If no reply to this show cause notice is received within seven days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.

5. A copy of the finding of the Enquiry Officer is enclosed.

(ZAIB ULLAH KHAN)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar

No. 2490 /EF, dated Peshawar the 16 /03 /2021
FC Muhammad Ilyas No. 4796 at his home address through reader SP Elite HQrs.

Reader

D. Ali
Superintendent of Police
HQRS Elite Force
Peshawar

D:\Charge Sheet\Final Show Cause Notice\ESC for Case FIR 2021.docx

Attested
[Signature]
23/08/21

Annexure

"D"

10

To,

The Deputy Commandant
Elite Force,
Khyber Pakhtunkhwa
Peshawar

Subject: REPLY TO FINAL SHOW CAUSE NOTICE.

Respected Sir,

Reference to the Endorsement No.2490 dated 16/03/2021 received on 27/03/2021 the reply of the Petitioner / Accused Official is as under:

Preliminary Objection:

- 1- That the Departmental Proceedings were initiated against the petitioner / accused official on the basis of FIR No.79 dated 29/01/2021 U/S 9 D KP CNSA PS Hoti Mardan. The fate of the allegation leveled against the petitioner / accused official are yet to be decided by the Court of competent jurisdiction. Therefore, without proof of the allegation against the petitioner / accused official the entire proceedings are premature, against the settled principle of law and have no legs to stand upon.
- 2- That the departmental proceedings so initiated on the basis of mere allegations are apparently aimed to damage the neat and clean service career of the petitioner / accused official, therefore, based on malafide, without lawful authority and prior to the determination of the correctness or otherwise of the allegations leveled against the petitioner / accused official.
- 3- That in the reply to the initial show cause notice Petitioner / Accused Official has properly explained his position and put forward the genuine reason with request for withdrawal of show cause notice and Petitioner / Accused Official was hopeful for favourable action. However, to the utter surprise of the Petitioner / Accused Official was served with the final show cause notice which, Petitioner / Accused Official is sure is the result of misunderstanding.
- 4- That the entire proceedings against the Petitioner / Accused Official are in contravention of fundamental rights of Petitioner / Accused Official guaranteed by Constitution of Islamic Republic

Alleged
[Signature]

of Pakistan, 1973 as well against the fundamental principle of natural justice.

- 5- That the inquiry officer has not conducted the proceedings in accordance with law and drawn the erroneous conclusion which cannot be based for the Departmental proceedings.

ON FACTS:

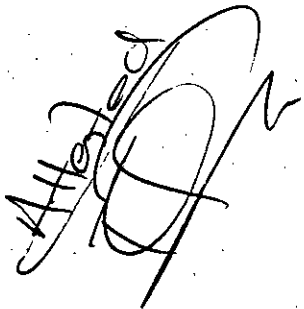
- 1) That prior to the final show cause, initial show cause notice was served upon the Petitioner /Accused Official and reply submitted on dated 17/02/2021 Petitioner /Accused Official file proper reply with solid and plausible reasons.
- 2) That the entire departmental proceedings against the Petitioner / Accused Official are based on the allegations in shape of FIR No.79 dated 29/01/2021 U/S 9D KP CNSA PS Hoti Mardan. Petitioner / Accused Official straight away negate the said allegations and claim innocence. The legal recourse i.e. the trial of the said case yet not commenced and it is yet to be proved through due process of law, that if the Petitioner /Accused Official is involved in the said matter. Prior to determination of validity or otherwise of the allegations. The departmental proceedings against the Petitioner / Accused Official are not only illegal but based on malafide and complete departure of settled principle of law besides is in violation of fundamental rights guaranteed to the Petitioner / Accused Official by the Constitution of Islamic Republic of Pakistan 1973 as well against the golden principle of natural justice that **“No one should be condemned unheard”**.
- 3) That very basis of the proceedings are against the law, therefore, the entire proceedings from day one including inquiry and final show cause notice are void ab-initio.

In continuation of submission made earlier and in the light of the present reply the Petitioner /Accused Official, humbly pray for withdrawal of proceedings and exoneration.

Dated 31/03/2021

Yours Obediently

Muhammad Ilyas
FC No.4796
Petitioner /Accused Official





Annexure 'E'

12



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

No. 3753-58 /EF

Date: 22/04/2021


ORDER

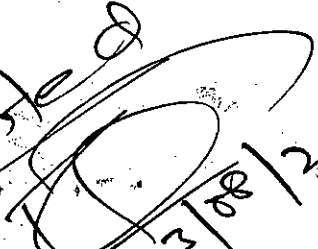
Constable Muhammad Ilyas No. 4796, Platoon No. 01 of Elite Force Khyber Pakhtunkhwa was found guilty on the following ground:-

As per information report of DSP Elite Force HQrs: Peshawar, he has been charged in case FIR No. 79, dated 29.01.2021 U/S 9-D KPCNSA PS Hoti, District Mardan.

In this regard he was suspended and Charge Sheet alongwith Summary of Allegations were issued to him and SP Elite Force HQrs: Peshawar was appointed as enquiry officer. The Enquiry Officer recorded all the statements and reported that the said Constable was found guilty of gross misconduct after being learnt from the Investigation. Moreover, the defaulter Constable is a big stain on the face of Police department and tried to defame the Police department in the eye of general public but also damaged the prestige of Elite Force and violated the Police Rules and laws so he doesn't deserve leniency and mercy. The Enquiry Officer has recommended that enquiry against him as well as order of suspension may be kept pending/upheld till the final decision of honourable court. Similarly a Final Show Cause Notice was issued to him but his reply was found unsatisfactory. He was also called in orderly room on 22.04.2021, to appear before the undersigned and explain his position but he failed to satisfy the undersigned.

Therefore, I, Muhammad Hussain, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view the above facts/circumstances, impose major penalty of dismissal from service upon the defaulter official.


(MUHAMMAD HUSSAIN) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

Attested

23/08/21

Annexure "F"

13

To,

The Commandant Elite Force,
Khyber Pakhtunkhwa
Peshawar

Subject: DEPARTMENTAL APPEAL/REPRESENTATION/REVIEW AGAINST THE ORDER / NOTIFICATION BEARING NO.3753-59/EF DATED 22/04/2021 OF DEPUTY COMMANDANT ELITE FORCE KHYBER PAKHTUNKHWA PESHAWAR RECEIVED ON 29/04/2021 WHEREBY APPELLANT WAS DISMISSED FROM SERVICE.

Prayer


On acceptance of appeal the impugned notification / order bearing No.3753-59/EF dated 22/04/2021 of Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar, may be set aside and the appellant may be reinstated to service with all back benefits.

