

09.06.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Appellant stated that he has been reinstated into service and also joined the duty. He submitted an application for withdrawal of the appeal.

Application is accepted and the appeal is dismissed as withdrawn. File be consigned to the record room.



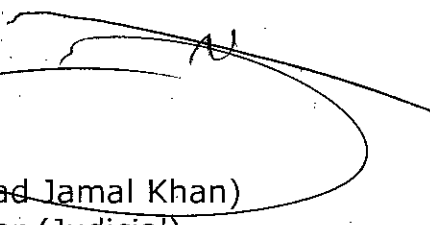
Chairman

ANNOUNCED

09.06.2021

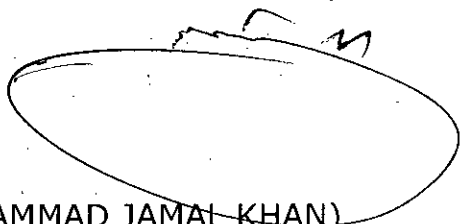
25.09.2020

Repeated calls were made but neither appellant nor his counsel is present. It is deemed appropriate to issue notice to appellant as well as his respective counsel for 25.11.2020 before S.B. File to come up for preliminary hearing before S.B. The expenses of notice shall be borne by the appellant.

  
(Muhammad Jamal Khan)  
Member (Judicial)

25.11.2020

Appellant is present in person and requested for adjournment that his counsel is not available today. Adjourned to 23.02.2021 on which date file to come up for preliminary hearing before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

23.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 09.06.2021.

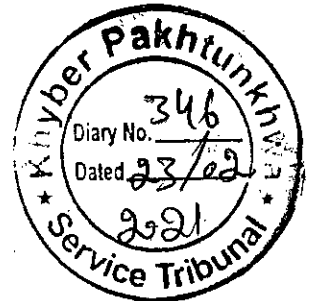
  
**Reader**

لہذا درخواست گزار نے اپنی درخواست پر اپنا اپیل کیا ہے

23/02

مسترد شدہ اپیل کے ساتھ ساتھ

درخواست گزار کی درخواست پر اپنا اپیل کیا ہے



Put up to the court with relevant appeal.

مسترد شدہ اپیل کے ساتھ ساتھ

Deo dus

24/2/2021

مسترد شدہ اپیل کے ساتھ ساتھ

مسترد شدہ اپیل کے ساتھ ساتھ

مسترد شدہ اپیل کے ساتھ ساتھ

مسترد شدہ اپیل کے ساتھ ساتھ

مسترد شدہ اپیل کے ساتھ ساتھ

25/11/2020

مسترد شدہ اپیل کے ساتھ ساتھ

مسترد شدہ اپیل کے ساتھ ساتھ

Munir Ahmad

24.03.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.06.2020 before S.B.

  
Reader

16.06.2020

Appellant in person present.

An application for adjournment has been submitted on the ground of indisposition of learned counsel. Adjourned to 17.08.2020 before S.B..

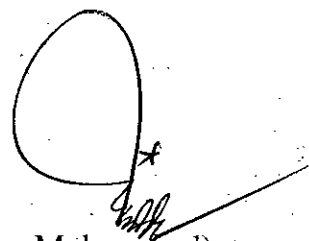
  
Chairman

17.08.2020

Counsel for the appellant present.

Former requests for adjournment as he has not prepared the brief.

Adjourned to 25.09.2020 before S.B.

  
(Mian Muhammad)  
Member(E)

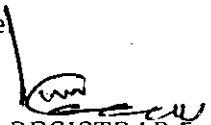

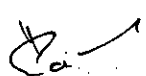
8-14

Form- A

FORM OF ORDER SHEET

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

Case No.- 530 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/01/2020	<p>The appeal of Mr. Mubashir Anwar presented today by Qazi Sajid-ud-Din Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p style="text-align: right;"> REGISTRAR</p>
2-	28.02.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>28/02/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for the appellant. Adjourn. To come up for preliminary hearing on 24.03.2020 before S.B. Appellant be put to notice for the date fixed.</p> <p style="text-align: right;"> Member.</p>

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No. 530/2020.

Mubashir Anwar Ex- Constable No.692 (Appellant)

Versus

The Inspector General of Police Khyber Pakhtunkhwa Peshawar.

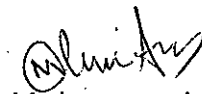
etc.

(Respondents)

Appeal

INDEX

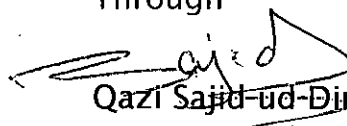
S.No.	Description of documents	Annexure	Pages
1.	Memorandum of Appeal		1-6
2.	Affidavit		7
3.	Address of the parties		8
4.	Charge sheet & statement of allegation	A & B	9-10
5.	Reply to the charge sheet & statement of allegation.	C	11-13
6.	Order of the DPO Kohat	D	14
7.	Appeal to the DIG Kohat	E	15-16
8.	Order of the DIG Kohat	F	17
9.	Copy of FIR	G	18
10.	Statement of complainant and alleged abductee	H	19-21
11.	Copy of Bail Order by the Judicial Magistrate	I	22-24
12.	Statements of complainant and alleged abductee as PW-1 & 2	J	25-27
13.	Order of acquittal of the appellant U/S 249 A Cr.PC.	K	28-29
14.	Wakalatnama.		30



Muhammad Mubashir Anwar  
(Appellant)

Dated: \_\_\_\_\_/2020.

Through



Qazi Sajid-ud-Din Advocate

①

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No. 530 / 2020.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 682

Dated 22/01/2020

Mubashir Anwar son of Anwar Khan (Ex- Constable No.692)  
Resident of Near Union Council Office Khairmatoo Kohat.  
(Contact No.0335-9244839) (Appellant)

Versus

1. The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. The Deputy Inspector General of Police Kohat Region Kohat.
3. The District Police Officer, Kohat. (Respondents)

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT AGAINST THE IMPUGNED  
ORDER OF THE DEPUTY INSPECTOR GENERAL OF  
POLICE KOHAT REGION KOHAT DATED 03-1-2020  
WHEREIN ORDER OF DISMISSAL OF THE APPELLANT  
ISSUED BY THE DPO KOHAT VIDE OB NO.923 DT:29-  
7-2019 WAS UPHELD WHILE APPEAL FILED BY THE  
APPELLANT AGAINST THE ORDER WAS REJECTED  
WITHOUT ANY JUSTIFICATION.

