SEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 12888/2020

Date of Institution ... 27.10.2020

Date of Decision

... 10.12.2021



Jehangir Khan, Ex-Constable No. 1040, District Police, Swabi.

(Appellant)

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and two others.

(Respondents)

MR. TAIMUR ALI KHAN,

Advocate

For appellant,

MR. MUHAMMAD ADEEL BUTT,

Additional Advocate General

For respondents.

MR. AHMAD SULTAN TAREEN

MR. SALAH-UD-DIN

CHAIRMAN

MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts forming the background of the instant service appeal are that the appellant while serving as Constable in FRP Peshawar Range, was involved in case FIR No. 982 dated 16.04.2019 under section 9-C CNSA Police Station Chamkani District Peshawar. On the basis of his involvement in the aforementioned criminal case, disciplinary action was taken against the appellant and he was from service vide order dated 10.08.2020. departmental appeal of the appellant was also rejected vide order dated 14.10.2020, hence the instant service appeal.

Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.



- 3. Learned counsel for the appellant has contended that initial inquiry conducted against the appellant was filed due to acquittal of the appellant in the concerned criminal case; that later on convicted co-accused namely Sana Ullah submitted a frivolous complaint against the appellant with mala-fide intention, which resulted in imposition of major penalty against the appellant without any regular inquiry being conducted against the appellant; that after filing of initial inquiry against the appellant, there was no legal justification of conducting another inquiry against the appellant on the same allegations; that no charge sheet or statement of allegations was issued to the appellant and he was awarded penalty on the basis of fact finding inquiry; that the impugned orders being wrong and illegal are liable to be set-aside and the appellant may be reinstated in service with all back benefits.
- 4. On the other hand, learned Additional Advocate General for the respondents has contended that initial inquiry against the appellant was though filed, however co-accused namely Sana Ullah submitted complaint against the appellant, wherein he leveled serious allegations against the appellant that he was also involved in drug trafficking, therefore, de-novo inquiry was conducted against the appellant; that the charges against the appellant stood proved in a regular inquiry conducted against him, therefore, he has rightly been awarded penalty of dismissal from service.
- 5. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.
- 6. A perusal of the record would show that after charging of the accused in case FIR No. 982 dated 16.04.2019 under section 9-C CNSA Police Station Chamkani District Peshawar, he was proceeded against departmentally and charge sheet as well as statement of allegations was issued to him. The appellant was in custody, therefore, in his inquiry report dated 26.06.2019, the inquiry officer recommended that the inquiry against the appellant may be kept pending till final decision of the court in the concerned criminal case. In light of such recommendations, competent Authority reinstated the appellant in service vide order dated 26.06.2019 and upon his acquittal in the criminal case, order of reinstatement of the appellant



was confirmed by the competent Authority vide order dated 17.09.2019.

The appellant was later on transferred to District Police Swabi. 7. One Sana Ullah S/O Zabita Khan, who was co-accused in the concerned criminal case was convicted by the learned Trial Court. Upon his release, the said Sana Ullah submitted an application dated 29.10.2019 to the DPO District Swabi, wherein he alleged that the appellant was actually involved in trafficking of Narcotics, however he had assured him that if he exonerates him in the case by taking responsibility of smuggling of Narcotics upon his own shoulders, the appellant would pay him whole of the amount spent on the criminal case; that the appellant is now reluctant in paying of an amount of Rs. 05/06 Lacs and is avoiding to contact him. DPO Swabi nominated DSP Headquarter Swabi for conducting inquiry into the matter, who recommended that as the appellant has already been acquitted by court, therefore, the application submitted by Sana Ullah may be filed. Vide letter dated 25.03.2020, the aforementioned application was then sent by District Police Officer Swabi to the Deputy Commandant FRP Khyber Pakhtunkhwa Peshawar for de-novo proceedings against the appellant in light of the application submitted by Sana Ullah. Senior Superintendent of Police, FRP Peshawar Range Peshawar entrusted inquiry to DSP FRP Mardan and it is evident from the record that he also recommended for filing of the inquiry. Subsequently, Mr. Gul Nawaz Khan Inspector R.I FRP Peshawar Range was nominated as inquiry officer by Senior Superintendent of Police FRP Peshawar. The said inquiry officer has opined in the inquiry report dated 03.07.2020 that as the appellant has already be acquitted in the criminal case, therefore, further proceedings in the matter may be conducted after obtaining of legal opinion. Opinion of S.I Legal FRP was thus obtained, who opined that as the appellant is now on the strength of District Police Swabi, therefore, the case may be sent to District Police Officer Swabi for taking of further proceedings in the matter. District Police Officer Swabi issued final show-cause notice to the appellant, mentioning therein that the inquiry officer Inspector Gul Nawaz Khan R.I FRP Peshawar had found the appellant guilty of his involvement in trafficking of Narcotics. During the inquiry conducted by Inspector Gul Nawaz Khan R.I FRP Peshawar, neither any charge sheet nor any statement of allegations was issued to the appellant, therefore, the



