

28.06.2022

Learned counsel for the appellant present. Mr. Atta Ur Rehman Inspector (Legal) alongwith Mr. Naseer Ud Din Shah, Assistant Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment in order to prepare the brief of the case. Adjourned. To come up for arguments on 11.08.2022 before the D.B.



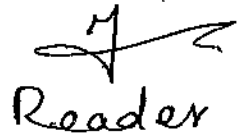
(Rozina Rehman)
Member (J)



(Salah Ud Din)
Member (J)

11-8-2022

Proper DB not available the case is adjourned to 5-9-2022



Reader

05.09.2022

Due to leave of the Worthy Chairman, the Bench is incomplete. Case to come up for the same on 03.11.2022 before the D.B.



Reader

3rd Nov. 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 28.11.2022 before the D.B.



(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

Deleted from the court to come up for the same on 8/2/23

28.02.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 29.03.2022 for the same as before.

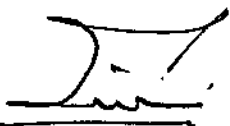

Reader

29.03:2022

Appellant alongwith his counsel present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Arguments could not be heard due to paucity of time. Adjourned. To come up for arguments on 13.05.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

13-5-22

Proper DB not available the case is adjourned on 28-6-22

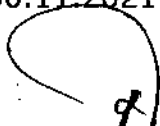
Reader

13.09.2021

Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Former submitted rejoinder with a request for adjournment. Request is accorded. To come up for arguments on 30.11.2021 before D.B.


(Rozina Rehman)
Member (J)

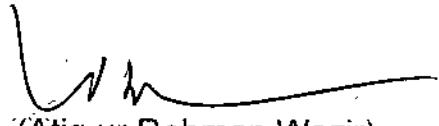

Chairman


30.11.2021

Appellant in person present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General alongwith Mr. Khyal Roz Inspector for respondents present.

Former made a request for adjournment as his counsel is not available today. Adjourned. To come up for arguments on 01.02.2022 before D.B.



(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

01.02.2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Abdul Basir, Inspector (Legal) for respondents present.


Due to paucity of time arguments could not be heard. To come up for arguments on 28.02.2022 before the D.B.


(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

22.03.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Khalid Mehmood, Head Constable for the respondents present and requested for further time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 25.05.2021 before S.B.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

25.05.2021

Counsel for the appellant and Mr. Khial Roz, Inspector (Legal) for respondents No. 1 to 3 alongwith Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Respondents No. 1 to 3 have furnished their joint parawise comments. As far as respondents No. 4 & 5 are concerned, they in view of particular position of the matter in dispute are not necessary parties and appear to have been arrayed just as a matter of formality. Learned AAG when confronted with the position has added that even if respondents No. 4 & 5 are asked to file the reply, they will file no different reply to the reply as filed by respondents No. 1 to 3. So, there is no need to wait for reply of respondents No. 4 & 5. To come up for arguments on 13.09.2021 before the D.B.


Chairman

29.10.2020

Appellant present in person.

Lawyers are on general strike, therefore, case is adjourned to 29.12.2020 for preliminary hearing, before S.B.



(Rozina Rehman)
Member (J)

29.12.2020

Learned counsel for the appellant present.

Preliminary arguments heard.

Points raised need consideration. The appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 22.03.2021 before S.B.



Appellant Deposited
Security & Process Fee



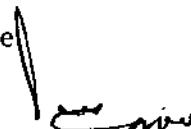


(Atiq-Ur-Rehman Wazir)
Member (E)

+Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7812 /2020

15.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/07/2020	<p>The appeal of Mr. Mufeed Muhammad resubmitted today by Malik Haroon Iqbal Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11/09/2020</u></p> <p> CHAIRMAN</p>
	11.09.2020	<p>Counsel for the appellant present.</p> <p>Requests for adjournment in order to further prepare the brief. Adjourned to 17.11.2020 before S.B.</p> <p> Chairman</p>

Appellant Deposit
Security & Process Fee

The appeal of Mr. Mufeed Muhammad Ex-Constable No. 2493MR received today i.e. on 06.07.2020 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Copies of show cause notice and its reply mentioned in para-9 of the memo of appeal (Annexure-C/I) are not attached with the appeal which may be placed on it.
- 2- Annexure-E of the appeal is illegible which may be replaced by legible/better one.
- 3- Annexures of the appeal may be attested.

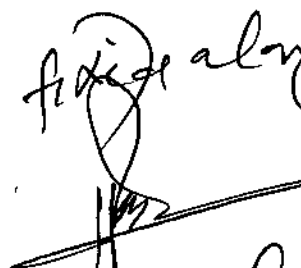
No. 1388 /S.T,

Dt. 07-07 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Malik Haroon Iqbal Adv.Pesh.

Sir,
Re-submitted after completion
further requested that service
appeal of similar nature
series of action, by Marden Range
police titled Hazer Ali -vs- IGP
is fixed before this comm on 24-7-2020,
The same may please fix along with
the above.


Counsel

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

Service Appeal No. 7812 /2020

Mufeed Muhammad Ex. Constable No. 2493-MR

..... Appellant

VERSUS

Inspector General of Police and others Respondents

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4.	Copy of appointment letter	A	12
5.	Copy of Order dated 07.02.2020	B	13-16
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7.	Copy of Reply	D	18-21
8.	Copy of inquiry report dated 29.03.2020	E	22-24
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Appellant
Through

Malik Haroon Iqbal
Advocate Supreme Court.

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. _____/2020

Mufeed Muhammad Ex. Constable No. 2493-MR

S/o Hidayat Gul

R/o Village Gujrat Tehsil and District Mardan, Khyber
Pakhtunkhwa.

..... Appellant

VERSUS

1. Inspector General of Police / Provincial Police Chief,
Central Police office (CPO), Khyber Road,
Peshawar.
2. Regional Police Officer, Mardan Police Line District
Mardan Khyber Pakhtunkhwa.
3. District Police Officer, Mardan Police Line District
Mardan Khyber Pakhtunkhwa.
4. Govt. of Khyber Pakhtunkhwa through Chief
Secretary, Civil Secretariat, Khyber Road,
Peshawar.
5. Secretary Home and Tribal Affairs, Civil
Secretariat, Khyber Road, Peshawar.

..... Respondents

2

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORDER NO.
3887/ES DATED 24.06.2020 WHEREBY
APPEAL OF THE APPELLANT WAS DISMISSED
BY RESPONDENT NO. 2, WHICH WAS FILED
BY THE APPELLANT AGAINST THE ORDER OB
NO. 712 DATED 29.04.2020 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**

Prayer in Appeal:

On acceptance of this Appeal, the impugned Order No. 3887 /ES Dated 24.06.2020 and Order of dismissal from service OB No. 712 dated 29.04.2020 may kindly be set aside and the appellant may please be reinstated in service with all back benefits.

13

Respectfully Sheweth:

1. That the appellant was inducted and appointed in the police service as Constable on 15/12/2008 **(Copy of appointment letter is attached as Annexure "A")**.
2. That the appellant served with zealous and having unblemished record of service and served according to the satisfaction of high ups.
3. That the appellant was lastly posted and was attached to MT Staff person at District Mardan.
4. That suddenly on 17.12.2019, when appellant was on duty, respondent No. 2 summoned the appellant to his office and locked him in the police lines Mardan.
5. That on 26.12.2019, inspector Hazrat Ali of Police Station City Mardan arrested the appellant in connection with FIR No. 1303 dated 29.12.2019 of P. S. City Mardan registered under Sections 381-A / 419 / 420 / 468 / 471 / 148 / 149 PPC.
6. That the appellant was not named in the FIR but was implicated on mere suspicion and on the

4

strength of statement of co-accused recorded under 161 Cr. PC.

7. That the appellant remained in the quarter guard from 17.12.2019 to 26.12.2019.

8. That motor cars were recovered on pointation of co-accused on 19.12.2019 and 20.12.2019 while the appellant was in quarter guard and not in custody of City Police Mardan.

9. That the appellant was released ~~by~~ allowed bail by the Hon'ble Peshawar High Court vide Cr. Misc No. 79-P/2020 dated 07.02.2020. **(Copy of Order is attached as Annexure "B")**.

10. 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.

11. That charge sheet and statement of allegations were issued to appellant by respondent No. 3. **(Copies attached as Annexure "C" & "C/1")**.

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12. That the charged sheet and statement of allegations were properly replied by the appellant. **(Copy of Reply is attached as Annexure "D")**.

13. That dissatisfied with the reply of the ~~respondent~~ *appellant*, inquiry was ordered and the inquiry officer recommended the appellant for imposition of major punishment. **(Copy of inquiry report dated 29.03.2020 is annexed "E")**.

14. That the final show caused notice was also issued by respondent No. 3 which was replied properly. **(Copy of final show caused notice and reply is attached as annexure "F" & "F/1")**.

15. That respondent No. 3 on the strength of inquiry report passed order OB No. 712 dated 29.04.2020 and sent it vide dispatch No. 2282-87/PA dated 30.04.2020 whereby major penalty of dismissal from service was awarded to the appellant. **(Copy of the order of respondent No. 3 is attached as Annexure "G")**.

16. That feeling dissatisfied with the dismissal from service order, the appellant filed

①

departmental appeal on dated 04.05.2020 before the respondent No. 2. **(Copy of grounds of appeal is attached as Annexure "H")**.

17. That respondent no. 2 vide Order No. 3887/ES dated 24.06.2020 rejected the appeal of the appellant. **(Copy of order dated 24.06.2020 is attached as annexure "I")**.

18. That feeling aggrieved of impugned order dated 24.06.2020 of respondent No. 2 and dismissal from service order OB No. 712 dated 29.04.2020, the appellant is constraint to file the instant appeal on the following grounds inter alia:

GROUND:

A. That the impugned appellate Order No. 3887/ES dated 24.06.2020 of respondent No. 2 by virtue of which the department appeal / presentation of appellant was rejected and order OB No. 712 dated 29.04.2020 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.
- D. That the name of the appellant not figured in the FIR neither any kind of recovery or discovery on his pointation but still proceeded against by respondents No. 2 & 3.
- E. That the appellant has been implicated on mere suspicion on strength of the statement U/S 161 Cr. PC of co-accused constable which statement is yet to be proved by the prosecution in the trial which is nor commenced neither concluded or insight.
- F. That the evidential value of the 161 Cr. PC statement of co-accused would be seen by the

learned trial court seized up of the matter and in future and without waiting for the result of the criminal trial / decision, the respondents illegally and through an unlawful order dismissed the appellant from service and also rejected his appeal in violation of the law and rules applicable to the matter.

G. That admittedly there is no conviction recorded till date against the appellant in any case.

H. That the inquiry officer by examining the witnesses of the criminal case has in fact pre-empted in the power of the learned trial court due to which great miscarriage of justice has been caused to the case of appellant.

I. That there is no truth in the allegations mentioned in the impugned orders.

J. That no proper inquiry has been conducted against the appellant neither 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 alteram partem*).

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 24.06.2020 and Order of respondent no. 2 dated 29.04.2020 may kindly be set aside and the appellant may please be reinstated in the service with all back benefits.

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

Through

Appellant



Malik Haroon Iqbal
Advocate Supreme Court.


Israr ul Haq
Advocate Peshawar

Dated: 03.07.2020

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

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

Service Appeal No. _____/2020

Mufeed Muhammad Ex. Constable No. 2493-MR

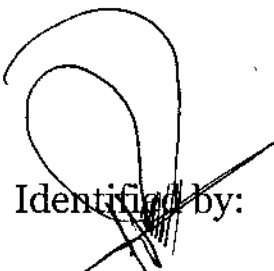
..... Appellant

VERSUS

Inspector General of Police and others Respondents

AFFIDAVIT

I, Mufeed Muhammad Ex. Constable No. 2493-MR
S/o Hidayat Gul R/o Village Gujrat Tehsil and 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.


Identified by:

Malik Haroon Iqbal
Advocate Supreme Court.


Deponent

CNIC: 16101-2574401-3

Cell: 0311-9163362



(11)

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

Service Appeal No. _____/2020

Mufeed Muhammad Ex. Constable No. 2493-MR

..... Appellant

VERSUS

Inspector General of Police and others Respondents

ADDRESSES OF PARTIES

APPELLANT

Mufeed Muhammad Ex. Constable No. 2493-MR
S/o Hidayat Gul,
R/o Village Gujrat Tehsil and District Mardan, Khyber.
Pakhtunkhwa.

RESPONDENTS

1. Inspector General of Police / Provincial Police Chief,
Central Police office (CPO), Khyber Road,
Peshawar.
2. Regional Police Officer, Mardan Police Line District
Mardan Khyber Pakhtunkhwa.
3. District Police Officer, Mardan Police Line District
Mardan Khyber Pakhtunkhwa.
4. Govt. of Khyber Pakhtunkhwa through Chief
Secretary, Civil Secretariat, Khyber Road,
Peshawar.
5. Secretary Home and Tribal Affairs, Civil
Secretariat, Khyber Road, Peshawar.

Appellant

Through

Malik Haroon Iqbal
Advocate Supreme Court.

Annex A (12)

ENLISTMENT ORDER

Name Mufeed Muhammad

S/o Hidayat Gul r/o Gujrat

S. Choorra District Mardan is hereby enlisted as constable time

scale on three years probation with effect from: 15.12.08

and allotted constabulary NO. 2493

Height 5' - 9"

Chest 34" x 36"

Education 10th

Date of birth 18.09.1987

O.B. NO. 2766

Dated 26-12-08

~~Attested~~
counsel

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Cr. Misc (BA) No. _____/2020

Mufeed Muhammad S/O Hidayat Gul

R/O Gujrat District Mardan

Versus

The State Respondent

Case FIR No. 1303, Dated: 19-12-2019

Registered U/S: 381-A/411/419/420/468/471/473/412/148/149 PPC

Police Station: City (Mardan)

**PETITION U/S 497 CR.P.C. FOR RELEASE OF
THE PETITIONER ON BAIL TILL THE FINAL
DECISION OF THE CASE**

Respectfully Sheweth:

A) That, the subject case was registered by the police against the arrested accused vide FIR No. 1303 dated 19-12-2019 U/S. 381-A/411/412/419/420/468/471/473/148/149 PPC at PS City, Mardan

FIR with better copy is annexed-"A"

B) That, the police, on strength of inadmissible police statement of the arrested accused, nominated the petitioner and on his arrest send him behind the bars.

C) That, on dismissal of his bail application by the learned JMJC, Mardan, the petitioner applied for the same relief to the worthy Court of Sessions, which too was declined by the learned ASJ, Mardan vide order dated 22-01-2020.

Copy of bail application is annexed-"B"
Impugned order is annexed-"C"

Now, the petitioner begs leave to seek the same relief from this august Court, inter-alia, on the following grounds;

ATTESTED
EXAMINER,
Peshawar High Court

Judgment Sheet

IN THE PESHAWAR HIGH COURT
PESHAWAR
(Judicial Department)



14

Cr.M BA No.79-P/2020
Mufeed Muhammad Vs the State

Date of hearing: 07.02.2020

Mr. Shabir Hussain Gigyani, Advocate, for the petitioner.

Mr. Muhammad Nisar Khan, AAG, for the State.

JUDGMENT

AHMAD ALI, J. Through the instant petition, the accused-petitioner (Mufeed Muhammad), seeks his post arrest bail in case FIR No.1303 dated 19.12.2019 under sections 381-A/411/419/420/468/471/473/412/148/149-PPC, P.S. City (Mardan). Same relief was, however, declined to him by the learned trial Court vide order dated 20.01.2020.

2. Allegation against the present petitioner is that he and his co-accused (mentioned in the FIR) are involved in car theft/snatching and in tampering their chassis numbers. The FIR ibid was registered against the accused, hence the petition in hand.

3. Arguments of learned counsel for the parties heard and record perused.

4. Without dilating upon the merits of the case, which may prejudice the trial proceedings, suffice it to say that the

ATTESTED
EXAMINER
Peshawar High Court

offences under Sections 418/420/471 are bailable whereas the rest of sections of law carry punishment less than ten years which do not fall within the prohibitory clause of Section 497 Cr.P.C and in such like cases grant of bail is a rule and refusal thereof is an exception.

5. Besides, the present accused-petitioner was neither directly charged in the instant case nor was arrested on the spot, rather he was named by the co-accused and a stolen motorcar has been shown recovered from his possession, therefore, he can be charged, at the most, under section 411 PPC, punishment for which does not fall within the prohibitory clause as hinted above.

6. Even otherwise, active involvement of the petitioner in the offences, in the given circumstances of the case, also requires further probe as provided under Sub-Section (2) of Section 497 Cr.P.C. Besides, the vicarious liability is also the job of Trial Court which could be in better position to see his involvement in the case after recording of pro and contra evidence. The petitioner is behind the bars since his arrest and there is nothing on record regarding his previous involvement in such like offences. Investigation to his extent is also complete; therefore, his further incarceration in jail will serve no useful purpose.

7. Moreover, it has been held time and again by the august Supreme Court that bail does not mean acquittal of

ATTESTED

EXAMINER
Peshawar High Court

accused but only change of custody from Government agencies to the sureties, who on furnishing bonds take responsibility to produce the accused whenever and wherever required to be produced. Reliance could be placed on case reported in 2008 SCMR 807 "Haji Muhammad Nazir Vs State".

8. In view of the above, the present bail petition is, thus, allowed and the accused petitioner, named above, is admitted to bail provided he furnishes bail bonds in the sum of Rs.200,000/- with two sureties, each in the like amount to the satisfaction of learned Illaqa/Duty Judicial Magistrate, who shall ensure that the sureties are local, reliable and men of means.

9. Above are the detailed reasons of short order of even date.

Announced:
07.02.2020

Amjad, PN SB Mr. Justice Ahmad Ali

JUDGE

[Signature]
CERTIFIED TO BE TRUE COPY
Authorised by the District Registrar
of the District Court, District 11, Islamabad
02 MAR 2020

No. 28883
Date of Presentation of Application 07/03/2020
No of Pages 1
Copying Fee 10/-
Total 10/-
Date of Preparation of Copy 07/03/2020
Date of Delivery of copy 07/03/2020
Received By [Signature]



Ammed C²

(17)

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 574 /PA

Dated 31/12/2019

DISCIPLINARY ACTION

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Mufid Shah No.2493, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Mufid Shah No.2493, while posted at MT Staff (now under suspension Police Lines Mardan), has been charged in a case vide FIR No.1303 dated 19-12-2019 U/S 381-A/419/420/468/471/473/411/412/148/149 PPC PS City.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Tayyab Jan SDPO/Sheikh Maltoon is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Mufid Shah is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.


(SAJJAD KHAN) PSP
District Police Officer
Mardan

Annex D (18)

BEFORE THE WORTHY DISTRICT POLICE OFFICER MARDAN

Subject: REPLY TO THE CHARGE SHEET AND STATEMENT OF ALLEGATIONS NO. 574-PA DATED 31-12-2019

BRIEF FACTS OF THE INCIDENT:

Respected Sir,

1. It is submitted that in the month of December 2019, petitioner remained posted at MT Staff Police Lines Mardan. On 17/12/2019 petitioner was summoned by Muharrar Line to his office and was locked up in the quarter guard of Police Lines Mardan on the same day.
2. That on 26/12/2019 Inspector Hazrat Ali, Oli PS city came to Police Lines Mardan and get him out from the quarter guard. The said inspector arrested the petitioner in Case FIR No. 1303 dated 19/12/2019 Under Section 381-A 419, 420 PPC PS City Mardan. This fact is evident from the Case Diary No. 7 dated 26/12/2019 and Card of arrest issued on 26/12/2019, placed on file.
3. That Inspector Hazrat Ali told the petitioner that the arrested accused Hazir Ali & Sajjad has disclosed during interrogation that petitioner is his co-partner and involved with them in such like cases. On the basis of statements of the above accused recorded U/S 161 Cr.p.c petitioner was arrested in the case.
4. That on 27/12/2019 petitioner was suspended from service vide OB No. 2777 and the same day produced in the court. His Police custody was demanded but the court refused the police custody of the petitioner. The petitioner was sent to jail. Later on the petitioner released on bail by the Honourable High Court Peshawar.
5. That after release on bail, the petitioner immediately made his arrival back at Police Lines Mardan Vide DD No. 57 dated 10/02/2020 and assumed his charge of duty.

ISSUANCE OF CHARGE SHEET

On 10/02/2020, while posted at Police Lines Mardan, petitioner was handed over the subject charge sheet with the following allegations:

“Whereas, Constable Mufeed Shah No. 2493, while posted at MT Staff (now under suspension Police Lines Mardan), has been charged in a case vide FIR No. 1303 dated

19

19-12-2019 U/S 381-A/419/420/468/471/473/411/412 /148/149
PPC PS City.