Respectfully Submitted;

- 1- That appellant/ petitioner was inducted in police department as constable in the year 2009.
- 2- That vide endorsement No.937-42 Dated 01/02/2021 appellant was served with show cause notice. To which appellant filed reply, on cogent and convincing reasons. (Copy of Show cause Notice and reply are annexed).
- 3- That on 16/03/2021, appellant/petitioner was served with final show cause notice. To which appellant submitted detailed reply, and prayed for withdrawal of Show Cause Notice. (Copy of Notice and reply are annexed).
- 4- That to utter surprise of the appellant, he was dismissed from the service vide impugned order / notification dated 22/04/2021 received to appellant on 29/04/2021. (Copy annexed).
- 5- That the appellant/petitioner assailed the impugned notification / order through instant departmental appeal / representation/review the following grounds:


Grounds:

- A) That the departmental proceedings were initiated against the appellant on the basis alleged involvement of appellant in FIR No.79 dated 29/01/2021 U/S 9D KPK

Attested

23/08/21

CNSA Act PS Hoti Mardan. The fate of the allegations leveled against the appellant are yet to be decided by the Court of competent jurisdiction. Therefore, without proof of the allegation against the Appellant the entire proceedings are premature, against the settled principle of law and have no legs to stand upon.

- B) That the departmental proceedings so initiated on the basis of mere allegations are apparently aimed to damage the neat and clean service career of appellant, therefore, based on malafide, without lawful authority and prior to the determination of the correctness or otherwise of the allegations leveled against the appellant.
- C) That in the reply to initial show cause notice appellant/petitioner has properly explained his position and put forward the genuine reason with request for withdrawal of show cause notice and appellant was hopeful for favourable action. However, to utter surprise of the appellant /petitioner he was served with final show cause notice and then dismissed from service, which appellant is sure is the result of misunderstanding.
- D) That though the inquiry officer recommended that the appellant may be kept under suspension and after final decision of the fate of criminal case vide FIR No.79 dated 29/01/2021 U/S 9D KP CNSA of PS Hoti Mardan. The disciplinary proceeding may be concluded; the authority has altogether ignored the recommendations of the Inquiry Officer and has passed the impugned notification / order in utter violation of law.
- E) That the entire proceedings against the appellant are in contravention of fundamental rights of appellant guaranteed by the Constitution of Islamic Republic of Pakistan, 1973 as well against the fundamental principle of natural justice and law.
- F) That the Inquiry Officer has not conducted the proceedings in accordance with law.

Attested

23/08/21

G) That very basis of the proceedings are against the law, therefore, the entire proceedings from day one including inquiry, final show cause and dismissal from service are void ab-initio.


Therefore, it is, most humbly prayed that on acceptance of this Departmental Appeal/ Representation/ Review, the impugned Notification / order bearing No.3753-59/EF dated 22/04/2021 of Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar received on 29/04/2021 may kindly be set aside and appellant may be reinstated in his service with all back benefits in the equity and natural justice.

Dated 27/05/2021

Appellant 

Muhammad Ilyas
F.C No.4796.

Correspondence
Address:
Village / Mohallah Hassanzai
Tehkal Bala Peshawar
Cell # 0313-8686699

Attested

23/08/21



Office of the Deputy Commandant,
Elite Force, Khyber Pakhtunkhwa, Peshawar.



18

No. 6427-28 /EF.

Dated 22/06/2021.

ORDER

This order will dispose off the appeal submitted by Ex-Const: Muhammad Ilyas No. 4796 against his major punishment of dismissal from service awarded to him by Deputy Commandant/Elite Force on 22.04.2021 vide order No. 3753-59/EF.

Brief facts of the case are that;

DSP/Elite Force, HQrs: Peshawar, has intimated that he was charged in case FIR No. 79, dated 29.01.2021 u/s 9-D KP CNSA PS, Hoti, District Mardan. He was issued Charge Sheet & Summary of Allegations and SP/Elite Force, HQrs: Peshawar was nominated as enquiry officer and after going through all the statements, the delinquent official was found guilty into the matter.

A Final Show Cause Notice was also served upon him but his reply was found unsatisfactory. He was also called in orderly room by the Deputy Commandant/Elite Force Khyber Pakhtunkhwa on 22.04.2021, but nothing came to light in his defence.

Keeping in view the recommendations of enquiry officer and his personal hearing, he was awarded major punishment of dismissal from service vide order quoted above.

Now, he preferred the instant appeal for reinstatement into service before the undersigned.

The undersigned, being competent authority, heard him in person in orderly room on 15.06.2021, during which he could not add anything new to the facts of the case. Therefore the punishment awarded by Deputy Commandant Elite Force is upheld, as addicts/drug-peddlers have no place in LEAs, especially in an Elite Unit.

Order announced.

(JAN MUHAMMAD)PSP
Addl: Inspector General of Police
Elite Force Khyber Pakhtunkhw Peshawar

No. /EF

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

1. Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
2. Superintendent of Police, Elite Force, HQrs: Peshawar.
3. Official concerned through Reader SP/HQrs: Elite Force Peshawar.

Attested &
23/06/21

صبا - عالی
مورخ 26/7/21 کو رسید اینا کاج
وصول

26-7-21

50 روپے

94206




ایڈوکیٹ: ~~13-5347~~

بار کونسل / ایسوسی ایشن نمبر: 10-3017

رابطہ نمبر: 0335-9810881

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: Service Tribunal IC P. IC, Peshawa

منجانب: <u>اسپل</u>	دعویٰ: <u>Service Appeal</u>
	علت نمبر: _____
	مورخہ: _____
	جرم: _____
	تھانہ: _____

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام لینڈ اور ایسے رائٹ ڈیو سونڈ ہوا کہ اس کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرف سے یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانون کو اپنے ہر اوٹا اپنے مختار کے لئے اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ پر اخذ منظور و قبول ہوگا دوران مقدمہ میں جو چیز چاہے جانے تو اتنے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند ہے

Handwritten notes on the left margin, including a signature and the number 17301-0872662-1.

