

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 628/2019

Date of Institution ... 03.05.2019

Date of Decision ... 05.08.2019

Ismail Afridi, Ex-Warder attached to Circle H.Q Prison Haripur R/o Bagh Iram,
District Mardan. ... (Appellant).

VERSUS

Inspector General of Prison, Khyber Pakhtunkhwa, Peshawar and two others.
... (Respondents)

Present.

Mr. Aslam Khan Khattak,
Advocate.

... For appellant

MR. HAMID FAROOQ DURRANI,

... CHAIRMAN

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. On 28.04.2012, the appellant was awarded major penalty of removal from service by respondent No.3 on account of willful absence. A departmental appeal was preferred by appellant on 06.04.2015, which, as per the memorandum of appeal, remained un-responded.
2. Learned counsel for the appellant heard and available record gone through.
3. Learned counsel argued that the appellant was roped in a criminal case vide FIR No.1134 dated 16.08.2011 for offence under 302-34 PPC. Upon his acquittal on 16.01.2019 by the court of competent jurisdiction, the



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1993.

allowable under the law. He relied on judgment reported as 1998 SCMR therefore, could be termed as retrospective punishment which was not penalty awarded to the appellant was w.e.f. the date of his absence, but was due to his arrest in the criminal case. Further stated that the against the appellant was not attributable to any deliberate act on his part actual in hand was preferred to this Tribunal. That, the absence alleged

4. The available record shows that the appellant was absent from his duty since 22.07.2011 without any leave or sanction. On the other hand above noted FIR was recorded on 16.08.2011. During the trial the appellant initially remained absconded and was arrested subsequently, however, was later released on bail by the Trial Court. The fact of his remaining on bail is also duly noted in the para 2 of the departmental appeal which was submitted on 06.04.2012. Under the law, the appellant was obligated to have preferred a service appeal before Tribunal within thirty days of decision of departmental appeal or in case of it is in decision after observing the period of ninety days. The appeal in hand was, however, preferred on 03.02.2019 which is manifestly barred by considerable time. As regard, the arguments put retrospective punishment, guidance is sought from judgment reported as 1998 SCMR 1890 and it is held that the stance of appellant is without any force. Alongwith the instant appeal an application for condonation of delay has been preferred, however, the delay has not been accounted for.



5. In view of the above, the appeal in hand is dismissed in limine. File be consigned to the record room.



(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
05.08.2019

25.06.2019

Appellant absent. Learned counsel for the appellant present.

Through the present service appeal instituted on 03.05.2019, the appellant has made impugned the order dated 28.04.2012 whereby he was removed from service.

The appellant remained absconder for considerable period in the murder case vide FIR No.1134 dated 16.08.2011 Police Station City Mardan.

Learned counsel for the appellant when confronted with the situation that the present service appeal is hopelessly time barred, seeks adjournment. Adjourn. To come up for preliminary hearing including hearing on the issue of limitation on 05.08.2019 before S.B.

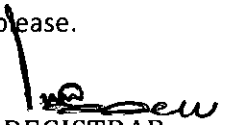



Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. _____ 628/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/05/2019	<p>The appeal of Mr. Ismail Afridi resubmitted today by Mr. Aslam Khan Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR - 15/5/19</p>
2-	16/05/19	<p>This case is entrusted to _____ S. Bench for preliminary hearing to be put up there on <u>25/06/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Ismail Afridi Ex-Warder Attached to Circle HQ Prison Haripur District Mardan received today i.e. on 03.05.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- The authority whose order is challenged has not been arrayed/made a necessary party.
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.

No. 912 /S.T,

Dt. 10/5 /2019.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Aslam Khan Khattak Adv. Pesh.

Sr's,

- 1- That the FIR u/s 302-34 was lodged against the appellant and he ^{was} arrested and imprisoned. Therefore, the copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies was never been served upon the appellant.
- 2- Resubmitted after completion please.