**Filed to-day**  
*Mubashir Anwar*  
**Registrar**

*22/01/2020*

Respectfully Sheweth:-

The appellant may be permitted to submit the following for your kind and sympathetic consideration:-

FACTS:

1. That the appellant enrolled as constable in the Police Deptt: in the year 2016.

2. That the appellant successfully qualified the Basis recruit course and started to perform his official duties with dedication and devotion.
3. That due to the hard work and keen interest in the official work, the appellant earned confidence of his senior officers and was awarded a number of commendation certificates and cash rewards.
4. That the appellant during his service was assigned a number of sensitive and risky duties which he discharged with courage and valor.
5. That to the utter surprise of the appellant, charge sheet and statement of allegations were served wherein it was alleged that "Being involved in criminal case vide FIR No.504 dt:30-6-2019 U/S 496-A PPC P.S Billitang which is a gross misconduct on your part. (Copy of the charge sheet is annexed-A, while statement of allegation is annex-B)
6. That the appellant accordingly replied to the charge sheet. The appellant denied the charge leveled against him and claimed innocence. (Copy of reply is enclosed as annexure-C)
7. That the departmental enquiry was conducted at the back of the appellant which resulted in dismissal of the appellant from service vide OB No.923 dt:29-7-2019. (Copy of the order is enclosed as annexure-D)
8. That the appellant being aggrieved from the order, filed departmental appeal before the Deputy Inspector General of Police Kohat Region Kohat respondent No.2. (Copy of the appeal is annexure-E)



9. That the Deputy Inspector General of Police Kohat Region Kohat vide order dt:31-01-2020 rejected appeal in a mechanical way without applying his judicial mind. (Copy of the order is annexure-F)
10. That the impugned order being not in accordance with law, rules and principles of justice has aggrieved the appellant, therefore, following are some of the grounds of appeal amongst others:-

GROUND OF APPEAL:

- a. That the impugned order of punishment being against law, Justice and evidence on record is liable to be set aside.
- b. That careful reading of FIR will reveal that name of the appellant does not exist anywhere in the FIR. In fact in the FIR unknown accused has been charged.

In the order of punishment issued by the Distt: Police Officer Kohat, respondent No.3 has mentioned that the appellant is directly charged in the FIR for enticing away daughter of the complainant Yousaf Khan. Such an erroneous statement by a responsible Police Officer leads a prudent mind to the fact that he was totally ignorant about the actual facts which resulted in miscarriage of justice. (Copy of the FIR is annexure-G)

- c. That subsequently, the alleged abductee voluntarily appeared in police station Billitang where her statement was recorded U/S 161 Cr.P.C. In the said statement she denied meeting the appellant and was also unaware of the actual name of the appellant. She mentioned his name as Nasir nor she was aware of the physique of the appellant.

- d. That on 02-7-2019 both the complainant and the alleged abductee recorded their joint statement U/S 164 Cr.PC wherein they stated that they have entered a true and genuine compromise, because the accused side assured innocence. (Copy is enclosed as annexure-H)
- e. That on the basis of the compromise, the appellant was released on bail vide order dt:02-7-2019. (Copy is enclosed as annexure-I)
- f. That on 19-11-2019 the complainant and the alleged abductee recorded their statements as PW-1 and PW-2 before the trial court. Both of them verified that the appellant is innocent and thus ultimately vide order dt:12-12-2019, the appellant was acquitted from the charge leveled against him. (statements and order of acquittal are enclosed as annex-J & K respectively).
- g. That the enquiry against the appellant was conducted unilaterally and one sidedly by the competent authority.
- h. That the appellant was not afforded opportunity to defend himself during the enquiry proceedings.
- i. That in presence of the appellant no witness whatsoever was examined nor the appellant was given opportunity to cross examine the witnesses.
- j. That under Art. 10 A of the Constitution, it is the inalienable and fundamental right of the appellant to face independent, transparent and fair enquiry / trial but the respondents No.2 & 3 badly ignored / by passed such a fundamental and basic right, which resulted in mockery and miscarriage of justice to the appellant.

(5)

- k. That the facts favoring the appellant were completely suppressed so that to pave way for infliction of punishment to the appellant.
- l. That the respondents were bent upon to award punishment to the appellant at any cost for the reasons best known to them.
- m. That the respondent No.2 while deciding Departmental Appeal did not consider the facts favoring the appellant nor he applied his judicial mind and upheld order of the respondent No.3 in a mechanical way.
- n. That the Higher Courts have also held that in case of criminal case no employee be dismissed before decision of the criminal case but the authorities concerned dictums of the Honourable Courts.
- o. That the appellant is absolutely innocent. He had no direct or indirect contact with the alleged abductee. Moreover, under the law, the offence of kidnapping through enticing is completed when both the male and female meet each other. In this case neither the appellant nor the alleged abductee were met nor acquainted with each other. The abductee was unaware of even name of the appellant thus the offence U/S 496-A PPC did not take place at all. As such registration of case U/S 496-A PPC and departmental punishment i.e. dismissal from service is illegal and of no legal effect.
- p. That appellant belongs to a respectable family of Kohat and in addition being member of the law enforcing agency the appellant is mindful of the fact that he is not supposed to indulge himself in such unlawful and unethical activities.

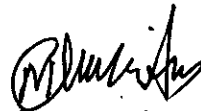
(6)

The appellant can not imagine to indulge himself in such unlawful and unethical activities.

- q. That the punishment of dismissal is unlawful, whimsical, fanciful, capricious, one sided, harsh and against the well established principles of justice. Hence it is liable to be set aside.
- r. That since the impugned order of punishment is against law and facts on record, therefore, it is not sustainable in the eyes of law and rules.
- s. That any other ground will be raised at the time of arguments.

PRAYER:

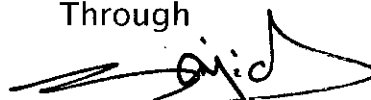
In view of the above, it is prayed that the order of dismissal of the appellant being unlawful, against the principles of justice and evidence or record may please be set aside in the great interest of law and justice. The appellant may kindly be reinstated in service with all back benefits and privileges. Any other relief, which the Honourable Tribunal deems proper may also be graciously directed to be provided to the appellant.



Muhammad Mubashir Anwar  
(Appellant)

Dated: \_\_\_\_\_/2020.

Through



Qazi Sajid Ud Din Advocate

(7)

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No. \_\_\_\_\_ / 2020.

Mubashir Anwar Ex- Constable No.692 (Appellant)

Versus

The Inspector General of Police Khyber Pakhtunkhwa Peshawar.

etc. (Respondents)

Appeal

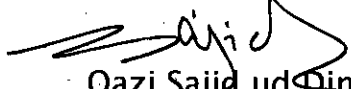
AFFIDAVIT

I, Mubashir Anwar son of Anwar Khan Ex- Constable  
No.692, Resident of Near Union Council Office Khairmatoo  
Kohat do hereby solemnly affirm and declare that the  
contents of the Appeal are true and correct to the best of  
my knowledge and belief and nothing has been concealed  
from this honorable Tribunal.