same could not be considered as a regular inquiry. The appellant was also not provided any opportunity of cross-examination of the complainant as well as the witnesses examined during the inquiry. Moreover, the inquiry officer had not at all given any findings that the appellant was found involved in trafficking of Narcotics, however it is astonishing to note that the District Police Officer Swabi has mentioned in the final show-cause notice as well as in the impugned order dated 10.08.2020 that the inquiry officer has given findings that the appellant was found guilty. The impugned order dated 10.08.2020 passed by the competent Authority as well as the order dated 14.10.2020 passed by the appellate Authority are based on surmises and conjecture, which are not sustainable in the eye of law.

- 8. The applicant Sana Ullah was convicted in the concerned case on the basis of his plea of guilt. The applicant, while pleading his guilt has got recorded his statement on 03.09.2019, wherein he has categorically stated that the appellant was innocent. In presence of such statement of the applicant, the application submitted by him to the District Police Officer Swabi appear to be an afterthought story developed for vexing the appellant for the purpose of gaining financial benefit.
- 9. In light of the above discussion, the appeal in hand is accepted by setting-aside the impugned orders and the appellant stands reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

<u>ANNOUNCED</u> 10.12.2021

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(AHMAD SULTAN TAREEN) CHAIRMAN



ORDER 10.12.2021 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is accepted by setting-aside the impugned orders and the appellant stands reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED 10.12.2021

(Ahmad Sultan Tareen)

Chairman

(Salah-Ud-Din) Member (J) 17.11.2021

Appellant in person present. Mr. Fazle Subhan, H.C alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

The learned Member (Judicial) Mr. Salah-ud-Din is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments before the D.B on 10.12.2021.

(Mian Muhammad) Member (E) Appellant with counsel present. Addl: AG for respondents present.

Written reply not submitted. Learned AAG seeks time to contact the respondents for submission of written reply/comments.

Adjourned to 18.05.2021 before S.B.

(Mian Muhammad) Member (E)

18.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 06.07.2021 for the same as before.

Reader

06.07.2021

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

Respondents have submitted reply/comments through office. The appeal is entrusted to D.B for arguments on 17.11.2021.

Chairman

Form- A

FORM OF ORDER SHEET

ÇOUIT	. 01			
		4 - 4		
	·	· 1 1/20		
Case No	200	$I \sim X \times X$	/2020	
Casc 140			/2020	

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3 .
1- 1	27/10/2020	The appeal of Mr. Jehangir Khan presented today by Mr. Muhammad Asif Yousafzai Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
		REGISTRAR.
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on 1) 200,
·		CHAIRMAN
<u>.</u>	11.12.2020	Appellant present through counsel. Preliminary arguments heard. File perused.
	H	Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is
,		directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written
App∙ Se ≤	Sent Deposited Process Fee	reply/comments. To come up for written reply/comments on 08.03.2021 before S.B.
7,44	, in the second	(Rozina Rehman) Member (J)

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 20	020
-----------------------	-----

Jehangir Khan

Vakalat nama

V/S

Police Deptt:

TAIDEZ

	<u>INDEX</u>		
S.No	Documents	Annexure	P. No.
•			
1.	Memo of Appeal		01-05
2.	Copy of FIR of	Α	06
3.	Copies of Charge Sheet & Reply to Charge	B&C	07-09
	Sheet		
4.	Copy of Order dated 26.06.2019	D.	10-11
5.	Copies of the judgment dated 03.09.2019 and	E&F	12-16
-	order 17.09.2019		
6.	Copy of Complaint	G	17-18
7.	Copies of inquiry reports are attached	H&I	19-25
8.	Copies of show cause notice, reply to show	J,K&L	26-29
	cause and order date 10.08.2020	,	
9.	Copies of departmental appeal and rejection	M&N	30-35
	order		
10.	Copy of statement of the complaininat	O	36-38
	Sanaullah		

APPELLANT

THROUGH:

(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,

(TAIMUR ALI KHAN) ADVOCATE HIGH COURT,

(SYED NOMAN ALIBUKHARI)
ADVOCATE HIGH COURT
&
(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE

Room No. Fr-8, 4th Floor, Bilour Plaza, Peshawar Cantt: Contact No. 03339103240

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. /288 /2020

Khylier Pakhtukhwa Service Tribunai

Diary No.

