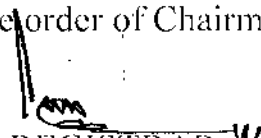


FORM OF ORDER SHEET

Court of _____

Case No. - 74/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	5/1/2023	<p>The appeal of Mr. Bahadar Khan resubmitted today by Mr. Amjid Ali Afridi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Bahadar Khan Driver Constable Belt no. 1727 CCPO Peshawar received today i.e. on 19.12.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- ✓ Appeal has not been flagged/marked with annexures marks.
- ✓ Memorandum of appeal is not signed by the appellant.
- ✓ Annexures are not attested.
- ✓ Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- ✓ The authority whose order is challenged has not been arrayed a necessary party.
- ✓ Departmental appeal having no date be dated.
- ✓ Certificate regarding filing any earlier appeal on the same subject/cause of action not furnished.
- ✓ Spare copies which are submitted with the appeal are without annexures.

No. 3658 /S.T,

Dt. 19.12. /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Amjid Ali Afridi Adv. Pesh.

objections addressed
Resubmitted
Qini 05-01-2023

BEFORE THE HON'BLE PROVINCIAL SERVICE TRIBUNAL KPK

In Re S.A No. 764 /2022

BAHADAR KHAN

VERSUS

PROVINCIAL POLICE OFFICER ETC


INDEX

<i>S#</i>	<i>Description of Documents</i>	<i>Annexure</i>	<i>Pages</i>
1.	Service appeal	A	1-5
2.	Affidavit.	B	6
3.	Addresses of Parties.	C	7
4.	Condonation application	D & E	8-9
5.	Copy of impugned order, representation and acquittal order	F, G, H	10-23
6.	Wakalat Nama		24

Dated: 14/12/2022

APPELLANT

Through


Amjad Ali Afridi
Advocate, High Court
Peshawar.

①

BEFORE THE HON'BLE PROVINCIAL SERVICE TRIBUNAL KPK

In Re S.A No. 74 /2023

Bahadar Khan, Driver Constable Belt # 1727,
Capital City Police Peshawar, On deputation to Elite
Force Khyber Pukhtunkhwa.

.....Petitioner/Appellant

VERSUS

1. Provincial Police Officer
2. Capital City Police Officer Peshawar
3. Commandant Elite Force Khyber Pakhtunkhwa
4. *Depty Commandant Elite force KPK*

....Respondents

**APPEAL U/S-4 OF THE PROVINCIAL SERVICES TRIBUNAL
ACT 1973 FOR SETTING ASIDE THE IMPUGNED OFFICE
ORDER No. 4871-30/EF, Dated 17-05-2022 OF
RESPONDENTS WHEREBY MAJOR PENALTY OF
DISMISSAL FROM SERVICE WAS IMPOSED UPON
APPELLANT WITHOUT ANY FAULT ON HIS PART IN AN
EXTREMELY ILLEGAL, UNWARRANTED & WHIMSICAL
MANNER**

Respectfully Sheweth;

1. That the Appellant was appointed as Driver Constable in the Respondent Department in 2009.
2. That the appellant was charged vide FIR # 1143, dated 27/11/2021, U/s 9 D CNSA, PS Phandu, wherein recovery of 1230 gram charse was shown from personal possession of the petitioner.

3. That upon commencement of trial, the trial court graciously discharge the petitioner from the charges leveled, as there was no cogent piece of evidence that substantiate claims of the complainant.
4. That the prosecution could not have a single valid piece of evidence that connects the petitioner with commission of offence, and the case was declared as not fit for trial against the accused.
5. That vide diary # 6417/EF, dated 30/11/2021 departmental proceedings were initiated against the petitioner on the pretext of his involvement in a criminal case, and finally vide the impugned order major punishment was awarded as dismissal from service.
6. That the petitioner also filed representation before the Commandant Elite Force, however till date no heed has been paid to requests of the petitioner.
7. That the inquiry was not conducted as per mandate of law and rule as well proper procedure was not adopted.
8. That after the improper inquiry, the penalty of major penalty of dismissal from service was imposed upon the Appellant vide the impugned order.

9. That feeling aggrieved and having no other remedy, the Appellant approaches this August Court for recognition, acknowledgment and enforcement of his fundamental rights upon the following grounds inter alia:-

Grounds:

- A. That there exists no other expedient-cum-expeditious and adequate remedy available elsewhere, hence the instant petition.
- B. That the Appellant is the most devoted member of the prestigious Force, who never left any stone unturned in fulfillment of his mandatory obligations and all his superiors, throughout his service, have always applauded the whetted skills of the undersigned.
- C. That it was in this background that the issue in question raised and the Appellant was not issued the charge sheet not the statement of allegations in question which for itself is against the law and rules governing the subject.
- D. That the allegations leveled against the Appellant are hollow in nature and having no substance therein, but rather misconceived and unfounded allegation of alleged offence

which allegation in its very essence is unfounded and baseless.

