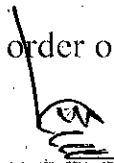


FORM OF ORDER SHEET

Court of _____

Case No. - 1810/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/12/2022	<p>The appeal of Mr. Pir Muhammad presented today by Mr. Khiyal Muhammad Mohmand 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 <i>CB</i></p>

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

Service Appeal No. 1816 /2020

Pir Muhammad, Ex. Technical Head Constable No. 744-SB
..... Appellant

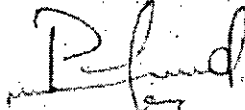
VERSUS

Inspector General of Police and others Respondents


INDEX

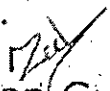
S.No	Description of Documents	Annex	Pages
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2.	Affidavit		10
3.	Copy of the acquittal order	"A"	11-23
4.	Copy of suspension	"B"	24
5.	Copy of charge sheet	"C"	25
6.	Copy of statement of allegations	"D"	26
7.	Copy of inquiry report dated 27.07.2020	"E"	27
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10.	Copy of Reply	"H"	31-32
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Appellant

Through


Khiyal Muhammad Mohmand
Advocate High Court, Peshawar
&


Zeeshan Gul
Advocate Peshawar.

Dated: 15.12.2022

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

Service Appeal No. _____/2022

Pir Muhammad,

Ex. Technical Head Constable No. 744-SB

S/o Noor Muhammad Khan

R/o Village Umar Abad, P.O Kaka Abad, Jangi Tehsil
Katlang, District Mardan, Khyber Pakhtunkhwa.

..... Appellant

VERSUS

1. Inspector General of Police / Provincial Police Chief,
Central Police office (CPO), Khyber Road,
Peshawar.
2. Deputy Inspector General (DIG), Special Branch,
Headquarter, Peshawar
3. Senior Superintendant of Police (SSP), Admin
Headquarter Special Branch, Khyber Pakhtunkhwa
Peshawar

..... Respondents

(2)

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORDER NO.
16472-79/EB DATED 28.11.2022, WHEREBY
APPEAL OF THE APPELLANT WAS DISMISSED
BY RESPONDENT NO. 2, WHICH WAS FILED
BY THE APPELLANT AGAINST THE ORDER OB
NO. 7451-52/EB DATED 21.09.2020 OF
RESPONDENT NO. 3 BY VIRTUE OF WHICH
THE MAJOR PUNISHMENT OF DISMISSAL
FROM SERVICE WAS IMPOSED UPON THE
APPELLANT AND ON APPEAL, THE SAME
ORDER WAS MAINTAINED BY RESPONDENT
NO. 2 FOR THE APPELLANT.**

Prayer in Appeal:

On acceptance of this Appeal, the impugned Order No. 16472-79/EB Dated 28.11.2022 and Order of dismissal from service OB No. 7451-52/EB dated 21.09.2020 may kindly be set aside and the appellant may please be reinstated in service with all back benefits/ consequently relief.

Respectfully Sheweth:

1. That the appellant was inducted and appointed in the police service Special Branch as a Technical Constable on 04.02.2008.
2. That the appellant served with zealous and having unblemished record of service and served according to the satisfaction of high ups.
3. That 2 years ago the appellant was charged on malafide intention and ulterior motive in connection with FIR No. 427 dated 30.06.2020 under Section 302/324/34 PPC of Police Station Katlang, Mardan and on dismissal of BBA, he was jailed.
4. That the appellant was named and implicated in the FIR on mere suspicion and on the strength of being relative of the accused party.
5. That now the appellant after conclusion of trial acquitted from the all charge by the Learned Additional Session Judge Mardan at Katlang vide order dated 07.07.2022. (Copy of the acquittal order is **Ann-A**).

6. That despite the fact there was no iota evidence in possession of the departmental authorities but still the departmental authorities decided to proceed against the appellant under Police Rules 1975/ Amended, 2014.
7. That after suspension the charge sheet and statement of allegations were also issued to appellant by respondent No. 3. (Copies of suspension, charge sheet and statement of allegations are **Ann-B, C & D**).
8. That a regular inquiry has been ordered and conducted, wherein the inquiry officer recommended that the appellant inquiry shall be kept pending till the decision of the Learned Trial Court. (Copy of inquiry report dated 27.07.2020 is **Ann-E**).
9. That it is worth to mention that a denovo inquiry was also conducted by the respondents with malafide intention and ulterior motive, wherein the inquiry officer recommended the appellant for imposition of major penal punishment. (Copy of the denovo inquiry is **Ann-F**).

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10. That the final show caused notice was also issued by respondent No. 3 which was replied properly. (Copies of final show caused notice and reply are **Ann-G & H**).

11. That respondent No. 3 on the strength of denovo inquiry report passed order OB No. 7451-52/EB dated 21.09.2020, whereby major penalty of dismissal from service was awarded to the appellant. (Copy of the dismissal order is **Ann-I**).

12. That feeling dissatisfied with the dismissal from service order, the appellant filed departmental appeal on dated 10.08.2022 before the respondent No. 2. (Copy of appeal is **Ann-J**).

13. That respondent No. 2 vide Order No. 16472-79 dated 28.11.2022 rejected the appeal of the appellant. (Copy of order dated 28.11.2022 is **Ann-K**).

14. That feeling aggrieved of impugned order dated 28.11.2022 of respondent No. 2 and dismissal from service order OB No. 7451-52/EB dated 21.09.2020, the appellant is constraint to

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file the instant appeal on the following grounds
inter alia: -

GROUND:

A. That the impugned appellate Order No. 16472-79 dated 28.11.2022 of respondent No. 2 by virtue of which the department appeal / presentation of appellant was rejected and order OB No. 7451-52/EB dated 21.09.2020 of respondent No. 3 whereby the appellant was dismissed from service by imposing major penalty of dismissal from service are coram non judice, illegal, without jurisdiction and lawful authority, against the principles of natural justice, without any rhymes and reasons, hence liable to set aside.

B. That impugned order are illegal and unjust and in violation of rules and law applicable to the matter.

C. That the appellant rendered unblemished services in the police force without any criminal history and without any involvement in any kind of illegal activities but still awarded major penalty of dismissal from service.

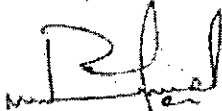
- I. That in denovo inquiry no proper procedure has been adopted and the appellant neither given any opportunity of defence or cross-examination of witnesses was afforded to the appellant which is in violation of principle enshrined in law that no one should be condemned unheard (audi alterm partem).
- J. That the respondents issued the impugned order in a slip shot and arbitrary manner.
- K. That the order of dismissal from service and appellant order is against the principle of natural justice, equity and fair play and is a colourful exercise of powers by respondents/department.
- L. That any other grounds would be adduced by the appellant during arguments on the instant appeal with permission of this Hon'ble Tribunal.