المرقوم: _____
 23/08/2017
 PESHAWAR BAR ASSOCIATION
 PESHAWAR

مقام _____ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔

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

Service Appeal No. 7352/2021

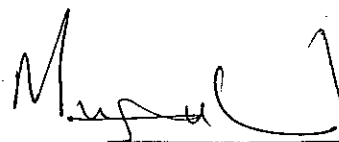
Muhammad Ilyas Ex-FC Elite Force..... (Appellant)
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, etc.....(Respondents)

INDEX

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	Para-wise comments		1-3
2.	Affidavit		4
3.	Authority Letter		5
4.	Copy of FIR dated 29.01.2021	A	6
5.	Copy of Summary of Allegations	B	7
6.	Copy of Final Show Cause notice	C	8
7.	Reply to Final Show Cause notice	D	9-10
8.	Copy of order dated 22.04.2021	E	11
9.	Copy of order dated 22.04.2021	F	12
10.	Copy of order dated 22.06.2021	G	13

DEPONENT



**DSP/ LEGAL
Elite Force, KP,
Peshawar.
0315-9869601**

①

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

Service Appeal No. 7352/2021

Muhammad Ilyas Ex-FC Elite Force..... (Appellant)
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, etc.....(Respondents)

REPLY BY RESPONDENTS NO. 1 TO 3

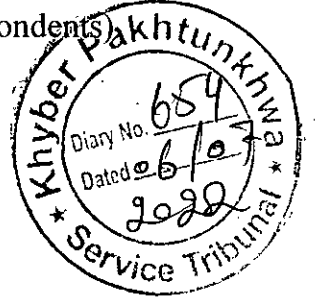
RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

- a) That the appeal is not based on facts.
- b) That the appeal is barred by law and limitation.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- e) That the appellant is estopped to file the instant appeal by his own conduct.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.
- g) That the appellant has got no cause of action and locus standi to file the instant service appeal.

FACTS:-

1. Pertains to service record of the appellant.
2. Pertains to service record of the appellant.
3. Incorrect. The appellant was involved in case FIR No. 79 dated 29.01.2021 u/s 9DKPCNSA Police Station, Hoti Mardan. In this regard he was suspended (**Annexure-A**) and charge sheet along with Summary of allegations (**Annexure-B**) were issued to the appellant. SP/ Elite Force, HQrs: Peshawar was appointed as enquiry officer, The Enquiry Officer recorded all the statements and reported that the appellant was found guilty of gross misconduct after being learnt from the Investigation (**Annexure-C**). Moreover, the defaulter Constable is a big stain on the face of Police Department and tried to defame the Police Department in the eye of general public, also damaged the prestige of Elite Force and violated the Police Rules and laws. A final show cause notice was issued to the appellant but his reply was found unsatisfactory (**Annexure-D**). He was also called in orderly room on



(2)

22.04.2021, (**Annexure-E**) but he failed to satisfy the Competent Authority. He was dismissed from Service vide Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar order dated 22.04.2021. (**Annexure-F**).

4. As already explained in Para No. 3 that reply on the final show cause notice was found unsatisfactory, therefore, he was heard in person on 22.04.2021, but the appellant badly failed to prove his innocence therefore, he was awarded with major punishment of dismissal from service.
5. As already explained in Para No. 3 & 4.
6. Incorrect. The appellant was heard in orderly room on 15.06.2021, by the Additional Inspector General of Police, Elite Force, Khyber Pakhtunkhwa, Peshawar. The appellant could not add anything new to the facts of the case, therefore, the order of dismissal was kept intact on the grounds that appellant being addict/ drug peddler has not place in LEAs especially in an Elite Unit. (Copy of order dated 22.06.2021 (**Annexure-G**).
7. The instant Service Appeal of the appellant is not maintainable on the following Grounds.


GROUND:-

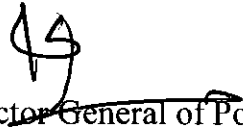
- A. Incorrect. The order of dismissal is quite in accordance with law/ rules and proper disciplinary proceedings were initiated against the appellant.
- B. Incorrect. The order is in accordance with law/ rules as appellant was found guilty and he was awarded punishment of dismissal from service on the recommendations of enquiry officer.
- C. Incorrect. As already explained above that appellant was found addict of drugs; therefore, he has a black stain on the face of Police Department.
- D. Incorrect. No discrimination has been done to the appellant by the answering respondents.
- E. Incorrect. All codal formalities were adopted while dealing the appellant departmentally.
- F. Incorrect. The appellant badly failed to prove his innocence as he was found guilty of gross misconduct; therefore, he was rightly dismissed from service.
- G. Incorrect. The appellant was heard in person on 22.04.2021 & 15.06.2021. Furthermore, no fundamental right of the appellant has been violated by the answering respondents.


- H. Incorrect. As already explained above.
- I. Incorrect. As already explained above. The appellant was punished on his gross misconduct.
- J. Incorrect. As already explained above, appellant was heard in person on 22.04.2021 & 15.06.2021.
- K. Incorrect. As already explained above. The appellant defame the Police Department in the eye of general public but also damaged the prestige of Elite Force therefore, he was awarded with major punishment.
- L. Incorrect. The appellant was treated in accordance with law/ rules.
- M. The answering respondents seek permission to advance other Grounds at the time of hearing.

PRAYER:-

Keeping in view the above stated facts and rules, it is therefore humbly prayed that the appeal is not maintainable, being devoid of merits, hence; may kindly be dismissed with costs, please.


Deputy Commandant,
Elite Force, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 3)


Additional Inspector General of Police,
Commandant,
Elite Force, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)


Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 1)

4

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

Service Appeal No. 7352/2021

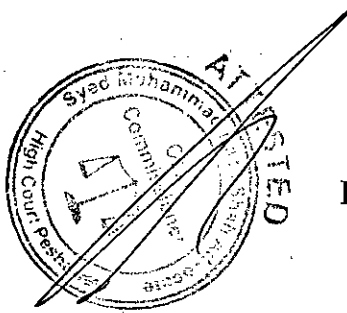
Muhammad Ilyas Ex-FC Elite Force..... (Appellant)
VERSUS


Inspector General of Police, Khyber Pakhtunkhwa, etc.....(Respondents)

AFFIDAVIT

I, Mian Niaz Muhammad ADSP/ Legal Elite Force, Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents No. 1 to 3 are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

Respondents through



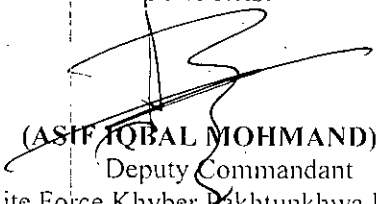

MIAN NIAZ MUHAMMAD,
ADSP/ Legal,
Elite Force, Khyber Pakhtunkhwa,
Peshawar.
17301-1519386-1
0315-9869601

06 JUL 2022

(17) (5)

AUTHORITY LETTER.

The undersigned is hereby authorized to nominate Mr. Mian Niaz Muhammad Acting DSP/Legal Elite Force to submit the replies and attend the Honorable High Court/Supreme Court on behalf of respondents.