- E. That, statements of the witnesses as recorded by the inquiry officer or any other evidence as furnished by the inquiry officer is provided to the Appellant nor any opportunity of defense has been provided to the appellant along with charge sheet and statement of allegations which could establish the allegations in question and whose availability is mandatory as per spirits of the ibid aforementioned laws and rules.
- F. That the enquiry officer has placed reliance on the statement of the investigation officer whose case has already been discarded by the trial court, hence his testimony could not be relied upon.
- G. That the respondent officer, with whom the petitioner was on duty as driver, has used his influence in arraigning him in the instant false case, as he had developed personal grudges with the appellant.
- H. That from all prospective the impugned office order is liable to be set aside and the imposition of the penalty of dismissal from service imposed upon the Appellant be

(5)

declared as illegal, unlawful and void ab-initio.

- I. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant appeal, the impugned office order No. 4871-30/EF, Dated 17-05-2022 of the Respondent Department, may graciously be set aside and the penalty imposed be declared is illegal, unwarranted, unlawful and void ab-initio and to reinstate the petitioner with all back benefits.

Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.

Dated: 14/12/2022

APPELLANT *W*

Through

Amjad Ali Afridi

Advocate, High Court
Peshawar.

NOTE: *Cot-feste*

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

No other remedy left except this writ Tribunal

Advocate

Am

(6)

BEFORE THE HON'BLE PROVINCIAL SERVICE TRIBUNAL KPK

In Re S.A No. _____/2022

BAHADAR KHAN

VERSUS

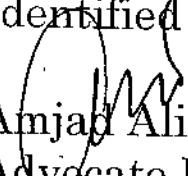
PROVINCIAL POLICE OFFICER ETC

AFFIDAVIT

I, BAHADAR KHAN, DRIVER CONSTABLE 1727 do hereby solemnly affirm and declare on oath that contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.


Appellant

Identified by:


Amjad Ali Afridi
Advocate High Court
Peshawar

7

BEFORE THE HONBLE PROVINCIAL SERVICE TRIBUNAL KPK

In Re S.A No. _____/2022

BAHADAR KHAN

VERSUS

PROVINCIAL POLICE OFFICER ETC

ADDRESSES OF PARTIES

PETITIONER

Bahadar Khan, Driver Constable 1727, Capital City
Police Peshawar/Elite Force KPK.


RESPONDENTS

1. Provincial Police Officer
2. Capital City Police Officer Peshawar
3. Commandant Elite Force Khyber Pakhtunkhwa

Dated: 14/12/2022

APPELLANT

Through


Amjad Ali Afridi
Advocate, High Court
Peshawar.

(8)

BEFORE THE HON'BLE PROVINCIAL SERVICE TRIBUNAL KPK

In Re S.A No. _____/2022

BAHADAR KHAN

VERSUS

PROVINCIAL POLICE OFFICER ETC

APPLICATION FOR CONDONATION OF DELAY

RESPECTFULLY SHEWETH,

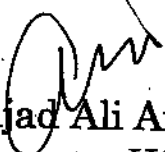
1. That the Appellant is filing the accompanying appeal, the contents of which may graciously be considered as integral part of the instant application.
2. That the Appellant has got a good prima facie case, besides having balance of convenience in his favour and in case of the dismissed of the instant application shall envisage irreparable loss.
3. That the delay in the instant Case comes as he kept on waiting for the respondent department besides due to the mental stress which he received as a result of service dismissal the appellant was in a confused state of mind and inaction.
4. That delay in filing of the accompanying case was not deliberate but due to reason beyond control of the Appellant.
5. That law favors adjudication on merits.

It is, therefore most humbly prayed that on acceptance of the instant application the delay may kindly be condoned and the case may kindly be decided on merits.

Dated: 14/12/2022

APPELLANT

Through


Amjad Ali Afridi
Advocate, High Court
Peshawar.



BEFORE THE HON'BLE PROVINCIAL SERVICE TRIBUNAL KPK

In Re S.A No. _____/2022

BAHADAR KHAN

VERSUS

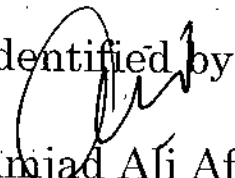
PROVINCIAL POLICE OFFICER ETC.

AFFIDAVIT

I, **BAHADAR KHAN, DRIVER CONSTABLE 1727** do hereby solemnly affirm and declare on oath that contents of the condonation application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.


Appellant

Identified by:


Amjad Ali Afridi
Advocate High Court
Peshawar

(10)

CHARGE SHEET

I, Asif Iqbal Mohmand, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Driver Constable Bahadur Khan No. 1727, of Elite Force as follows;

As per information report of Line Officer Elite HQrs Peshawar, vide Dairy No. 6417/EF. dated 30.11.2021, you have been charged in case FIR No.1143, dated 27.11.2021 U/S 9DCNSA Police Station Phandu District Peshawar. Being a member of discipline force, your this act amounts to gross misconduct on your part.

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.