- i. In response to the charge sheet, petitioner further submit that he is innocent and has been falsely implicated in the instant case. Simply on the basis of co-accused statement (inadmissible evidence) petitioner was declared as accused by the IO. Neither any recovery of any kind of vehicle has been effected from his possession, nor any kind of evidence has been brought on case file against him to connect him with the commission of offence.
- ii. That vide case diary No. 5 dated 23/12/2019 Inspector Hazrat Ali has mentioned that only in the light of the statement of co-accused (Hazir Ali & Sajjad) petitioner was held as accused in the instant case, without any further supporting evidence.
- iii. That instead of 18/12/2020, the detainment of the petitioner in the quarter guard was shown on 20/12/2019 vide DD No. 45 in the daily diary of Police Lines Mardan. The case diary No. 8 dated 26/12/2019 and card of arrest issued on 26/12/2019 indicates, that on 26/12/2019 petitioner was released from the quarter guard by Inspector Hazrat Ali and was arrested in the instant case on the same day.
- iv. That from the case file on the instant case it is crystal clear that petitioner remained in quarter guard from 20/12/2019 to 26/12/2019 and never remained in the custody of SI Mohsin Fawad SHO PS City during this period.
- v. When it is documentarily proved, that petitioners remained in quarter guard w.e.f 17/12/2019 to 26/12/2019 and was not properly arrested in the instant case, then how the alleged recovery of motor cars No. B-1449 / Charsadda, LKM-1210, LEE-366, LWO-0577 was shown from the possession of the petitioner on 19/12/2019 and 20/12/2019 respectively. A false and concocted story was prepared against the petitioner and petitioner was blamed for the above mentioned 04 motor cars, which detail explanation is as under:

a) Motor Car No. B-1449 / Charsadda

According to the statement of arrested accused Hazir Ali recorded U/S 161 cr.p.c vide case diary No. 6 dated 24/12/2009, he sold the said motorcar through the petitioner to ASI Shafiq Khan. It is evident from the recovery memo dated 19/12/2019 that at the pointation of accused Hazir Ali, the said motorcar was shown to be

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recovered from the petitioner but the place of recovery has not been mentioned in the recovery memo. There is no evidence on case file to support this version of IO.

b) Motor Car No. LKM-1210

This motorcar has been allegedly shown to be recovered at the pointation of the accused Hazir Ali from the petitioner but again the place of recovery has not been mentioned in the recovery memo dated 20/12/2019, placed on file. According to the statement of accused Hazir Ali vide case diary No. 6 dated 26/12/2019, he has sold the said motorcar to ASI Ihsan through petitioner. There is no evidence in support of this statement on case file.

c) Motor Car No. LEE-366

This motorcar has been allegedly shown to be recovered at the pointation of accused Hazir Ali from the possession of the petitioner on 20/12/2019. In the recovery memo the place of recovery has not been mentioned. According to accused Hazir Ali he has sold the same car to one Farooq of Takt Bhai.

d) Motor Car No. LWO-0577

This motorcar has been allegedly shown to be recovered at the pointation of accused Hazir Ali from the possession of the petitioner on 20/12/2019. In the recovery memo the place of recovery has not been mentioned. According to accused Hazir Ali he has sold the same car to SI Wajid of Pirsadi. Again there is no evidence to support the version of the IO.

vi. The recovery of 04 motorcars mentioned above is false, factious and never effected from the possession of the petitioner. The transaction between Hazir Ali & the concerned purchasers is their own subject matter, to which the petitioner has got no concern. It would not be out of place to mention here, that the 04 motorcars for which the petitioner has been blamed have not been mentioned in the case registered vide FIR No. 3103 dated 19/12/2019 U/S 381-A, 419, 420 PS City of the instant case.

vii. While granting bail to the petitioner the Honorable High Court Peshawar has made the following observations:

"That petitioner is not directly charged in the FIR and was not arrested in the spot. The petitioner was named co-accused in their statements recorded U/S 161 cr.p.c. No stolen motorcar has been

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"That petitioner is not directly charged in the FIR and was not arrested in the spot. The petitioner was named co-accused in their statements recorded U/S 161 cr.p.c. No stolen motorcar has been recovered from the possession of the petitioner. The case is pending trial and the trial court could be in better position to see the involvement of petitioner in the case after recording pro and contra evidence. (Copy of order of High Court is enclosed)

- viii. That there is no a single iota of evidence against the petitioner to connect him with the commission of offence. There is no possibility of the conviction of accused in the instant case. The petitioner is totally unaware about the reasons behind his involvement in the instant case. Ultimately the petitioner will be acquitted. The case is pending trial. The fate of the case has yet to be decided from the court. **It would in the interest of justice that this departmental inquiry should be kept pending till to the outcome of the final judgment of the trial court.**
- ix. That the petitioner has been enlisted as Constable in Police Department on 15/12/2008 and has never been involved in any criminal case. The petitioner cannot imagine to involve himself in such like nefarious activities.
- x. That petitioner was not dealt departmentally prior to this and has never been punished in the entire period of the service. All such facts are evident from the shining service record of the petitioner.

xi.

Keeping in view the above facts and circumstances, it is humbly requested that the Charge Sheet may kindly be filed please and the petitioner may be reinstated in service from the date of suspension.

Dated: 28/01/2020

Yours Obediently,

Constable Mufeed Muhammad
No. 2493 MR
Police Lines, Mardan
Cell: 0345-2409722

2

Annex 2
22

DEPARTMENTAL ENQUIRY AGAINST CONS: MUFEEED SHAH NO.2493

Kindly refer to your office diary No.574/PA, dated 31.12.2019.

The instant Inquiry has been initiated against Constable Mufeed Shah No.2493, who was suspended and proceeded departmentally being involved in a criminal case. Charge sheet and statement of allegation were issued by the competent authority and the undersigned was nominated as enquiry officer.

ALLEGATION:-

That he while posted at MT Staff of District Mardan charged in a criminal case vide FIR No.1303 dated 19.12.2019 U/s 381A/419/420/468/471/473/411/412/148/149 PPC PS City.

PROCEEDINGS:-

For completion of enquiry proceedings copy of charge sheet and statement of allegation were handed over to the defaulter who replied in stipulated period. Statements of the following officials were also recorded.

1. Insp: Muhsin Fawad SHO PS City
2. Insp Hazrat Ali / OII of PS City
3. SI Wajid Ali OII PS saddar
4. SI Saif U rehman OII PS Nowshera
5. ASI Shafiq Ahmed PP Umar Abad
6. HC Wajid PS Katlang
7. ASI Asif Khan PS City
8. Const: Zia Ullah No.1081 PS City
9. Const: Miftah No.1549 PS City
10. Const: Zahir Shah No.2055 PS City

The defaulter constable Mufeed Shah spurned the allegation and deposed in his statement that he was called by the Moharrar Police Lines on 17.12.19 and was locked up in Quarter Guard. On 26.12.19 the IO get him out from the Quarter Guard and was arrested in the subject case. He was suspended by the DPO Mardan on 27.12.19 and was produced before the court for Police Custody which was regretted and he was sent to Judicial Lock up. Later on he managed bail from high Court Peshawar. He joined his duty on 10.02.2020 at Police Lines Mardan. He produced the following grounds as evidence in support of his version.

- Handwritten initials: *Ullah*
- a. That he was charged on the statement of Co-Accused Hazrat Ali and Sajjad in the said FIR.
 - b. That he was put in Quarter guard on 17.12.19 till 26.12.19 then how the IO recovered 04 motor cars from his possession on 19.12.19 and 20.12.19 as he was not in custody of IO.
 - c. That Motor Car No.1449/Charsadda was sold through him to ASI Shafiq Khan and was recovered from his possession but place of recovery has not been shown in recovery memo.
 - d. That Motor Car No. LKM-1210 was sold through him to ASI Ihsan Khan and was recovered from his possession but place of recovery has not been shown in recovery memo.
 - e. That Motor Car No.LEF-366 was sold through him to one Farooq and was recovered from his possession but place of recovery has not been shown in recovery memo.
 - f. That Motor Car No. LWO-0577 was sold through him to SI Wajid Khan and was recovered from his possession but place of recovery has not been shown in recovery memo.
 - g. That the recovery of 04 Motor Cars mentioned above are falsely, factious and never effected from his possession

STATEMENT OF OII INSP HAZRAT ALI:-

The OII Hazrat Ali called to office and his statement was recorded wherein he stated that he is investigating officer of the subject case. Constable Mufeed was arrested on 26.12.19, being found involved in the above subject criminal case and was produced before the court for Police custody but the court regretted and was sent to Judicial lock up. The SHO had recovered 04 stolen Motor Cars from his possession and he failed to explain his legal position regarding these motor cars. His bail application was turned down by the senior Civil Judge as well as by the Session court and later on the Peshawar High court Peshawar accepted his bail application. However the case is under investigation.

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STATEMENT OF INSP MOHSIN FAWAD:-

SHO inspector Muhsin Fawad stated in his statement that he while on duty received an information that motor car No.EX-213/Islamabad which has been stolen from Abbotabad and present at Place of occurrence and the accused Hazir Ali and others are busy in tempering of its chassis number so he rushed to the spot and found the accused Hazir Ali and others in tempering the chassis number of said motor car. Moreover 04 other vehicles found in suspicious condition which were recovered from their possession. During interrogation the accused disclosed that constable Mufeed Khan who is performing duty at MT-Staff and constable Mian Dad posted at PS Jabbar are also their colleagues and involved in such criminal activities. 04 motor cars were recovered from the possession of Mufeed Khan and 03 Motor cars were recovered from the possession of constable Mian Dad on their pointation and were taken on recovery memo in the presence of witness.

STATEMENT OF SI WAJID KHAN:-

SI Wajid Khan stated in his statement that he bought car No.0577/LWO with supardari documents from constable Mufeed for his brother in lieu of Rs. 3,70,000/- but later on the said car care was returned to Mufeed and the amount is still outstanding.

STATEMENT OF ASI SHAFIQ KHAN:-

ASI Shafiq Khan stated in his statement that he bought car No.1449/B with supardari documents in lieu of Rs:245,000. from constable Mufeed but the car was found suspicious therefore he returned the said car to Mufeed and the amount is still outstanding.

STATEMENT OF HC WAJID KHAN KHAN:-

HC Wajid Khan stated that Hazir Ali contacted him and said that there is a supardari car with a person. Mufeed bring the car and delivered him along with supardari documents. Later on SHO Mohsin Fawad called him to bring the same car being wanted to PS City in criminal case. Therefore the car was handed over to SHO PS City.

STATEMENT OF WITNESSES OF RECOVERY MEMO:-

ASI Asif Khan, Const: Miltah No.1549, Const: Zahir Shah No.2055 stated in their statements that all the above cars were recovered from the possession of Constable Mufeed and taken on recovery memo in their presence.

CRIMINAL CASE FILE RECORD:-

Copies of following relevant documents of criminal case FIR No.1303 dated 19.12.2019 U/s 381A/419/420/468/471/473/411/412/148/149 PPC of PS City were also procured from the investigation officer and were placed on file.

- a. Copy of FIR No.1303 dated 19.12.19 PS City.
- b. Copy of case diary No.01 part.02 serial.No.01.
- c. Copy of recovery memo of vehicle Car No.B-1449/Charsadda, Car No.759-AHL, Car No.4561/LEC and Car No.18-LRL.
- d. Copy of recovery memo of vehicle Car No.1739-LWQ, Car No.1210-LKM, Car No.366-LEE, Car No.0577-LWQ, Car No.261-FSM, Car No.7010-LRE, Car No.8495-LZO, Car No.0323-LH and Car No.4035-LEF.
- e. Copy of recovery memo Car No. LEF-1538, Car No.LZO-7776, Car No.B-5272,Suzuki Pick up No.h-6287.
- f. Copy of recovery memo Car No.LEC-310
- g. Copy of card of arrest U/s 62 CrPc.
- h. Copy of DD No.45 dated 20.12.19 and DD No.26 dated 26.12.19

CROSS EXAMINATION:-

A session of cross examination has been made in the office of undersigned and the alleged constable was given opportunity of self defense and its proceedings have been recorded which is placed on file.

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CONCLUSION:-

After going through the statements and record, I come to the conclusion that it is correct that the defaulter constable has not been charged directly in the FIR, but during course of inquiry it come to the surface that Motor Car No.1449/Charsadda, Motor Car No.1210/LKM, Motor Car No.366/LEF and Motor Car 0577/LWA have been recovered from his possession in the presence of witnesses. Moreover, he was put in quarter guard after recovery of stolen/tempered Cars from his possession on 20.12.2019 which is evident from DD No. 45 dated 20.12.2019 Police Line Mardan.

RECOMENDATION:-

Keeping in view the above facts and circumstances, the alleged constable is found guilty and the allegation mentioned in the charge sheet has been stand proved without any shadow of doubt, therefore he is recommended for Major Punishment.

Enclosed(11) Sheets
No. 111 /SMT
Dated. 09/31/2020

(Inquiry Officer)
Deputy Superintendent of Police,
S.M.T-Circle.

Issued E. SCN

DP/mon
09/31/20

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3. That Inspector Haxim Ali told the petitioner that the arrested accused Haxim Ali & Sajjad has disclosed during interrogation that petitioner is his co-partner and involved with them in such like cases. On the basis of statements of the above accused recorded US 161 cr.p.c. petitioner was arrested in the case.

4. That on 27/12/2019 petitioner was suspended from service vide OB No. 2777 and the same day produced in the court. His Police custody was demanded but the court refused the police custody of the petitioner. The petitioner was sent to jail. Later on the petitioner released on bail by the Honorable High Court Peshawar.

5. That after release on bail, the petitioner immediately made his arrival back at Police Lines Mardan vide DD No. 27 dated 10/02/2020 and assumed the charge of duty.

ISSUANCE OF CHARGE SHEET

On 10/02/2020, while posted at Police Lines Mardan, petitioner was handed over the subject charge sheet with the following allegations:

"Whereas, Constable Muleed Shah No. 2493, while posted at MT Staff (now under suspension Police Lines Mardan), has been charged in a case vide FIR No. 1303 dated 19-12-2019 US 381-4419/2019-48471473/11/12 148/194 PFC PS City.

i. In response to the charge sheet, petitioner further submit that he is innocent and has been fully implicated in the instant case. Simply on the basis of co-accused statement (inadmissible evidence) petitioner was declared as accused by the IO. Neither any recovery of any kind of vehicle has been effected from his possession, nor any kind of evidence has been brought in a case file against him to connect him with the commission of offence.

ii. That vide case diary No. 5 dated 23/12/2019 Inspector Haxim Ali has mentioned that only in the light of the statement of co-accused (Haxim Ali & Sajjad) petitioner was held as accused in the instant case without any further supporting evidence.

iii. That instead of 18/12/2019, the detention of the petitioner in the quarter guard was shown on 23/12/2019 vide DD No. 42 in the daily diary of Police Lines Mardan. The case diary No. 8 dated 24/12/2019

and card of arrest issued on 26/12/2019 indicates, that on 26/12/2019 petitioner was released from the quarter guard by Inspector Hazrat Ali and was arrested in the instant case on the same day.

iv. That from the case file on the instant case it is crystal clear that petitioner remained in quarter guard from 20/12/2019 to 26/12/2019 and never remained in the custody of SI Mohsin Fawad SHO PS City during this period.

v. When it is documentarily proved, that petitioners remained in quarter guard w.e.f 17/12/2019 to 26/12/2019 and was not properly arrested in the instant case, then how the alleged recovery of motor cars No. B-1449 / Charsadda, LKM-1210, LEE-366, LWO-0577 was shown from the possession of the petitioner on 19/12/2019 and 20/12/2019 respectively. A false and concocted story was prepared against the petitioner and petitioner was blamed for the above mentioned 04 motor cars, which detail explanation is as under:

a) Motor Car No. B-1449 / Charsadda

According to the statement of arrested accused Hazir Ali recorded U/S 161 cr.p.c vide case diary No. 6 dated 24/12/2009, he sold the said motorcar through the petitioner to ASI Shafiq Khan. It is evident from the recovery memo dated 19/12/2019 that at the pointation of accused Hazir Ali, the said motorcar was shown to be recovered from the petitioner but the place of recovery has not been mentioned in the recovery memo. There is no evidence on case file to support this version of IO.

b) Motor Car No. LKM-1210

This motorcar has been allegedly shown to be recovered at the pointation of the accused Hazir Ali from the petitioner but again the place of recovery has not been mentioned in the recovery memo dated 20/12/2019, placed on file. According to the statement of accused Hazir Ali vide case diary No. 6 dated 26/12/2019, he has sold the said motorcar to ASI Ihsan through petitioner. There is no evidence in support of this statement on case file.

c) Motor Car No. LEE-366

This motorcar has been allegedly shown to be recovered at the pointation of accused Hazir Ali from the possession of the petitioner on 20/12/2019. In the recovery memo the place of

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recovery has not been mentioned. According to accused Hazir Ali he has sold the same car to one Farooq of Takt Bhai.

d) Motor Car No. LWO-0577

This motorcar has been allegedly shown to be recovered at the pointation of accused Haz Ali from the possession of the petitioner on 20/12/2019. In the recovery memo the place of recovery has not been mentioned. According to accused Hazir Ali he has sold the same car to SI Wajid of Pirsadi. Again there is no evidence to support the version of the IO.

vi. The recovery of 04 motorcars mentioned above is false, factious and never effected from the possession of the petitioner. The transaction between Hazir Ali & the concerned purchasers is their own subject matter, to which the petitioner has got no concern. It would not be out of place to mention here, that the 04 motorcars for which the petitioner has been blamed have not been mentioned in the case registered vide FIR No. 3103 dated 19/12/2019, U/S 381-A, 419, 420 PS City of the instant case.

vii. While granting bail to the petitioner the Honorable High Court Peshawar has made the following observations:

"That petitioner is not directly charged in the FIR and was not arrested in the spot. The petitioner was named co-accused in their statements recorded U/S 161 cr.p.c. No stolen motorcar has been recovered from the possession of the petitioner. The case is pending trail and the trail court could be in better position to see the involvement of petitioner in the case after recording pro and contra evidence. (Copy of order of High Court is enclosed).

viii. That there is no a single iota of evidence against the petitioner to connect him with the commission of offence. There is no possibility of the conviction of accused in the instant case. The petitioner is totally unaware about the reasons behind his involvement in the instant case. Ultimately the petitioner will be acquitted. The case is pending trial. The fate of the case has yet to be decided from the court. It would in the interest of justice that this departmental inquiry should be kept pending till to the outcome of the final judgment of the trial court.

ix. That the petitioner has been enlisted as Constable in Police Department on 15/12/2008 and has never been involved in any

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SR

No.

Appeal No. 7812 & 7813 of 20 20

Recd

Muhammad Aslam & Others Appellant/Petitioner

Versus

S.P.K.P. Peshawar Respondent

Respondent No. 2

Notice to: Regional Police Officer Mardan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 22/5/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 6th

Day of Jan 20 21

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1 The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2 Always quote Case No. While making any correspondence.

2

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SR

No.

Appeal No. 7812 & 7813 of 20 20

Muhammad Arshad & Co. Others Appellant/Petitioner
Versus

Recd.

13611, Khyber Pakhtunkhwa Respondent

Respondent No. 3

Notice to:

Distt. Police Officer Mardan Police
Line Distt. Mardan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 22/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you. vide this office Notice No. dated

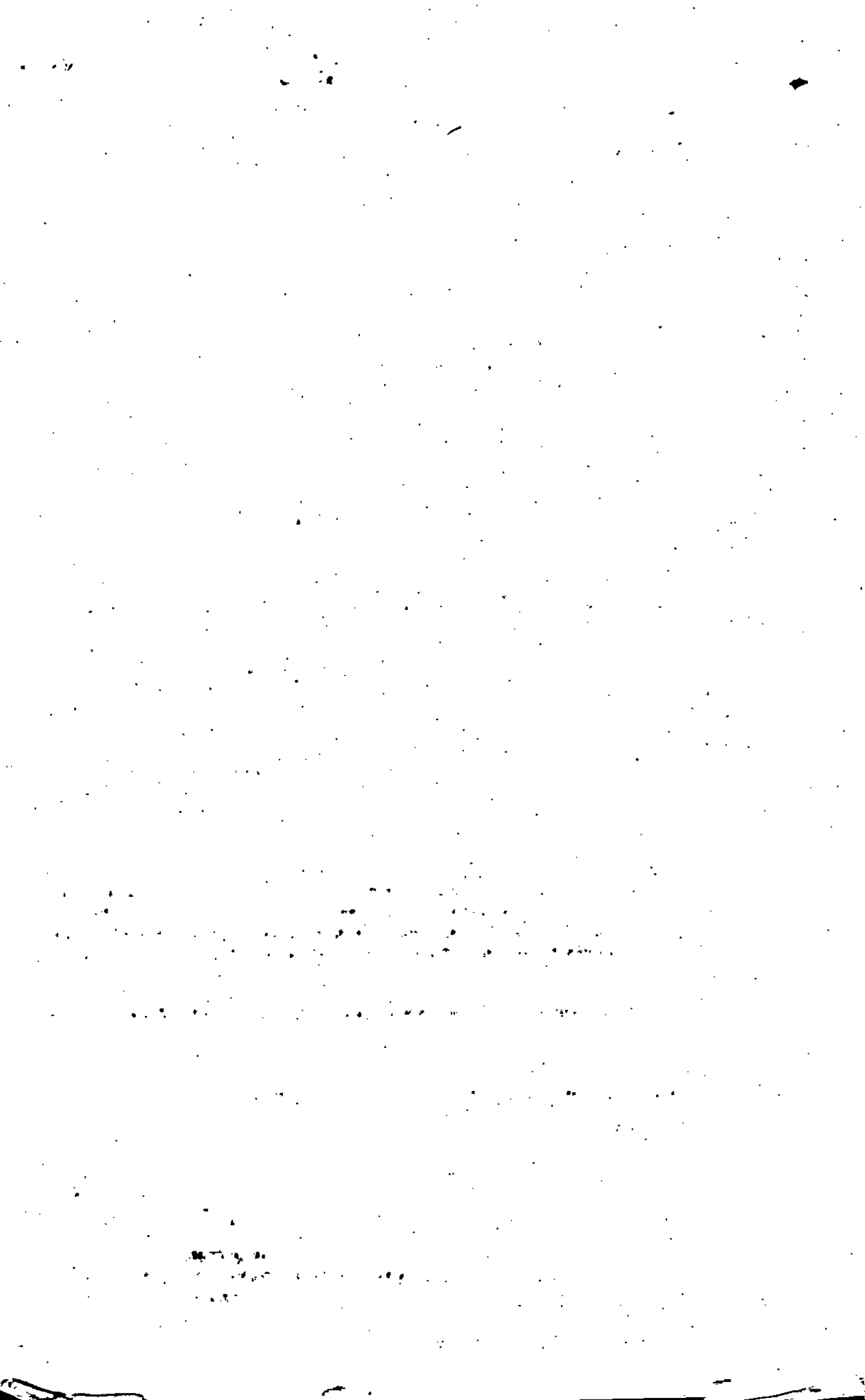
Given under my hand and the seal of this Court, at Peshawar this 6th

Day of Jan 21 2021

[Signature]
Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note 1 The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2 Always quote Case No. While making any correspondence.