It is, therefore, most humbly prayed that on acceptance of this appeal the impugned Order of respondent No. 3 dated 21.09.2020 and Order of respondent no. 2 dated 28.11.2022 may kindly be set aside and the appellant may please be

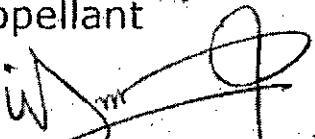
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reinstated in the service with all back benefits/
consequentially relief.

Any other relief not specifically asked for,
may also be granted.


Appellant

Through


Khyal Muhammad Mohmand
Advocate High Court, Peshawar
&

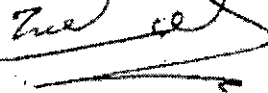

Zeeshan Gul
Advocate Peshawar.

Dated: 15.12.2022

CERTIFICATE

Certified that as per instructions of my client, that
this is the first Service Appeal on the subject
before this Honourable Tribunal.

ADVOCATE



(10)

TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

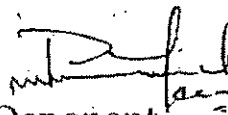
Pir Muhammad, Ex. Technical Head Constable No. 744-SB
..... Appellant

VERSUS

Inspector General of Police and others Respondents

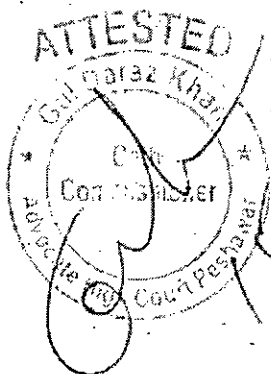
AFFIDAVIT

I, Pir Muhammad, Ex. Technical Head Constable No. 744-SB S/o Noor Muhammad Khan R/o Village Umar Abad, P.O Kaka Abad, Jangi Tehsil Katlang, District Mardan, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent

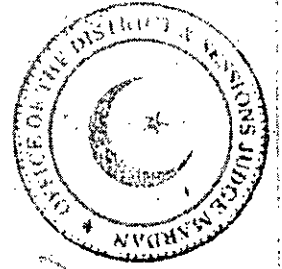
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Cell: 0314-9383426



(11)

Amu - "A"



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**IN THE COURT OF SHER AZIZ
ADDITIONAL SESSIONS JUDGE, MARDAN AT KATLANG**

Case No.....90/SC of 2020

Date of institution.....03.11.2020

Date of decision.....07.07.2022

State through Rooh Ullah son of Sardaraz Khan resident of Umar Abad, Tehsil Katlang, District Mardan.....Complainant

Versus

1) Abdullah 2) Ifikhar 3) Mukaram Khan all sons Umara Khan and 4) Pir Muhammad son of Noor Muhammad all residents of Umar Abad, Tehsil Katlang, District Mardan.....Accused facing trial

FIR No. 427 Dated 30.06.2020 U/S 302/324/34 PPC PS Katlang, Mardan

JUDGEMENT

07....07....2022

1. Brief facts of the instant case are that Reporting Officer Sartaj Khan ASI forwarded the Murasila (Exh.PA/1) to Katlang Police Station with the report that on receipt of information, he rushed to Inzargi Hospital where one Rooh Ullah while attending the dead body of his brother Noor Ullah reported that on the day of occurrence, he and his uncle Noor Muhammad were riding on their motorcycle while going to Katlang Bazar and his deceased brother Noor Ullah was riding his own motorcycle while going to Madina Concrete Factory situated at Ghundo; deceased was ahead of them; when they reached to the place of occurrence, accused facing trial, armed with deadly weapons already present there, started firing at them whereupon his brother Noor Ullah got hit and died on the spot while they remained unhurt; motive has been shown as dispute on pathway.
2. Reporting Officer prepared the injury sheet and inquest report of the deceased and sent the same to the Doctor for postmortem through Constable Raziq No. 3130. He also sent the Murasila to police station for registration of case through Constable Sibgat Ullah No. 1911.

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3. On receipt of said Murasila, Abdul Mateen Khan SI incorporated its contents in the sheet of FIR and registered the case against accused facing trial. The investigation was entrusted to Gul Sher, Inspector/O.II. On completion of investigation, complete challan u/s 173 Cr.PC was submitted against the accused facing trial wherein accused Mukaram Khan was shown in column No. 2 of Challan as he was absconder then. Later on, supplementary Challan was submitted against the said accused after his arrest. After provision of copies of relevant documents to the accused, formal charge was framed on 28.11.2020 to which they did not plead guilty and claimed trial. On claiming trial, prosecution witnesses were summoned. In order to prove its case, prosecution produced as many as eleven witnesses. The summarized testimony of the PWs are as under:

DFC Bashir No. 3232 (PW-1)

PW-1 had served/executed processes under section 204/87 Cr.PC against the accused Abdullah and Mukaram. Warrants and reports are Exh.PW1/1 to Exh.PW1/8 respectively.

Dr. Rabail (PW-2)

PW-2 deposed in respect of conducting the autopsy of dead body of Noor Ullah. His examination in chief is as under:

"During the days of occurrence I was posted in TDH, Katlang. On 30.06.2020 at 05:55 hours, I conducted autopsy on the dead body of deceased Noor Ullah s/o Sardaraz r/o Umar Abad aged about 40/41 years brought by rescue 1122 was identified by Mutabar Khan and Awaldad and I found the following:

1. External appearance:

Normal stout dead body of middle age of 40 years old brought by rescue 1122 wearing white color Shalwar Qamees soaked with blood. Pale complexion, eye closed, mouth closed, no cheering marks and rigor mortis not developed.

On examination the wounds are as follow:

- 1. Sternum wound at the level of the 4th inter costal space entry wound measuring 1 cm and the exit wound is on the back alongwith the medial margins scapula left side the exit wound of 2 cm in size.*

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2. RT Hypochondrial wound measuring of 1 cm and exit wound on the right paraspinal region measuring 2 cm.
3. Left flank wound entrance of 1 cm in the exit of on the opposite side of the right flank posterior of 2 cm.
4. Left side face wound entrance of 1 cm of exit on the same left side of neck measuring 2 cm.

2. Cranium and Spinal Cord

3. Thorax

Plurae, larynx and trachea, right lung and left lung were found intact.

4. Abdomen

Mouth, pharynx and esophagus, diaphragm, stomach, and its contents, pancreas, spleen, kidneys, bladder and generator organs were found intact.

5. Muscle, Bones, Joints

Sternum, muscles of the abdomen were found damaged.