Registrar

Aslam
Advocate 15.5.2019.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Appeal No. 628 /2019

Ismail Afridi, Ex- Warder attached to Circle H.Q Prison Haripur

VERSUS

Inspector General of Prison, KPK, Peshawar & Others

INDEX

S#	Description of Documents	Annexure	Page No's
1	Memo of Appeal	-	1-3
2	Application for Condonation of delay if any with affidavit		4-5
3	Impugned order dated 28/04/2012	"A"	6
4	Appellant's illness record	"B"	7-9
5	Copy of FIR	"C"	10
6	Appellant's Acquittal Order dated 16/01/2019	"D"	11-14
7	Appellant's Departmental Appeal	"E"	15
8.	Wakalat Nama	-	-

Ismail
Appellant

Through

Aslam
Aslam Khan Khattak
Advocate, Peshawar.

Dated: 3 /05/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

**Khyber Pakhtunkhwa
Service Tribunal**

Appeal No. 628 /2019

Story No. 700

Dated 3-5-2019

Ismail Afridi, Ex- Warder attached to Circle H.Q Prison
Haripur R/o Bagh Iram, District Mardan.

Appellant

VERSUS

1. Inspector General of Prison, KPK, Peshawar.
2. Superintendent Headquarter, Prison, Peshawar.
3. Superintendent Circle H.Q, Prison, ~~Peshawar~~ *Haripur*

Respondents

**APPEAL UNDER SECTION 4 OF KPK SERVICE
TRIBUNAL ACT 1974 AGAINST THE IMPUGNED
ORDER DATED 28-04-2012 VIDE ANNEXURE 'A'
WHEREBY THE APPELLANT HAS BEEN REMOVED
FROM SERVICE WITH EFFECT FROM 25-7-2011.**

PRAYER

**ON ACCEPTANCE OF APPEAL, THE IMPUGNED
ORDER DATED 28-04-2012 MAY BE SET ASIDE
AND THE APPELLANT SHALL BE REINSTATED IN
SERVICE WITH ALL BACK BENEFITS.**

Respectfully Sheweth:

Brief facts leading to the instant appeal are as under:-

1. That the appellant having been inducted in service in the year 2009.
2. That the appellant throughout his whole service has performed his duty with utmost of his capabilities and to entire satisfaction of his superiors.
3. That the appellant was sick as revealed from annexure "B" and he was granted 15 days for bed rest leave as revealed from annexure "B" and the appellant went to his home.

*Filed
to-day 3/5/19*

4. That the appellant has falsely been charged U/S 302 PPC due to which the appellant was unable to perform his duty because he was arrested and was in jail. (Copy of the FIR is at annexure "C").
5. That the trial was concluded and the appellant has been acquitted vide annexure 'D'.
6. That the appellant has filed his departmental appeal dated 06/04/2015, vide annexure "E" but no response has been given to him and hence this appeal inter-alia on the following grounds:-

GROUND:


- A. That the impugned order dated 28-04-2012 at annexure "A" has been given retrospective effect dated 25-07-2011 which is patently an illegal order and it cannot be given any effect to under the law and is liable to be set aside.
- B. That the appellant has been acquitted from the criminal charge as revealed from the order dated 16/01/2019 at annexure "D" and as per judgment of August Supreme Court of Pakistan, all acquittals are honorable and there can be no acquittal which may be treated as dishonorable. So the appellant is entitled to reinstatement in service with all back benefits.
- C. That the appellant was unable to perform his duty because he was in the prison and has illegally been kept away from duty. So he is entitled to reinstatement in service with all back benefits.
- D. That the charges of absence from duty if even proved is a petty misconduct and major punishment of removal from service is indeed a very harsh punishment which has been given to the appellant is not permissible under the law as the charges have not been proved against the appellant.
- E. That the appellant was initially sick and he was given 15 days bed rest leave and leave on medical grounds cannot be refused under the law.
- F. That no show-cause notice has been served upon the appellant because he was in prison which led to the fact that the enquiry though if it is conducted but the appellant has not been associated with which it was necessary under the law. So the impugned order dated 28/04/2012 at annexure "A" is illegal and may be set aside and the appellant shall be reinstated in service with all back benefits.

- G. That the last opportunity of personal hearing has not been given to the appellant. So to this effect the impugned order dated 28/04/2012 is void and is liable to be set aside because no limitation runs against a void order.
- H. That the impugned order dated 28/04/2012 is illegal, malafide, without jurisdiction and without lawful authority and is liable to be set aside.
- I. That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.