Jehangir Khan, Ex-Constable No. 1040, District Police, Swabi.

APPELLANT

VERSUS

- 1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
- 2. The Regional Police Officer Mardan Region, Mardan.
- 3. The District Police Officer Swabi.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 10.08.2020, WHEREBY THE PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 14.10.2020 WHEREBY THE DEPARTMENTAL APPEAL OF APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:-

Filedto-day Registrar

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 10.08.2020 AND 14.10.2020 MAY BE GRACIOUSLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

- 1. That the appellant was appointed as Constable in the police department and later on posted to FRP Peshawar Range. The appellant performed his duty up to the entire satisfaction of his superiors and no complaint has been filed against him.
- 2. That while being posted at FRP Peshawar Range, appellant was falsely charged in a criminal case vide FIR. No. 982 dated 16.04.2019 U/S 9C CNSA and was suspended. (Copy of FIR is attached as Annexure-A)
- 3. That on the basis of the above mentioned F.I.R. appellant was charge sheeted and the allegation mentioned in the charge sheet was that he was involved in a criminal case. The appellant properly replied to the charge sheet and denied the entire allegation. (Copies of Charge Sheet & Reply to Charge Sheet are attached as Annexure-B&C)
- 4. That thereafter inquiry was conducted against the appellant and on the recommendation of inquiry officer, the appellant was reinstated into service vide order dated 26.06.2019 by the competent authority and inquiry was kept pending till the finalization of the criminal case. (Copy of Order dated 26.06.2019 is attached as Annexure-D)
- Peshawar vide judgment dated 03.09.2019 and on the basis of the said judgment, the order dated 17.09.2019 has been passed, wherein the re-instatement order of the appellant has been confirmed and matter was closed which means that the competent authority agree with the inquiry officer. (Copies of the judgment dated 03.09.2019 and order 17.09.2019 are attached as Annexure-E&F)
- 6. That the accused Sana Ullah when released on probation file complaint against the appellant on same allegation which is already decided by the competent court of law and department also exonerated the appellant on that issue. (Copy of Complaint is attached as Annexure-G)
- 7. That on the basis of that complaint closed matter was re-open and inquiry was marked to DSP HQrs, swabi which conducted inquiry against the appellant on that complaint and recommended to file the application/complaint and anther inquiry was conducted against the appellant by DSP, FRP Peshawar in which he also exonerated the appellant however without giving reason for not agreeing with the recommendation of both inquiry officers, another inquiry was marked to Inspector RI FRP Peshawar on the same complaint and RI FRP, Peshawar conducted inquiry against the appellant in which no proper chance of defence was provided to the appellant as neither statements

were recorded in the presence of the appellant nor gave him opportunity of cross examination and all these inquiries were conducted without issuing charge sheet and statement of allegation. (Copies of inquiry reports are attached as Annexsure-H&I)

- 8. That, thereafter, final show cause notice was issued to the appellant. the appellant properly replied to show cause and denied the entire allegation, but the deptt: without considering the reply of the appellant dismissed him from the service vide order dated 10.08.2020 without giving a chance of personal hearing. (Copies of show cause notice, reply to show cause and order date 10.08.2020 are attached as Annexure-J,K&L).
- 9. That the appellant filed departmental appeal against the order dated 10.08.2020 on 19.08.2020 which was rejected on 14.10.2020 for no good grounds. (Copies of departmental appeal and rejection order are attached as Annexure-M&N)
- 10. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUNDS:

- A) That the impugned order dated 10.08.2020 and 14.10.2020 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant was acquitted by the Court of Additional Session Judge-VIII from the baseless charges leveled against the appellant. So, there was no more remained any ground to punished the appellant, so the impugned order is against the law and void-abinitio, hence liable to be set-aside.
- C) That no regular inquiry was conducted against the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination which is violation of law and rules.
- D) That according to Superior Courts Judgments no penalty should be imposed on the basis of fact finding inquiry without conducting regular inquiry and without issuing charge sheet and statement of allegations.
- E) That the impugned dismissal order was passed in violation of principle of natural justice. Once the matter was closed and final. Then the authority has no power to reopen the same case and punish the appellant on the same cause. So the authority misused its powers and passed the impugned dismissal order which is not warranted by law and thus liable to be set-asided.

