


6th Feb, 2023

Learned counsel for the appellant present.

Learned counsel for the appellant submits that the appellant was with the Pakistan Army and was released on 05.03.2022. When confronted with para-3 of the departmental representation wherein date of arrest of the appellant was shown by the appellant himself as 30.06.2011 i.e. a date much after the passage of the impugned order in the year 2010, the learned counsel submits that the appellant was in fact in the custody of the Armed Forces at the time when the impugned order was passed but the dates could not be correctly mentioned in the clearance letter of the Pakistan Army and because of which the appellant being a low paid and illiterate employee was also mistaken by incorporating the wrong date of arrest as 30.06.2011. Be that as it may the arrest and clearance of the appellant by the Armed Forces has been shown in the letter (annexure-B) after release of the appellant by the Pakistan Army, the appellant was then arrested by the local police in three FIRs No. 135 dated 09.05.2008 under sections 302,324,353,148,149,120-A,120-B,124-A,PPC read with $\frac{3}{4}$ E.S.A, 21L ATA, 7-ATA Police Station Kabal, FIR No. 334 dated 20.10.2008 U/Ss 436,427,148,149 PPC, 7-ATA, 13AO Police Station Kabal, and FIR No. 327 dated 09.10.2008 U/S. 364 of the PPC read Seciton17(3) of the Offences Against Property (Enforcement of Haddood) Ordinance, 1979 read with section 7-ATA P.S Kabal, District Swat and was then released on bail and ultimately discharged on 17.10.2022, therefore, he sought condonation of delay alleging that the circumstances were beyond his control. In the peculiar circumstances stated above, it is deemed appropriate to admit this appeal to regular hearing. The appellant is directed to further document the appeal by placing on record the missing documents if, any, within a fortnight. The appellant is further directed to deposit security fee within ten days. The respondents be summoned through TCS, the expenses of which be deposited by the appellant within ten days. To come up for written reply/comments on 08.03.2023 before S.B at camp court Swat.


(Kalim Arshad Khan)
Chairman
Camp Court Swat