"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

P.B

No.

Appeal No. *78.12* of 20 *20*

Muhammad Mahmood & Others Appellant/Petitioner

Versus

Govt of Khyber Pakhtunkhwa Respondent

Respondent No. *5*

Notice to:

*Secretary Home Court of KPK
Peshawar*

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on *22/3/20* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal ~~is attached~~. Copy of appeal has already been sent to you vide this office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this *5* *4*

Day of..... *Jan* 20 *21*

Jan 19-1-2021
T-12-021

[Signature]
Registrar

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note 1 The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2 Always quote Case No. While making any correspondence.



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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. *S.B*

No.

Appeal No. 7812 & 7813 of 20 20

Muhammad Muhammad & 10 others Appellant/Petitioner

1, G, P KPK Peshawar Respondent

Respondent No. 4

Notice to:

Govt. CF KPK through Chief Secretary Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 29/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 6th

Day of Tue 20 21



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1 The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2 Always quote Case No. While making any correspondence.

BRANCH
18-7-2021

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

Appeal No. 7812 & 7813 of 20 20
Muhammad Muhammad & Co. others Appellant/Petitioner
Versus
L.G.P. KPK Peshawar Respondent
Respondent No. 1

Notice to:

Inspector General of Police KPK
Peshawar

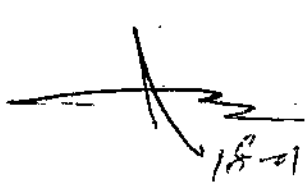
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 22/3/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

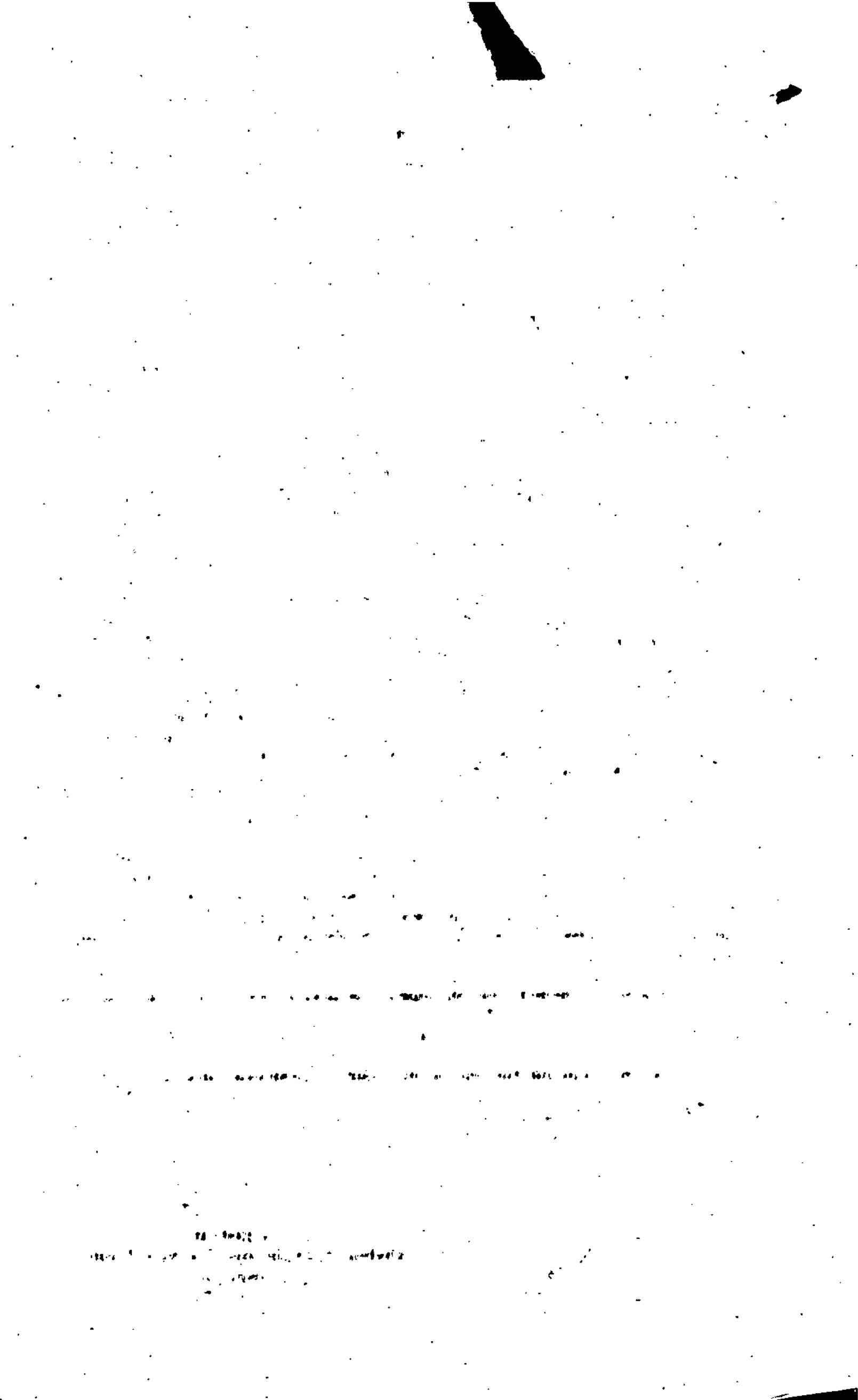
Given under my hand and the seal of this Court, at Peshawar this 6th

Day of Jan 20 21


18-01


Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.



C
**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.**

Service Appeal No. 7812/2020

Mufeed Muhammad Ex-Constable No.2493 MR

.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others.

.....Respondents

Para-wise comments by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.

REPLY ON FACTS

1. Correct to the extent that the appellant was recruited as constable in Police Department.
2. Incorrect plea taken by the appellant is not plausible because his performance was not satisfactory and his service record is tainted with bad entries (Copy of list of bad entries is attached as Annexure "A").
3. Para pertains to record needs no comments.
4. Incorrect. Stance taken by the appellant is not plausible, because he was detained in quarter guard as per the directions of respondent No. 03 (DD report is attached as annexure "B").
5. Incorrect. The appellant in order to save his skin in terms of his involvement in vehicle theft, propounded the instant story. However, the appellant being involved in a criminal case vide FIR No. 1303 dated 19.12.2019 u/s 381-A/ 419/ 420/ 468/ 471/ 473/ 411/ 412/148/149 PPC Police Station City was arrested by the local Police of Police Station City (Copy of FIR is annexed as "C").
6. Incorrect. Stance taken by the appellant is totally devoid of merit because during the course of investigation 04 stolen/tempered Motor Cars have been recovered from the active possession of appellant. Therefore, the entire story of the appellant is concocted as the appellant instead of fighting crime, himself indulged in criminal activities.
7. Incorrect. Plea taken by the appellant is baseless, because he was locked in quarter guard on 20.12.2019. DD report already attached with above mentioned para No. 04.
8. Incorrect the stolen/tempered vehicles have duly been recovered from the all accused including the present appellant, hence, plea of the appellant is devoid of merit is liable to be set at naught.
9. Plea taken by the appellant is bereft of any substance because criminal and departmental proceedings are two different entities which can run parallel and the fate of criminal case will have no effects on the departmental proceedings. Besides,

release on bail does not mean acquittal from the charges rather the same is release from the custody.

10. Incorrect. Plea taken by the appellant is not plausible, because he was involved in a criminal case vide FIR No. 1303 dated 19.12.2019 u/s 381-A/ 419/ 420/ 468/ 471/ 473/ 411/ 412/148/149 PPC Police Station City, due to which the appellant was proceeded as per Police Rules 1975.
11. Correct to the extent that the appellant was issued charge sheet and statement of allegations as he was involved in heinous criminal case wherein 04 stolen/tempered motor cars have been recovered from the active possession of the appellant, which clearly establishes the nexus of the appellant with the commission of offence.
12. Correct, reply of the appellant was received but found unsatisfactory.
13. Incorrect. Proper enquiry was initiated against the appellant, during the course of enquiry the appellant was provided fulfilled opportunity to produce evidence/grounds in his defense but he failed to justify his innocence. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for Major punishment.
14. Correct, reply of the appellant was received but found unsatisfactory.
15. Incorrect. Plea taken by the appellant is not plausible, because after enquiry Final Show Cause Notice was issued to the appellant to which his reply was received but found un-satisfactory and he was also summoned and heard in orderly room on 28.04.2020, but this time too, the appellant failed to justify his innocence therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.
16. Correct to the extent that the appellant preferred departmental appeal and the appellate authority after paying due consideration, summoned and heard the appellant in Orderly Room held on 16.06.2020 but he bitterly failed to justify his innocence.
17. Para already explained needs no comments.
18. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

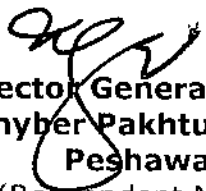
REPLY ON GROUNDS:

- A. Incorrect. Order passed by the competent authority as well as appellate authority are legal, lawful hence, liable to be maintained.
- B. Incorrect. Para explained earlier needs no comments.
- C. Incorrect. Plea taken by the appellant is totally ill-based, because he was involved in a criminal case vide FIR No. 1303 dated 19.12.2019 u/s 381-A/ 419/ 420/ 468/ 471/ 473/ 411/ 412/148/149 PPC Police Station City. However, his performance was not satisfactory and his service record is tainted with bad entries (Bad entries list already annexed).
- D. Incorrect. Stance taken by the appellant is totally devoid of merit because during the course of investigation 04 stolen/tempered Motor Cars have been recovered from the active possession of appellant.
- E. Incorrect. Para already explained needs no comments.

- F. Plea taken by the appellant is bereft of any substance because criminal and departmental proceedings are two different entities which can run parallel and the fate of criminal case will have no effects on the departmental proceedings.
- G. Incorrect. Plea taken by the appellant is not plausible because no conviction against the appellant does not exonerate him from his wrong deeds.
- H. Incorrect. Para explained earlier needs no comments.
- I. Incorrect. Para already explained needs no comments.
- J. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and enquiry was entrusted to Mr. Tayyab Jan the then SDPO Sheik Maltoon Mardan. The enquiry officer during the course of enquiry provided fulfilled opportunity to the appellant to produce evidence/grounds in his defense but in fiasco, however, after fulfilling all legal and codal formalities, held the appellant responsible of misconduct. Therefore, after enquiry the competent authority has issued Final Show Cause Notice to the appellant to which his reply was received but found un-satisfactory and he was also summoned and heard in orderly room on 28.04.2020, but this time too, the appellant failed to justify his innocence hence, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant (Copies of Charge Sheet with Statement of allegations and Final Show Cause Notice are annexed as "D", "E" & "F").
- K. Incorrect the appellant has been treated in accordance with law, rules, policy & norms of natural justice. Hence plea of the appellant is devoid of any merit.
- L. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

Keeping in view the above facts narrated facts it is most humbly prayed that the appeal of the appellant being badly barred by law and limitation may kindly be dismissed with costs please.


Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 01)


Regional Police Officer,
Mardan.
(Respondent No. 02)


District Police Officer,
Mardan.
(Respondent No. 03)

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

Service Appeal No. 7812/2020

Mufeed Muhammad Ex-Constable No.2493-MR

.....Appellant

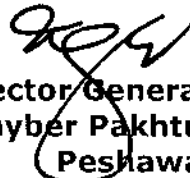
VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others.

.....Respondents

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Regional Police Officer,
Mardan.**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 03)

14. COMMENDATORY ENTRIES—Contd.

Qualified 15th basis course short ATs
 course at police lines Mardam during the term
 ending from 15.12.2013 to 10.2.2014

OB NO. 565
 dt 3.3.2014

DPO/Mardam

ORDER

Being Charged in case vide FIR NO. 1303
 dated 19-12-2019 u/s 381-A/419/420/468
 471/411/412/148/149 PPC PS city hereby
 Placed under suspension with immediate
 effect.

OB NO : 2777
 dt: 27-12-2019

DPO Mardam

ORDER:-

Awarded major punishment of dismissal
 from service with immediate effect.

OB NO. 712
 29-4-2020

JK
 DPO/Mardam

14. COMMENDATORY ENTRIES—Concl'd.

Serial No.

ORDER

Being the appellate authority, find no substance in the appeal therefore the same is rejected and filed being devoid of merit vide D/O Madan Endt. No. 3887 ES, Ms-24-6-2020

DPO/Madan

ORDER

The appeal is rejected vide Adm:KP 1 HQS KP Peshawar order memo no. 1006-16/21 dated: 10-3-2021

DPO/Madan

③ ↓

OB No

28

② ↓

OB No

6-2

② ↓

OB No

7-2

(2) ↓

OB No

20

(2) ↓

OB No

29

② ↓

OB No

28

② ↓

OB No

224

15-CENSURES AND PUNISHMENTS.

③ dys Extra duty for hrs Absen

OB No - 258

28-1-14

DP/MR

② dys Extra duty for hrs Absen

OB No - 335

6-2-14

DP/MR

② dys Extra duty for hrs Absen

OB No - 354

7-2-14

DP/MR

(2) days Extra duty for hrs Absence

OB No 466

20-2-14

DP/MR

(2) days Extra duty for hrs Absence

OB No. 519

25-2-14

DP/MR

② dys Extra duty for hrs Absen

OB No - 557

28-2-14

DP/MR

② dys Extra duty for hrs Absen

OB No - 856

5-2-14

DP/MR

نقل 45 روز ناجی 20¹²/₂₀₁₉

مدرس کوئٹہ گارڈ فیضی پور حانا / وقت 17:45 بجے مورخہ 20¹²/₂₀₁₉ در وقت اس وقت

کنسٹیبل انا مفید 2493 سٹیشن AT سٹاف پولیس لائن میانہ دار 2727 قصبہ

ریفر مشر نورس پولیس لائن حسب الحکم جناب DPO بہاف بندہ کوئٹہ گارڈ

کہے ان ڈیوٹی گارڈ فائدہ جمانگیر 47 کو نگرانی کرنے کی ہدایت کی گئی

نقل بند علیہ و عترت بیونہ اندران مالائی خدمت میں ارسال کی جا رہی ہے

صاف عالی

نقل و کالہ

[Signature]
MASI Police Line 20
Mardan

ATTESTED

[Signature]

RI / Line / Mardan

6/3/2020

[Signature]
Allum

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زبردستی

فائدہ	شخص	ضلع	حیدرآباد
نمبر	۳۷	تاریخ	19/12/99
۱۔	ذاتی دولت پرست	تبعہ	چالبرگ پورج 19/12/99
۲۔	نام و شناخت	مقام	۰۳
۳۔	شخصی کیفیت	مقام	9-420-468
۴۔	جائے وقوعہ	مقام	حکام آباد
۵۔	نام و شناخت	حاضر علی	سجاد عرفان پورج
۶۔	کارروائی جو تفتیش کے متعلق کی گئی	مقام	سید گنجی
۷۔	تفصیلات سے روایت کی تاریخ و وقت	مقام	سید گنجی

ابتدائی اطلاع نچے درج کرو۔

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SI-B 9/19



**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 574 /PA

Dated 31/12/2019

DISCIPLINARY ACTION

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Mufid Shah No.2493, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

STATEMENT OF ALLEGATIONS

Whereas, Constable Mufid Shah No.2493, while posted at MT Staff (no order suspension Police Lines Mardan), has been charged in a case vide FIR No 1303 dated 19-12-2019 U.S. 381-A/419/420/468/471/473/411/412/148/149 PPC PS City.

For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, Mr. Tayyab Jan SDPO/Sheikh Maltoon is nominated as Enquiry Officer.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police Officer, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused Official.

Constable Mufid Shah is directed to appear before the Enquiry Officer on the date + time and place fixed by the Enquiry Officer.

(SAJJAD KHAN) PSP
District Police Officer
Mardan

*Call Mr
Alfanton*

**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

2019

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

CHARGE SHEET

1. SAJIAD KHAN (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Mufid Shah No.2493, while posted at MT Staff (Now under suspension Police Lines Mardan), as per attached Statement of Allegations.

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

2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.

3. Your written defense, if any, should reach the Enquiry Officers 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 follow against you.

4. Intimate whether you desired to be heard in person.

(SAJIAD KHAN) PSP
District Police Officer
Mardan



**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2020

No. 26 /PA

Dated 11/13/2020

FINAL SHOW CAUSE NOTICE

Constable Mufid Shah No.2493, while posted at MT Staff (now under suspension Police Lines Mardan), has been charged in a case vide FIR No.1303 dated 19-12-2019 U/S 381-A/419/420/468/471/473/411/412/148/149 PPC PS City.

During the course of Departmental Enquiry, conducted by Mr. Tayyab Jan SDPO Sheikh Maltoon vide his office letter No.116/SMT dated 09-03-2020, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.574/PA dated 31-12-2019, holding responsible you of gross misconduct & recommended for major punishment.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which, it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by Waqar

Dated: 11/13/2020

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy to RI Police Lines Mardan (Attention Reader) to deliver this Notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.



7
**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2020

No. 2288-87 /PA

Dated 30/4/2020

ORDER ON ENQUIRY OF CONSTABLE MUFEEB MUHAMMAD NO.2493

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at MT Staff (now under suspension Police Lines Mardan), was placed under suspension and closed to Police Lines vide this office OB No.2777 dated 27-12-2019, issued vide order/endorsement No. 7796-7801/OSI dated 30-12-2019, on account of charging in a case vide FIR No.1303 dated 19-12-2019 U/S 381-A/ 419/420/468/471/473/411/412/148/149 PPC PS City & proceeded against departmentally through Mr. Tayyab Jan, the then SDPO Sheikh Maltoon vide this office Statement of Disciplinary Action/Charge Sheet No.574/PA dated 31-12-2019, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.116/SMT dated 09-03-2020, recommending the alleged official for major punishment.

In this connection, he was served with a Final Show Cause Notice under K.P Police Rules-1975, issued vide this office No.26/PA dated 11-03-2020, to which, his reply was received and found un-satisfactory.

Final Order

Constable Mufeed Muhammad was heard in O.R on 28-04-2020, but he failed to satisfy the undersigned, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 712

Dated 29/4/2020

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Additional Inspector General of Police, Internal Accountability Branch KP Peshawar with reference to CPO Peshawar letter No.261/CPO/IAB dated 06-02-2020, please.
- 2) The Regional Police Officer Mardan with reference to his good office No.395/R dated 10-02-2020, please.
- 3) The SP Investigation Mardan with reference to his office letter No.3088/GB/Inv: dated 24-12-2019.
- 4) The DSP/HQrs Mardan.
- 5) The P.O & E.C (Police Office) Mardan.
- 6) The OSI (Police Office) Mardan with (3) Sheets.

DEPARTMENTAL ENQUIRY AGAINST CONS: MUFEED SHAH NO.2493

Kindly refer to your office diary No.574/PA, dated 31.12.2019.

The instant Inquiry has been initiated against Constable Mufeed Shah No.2493, who was suspended and proceeded departmentally being involved in a criminal case. Charge sheet and statement of allegation were issued by the competent authority and the undersigned was nominated as enquiry officer.