6. Remarks by Medical Officer

In my opinion the sternum wound has directly hit the pericardium and heart major vessels injuries causing massive bleeding and damage to the heart and instantaneously cardio arrest.

Probable time elapsed between injury and death was 15 minutes. Probable time elapsed between death and PM was about 20 minutes.

The PM report consisting of 6 pages including the pictorial is Exh.PW2/1 while my endorsement on injury sheet is Exh.PW2/2 and 1/3 respectively which is correct and correctly bear my signature."

Abdul Mateen, SI (PW-3)

This PW is the author of FIR (Exh.PA) which he had registered the case against accused facing trial on receipt of Murasila.

Constable Ibrar No. 1023 (PW-4)

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This PW endorsed recovery memo, Exh.PW4/1, as co-marginal witness vide which pistol of 30 bore without number along with fixed charger was recovered during the house search of accused Iftikhar. He also authenticated signature of other co-marginal witness Riaz Khan ASI.

Ijaz Ali PASI (PW-5)

This PW endorsed certain recovery memos, Exh.PW5/1 and Exh.PW5/2 pertaining to the recovery of HDD of CCTV camera and motorcycle of deceased bearing No. FJ7552/MRD. He also verified the signature of co-marginal witness Akbar Ali No. 2897.

Sartaj Khan, ASI (PW-6)

PW-6 recorded the report of complainant in the shape of Murasila. During the course of his examination in chief, he narrated the entire story of Murasila. He also prepared injury sheet and inquest report of the deceased. Murasila, injury sheet and inquest report are Exh.PA/1, Exh.PW6/1 and Exh.PW6/2 respectively.

Rooh Ullah s/o Sardaraz r/o Umar Abad, Katlang (PW-7)

This PW is the complainant of the instant case. His entire examination in chief is as

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"Stated that Noor Ullah deceased was my brother while PW Noor Muhammad is my maternal uncle. Accused facing trial Abdullah, Mukaram Khan, and Iftikhar are brothers inter-se sons of Umara Khan. Accused facing trial Pir Muhammad s/o Noor Muhammad is their relative. On the day of occurrence, I along with PW Noor Muhammad were on one motorcycle while deceased Noor Ullah on his motorcycle came out of our house, were going to Madina concrete factory situated at Ghundo. Noor Ullah was going ahead of us while we were following them. When we reached to the spot, it was 05:40AM, there accused facing trial named above were present duly armed with firearms and on seeing us started firing upon us. Resultantly, my brother Rooh Ullah got hit and died at the spot while we escaped unhurt luckily. Motive for the offence was dispute over a path and land. Then we shifted the dead body to CH Inzargai where at 16:00 AM I made the report to the police. The contents of the report were read over and

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explained to me which I signed in English. Noor Muhammad PW endorsed report by signing it. The site plan Exh.PB was prepared at my pointation. I charge the accused facing trial for the offence."

Noor Muhammad s/o Gul Kareem r/o Ghala, Katlang (PW-8)

PW-8 is the cited eye witness of the occurrence. His entire of examination in chief is reproduced as under:

"PW Rooh Ullah is my nephew while the deceased is also my nephew. On the day of occurrence we came out of the house of my sister. I and Rooh Ullah intended to go to Katlang Bazar while the deceased Noor Ullah intent to go to Madina concrete Ghundo. I was sitting on a motorcycle with Rooh Ullah complainant while the deceased was sitting on his own motorcycle. The registration of our motorcycle was 8983/MRD while the registration number on which the deceased sitting is FJ-7552 MRD. Noor Ullah was riding on his motorcycle ahead of us and we were on normal speed. When we reached to the spot, there accused facing trial namely Abdullah, Iftikhar, Per Muhammad and Mukaram duly armed with deadly weapon started firing at us as a result whereof Noor Ullah got hit and died while we escaped unhurt. Motive for the occurrence was dispute over a path. I also pointed out the spot to the IO. I am also marginal witness to recovery memo,

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Exh.PW8/1 vide which the IO secured blood P1 from the spot. I am also marginal witness to the recovery memo, Exh.PW8/2, vide which the IO took into possession deformed bullet P2 from point C. I am also marginal witness to recovery memo Exh.PW8/3 vide which the IO took into possession 3 empties P3 of 30 bore freshly discharged from the spot. I am also marginal witness to recovery memo. Exh.PW8/4 vide which the IO took into possession blood stained clothes P4. All the articles aforementioned were sealed into parcels and all the recovery memos correctly bear my signatures as well as signatures of Zulqarnain. I on 11.07.2020 produced the motorcycle registration No. 8983 MRD along with the registration copy as Exh.P5 and P6 belonging to the complainant which was taken into possession vide recovery memo Exh.PW8/5. The recovery memo prepared to this

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effect correctly bears my signature. To the aforementioned the IO recorded statement. I charge the accused facing trial for the commission of offence."

Constable Ibar Bacha No. 1027 (R-PW-4)

Statement of this PW was already recorded as PW-4. But during the course of proceedings, counsel for complainant submitted application for re-summoning this PW and PW Said Bahadur, Muharrir which was allowed keeping in view the no objection endorsed by learned opposite counsel. This PW endorsed certain recovery memos which are Exh.PW4/7 and Exh.PW4/8. He also took parcels No. 2, 3, 6, 8, 9 and 10 to FSL for analysis vide receipt No. 408/21.

Gul Sher, Inspector/OII (PW-9)

This PW investigated the case. During the course of his examination in chief, he fully described all the aspects of the investigation conducted by him. Site plan, sketch of the place of recovery of pistols from accused facing trial, application for obtaining warrants u/s 204 Cr.PC and process u/s 87 Cr.PC, cards of arrest, application for physical custody of accused, pointation memos, applications to FSL, FSL reports, DD No. 5 dated 29.06.2021, DDs No. 17, 18, 4, 19 and 26, application to DIG for departmental proceedings, and list of legal heirs of deceased are Exh.PB, Exh.PW8/1, Exh.PW8/2, Exh.PW8/3, Exh.PW8/4, Exh.PW5/1, Exh.PW5/2, Exh.PW8/5, Exh.PW9/7, Exh.PW9/8, Exh.PW9/9, Exh.PB/1, Exh.PW9/15, Exh.PW9/16, Exh.PW9/17, Exh.PW9/1, Exh.PW9/2, Exh.PW9/3, Exh.PW9/4, Exh.PW9/5, Exh.PW9/6, Exh.PW9/10, Exh.PW9/11, Exh.PW9/12, Exh.PZ, Exh.PZ/1, Exh.PZ/2, Exh.PW9/13, Exh.PW9/14, Exh.PW9/18 and Exh.PW9/19 respectively. He verified the signature of the then SHO Parvez Khan who submitted complete Challan, Exh.PC, against accused facing trial.