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

میں نے اس پر اطلاع کی ہے اور اس کے بارے میں
درست طور پر بنیاد ڈھونڈوں کیا۔

No 21/8
3/12/21

بہادر خان

mub 0301 894 8300

Asif Iqbal Mohmand

SUMMARY OF ALLEGATIONS

I, Asif Iqbal Mohmand, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, am of the opinion that Driver Constable Bahadur Khan No. 1727, 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).

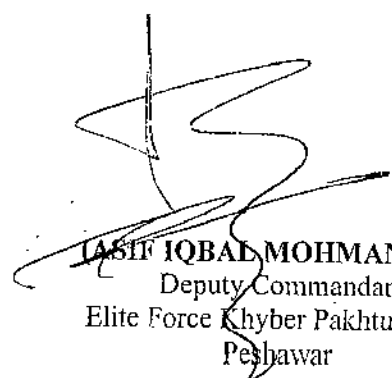
SUMMARY OF ALLEGATIONS

As per information report of Line Officer Elite HQrs: Peshawar vide Dairy No. 6417/EF, dated 30.11.2021, he has been charged in case FIR No.1143, dated 27.11.2021 U/S 9DCNSA Police Station Phandu District Peshawar. Being a member of discipline force, his this act amounts to gross misconduct on his part.

2. For the purpose of scrutinizing an enquiry is conducted of the said accused with reference to the above allegations, Mr. Murad Khan Acting SP Elite Force Peshawar appointed as Enquiry Officer.

3. 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.

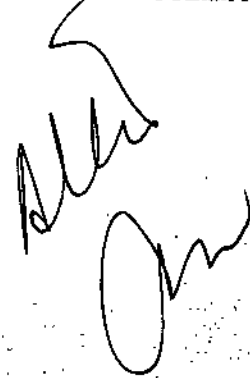
4. The accused shall join the proceedings on the date, time, and place fixed by the Enquiry Officer.


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

No. 14156-61 /EF, dated Peshawar the 30/11/2021.

Copy of the above is forwarded to the:-

1. Acting Superintendent of Police, Elite Force Peshawar Region.
2. Supdt: Accounts, Elite Force Khyber Pakhtunkhwa Peshawar.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. DFC Bahadur Khan No. 1727, of Elite through reader A/SP Elite Peshawar.



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

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DEPARTMENTAL ENQUIRY

R/Sir,

It is submitted that Driver Constable Bahadar Khan No. 1727, (Elite HQrs: Peshawar) of Elite Force Khyber Pakhtunkhwa was found guilty of gross misconduct on the following grounds:-

2. As per information report of Line Officer Elite HQrs: Peshawar vide Dairy No. 6417/EF, dated 30.11.2021 at F/A, he is charged in case FIR No. 1143, dated 27.11.2021 U/S 9DCNSA Police Station Phandu District Peshawar.

3. In this regard he was suspended and Charge Sheet alongwith Summary of Allegations were issued to him and Acting SP Elite Force Peshawar was appointed as enquiry officer. The Enquiry Officer conducted the enquiry proceedings and submitted his findings report at F/B that the accused Driver Constable was lawfully arrested having contraband charas which led to his involvement in the said case. So charge of involvement in criminal against him is established and is recommended for major punishment. A Final Show Cause Notice was issued to him vide No. 843/EF, dated 24.01.2022, and submitted his written reply of FSN at F/C.

4. Submitted for perusal and kind orders, please

Reader/ Dy: Cmt EF

31-01-2022

5. Deputy Commandant/ EF

OR

Dismissed

31/2/22

Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 4871-80 /EF

Date: 17 / 01 / 2022

ORDER

This order will dispose off the departmental proceedings against Driver Constable Bahadar Khan No. 1727, of Capital City Police Peshawar now on deputation to Elite Force Khyber Pakhtunkhwa.


As per information report of Line Officer Elite HQrs: Peshawar vide Dairy No. 6417/EF, dated 30.11.2021, he has been charged in case FIR No. 1143, dated 27.11.2021 U/S 9DCNSA Police Station Phandu District Peshawar.

In this regard he was suspended and Charge Sheet alongwith Summary of Allegations were issued to him by this office vide No. 14156-61/EF, dated 30.11.2021 and Mr. Murad Khan Acting SP Elite Force Peshawar was appointed as enquiry officer. The Enquiry Officer conducted the enquiry proceedings and submitted his findings report that the accused Driver Constable was lawfully arrested having contraband charas which led to his involvement in the said case. So charge of involvement in criminal against him is established, therefore the Enquiry Officer has recommended for major punishment.

Similarly, a Final Show Cause Notice was issued to him vide No. 843/EF, dated 24.01.2022, which was delivered to him through reader Acting SP Elite Force Peshawar and received by himself. He submitted reply of FSN which was found unsatisfactory. He was also called in orderly room on 10.02.2022 to appear before the undersigned and explain his position but he failed to appear before the undersigned.