ALLEGATION:-

That he while posted at MT Staff of District Mardan charged in a criminal case vide FIR No.1303 dated 19.12.2019 U/s 381A/419/420/468/471/473/411/412/148/149 PPC PS City.

PROCEEDINGS:-

For completion of enquiry proceedings copy of charge sheet and statement of allegation were handed over to the defaulter who replied in stipulated period. Statements of the following officials were also recorded.

1. Insp: Muhsin Fawad SHO PS City
2. Insp Hazrat Ali / OII of PS City
3. SI Wajid Ali OII PS saddar
4. SI Saif U rehman OII PS Nowshera
5. ASI Shafiq Ahmed PP Umar Abad
6. HC Wajid PS Katlang
7. ASI Asif Khan PS City
8. Const:Zia Ullah No.1081 PS City
9. Const: Miftah No.1549 PS City
10. Const: Zahir Shah No.2055 PS City

The defaulter constable Mufeed Shah spurned the allegation and deposed in his statement that he was called by the Moharrar Police Lines on 17.12.19 and was locked up in Quarter Guard. On 26.12.19 the IO get him out from the Quarter Guard and was arrested in the subject case. He was suspended by the DPO Mardan on 27.12.19 and was produced before the court for Police Custody which was regretted and he was sent to Judicial Lock up. Later on he managed bail from high Court Peshawar. He joined his duty on 10.02.2020 at Police Lines Mardan. He produced the following grounds as evidence in support of his version.

- a. That he was charged on the statement of Co-Accused Hazrat Ali and Sajjad in the said FIR.
- b. That he was put in Quarter guard on 17.12.19 till 26.12.19 then how the IO recovered 04 motor cars from his possession on 19.12.19 and 20.12.19 as he was not in custody of IO.
- c. That Motor Car No.1449/Charsadda was sold through him to ASI Shafiq Khan and was recovered from his possession but place of recovery has not been shown in recovery memo.
- d. That Motor Car No. LKM-1210 was sold through him to ASI Ihsan Khan and was recovered from his possession but place of recovery has not been shown in recovery memo.
- e. That Motor Car No.LEF-366 was sold through him to one Farooq and was recovered from his possession but place of recovery has not been shown in recovery memo.
- f. That Motor Car No. LWO-0577 was sold through him to SI Wajid Khan and was recovered from his possession but place of recovery has not been shown in recovery memo.
- g. That the recovery of 04 Motor Cars mentioned above are falsely, factious and never effected from his possession

STATEMENT OF OII INSP HAZRAT ALI:-

The OII Hazrat Ali called to office and his statement was recorded wherein he stated that he is investigating officer of the subject case. Constable Mufeed was arrested on 26.12.19, being found involved in the above subject criminal case and was produced before the court for Police custody but the court regretted and was sent to Judicial lock up. The SHO had recovered 04 stolen Motor Cars from his possession and he failed to explain his legal position regarding these motor cars. His bail application was turned down by the senior Civil Judge as well as by the Session court and later on the Peshawar High court Peshawar accepted his bail application. However the case is under investigation.

STATEMENT OF INSP MOHSIN FAWAD:-

SHO Inspector Muhsin Fawad stated in his statement that he while on Alaqa ~~was~~ received information that motor car No.EX-213/Islamabad which has been stolen from ~~the~~ present at Place of occurrence and the accused Hazir Ali and others are busy in ~~the~~ of its chassis number so he rushed to the spot and found the accused Hazir Ali and others ~~in~~ the chassis number of said motor car. Moreover 04 other vehicles found in suspicious ~~location~~ which were recovered from their possession. During interrogation the accused disclosed ~~the~~ constable Mufeed Khan who is performing duty at MT Staff and constable Mian Dad posted at PS Jabbar are also their colleagues and involved in such criminal activities. 04 motor cars were recovered from the possession of Mufeed Khan and 03 Motor cars were recovered from the possession of constable Mian Dad on their pointation and were taken on recovery memo in the presence of witness.

STATEMENT OF SI WAJID KHAN:-

SI Wajid Khan stated in his statement that he bought car No.0577/LWO with supardari documents from constable Mufeed for his brother in lieu of Rs. 3,70,000/- but later on the said car care was returned to Mufeed and the amount is still outstanding.

STATEMENT OF ASI SHAFIQ KHAN:-

ASI Shafiq Khan stated in his statement that he bought car No.1449/D1 with supardari documents in lieu of Rs:245,000 from constable Mufeed but the car was found suspicious therefore he returned the said car to Mufeed and the amount is still outstanding.

STATEMENT OF HC WAJID KHAN KHAN:-

HC Wajid Khan stated that Hazir Ali contacted him and said that there is a supardari car with a person. Mufeed bring the car and delivered him along with supardari documents. Later on SHO Mohsin Fawad called him to bring the same car being wanted to PS City in criminal case. Therefore the car was handed over to SHO PS City.

STATEMENT OF WITNESSES OF RECOVERY MEMO:-

ASI Asif Khan, Const: Miftah No.1549, Const: Zahir Shah No.2055 stated in their statements that all the above cars were recovered from the possession of Constable Mufeed and taken on recovery memo in their presence.

CRIMINAL CASE FILE RECORD:-

Copies of following relevant documents of criminal case FIR No.1303 dated 19.12.2019 U/s 381A/419/420/468/471/473/411/412/148/149 PPC of PS City were also procured from the investigation officer and were placed on file.

- a. Copy of FIR No.1303 dated 19.12.19 PS City.
- b. Copy of case diary No.01 part 02 serial No.01.
- c. Copy of recovery memo of vehicle Car No.B-1449/Charsadda, Car No.759-AHL5, Car No.4561/LEC and Car No.18-LRL.
- d. Copy of recovery memo of vehicle Car No.1739-LWQ, Car No.1210-LKM, Car No.366-LEE, Car No.0577-LWQ, Car No.261-FSM, Car No.7010-LRE, Car No.8495-LZO, Car No.0323-LH and Car No.4035-LEF.
- e. Copy of recovery memo Car No. LEF-1538, Car No.LZO-7776, Car No.B-5272, Suzuki Pick up No.h-6287.
- f. Copy of recovery memo Car No.LEC-310
- g. Copy of card of arrest U/s 62 CrPc.
- h. Copy of DD No.45 dated 20.12.19 and DD No.26 dated 26.12.19

CROSS EXAMINATION:-

A session of cross examination has been made in the office of undersigned and the alleged constable was given opportunity of self defense and its proceedings have been recorded which is placed on file.

CONCLUSION:-

After going through the statements and record, I come to the conclusion that it is correct that the defaulter constable has not been charged directly in the FIR, but during course of inquiry it come to the surface that Motor Car No.1449/Charsadda, Motor Car No.1210/LKM, Motor Car No.366 LEF and Motor Car 0577/LWA have been recovered from his possession in the presence of witnesses. Moreover, he was put in quarter guard after recovery of stolen/tempered Cars from his possession on 20.12.2019 which is evident from DD No. 45 dated 20.12.2019 Police Line Mardan.

RECOMENDATION:-

Keeping in view the above facts and circumstances, the alleged constable is found guilty and the allegation mentioned in the charge sheet has been stand proved without any shadow of doubt, therefore he is recommended for Major Punishment.

Enclosed(44) Sheets
No. 112 /SMT
Dated. 22.12.2020

(Inquiry Officer)
Deputy Superintendent of Police,
S.M.T-Circle.

Issue E SCN

DP/9 MON
09/31/20

Handwritten notes: "Hand - OR", "Mans not seen", "Dismissed", "Service".

2

ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Mufeed No. 2493** of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 712 dated 29.04.2020. The appellant was proceeded against departmentally on the allegations that he while posted as Driver at MT Staff, Mardan was placed under suspension and closed to Police Lines, Mardan on account of involvement in a case FIR No. 1303 dated 19.12.2019 u/s 381A/419/420/468/471/473/411/412/148/149PPC Police Station City, Mardan.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, Sheikh Maltoon, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he found the delinquent Officer guilty of misconduct and recommended him for major punishment.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory. He was also provided opportunity of self defense by summoning him in the Orderly Room held in the office of District Police Officer, Mardan on 28.04.2020. But he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 712 dated 29.04.2020.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 16.06.2020

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Besides, case property in shape of stolen cars has been recovered from the active possession of the appellant which clearly shows the nexus of appellant with the commission of offence. Moreover, the involvement of appellant in this heinous criminal case is clearly a stigma on his conduct. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. He could not

...y cogent justification to warrant interference in the order passed by competent authority.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.


Regional Police Officer,
Mardan.

No. 3887 /ES, Dated Mardan the 24-06- /2020.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 140/LB dated 04.06.2020. His service record is returned herewith.

(****)

✓
DSP/legat / E/O/SI

For necessary action.

3113
29.6.20
DPO Mardan
25.6.2020

17-3-21



599
17-3-21
No. SI-1006

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

121, dated Peshawar the 10/03/2021.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Mufeed Muhammad No. 2493. The petitioner was dismissed from service by District Police Officer, Mardan vide OB No. 712, dated 29.04.2020 on the allegations that he while posted as Driver at MT Staff Mardan was involved in a case vide FIR No. 1303, dated 19.12.2019 u/s 381A/419/420/468/471/473/411/412/148/149 PPC Police Station City, Mardan. His appeal was rejected by Regional Police Officer, Mardan vide order No. 3887/ES, dated 24.06.2020.

Meeting of Appellate Board was held on 18.02.2021 wherein petitioner was heard in person. Petitioner contended that he is innocent and has been falsely implicate in the case.

Perusal of enquiry papers reveals that ~~case~~ property in shape of stolen cars was recovered from the active possession of the petitioner which shows the nexus of petitioner with the commission of offence. During hearing petitioner also failed to advance any plausible explanation in rebuttal of the charges. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAMI, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 1007-16/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 5056/ES, dated 19.08.2020 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. JG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

SEEN/EC/DPO Mardan

(ORFAN ULLAH KHAN) PSP
AIC/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

DSP Legal

✓ EC/OSI

for int action

DPO Mardan
17-3-21

2221
18/3/21

No. 1472/ES
17-3-21
(sent to Mardan)

RPO, Mardan
11/3/21

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

Service Appeal No. 7812/2020

Mufeed Muhammad Ex-Constable No.2493-MR

.....Appellant


VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others.

.....Respondents

AUTHORITY LETTER.

Mr. Khyal Roz Inspector Legal Branch, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Regional Police Officer,
Mardan.**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 03)

(1)

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

Service Appeal No _____/2020

Mufeed Muhammad

.....APPELLANT

VERSUS

I.G.P, Khbyer Pukhtunkhwa and othersRESPONDENTS

RE-JOINDER TO THE COMMENTS OF RESPONDENTS

RESPECTFULLY SHEWETH,

PRELIMINARY OBJECTIONS.

The preliminary objections are vague, illegal and are not sustainable in the eyes of law. The respondents on the basis of frivolous and baseless allegations have registered case which is not in accordance to sprit of law. The vehicles in question were already released on superdari to different lawful owners as per order of learned Judicial Magistare, Mardan, learned Addl Sessions Judge and a few by order of Worthy Peshawar High Court, Peshawar and they were enjoying there usufruct and possession. The respondent authority with malafide and ulterior motives has acted illegally arrested the appellant illegally and detained him illegal confinement without any due process of law and Rules applicable. All the vehicles were already booked in different FIR and were given on superdari lawful owners. Some were subsequently sold out in the market subject to terms of superdari, those were taken into possession by SHO of concern PS, and SECOND FIR was registered which is totally unwarranted and illegal in the eyes of law as per dicta laid by Supreme Court of Pakistan in a case reported in PLD 2018 SC 595 (larger bench) held that after registration first FIR for an offence, no second FIR is permissible. But in this case second FIR No 1303 dated 19/12/2019 u/s 381 A read 419, 420 etc PPC at PS City Mardan was registered which is itself illegal and unwarranted, hence no proceedings

can be taken on strength of this FIR against appellant in which no conviction is recorded till date.

No car is recovered from possession of appellant, neither the appellant is directly nominated in the FIR

Further no chance of hearing, no chance to cross examine the witnesses was provided. During the whole course of inquiry process appellant remained in jail, hence the inquiry officer was not an impartial person.

The appeal has been competently filed before this Hon'able Tribunal and this learned Tribunal has the jurisdiction to decide the same.

PARAWISE REPLY.

- 1. Para No.1 of the appeal is admitted, hence needs no comments.
- 2. Reply to Para No:2 is incorrect and are without any proof.
- 3. Para No 3 of the appeal is correct and reiterated.
- 4. Reply to Para No.4 is incorrect and with no plausible explanation of illegal detention for so many days.
- 5. Reply to Para No.5 is incorrect and arrest and FIR was unwarranted under the law. The vehicles were not of theft properties, neither any proof in this respect is placed with reply, but were on superdari to lawful owners, taken into possession and a false case has been planted against the present appellant. No second FIR can be lodged as per dicta of apex Court PLD 2018 SC 595, hence contents of para no 5 is reiterated.
- 6. Reply to Para No.6 is incorrect and are without any proof., all vehicles were released on superdari by Court, e.g, Vehicle **No LEE 366**, Motor Car was released by learned Addl Sessions Judge, Peshawar (Altaf Ur Rehman) on dated 5/7/2011 (Copy of order annexed as R/1),

Vehicle No **1449** Motor car was released on superdari by learned Addl Sessions Judge, Peshawar (Hussain Bahader Khan) on dated 4/11/2000 (Copy of order annexed as R/2) and

Similarly Vehicle No **1210 LXM**, Motor Car was released by the order of judicial Magistrate, Tangi on dated 11/10/2013, (Copy of order annexed as R/3).

Similar is the case of vehicle No **LQW 577**, the same is not at all recovered from possession of appellant, no proof with respondents that the vehicle is in PS or is a theft property. *on superdarn wide order dt: 7.6.011 by J.mci. Lah: (copy of order annex R/4)*

7. Reply to Para No.7 is incorrect and is without any plausible defence, by respondents, since FIR is illegal and unwarranted under law, further there is no conviction till date, more-so the inquiry proceedings are not conducted in accordance with law, hence dismissal is also illegal and needs to re instatement by acceptance of appeal..

8. - 14, Reply to para No 8-14 is incorrect and without any plausible defense or explanation, no proper inquiry was held that too without waiting for the result of criminal case, during whole proceedings the appellant was not properly associated, cross to witnesses was not allowed, and defense of appellant was not considered by all forums of inquiry, appeal or otherwise, hence interference is warranted under the law, hence contents of para no 5 is reiterated.

15. Contents of para no 15 of appeal is reiterated.

16. Incorrect, the appeal may kindly be accepted as per grounds of appeal.

Re-joinder to grounds.

a- k Reply to Para No. a - k , by respondents is wholly incorrect, misleading and material facts has been suppressed while giving the reply, custody of appellant was illegal, and much earlier to FIR, show cause was properly replied, there was no need to charge sheet, or issue statements of allegations to appellant, inquiry proceedings were an eye wash, and was neither according to law, nor any opportunity of cross examination to witnesses was provided to appellant during the one side inquiry, so for the defense of appellant is concerned, it was straight forward rejected, hence contents of para no a -k are correct and reiterated.

l. legal

It is therefore, most humbly prayed that on acceptance of this re-joinder, the appeal of the Appellant may please be accepted and the appellant may please be re-instated into service with all back benefits.

Any other remedy, which is not specially asked for, may also be granted in favor of Appellant.

APPELLANT.

Through

MALIK HAROON IQBAL,
ADVOCATE SUPREME COURT

DATED: 13/9/2021

(4)

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

Service Appeal No _____/2020

Mufeed Muhammad

.....APPELLANT

VERSUS

I.G.P, Khyber Pukhtunkhwa and othersRESPONDENTS

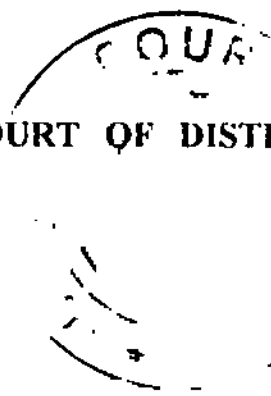
Affidavit:

I, Mian dad Son of serdrqz Khan, R/o Katti Ghari, Tehsil & District, Mardan do hereby solemnly affirm and declare on oath that contents of re-joinder is correct and true to the best of knowledge and belief and nothing kept secret.

DEPONENT

②

ANNEX R/3 (5)



BEFORE THE COURT OF DISTRICT AND SESSIONS JUDGE,
PESHAWAR.

Supreme Court
Peshawar

Yousaf Khan son of Rahmatullah, resident of Islamabad, Gul Bahar
Rd. Gul Bahar Colony, Peshawar.....Petitioner.

Versus

The State.....Respondent.

Mad No.22 Srws 12.5.11

u/s 523/550 Cr.P.C.

PS. Paharipura.

Revision petition against the order dated 6.7.11
passed by Judd: MIC. Peshawar vide which the
application of the petitioner for the return of
vehicle No.LEE 366 on bail/Super Dari was
rejected.

PRAYER.

That on acceptance of this revision petition, the
impugned order dated 7.6.11 may kindly be set-
aside and the vehicle in question may kindly be

District Court Peshawar

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returned on bail/super Dari to the petitioner till final disposal of the case.

.....

Respectfully Sheweth,



It is submitted as under:-

1. That the above mentioned vehicle of the petitioner has been taken into possession by the police and is still parked in the Police Station.
2. That the petitioner submitted an application for the return of the said vehicle on bail before the court of Judicial Magistrate, Peshawar, but the same was rejected vide order dated 7.6.11. (Attested copies of the application and order are attached herewith).
3. That now the petitioner prefer this revision petition before this Honorable court for the return of the vehicle in question on the following grounds inter-alias :-

GROUND.

- a. That the vehicle in question is no more required in the instant case or in any other case.
- b. That the petitioner is the owner of the said vehicle and is in possession of valid documents for the same.

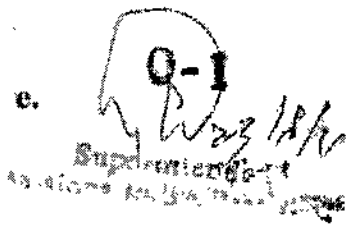
ATTESTED

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(Examiner)
District Court Peshawar

(4)

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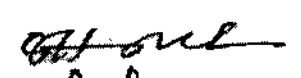

- c. That there is no other claimant of the vehicle in question.
- d/ That the vehicle cited above has been parked under the open sky and if remained any more with the police, the same will be badly damaged.
- e.  That the subject vehicle, if returned to the petitioner, the petitioner will produce the same before the police/court, when-ever required.

It is, therefore, requested that on acceptance of this revision petition, the impugned order dated 7.6.11 passed by Judl. MIC. Peshawar may kindly be set aside and the vehicle mentioned above may be returned on bail/super Dari to the petitioner till final disposal of the case.

Dated. 23.6.11.

Petitioner

Through:-


S. Hafizullah Khan, Adv. Pesh.
(Arbab Hayatullah Khan)
Advocate, Peshawar. 

Note. No such rev. petition has previously been moved before this Honorable court in the instant case


Advocate, Peshawar.

ATTESTED

10 S.
Examine.
District Judge Peshawar

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25.06.2011

APP for the State present.

Petitioner Yousaf Khan S/o Rahmat Ullah along with his learned Counsel Arbab Hayat Ullah Khan, Advocate present.

Arguments partially heard.

Record i.e registration book / file be requisitioned for 05.07.2011


(Altaf ur Rehman Khan)
Additional Sessions Judge- XI,
Peshawar.

O
05.07.2011

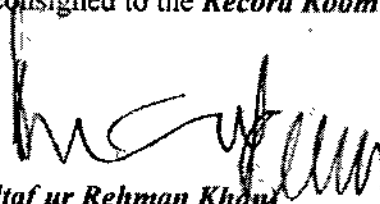
Appellants are present through their learned Counsel. The Respondent is also present through the learned APP.

Arguments were heard and record was also perused.

Vide my detailed judgment of today consisting of *four (04) pages* and placed separately on the record, this *criminal revision* seems based on merit. Hence the same is hereby ***accepted*** whereby the impugned order of the learned trial Court dated 07.06.2011 is hereby set aside and the motorcar bearing *Registration # LEE-366* is handed over in *superdari* to the Petitioner subject to the condition that he furnishes bail bonds in the sum of *Rs. 2000,000/-* (twenty lacs) with two sureties each in the like amount subject to the satisfaction of the concerned *SHO*. The said *SHO* is also directed to ensure that the sureties are local, reliable and resourceful.

File be completed and consigned to the *Record Room*.

Announced
05.07.2011


(Altaf ur Rehman Khan)
Additional Sessions Judge- XII,
Peshawar.