Said Bahadur, Muharrir of the PS (PW-10)

This PW was custodian of parcels No. 1 to 10. He made entries in register No. 19 (Exh.PW10/1) and sent the same to FSL through receipt Exh.PW10/2. He also sent recovered pistol along with empties and spent bullet to FSL for comparison vide receipt Exh.PW10/3.

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Muhamand Khan SI (PW-11)

This PW submitted complete Challan against the accused facing trial which is Exh.PC 1.

4. After conclusion of prosecution evidence, statements of accused were recorded u/s 342 Cr.PC wherein they falsified the prosecution charge. But they neither opted to produce defense evidence nor wanted to be examined on oath. Pro and contra argument heard. Record perused.
5. The learned counsel for the complainant assisted by the learned Senior Public Prosecutor argued that the crime report has promptly been made; the motive was clearly mentioned in the initial report which gets support from the record and evidence on the point; there is no possibility of consultation, false implication and substitution within 20 minutes; the well consistent ocular testimony in the shape of statements of PW-7 and 8 are connecting the accused with the heinous crime of murder beyond doubt; the recoveries in the shape of weapons of crime, empty shells, positive FSL report and blood collected from the place of occurrence etc. corroborate the ocular account; the site plan and the postmortem report further corroborate the prosecution version; in the nutshell, the prosecution had proved the charge against the accused facing trial beyond the shadow of doubt; as such, they deserve conviction and exemplary punishment.
6. On the other hand, the learned defense counsel argued that the prosecution has miserably failed to substantiate the charge against the accused facing trial; the ocular evidence produced by the prosecution is full of doubts and doubts; the corroborative evidence, if any, shall not be beneficial for prosecution in view of the defective substantive evidence; the presence of the complainant and eye witness on the spot is a sheer chance as they have not disclosed the specific purpose for their presence on the spot; the complainant (PW-7) categorically admits that he used to go to Peshawar to attend his office on daily basis; in view of this admission, the presence of the complainant on the spot at the relevant time is highly doubtful; the kind of weapon was not mentioned in the initial report which further beclouds the ocular testimony; the Rescue 1122 was subsequently introduced which also renders the presence of the complainant party on the spot doubtful; similarly, the escape of the complainant and eye witness despite the firing of four persons

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is also a question mark; the FSL report do not support the prosecution version; similarly, the site plan and postmortem report are also contradictory with the version of prosecution; the recovery of three empty shells also create doubt; the data of CCTV installed in the adjacent filling station was not produced; in these circumstances, the accused facing trial deserve acquittal.

7. Perusal of record in the light of pro and contra argument reveals that:

- i. The charge, in the nutshell, is that on 30.06.2020 at 0540 hours the accused facing trial made fires on the deceased, complainant and the eye witnesses Noor Muhammad near Jehangir Patrol Pump at Nary Garha, Shero as the deceased was going to Madina Concrete factory Ghundo while the complainant and eye witness were going to Katlang Bazar on two separate motorcycles; as a result of this murderous firing, the deceased Noor Ullah got hit and died on the spot while the complainant and his companion escaped unhurt; the motive was mentioned as agrarian an path dispute.
- ii. The prosecution case hinges upon ocular testimony of the complainant (PW-7) and Noor Muhammad (PW-8). Recoveries of weapons of crime, motorcycles, blood collected from the spot, one deformed bullet, three empty shells, bloodstained Shalwar Qameez of deceased having bullet cuts, hard disk of CCTV camera and FSL report have been produced as supportive evidence. Site plan, postmortem report and pointation memo etc. have also been relied upon by the prosecution. The reporting and investigation officer have recorded their depositions. Witnesses of the recovery memos have also deposed in support of prosecution charge.
- iii. The substantive evidence as presented in this case consists of the statements of complainant (PW-7) and Noor Muhammad (PW-8); both the eye witnesses have recorded their deposition in a very natural and consistent manner without any improvement of dishonest nature. No contradiction is detected in the said statements. The pre and post occurrence episodes have been narrated in quite consistent mode. The ocular account has also been presented without any

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improvement and contradiction. However, the learned defense counsel has questioned the presence of complainant and eye witness on the following grounds:

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The complainant and the eye witness have not disclosed the purpose of their being on the spot per initial report. The deceased was going to Madina concrete factory on his motorcycle while the complainant and eye witness were going to Katlang Bazar on separate motorcycle. Hence, purpose and reason of being on the place of occurrence has been explained in the very initial report. The presence of the complainant party and deceased on the place of occurrence which is a public road is not a chance phenomenon. People make like excursion early in the morning to go to their destination. In this regard, the learned counsel for the accused focused on the explanation made by PW-7 in the outset of his cross-examination. The said explanation is reproduced below:

"...I am doing my own business of software, at Peshawar. During the days of occurrence, my office was at Peshawar in Deans Plaza...I used to go in connection of my job daily from my village. I used to reach Peshawar at 11:00 AM and as routine I used to return from Peshawar at 1700 hours."

This explanation clarifies the ambiguity qua the presence of the complainant at the place of occurrence at the relevant time. Crux of the explanation is that the complainant used to reach Peshawar at 1100 AM and return at 1700 hours daily. The maximum time of travel from Umar Abad Katlang to Dean Plaza Peshawar is three hours. It means that if one leaves for Peshawar at 08:00 AM he will reach at 11:00 AM. It was also explained that the complainant used to return from Peshawar daily. So, his availability in the area may not be doubted. PW-7 further says that he had not disclosed the purpose of his visit because the scribe of report had not asked about it. It is also in the evidence that accompanying eye witness

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PW-8 was a police officer. Had the report been fabricated, it was very easy for him to fill color therein. But everything seems to be natural.

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The presence of the eye witness has also been explained on the query of the learned defense counsel. It is in the evidence that PW-8 is the maternal uncle of the complainant and deceased. In a response to a query, PW-7 had stated that PW-8 had spent night at their house being their maternal uncle. Like visits of close relatives is normal in rural societies. Similarly, the presence of the deceased at the spot was also plausibly explained. PW-8 explains in his cross examination while responding to a positive suggestion of learned defense counsel that his younger brother was having a concrete factory and the deceased was serving as Munshi in the said factory some time ago. PW-7 also endorsed this fact in his cross examination stating that it was the routine of the deceased that he used to go early in the morning for duty to the above said factory and used to return in evening. These explanations, per the judgments of the superior courts, may not be considered dishonest improvements because the same were made on the query of learned defense counsel.