(ASIF IQBAL MOHMAND) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

DEPUTY COMMANDANT,
Elite Force Khyber Pakhtunkhwa
Peshawar

Annex-1

Annexure "B" (7) (18)

SUMMARY OF ALLEGATIONS

I, Zaib Ullah Khan, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority, am of the opinion that Constable Muhammad Hyas No. 4796, Platoon No. 01 of Elite Force has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014).

SUMMARY OF ALLEGATIONS

As per information report of DSP, Elite Force HQrs Peshawar, he is charged in case FIR No. 79, dated 29.01.2021 at PDKPUNSA Police Station Hosi District Mardan.

For the purpose of scrutinizing an enquiry is conducted of the said accused with reference to the above allegations, Mr. Shah Jehan Durrani SP Elite Force HQrs Peshawar, appointed as Enquiry Officer.

The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.

The accused shall join the proceedings on the date, time, and place fixed by the Enquiry Officer.

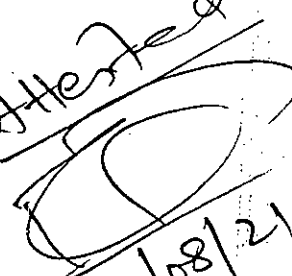
(Zaib Ullah Khan) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

No. 837-42 /EF, dated Peshawar the 01/02/2021.

Copy of the above is forwarded to the:-

1. Superintendent of Police, Elite Force HQrs Peshawar.
 2. Office Supt:Account, Elite Force Khyber Pakhtunkhwa Peshawar.
 3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
 4. SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. IC Muhammad Hyas No. 4796, of Elite Force HQrs Peshawar.

(Zaib Ullah Khan) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

Attested

23/08/21

Annerure "C"

8

FINAL SHOW CAUSE NOTICE

1. Zaib Ullah Khan, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority under Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) do hereby serve you Constable Muhammad Ilyas No. 4796, Platoon No. 01, of Elite Force as follows:-

As per information report of DSP Elite Force HQrs: Peshawar, you have been charged in case FIR No. 79, dated 29.01.2021 U/S 9-D KP CNSA PS Hoti district Mardan. Being a member of discipline force, your this act amounts to gross misconduct on your part.

That consequent upon the completion of enquiry conducted against you by Mr. Shah Jehan Durani SP Elite Force HQrs: Peshawar but you failed to satisfy the Enquiry Officer.

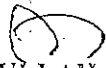
ii. Ongoing through the finding and recommendation of the enquiry officer, the material available on record. I am satisfied that you have committed the omission/commission specified in Police Rules and charges leveled against you have been established beyond any doubt.

2. As a result therefore, I, Zaib Ullah Khan, Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major penalty upon you, under Police Rules of the said ordinance.

3. You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.

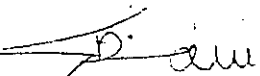
4. If no reply to this show cause notice is received within seven days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.

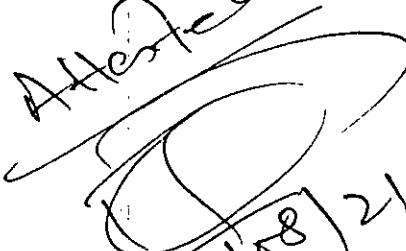
5. A copy of the finding of the Enquiry Officer is enclosed.


(ZAIB ULLAH KHAN)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar

No. 2490 /EF, dated Peshawar the 16 /03 /2021
FC Muhammad Ilyas No. 4796 at his home address through reader SP Elite HQrs.

Recd


Superintendent of Police
HQRS Elite Force
Peshawar

Attested

23/08/21

Annexure

"D"

(G/10)

(9)

To,

The Deputy Commandant
Elite Force,
Khyber Pakhtunkhwa
Peshawar

Subject: REPLY TO FINAL SHOW CAUSE NOTICE.

Respected Sir,

Reference to the Endorsement No.2490 dated 16/03/2021 received on 27/03/2021 the reply of the Petitioner / Accused Official is as under:

Preliminary Objection:

- 1- That the Departmental Proceedings were initiated against the petitioner / accused official on the basis of FIR No.79 dated 29/01/2021 U/S 9 D KP CNSA PS Hoti Mardan. The fate of the allegation leveled against the petitioner / accused official are yet to be decided by the Court of competent jurisdiction. Therefore, without proof of the allegation against the petitioner / accused official the entire proceedings are premature, against the settled principle of law and have no legs to stand upon.
- 2- That the departmental proceedings so initiated on the basis of mere allegations are apparently aimed to damage the neat and clean service career of the petitioner / accused official, therefore, based on malafide, without lawful authority and prior to the determination of the correctness or otherwise of the allegations leveled against the petitioner / accused official.
- 3- That in the reply to the initial show cause notice Petitioner / Accused Official has properly explained his position and put forward the genuine reason with request for withdrawal of show cause notice and Petitioner / Accused Official was hopeful for favourable action. However, to the utter surprise of the Petitioner / Accused Official was served with the final show cause notice which, Petitioner / Accused Official is sure is the result of misunderstanding.
- 4- That the entire proceedings against the Petitioner / Accused Official are in contravention of fundamental rights of Petitioner / Accused Official guaranteed by Constitution of Islamic Republic

Attended

10

of Pakistan, 1973 as well against the fundamental principle of natural justice.

- 5- That the inquiry officer has not conducted the proceedings in accordance with law and drawn the erroneous conclusion which cannot be based for the Departmental proceedings.

ON FACTS:

- 1) That prior to the final show cause, initial show cause notice was served upon the Petitioner /Accused Official and reply submitted on dated 17/02/2021 Petitioner /Accused Official file proper reply with solid and plausible reasons.
- 2) That the entire departmental proceedings against the Petitioner / Accused Official are based on the allegations in shape of FIR No.79 dated 29/01/2021 U/S 9D KP CNSA PS Hoti Mardan. Petitioner / Accused Official straight away negate the said allegations and claim innocence. The legal recourse i.e. the trial of the said case yet not commenced and it is yet to be proved through due process of law, that if the Petitioner /Accused Official is involved in the said matter. Prior to determination of validity or otherwise of the allegations. The departmental proceedings against the Petitioner / Accused Official are not only illegal but based on malafide and complete departure of settled principle of law besides is in violation of fundamental rights guaranteed to the Petitioner / Accused Official by the Constitution of Islamic Republic of Pakistan 1973 as well against the golden principle of natural justice that "No one should be condemned unheard".
- 3) That very basis of the proceedings are against the law, therefore, the entire proceedings from day one including inquiry and final show cause notice are void ab-initio.