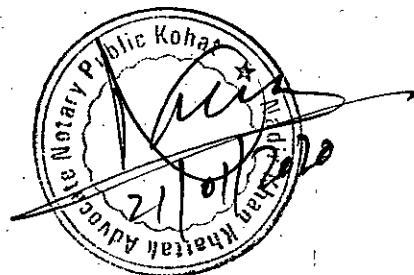
Deponent  
Mubashir Anwar

Identified by:



Qazi Sajid ud Din Advocate  
Advocate

**ATTESTED**



BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR

Appeal No. \_\_\_\_\_ / 2020.

Mubashir Anwar Ex- Constable No.692 (Appellant)

Versus

The Inspector General of Police Khyber Pakhtunkhwa Peshawar.  
etc. (Respondents)

Appeal

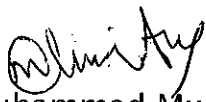
ADDRESSES OF THE PARTIES

Appellant:

Mubashir Anwar son of Anwar Khan (Ex- Constable No.692)  
Resident of Near Union Council Office Khairmatoo Kohat.

Respondents:

1. The Inspector General of Police Khyber Pakhtunkhwa Peshawar, Central Police Office Peshawar.
2. The Deputy Inspector General of Police Kohat Region Cantt: Kohat.
3. The District Police Officer, District Courts Kohat.

  
Muhammad Mubashir Anwar  
(Appellant)

Dated: \_\_\_\_\_/2020.

Through  
  
Qazi Sajid ud Din Advocate

(9)

Annex A



Office of the  
District Police Officer,  
Kohat

No 8060-61/PA

Dated 03-7/2019

CHARGE SHEET.

1. CAPT. WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **Constable Mubashir Anwar No. 692** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

*Being involved in Criminal Case vide FIR No. 504 dated 30.06.2019 U/S 496-A PPC PS Billitang, which is a gross misconduct on your part*

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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 ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER,  
KOHAT 3/7/19

Attested,

QAZI SAJID-UD-DIN  
MA (Pol. Co) LLB  
(Retd) SSF  
Advocate Kohat

حوالہ جامع سند خاموشی حیدر اللہ 692/1

صائب علی ا حوالہ جامع سند رقم PA/611-8060 حوالہ 03

خاموشی بر الزم کتاباں سے - تروہ حوالہ مقدمہ 750  
حوالہ 30/19 مع A 496 کا نسخہ ملی سند میں ملتا ہے -  
جو کہ سند میں کہ Conduct Hiss کی سند میں آتا ہے

صائب علی ا حوالہ جامع سند مذکورہ صورتوں میں - کہ

مقدمہ مذکورہ بالا کو صرف حال عد سلفان کی گواہی پر درج  
ہو گیا ہے جس کے الزم کتاباں سے - کہ اصل دفتر "بی"

حاجہ ظاہر علی بیگم کا سال نامعلوم مگر ماں اور بیگم کے  
میں سند

صائب علی ا لیدر از اندلاع دیتیم دور ال انیس کے دعویٰ خود خورد نام  
میں سند حافظ بیگم کے حکم لدا از مہدی بیگم زیر رقم 164/

صائب علی ا سند مذکورہ بالا میں ماسام نامہ سند  
اور لیدر از ان سند مذکورہ بالا میں خود کے بیان کی ہوئی

میں جس میں کوئی تصدیق نہیں - تاہم لیدر از ان میں سند  
مذکورہ فریقین کے درمیان - کہ میں میں واقع میں ملتا ہے

Attested  
سید

QAZI SAJID-UD-DIN  
MA (Pol. Co) LLB  
(Retd) SSF  
Advocate Kohat



خواجہ سعید محمد خان صاحب

- 2 -

اور وہ مکمل بننا ہے۔ اس وقت تک کہ اس نام لیا۔ میں  
 سائل کے غائب منگولوں کی حالت کاال فروری ۱۹۶۱ء تک رہا ہے۔  
 صاحب مالک مسیح خوجہ کے والد صاحب اور مسیح خوجہ کے والد صاحب  
 کہ جس سائل اس مقدمے میں ہے بنا ہے۔ اس سے میں اس کا  
 سیکرٹری کاال فروری ۱۹۶۱ء تک رہا ہے۔ ایک عدویہ خود بنا کر اس کے  
 سائل کا مسیح خوجہ کے ساتھ کسی مقدمے کا تعلق نہ تھا۔ اور  
 کسی لپٹ تھا۔ اور آج ہے۔ میں سائل کو قہر کے سائل  
 آج آج ہر مقدمے میں مقبول ہے۔ یہ سائل خوار کر کے والے  
 کو جانتی ہی نہ تھی۔ تو کیفیت عورتوں کے لئے اور  
 نامعلوم مرد رٹ کے لئے بھیہ حاصل ہے۔ ایک عدویہ  
 سرپرستوں کے مسیح خوجہ کے نہ تھے میں سائل کا کورا  
 نام نہیں کر رہا ہے۔ اور نہ ہی اس کی ولایت بدلا  
 ہے۔ اور نہ ہی اس کا صلح بدلا ہے۔ اگر میں سائل  
 نے مسیح خوجہ کو انواع یا ور عدویہ بدلا ہے۔ تو  
 لقیقاً اس کو اس کے نام ولایت اور صلح حاصل  
 تہرہ حل طارنا جائے تھا۔ میں مسیح خوجہ کے  
 سائل کے لئے نام اس کے

کتاب

Attested

QAZI SAJID-UD-DIN  
MA (Pol. Co) LLP  
(Retd) SSF

- 3 -

ضابطہ ۱  
 سن ۲۰۱۷ء میں سائل نے کئی بار کراچی میں لنگر خانہ  
 کھولی تھی اور اس دوران کئی بار کراچی پولیس کے افسران  
 کے ساتھ مل کر کراچی میں لنگر خانہ کھولنے کی اجازت  
 حاصل کرنے کے لیے درخواستیں جمع کرائی گئیں۔  
 تاہم کراچی پولیس نے سائل کی درخواستوں کو منظور  
 نہیں کیا۔ سائل نے کراچی پولیس کے افسران سے  
 درخواستیں جمع کرائی ہیں۔ تاہم کراچی پولیس  
 نے سائل کی درخواستوں کو منظور نہیں کیا۔  
 سائل نے کراچی پولیس کے افسران سے درخواستیں  
 جمع کرائی ہیں۔ تاہم کراچی پولیس نے سائل  
 کی درخواستوں کو منظور نہیں کیا۔