Non identification of the dead body by the complainant and eye witness, per the argument, implies the non-presence of the complainant and the eye witness on the spot. This may not be considered a valid reason because it is generally observed that near relatives do like jobs by way of facilitation of the bereaved persons being in shock. The ocular testimony may not be thrown away due to non-identification of the dead body by the complainant and the eye witness.

Yet another point agitated in this regard is the non-specification of weapon of offence by the eye witness. Generally, the police use certain terminologies in most of the crime reports. "Aslaha Astatheen" is one of them. So instead of using it as a rule of thumb, so the non-specification of weapon is not fatal for the prosecution case.

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Yet another point raised by the defense counsel is that how the eye witnesses escape unhurt despite firing of four persons. The distance between the accused facing trial (Ifikhar and Abdullah) and the complainant/eye witness is longer than that of deceased. Per the record, the accused facing trial (Ifikhar and Abdullah) were interested to annihilate the deceased being allegedly instrumental in the land/path dispute. Moreover, faraway targets cannot be certainly achieved by pistol. The subsequent introduction of Rescue 1122 which had shifted the dead body to the hospital was debated upon the learned defense counsel being fatal for the prosecution negating the presence of the eye witnesses. This being only mode of shifting of dead body from the place of occurrence to the hospital does not negate the presence of eye witnesses on the spot. Another point raised is that the direct recourse to hospital despite the fact that the deceased had died on the spot creates doubt. Admittedly, the rescue team was involved. The only concern of rescue personnel is to shift the injured whether dead or alive to the nearby hospital. As such, this argument is not convincing.

The time scheme of the occurrence was also objected to by the learned defense counsel. It was argued that the doctor had examined the dead body at 0555 AM while the report was made at 0600 AM. According to post mortem, the time of arrival of dead body is 0555 AM while the time of examination at 0600 AM. PW-2 has explained this point in his cross examination that he had started postmortem on 0600 AM. Hence, this point is also not fatal.

In these circumstances, the presence of the complainant and eye witness on the spot is quite natural and the same cannot be doubted.

According to the site plan (Exh.PB), the specific roles of firing have been attributed to accused Abdullah and Ifikhar. They have been shown at point No. 2 and 3 while the deceased has been shown at point A (initially) and point 1

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Session Court Mardaa

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90

(subsequently) being hit. Both the accused are near to the deceased who was in clear range of their fires. C1 is the place wherefrom three empties of 30 bore have been recovered. C1 situates near the place of accused Abdullah and Ifikhar. It shows that both the said accused have made fires on the deceased. No empty shells have been recovered from the place of rest of the accused namely Mukaram Khan and Pir Muhammad shown at point No. 5 and 4 respectively. It may be safely inferred that no fire have been made by the said accused facing trial. Hence, the role of accused Abdullah and Ifikhar is separable from the role of accused Mukaram Khan and Pir Muhammad. The weapons of crime e.g. pistol of 30 bore have been recovered from all the accused at their respective pointation except accused Ifikhar. In this regard, site plans of recovery have also been made. The FSL reports (Exh.PZ/1 and Exh.PZ/2) further connect the accused Ifikhar with the murder as it has been reported that the 30 bore crime empties (C1 and C2) have been fired from 30 bore pistol marked A which had been recovered on the pointation of the said accused.

- v. The recovery of motorcycles also authenticates the prosecution version on circumstantial level. The Post Mortem is also supportive of the ocular evidence. A deformed crime bullet has also been recovered from the place of the deceased.
- vi. This case has got very strong and proved motive. Per initial report, the motive has been described an agrarian/path dispute. The PWs have also deposed the motive part in their statements. In this regard, Naqalmaqad No. 5 dated 29.06.2020 Exh.PW14/13 is available on the case file. In the said Naqalmaqad, the complainant along with the deceased has reported that the accused facing trial and others have destroyed the path leading to their house giving life threats. In the said report, the factum of land, purchased from one Jarasheed, and the disputed path have specifically been mentioned. This incidence has taken place just a day before the day of occurrence. This motive part also connects the accused facing trial (Abdullah and Ifikhar) with the commission of offence beyond shadow of doubt.

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Court Madan

91

- vii. To conclude, the occurrence was promptly reported excluding the possibility of false implication. The complainant party has not implicated other persons named in the above mentioned Naqalmad No. 5 which shows that the report has genuinely been made. The ocular account is consistent. The same has been corroborated by the above mentioned recoveries etc. The motive is proved beyond doubt.
8. Hence, it may safely be concluded that the accused Abdullah and Ifikhar have committed Qatl-e-Amad of the deceased Noor Ullah while per the above recorded findings, the accused Mukarram and Pir Muhammad are not connected with the murder and attempted murder. The charge of attempting the life of the complainant and the eye witness is shrouded in doubts. No material exists on case file to support this charge.
9. Therefore, in these circumstances, the accused Abdullah and Ifikhar are hereby convicted and sentenced to suffer rigorous imprisonment of 25 years u/s 302(c) PPC each. A fine of Rs. 300,000/- is also imposed on each of the convict u/s 544-A Cr.PC in order to compensate the legal heirs of deceased. In case of default of payment of the said fine, they shall undergo simple imprisonment for six months each. Benefits of section 382-B Cr.PC be extended to both the convicts.
10. The accused Mukaram and Pir Muhammad are hereby acquitted of the charge giving them the benefit of doubt. They be released forthwith if not required in any other criminal case. Case property be dealt with in accordance with law after expiry of period of appeal.

Announced
07.07.2022

Sher Aziz
Additional Sessions Judge,
Mardan at Katlang

CERTIFICATE

It is certified that this judgment of mine consists of thirteen (13) pages and each page is duly signed by me after necessary corrections.

Announced
07.07.2022

Certified To Be True Copy

08 DEC 2022

Examiner Copying Branch
Session Court Mardan

Sher Aziz
Additional Sessions Judge,
Mardan at Katlang

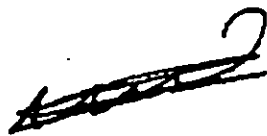
(24)

Am-B


ORDER

Being involved in criminal offence and charged in Case FIR No. 427 dated 30.06.2020 U/S 302/324/34 PPC PS Katlung District Mardan, Technical Constable Pir Muhammad No. 744/SB of this establishment is hereby placed under suspension with immediate effect.

Departmental proceedings under Khyber Pakhtunkhwa Police Rules 1975 (Amended 2014) are also initiated against him.



(MUHAMMAD IRSHAD KHAN)
Senior Superintendent of Police Admn:
Special Branch, Khyber Pakhtunkhwa,
Peshawar.

No. S266-69 /EB; dated Peshawar the 30 / 6 /2020. 