Therefore, I, Asif Iqbal Mohmand, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view the above facts, circumstances and recommendations of enquiry officer, impose major penalty of "DISMISSAL" from service upon him under Police Rules 1975 (amended 2014).

(Order announced)!


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

Copy of the above is forwarded to the:-

1. Capital City Police Officer Peshawar for information.
2. Acting Superintendent of Police, Elite Force HQrs: Peshawar.
3. Acting Superintendent of Police, Elite Force Peshawar w/r to his office Memo No. 16/R SP/PR/EF, dated 18.01.2022.
4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
5. I/C Kot/ MTO, Elite Force Khyber Pakhtunkhwa Peshawar.
6. OASI/ Reader to Dy: Comndt, Elite Force Khyber Pakhtunkhwa Peshawar
7. EC/ SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
8. FMC, Elite Force alongwith complete departmental enquiry files Enls: (22) pages. (Dairy vide No. 375/EF, dt 19.01.2022, No. 631/EF, dt 02.02.2022, 546/EF, dt 27.01.2022 & 6417/EF, dt 30.11.2022).


Peshawar

(14)

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بخدمت جناب کمانڈنٹ صاحب ایلیٹ فورس خیبر پختونخوا

18/10/2022

جناب عالی

معروض خدمت ہوں۔ کہ من سائل کا تعلق نہایت غریب گھرانے سے ہے۔ سائل محکمہ پولیس میں کنسٹیبل اور ایف ڈی کے طور پر کنسٹیبل بھرتی شدہ تھا۔ یہ کہ مورخہ 27.11.022 کو من سائل اپنے ڈیوٹی سے حسب اجازت افسران صاحبان کے گھر جا رہا تھا۔ کہ یہ مقام لاہوری گیٹ پر پولیس کے دروی میں ملبوس کسان اسم و سکن نام معلوم نے کھڑا کر کے چاٹا کر کے دیا۔ میں نے اپنا اتھارٹ پولیس کنسٹیبل سے کروا کر جو کہ بعد میں من کنسٹیبل کو تھانہ پھندوں لے جا کر میرے خلاف میں کو اور اور جھوٹ پڑھنی FIR نمبری 1143 بجرم 9DCNSA رجسٹر کر کے مجھ کو پابند سلاسل کر دیا۔ جس میں 07 دنوں کے دوران میں گزارنے کے بعد عدالت عالیہ نے میرے بے گناہی پر مجھ کو بری کر کے آزاد کرنے کا حکم صادر کیا۔ اس دوران میرے خلاف افسران صاحبان نے میرے خلاف ڈیپارٹمنٹل انکوائری کا حکم صادر کر کے انوسٹی گیشن افسر کو طلب کیا کہ وہ من سائل کو انوسٹی گیشن افسر نے میرے خلاف ایسا بیان دیا کہ مذکورہ کنسٹیبل چرس اور اس کا کاروبار کرتا ہے۔ جس کے سبب میں نے انوسٹی گیشن افسر کے برعکس ہے۔ اس دوران چونکہ من سائل 07 دن جیل میں گزارنے اور اپنے غریبی اور لاچارگی کی وجہ سے تادیبی نوٹس میں مبتلا ہو گیا۔ اور انوسٹی گیشن افسر صاحب کی جھوٹ پڑھنی بیان کی وجہ سے من سائل کے خلاف ایک نوٹس جاری کرتے ہوئے مجھ کو نوکری سے برخواست کیا گیا۔

پذریہ درخواست نہایت موڈ بانہ عرض گزار ہوں کہ من سائل کی غریبی اور لاچارگی کو مد نظر رکھتے ہوئے من سائل کو نوکری سے برخواست کر کے من سائل کو واپس اپنے نوکری پر بحال کرنے کا حکم صادر فرما کر مشکور فرمائیں۔ سائل کی حیثیت دعا گو ہے گا۔

عین نوازش ہوگی۔

الحاضر۔

ایک تابع انکم ثابتہ ڈرائیور کنسٹیبل بہادر خان 1727 ولد خان زادہ سکنہ بوستان آباد نمبر 04 پشاور

موبائل نمبر۔ 0301-8948300

بہادر خان

18/10/2022

Office of the Deputy Commandant,
Elite Force Khyber Pakhtunkhwa
Peshawar



Subject: APPEAL FOR RE-INSTATEMENT

R/Sir,

Kindly refer to an appeal submitted by Ex-Driver Constable Bahadar Khan No. 1727 against his major punishment of dismissal order awarded by Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar vide order No. 4871-80/EF, dated 17.09.2022.

Brief facts of the case are as under:-

2. As per information report of Line Officer Elite HQrs: Peshawar vide Dairy No. 6417/EF, dated 30.11.2021, he was charged in case FIR No. 1143, dated 27.11.2021 u/s 9DCNSA Police Station Phandu District Peshawar. In this regard he was suspended and close to Elite HQrs vide No. 14148-55/EF, dated 30.11.2021. Charge Sheet along-with Summary of Allegations vide No. 14156-61, dated 30.11.2021 were issued to him and Mr. Murad Ali Khan Acting SP Elite Force Peshawar was appointed as enquiry officer. He conducted the enquiry proceedings which reveals that the said constable was lawfully arrested having contraband charas which lead to his involvement in criminal case. So charge of involvement against him was established and was recommended for major punishment.