It is, therefore, prayed that on acceptance of this appeal, the impugned order dated 28/04/2012 may be set aside and the appellant shall be reinstated in service with all back benefits.


Appellant

Through


Aslam Khan Khattak
Advocate, Peshawar.

Dated: 3/05/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Appeal No. _____/2019

Ismail Afridi, Ex- Warder attached to Circle H.Q Prison Haripur

VERSUS

Inspector General of Prison, KPK, Peshawar & Others

APPLICATION FOR CONDONATION OF DELAY IF ANY

Respectfully Sheweth:

- A. That the charge due to which the petitioner has been removed from service has not been proved against him and he has been acquitted meaning thereby that he was innocent and his removal order is void and no limitation runs against him. It is further submitted that he was in prison and was unable to approach this Hon'ble Tribunal at proper time and so the delay (if any) ^{is} condonable under the law.
- B. That it is the settled law of Supreme Court of Pakistan that the cases be decided on merits and not on technicalities such as limitation.
- C. That the delay, (if any), is not condoned, his whole life shall be spoiled.

It is, therefore, prayed that on acceptance of this application, the delay if any shall be condoned to meet the ends of justice.

Jamil
Appellant

Through

Aslam
Aslam Khan Khattak
Advocate, Peshawar.

Dated: 3/05/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Appeal No. _____/2019

Ismail Afridi, Ex- Warder attached to Circle H.Q Prison Haripur

VERSUS

Inspector General of Prison, KPK, Peshawar & Others

AFFIDAVIT

I, Ismail Afridi Ex- Warder attached to Circle H.Q Prison Haripur, do hereby solemnly affirm and state on oath that all contents of application for condonation of delay if any, are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

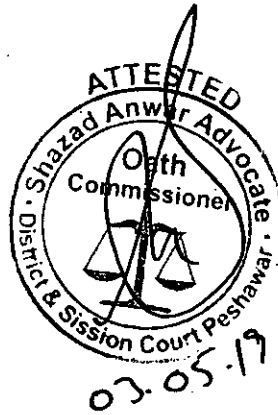
Ismail

DEPONENT

Identified by

Aslam

Aslam Khan Khattak
Advocate, Peshawar



OFFICE OF THE SUPERINTENDENT
CIRCLE (EASTERN) HQs PRISON HARIPUR

No. 16- /


Dated 28/04/2012

Ammeure

A
(6)

OFFICE ORDER:


On completion of disciplinary proceedings under Khyber Pakhtunkhwa Government Servants Efficiency & Discipline Rules-2011, Warder (BPS-05) Ismail Afridi attached to District Jail Abbottabad for the purpose of pay and with District Jail Timergara for the purpose of duty is hereby awarded the major penalty of "Removal from Service" with date of absence ie 25-07-2011, on the charges contained in Show Cause Notice served upon him vide this Headquarter P.B No. 1225 dated 05-03-2012.


SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

Endst: No: 17-21 /

Copy of the above is forwarded to:

1. The Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar
2. The Superintendent, District Jail Abbottabad.
3. The Superintendent, District Jail Timergara. The Ex-official concerned may please be informed accordingly.
4. The District Accounts Officer, Abbottabad.
5. Warder (BPS-5) Ismail Afridi, R/O Mohallah Afridi, Sugar Mills Road Bagh-e-Iram, Tehsil & District Mardan.


SUPERINTENDENT
CIRCLE H.Q. PRISON HARIPUR

Attested
asst

TREATMENT AT HOME

R. Aspirin
1c1

R. Flazid
1c1

R. Cort
1c1

caps

Ad bed rest for

ten (10 days)

[Signature]

MEDICAL OFFICER
D.H.O. HOSPITAL
MARDAN

دوباره معاشه کیلئے بروز پیر اور جمعہ
سید یحییٰ اوی ڈی آئی شریف آباد

DISTRICT HEADQUARTER HOSPITAL MARDAN

DISCHARGE SLIP

Medical "B" Unit

Consultant Physician & Incharge

Dr. Tariq Zubair

M.B.B.S., F.C.P.S.