- Copy to the:-
1. Director Technical/SB.
 2. LO/SB.
 3. EA & SRC.

(25)

Am-2


CHARGE SHEET.

Muhammad Irshad Khan, SP/Admn: Special Branch, Khyber Pakhtunkhwa Peshawar
competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) hereby
charge you Technical Constable Pir Muhammad No.744/SB as follow:-

You while posted at SB/HQrs Peshawar got involved in Criminal case bearing FIR No. 497, dated 30.06.2020 U/s 302-324-34/PPc, Police Station Katlang District Mardan.

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

1. You are, therefore, directed to submit your written defense within 7 days of the receipt of this Charge Sheet to the Enquiry Officer.
2. Your written defense, if any, should reach to the enquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case, ex-parte action will be taken against you.
3. You are also at liberty, if you wish to be heard in person.
4. Statement of allegation is enclosed.


(Muhammad Irshad Khan)
Superintendent of Police Admn:
Special Branch Khyber Pakhtunkhwa,
Peshawar.



SUMMARY OF ALLEGATIONS.

1. Muhammad Irshad Khan, SP/Admn: Special Branch, Khyber Pakhtunkhwa Peshawar being competent authority, is of the opinion that Technical Constable Pir Muhammad rendered himself liable to be proceeded against, as he has committed the following acts of omissions / commissions within the meaning of Khyber Pakhtunkhwa Police Rules 1975.

STATEMENT OF ALLEGATIONS.

He, while posted at SB/IQrs Peshawar got involved in Criminal case bearing FIR No. 427, dated 30.06.2020 U/s 302-324-34/PPc, Police Station Katlang District Mardan

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation, Sajad Khan SP-SB Mardan is appointed as enquiry officer to conduct enquiry under Police Rules 1975.

3. The Enquiry Officer shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within 15 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.



(Muhammad Irshad Khan)
Superintendent of Police Admn:
Special Branch Khyber Pakhtunkhwa,
Peshawar.

No 5270-71 /EB: dated Peshawar the. 30 / 06 / 2020.

Copy of above is forwarded to the:-

1. Enquiry Office with the direction to initiate departmental proceedings against the accused under the Rules and submit his findings in shortest possible time.
2. LO/SB to deliver upon the official concerned.

(27)

No. 74 /PA, A-E
Dated 27/07/2020

ENQUERY REPORT

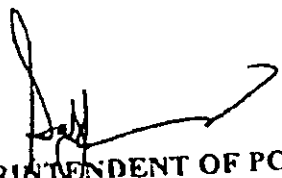
Charge Sheet/Statement of Allegation issued by the SSP/Admin: Special Branch Khyber Pakhtunkhwa Peshawar vide his good office No. 5270-71/EB, dated 30-06-2020 against Technical Constable Pir Muhammad No. 744, involved in case vide FIR No. 427, dated 30-06-2020 u/s 302/304/34 PPC Police Station Katlang District Mardan wherein the undersign has been appointment as enquiry officer of conduct departmental enquiry against the above name Constable.

During the course of enquiry, Duplicate copy of FIR and other relevant documents were obtained from police station Katlang and was thoroughly perused. Accused Constable has applied for BBA wherein next date of hearing is fixed for 25-07-2020. Constable Pir Muhammad disclosed that the other accused charged in the FIR are his relatives and they have land dispute with complainant party and that's why complainant party charged him with his relatives in the case.

The enquiry conducted so far revealed that Constable Pir Muhammad No. 744/SB has applied for BBA wherein 25-07-2020 is fixed as next date of hearing. He should better wait till decision of the learned court as the case is also under investigation.

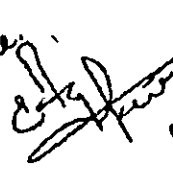
In view of the above circumstances, it is recommended that his enquiry may be kept pending till decision of the learned court, please.

DSP. Legal
for opinion of


SUPERINTENDENT OF POLICE
SPECIAL BRANCH MARDAN REGION

R/SB,
Needful
done.

~~SP. Admin.~~
21-07-2020


DSP Legal

Subject: ENQUIRY AGAINST TECHNICAL CONSTABLE PIR MUHAMMAD BELT NO. 744.

Brief Facts:

Technical Constable Pir Muhammad Belt No. 744, while posted in Technical Section, Special Branch has involved in case FIR No. 427, dated 30-06-2020 u/s 302/324/34-PPC, PS Katlang, District Mardan. In this regard he was charge sheeted and departmental enquiry against him was conducted by SP Mardan Region, Special Branch vide No. 74/PA, dated 27-07-2020 in order to dig out the facts. The said enquiry has been initiated once again for denovo enquiry and the undersigned is nominated as an Enquiry Officer.

Proceedings:

During the course of enquiry the statements of the following persons were recorded, their short summaries are as under:-

a. Const Pir Muhammad B. No. 744 (accused official). (F/A)

The accused official stated in his statement signed on 17-09-2020, that his first statement should be considered as his statement.

1. In the first statement accused official said that other three accused are his blood relatives. The complainants and my blood relatives have land issue.
3. He elaborated in his statement that he has no link with the said incident and is innocent.
4. He also stated that he is aware of Rules and Laws and could not take such kind of step.
5. And requested at the end to file the enquiry against him.

b. Investigation Officer, PS Katlang, District Mardan. (F/B)

In the statement of the IO stated that:

1. In the incident area, he recovered one bullet and three empty shells including motorcycle of the victim.
2. That during house search of accused Iflikhar, one 30 bore pistol was recovered. The barrel of the pistol smelled like it was recently used, and took into position.
3. That Constable Pir Muhammad No. 744 was absent from 26-06-2020 in the Special Branch.

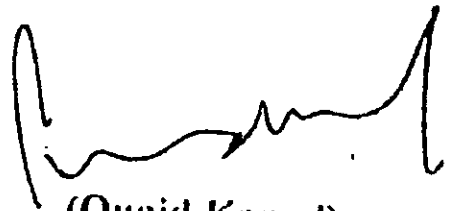
4. At the time of occurrence all needed presence were reported at the crime scene.
5. During Interrogation three 30 bore pistols were recovered from accused Pir Muhammad, Abdulullah and Mukaram. Recovered empty shells were dispatched to FSI, Peshawar for forensic opinion which is still awaited.
6. Investigation officer elaborated in the last line of his statement that all accused are involved in the case.

Conclusion:

Keeping in view of the above circumstances and available record in hand, Enquiry Officer reached to the conclusion that the accused official Pir Muhammad No. 744 was absent from his lawful duty on 26-06-2020 without informing his immediate officer. Similarly, Investigation Officer stated in his statement that Pir Muhammad along with other three accused, were present on the spot. The Investigation Officer in the last line of his statement declared that the accused is involved in the case. The statement of the accused official Pir Muhammad could not satisfy the undersigned.