3. Consequently, he was issued Final Show Cause Notice vide No. 843/EF, dated 24.01.2022, but his reply was not found satisfactory and was also called in OR, but he failed to appear, hence, the Deputy Commandant, Elite Force imposed major punishment of dismissal from service upon him.

4. Now, he has preferred the instant appeal for re-instatement in service before the Addl: IGP, Elite Force, Khyber Pakhtunkhwa. His appeal is time barred by 05 months & 13 days.

Submitted for kind perusal and further orders, please.

Office Supdt: EF

28/10/22

5.

Dy:Comdt:EF

How
28/10/22

6.

Addl: IGP/EF

File
S

ELITE FORCE
KHYBER PAKHTUNKHWA POLICE

Office of the Addl: IGP,
Elite Force Khyber Pakhtunkhwa Peshawar

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No. _____/EF

Dated: 02/11/2022

ORDER

This order will dispose of departmental appeal submitted by Ex-Driver Constable Bahadar Khan No. 1727 against the punishment of dismissal from service awarded to him by Deputy Commandant Elite Force vide order No. 4871-80/EF, dated 17.09.2022 as he was charged in case FIR No. 1143, dated 27.11.2021 u/s 9DCNSA, Police Station Phandu District Peshawar.

Hence, the competent authority after perusal his appeal is hereby filed on the grounds of time limitation i.e. time barred filed the appeal.

Order Announced!

-Sd-

(MUHAMMAD WISAL FAKHAR SULTAN)PSP

Addl: Inspector General of Police,
Elite Force Khyber Pakhtunkhwa Peshawar

No. 12540-44/EF.

Copy of above is forwarded:-

1. Superintendent of Police, Elite Force, Peshawar.
2. OASI/SRC Elite Force, Peshawar.
3. FMC; Elite Force, alongwith complete enquiry file Encl: (30 pages).
4. Ex-Driver Constable Bahadar Khan No. 1727, through Reader SP Elite Force Peshawar.

(TARIQ IQBAL) UNPSP BAR

Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

سیریل نمبر 1-000281

پولیس فارم نمبر 24-5 (1)

(17)

ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ ذر دفعہ 154 مجموعہ ضابطہ فوجداری

نمبر: 1143/21 تھانہ: PS. PHANDU ضلع: Pesbawar ای لیگ نمبر: 000001

تاریخ وقت و قومیہ: 27-11-2021 06:45 PM

1	تاریخ وقت رپورٹ	حوالہ نمبر (9) 27-11-2021 07:20 PM	6	تھانہ سے روانگی کی تاریخ بوقت	27-11-2021 07:30 PM
2	نام و سکونت اطلاع دہندہ مستفیض	آفیسر فون نمبر: 03149212855 مرتبہ مرسلہ: پولیس آفیسر	6	تھانہ سے روانگی کی تاریخ بوقت	27-11-2021 07:30 PM
3	مختصر کیفیت جرم (معدہ دفعہ) و مال اگر کچھ ہے کیا ہے	بجرمینہ 9D-CNSA - 1-	6	تھانہ سے روانگی کی تاریخ بوقت	27-11-2021 07:30 PM
4	جائے وقوعہ و فاصلہ تھانہ سے اور سمت	دورہ چوک بیٹ نمبر: 1 Beat No1	6	تھانہ سے روانگی کی تاریخ بوقت	27-11-2021 07:30 PM
5	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جائے	پولیس آفیسر کی مراملہ پر مقدمہ درج رجسٹر کیا گیا۔	6	تھانہ سے روانگی کی تاریخ بوقت	27-11-2021 07:30 PM

دستخط: Qaiser Khan

بیلٹ نمبر: 320/P

عہدہ: SI

تلفون نمبر: 03139622795

(ابتدائی اطلاع نیچے درج کریں)