سائل نے کراچی پولیس کے افسران سے درخواستیں  
 جمع کرائی ہیں۔ تاہم کراچی پولیس نے سائل  
 کی درخواستوں کو منظور نہیں کیا۔ سائل  
 نے کراچی پولیس کے افسران سے درخواستیں  
 جمع کرائی ہیں۔ تاہم کراچی پولیس نے سائل  
 کی درخواستوں کو منظور نہیں کیا۔

Attested  
 [Signature]

QAZI SAJID-UD-DIN  
 MA (Pol Sc) LLP  
 (Ptd) SSF  
 Advocate/Chat

۱۵  
 ۶۹۲ - متفقہ طور پر لائن کھولنے کے لیے  
 ۱۹/۵



(14)  
Anwar D

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

### ORDER

This order is passed on the departmental enquiry against Constable Mubashir Anwar No. 692 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that the accused official was charged for enticing of the a woman vide case vide FIR No. 504 dated 30.06.2019 U/S 496-A PPC PS Billitang.

The accused official was served with charge sheet & statement of allegation and SP Investigation, Kohat was appointed as enquiry officer to scrutinize the conduct of accused official. The enquiry officer vide his finding held him guilty of the charge and recommended for punishment.

In view of above Final Show Cause Notice alongwith finding of enquiry was served upon the accused official. Reply to Show Cause Notice was received unsatisfactory

Therefore, the defaulter official was called in O.R held on 26.07.2019 and heard in person, but he failed to advance any plausible explanation to his misconduct.

I have gone through the available record, which transpires that the accused official was directly charged in FIR for enticing away daughter of the complainant Yousaf Khan. Therefore, the accused official has committed a moral turpitude offence, earned bad name to the department and damaged the image of Police. Furthermore, the accused official was appointed as Constable on 26.12.2016 and during his short span of service i.e less than 03 years indulged himself in a serious / moral turpitude offence. His retention in service will be a stigma on force. The charge leveled against the accused official is proved beyond any shadow of doubt. Hence, in exercise of the powers conferred upon me, I Capt. @ Wahid Mehmood District Police Officer, Kohat hereby impose a major punishment of "dismissal from service" on accused constable Mubashir Anwar No. 692 with immediate effect. The kit etc issued to the accused official be collected immediately.

DISTRICT POLICE OFFICER,  
KOHAT

OB No. 923  
Date 29-07-2019

No. 9052/54/PA dated Kohat the 29-7-2019

Copy of above to the:-

1. R.I Police Lines is hereby directed to collect kit etc from accused official and report.
2. Reader/SRC/OHC/Pay Officer for necessary action.

Attested  
Sajid  
QAZI SAJID-UD-DIN  
MA (Pol. Sc) LLB  
(Retd) SSF  
Advocate Kohat

(15)

Annex "E"

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE, KOHAT  
REGION KOHAT

Subject: APPEAL AGAINST THE ORDER OF DPO KOHAT ISSUED VIDE OB NO. 923  
DATED 29-7-2019 WHEREBY THE APPELLANT EX-CONSTABLE MUBASHIR  
ANWAR NO 692 WAS DISMISSED FROM SERVICE WITH IMMEDIATE  
EFFECT.

Respectfully Shewith,

With veneration, the appellant submits the instant appeal for your judicious consideration on the bases of the following facts and grounds.

Facts. Shortly stated allegation against the accused was that he was charged vide case FIR No. 504 dated 30-6-2019 u/s 496-A PPC PS Biliting for enticing of a woman on account of the above allegation, the appellant was proceeded against departmentally and awarded the punishment cited as per subject by DPO Kohat vide the impugned order. Hence this appeal.

**GROUNDS.**

- A. That the allegation levelled against the appellant is incorrect. The appellant was not charged in the FIR rather the same was registered against unknown accused.
- B. That the alleged abductee was not recovered from the custody of the appellant by the police.
- C. That the appellant had not made any confession before the court during the course of investigation.
- D. That the alleged abductee had initially charged one Nasir but subsequently changed her stance and falsely named the appellant at some body's instance.
- E. That there was no solid evidence against the appellant to connection him in any manner with the commission of the alleged offence.
- F. That the appellant was married 7-8 months prior to the alleged occurrence and there could be no reason for the appellant to indulge in such like undesirable activities.
- G. That the appellant had proved his innocence before Yousaf Khan complainant and his daughter Fatima Bibi i.e the alleged abductee and in this regard both had submitted joint affidavit before the court completely exonerating the appellant of the charge levelled against him.
- H. That the departmental enquiry was not conducted in the presence of the appellant and no opportunity of cross examination of the witnesses was afforded to the appellant during the course of departmental enquiry. Thus the appellant was deprived of his legal right to defend himself.

(16)

**PRAYER:**

In view of the above submissions it is prayed that by accepting the instant appeal, the impugned order of DPO Kohat may kindly be set aside and the appellant re-instated in service w.e.f from the date of his dismissal with all the back benefits please.

Yours Obediently

*Mubashir*

Ex-Constable Mubashir Anwar  
No. 692  
S/O Anwar Khan  
R/O Kharmatu  
PS Bilitang Kohat.

*Attested:  
Sajid*

QAZI SAJID-UD-DIN  
MA (Pol. Sc) LLB  
(Retd) SSP  
Advocate Kohat

(17)

Annex "F"

POLICE DEPTT:

KOFAT REGION

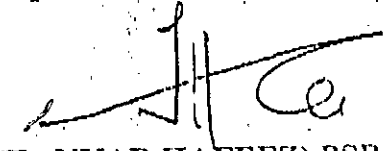
ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Mubashir Anwar No. 692 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 923, dated 29.07.2019 whereby he was awarded major punishment of dismissal from service on the allegations of his involvement in a criminal case vide FIR No. 504, dated 30.06.2019 u/s 496-A PPC PS Billitang, Kohat.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held on 31.12.2019. During hearing, he did not advance any plausible explanation in his defense to prove his innocence and just forwarded lame excuses.


I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O in his findings. Therefore, his appeal being devoid of merits is hereby rejected.

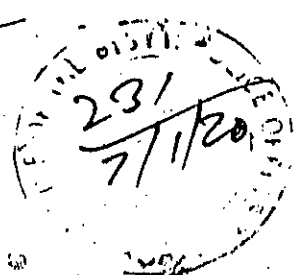
Order Announced  
01.01.2020


  
(TAYYAB HAFEEZ) PSP  
Region Police Officer,  
Kohat Region.