Recommendation:

Therefore, the accused official (Constable Pir Muhammad No. 744) is hereby recommended for major punishment, if agreed please.



(Quid Kamal)
SP/Peshawar Region,
Special Branch, Hqrs; Peshawar.

(30)

Am-67

FINAL SHOW CAUSE NOTICE

I, Muhammad Ishaq Khan SSP/Admn: Special Branch KP, Peshawar being competent authority under Khyber Pakhtunkhwa, Police Rules, 1975 (Amended 2014), issue this final show cause notice to you Technical Constable Pir Muhammad No. 744/SB on the following grounds:-

That, you while posted to SB/11Qr Peshawar got involved in criminal case bearing FIR No. 427 dated 30.06.2020 w/s 302/324/34 PPC PS Katlang District Mardan.

You were served with Charge sheet and statement of allegations based on said charges were issued to the accused officer vide this office Endst: No. 5270-71 dated 30.06.2020. Sajad Khan SP/ SB Mardan was nominated as Enquiry Officer to scrutinize the conduct of accused officer with reference to the charges leveled against him. The Enquiry Officer after conduct of Enquiry, in his findings reached to the conclusion that due to insufficient evidence the enquiry proceedings may be kept pending till decision of the trial court in the criminal case. However the undersigned being the competent authority did not agree with the findings and directed denovo proceeding in the matter wherein Enquiry Officer Qasid Kamal SP Peshawar Region Special Branch, Peshawar was appointed. The Enquiry Officer after conduct of denovo enquiry, in his findings reached to the conclusion that the accused officer is found guilty of commission of misconduct.


After going through the findings of the Enquiry Officer, the material available on record and other connected papers, I am satisfied that you have committed misconduct being defined under ibid Rules. As a result thereof, I Muhammad Ishaq Khan SSP Admn, Special Branch KP, Peshawar as competent authority have tentatively decided to impose upon you punishment under ibid Rules.

You are therefore, directed through this Final Show Cause Notice to reply within 15 days as why not punishment be imposed upon you.

In case your reply is not received within stipulated period, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.

Also state whether you desired to be heard in person.

Copy of the finding of the Enquiry Officer is enclosed.


(Muhammad Ishaq Khan)
Senior Superintendent of Police, Admn
Special Branch KP, Peshawar.

Dated Peshawar, the 17/07/2020

No. 7367/ SB

باز انزل میں 3 دسمبر 2020
HC
حسید کوثر شاہ

ناجی

حقوق خدمت میں تم مقدمہ عد 427 قومی 6 2020

جم 324/302 PPC تھانہ کاننگ میں مدعی مقدمہ روع اللہ

ولد سردراز سنگھ عمر آباد کاننگ نے میرے خلاف جمع
ڈیٹر ملازمان عبد اللہ - حکیم - افتخار اور ان کے بھائی
عمر آباد کاننگ - دعوت داری کی ہے۔ اس سلسلہ میں عرض
مقدمہ بالا میں نادر ملازمان میرے فونی رشتہ دار ہیں
مدعی فریق اور دیگر ملازمان فریق کے مابین اراچی پر تنازع
ہو گیا تھا۔ فریقین کے مابین حقایق پولس کاننگ نے کاروائی
ان کی ای سی 151/07 CRP کی عمل میں لائی گئی ہے۔

حیات تک مجھ پر مقدمہ دعوت میں ملوث ہونے کا الزام ہے
اس سے پہلے کوئی تعلق نہیں ہے۔ اس وقوع سے میں واقف
ہوں۔ مدعی فریقین کے مابین عمر دراز سے تنازع اراچی
جاری ہے وہی فریق کاچھ پر دعوت داری انتظامی کاروائی ہے
مقدمہ دعوت میں عدالت غائب آئی کاننگ سے BBA
فریق I کو کیا ہے جس میں آئندہ تاریخ پیشی عرف
20 7 20 17 7 ہے۔ عدالت سے BBA کرنا میرے

نے گناہ کا زورہ ثبوت ہے ۔ میرے خلاف جو
 ہے وہ مرزا گھڑت اورے بنیاد ہے ۔ میں اس سلسلے
 کے گناہ میں ۔ میں قانونی تقاضوں سے کسی شے کو اس
 واقعہ میں ۔ میں گواہی الیہ اورام نہیں کر سکتا میں
 میرے خلاف افسران بالا سے جاری شدہ چارج شیٹ اور
 عمری ات ایلیشن داخل دفتر فرمایا جائے ۔
 یہی میرا بیان ہے جو حقیقت پر مبنی ہے ۔

ال
 پیر 744
 744
 744
 SB صدر کواری
 1955

ORDER

This order is passed to dispose of departmental proceedings initiated under Khyber Pakhtunkhwa Police Rules 1975 (Amended 2014) against Technical Constable Pir Muhammad No. 744/SB. Facts forming the background of the departmental proceedings are as under:-

Technical Constable Pir Muhammad No. 744/SB (hereinafter referred to as an accused officer) while posted to SB/HQ Peshawar got involved in criminal case bearing FIR No. 427 dated 30.06.2020 u/s 302/324/34 PPC PS Kallang District Mardan.

Charge sheet and statement of allegations based on said charges were issued to the accused officer vide this office Endst: No 5270-71 dated 30.06.2020. Sajad Khan SP/ SB Mardan was nominated as Enquiry Officer to scrutinize the conduct of accused officer with reference to the charges leveled against him. The Enquiry Officer after conduct of Enquiry, in his findings reached to the conclusion that due to insufficient evidence the enquiry proceedings may be kept pending till decision of the trial court in the criminal case. However the undersigned being the competent authority did not agree with the findings and directed denovo proceeding in the matter wherein Enquiry Officer Quaid Kamal SP Peshawar Region Special Branch, Peshawar was appointed. The Enquiry Officer after conduct of denovo enquiry, in his findings reached to the conclusion that the accused officer is found guilty of commission of misconduct.

After going through the findings of the Enquiry Officer, the material available on record and connected papers, I am satisfied that the accused Officer committed misconduct within the meaning of ibid Rules.

Before imposing major punishment, he was issued Final Show Cause Notice and heard in person by the undersigned that why the aforesaid penalty should not be imposed upon him. His reply to the Final Show Cause Notice is not satisfactory as it is proved beyond shadow of doubt during enquiry proceedings that accused officer is indeed involved in the case.