ان وقت ایک تحریری مراملہ منجانب مستفیض نمبر 2 بدست کنسٹیبل مہراں 705 موصول ہو کر جو ڈیڑھ بجے تھانہ صاحب تھانہ چندو بوقت جائے وقوعہ بالا پر بغرض ناکہ بندی معہ نوری پولیس موجود تھا کہ اس دوران خیر نے اطلاع دی کہ مشہور منشیات فروش بہادر ولد خازاد سکندہ نزد بوستان بابا منشیات از قسم چرس پالاہ خیر انجینی سے لا کر اپنے گھر واقع مسکن آباد لا کر اپنے محسوس گاہک کو سپلائی کریں گا جسکی گمرانی جاری تھی کہ ایک شخص کو حسب نشاندہی عجز قابوں کر کے جس نے بدریافت پر اپنا نام بہادر ولد خازاد سکندہ نزد بوستان بابا بتلایا ہاتھ میں پکڑا شاپک بیگ چیک کرنے پر جس میں چرس وزن کرنے پر 1230 برآمد ہو کر جس میں 5 گرام چرس بغرض تجزیہ FSL جبکہ بچا 1225 گرام چرس بطور وجہ ثبوت پارسل نمبر 2 میں بند مرید مہر کے پارسل پائے مہر 3/3 عدد مہر ای K-1 ثبوت کر کے 1/1 عدد نمونہ مہر پارسل پائے کے اندر رکھے جا کر پارسل نمبر 1 تا 4 معہ ہسپتال 30 بور بلا نمبر بروئے فرد ضبط پولیس میں کر کے فرد موقع پر امرتب کر کے گواہان سے تکمیل کرائی گئی ملزم بالا کو مرتکب جرم بالا پاکر حسب ضابطہ گرفتار کر کے مراملہ بغرض قاضی مقدمہ ارسال تھانہ ہے پرچہ دیا جا کر تفتیشی افسر کو مامور تفتیش کیا جائے دستخط انگریزی مبارک زیب خان SHO کارروائی تھانہ آمدہ تحریری مراملہ حرف بہ حرف درج بالا ہو کر مقدمہ بہ جرم بالا درج درج رجسٹر کر کے پرچہ بغرض تفتیش حوالہ خائنہ خان SI/IO کے جائے پرچہ گزارش ہے۔

SI Qaiser Khan

27-11-2021

(Handwritten signature)

**IN THE COURT OF NASRULLAH KHAN
ADDITIONAL SESSIONS JUDGE-XV, PESHAWAR**

FIR No. 1143
Dated 27/11/2021
Under Section 9-D CNSA
Police Station Phandu Peshawar

Order
04/07/2022

Accused absent. Process not returned by the DFC. Record shows that time and again process issued by this court for attendance of the accused but the DFC concerned failed to prosecute the process against the accused. Sr PP for the state present.

Accused namely Bahadar S/o Khan Zada has been implicated in the instant case FIR No. 1143 dated 27/11/2021 U/S 9-D CNSA registered at PS Phandu Peshawar.

Allegations against the accused on the face of FIR are that the local police overpowered the accused and from his personal search 1230 gram charas was recovered, hence, the instant case was got registered.

Perusal of the record shows that the signature on the murasila, on the recovery memo and card of arrest does not resembling with each other. There is no FIR number on the card of arrest which factor casts a serious doubt in respect of veracity of the prosecution to the effect that whether the accused arrested in the instant case or otherwise. There is no description in black and white in respect of production of case property before the JMIC. Extract of register No.19 is placed on file which shows that the samples were handed over to the constable Khawat Ullah belt No. 3701 on dated 30/11/2021 while his statement recorded U/S 161 CrPc before the local police shows that on dated 29/11/2021 the alleged samples were made over to the Khawat Ullah, so there is a clear cut discrepancy in respect of making over the samples to the constable which cast a doubt in respect of veracity of prosecution version. The extract of register No. 19 is silent in respect of case property production before the court nor any date has been provided in respect of the proceeding of the case property, nor name and signature of the receiver of the case property and depositor mentioned in the register No.19. There is a delay of roundabout (04) days in sending the

04.07.2022
NASRULLAH KHAN
Additional Sessions Judge XV
Peshawar

REGISTERED

11 07 2022

(Signature)
Additional Sessions Judge XV
Peshawar

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samples to the FSL which delay so occurred in the intervening period has not been explained on the surface of the record. There is no DD on the case file. No previous conviction to the credit of the accused as the record is silent to this effect. No confession has been made by the accused facing trial in respect of commission of an offence before the court. Similarly there is no evidence that the accused remained involved in such like cases previously nor any sort of evidence that the accused is hardened and desperate criminal.

The material available on the record there is no sufficient evidence which connects the accused with the commission of an offence, resultantly accused Bahadar S/o Khanzada is discharged from the allegation leveled against him. Case property be kept intact till expiration of period of appeal or revision and thereafter, be dispose off an accordance with law. Case file be consigned to record room after its necessary completion and compilation.

Announced
04/07/2022

Nasrullah Khan,
Additional Sessions Judge-XV,
Peshawar
NASRULLAH KHAN
Additional Sessions Judge-XV
Peshawar

No:	61737
Dated of Appeal	18/11/2022
Name of Appellant	Mr. Bahadar
Word	9-6
Fee	
Signature of Appellant	[Signature]
Dated of Preparation	18/11/2022
Date of Delivery	18/11/2022

CERTIFIED TO BE TRUE COPY
[Signature]
Copying Agency District Court
Peshawar.