In continuation of submission made earlier and in the light of the present reply the Petitioner /Accused Official, humbly pray for withdrawal of proceedings and exoneration.

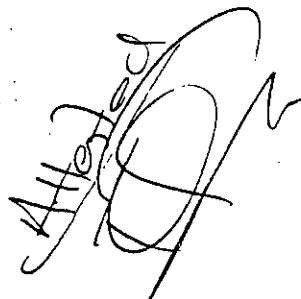
Dated 31/03/2021

Yours Obediently

Muhammad Ilyas

FC No.4796

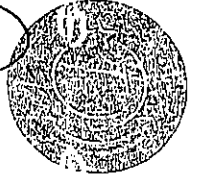
Petitioner /Accused Official





Annexure 'E'

12



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

No. 3753-58 /EF

Date: 22/04/2021


ORDER

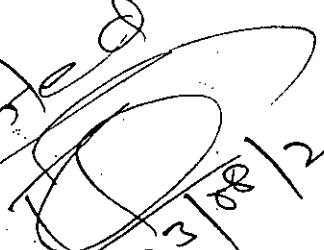
Constable Muhammad Ilyas No. 4796, Platoon No. 01 of Elite Force Khyber Pakhtunkhwa was found guilty on the following ground:-

As per information report of DSP Elite Force HQrs: Peshawar, he has been charged in case FIR No. 79, dated 29.01.2021 U/S 9-D KPCNSA PS Hoti, District Mardan.

In this regard he was suspended and Charge Sheet alongwith Summary of Allegations were issued to him and SP Elite Force HQrs: Peshawar was appointed as enquiry officer. The Enquiry Officer recorded all the statements and reported that the said Constable was found guilty of gross misconduct after being learnt from the Investigation. Moreover, the defaulter Constable is a big stain on the face of Police department and tried to defame the Police department in the eye of general public but also damaged the prestige of Elite Force and violated the Police Rules and laws so he doesn't deserve leniency and mercy. The Enquiry Officer has recommended that enquiry against him as well as order of suspension may be kept pending/upheld till the final decision of honourable court. Similarly a Final Show Cause Notice was issued to him but his reply was found unsatisfactory. He was also called in orderly room on 22.04.2021, to appear before the undersigned and explain his position but he failed to satisfy the undersigned.

Therefore, I, Muhammad Hussain, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view the above facts, circumstances, impose major penalty of dismissal from service upon the defaulter official.


(MUHAMMAD HUSSAIN) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

Attested

23/08/21



ANR o F (12)

Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 3753-59 /EF

Date: 22 /04 /2021

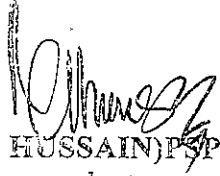
ORDER

Constable Muhammad Ilyas No. 4796, Platoon No. 01 of Elite Force Khyber Pakhtunkhwa was found guilty on the following ground:-

As per information report of DSP Elite Force HQrs: Peshawar, he has been charged in case FIR No. 79, dated 29.01.2021 U/S 9-D KPCNSA PS Hoti, District Mardan.

In this regard he was suspended and Charge Sheet alongwith Summary of Allegations were issued to him and SP Elite Force HQrs: Peshawar was appointed as enquiry officer. The Enquiry Officer recorded all the statements and repoted that the said Constable was found guilty of gross misconduct after being learnt from the Investigation. Moreover, the defaulter Constable is a big stain on the face of Police department and tried to defame the Police department in the eye of general public but also damaged the prestige of Elite Force and voilated the Police Rules and laws so he doesn't deserve leniency and mercy. The Enquiry Officer has recommended that enquiry against him as well as order of suspension may be kept pending/upheld till the final decision of honourable court. Similarly a Final Show Cause Notice was issued to him but his reply was found unsatisfactory. He was also called in orderly room on 22.04.2021, to appear before the undersigned and explain his position but he failed to satisfy the undersigned.

Therefore, I, Muhammad Hussain, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view the above facts, circumstances, impose major penalty of dismissal from service upon the defaulter official.


(MUHAMMAD HUSSAIN) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

Copy of the above is forwarded to the:-

1. Superintendent of Police, Elite Force HQrs: Peshawar.
2. Supdt: Accounts, Elite Force Khyber Pakhtunkhwa Peshawar.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. I/C Kot/OASI/SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. ✓ FMC, Elite Force along with complete file Encls: (67) pages.



Announcement "G"
Office of the Deputy Commandant,
Elite Force, Khyber Pakhtunkhwa, Peshawar.



(13)
AB

No. 6427-28 /EF.

Dated 22/06/2021

ORDER

This order will dispose off the appeal submitted by Ex-Const: Muhammad Ilyas No. 4796 against his major punishment of dismissal from service awarded to him by Deputy Commandant/Elite Force on 22.04.2021 vide order No. 3753-59/EF.

Brief facts of the case are that;

DSP/Elite Force, HQrs: Peshawar, has intimated that he was charged in case FIR No. 79, dated 29.01.2021 u/s 9-D KP CNSA PS, Hoti, District Mardan. He was issued Charge Sheet & Summary of Allegations and SP/Elite Force, HQrs: Peshawar was nominated as enquiry officer and after going through all the statements, the delinquent official was found guilty into the matter.

A Final Show Cause Notice was also served upon him but his reply was found unsatisfactory. He was also called in orderly room by the Deputy Commandant/Elite Force Khyber Pakhtunkhwa on 22.04.2021, but nothing came to light in his defence.

Keeping in view the recommendations of enquiry officer and his personal hearing, he was awarded major punishment of dismissal from service vide order quoted above.

Now, he preferred the instant appeal for reinstatement into service before the undersigned.

The undersigned, being competent authority, heard him in person in orderly room on 15.06.2021, during which he could not add anything new to the facts of the case. Therefore the punishment awarded by Deputy Commandant Elite Force is up-held, as addicts/drug-peddlers have no place in LEAs, especially in an Elite Unit.

Order announced.

(JAN MUHAMMAD)PSP
Addl: Inspector General of Police
Elite Force Khyber Pakhtunkhw Peshawar

No. _____ /EF

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

1. Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
2. Superintendent of Police, Elite Force, HQrs: Peshawar.
3. Official concerned through Reader SP/HQrs: Elite Force Peshawar.