ATTESTED


District

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IN THE COURT OF MR. ALTAF UR REHMAN KHAN
ADDITIONAL SESSIONS JUDGE -XII, PESHAWAR

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191
06

Yousaf Khan,

S/O Rehmat Ullah,
R/O Mehallah Islamabad,
Gulbahar Road,
Gulbahar Colony,

Peshawar

Petitioner

Versus

The State **Respondent**

aw

<u>Criminal Revision Petition #</u>	<u>30/CrR of 2011</u>
<u>Date of Institution</u>	<u>23.06.2011</u>
<u>Date of Decision</u>	<u>05.07.2011</u>

Criminal Revision against the order of learned
Judicial Magistrate – IV, Peshawar dated 06.07.2011
whereby an application of the Petitioner for the
custody of a vehicle Registration # LEE 36
was rejected

Prayer in Revision:

ATTEST
District

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(20)

**To set aside the impugned order of the learned trial Court
dated 07.06.2011 and handover the vehicle in question to
the Petitioner in superdari**

J u d g m e n t

By this judgment I intend to dispose of the *criminal revision* titled as herein above.

1. The brief facts necessitating the institution of this criminal revision are that on 12.05.2011 a Police party was on *gasht* when at Haji Camp Yousaf Khan S/O Rehmat Ullah (hereinafter referred to as the Petitioner) was found occupying the driving seat of a motorcar bearing *Registration # LEF-366*. That the Petitioner was asked by the Police party to produce the registration book regarding the said motorcar which he could not. That suspecting the motorcar to have been stolen, the Police party took it into its custody under *Sections 523 and 550 of the Code of Criminal Procedure, 1898*. That the Petitioner filed an application under *Section 516-A ib idem* seeking therein the *superdari* of the said motorcar but this application was dismissed by the learned Judicial Magistrate-IV, Peshawar (hereinafter referred to as the learned trial Court) vide his order dated 07.06.2011. That, as the Petitioner deemed him self as the rightful owner and claimant of the said motorcar, he was aggrieved with the impugned order whereby he filed this *criminal revision*.

2. This *criminal revision* was filed in the Court of the Hon'ble Sessions Judge, Peshawar but was entrusted to this Court for disposal. Immediately upon its reception in this Court, the Respondent was issued a notice while the record was also requisitioned. The Respondent appeared before the Court through the learned APP. The record was also produced which was placed on the file.

The Petitioner is present through his learned Counsel and so is the Respondent through the learned APP. I have heard the ingenious and all encompassing arguments of the learned Counsel for the Petitioner

ATTESTED

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(Examiner)
District Court Peshawar

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and those of the learned APP for the Respondent and have gone through the record with their invaluable assistance.

3. In his arguments the learned Counsel for the Petitioner submitted that the motorcar was originally owned by one Syed Wajih Ullah and is still registered in his name. He produced the original registration book which was seen and returned. He submitted that Syed Wajih Ullah sold it to the Petitioner for Rs. 1250000/- and in this respect executed a transfer deed. He submitted that since then the Petitioner is the bonafide owner of the motorcar and since its seizure no rival claimant has surfaced. He submitted that the motorcar has been taken in possession by the local Police from the possession of the Petitioner. He submitted that after verification the local Police have found the motorcar as having been not been stolen or wanted in any offence. He submitted that the report of the *FSL* is not trust worthy as the chassis number of the motorcar has not been tampered. He submitted that there is no factual or legal thaw in handing over the motorcar in *superdari* to the Petitioner. He submitted that the impugned judgment and order of the learned trial Court is not based on merit and, therefore, it is not tenable in the eyes of the law. He concluded his arguments with a prayer that by accepting this *criminal revision* the impugned order be set aside and the local Police be directed to return the said motorcar in *superdari* to the Petitioner on the terms and conditions specified by this Court.

aw

4. In his arguments the learned APP for the Respondent vehemently resisted this *criminal revision* and submitted that the motorcar is not above suspicion and could be a stolen one.

5. From the perusal of the record and arguments of the learned Counsel for the Petitioner and those of the learned APP for the Respondent, it transpires that the said motorcar is *prima facie* owned by the Petitioner and has been recovered from him. Thus he is not only the last possessor thereof, so far no rival claimant has also surfaced. Similarly, the local Police have also found it as not to have

ATTESTED10 :
(Examiner)
District Court Peshawar

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been stolen or involved in any offence. To leave the motorcar in the custody of the local Police to rust and ultimately reduce to dust under exposure to harsh weather will not serve the ends of justice.

6. In the light of what has been observed hereinabove, it seems there is merit in this *criminal revision*. Hence the same is hereby

accepted whereby the impugned order of the learned trial Court dated 07.06.2011 is hereby set aside and the motorcar bearing *Registration # LEF-366* is handed over in *superdari* to the Petitioner subject to the condition that he furnishes bail bonds in the sum of *Rs. 2000,000/-* (twenty lacs) with two sureties each in the like amount subject to the satisfaction of the concerned *SHO*. The said *SHO* is also directed to ensure that the sureties are local, reliable and resourceful.

File be completed and consigned to the *Record Room*.

Announced
05.07.2011

(Altaf ur Rehman Khan)
Additional Sessions Judge- XII,
Peshawar.

CERTIFICATE

Certified that this judgment of mine consists of *four (04)* pages. Each page has been *checked, corrected*, wherever necessary, and then *signed* by me.

(Altaf ur Rehman Khan)
Additional Sessions Judge- XII,
Peshawar.

No.....	9266/1
Dated of Application.....	10/9/21
Name of Applicant.....	M. D. Khan
Word / Pages.....	29
Fee.....	
Signatures of Counsel & Court.....	
Dated of Preparation.....	10/9/21
Date of Delivery.....	10/9/21

CERTIFIED TO BE TRUE & CORRECT
(Execution)
Copying Agency District Court
Peshawar

FOR THE SESSIONS JUDGE PESH.

HAJI SALEH JAN S/O. SIR TAIF KHAN

R/O. BARA KHYBER AGENCY Peshawar

HAJI ABAD CHD ROAD. PESHAWAR.

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vs

1) State

2)

Case F.I.R. NO. 719 dated 01/8/2002.
charge u/s 17 (2) 419/468/411 PPC
430/471/13A-O
Police Station East Courtt.

Application for the release of the
vehicle bearing registration no.
CA-1449 on bail. Under the decision of the court.
I.D / 2000 chassis 90186 12-IN 411 3868758.

Respectfully Sheweth,

That the above titled case has been registered
in Police Station East Courtt. in which the
above ~~title~~ registered motor vehicle was
impounded.

Now, the Petitioner approaches this Hon'ble Court for the Release of the above vehicle into - alia on the following grounds.

GROUND S.

(1)

(11)

- 1 -

That the vehicle in question is being ~~roughly~~ used by the Police Officers without any maintenance.

- 2 - That even if parked in P.S. or Police line even then is subject to ~~rough~~ ^{hot} seasons.

- 3 -

That the Petitioner is the bonafide Purchaser & have bought the vehicle in the sum of Rs. 10 Lac with 60000 Noyast Rupees.

4 - That the Petitioner being ^{the} ~~his~~ own (Bonafide) will properly care and maintain the vehicle.

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5 - That the Petitioner is ready to furnish reasonable sureties to the satisfaction of this Hon'ble Court.

It is, therefore, requested that on acceptance of this application the above vehicle may kindly be released on bond.

Dated. 30/9/2002.

PETITIONER.

Through
~~Advocate~~

Asif Fayaz

Advocate P.H.U.

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Handwritten text, possibly a signature or a specific instruction, located in the middle left area.



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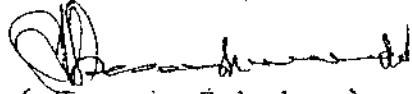
4-11-2002. MR. HUSSAIN BAHADUR, ADJ-I/JSC, PESHAWAR.

Counsel for petitioner Haji Saleh Jan and
PP for State present.

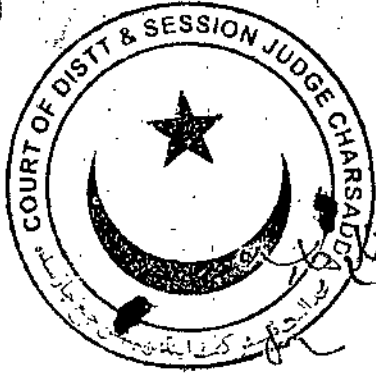
Petitioner named above has filed the present
petition for the return of Motor-car bearing registration
No. C.A-1449, chassis No. 9018612, Engine No. 3068758, on
superdari, taken into custody/possession by the police
vide case FIR No. 719 dated 1-8-2002, u/ss 17(2)/419/420/
468/471/411 MC/13 A.O, 1965, registered at P.S. East
Cantt. Peshawar. Notice given to the State/comp: t:
Arguments heard. Record perused. Report of the SHO was
called for and perused.

After hearing arguments from learned counsel
for accused petitioner and learned PP on behalf of the
State and after perusal of the record, this court is of
the opinion that the said Motor-car was taken into possession
from ~~Alhaj Plaza~~ Charsadda Road, Pesh: at the pointation of
accused Abdur Raziq, (alleging that the car is a stolen one)
by the police vide recovery memo dated 1-8-2002. During
investigation it was found that the chassis number of the
said car has been welded/replaced, however, in the police
record and computer, the car was not found as stolen from
any person. The present petitioner has produced sale deed.
Photostat copy of the sale deed and other documents would
show that the petitioner is bonafide purchaser of the car
in question from one Haji Manzoor Elahi. The petitioner
is also in possession of the documents of the said car.
There is no other claimant nor it is proved on record that
the car is stolen one. The police has neither arrested
accused Manzoor Elahi nor his statement is recorded. If
the said car is remained in possession of the pllice there
is every likelihood of its deterioration and damage etc,
so by accepting the present petition, the petitioner is
held entitled for the return of motor-car in question
on superdari, subject to furnishing surities bond/bail
bond in the sum of Rs. 1200000/- with two surities each in
the like amount to the satisfaction of Illaqa Judd:
Magistrate, Peshawar, subject to the conditions that would
not sell the car during the pendency of the criminal case
and would produce the same before any competent court and
any competent authority, whenever asked for. My this order
shall have no bearing on the merits of the case and is meant
for the disposal of this Cr. Misc: petition only. Copy of this
order be annexed with the Juddi: police file. File be consigned
to record room after completion.

Announced.
4-11-2002.


(Hussain Bahadur),
ADJ-I/JSC, Peshawar.

بدلت جانا جو دہلیل محبرہ ماہنامہ



نیرا خان ولد محمد شفیع کن مرانہ ڈھری قرنا بھیاں

نام

دیپانیت

مراد

رقعتہ واسی مورث کاربری 1210 LX 11 برآمد ترہ
ٹا اکروہ 10994-95

درستہ مورثا

رقعتہ 3 10/2013

برفہ 523/550 عات

نمانہ سنائی

جنا بھالی

حسب ذیل لکھی ہے۔

۱۔ چر گاڈی مذکورہ سیکٹی من سائی ہے
(فقوہ سے لکھی ہے)

۲۔ چر گاڈی مذکورہ کو پولیس ٹھانہ سنائی نے

ہفتہ میں لیا ہے۔

ATTESTED

EXAMINER

Copying Agency Branch
Court of Distt & Session Judge
Charsadda

217 TIA

3. یہ تمام مذکورہ قحانے میں گھڑا دینے سے

قریب بیوی کا ہو گا اور یہ ہے

(5)

4. یہ تمام یہ قسم قحانے دینے کو بنا رہے

5. یہ تمام مذکورہ قحانے کو جب یہ عدالت حضور فتح
کرے اور یہاں بیٹھا۔

لسیڈ اسٹریٹ ڈیپوٹ اور راولپنڈی
سب کو قحانے اور بیٹا کے قحانے اور بیٹا

9/10/2013

میرٹھان
میرٹھان

ATTESTED

[Signature]

EXAMINER
Copyng Agency Branch
Court of Distt & Session Judge
Charsadda
11/12/2013

Handwritten notes in Urdu:
 رقم 1210/13
 رقم 11/13
 رقم 09/13
 رقم 275/13
 رقم 15/13



02
 11-10-2013

APP for the state present. Petitioner along w
 counsel present. Record received, perused.

Petitioner, *Muheet Khan S/O Muhammad Shafi*
 R/O *Khazana Dheri, Tarnab, Tehsil & District Charsadda*
 has filed the instant application for the return of case
 property/vehicle in question (Motorcar) bearing No.1210
 LXM, which was taken into possession vide Mud No.2/
 dated 03-10-2013 U/S 523/550 Cr.P.C of police statio
 Tangi.

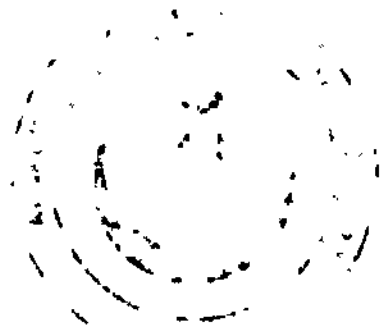
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 11/10

MUHAMMAD SHAFI
 Civil Judge (S)

Perusal of the record reveals that the local polic
 had taken into possession the case property/vehicle i
 question through recovery memo on the basis of suspicio
 from the petitioner under section 523/550 Cr.P.C. On 04
 10-2013, at the written request of the IO concerned fo
 conducting inquiry U/S 156 (3) Cr.P.C in respect of the
 vehicle, the court allowed to conduct inquiry with the

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 EXAMINER
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 Court of Distt & Session Judge
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direction that, reported be submitted within 07 days positively. Prosecution did not submit the inquiry report within the stipulated period as directed by the court. The available record further transpires that the case property/vehicle in question is no more required for investigation/inquiry. Petitioner produced original registration, transfer letter and sale deed, pertaining to the case property/vehicle in question original seen and returned, copies of the same, ExPA to ExPC. There is no rival claimant of the case property/vehicle in question before the court. If the case property/vehicle in question remained in police custody or parked in the open air, there is an apprehension of its damage, loss and wastage.

Keeping in view the above mentioned circumstances, the case property/vehicle in question along with registration copy be returned to petitioner subject to furnishing security bond to the tune of Rs.1000000/- (Rupees ten lac only) with two sureties each to the satisfaction of SHO concerned. Petitioner is directed to produce the case property/vehicle in question, whenever; required to this court or any other court of law.

Copy of this order be placed on file and record be sent back to the concerned quarter.


File be consigned to the record room of Honourable District & Sessions Judge Charsadda after its necessary compilation and completion.

ANNOUNCED:-
11-10-2013

Muhammad Shoaib,
Judicial Magistrate-I,
Tangi.

ATTESTED

CHIEF JUDGE / DISTRICT JUDGE
Charsadda


EXAMINER
Copyng Agency Branch 11/12
Court of Distt & Session Judge 13
Charsadda

annex = R/4³ (21)

IN COURT OF JUDICIAL MAGISTRATE 1ST CLASS LAHORE CANTT

VS.....State

Application for Superdari.



ORDER

Present petitioner abdul qayum in person

Inspector for the state police report perused.

Present petitioner appeared before the court for Superdari of the case property vehicle No: LWQ 0577 . Chaises No: NZE1206041063 Engine No: 2NZ1299 Color Blue Toyota Corola Modle 2007 . The report of Javed Shah S.I P.S Gulshan Ravi has been perused the car was taken in the position under section 550 Cr.P.C by local Police. The petitioner has produced original authority letter which was given by owner Malik Mukhtar Ahmed S/o Malik Muhammad Ramzan in his favour. He has also produced registration book in the name of Muhammad Ashraf S/o Muhammad Hanif seems to be real owner of the case property. There is no other claimant of the case property at this stage. Therefore superdari of the case property allowed in favour of the present petitioner namely Abdul Qayum S/o Abdul Karim. The S.H.O is directed to hand over the case property to the present petitioner if he furnishes surety bonds in the sum of Rs. 10, 0000/- with one surety in the like amount to the satisfaction of this court. Provided that the same case property be produced before the Court as and when required by the court.

Announced
07-06-2011

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2/12/2011

TESTED TO BE TRUE COPY
(3)
CLERK OF COURT
Office of the Judge SIAPI CAUSIS
Authorised Under Section 107
Cantonment

Judicial Magistrate
1st Class
Lahore

[Handwritten signature]
9/6/2011

No of Pages 2/2
Copies 10
Page 1-2-2
Date of Impression 2/12/2011
Date Given For Return 2/12/2011
Date of Delivery 2/12/2011

بعد اللت صبا - جو دسترخوان حضرت علیؑ
لاہور کتب



سید محمد
عبد القیوم
جسٹس - 555 - 555
محکمہ سیکشن رائے

درخواست عمار اسپرڈنگ کوئٹہ
ریفرنس نمبر 1577-15065-2007
NZE 120-6041063
2NZ 1299

ذیل کے دستاویزات

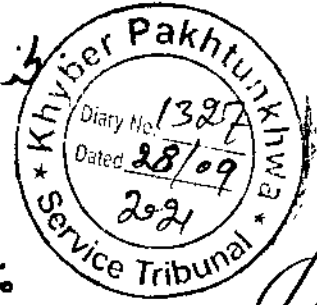
- 1- ایک کارڈ (مذکورہ عمارت) کے بارے میں
- 2- ایک کارڈ (مذکورہ عمارت) کے بارے میں
- 3- ایک کارڈ (مذکورہ عمارت) کے بارے میں
- 4- ایک کارڈ (مذکورہ عمارت) کے بارے میں

اس کے علاوہ ایک کارڈ
مذکورہ عمارت کے بارے میں

عبد القیوم
محکمہ سیکشن رائے

ATTACHED
(3)
Mark of Court
Judge Smt. Sana Qureshi
Lahore

2/12/2011



خدمت میں بحال رہیں اور سروس میں بحال رہیں

put up to the warty chain - cu
with relevant app - cu

مفتی کے نام سے
کپک

سرکار

78/4/2020

30/11/2021
29/11/2021

خواہتیں برقرار رکھنے کے لئے متعلقہ عہدے پر بحال رہیں

کپک

تاریخ

NFA

04/11/2021

سائیکل سے متعلقہ عہدوں پر بحال رہیں

ادیشنل سیکرٹری، سروسز، ایف اے اے

30/11/2021
مقررہ

میں بحال رہیں اور سروس میں بحال رہیں

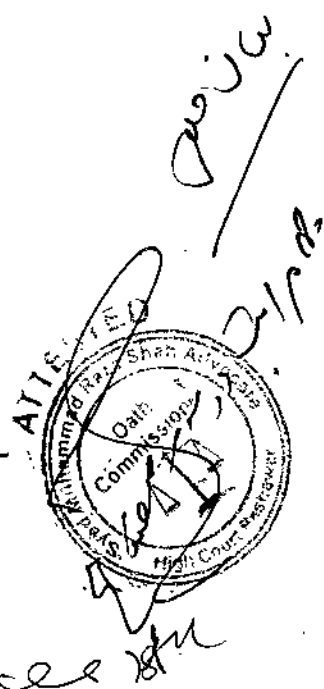
کپک

ادیشنل سیکرٹری، سروسز، ایف اے اے

کاپی

کاپی

2493
مفتی کے نام سے



DB I

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

Put up to the worthy chair
with relevant appeal.

TRIBUNAL, PESHAWAR

CM No. 7 / 2021



16/12/21 IN
Servicer Appeal No. 7812 / 2020

Mufeed MuhammadPetitioner

VERSUS

IG KPK etc.Respondents

NFA

APPLICATION FOR EARLY HEARING

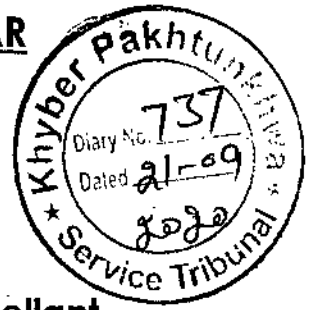
THE TITLED SERVICE APPEAL

21/12/2021

Respectfully Sheweth:

1. That the above titled Service Appeal is pending adjudication before this Honourable Court and is fixed for 01.02.2022.
2. That the appellant has a strong case in his favour, and the case has been adjourned so many times due to the act of the respondents and due to which, the appellant suffers a lot and requests through the instant application that the instant appeal may kindly be fixed at an early date.
3. That there is no legal bar in accepting the instant application rather it will serve the ends of justice.

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR



In Re: Service Appeal No.7812 of 2020

Mufeed Alam.....**Applicant/ Appellant**

VERSUS

IGP, KPK and others.....**Respondents**

*put up to the court with relevant appeal
21/9/2020.*

Application for early hearing in the titled service appeal

Be adjusted for hearing in the last/third week of October, 2020.

Respectfully Sheweth:

- Respectfully*
1. That the above titled service appeal was lastly fixed on 11.09.2020 and now is fixed for 17.11.2020.
 2. That the titled case is at preliminary arguments stage in which valuable rights of applicant/ appellant are involved in the instant service appeal.
 3. That the date fixed by this Hon'ble Tribunal is too long, hence, the present application for early hearing.

*hm
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29/10
D*

IT IS, THEREFORE, respectfully prayed that on acceptance of the instant application, the titled service may please be fixed as soon as possible in the best interest of justice.