M.O. Incharge
Dr. Fazli Rabbi
M.B.B.S.

M.O.
Dr. M. Iqbal
M.B.B.S.

Dr. Fozia Fahim
M.B.B.S.

Attested
ast

Pt. Name 15 mark Afrida

F/H Name Rahim Kha

Address Bagh Irdam Murda

D/A 25-7-11 UID 26-7-11

Adm. No. 5211-10 Bed No. 10

Diagnosis GIE

Prepared & Signed By *[Signature]*

SHORT HISTORY

40 G/E
ventil Dhr

INVESTIGATIONS

History
all

HOSPITAL TREATMENT

(8)

40 Ciprofloxacin
1000
by Pigeon 4/12
3 R-1-D P R
in Ant Sec

No. 1
 Rs. 5/-
 OUT-PATIENTS DEPARTMENT
 NAME *Ismael Afridi*
 YEARLY NO. *1982*
 DATE *13-8-2011*
 DISEASE *Pain Abdominal*
Pain loose stool

Tab: N8813 500mg
Tab: Dicyclanil 500mg
Sup. Payment v
Tab: E. Phazul 400mg
 Complete home bed rest
 for one week (7) days
 w/eef 13/8/2011

13/8/2011
 MEDICAL OFFICER
 D.H.Q. HOSPITAL *Habib*

Adv.

COPY
 D.H.Q.

(9)

No. 1
 Rs. 5/-
 OUT-PATIENTS DEPARTMENT
 NAME *Ismael Afridi*
 YEARLY NO. *4197*
 DATE *13-8-2011*
 DISEASE

Fitness Certificate

Certified that Mr. Ismael Afridi who was suffering from abdominal pain & loose stool as well as now fit to resume his duties w/eef 13/8/2011

Ismael Afridi
 MEDICAL OFFICER
 D.H.Q. HOSPITAL
 MARDAN.
13/8/2011

Attested
as

حاکم نوآ 3588645-16101 9879727-0344 BBA کر 212 (18)

ابتدائی اطلاعی رپورٹ

(فائیکل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر نوآ 154 مجرم ضابطہ نوآ جاری

15-5-18 BBA 7395497-0316

سید حران

تھانہ

1134 16 بوقت 19:05 بجائے 16 بوقت 18:45 بجائے

1	تاریخ و وقت رپورٹ	16 بوقت 19:05 بجائے 16 بوقت 18:45 بجائے
2	نام و سکونت اطلاع دہندہ و سٹیٹس	شہید رضا رضی ولد حبیب گل خرم افغان لیجر 32/33 سال سکندر کورج
3	تفصیلات جرم (معدنہ) حال اگر کوئی کیا ہو	B2 302-34
4	جائے وقوعہ و فاصلہ تھانہ سے اور سمت	نزد حجرہ ازان ماہ جزیرہ واقع باغ ارم
5	نام و سکونت مجرم (1) لوآب خان (2) سردار خان (3) سکندر لہران پورٹ (4) اسماعیل ولد رحیم مالکان باغ ارم	
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کر سہیل کی خرابی خودہ نامی لیا جا چکا ہے	
7	تھانہ سے روانگی کی تاریخ و وقت	بظور سٹیٹل رپورٹ