Attended
23/08/21

میں نے
مورخہ 26/7/21 کو میں نے ایسٹاٹ
وصول کیا

26-7-21



**IN THE COURT OF SAID BADSHAH
ADDITIONAL SESSIONS JUDGE-I/JUDGE SPECIAL COURT, MARDAN.**

Case No.152/Spl; of 2022
Date of Original Institution: 22.03.2021
Date of transfer to this court: 25.07.2022
Date of Decision: 06.10.2022
19/10/22

The State..... (Complainant)

Muhammad Ilyas Khan son of Said Afzal, resident of Mohallah
Hassan Zai, Tahkal Bala, District Peshawar.
.....(Accused facing trial)

Present:

Mr. Asif Khan, Asad, Khan, Zuhaib Ali Taj Advocates, counsel for the
accused.
Mr. Sajjad Khan, Dy.PP for state.
Accused on bail.

CHARGED IN CASE F.I.R No.79 DATED: 29.01.2021

UNDER SECTION 9-D KPCNSA, P.S, HOTI, MARDAN

JUDGEMENT

The above named accused faced his trial under the above
section of law before this court.

2. Brief facts of the case are that, on 29.01.2021 at about 14:40
hours, the complainant Sabir Sultan Khan ASI alongwith other
police officials during Nakabandi were present at the place of
occurrence. That in the meanwhile they intercepted a Qingqi for the
purpose of checking and a person sitting on rear seat of the said
Qingqi was searched on the basis of suspicion and recovered from
his trouser fold one packet of charas, wrapped in yellow carton tape,
weighing 1050 grams. The complainant separated 5 grams charas
for chemical analysis and sealed into parcel No.1 while the
remaining charas were sealed into parcel No.2. Recovery memo and
murasila was drafted which resulted into the registration of present
FIR.

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**Examiner Copying Branch
Session Court Mardan**

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SAID BADSHAH
Additional District & Sessions Judge
Mardan
6/10/2022

State ---VS--- Muhammad Ilyas Khan
Special Case No.152/Spl of 2022

3. The complainant reduced said facts in writing in the shape of murasila, Ex.PW-4/2, on the strength of which subject case was registered.

4. On completion of investigation, the complete challan was put in court against the accused facing trial by prosecution.

5. Accused facing trial was summoned. He was provided copies under section 265-C Cr.P.C and charge u/s 9-D KPCNSA was framed against him, to which he pleaded not his guilt and claimed trial.

6. Prosecution produced seven (07) PWs in support of its case. The resume of the evidence as follow;

i) **PW-1**, Jehangir Khan, MASI, stated that on 29.01.2021 the case property was handed over to him by the complainant for safe custody and sending to the FSL, which he has entered in register No.19. He also sent the sample to FSL through constable Asim No.3035 on 01.02.2021. Copies of register No.19 & 21 are placed on file which are Ex.PW-1/1 and Ex.PW-1/2.

ii) **PW-2**, Atta Muhammad Khan SI, who on receipt of murasila from complainant Sabir Sultan Khan ASI through constable Naveed Khan No.68, registered the present FIR, Ex.PW-2/1 against the accused.

iii) **PW-3**, Dawood Khan SHO, who submitted complete challan against the accused.

iv) **PW-4**, Sabir Sultan ASI, who is the complainant of the case. He reiterated the same facts as mentioned by him in the recovery memo, Ex.PW-4/1, drafted the murasila, Ex.PW-4/2, issued card of arrest, Ex.PW-4/3, application to FSL, Ex.PW-4/4. He handed over the accused and case property to the Moharrir for safe custody and sending to FSL. The IO also prepared the site plan at his instance.

v) **PW-5**, Mira Khan, Inspector, who investigated the case; visited the spot and prepared the site plan, Ex.PW-5/1, at the pointation of complainant and eye witnesses. On next day he vide his application, Ex.PW-5/2, produced the accused before the court

SAID BAKHT AWAN
Additional District & Sessions Judge-V
Mardan
19/10/2022

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Special Case No.152/Spl of 2022

of learned Judicial Magistrate for obtaining custody, which was refused and accused was sent to judicial lock up. He record the statement of PWs and that of accused U/S 161 Cr.P.C. He received FSL report which is Ex.PW-5/3. He placed on file copies of register No.19 and 21. He also placed on file copy of DD of arrival of complainant to the PS. He also placed on file copies of DD of his departure and arrival to the PS. On completion of investigation, he submitted the case file to SHO for submission of challan.

vi) PW-6, Asim FC No.3035, on 01.02.2022 who took the sample to the FSL and on return to the PS he handed over the road certificate to the Moharrir. In this respect copy of register No.21 is placed on file.

vii) PW-7, Naveed FC No.68, marginal witness of the recovery memo, Ex.PW-4/1. He also supported the version of the complainant in his statement.

7. Prosecution closed its evidence and thereafter statement of the accused recorded under section 342 Cr.P.C, wherein, he again denied from the charges and adhered to his innocence. He neither wished to be examined under oath nor to produce evidence in defense.

8. I have heard the arguments of the learned counsel for the accused and that of Dy. PP for the state and have gone through file with their valuable assistance.

9. Perusal of the record available on file shows that the complainant on 29.01.2021 at 14:40 hours intercepted a private Qingqi and from the rear seat of the Qingqi the accused facing trial Muhammad Ilyas was deboarded and from his trouser fold 1050 grams charas was recovered. From this story of the prosecution this fact is clear that at a time of search of the accused the driver of the Qingqi was also present with the complainant but neither the number of the Qingqi nor the name of the driver is mentioned in the murasila or in the recovery memo. The driver of the Qingqi is also not made as witness of the recovery memo. The relevant admission on part of

SAID QADIR
Additional District Judge
Mardan

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complainant/PW-4 regarding the non-association of the driver as witness of the recovery memo is hereby reproduced as under;

“It is correct that there is no mentioned of the Qingqi number, name of driver with colour of the Qingqi in the murasila. I have not recorded the statement of the driver because it is the job of the IO”

The complainant further admitted that the place of occurrence is a busy place and no person from the public was asked to become witness of the recovery memo. This shows that despite presence of private PWs the complainant of the case did not bother to associate them as witness of the recovery memo. Admittedly, both witness of the recovery memo are subordinate of the complainant. Therefore, in such circumstances the accused could not be left at the mercy of the statement of police officials who are interested in the outcome of the case.

10. Astonishingly, the recovery memo, Ex.PW-4/1 as well as card of arrest contain FIR number of the case which reveals that the recovery memo has been prepared in the PS or later on i.e. after registration of the case. Hence, in such circumstances the preparation of the documents on the spot has become highly doubtful.

11. More so, the IO of the case appeared before the court as PW-5 and he is of the view that for investigation copy of FIR, murasila, recovery memo, application to the FSL and card of arrest were handed over to him but perusal of contents of the FIR shows that only murasila and copy of FIR was handed over to the IO for investigation of the case and this fact is also admitted by the PW-5 in his cross examination in the following manner;

“In the FIR it has been mentioned that only murasila and copy of FIR was handed over to incharge Investigation”.