Mufeed
Applicant/ Appellant

Through

Malik Haroon Iqbal
Advocate Supreme Court,

And

Abbas Khan Mohmand
Advocate High Court

Dated: 21.09.2020

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

Service Appeal No. 7812/2020

Mufeed Muhammad Ex-Constable No.2493 MR

.....Appellant

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others.

.....Respondents

Para-wise comments by respondents:-

Respectfully Sheweth,

PRELIMINARY OBJECTIONS

1. That the appellant has not approached this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action or locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.

REPLY ON FACTS

1. Correct to the extent that the appellant was recruited as constable in Police Department.
2. Incorrect plea taken by the appellant is not plausible because his performance was not satisfactory and his service record is tainted with bad entries (Copy of list of bad entries is attached as Annexure "A").
3. Para pertains to record needs no comments.
4. Incorrect. Stance taken by the appellant is not plausible, because he was detained in quarter guard as per the directions of respondent No. 03 (DD report is attached as annexure "B").
5. Incorrect. The appellant in order to save his skin in terms of his involvement in vehicle theft, propounded the instant story. However, the appellant being involved in a criminal case vide FIR No. 1303 dated 19.12.2019 u/s 381-A/ 419/ 420/ 468/ 471/ 473/ 411/ 412/148/149 PPC Police Station City was arrested by the local Police of Police Station City (Copy of FIR is annexed as "C").
6. Incorrect. Stance taken by the appellant is totally devoid of merit because during the course of investigation 04 stolen/tempered Motor Cars have been recovered from the active possession of appellant. Therefore, the entire story of the appellant is concocted as the appellant instead of fighting crime, himself indulged in criminal activities.
7. Incorrect. Plea taken by the appellant is baseless, because he was locked in quarter guard on 20.12.2019. DD report already attached with above mentioned para No. 04.
8. Incorrect the stolen/tempered vehicles have duly been recovered from the all accused including the present appellant, hence, plea of the appellant is devoid of merit is liable to be set at naught.
9. Plea taken by the appellant is bereft of any substance because criminal and departmental proceedings are two different entities which can run parallel and the fate of criminal case will have no effects on the departmental proceedings. Besides,

release on bail does not mean acquittal from the charges rather the same is release from the custody.

10. Incorrect. Plea taken by the appellant is not plausible, because he was involved in a criminal case vide FIR No. 1303 dated 19.12.2019 u/s 381-A/ 419/ 420/ 468/ 471/ 473/ 411/ 412/148/149 PPC Police Station City, due to which the appellant was proceeded as per Police Rules 1975.
11. Correct to the extent that the appellant was issued charge sheet and statement of allegations as he was involved in heinous criminal case wherein 04 stolen/tempered motor cars have been recovered from the active possession of the appellant, which clearly establishes the nexus of the appellant with the commission of offence.
12. Correct, reply of the appellant was received but found unsatisfactory.
13. Incorrect. Proper enquiry was initiated against the appellant, during the course of enquiry the appellant was provided fulfilled opportunity to produce evidence/grounds in his defense but he failed to justify his innocence. However, after fulfillment of all legal and codal formalities, the Enquiry Officer recommended the appellant for Major punishment.
14. Correct, reply of the appellant was received but found unsatisfactory.
15. Incorrect. Plea taken by the appellant is not plausible, because after enquiry Final Show Cause Notice was issued to the appellant to which his reply was received but found un-satisfactory and he was also summoned and heard in orderly room on 28.04.2020, but this time too, the appellant failed to justify his innocence therefore, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant.
16. Correct to the extent that the appellant preferred departmental appeal and the appellate authority after paying due consideration, summoned and heard the appellant in Orderly Room held on 16.06.2020 but he bitterly failed to justify his innocence.
17. Para already explained needs no comments.
18. That appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

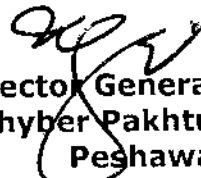
REPLY ON GROUNDS:

- A. Incorrect. Order passed by the competent authority as well as appellate authority are legal, lawful hence, liable to be maintained.
- B. Incorrect. Para explained earlier needs no comments.
- C. Incorrect. Plea taken by the appellant is totally ill-based, because he was involved in a criminal case vide FIR No. 1303 dated 19.12.2019 u/s 381-A/ 419/ 420/ 468/ 471/ 473/ 411/ 412/148/149 PPC Police Station City. However, his performance was not satisfactory and his service record is tainted with bad entries (Bad entries list already annexed).
- D. Incorrect. Stance taken by the appellant is totally devoid of merit because during the course of investigation 04 stolen/tempered Motor Cars have been recovered from the active possession of appellant.
- E. Incorrect. Para already explained needs no comments.

- F. Plea taken by the appellant is bereft of any substance because criminal and departmental proceedings are two different entities which can run parallel and the fate of criminal case will have no effects on the departmental proceedings.
- G. Incorrect. Plea taken by the appellant is not plausible because no conviction against the appellant does not exonerate him from his wrong deeds.
- H. Incorrect. Para explained earlier needs no comments.
- I. Incorrect. Para already explained needs no comments.
- J. Incorrect. Stance taken by the appellant is totally devoid of merit because he has been properly proceeded against departmentally by issuing him Charge Sheet with Statement of Allegations and enquiry was entrusted to Mr. Tayyab Jan the then SDPO Sheik Maltoon Mardan. The enquiry officer during the course of enquiry provided fulfilled opportunity to the appellant to produce evidence/grounds in his defense but in fiasco, however, after fulfilling all legal and codal formalities, held the appellant responsible of misconduct. Therefore, after enquiry the competent authority has issued Final Show Cause Notice to the appellant to which his reply was received but found un-satisfactory and he was also summoned and heard in orderly room on 28.04.2020, but this time too, the appellant failed to justify his innocence hence, he was awarded major punishment of dismissal from service, which does commensurate with the gravity of misconduct of the appellant (Copies of Charge Sheet with Statement of allegations and Final Show Cause Notice are annexed as "D", "E" & "F").
- K. Incorrect the appellant has been treated in accordance with law, rules, policy & norms of natural justice. Hence plea of the appellant is devoid of any merit.
- L. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

PRAYER:-

Keeping in view the above facts narrated facts it is most humbly prayed that the appeal of the appellant being badly barred by law and limitation may kindly be dismissed with costs please.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Regional Police Officer,
Mardan.**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 03)

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

Service Appeal No. 7812/2020

Mufeed Muhammad Ex-Constable No.2493-MR

Appellant

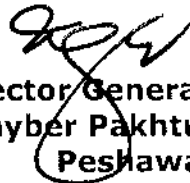
VERSUS


The Inspector General of Police Khyber Pakhtunkhwa, Peshawar & others.

Respondents

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 01)


**Regional Police Officer,
Mardan.**
(Respondent No. 02)


**District Police Officer,
Mardan.**
(Respondent No. 03)

ATs
Mardan
Per his
ed on
Mardan
for
M/R
course

14. COMMENDATORY ENTRIES-Contd.

Qualified 15th basis course short ATs
course at police lines Mardan during the term
ending from 15.12.2013 to 10.2.2014.

OB NO. 565
dt 3.3.2014

DPO/Mardan

ORDER

Being Charged in case vide FIR NO. 1302
dated 19-12-2019 U/S 381-A/419/420/468
471/411/412/148/149 PPC PS city hereby
Placed under suspension with immediate
effect.

OB NO : 2777
dt: 27-12-2019

DPO Mardan

ORDER:-

Awarded major punishment of dismissal
from service with immediate effect.

OB NO. 712
29-4-2020

YK
DPO/Mardan.

14. COMMENDATORY ENTRIES - Concl'd.

Serial No.

ORDER

Being the appellate authority, find
no substance in the appeal therefore
the same is rejected and filed being
decided of merit vide DPO/Mardan
Entry No. 3887 Es, dt. 24-6-2020

DPO/Mardan
Y

ORDER

The appeal is rejected vide Addl: ICP
/HQs ICP Peshawar. order memo no. 1006-16/21
dated: 10-3-2021

DPO/Mardan

③ d

OB 1

28

② d

OB 15

6-7

② d

OB 100

7-2

(2) d

OB 100

2

(2) d

OB 100

2

② d

OB 15

28

② d

OB 100

22-4

15-CENSURES AND PUNISHMENTS.

③ days Extra duty for his Absence

OB No - 258

28-1-14

DP/MR

② days Extra duty for his Absence

OB No - 335

6-2-14

DP/MR

② days Extra duty for his Absence

OB No - 354

7-2-14

DP/MR

(2) days Extra duty for his Absence

OB No. 466

20-2-14

DP/MR

(2) days Extra duty for his Absence

OB No. 519

25-2-14

DP/MR

② days Extra duty for his Absence

OB No - 557

28-2-14

DP/MR

② days Extra duty for his Absence

OB No - 856

7-2-14

DP/MR

پولیس لائن

تقلید کا روزنامہ 20¹²/₂₀₁₈

مدرسہ کوئٹہ / فیض علی خان / لاہور 20¹²/₂₀₁₈ درج ذیل کے ناموں پر اس وقت

کنسٹیبلانہ نمبر 2443 مقیم مٹ سٹاف پولیس لائن میان مار 2727 مقیم

ریئر شیروئس پولیس لائن حسب الخم حجاب DPO صاحب بندہ کوئٹہ

لڑکے ان ڈیوٹی گارڈ گارڈر جمائلہ 47 رنڈہ ایئر ٹی بی بی

تقلید علیہ سب مور انڈر انالائی خدمت میں ارسال کی جا رہی ہے۔

خاتون عالی

تقلید علیہ سب
MASI Police Line
Mardan

ATTESTED

(Signature)

RI / Line / Mardan

6/3/2020

Allium
(Signature)



OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

No. 574 /PA

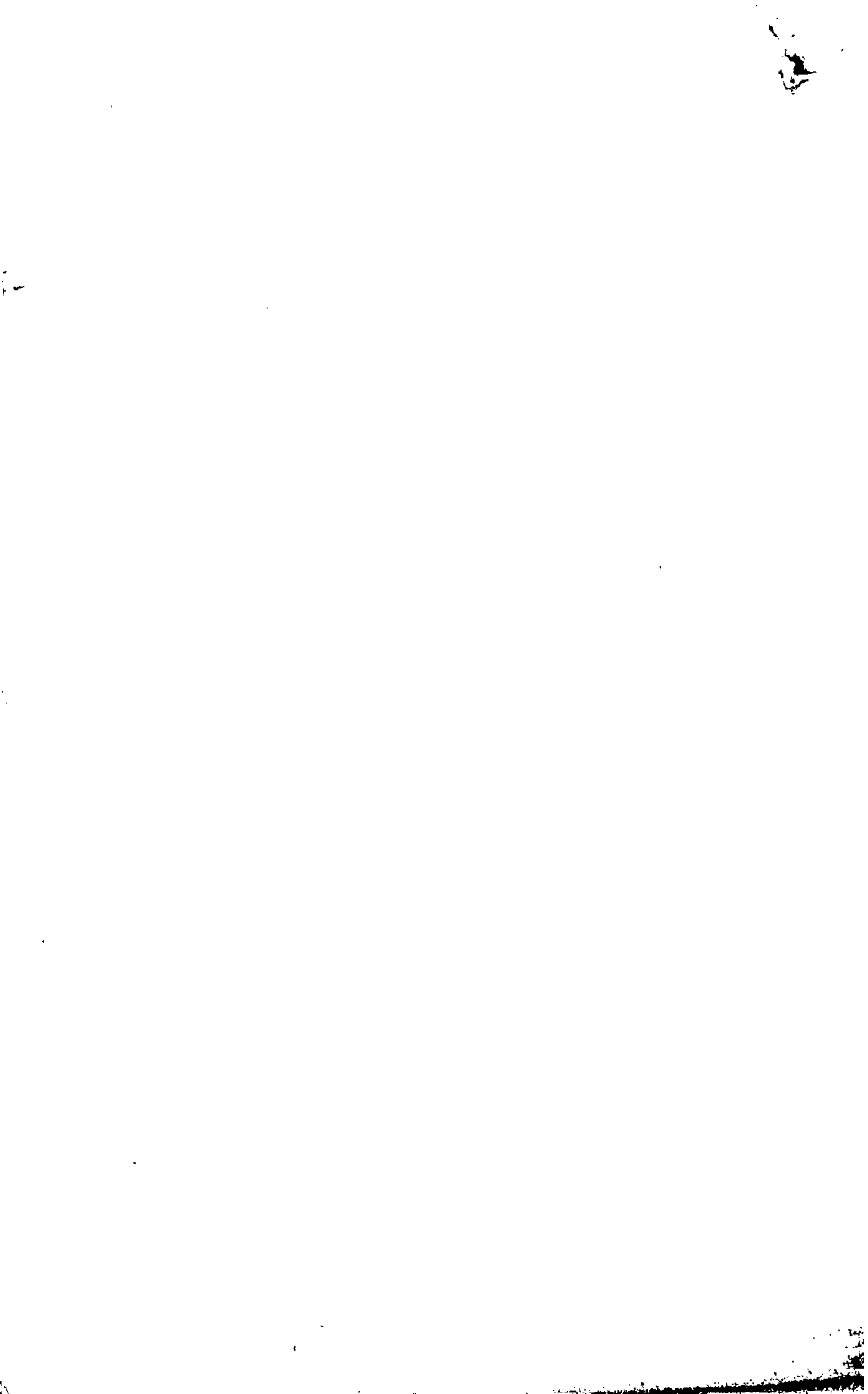
Dated 31/12/2019

DISCIPLINARY ACTION

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority am of the opinion that Constable Mufid Shah No.2493, himself liable to be proceeded against, committed the following acts/omissions within the meaning of Police Rules 1975

STATEMENT OF ALLEGATIONS

Whereas, Constable Mufid Shah No. 2493 (with joined at 611) (stationed at Mardan Police Lines Mardan), has been charged in a case No. 113/2019 dated 19.12.2019 under the provisions of 17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/1044/1045/1046/1047/1048/1049/1050/1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080/1081/1082/1083/1084/1085/1086/1087/1088/1089/1090/1091/1092/1093/1094/1095/1096/1097/1098/1099/1100/1101/1102/1103/1104/1105/1106/1107/1108/1109/1110/1111/1112/1113/1114/1115/1116/1117/1118/1119/1120/1121/1122/1123/1124/1125/1126/1127/1128/1129/1130/1131/1132/1133/1134/1135/1136/1137/1138/1139/1140/1141/1142/1143/1144/1145/1146/1147/1148/1149/1150/1151/1152/1153/1154/1155/1156/1157/1158/1159/1160/1161/1162/1163/1164/1165/1166/1167/1168/1169/1170/1171/1172/1173/1174/1175/1176/1177/1178/1179/1180/1181/1182/1183/1184/1185/1186/1187/1188/1189/1190/1191/1192/1193/1194/1195/1196/1197/1198/1199/1200/1201/1202/1203/1204/1205/1206/1207/1208/1209/1210/1211/1212/1213/1214/1215/1216/1217/1218/1219/1220/1221/1222/1223/1224/1225/1226/1227/1228/1229/1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OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpo_mardan@yahoo.com

2019

CHARGE SHEET

I, SAJJAD KHAN (PSP), District Police Officer Mardan, as competent authority, hereby charge Constable Mufid Shah No.2493, while posted at MT Staff (Now under suspension Police Lines Mardan), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officers 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 follow against you.
4. Intimate whether you desired to be heard in person.

(SAJJAD KHAN) PSP
District Police Officer of the
Mardan



**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2020

No. 26 /PA

Dated 11/13/2020

FINAL SHOW CAUSE NOTICE

Constable Mufid Shah No.2493, while posted at MT Staff (now under suspension Police Lines Mardan), has been charged in a case vide FIR No.1303 dated 19-12-2019 U/S 381-A/419/420/468/471/473/411/412/148/149 PPC PS City.

During the course of Departmental Enquiry, conducted by Mr. Tayyab Jan SDPO Sheikh Maltoon vide his office letter No.116/SMT dated 09-03-2020, in pursuance of this office Statement of Disciplinary Action/Charge Sheet No.574/PA dated 31-12-2019, holding responsible you of gross misconduct & recommended for major punishment.

Therefore, it is proposed to impose Major/Minor penalty as envisaged under Rules 4 (b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence, I Sajjad Khan (PSP) District Police Officer Mardan, in exercise of the power vested in me under Rules 5 (3) (a) & (b) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to Show Cause Finally as to why the proposed punishment should not be awarded to you.

Your reply shall reach this office within 07 days of receipt of this Notice, failing which; it will be presumed that you have no explanation to offer.

You are liberty to appear for personal hearing before the undersigned.

Received by Waeel

Dated: 11/13/2020

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy to RI Police Lines Mardan (Attention Reader) to deliver this Notice upon the alleged official & the receipt thereof shall be returned to this office within (05) days positively for onward necessary action.



7
**OFFICE OF THE
DISTRICT POLICE OFFICER,
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111
Email: dpomdn@gmail.com

2020

No. 2288-87 PA

Dated 30/4/2020

ORDER ON ENQUIRY OF CONSTABLE MUFEEED MUHAMMAD NO.2493

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject official, under the allegations that while posted at MT Staff (now under suspension Police Lines Mardan), was placed under suspension and closed to Police Lines vide this office OB No.2777 dated 27-12-2019, issued vide order/endorsement No. 7796-7801/OSI dated 30-12-2019, on account of charging in a case vide FIR No.1303 dated 19-12-2019 U/S 381-A/ 419/420/468/471/473/411/412/148/149 PPC PS City & proceeded against departmentally through Mr. Tayyab Jan, the then SDPO Sheikh Maltoon vide this office Statement of Disciplinary Action/Charge Sheet No.574/PA dated 31-12-2019, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.116/SMT dated 09-03-2020, recommending the alleged official for major punishment.

In this connection, he was served with a Final Show Cause Notice under K.P Police Rules-1975, issued vide this office No.26/PA dated 11-03-2020, to which, his reply was received and found un-satisfactory.

Final Order

Constable Mufeed Muhammad was heard in O.R on 28-04-2020, but he failed to satisfy the undersigned, therefore, awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

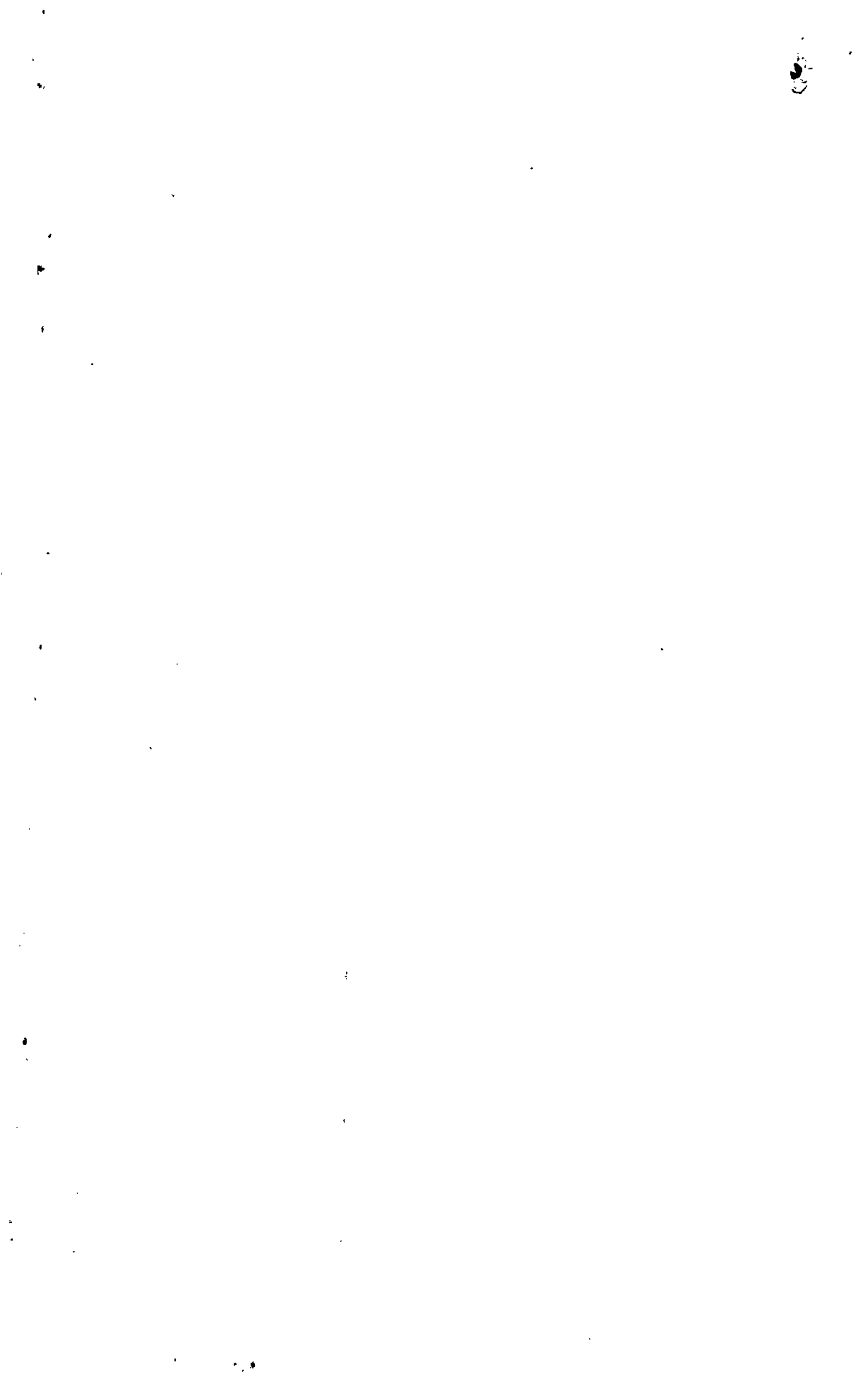
OB No. 712

Dated 29/4/2020.