25

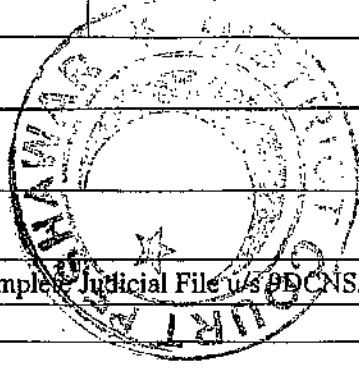
THE COURT OF NASRULLAH KHAN

ADDITIONAL SESSIONS JUDGE-XV, PESHAWAR

Case No.	Institution	Original Institution	Decision	No. Of Pages	Short Order
231/SPC	31-03-2022		04-07-2022	21	Discharged

State VS Bahadur

S.No	Page No.	No. of Pages	Detailed Particulars of Pages
			PART-A
1	1-21	21	Index , Order Sheet, Final Order , Complete Judicial File u/s 99CNSA .
			PART-B
			Nil
Total (21) No of pages are consigned to record room.			



Muharrir of the Court

Pages Part-A= 21

Checked & Found Correct

Pages Part-B= 00

Total= 21

AD&SJ-XV, Peshawar

ATTESTED
10/07/2022
(Examiner)
District Court Peshawar

حالت عام

صحة العامة

عدد 1143 تاريخ 27-11-2021 ADENSA مكان كنفه و

محل كنفه

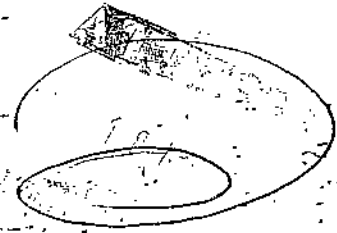
رقم	اسم المريض	العنوان	العمر	الحالة	
				المرض	الاعراض
1	محمد بن علي	شارع كنفه	37	حمى	سعال
2	علي بن محمد	شارع كنفه	45	حمى	سعال
3	أحمد بن علي	شارع كنفه	28	حمى	سعال
4	فاطمة بنت محمد	شارع كنفه	18	حمى	سعال
5	عبدالله بن علي	شارع كنفه	55	حمى	سعال
6	سليمان بن محمد	شارع كنفه	60	حمى	سعال
7	مريم بنت علي	شارع كنفه	30	حمى	سعال
8	عبدالمجيد بن محمد	شارع كنفه	40	حمى	سعال
9	خالد بن علي	شارع كنفه	25	حمى	سعال
10	فاطمة بنت محمد	شارع كنفه	22	حمى	سعال

2022

علم جرم و جرم سے متعلق سیکرٹری صاحبہ کو
علم تو جوڑ کر واپس بھیج دیا گیا تھا مگر
تکسٹ فیم کے تین سے علم تکفاریا کے پاس
جو وہ انکار کیا ہے اس پر شکایت کی جا رہی ہے
علم کے پاس تکسٹ فیم کے بارے میں کچھ نہیں ہے

دعا
Shop 5 Phoned

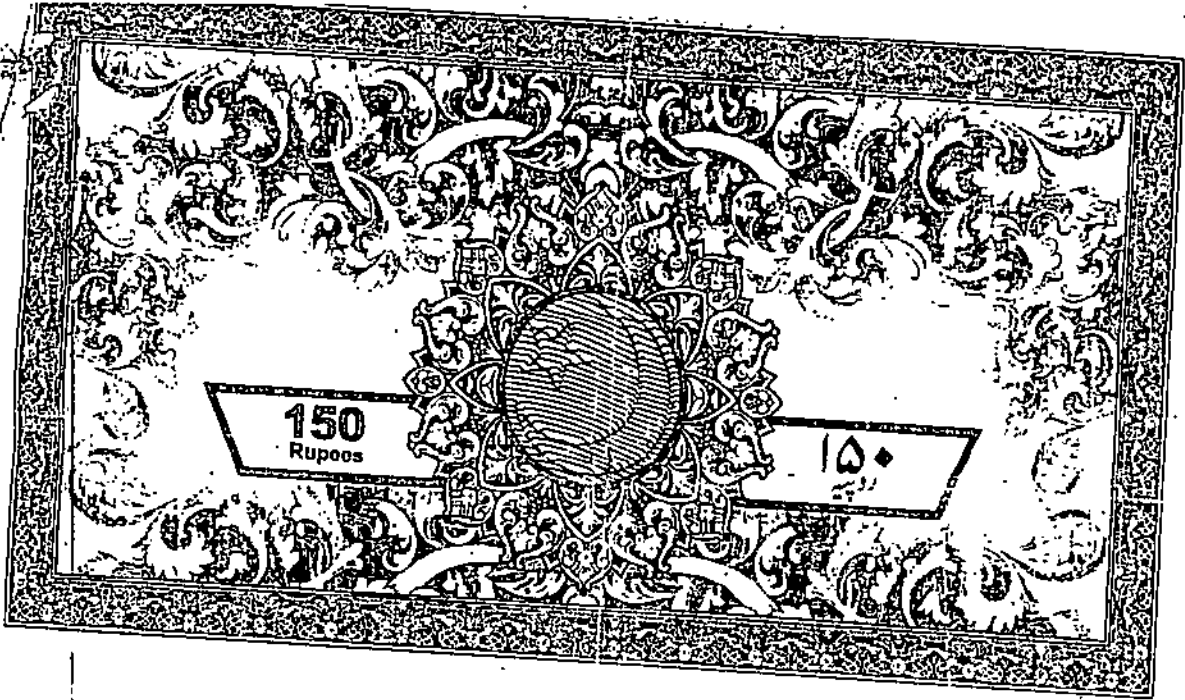
01-12-2017



SECRETARY

Director, Police Department
Peshawar

(10)