The above admission on the part of the IO reveals that other relevant documents were not available in the PS at a time of registration of

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Session Court Mardan

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Additional District & Sessions Judge
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State ---VS--- Muhammad Ilyas Khan
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the case, therefore, the statement of IO negates the contents of murasila and FIR. Apart from that the alleged recovered contraband was seized by the complainant who also sealed into parcel however, the IO of the case did not bothered to examine it himself, another word IO has not taken it for granted that whatever was sealed was nothing, but charas as the seizing officer showed in the paper. It follows that the IO has not discharged his duty independently sorting out that the case property was in fact charas and it was exactly of the same kind and weighed as the seizing officer mentioned in the murasila.

12. The most important aspect of the case is that it is the duty of the prosecution to first prove the presence of the complainant at the spot and for the said purpose it was required to show that the local police/ complainant was on gasht. It is also the mandate of the law that whatever proceedings is conducted in the PS the same must be entered in the DD but in the present case the DD of the departure of the complainant from the PS for gasht is not available on the case file. Therefore the presence of the police at the spot in the absence of DD has become doubtful.

13. So far as the FSL report is concerned as per the murasila the contraband was also sent to the PS by the complainant through constable Naveed FC No.68 and he stated that he handed over the case property to the Atta Muhammad Khan MASI. However, in the present case Jehangir MASI appeared before the court and he stated in his examination in chief that the case property was handed over to him by the complainant Sabir Sultan Khan ASI which he entered in the register No.19, however, in the murasila it has been mentioned by the complainant Sabir Sultan Khan ASI that he sent the case property to the PS through constable Naveed FC No.68, so, no question of the handing over the case property by the complainant by Jehangir Khan MASI could arise, hence, there is big question mark on the safe transmission and safe custody of the case property from the spot to the police station. Beside this, as per the version of

SAID B. KHAN
Additional District & Sessions Judge-7
19/10/22

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State ---VS--- Muhammad Ilyas Khan
Special Case No.152/Spl of 2022

the prosecution the sample was taken by Asim FC No.3035 and this fact is mentioned in the application to the FSL and register No.21, however, the number of the constable given in the FSL report is 3135 and the name of the constable to whom the sample was given by the Moharrir is also not mentioned in the register. Sp, the taking of the sample by constable Asim No.3035 has become highly doubtful.

14. From the above discussion this court has come to the conclusion that the prosecution has failed to prove his case against the accused beyond any reasonable doubt and the benefit of which must goes to the accused facing trial. Thus by extended the benefit of doubt to the accused facing trial namely **Muhammad Ilyas Khan** son of Said Afzal, resident of Mohallah Hassan Zai, Tahkal Bala, Tehsil & District Peshawar is hereby acquitted in case FIR No. 79 dated 29.01.2021 under Section 9-D of KPCNSA Police Station Hoti, Mardan. Accused is on bail, he and his sureties are discharge from the liability of bail bonds. Case property i.e. charas be destroyed after the expiry of the period appeal/revision in accordance with law. File be consigned to the record room after its completion.

Announced
06.10.2022

SAID BADSHAH
Additional District & Session Judge-V
(SAID BADSHAH)
ADDITIONAL SESSIONS JUDGE-I/
JUDGE SPECIAL COURT,
MARDAN.

CERTIFICATE:

Certified that this judgment consists of (06) pages.

Each page has been read, corrected wherever deemed necessary and signed by the undersigned.

Name of Application: محمد افسال 06.10.2022.

No. of Application: 17334

Date of presentation of application: 19/10/22

Date of preparation of copies: 19/10/22

Number of Pages: 06 P

Court Fees: nil

Urgent Fees: nil

Signed of copyist/Examiner: [Signature]

Date of Delivery: 20-10-22

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19 OCT 2022

(SAID BADSHAH)
ADDITIONAL SESSIONS JUDGE-I
JUDGE SPECIAL COURT, Inliner Copying Branch
Session Court Mardan
MARDAN.
SAID BADSHAH
Additional District & Session Judge-V
Mardan



OFFICE OF THE SUPERINTENDENT OF POLICE,
HEADQUARTERS, ELITE FORCE, PESHAWAR.



No 54 /R,SP/EF, HQrs

Date: 02 /03/2021.

To: The Deputy Commandant,
Elite Force, Khyber Pakhtunkhwa.

Subject: **DISCIPLINARY ACTION AGAINST CONSTABLE MOHAMMAD ILYAS
NO.4796**

Memo:

Kindly refer to your office Endst: No.937-42/EF, dated Peshawar the 01.02.2021.

Respected Sir,

In pursuance of your kind directives, the undersigned completed enquiry in the above cited case. Its stepwise detail is given below:

ALLEGATIONS:

As per information report of DSP/EF HQrs Peshawar he is charged in case FIR No.79, dated 29.01.2021, U/S 9DCNSA Police Station Hoti district Mardan.

In this regard, the Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar suspended him and issued Charge Sheet and Summary of Allegations and the undersigned was appointed as enquiry officer.

PROCEEDINGS:

The Charge Sheet and Summary of allegations were served upon the accused FC Mohammad Ilyas No.4796 through reader SP/HQrs Elite Force Peshawar, in reply to charge sheet and summary of allegations the accused FC submitted his written statement as quoted below:

STATEMENT OF FC MOHAMMAD ILYAS NO.4796:

Responding to Charge Sheet and Summary of allegations the accused Mohammad Ilyas No.4796 stating in his written statement that he has been performing duty in police department since 2009 and no complaint has ever happened against him in the whole service tenure. Adding that he has been falsely involved in mentioned case, so, he has been granted bail while the case is under process in the court. He further requested that the subject proceeding initiated against him may be dropped and he may be exonerated. (Statement attached)

STATEMENT OF ASI SABIR SULTAN (INCHARGE PP)

A statement of ASI Sabir Sultan was recorded, stating wherein that he along with officials were checking at check post, in the meanwhile a Qinqi proceeding to Ring-road was intercepted, a man namely Mohammad Ilyas was sitting at rear seat, a packet of 1050g hashish was recovered from the mentioned person during checking, was arrested and sent to Jail. (Statement attached)

STATEMENT OF INSPECTOR MIRA KHAN (OII PS HOTI)

In this context the statement of Inspector Mira Khan (investigation officer) was recorded stating therein that ASI Sabir Sultan (In-charge PP) along with his police personnel intercepted Qinqi and recovered 01 packet Hashish during checking the alleged person was charge in case FIR No.79, dated 29.01.2021, U/S 9DCNSA Police Station Hoti district Mardan. Later on the alleged person was identified as police constable of Elite Force during interrogation and revealed that he traffics hashish at several place from Karkhano Market. The relevant information was passed to high ups for further necessary action after being completed investigation. (Statement attached).