ابتدائی اطلاع کے درج کردہ خرابی کے حوالہ سے موصوفہ صاحب ظاہر شاہ خان Asi کچی ہسپتال حران سے بدست کئی سہیل 2545 درج ذیل ہے۔ مذکورہ سہیل صاحب ظاہر شاہ خان ولد حبیب گل خرم افغان لیجر 32/33 سال سکندر کورج نے نقش حقیقی حجاز اراضی نائب ولد شہزادہ راسین کورج ملک آباد کے نسبت بمقام کچی ہسپتال حران پولیس رپورٹ کرنا جس کے آج میں مجھے حقیقی نائب اور امین خان ولد خطاب گل حجاز اراضی ام کے لبلہ افطار مارٹی حجرہ ازان ماہ جزیرہ واقع باغ ارم میں موجود تھے۔ کراس حران دیان لوآب خان، سردار خان، سکندر لہران، یوسف اسماعیل ولد رحیم مالکان باغ ارم علیہ السلام آئین آرٹیکل 2 کا نامی مطلوب شروع میں۔ ہم باہر نسل کر لیا کہ وہ کیا ہے نائب پر یہ ارادہ قتل ماٹریٹ کر کے حجاز اراضی سے حجاز اراضی نائب تک کر زخمی ہوا۔ دریا میں کودا تو خود فرار ہوئے۔ واقعہ خبر کے علاوہ امین خان حجاز اراضی کا ختم ہونے کے نائب نوزخمی حالت میں ایسا کہ نوری علاج حاصل کیے ہسپتال لا کر جو ہسپتال میں جان بحق ہوا۔ یہ جیکے سلطان اور حقیقی کے رہا ہیں کچھ دیر سہیل زبانی تکرار ہوا تھا جس حجاز اراضی کے قتل کا برخلاف یہ طالبان بالادریہ میں سکونت میں تھے۔ اس خط میں خان ولد خطاب گل خرم افغان لیجر 32/33 سال سکندر کورج نے ماٹریٹ کی اور واقعہ ختم ہو کر رہا ہے۔ بیان کیا کہ سہیل نے خط کارروائی پورٹ حسب سہیل رپورٹ دینے سے پہلے کہ سہیل کا راجہ نے درستی کا دستخط کیا۔ گواہ ختم ہونے کے ماٹریٹ کی حقیقی کے کاغذات ٹرٹ تیار کر کے پورٹ کو تیار کر کے حفاظت کئی رضی 1230 حوالہ ڈاکٹر سہیل کی خرابی کے حوالہ سے ماٹریٹ کے کاغذات ٹرٹ تیار کر کے پورٹ کئی سہیل 2545 ارسل کیا ہے۔ نقش کیا جائے۔ دستخط انگریزی ظاہر شاہ خان Asi کچی ہسپتال حران 16/8/2011 کارروائی کے لیے آجہ حران صوبہ خرم درج ہر سو کر کے خرم فوق خرم ہوا۔ حران کے حوالہ سے پورٹ کے پورٹ کے حوالہ سے ختم ہونے کے ہیں۔ آف ان بالادریہ سہیل رپورٹ الملاح دی جاتی ہے۔ پورٹ سہیل رپورٹ کرنا ہے۔

Attested as!

MASI-Ps. city 46-8-2011

Ammeurce

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State Vs Ismail etc
(Case File No. 145/SC of 2016)

Order...27
16.01.2019

Accused Nawab Khan in custody produced.

Accused Ismail on bail with counsel and APP for the state present. PW/eye witness Amin Khan s/o Khatab Gul present and examined as PW-2.

Counsel for accused has submitted instant petition for acquittal of accused u/s 265-K Cr.P.C in case FIR No.1134 dated 16.08.2011 u/s 302/34 PPC registered at PS City, Mardan, wherein accused has sought their acquittal u/s 265-K Cr.P.C. on the ground that the accused facing trial are totally innocent and have falsely been implicated in the present case, complainant Shahid Riaz and eyewitness Amin Khan did not support the case of prosecution. The instant case is fake and concocted as per evidence available on record and no case is made out against the accused, therefore, they may kindly be acquitted of the charge being totally innocent.

Precise facts of the prosecution case are that on 16.08.2011 at 19.05 hours complainant Shahid Riaz brought the dead body of his cousin namely Saqib (deceased) to the casualty Hospital, Mardan and reported the matter to local police, averting therein that on the eventful day he alongwith his cousin (deceased) and PW Amin Khan were present in Hujra of Sahibzada situated in the vicinity of Begh-e-Irum in connection of Aftaar party. In the meanwhile accused Nawab Khan, Sardar Khan, Sikindar sons of Yousaf and Ismail s/o Rahim duly armed with firearms came there, and started abusing. when the complainant party came out from the Hujra, the above named persons started firing on Saqib, as a result whereof he got hit and died. After commission of offence accused decamped from the spot. Motive of the occurrence is an oral altercation, which took place between deceased and accused prior to present occurrence. Complainant charged the accused facing trial for the

Certified To Be True Copy

11 FEB. 2019

Examiner Copying Branch
Sessions Court Mardan



Handwritten signature and date 16.1.19

Attested

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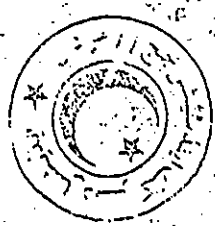
commission of offence; hence the present FIR was lodged against the accused facing trial.