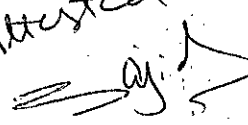
No. 268 /EC, dated Kohat the 3-1-2020.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 15850/LB, dated 02.09.2019. His Service Roll & Fauji Missal / Enquiry File is returned herewith.

*DSP/LB/PA/DA/...*  
*for 7/1/20*  
  
*6/1/20*



  
(TAYYAB HAFEEZ) PSP  
Region Police Officer,  
Kohat Region.

Attested:  


QAZI SAJID-UD-DIN  
MA (Pol. Co) LLR  
(Retd) SSR  
Advocate Kohat

2

# ایبٹ آبادی اطلاع رپورٹ

نومبر 2022ء  
درجہ اول  
آن ایلیمنٹ

(فائل) ایبٹ آبادی اطلاع نسبت جرم قابل دست اندازی پولیس ایبٹ آبادی نو ذمہ رقم 102 مجموعہ رابطہ نو چوری

نمبر	تاریخ درجت وقوعہ	تاریخ وقوعہ	تاریخ دوقت رپورٹ
504	29/6	29/6	29/6
نام و سکونت اطلاع دہندہ و متنبہت	21303-9623057-3	60111415	60111415
مختصر کیفیت جرم (مورد نم) حال اگر کچھ یا گیا ہو	یوسف خان ولد سلطان علی ضلع گجر گنڈی ایبٹ آباد	0334-8293767	0334-8293767
جائے وقوعہ فاصلہ تھانہ سے اور سمیت	496A	خانہ ازان مدنی واقعہ فیہ بابا جی بلڈنگ	خانہ ازان مدنی واقعہ فیہ بابا جی بلڈنگ
نام و سکونت ملزم	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو۔	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈاک

ایبٹ آبادی اطلاع نیچے درج کرو متنبہت مندرجہ ذیل ہے: دفتر ام ایبٹ آبادی  
 کیا رپورٹ ہو کہ عد روز 29/6/22 کو تھی۔ جن سرناموں کے تحت شروع کر کے دوران اطلاع  
 متنبہت مندرجہ ذیل ہے: متنبہت بیان نہ ہو نوم 161 طرف دیگر جن میں باقاعدہ دستاویز حیاہ ظفر بی بی  
 کو مٹا گیا ہے کہ ایف بی آر کے تحت 2 جانے کا برخلاف قسمی پیشہ ورانہ صورت حال کے خدشات و حوا  
 کے لیے جس مقدمہ میں باہر برخلاف ملزم ہار جرح کا کہ لے کر FIR کے دیگر کاغذات لے کر  
 تفتیش حیاہ KBI سٹاف گھائی ہے۔ جرح کر کے لے کر لے کر لے کر لے کر لے کر لے کر لے کر  
 وزیر سلطان علی ضلع ایبٹ آباد 59 سال سے متنبہت ملزم ایبٹ آبادی ایبٹ آبادی ایبٹ آبادی  
 کارروائی 21303-9623057-3 حیاہ غبر 0334-8293767 طرف 29/6/22 وقت 14:45  
 چلتی تھی تھانہ اگر لوہا رپورٹ کرنا ہے کہ میں 13 بابا جی بلڈنگ میں کر کے میں تلاش نہ ہو  
 تھانہ گھر میں 4 ترمیم اور 3 جی بی ای سبب رہتا ہوں۔ میں تفتیش خدوئی کر کے لے کر لے کر  
 کا تفتیش خانہ میں۔ امداد وقت قریب 14:45 منوئی کر کے گھر میں آنا۔ تلاش دوران راج  
 میں تھانہ ایبٹ آبادی ایبٹ آبادی ایبٹ آبادی ایبٹ آبادی ایبٹ آبادی ایبٹ آبادی ایبٹ آبادی  
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(19)

Annex H<sup>2</sup>

Joint statement of Yousaf Khan s/o Sultan Ali Khan, 2- Mst. Fatima Bibi d/o Yousaf Khan w/o Mohallah Baba Jee Bilitang (unpublished/undated) on the

Stated that we have made true and genuine compromise with the accused petitioner Mubashir Anwar out of the court in case FIR No. 504 dated 30.6.2019 u/s 496-A PPC PS Bilitang; and we have got no objection if the accused is released on or acquitted in the instant case. In this respect the compromise deed is Ex.PA and copy of my CNIC is Ex. PB.

R.O&AC

27.2019

Yousaf Khan CNIC No.21303-9623057-3

Mst. Fatima Bibi d/o Yousaf Khan

Identified by Nadir Khan s/o Asraf Khan (Nazim of Union council Kharmatoor)

*نادر خان*  
Nadir Khan Nazim  
VIC-62 Dahir Taluka  
Mera Kharmatoor Kohat

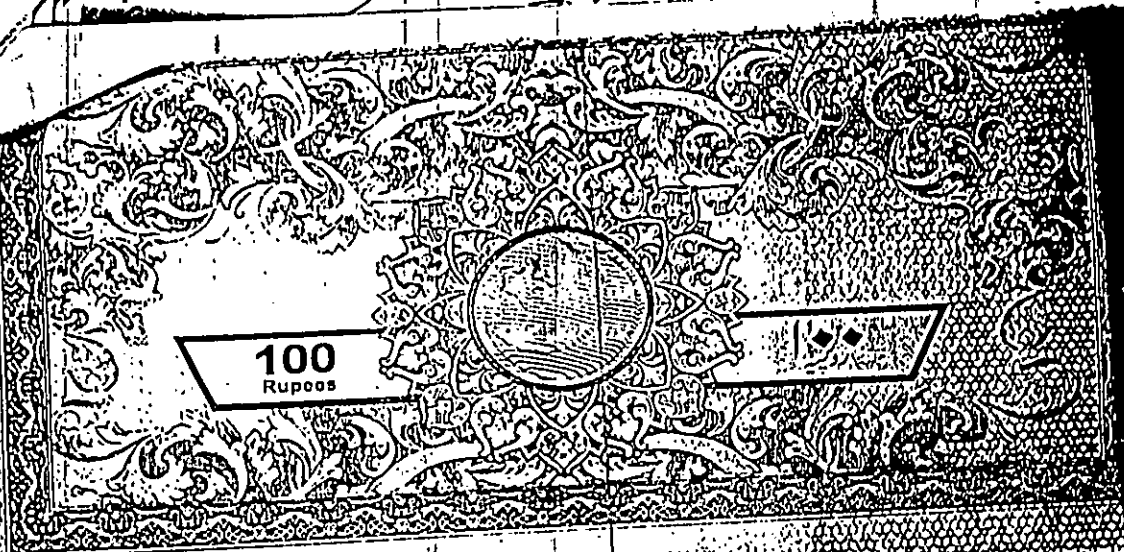
*Tariq Abbas*  
(Tariq Abbas)  
SC/JM u/s 30 Cr.PC Kohat.