FINDINGS/CONCLUSION/RECOMMENDATION:

Keeping in view the facts and statements of the enquiry the matter was enquired thoroughly to dig out the actual fact, brief facts of the case are that the local police during nakabandi stopped a Qinqi for the purpose of checking and deboarded the accused sitting on rear seat of the Qinqi, recovered from him one packet chars wrapped in yellow tape, weighing 1050 gram chars, the investigation officer prepared murasala and recovery memo on spot which resulted in the registration of FIR No.79, dated 29.01.2021, U/S 9DCNSA Police Station Hoti district Mardan. In this context the accused constable was summoned and heard in person and gave ample opportunity to prove himself innocent but he did not satisfy the undersigned. Moreover, during the course of enquiry it has been learnt that the local police has rightly been arrested and recovered the said chars from his possession.

Hence, I undersigned reached to the conclusion that mentioned constable was found guilty of gross misconduct after being learnt from the investigation (statement of the investigation officer is enclosed). Moreover, the defaulter constable is a big stain on the face of police department and tried to defame the police department in the eye of general public but also damaged the prestige of Elite Force and violated the police rules and laws, so, he doesn't deserve leniency and mercy. However the instant case is under trial in the honorable court, therefore it is recommended that the enquiry against the delinquent constable Mohammad Ilyas No.4796 as well as order of suspension may be kept pending/upheld till the final decision of honorable court, if agreed so.

(SHAH JEHAN DURRANI)

Superintendent of Police,
HQrs, Elite Force, Peshawar.

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4-3-2024

بیان از ان صاحب سلطان ASI لسنات انچارج حومی ماہار کمانہ بیوتی

موضوع خدمت بیوتی مورخہ 29-01-2021 کو حسب الحکم افسران بالا سلسلہ نامہ بندی جائے وقوعہ بالا پر
 میرا کہ سندان نظام 671/1، نوید خان مینر 68/1 و دیگر نوئی پولیس باولہ موجود تھا کہ حسب
 روٹس مارٹوں اور پیدل اشخاص می چیننگ کرتے بیوتی اسی اثناء انک کو قتل جنگی طرف
 رینگ روڈ جاتی بیوتی حلو کو طامرتے پھیلے سیٹ پر موجود انک اسٹیشن نے بدر یافت انکا نام
 محمد الیاس خان ولد ولد سید افضل سکنہ محلہ محلہ حسن زئی شمال بالا تحصیل ضلع سوات سوات
 کرتے پر سید علی بخش جواب دے سقا برٹنک حسب مہالط جامعہ سواتی لیتے پر بڈھا سوات
 سے انک پبلک حرس فرد سوات ٹاؤن سے لپٹی بر آف سوات بر موقع بدزلہ ڈیکسٹریل سکیل وزن کر
 پر 1050 گرام حرس لقمی محلہ حرس میں سے 5 گرام حرس بدزلہ حاقو علیہ کرتے بفرض مجزہ سوات
 بندہ ماربل مینر جیل لقا نا فائدہ حرس (1045) گرام کابندہ ماربل مینر 2 سدر عیر کرتے جیل ماربل ماٹھے
 بر آف سوات کو بر وقتہ حروفہ پولیس میں کرتے محمد الیاس فر کورہ کو قتل جرح بالا کا نام
 حسب مہالط گرفتار کرتے حراس بفرض مائمی مقدمہ جیل ماہ مقدمہ بفرض ادخال مالکان بدست
 سٹیل نوید خان مینر 68/1 ارمال عمان بنا جس مقدمہ ددو جسٹریو حراس الان عدالت بیو
 حکم ہے بیوتی سدا بیان ہے جو کہ درست ہے

Jasir Sultan
 ASI P.P. Mayor
 17/02/2021

بیان اذان صدراخان 11/01/2021

فوجدہ عد 29/01/21 فورم 29/01/21 صبرم 9D1KPCNUSA گھار سوئی
نیام محمد الیاس خان ولد افضل مسکن ولد حسن زئی تہکال

ضابطہ عالی 1

میں محنت 11 گھار سوئی میں اقبیات یوں جوڑ 29/01/21 گھار میں موجود تھا صدراسلر

صبرم 9D1KPCNUSA محانب صابر سلطان ASI اچارج چوکی صبار و وصول ہو کر صدراسلر پر

عطاء و رضان ایڈ فوجدہ عد 29/01/21 فورم 29/01/21 صبرم 9D1KPCNUSA گھار سوئی درج

رہ کر کے بقول FIR صدراسلر فرد مقبوضہ کی گاڑی تہکاری و نقلہ سندس ملزم

حوالہ کرنے بعد و لفظ FIR لغوی لوکس ہمراہ کرنے وقوع واردات حمایت اللہ صدرا دود گاٹر

صبرم 9D1KPCNUSA محانب صابر سلطان ASI و گویاں محمد و لودہ خان 68/11 نظام 67/11 لکھنہ

واقعہ بلا سلیل عدت کرنے وقوع میر گویاں کے بیانات نقلہ کرنے لودہ عدت ہی بیانات عد

لغوی والوں گھار اگر ملزم بندہ دوالات گھا ملزم دوالات گھار سے نکالا جا کر رہا اور ادو دنگ

انوشی لکھنہ مشافرت و لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

CPD پشاور کر کے عدوہ نے دوران (شہادت) بیان کیا۔ کہ وہ گاڑی اور وار لکھنہ

سے تہرا پیر مختلف مقامات کو چرس کے جانایے فورم 29/01/21 ایک سلیٹ چرس میں

سے لکھنہ - حمایت اللہ روڈ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

چھبہ سے ایک سلیٹ چرس سر لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

7000 روپے لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

جو لکھنہ نے فرضی نام لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

30/01/21 عدت اور دیگر شہادت واردات عدت خان کی معلومات کی خاطر عدت عدت عدت

کو عدت لوکس کویشن کرنے ملر جو وصول عدت نے ملزم کا عدت لوکس عدت

کے مقام چھبہ عدت ملزم کا بیان لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

سیر لکھنہ چرس ایک سلیٹ ورنی (1050) گرام سے ری گرام لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

چھو انا لکھنہ - خطارائے وصول ہو چکے ہیں لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

لکھنہ سے لکھنہ اور لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

لکھنہ - ملزم سے صحیح لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

لکھنہ نے لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ

لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ لکھنہ