As a result thereof, I Muhammad Irshad Khan, Senior Superintendent of Police Admn, Special Branch, Khyber Pakhtunkhwa, Peshawar being a competent authority under ibid Rules hereby imposed upon him Major Penalty of dismissal from service with an immediate effect.



(MUHAMMAD IRSHAD KHAN)
Senior Superintendent of Police Admn;
Special Branch, Khyber Pakhtunkhwa,
Peshawar.

Np. 7451-521 EB, dated Peshawar the, 21 / 09 / 2020.

Copy to all concerned for information and necessary action.

7968

10-08-2022

بخدمت جناب ڈی آئی جی صاحب، سیشن برانچ ہیڈ کوارٹر پشاور۔

جناب عالی!

مودبانہ گزارش ہے کہ سائل سال 2008 میں سیشن برانچ ہیڈ کوارٹر پشاور میں بطور ٹیکنیکل کانسٹیبل بھرتی ہوا تھا۔ سائل اپنی ڈیوٹی احسن طریقے سے سرانجام دے رہا تھا۔ مورخہ 30-06-2020 کو سائل کے خلاف زیر دفعہ 302 کے تحت جھوٹا مقدمہ درج کیا گیا۔ اس سلسلے میں سائل نے اپنے آپ کو پولیس کے حوالے کر کے عدالت نے جیل بھجوایا۔ اس دوران عدالت میں لڑائگی شروع ہوا جو کہ تقریباً دو سالوں تک جاری رہا۔ اس دوران محکمہ پولیس سیشن برانچ نے سائل کو ملازمت سے بھی برخاست کر دیا تھا۔ مورخہ 07-07-2020 کو عدالت عالیہ نے دیگر طرمان کو سزا سنائی جبکہ سائل کو باعزت طور پر بری کر دیا۔

لہذا آپ جناب سے بذریعہ درخواست امداد و امداد کا استدعا کی جاتی ہے کہ سائل کو مورخہ 30-06-2020 سے ملازمت پر بحال کئے جانے کا حکم صادر فرما کر مکھور فرمائیں۔ سائل اور اس کے ضعیف والدین آپ کی لمبی عمر کیلئے تاحمد دعا گو رہیں گے۔

الغرض، العارض،
DSP / Legal for Comm

10/08/2022

بیم محمد ولد نور محمد سابقہ ٹیکنیکل ہیڈ کانسٹیبل نمبر 744 سیشن برانچ ہیڈ کوارٹر پشاور۔

R/sir,

مورخہ: 10-08-2022

It is requested that the matter may
Please be sent to A/C Legal CPD
for Legal opinion due to the vacant
post of DSP Legal Special Branch.

J/C Legal Sect
12/08/2022

10/08/2022

ORDER

Am-12

This order is passed in departmental appeal filed by Ex-Constable Pir Muhammad No.744/SB (hereinafter only referred as accused officer) of this establishment against the impugned order of his Dismissal from Service vide Order No. 7451-52/EB dated 21.09.2020 passed by Senior Superintendent of Police, Admin, Special Branch, Khyber Pakhtunkhwa, Peshawar. Facts leading to the instant departmental appeal are as follows:-

That accused officer while posted in Special Branch was charged in criminal case bearing No. 427 dated 30.06.2020 u/s 302/324/34 PPC PS Katlang District Mardan.

Resultantly, proper departmental proceedings were initiated against the accused officer on the direction of Competent Authority under Khyber Pakhtunkhwa Police Rules 1975 (Amended 2014). Charge sheet and statement of allegations based on said charges were issued to the accused officer vide this office Endst: No. 5270-71 dated 30.06.2020. Sajad Khan SP/ SB Mardan was nominated as Enquiry Officer to scrutinize the conduct of accused officer with reference to the charges leveled against him. The Enquiry Officer after conduct of Enquiry, in his findings reached to the conclusion that due to insufficient evidence the enquiry proceedings may be kept pending till decision of the trial court in the criminal case. However, the undersigned being the competent authority did not agree with the findings and directed denovo proceeding in the matter wherein Enquiry Officer Quaid Kamal, SP Peshawar Region, Special Branch, Peshawar was appointed. The Enquiry Officer after conduct of denovo enquiry, in his findings reached to the conclusion that the accused officer is found guilty of commission of misconduct within the meaning of ibid Rules as he committed this horrific offence hence Dismissed from Service vide Order No. 7451-52/EB dated 21.09.2020.

Accused officer disciplinary proceedings and criminal proceedings are quite distinct from each other having altogether different characteristics and there is nothing common between the adjudicative forums by whom separate prescribed procedure and mechanism is followed for adjudication and both the forums have their own domain of jurisdiction. Decision of one forum would have be a misconceived notion to consider the acquittal in criminal trial as an embargo against disciplinary proceedings.



The departmental appeal preferred by the defaulter ex-constable technical is badly time barred by approximately two (02) years. Though, he is acquitted of the charge giving him benefit of doubt but this is not sufficient cause for his exoneration. Therefore, the appeal of appellant is rejected and filed being time barred coupled with his actions.

Deputy Inspector General of Police,
Special Branch Khyber Pakhtunkhwa,
Peshawar.

No. 16472-79 /EB

dated Peshawar the: 28/ 11 /2022

Copies to all concerned for information and necessary action.

قیمت 50 روپے	52455			
ایڈوکیٹ: خیال حسین		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: 11-1577 BC				
رابطہ نمبر: 0321-9587361				

بعدالت جناب: سپریمین سروس ٹریبونل خیبر پختونخواہ

مخاطب: سپریمین سروس ٹریبونل / Appellate	دعویٰ: سروس ایپل
پیرا 3 ضامن	علت نمبر:
بنام	مورخہ:
انسٹیکٹ جنرل ایجوکیشن پبلسٹیٹ ڈیپارٹمنٹ	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیروی و جواب دہی کاروائی متعلقہ آن مقام لٹا ہوا کیلئے خیال محمد سہید انیلہ ذریعہ مصلحت کو تسلیم مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم بیروی یا ڈگری یکطرفہ یا ایپل کی برآمدگی اور منسوخی، نیز دائر کرنے ایپل نگرانی و نظر ثانی و بیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ بیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

Attested & Accepted

الرقوم: 11 ستمبر 2022
 العبادہ شہد
 العبادہ

مقام لٹا ہوا کے لیے منظور ہے۔

[Handwritten Signature]

[Handwritten Signature]

نوٹ: اس وکالت نامہ کی فونڈ کاپی قابل قبول ہوگی۔

ایسوسی ایشن / سپریمین سروس ٹریبونل
 ولدہ تھورنٹی ڈیپارٹمنٹ سکینہ بھگت ۲۰۰ کا کاپی اور حقیقی شخص نامہ ضلع سرحد