Initially challan was submitted against the accused facing trial within the meaning of Section 512 Cr.P.C. On arrest of accused facing trial Nawab and after completion of investigation, supplementary challan against accused Nawab Khan was submitted. The accused was summoned from jail. On his appearance and after observing the codal formalities he was charge sheeted on 19.03.2012 by the court of learned ASJ-VIII, Mardan to which he pleaded not guilty and claimed trial. Trial commenced and prosecution was directed to produce evidence in support of their case.

During trial as many as eight witnesses of prosecution has been recorded but learned ASJ-VIII, Mardan vide order dated 31.01.2013 had stopped the prosecution of the accused Nawab and proceedings u/s 512 Cr.P.C against the absconding accused, released the accused Nawab Khan on bail in sum of Rs.5,00,000/- with two sureties each in the like amount to the satisfaction of court with direction that the prosecution shall re-submit the case of the accused facing trial at the earliest, after ensuring the attendance of PW/complainant Shahid Riaz and eyewitness Muhammad Amin and accused facing trial Nawab Khan shall then put his appearance for the conclusion of his trial.

Subsequently, accused Ismail and Sardar were arrested, supplementary challan against them were submitted. The accused Ismail and Sardar were summoned including accused Nawab. Accused Sardar and Ismail appeared before the court whereas accused Nawab absented himself and on 25.01.2016 proceedings u/s 512 Cr.P.C was initiated against him by learned ASJ-III, Mardan. Charge against the accused Ismail and Sardar were framed on 09.02.016, to which they pleaded not guilty and claimed trial. Trial commenced. During trial accused Nawab was also arrested and after fulfilment of codal formalities he was also charge sheeted.

*Attested
DL*



Certified To Be True Copy

11 FEB 2019

Examiner Copying Branch
Mansab Court Mardan

16-1-19

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On 19.12.2018 proceedings against the accused facing trial Sardar was abated being dead after recording of statement of DFC Ayaz Bacha No.1151.

In support of its case the prosecution produced/ examined two witnesses in all, whose statements were recorded and placed on file. Thereafter learned defense counsel submitted an application for the disposal of the case u/s 265-K Cr.P.C, notice of the same was given to the prosecution.

Arguments on the application heard and record perused.

Allegations against the accused facing trial is that on 16.08.2011, they committed the murder of deceased Saqib in presence of complainant Shahid Riaz and PW. Amin Khan but as far as charge for commission of this offence against the accused facing trial is concerned the material witnesses i.e. PW-1, complainant and PW-2 eyewitness of occurrence though formally supported the prosecution case in their examination in chief but when they were subjected to cross-examination they totally exonerated the accused. They deposed in their cross examination that the occurrence has taken place at night time, scribe of FIR has wrongly written the time of occurrence at 18.45 hours. They deposed that they were present inside the Hujra and when the firing was seized then they came out and saw the deceased was hit and lying on the spot. They shattered the case of prosecution by stating that they had neither seen any one firing at the deceased nor pointed out the spot to the I.O. In the last sentence of their cross examination they stated that they do not want to charge the accused as they have not seen the occurrence, which clearly reflect that complainant Shahid Riaz and Amin Khan were not present at the crime venue and negates the ocular account. This deposition on the part of complainant and eyewitness has totally shattered the case of prosecution because they are star witnesses of the prosecution but they

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does not support the occurrence in the manner in which it was reported and investigated.