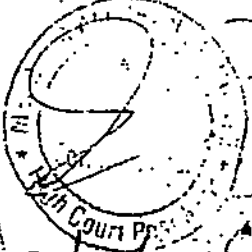
بیان حلفی

۱۔ مندرجہ ذیل منشی DFC بیلدرخان برآمدہ 4777، دولہ خانزادہ کن شاہ میں
 واقع پلاٹ نمبر 150 پر پستان آباد کی فصل و فصلات اور کاروباری
 حصوں پر بیوقوف بنائے گا۔ یہ پستان آباد، پستان آباد جو اس طرح
 بلکہ غیر ملکی حلقہ بنائے گا۔ اس وقت کے SHC 5 مہارت نے پستان

۲۔ اس میں 3 مہارتوں کی
 3۔ یہ تمام حصہ اور پستان آباد کے پستان آباد کے پستان آباد کے
 اور دو پستان آباد کے پستان آباد کے پستان آباد کے
 4۔ یہ کہ پستان آباد کے پستان آباد کے پستان آباد کے
 اور پستان آباد کے پستان آباد کے پستان آباد کے

5۔ یہ کہ مجھے پستان آباد کے پستان آباد کے پستان آباد کے
 اور پستان آباد کے پستان آباد کے پستان آباد کے
 پستان آباد کے پستان آباد کے پستان آباد کے
 پستان آباد کے پستان آباد کے پستان آباد کے
 پستان آباد کے پستان آباد کے پستان آباد کے

ATTESTED



20/12/2021

(Handwritten signature)

مندرجہ ذیل منشی DFC بیلدرخان برآمدہ 4777، دولہ خانزادہ کن شاہ میں
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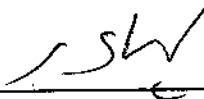
المرفوع 20/1/2021

۱۔ منشی DFC بیلدرخان برآمدہ 4777، دولہ خانزادہ کن شاہ میں
 واقع پلاٹ نمبر 150 پر پستان آباد کی فصل و فصلات اور کاروباری
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 بلکہ غیر ملکی حلقہ بنائے گا۔ اس وقت کے SHC 5 مہارت نے پستان

CRIMINAL LAW ASSOCIATES (CLA)

وکالت نامہ

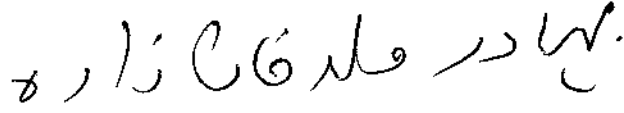
بعدالت عالیہ پشاور / سیشن کورٹ / سپیشل کورٹ / جوڈیشل مجسٹریٹ / سول کورٹ

منجانب بنام 	_____ مورخہ
	_____ مقدمہ علت
	_____ دعوی
	_____ جرم و تہانہ

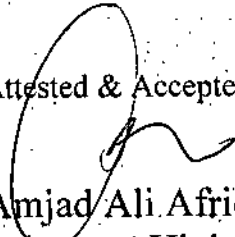
باعث تحریر انکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطہ پیروی و جواب دہی و کل کاروائی، متعلقہ ان مقام _____ کیلئے امجد علی آفریدی ایڈووکیٹ مقرر کر کے اقرار کیا جاتا ہے کہ وکیل موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار حاصل ہو گا۔ نیز وکیل کو عرضی دعویٰ داخل کرے، جواب دعویٰ اپیل، نظرثانی کا بھی اختیار حاصل ہو گا از عدالت ابتداء تا عدالت انتہاء۔ وکیل موصوف مقدمہ متذکرہ کی کل یا جزوی کاروائی کیلئے اپنی بجائے دیگر وکیل بھی اپنے ساتھ مقرر کر سکتا ہے جس کو بھی جملہ اختیار حاصل ہونگے جو وکیل موصوف کو حاصل ہیں۔ مقدمہ کے تمام اخراجات و فیس بروقت ادا کرنے کا پابند ہونگا۔ لہذا میں نے وکالت نامہ ہذا تحریر کر کے اس پر دستخط/ نشان انگشت ثبت کر دیا ہے تاکہ سند رہے۔

العبد

1.  4.
2. 5.
3. 6.

_____ المرقوم

Attested & Accepted

 Amjad Ali Afridi
 Advocate High Court
 Mobile # 03459053399
 BC 12-3728, 17301-9516051-7