(SAJJAD KHAN) PSP
District Police Officer
Mardan

Copy forwarded for information & n/action to:-

- 1) The Additional Inspector General of Police, Internal Accountability Branch KP Peshawar with reference to CPO Peshawar letter No.261/CPO/IAB dated 06-02-2020, please.
- 2) The Regional Police Officer Mardan with reference to his good office No.395/R dated 10-02-2020, please.
- 3) The SP Investigation Mardan with reference to his office letter No.3088/GB/Inv: dated 24-12-2019.
- 4) The DSP/HQrs Mardan.
- 5) The P.O & E.C (Police Office) Mardan.
- 6) The OSI (Police Office) Mardan with (2) Sheets.



DEPARTMENTAL ENQUIRY AGAINST CONS: MUFEED SHAH NO.2493

Kindly refer to your office diary No.574/PA, dated 31.12.2019.

The instant Inquiry has been initiated against Constable Mufeed Shah No.2493, who was suspended and proceeded departmentally being involved in a criminal case. Charge sheet and statement of allegation were issued by the competent authority and the undersigned was nominated as enquiry officer.

ALLEGATION:-

That he while posted at MT Staff of District Mardan charged in a criminal case vide FIR No.1303 dated 19.12.2019 U/s 381A/419/420/468/471/473/411/412/148/149 PPC PS City.

PROCEEDINGS:-

For completion of enquiry proceedings copy of charge sheet and statement of allegation were handed over to the defaulter who replied in stipulated period. Statements of the following officials were also recorded.

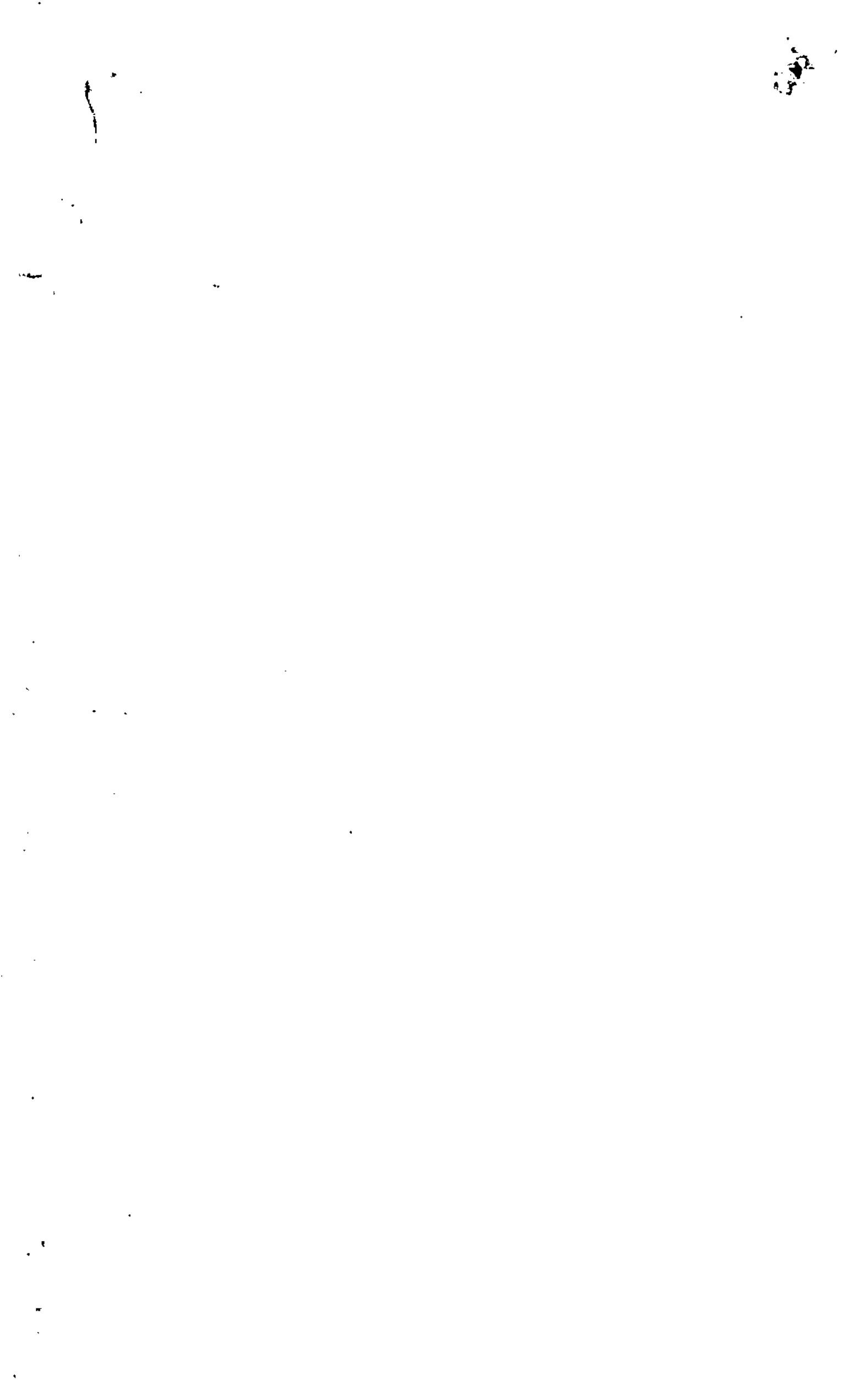
1. Insp: Muhsin Fawad SHO PS City
2. Insp Hazrat Ali / OII of PS City
3. SI Wajid Ali OII PS saddar
4. SI Saif U rehman OII PS Nowshera
5. ASI Shafiq Ahmed PP Umar Abad
6. HC Wajid PS Katlang
7. ASI Asif Khan PS City
8. Const:Zia Ullah No.1081 PS City
9. Const: Miftah No.1549 PS City
10. Const: Zahir Shah No.2055 PS City

The defaulter constable Mufeed Shah spurned the allegation and deposed in his statement that he was called by the Moharrar Police Lines on 17.12.19 and was locked up in Quarter Guard. On 26.12.19 the IO get him out from the Quarter Guard and was arrested in the subject case. He was suspended by the DPO Mardan on 27.12.19 and was produced before the court for Police Custody which was regretted and he was sent to Judicial Lock up. Later on he managed bail from high Court Peshawar. He joined his duty on 10.02.2020 at Police Lines Mardan. He produced the following grounds as evidence in support of his version.

- a. That he was charged on the statement of Co-Accused Hazrat Ali and Sajjad in the said FIR.
- b. That he was put in Quarter guard on 17.12.19 till 26.12.19 then how the IO recovered 04 motor cars from his possession on 19.12.19 and 20.12.19 as he was not in custody of IO.
- c. That Motor Car No.1449/Charsadda was sold through him to ASI Shafiq Khan and was recovered from his possession but place of recovery has not been shown in recovery memo.
- d. That Motor Car No. LKM-1210 was sold through him to ASI Ihsan Khan and was recovered from his possession but place of recovery has not been shown in recovery memo.
- e. That Motor Car No.LEF-366 was sold through him to one Farooq and was recovered from his possession but place of recovery has not been shown in recovery memo.
- f. That Motor Car No. LWO-0577 was sold through him to SI Wajid Khan and was recovered from his possession but place of recovery has not been shown in recovery memo.
- g. That the recovery of 04 Motor Cars mentioned above are falsely, fictitious and never effected from his possession

STATEMENT OF OII INSP HAZRAT ALI:-

The OII Hazrat Ali called to office and his statement was recorded wherein he stated that he is investigating officer of the subject case. Constable Mufeed was arrested on 26.12.19, being found involved in the above subject criminal case and was produced before the court for Police custody but the court regretted and was sent to Judicial lock up. The SHO had recovered 04 stolen Motor Cars from his possession and he failed to explain his legal position regarding these motor cars. His bail application was turned down by the senior Civil Judge as well as by the Session court and later on the Peshawar High court Peshawar accepted his bail application. However the case is under investigation.



STATEMENT OF INS? MOHSIN FAWAD:-

SHO inspector Muhsin Fawad stated in his statement that he while on Alaga ~~Car No. EX-213/Islamabad~~ information that motor car No. EX-213/Islamabad which has been stolen from ~~present at Place of occurrence and the accused Hazir Ali and others are busy, in~~ present at Place of occurrence and the accused Hazir Ali and others are busy, in ~~waiting of its chassis number so he rushed to the spot and found the accused Hazir Ali and others~~ waiting of its chassis number so he rushed to the spot and found the accused Hazir Ali and others ~~in waiting the chassis number of said motor car. Moreover 04 other vehicles found in suspicious~~ in waiting the chassis number of said motor car. Moreover 04 other vehicles found in suspicious ~~condition which were recovered from their possession. During interrogation the accused disclosed~~ condition which were recovered from their possession. During interrogation the accused disclosed ~~constable Mufeed Khan who is performing duty at MT Staff and constable Mian Dad posted at~~ constable Mufeed Khan who is performing duty at MT Staff and constable Mian Dad posted at ~~PS Jabbar are also their colleagues and involved in such criminal activities. 04 motor cars were~~ PS Jabbar are also their colleagues and involved in such criminal activities. 04 motor cars were ~~recovered from the possession of Mufeed Khan and 03 Motor cars were recovered from the~~ recovered from the possession of Mufeed Khan and 03 Motor cars were recovered from the ~~possession of constable Mian Dad on their pointation and were taken on recovery memo in the~~ possession of constable Mian Dad on their pointation and were taken on recovery memo in the ~~presence of witness.~~ presence of witness.

STATEMENT OF SI WAJID KHAN:-

SI Wajid Khan stated in his statement that he bought car No. 0577/LWO with supardari documents from constable Mufced for his brother in lieu of Rs. 3,70,000/- but later on the said car care was returned to Mufeed and the amount is still outstanding.

STATEMENT OF ASI SHAFIQ KHAN:-

ASI Shafiq Khan stated in his statement that he bought car No. 1449/B with supardari documents in lieu of Rs. 245,000 from constable Mufeed but the car was found suspicious therefore he returned the said car to Mufeed and the amount is still outstanding.

STATEMENT OF HC WAJID KHAN KHAN:-

HC Wajid Khan stated that Hazir Ali contacted him and said that there is a supardari car with a person. Mufeed bring the car and delivered him along with supardari documents. Later on SHO Mohsin Fawad called him to bring the same car being wanted to PS City in criminal case. Therefore the car was handed over to SHO PS City.

STATEMENT OF WITNESSES OF RECOVERY MEMO:-

ASI Asif Khan, Const: Miftah No. 1549, Const: Zahir Shah No. 2055 stated in their statements that all the above cars were recovered from the possession of Constable Mufeed and taken on recovery memo in their presence.

CRIMINAL CASE FILE RECORD:-

Copies of following relevant documents of criminal case FIR No. 1303 dated 19.12.2019 U/s 381A/419/420/468/471/473/411/412/148/149 PPC of PS City were also procured from the investigation officer and were placed on file.

- a. Copy of FIR No. 1303 dated 19.12.19 PS City.
- b. Copy of case diary No. 01 part 02 serial No. 01.
- c. Copy of recovery memo of vehicle Car No. B-1449/Charsadda, Car No. 7508/AHL, Car No. 4561/LEC and Car No. 18-LRL.
- d. Copy of recovery memo of vehicle Car No. 1739-LWQ, Car No. 1210-LKM, Car No. 366-LEE, Car No. 0577-LWQ, Car No. 261-FSM, Car No. 7010-LRE, Car No. 8495-LZO, Car No. 0323-LH and Car No. 4035-LEF.
- e. Copy of recovery memo Car No. LEF-1538, Car No. LZO-7776, Car No. B-5272, Suzuki Pick up No. h-6287.
- f. Copy of recovery memo Car No. LEC-310.
- g. Copy of card of arrest U/s 62 CrPc.
- h. Copy of DD No. 45 dated 20.12.19 and DD No. 26 dated 26.12.19.

CROSS EXAMINATION:-

A session of cross examination has been made in the office of undersigned and the alleged constable was given opportunity of self defense and its proceedings have been recorded which is placed on file.

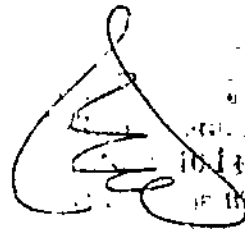
CONCLUSION:-

After going through the statements and record, I come to the conclusion that it is correct that the defaulter constable has not been charged directly in the FIR, but during course of inquiry it come to the surface that Motor Car No.1449/Charsadda, Motor Car No.1210/LKM, Motor Car No.366 LEF and Motor Car 0577/LWA have been recovered from his possession in the presence of witnesses. Moreover, he was put in quarter guard after recovery of stolen/tempered Cars from his possession on 20.12.2019 which is evident from DD No. 45 dated 20.12.2019 Police Line Mardan.

RECOMENDATION:-

Keeping in view the above facts and circumstances, the alleged constable is found guilty and the allegation mentioned in the charge sheet has been stand proved without any shadow of doubt, therefore he is recommended for Major Punishment.

Enclosed(44) Sheets
No. /SMT
Dated. 17/12/2020



(Inquiry Officer)
Deputy Superintendent of Police,
S.M.T-Circle.

Issue E SCN

DP of Mon
09/3/20

EO

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ORDER.

This order will dispose-off the departmental appeal preferred by **Ex-Constable Mufeed No. 2493** of Mardan District Police against the order of District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 712 dated 29.04.2020. The appellant was proceeded against departmentally on the allegations that he while posted as Driver at MT Staff, Mardan was placed under suspension and closed to Police Lines, Mardan on account of involvement in a case FIR No. 1303 dated 19.12.2019 u/s 381A/419/420/468/471/473/411/412/148/149PPC Police Station City, Mardan.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer, Sheikh Maltoon, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he found the delinquent Officer guilty of misconduct and recommended him for major punishment.

He was issued Final Show Cause Notice to which his reply was received and found unsatisfactory. He was also provided opportunity of self defense by summoning him in the Orderly Room held in the office of District Police Officer, Mardan on 28.04.2020. But he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 712 dated 29.04.2020.

Feeling aggrieved from the order of District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 16.06.2020.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Besides, case property in shape of stolen cars has been recovered from the active possession of the appellant which clearly shows the nexus of appellant with the commission of offence. Moreover, the involvement of appellant in this heinous criminal case is clearly a stigma on his conduct. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. He could not

...ed to Police
... cogent justification to warrant interference in the order passed by
... competent authority.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional
Police Officer, Mardan, being the appellate authority, find no substance in the
appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.


Regional Police Officer,
Mardan.

No. 3887 /ES, Dated Mardan the 24-06-2020.

Copy forwarded to District Police Officer, Mardan for information
and necessary w/r to his office Memo: No. 140/LB dated 04.06.2020. His
service record is returned herewith.


(****)

DSP/Asst. / EC / OSI ✓

For missing action

3113

29.6.20


DPO Mardan
25.6.2020

1000

DOVER

41-1 wire
17-3-21

...



599
17-3-21
No. SI-1006

3

1

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

/21, dated Peshawar the 10/03/2021.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Mufeed Muhammad No. 2493. The petitioner was dismissed from service by District Police Officer, Mardan vide OB No. 712, dated 29.04.2020 on the allegations that he while posted as Driver at MT Staff Mardan was involved in a case vide FIR No. 1303, dated 19.12.2019 u/s 381A/419/420/468/471/473/411/412/148/149 PPC Police Station City, Mardan. His appeal was rejected by Regional Police Officer, Mardan vide order No. 3887/ES, dated 24.06.2020.

Meeting of Appellate Board was held on 18.02.2021 wherein petitioner was heard in person. Petitioner contended that he is innocent and has been falsely implicate in the case.

Perusal of enquiry papers reveals that ~~case~~ property in shape of stolen cars was recovered from the active possession of the petitioner which shows the nexus of petitioner with the commission of offence. During hearing petitioner also failed to advance any plausible explanation in rebuttal of the charges. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAMI, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 1007-16/21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji M'issal of the above named Ex-FC received vide your office Memo: No. 5056/ES, dated 19.08.2020 is returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIC/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: ICP/ICQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/ICQs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: B-IV CPO Peshawar.

SEEN/BC/DPO Mardan

ORFAN ULLAH KHAN, PSP
AIC/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Dsp Legal

✓ EC/OSI

For int action

DPO Mardan
17-3-21

2221
18/3/21

1472/OS
17-3-21
(missal)

RPO, Mardan
11/3/21

10

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

Service Appeal No _____/2020

Mufced Muhammad

.....APPELLANT

VERSUS

I.G.P, Khbyer Pukhtunkhwa and othersRESPONDENTS

RE-JOINDER TO THE COMMENTS OF RESPONDENTS

RESPECTFULLY SHEWETH,

PRELIMINARY OBJECTIONS.

The preliminary objections are vague, illegal and are not sustainable in the eyes of law. The respondents on the basis of frivolous and baseless allegations have registered case which is not in accordance to spirit of law. The vehicles in question were already released on superdari to different lawful owners as per order of learned Judicial Magistare, Mardan, learned Addl Sessions Judge and a few by order of Worthy Peshawar High Court, Peshawar and they were enjoying there usufruct and possession. The respondent authority with malafide and ulterior motives has acted illegally arrested the appellant illegally and detained him illegal confinement without any due process of law and Rules applicable. All the vehicles were already booked in different FIR and were given on superdari lawful owners. Some were subsequently sold out in the market subject to terms of superdari, those were taken into possession by SHO of concern PS, and SECOND FIR was registered which is totally unwarranted and illegal in the eyes of law as per dicta laid by Supreme Court of Pakistan in a case reported in PLD 2018 SC 595 (larger bench) held that after registration first FIR for an offence, no second FIR is permissible. But in this case second FIR No 1303 dated 19/12/2019 u/s 381 A read 419, 420 etc PPC at PS City Mardan was registered which is itself illegal and unwarranted, hence no proceedings

can be taken on strength of this FIR against appellant in which no conviction is recorded till date.

No car is recovered from possession of appellant, neither the appellant is directly nominated in the FIR

Further no chance of hearing, no chance to cross examine the witnesses was provided. During the whole course of inquiry process appellant remained in jail, hence the inquiry officer was not an impartial person.

The appeal has been competently filed before this Hon'able Tribunal and this learned Tribunal has the jurisdiction to decide the same.

PARAWISE REPLY.

- 1. Para No.1 of the appeal is admitted, hence needs no comments.
- 2. Reply to Para No:2 is incorrect and are without any proof.
- 3. Para No 3 of the appeal is correct and reiterated.
- 4. Reply to Para No.4 is incorrect and with no plausible explanation of illegal detention for so many days.
- 5. Reply to Para No.5 is incorrect and arrest and FIR was unwarranted under the law. The vehicles were not of theft properties, neither any proof in this respect is placed with reply, but were on superdari to lawful owners, taken into possession and a false case has been planted against the present appellant. No second FIR can be lodged as per dicta of apex Court PLD 2018 SC 595, hence contents of para no 5 is reiterated.
- 6. Reply to Para No.6 is incorrect and are without any proof., all vehicles were released on superdari by Court, e.g, Vehicle **No LEE 366**, Motor Car was released by learned Addl Sessions Judge, Peshawar (Altaf Ur Rehman) on dated 5/7/2011 (Copy of order annexed as R/1),

Vehicle No **1449** Motor car was released on superdari by learned Addl Sessions Judge, Peshawar (Hussain Bahader Khan) on dated 4/11/2000 (Copy of order annexed as R/2) and

Similarly Vehicle No **1210 LXM**, Motor Car was released by the order of judicial Magistrate, Tangi on dated 11/10/2013, (Copy of order annexed as R/3).