Keeping in view the statement of complainant Shahid Riaz and eyewitness Amin Khan recorded as PW-1 and PW-02, it is held that there is no likelihood of the conviction of the accused and if further evidence of the prosecution is recorded in the instant trial that will fetch no result and will cause unnecessary delay in the trial. Resultantly, the application of accused for acquittal u/s 265-K Cr.P.C. is accepted and accused Nawab Khan and Ismail are acquitted of the prosecution charge u/s 265-K Cr.P.C. Accused Nawab Khan is in custody, be set at liberty forthwith if not required to be detained in any other case. Accused Ismail is on bail, sureties are absolved of their liabilities towards the bonds. Accused Sikandar has not yet been arrested. Before stoppage of case by my learned predecessor in Court already eight witnesses had recorded their statements, so prima facie case exists against the accused Sikandar s/o Yousaf resident of Koregh, therefore, he is declared as proclaimed offender and perpetual warrant of arrest be issued against him and his name be entered into the relevant register of Proclaimed Offenders, as per law.

Case property be still kept intact till arrest and trial of co-accused Sikandar. File be consigned to record room after necessary completion and compilation.

*Attended
as!*

Announced:
Dated: 16.01.2019

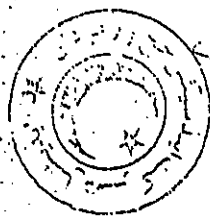
(Ihtesham-ul Haq Danishmand Khan)
Additional Sessions Judge-II, Mardan

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Page 4 of 4



Name of Applicant	
Application No.	2426
Date of Presentation of Application	11-2-19
Date on which copy Prepared	11-2-19
Date on which copy Examined	11-2-19
No. of pages	11-2-19
Court Fee / Copying fee	
Urgent fee	
Signed of copyist	
Date of Delivery	11-2-19

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(15) (15)

To
**The Inspector General,
Jail/Imprisonment Department,
Peshawar, Khyber Pakhtunkhwa.**

Subject:- **REQUEST FOR REINSTATEMENT OF
SERVICE.**

Respected Sir,

It is humbly submitted that the applicant is a residence of Bagh-Iram Teshil & District Mardan. The applicant belongs to a very poor family and is submitting his prayer as follows:-

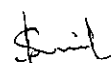
- 1) That the applicant was serving as Warden in the department of Imprisonment, KPK and was posted at District Timergarah. During his service, the applicant suffered from the disease of Usheromatoid/Osteo arthritis/(Severe Pain in muscles).
- 2) The applicant got medical leave and admitted at District Headquarter Hospital for getting his treatment.
- 3) During his treatment, the applicant was falsely charged in a criminal offence punishable u/s 302 PPC.
- 4) The applicant moved a BBA petition before the Hon'able Sessions Judge, Mardan and granted ad-interim bail but the same was not confirmed and the applicant was sent to District Jail, Mardan.
- 5) Thereafter, he was released on bail by the order of the Hon'able Sessions Judge Mardan.
- 6) The applicant straightaway went for the place of his duty but he was ordered to report to the headquarters as he had been marked absent for remaining from his duty for a long time.
- 7) The applicant also submitted an application for his reinstatement but got no positive response.

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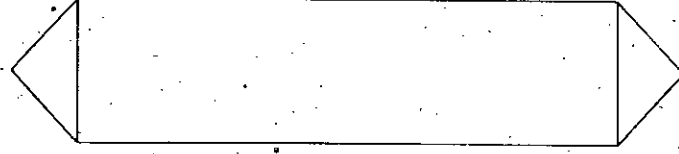
It is, therefore, requested that in the light of the above details, the applicant may very kindly be reinstated in his job and oblige.

Regards

Dt. 06/04/2015


Ismail Afridi S/O Rahim Khan
R/O Bagh-Iram, Mardan,
Cell # 0343-9164007

بعدالت جناب KPK سرگزشت منزل لیسٹاور



مئی 2019ء جناب اسٹارٹ

اسماعیل آفریدی بنام اسٹارٹ منزل جیلدار
سابقہ وارنٹر KPK لیسٹاور وغیرہ

مورخہ

مقدمہ

دعویٰ

جرم

سرگزشت اسٹارٹ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام لیسٹاور کیلئے اسلم خان صاحب کو مقرر کر کے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

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مئی 2019ء

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المرقوم

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العبد گواہ العبد

کے لئے منظور ہے۔

لیسٹاور

مقام