ATTESTED TO BE TRUE  
27.06.2019  
COPIES  
EXAMINED  
BY  
MAGISTRATE  
KOHAT

Attested.  
*Sajid*

QAZI SAJID-UD-DIN  
MA (Pol. Sc) LLP  
(Retd) SSF  
Advocate Kohat





دیس سٹیٹ بینک آف پاکستان

سیریل نمبر ۱۰۰  
عشر الیرو لاکھ روپے

مبلغ ۵۵۶ روپے ۱۹/۶/۲۰۱۹  
۶۲۶۸۰۰۰۰

بین الاقوامی

میرا دوست عزیز و اولاد سلطان علی خان صاحب  
کراچی کے رہنے والے ہیں اور ان کے پاس  
کئی بینک اکاؤنٹس ہیں۔

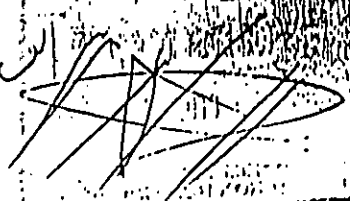
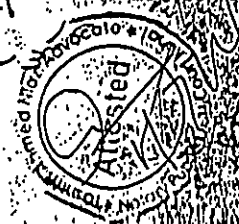
۱۔ یہ رقم ان کے پاس (میں) بلات فلف ریورٹ درج ہے۔

۲۔ یہ رقم ان کے پاس (میں) بلات فلف ریورٹ درج ہے۔

۳۔ یہ رقم ان کے پاس (میں) بلات فلف ریورٹ درج ہے۔

۴۔ یہ رقم ان کے پاس (میں) بلات فلف ریورٹ درج ہے۔

۵۔ یہ رقم ان کے پاس (میں) بلات فلف ریورٹ درج ہے۔



Qazi Sajid Ahmad

11/6/2019



Handwritten Urdu text: "مذکورہ سے نہ ہرگز، کوئی اور عدالت میں نوٹس دینا، نہ وکالت کا کام، نہ ہرگز اور نوٹس دینا"

Signature of Qazi Sajid Ahmad



Handwritten Urdu text: "کوئی نوٹس دینا" and "21303-9623057-3"

Signature and date "11/7/19"

ATTESTED TO BE TRUE COPY  
03 JUL 2019  
MAJID AHMED

Attested  
Signature

QAZI SAJID AHMAD  
MAJID AHMED  
Advocate Lahore

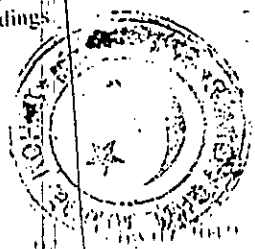
Serial No. of Order of Proceedings

Date of order or Proceedings

Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary

FIR # 504 Dated: 30.06.2019 u/s 496-A PPC/PS Billiang  
Case No. /BA Date of Institution: 02.07.2019

Title: State VS Mubashir Anwar



1. Shubson Tabassum Dy.PP for the state present. Complainant Yousaf Khan and abductee Mst. Fatima Bibi in person present alongwith Nadar Khan (Nazim). Accused/petitioner Mubashir Anwar s/o Anwar Khan through his counsel Nadir Khan Khattak Advocate present. Record received. Record perused.

2. This bail petition is moved by the accused/petitioner Mubashir Anwar s/o Anwar Khan r/o Kharmato Kohat, seeking post-arrest bail in the above mentioned case/FIR.

3. At the very outset complainant Yousaf Khan and abductee Mst. Fatima stated before the Court that they got no objection if the accused/petitioner is released on bail or acquitted in the instant case and they jointly produced compromise deed on stamp paper, which is placed on file. Their joint statement recorded and placed on file.

4. Brief facts of the case are that on the report of complainant Yousaf Khan s/o Sultan Ali Khan, instant FIR was registered, wherein he reported that his daughter Mst. Fatima Bibi aged 16/17 years was enticed and taken by some unknown accused. During course of

*[Signature]*  
Senior Civil Judge  
Judicial Magistrate Kohat

TESTED TO BE TRUE COPY  
03/07/2019  
JUDICIAL MAGISTRATE KOHAT

*Handwritten notes in left margin:*  
U.S. 31-6-2019  
BA 10  
30.6.2019  
30.6.2019  
PP

investigation Mst. Fatima Bibi was recovered and she recorded her statement before the Investigation Officer u/s 161 Cr.PC and before the Court u/s 164 Cr.PC, wherein she stated that a boy called on her mobile and introduced himself as one Nasir, and thus she was in contact with him. That he enticed and compelled her to escape from the home and to contract marriage with him. Thus without informing her family members, she escaped from her house and reached to the place on the instruction of Nasir but when she reached, Nasir was not available and his phone was not responding. Thereafter she came to know that Nasir's actual name is Mubashir, thus the victim Mst. Fatima Bibi also charged accused Mubashir Anwar for the commission of offence.

5. During arguments it revealed that accused Mubashir Anwar is working as Constable in KDA Police Station, Kohat.

6. In view of facts as the parties have effected true and genuine compromise, which is in the interest of parties, therefore on the sole ground of compromise, the instant bail petition is accepted. Accused/petitioner be released on bail subject to furnishing surety bonds to the tune of Rs.80,000/- with two sureties each in the like amount to the satisfaction of this Court. Sureties must be local reliable and men of means. Record along with copy of this order and bond if any to be sent forthwith to quarter concerned.

*[Signature]*  
 Senior Civil Judge  
 Judicial Magistrate Kohat

ATTESTED TO BE TRUE  
 10.3.2011  
 [Signature]

7. Moharrar of this court is directed to send copy of this order to learned District Police Officer, Kohat, for information and to keep vigilant eye on the activities of the accused/petitioner, being foot soldier of police department, assigned with the sensitive duty of public security. File of this Court be consigned to record room after its necessary completion and compilation.

ANNOUNCED:  
02.07.2019

*Tariq Abbas*  
Tariq Abbas  
Senior Civil Judge/Judicial  
Magistrate-*us* 30 Cr.P.C, Kohat  
Senior Civil Judge  
Magistrate Kohat

CERTIFICATE

Certified that my this order consists of (03) pages, each page has been read and signed by me after necessary correction.