Similar is the case of vehicle No LQW 577, the same is not at all recovered from possession of appellant, no proof with respondents that the vehicle is in PS or is a theft property. *on superdarn vide order dt: 7.6.011 by J.M.I. Lah: (copy of order annex R/4)*

- 7. Reply to Para No.7 is incorrect and is without any plausible defence, by respondents, since FIR is illegal and unwarranted under law, further there is no conviction till date, more-so the inquiry proceedings are not conducted in accordance with law, hence dismissal is also illegal and needs to re instatement by acceptance of appeal..
- 8. - 14, Reply to para No 8-14 is incorrect and without any plausible defense or explanation, no proper inquiry was held that too without waiting for the result of criminal case, during whole proceedings the appellant was not properly associated, cross to witnesses was not allowed, and defense of appellant was not considered by all forums of inquiry, appeal or otherwise, hence interference is warranted under the law, hence contents of para no 5 is reiterated.
- 15. Contents of para no 15 of appeal is reiterated.
- 16. Incorrect, the appeal may kindly be accepted as per grounds of appeal.

|| **Re-joinder to grounds.**

a- k Reply to Para No. a - k , by respondents is wholly incorrect, misleading and material facts has been suppressed while giving the reply, custody of appellant was illegal, and much earlier to FIR, show cause was properly replied, there was no need to charge sheet, or issue statements of allegations to appellant, inquiry proceedings were an eye wash, and was neither according to law, nor any opportunity of cross examination to witnesses was provided to appellant during the one side inquiry, so for the defense of appellant is concerned, it was straight forward rejected, hence contents of para no a -k are correct and reiterated.

l. legal

It is therefore, most humbly prayed that on acceptance of this re-joinder, the appeal of the Appellant may please be accepted and the appellant may please be re-instated into service with all back benefits.

Any other remedy, which is not specially asked for, may also be granted in favor of Appellant.

APPELLANT.

Through

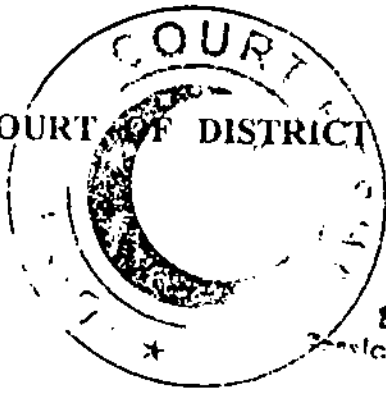
MALIK HAROON IQBAL,
ADVOCATE SUPREME COURT

DATED: 13/9/2021

②

Annex K/5

BEFORE THE COURT OF DISTRICT AND SESSIONS JUDGE,
PESHAWAR.



071
23/6
Superintendent
Peshawar Jail
M. J. Khan

Yousaf Khan son of Rahmatullah, resident of Islamabad, Gul Bahar
Rd. Gul Bahar Colony, Peshawar.....Petitioner.

Versus

The State.....Respondent.

Mad. No. 22, Srws 12.5.11

u/s 523/550 Cr. P.C.

PS. Baharipura.

Revision petition against the order dated 6.7.11
passed by Judge MIC: Peshawar vide which the
application of the petitioner for the return of
vehicle No. LEE 366 on bail/Super Dari was
rejected.

PRAYER.

That on acceptance of this revision petition, the
impugned order dated 7.6.11 may kindly be set
aside and the vehicle in question may kindly be

ATTESTED

10
(Examiner)
District Court Peshawar

returned on bail/super Dari to the petitioner till final disposal of the case.

.....
Respectfully Sheweth,

It is submitted as under:-

1. That the above mentioned vehicle of the petitioner has been taken into possession by the police and is still parked in the Police Station.
2. That the petitioner submitted an application for the return of the said vehicle on bail before the court of Judicial Magistrate, Peshawar, but the same was rejected vide order dated 7.6.11. (Attested copies of the application and order are attached herewith).
3. That now the petitioner prefer this revision petition before this Honorable court for the return of the vehicle in question on the following grounds inter-alias :-

GROUND.

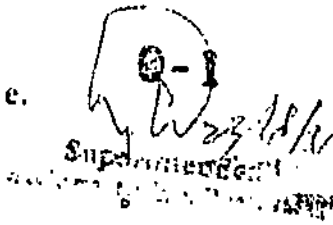
- a. That the vehicle in question is no more required in the instant case or in any other case.
- b. That the petitioner is the owner of the said vehicle and is in possession of valid documents for the same.

ATTESTED
10/6/11
(Examiner)
District Court Peshawar

(4)

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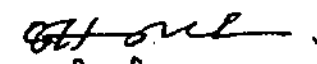

- c. That there is no other claimant of the vehicle in question.
- d/ That the vehicle cited above has been parked under the open sky and if remained any more with the police, the same will be badly damaged.
- e.  That the subject vehicle, if returned to the petitioner, the petitioner will produce the same before the police/court, when-ever required.

It is, therefore, requested that on acceptance of this revision petition, the impugned order dated 7.6.11 passed by Judl. MIC. Peshawar may kindly be set aside and the vehicle mentioned above may be returned on bail/super Dari to the petitioner till final disposal of the case.

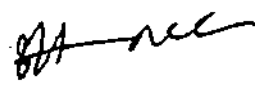
Dated. 23.6.11.

Petitioner

Through:-


S. Hafiz Muhammad Rubina, Adv. Peshawar
(Arbab Hayatullah Khan)
Advocate, Peshawar. 

Note. No such rev. petition has previously been moved before this Honorable court in the instant case


Advocate, Peshawar.

ATTESTED

10 Sep
(Examiner)
District Court Peshawar

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(F)

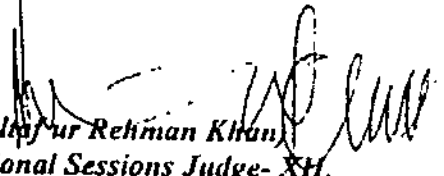
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25.06.2011

APP for the State present.

Petitioner Yousaf Khan S/o Rahmat Ullah along with his learned Counsel Arbab Hayat Ullah Khan, Advocate present.

Arguments partially heard.

Record i.e registration book / file be requisitioned for 05.07.2011


(Altaf ur Rehman Khan)
Additional Sessions Judge- XI,
Peshawar.

0
05.07.2011

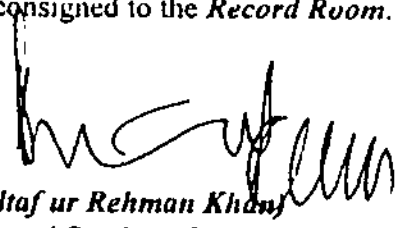
Appellants are present through their learned Counsel. The Respondent is also present through the learned APP,

Arguments were heard and record was also perused.

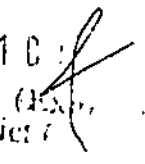
Vide my detailed judgment of today consisting of *four (04) pages* and placed separately on the record, this *criminal revision* seems based on merit. Hence the same is hereby **accepted** whereby the impugned order of the learned trial Court dated 07.06.2011 is hereby set aside and the motorcar bearing *Registration # LEE-366* is handed over in *superdari* to the Petitioner subject to the condition that he furnishes bail bonds in the sum of *Rs. 2000,000/-* (twenty lacs) with two sureties each in the like amount subject to the satisfaction of the concerned *SHO*. The said *SHO* is also directed to ensure that the sureties are local, reliable and resourceful.

File be completed and consigned to the *Record Room*.

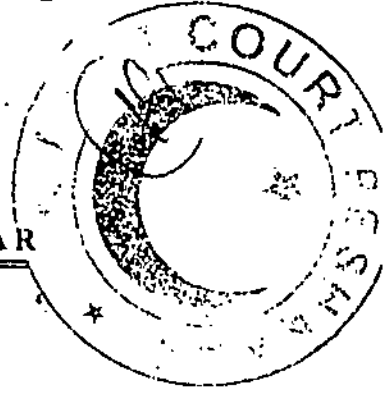
Announced
05.07.2011


(Altaf ur Rehman Khan)
Additional Sessions Judge- XII,
Peshawar.

ATTESTED


District Judge

IN THE COURT OF MR. ALTAF UR REHMAN KHAN
ADDITIONAL SESSIONS JUDGE -XII, PESHAWAR



Yousaf Khan,

S/O Rehmat Ullah,
R/O Mohallah Islamabad,
Gulbahar Road,
Gulbahar Colony,

Peshawar

Petitioner

Versus

The State Respondent

<u>Criminal Revision Petition #</u>	<u>30/CrR of 2011</u>
<u>Date of Institution</u>	<u>23.06.2011</u>
<u>Date of Decision</u>	<u>05.07.2011</u>

Criminal Revision against the order of learned
Judicial Magistrate - IV, Peshawar dated 06.07.2011
whereby an application of the Petitioner for the
custody of a vehicle Registration # LEE 36
was rejected

Prayer in Revision:

ATTESTED

10
(Examiner)
District Court Peshawar

(10)
(20)

To set aside the impugned order of the learned trial Court dated 07.06.2011 and handover the vehicle in question to the Petitioner, in superdari

J u d g m e n t

By this judgment I intend to dispose of the *criminal revision* titled as herein above.

1. The brief facts necessitating the institution of this criminal revision are that on 12.05.2011 a Police party was on *gasht* when at Haji Camp Yousaf Khan S/O Rehmat Ullah (hereinafter referred to as the Petitioner) was found occupying the driving seat of a motorcar bearing *Registration # LEF-366*. That the Petitioner was asked by the Police party to produce the registration book regarding the said motorcar which he could not. That suspecting the motorcar to have been stolen, the Police party took it into its custody under *Sections 523 and 550 of the Code of Criminal Procedure, 1898*. That the Petitioner filed an application under *Section 516-A ib idem* seeking therein the superdari of the said motorcar but this application was dismissed by the learned Judicial Magistrate-IV, Peshawar (hereinafter referred to as the learned trial Court) vide his order dated 07.06.2011. That, as the Petitioner deemed him self as the rightful owner and claimant of the said motorcar, he was aggrieved with the impugned order whereby he filed this *criminal revision*.

2. This *criminal revision* was filed in the Court of the Hon'ble Sessions Judge, Peshawar but was entrusted to this Court for disposal. Immediately upon its reception in this Court, the Respondent was issued a notice while the record was also requisitioned. The Respondent appeared before the Court through the learned APP. The record was also produced which was placed on the file.

The Petitioner is present through his learned Counsel and so is the Respondent through the learned APP. I have heard the ingenious and all encompassing arguments of the learned Counsel for the Petitioner

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(Examiner)
District Court Peshawar

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and those of the learned APP for the Respondent and have gone through the record with their invaluable assistance.

3. In his arguments the learned Counsel for the Petitioner submitted that the motorcar was originally owned by one Syed Wajih Ullah and is still registered in his name. He produced the original registration book which was seen and returned. He submitted that Syed Wajih Ullah sold it to the Petitioner for Rs. 1250000/- and in this respect executed a transfer deed.. He submitted that since then the Petitioner is the bonafide owner of the motorcar and since its seizure no rival claimant has surfaced. He submitted that the motorcar has been taken in possession by the local Police from the possession of the Petitioner. He submitted that after verification the local Police have found the motorcar as having been not been stolen or wanted in any offence. He submitted that the report of the *FSL* is not trust worthy as the chassis number of the motorcar has not been tampered. He submitted that there is no factual or legal thaw in handing over the motorcar in *superdari* to the Petitioner. He submitted that the impugned judgment and order of the learned trial Court is not based on merit and, therefore, it is not tenable in the eyes of the law. He concluded his arguments with a prayer that by accepting this *criminal revision* the impugned order be set aside and the local Police be directed to return the said motorcar in *superdari* to the Petitioner on the terms and conditions specified by this Court.

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4. In his arguments the learned APP for the Respondent, vehemently resisted this *criminal revision* and submitted that the motorcar is not above suspicion and could be a stolen one.

5. From the perusal of the record and arguments of the learned Counsel for the Petitioner and those of the learned APP for the Respondent, it transpires that the said motorcar is *prima facie* owned by the Petitioner and has been recovered from him. Thus he is not only the last possessor thereof, so far no rival claimant has also surfaced. Similarly, the local Police have also found it as not to have

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(Examiner)
District Court Muzhawat

been stolen or involved in any offence. To leave the motorcar in the custody of the local Police to rust and ultimately reduce to dust under exposure to harsh weather will not serve the ends of justice.

6. In the light of what has been observed hereinabove, it seems there is merit in this *criminal revision*. Hence the same is hereby

accepted whereby the impugned order of the learned trial Court dated 07.06.2011 is hereby set aside and the motorcar bearing *Registration # LEF-366* is handed over in *superdari* to the Petitioner subject to the condition that he furnishes bail bonds in the sum of *Rs. 2000,000/-* (twenty lacs) with two sureties each in the like amount subject to the satisfaction of the concerned *SHO*. The said *SHO* is also directed to ensure that the sureties are local, reliable and resourceful.

File be completed and consigned to the *Record Room*.

Afnounced
05.07.2011

(*Altaf ur Rehman Khan*)
Additional Sessions Judge- XII,
Peshawar.

CERTIFICATE

Certified that this judgment of mine consists of *four (04)* pages. Each page has been *checked, corrected*, wherever necessary, and then *signed* by me.

(*Altaf ur Rehman Khan*)
Additional Sessions Judge- XII,
Peshawar.

No.....	<i>98601</i>
Dated of Application.....	<i>10/9/20</i>
Name of Applicant.....	<i>Sh. S. S. No.</i>
Word / Pages.....	<i>P. 9</i>
Fee.....	<i>P</i>
Signatures of Copist & Date.....	
Date of Preparation.....	<i>10/9/20</i>
Date of Delivery.....	<i>10/9/20</i>

CERTIFIED TO BE TRUE COPY
(*Ex. Officer*)
Copying Agency District Court
Peshawar

FOR THE SESSIONS JUDGE PESH.

HAJI SALEH JAN S/O SIR TAIF KHAN

R/O. BARA KHYBER AGENCY Peshawar

HAJI ABAD CHD ROAD PESHAWAR.

VS

State

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Case F.I.R. NO. 719 dated 01/8/2002.
charge u/s 17 (2) 419/468/411 PPC
430/471/13A.O
Police Station East Courtt.

Application for the release of the
vehicle bearing registration no.

CA. 1449 on bail. Under the decision of the

J.D / 2000 Chasis 90186 12 - INRIN 3868758

Respectfully Sheweth,

That the above titled case has been registered
in Police Station East Courtt. in which the
above ~~title~~ registered number vehicle was
impounded.

Now, the Petitioner approaches this Hon.ble Court for the release of the above vehicle inter-alia on the following grounds.

GROUND S.

- 1 - That the vehicle in question is being ~~roughly~~ used by the Police official without any maintenance.
- 2 - That even if possessed in P.S. or Police line even then it is subject to ^{hot} seasons.
- 3 - That the Petitioner is the bonafide Purchaser & have bought the vehicle in the sum of Rs. 10 Lac with honorarium Rupees.

4 - That the Petitioner being the
its owner (Bonafide) will responsibly care
and maintain the vehicle.

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5 - That The Petitioner is ready to
Furnish reasonable Satisfactions to the Satisfaction of
this Hon'ble Court.

IT is, therefore, requested that
on acceptance of this application the above
vehicle may kindly be released on bond.

Dated. 30/9/2002.

PETITIONER.

Through
~~Adv.~~

Asit Kumar

Advocate Patna.

CA-148

(16)

(9)

4-11-2002. MR. MUHAMMAD BAHADUR, ACS-I/JSC, PESHAWAR.

Counsel for petitioner Haji Gulch Jan and
PF for State present.

Petitioner named above has filed the present
petition for the return of motor-car bearing registration
No. C.A-1449, chassis No. 9018612, Engine No. 3368758, on
superdari, taken into custody/possession by the police
vide case FIR No. 719 dated 1-8-2002, u/ss 17(2)/419/420/
468/471/411 POC/13 A.O, 1965, registered at P.S. East
Cantt. Peshawar. Notice given to the State/court:
Arguments heard. Record perused. Report of the SHO was
called for and perused.

After hearing arguments from learned counsel
for accused petitioner and learned PF on behalf of the
State and after perusal of the record, this court is of
the opinion that the said motor-car was taken into possession
from Alhaj Plaza Charsadda Road, Pesh: at the pointation of
accused Abdur Raziq, (alleging that the car is a stolen one)

by the police vide recovery memo dated 1-8-2002. During
investigation it was found that the chassis number of the
said car has been welded/replaced, however, in the police
record and computer, the car was not found as stolen from
any person. The present petitioner has produced sale deed.

Photostat copy of the sale deed and other documents would
show that the petitioner is bonafide purchaser of the car
in question from one Haji Harzoor Elahi. The petitioner
is also in possession of the documents of the said car.

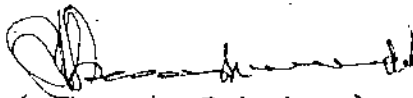
There is no other claimant nor it is proved on record that
the car is stolen one. The police has neither arrested
accused Harzoor Elahi nor his statement is recorded. If

the said car is remained in possession of the police there
is every likelihood of its deterioration and damage etc,

so by accepting the present petition, the petitioner is
held entitled for the return of motor-car in question
on superdari, subject to furnishing sureties bond/bail
bond in the sum of Rs. 1200000/- with two sureties each in
the like amount to the satisfaction of Illaqa Judi:

Magistrate, Peshawar, subject to the conditions that would
not sell the car during the pendency of the criminal case
and would produce the same before any competent court and
any competent authority, whenever asked for. My this order
shall have no bearing on the merits of the case and is meant
for the disposal of this Cr. Misc. petition only. Copy of this
order be annexed with the Judi/police file. File be consigned
to record room after completion.

Announced.
4-11-2002.


(Muhammad Hussain Bahadur),
ACS-I/JSC, Peshawar.

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Handwritten notes and signatures on the left margin.

direction that, reported be submitted within 07 days positively. Prosecution did not submit the inquiry report within the stipulated period as directed by the court. The available record further transpires that the case property/ vehicle in question is no more required for investigation/ inquiry. Petitioner produced original registration, transfer letter and sale deed, pertaining to the case property/ vehicle in question original seen and returned, copies of the same, ExPA to ExPC. There is no rival claimant of the case property/vehicle in question before the court. If the case property/vehicle in question remained in police custody or parked in the open air, there is an apprehension of its damage, loss and wastage.

Keeping in view the above mentioned circumstances, the case property/vehicle in question along with registration copy be returned to petitioner subject to furnishing security bond to the tune of Rs.1000000/- (Rupees ten lac only) with two sureties each to the satisfaction of SHO concerned. Petitioner is directed to produce the case property/vehicle in question, whenever; required to this court or any other court of law. |


Copy of this order be placed on file and record be sent back to the concerned quarter.

File be consigned to the record room of Honourable District & Sessions Judge Charsadda after its necessary compilation and completion.

ANNOUNCED:-
11-10-2013

Muhammad Shoab,
Judicial Magistrate-I,
Tangi.

ATTESTED


EXAMINER
Copyling Agency Branch 11/12
Court of Distt & Session Judge 13
Charsadda.

Muhammad Shoab,
Judicial Magistrate-I,
Tangi.

annex = K/4

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VS State

Application for Superdari.



ORDER

Present petitioner abdul qayum in person

Inspector for the state police report perused.

Present petitioner appeared before the court for Superdari of the case property vehicle No: LWQ 0577 Chaises No: NZE1206041063 Engine No: 2NZ1299 Color Blue Toyota Corola Modle 2007. The report of Javed Shah S.I P.S Gulshan Ravi has been perused the car was taken in the position under section 550 Cr.P.C by local Police. The petitioner has produced original authority letter which was given by owner Malik Mukhtar Ahmed S/o Malik Muhammad Ramzan in his favour. He has also produced registration book in the name of Muhammad Ashraf S/o Muhammad Hanif seems to be real owner of the case property. There is no other claimant of the case property at this stage. Therefore superdari of the case property allowed in favour of the present petitioner namely Abdul Qayum S/o Abdul Karim. The S.H.O is directed to hand over the case property to the present petitioner if he furnishes surety bonds in the sum of Rs. 10, 0000/- with one surety in the like amount to the satisfaction of this court. Provided that the same case property be produced before the Court as and when required by the court.

Announced
07-06-2011

[Handwritten signature]
2/12/2011

TESTED TO BE TRUE COPY
(3)
CLERK OF COURT
Office of the Judge Small Causes Court
Authorised Under Section 201 S.O.
Customs & Excise Deptt. Lahore

Judicial Magistrate
1st Class
Lahore

[Handwritten signature]
7/6/2011

No of Pages 2 Pages
Docket No
Scanning
Page 172
Date of Filing 2/12/2011
Date Given For Decision 2/12/2011
Date of Withdrawal 2/12/2011

لیدر صاحب جو درجہ عینہ علیہ السلام
لہذا اس کے

(22)



عبد القیوم
بیم
جسٹس - 585
تھانہ گلشن راولی

درخواست برادر سید علی کوثر پور
پریشن نمبر 0577-0577-0577
NZE120-6041063
2NZ1299

ذیل فرمائے۔

- 1۔ سید کا نام مذکورہ عینہ یا عتیقہ لویہ
تھانہ گلشن راولی۔
 - 2۔ سید کا نام مذکورہ سید علی کوثر پور۔
 - 3۔ سید کا نام مذکورہ سید علی کوثر پور۔
- اس کے اعتراضات کے بارے میں
مذکورہ سید کوثر پور کا حکم صادر فرمائیے۔

عبد القیوم
تھانہ گلشن راولی

ATTESTED
(3)
Judge Sina
2/12/2011