*Tariq Abbas*  
Tariq Abbas  
Senior Civil Judge/Judicial  
Magistrate *us* 30 Cr.P.C, Kohat

Senior Civil Judge  
Magistrate Kohat

COPIES TO BE MADE  
03 JUL 2019  
COPIES TO  
COPIES BRANCH KOHAT

Attested  
*Sajid*

QAZI SAJI  
MA(Pc  
(Retd)  
Advocate Kohat

PW-1 Statement of Yousaf Khan S/O Sultan Ali Khan R/O.

(25) Annex "J"

Billitang

I reported the matter to the local police on 26.9.2019 in shape of Nakal Mad, at about 14.45 hours that I am as residing in Mohalla Baba Gee, on rent 1 alongwith 4 male children and 3 female children are residing. I am labor and on the day of occurrence when I came back from labor work my wife told me that my daughter Mst. Fatima Bibi went out from the house, I search her in the Mohalla and inquired from relatives. I was not in a possession to tell that my daughter went out from the house on her own will or somebody has taken away, on the above mentioned stance I reported the matter to the local police, while my report was testified by Lal Mohammad S/O Said Mohammad, I also signed the report.

XXX: I don't want to charge the accused facing trial as he has satisfied me in the Jirga, in the PS regarding his innocence and in this respect the photocopy of my affidavit is already placed on file. I am not I eye witness of the occurrence, therefore I lodged the report against the unknown accused. I have got no objection if the accused facing trial acquitted from the charges label against him.

R.O&AC

19.11.2017

ATTESTED TO BE TRUE COPY  
COPING BRANCH

QAZI SAJID  
MA (Police)  
(Retd) PSF  
Advocate Kohat

SCJ, JM-30 Kohat

PW-2 Statement of Fatimat Bibi D/O Yousaf Khan R/O Kuram

Agency presently Billitang Kohat.

Stated that I charged the accused while my statement was recorded U/S 164, where I stated that I was connection with the accused facing trial on mobile and on 29.6.2019, I left the house at about 13.30 to contract marriage with him near graveyard of Billitang. I was waiting for him and I contracted Nasir, repeatedly on the phone, I waited along but his mobile was off, as I left my house without permission my parents for contracting marriage, to save myself I went to the relative house situated at Billitang, and narrated the whole the story. In my presence they telephonically contacted with police. This is my statement.

XXX: On the day of occurrence the accused facing trial did not meet me I did not handover my mobile phone to the local police to verify the fact regarding the telephonically contact. I have also did not give my number in my statement recorded U/S 164 Cr.PC , before the court. I have got no objection if the accused acquitted from the charger label against him as accused his satisfied me regarding his innocence.

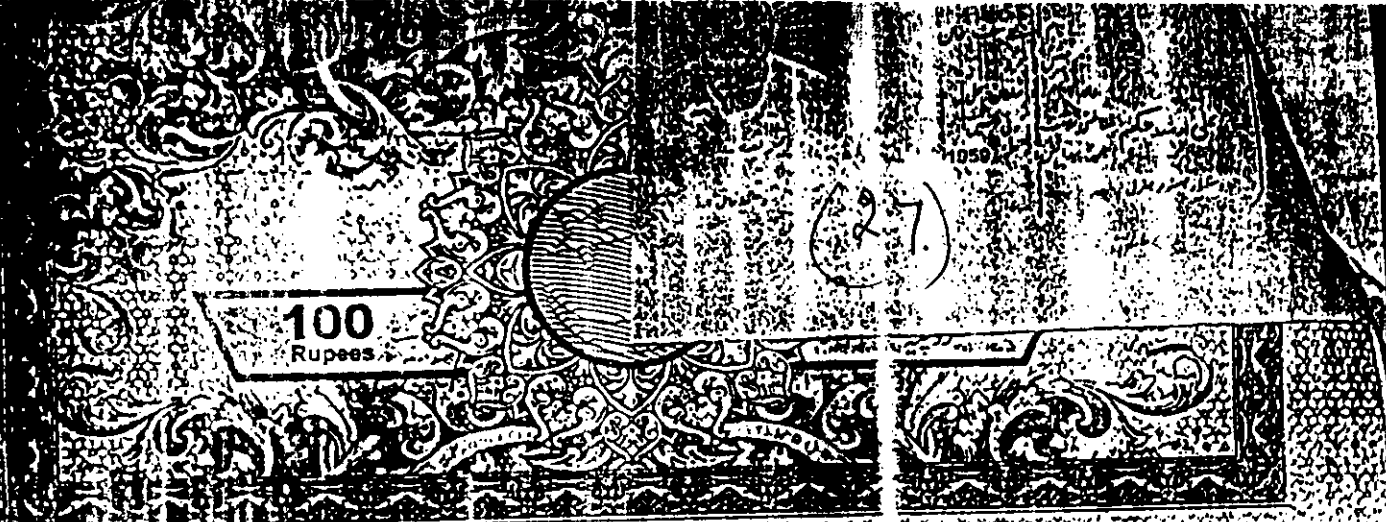
RO&AC

19.11.2017

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SCJ, JM-30 Kohat  
Attested  
[Signature]

QAZI SAJID  
MA (Pol)  
(Retd)  
Advocate Kohat



100 Rupees

(27)

لیدرالت ہا ب...  
عشر النور والنور  
مکتبہ فرما کو کراچی

20/11/19  
Ghazi Sajid

حکومت سندھ 504 صدریہ 29/6/19  
بیانہ تلف

تہ...  
تلف بیانہ

ATTESTED TO BE TRUE COPY  
- 20 NOV 1919  
GHAZI SAJID

یہ...  
تہ...  
تہ...

Attested  
GHAZI SAJID  
MA (Pol. B)  
(Retd) SSP  
Advocate Khat

تہ...  
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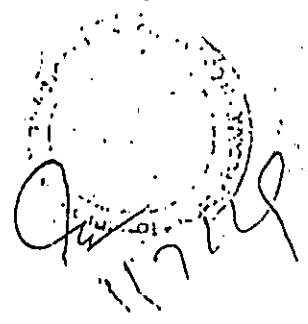
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ATTESTED TRUE COPY

2019

CC BY-NC-SA

Form - A

FORM OF ORDER SHEET  
IN THE COURT OF TARIQ ABBAS, SENIOR CIVIL JUDGE/JUDICIAL  
MAGISTRATE U/S 30 CR.P.C, KOHAT

Annex K

FIR #504 Dated 30.06.2019 u/s 496-A PPC PS Billitang

Title: State VS Muhammad Mubashir Anwar s/o Anwar Khan r/o Kharmatoo

No. of order	Date of order	Order
Order # 09	12.12.2019	<p>1. Learned APP Amjid Ali for the state present. Complainant with counsel present. Accused on bail with counsel present. Arguments on application u/s 249-A Cr.PC already heard. Record perused.</p> <p>2. Brief facts of the case are that on 29.06.2019 at 14:45 hours complainant Yousaf Khan reported the matter to local police that on 26.06.2019 at 13:45 hours some her daughter namely Fatima Bibi left her house and went with someone with her own consent or someone taken and enticed away her. He charged unknown accused for the commission of offence. Later on, on 30.06.2019 Fatima Bibi recorded her statement and charged one Nasir for the commission of offence, wherein she stated that Nasir enticed her that he will marry with her and on 26.06.2019 she left her house on the instigation of Nasir to marry with him but he did not meet with her and switched off his mobile, thereafter she contacted her relative, who informed the local police, hence the instant case.</p> <p>3. Perusal of record reveals that the complainant has not charged</p>



*[Handwritten signature]*

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16 DEC 2019

EXAMINED  
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the accused by name for the commission of offence. Likewise the alleged abductee in her statement recorded as PW-2 also admitted that she did not meet with the accused facing trial on the day of occurrence and got no objection on the acquittal of the accused facing trial. This fact also admitted by the complainant while appearing as PW-1 and he also got no objection on the acquittal of the accused facing trial.

4. Keeping in view the above, there is no probability of conviction of the accused and further proceeding in the case would a futile exercise and wastage of precious time of the court as complainant party got no objection on the acquittal of the accused facing trial, therefore, the accused facing trial Muhammad Mubashir Anwar is hereby acquitted in the above mentioned case u/s 249-A Cr.PC.
5. File be consigned to record room after its necessary completion and compilation.

**Announced:**

Dated: 12.12.2019

*Tariq Abbas*

**Tariq Abbas**

Senior Civil Judge/Judicial  
Magistrate u/s 30 Cr.P.C, Kohat

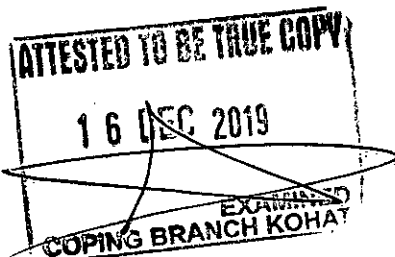
**CERTIFICATE**

Certified that my this order consists of (02) pages, each page has been read and signed by me after necessary correction.

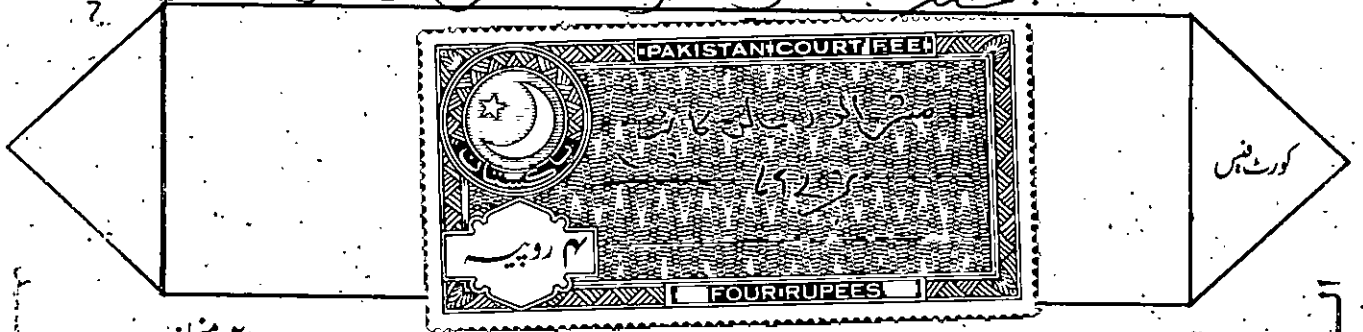
*Tariq Abbas*

**Tariq Abbas**

Senior Civil Judge/Judicial  
Magistrate u/s 30 Cr.P.C, Kohat



بعدالت جناب جسے چکنو کو الاسروس ٹریسول کھنڈ



۲۰ منجانب

مقدمہ

منشرد الود سدالقی نام السطر حیرل آف  
کالٹیل ۶۹۲ لولسی حیرل محنو کھوالا

علت نمبر

جرم زید دفعہ

مورخہ

تھانہ

کھنڈ

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جوابدہی کل کاروائی متعلقہ آس مقام کے لیے کھنڈ

قالتی صاحبہ (مہربانہ) اسٹ

مقرر کر کے اقرار کیا جاتا ہے کہ صاحبہ موصوفہ کو مقدمہ کی کل کاروائی کا اختیار ہوگا۔ نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرانے اجرا اور وصولی چیک در روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی و نیز دائر کرنے اپیل نگرانی نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور کے کل یا جزو کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اس کے مستحق کیا صاحب موصوفہ ہوں گے نیز بقایا خرچہ کی وصولی کرنے کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو وکیل صاحب یا ہونے ہوں گے کہ پیروی مذکور کریں۔ لہذا نکالت نامہ لکھ دیا کہ سندر ہے۔

المقوم

Attested & Accepted  
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۱۴۳۰ھ ۱۶۹۶۹۶۹۶۹-۳  
منظور ہے

مقام کوہاٹ

QAZI SAJID-UD-DIN  
MA (Pol. Sc) LLB  
(Retd) SSP  
Advocate Kohat

منشرد الود  
کھنڈ

لجدرالت جناب چیرمین سروس ٹریبونل پشاور

صبرالذکر ولد الورد خان سکندر خرماتو تحصیل و ضلع کوہاٹ  
بنام

انسپیکٹر جنرل آف پولیس خیبر پختونخواہ پشاور

درخواست عمارت تبدیلی تاریخ پیشی آج یوم

جناب عالی! یہ کہ سائل / اپیلانٹ ذیل عہد کرتا ہے۔

یہ کہ سائل / اپیلانٹ کا کیس زیر تجویز عدالت حضور  
ہے۔ جس میں امروزہ تاریخی پیشی مقرر ہے۔

یہ کہ سائل / اپیلانٹ کا وکیل بھمداد ہے جو کہ عدالت  
حضور حاضر ہونے سے قاصر ہے۔

استدعا ہے کہ اپیلانٹ تاریخ تبدیل کرنے کا حکم فرمائی  
جاوے۔

QAZI SAJJID-UD-DIN  
(MA Pol. Sc) LLB  
(Retd) SSP  
Advocate Kohat

السجد

صبرالذکر بذریعہ قاضی ساجد الدین ایڈووکیٹ کوہاٹ