- F) That the complainant Sanaullah admitted his guilt before the competent court of law and also stated that the appellant was only a passenger and was not aware of any contraband and is completely innocent. Then filing of complaint against the appellant which is not to be considered. (Copy of statement of the complaininat Sanaullah is attached as Annexure-O)
- G) That on complaint the inquiry was marked to DSP HQrs, swabi who gave finding in favour of appellant. Then the said complaint was marked to DSP FRP, Peshawar who also give finding in favour of appellant. For the third time said complaint was marked to RI- FRP who without associating appellant with the inquiry proceeding and serving charge sheet gave finding against the appellant which was not warranted by any law and rules.
- H) That the appellant was exonerated in first two inquiries conducted on complaint, but without giving any reason for not aggreing with the recommendation of first two inquiry report, the authority directed for third inquiry on the issue which is against the norms of justice and fair play.
- I) That under the Principle of Estoppel any complaint based on after thought of the accused Sanaullah cannot be based to penalize the appellant.
- J) That without charge sheet and proper regular inquiry the major penalty cannot be imposed but the appellant was dismissed from the service even without given personal hearing which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.
- K) That the appellant has been condemned unheard and has not been treated according to law and rules.
- L) That charge sheet and statement of allegations was not served upon the appellant and regular inquiry was not conducted against the appellant, which was necessary and mandatory in law before imposing major punishment which is violation of law, rules and norms of justice.
- M) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- N) That the penalty of dismissal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.

- O) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- P) That the attitude and conduct of the Department shows that they were bent upon to dismissthe appellant at any cost.
- Q) That the appellant seeks permission to davnce other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

Jehangir Kharl

THROUGH:

(M. ASIF YOUSAFZAI) ADVOCATE SUPREME COURT

> (TAIMUR ALI KHAN) ADVOCATE HIGH COURT,

(S. NOMAN ALI BUKHARI) ADVOCATE HIGH COURT &

(SHAHKAR KHAN YOUSAFZAI) ADVOCATE

2/202-3300 700 2/202-7428931-1-Wiling الميكز جزل بإليس موبه سرحدقارم فبراح ابتدائی اطلاع نبیت برم قابل دست اندازی پولس ر پورث شده زیروفد ۱۵ مجوعه ضابط فوجداری كاوئتر فأنن 982-16 2 14:00 is 16 5Nb 815. 30 Tuo 160 ناریخ وونت *ربور*ٹ نام دسكونت اطلاع دويز وستغيث ١- /كذ 3068 306 مخفر كيفيت جرم (معدفعه) عال اكر محوليا مما مو-Propriety GCCNSA فرفروك مايسرى شراور مائے وہوعرفا صلی تھانڈسے اور سمت कारें में के मेराधि रिष्टीरवेटा (2) कार्यकी रिस्टिश्वी كاروائى جرتعيش ك على كالراطلاع درج كرف عن توقف موا موقوديد بيان كم مو المعتقى مستركي و معام تماند مدرواتی کی تاریخ دونت ابتدائی اطلاع نبح درج کرو<u> ق</u>یسے ج*در بحاملے جرری* الحذي رئه مندم أرس را را 5 مرس DE 961 10110 (100) 1 1000 الماليال المالية المال

A Adams of S

BETTER COPY

انبكر جزل بوليس موبهرعد فادم نمرا

فارم نمبر۲۳_۵(۱)

ابتدائی اطلاعی ریورث

. كاؤنٹرفائيل

ترا حمکنی

مجموعه ضابط فواجداري

ابتدائي اطلاع نسبت جرم قابل دست اندازي پوليس رپورث شده زيروفعه

بررر ت رترمه: 16/04/2019	· / / / / / · · · ·	ماند: - • (لت نمبر: ـ
عاكدگى پر چە 16:04/2019 وتت 16:00 <u>ب</u> ى	تاريخ وقت ر پورث: _16/04/2019 ونت 15:30 بج	<u> </u>
محد طاہر خان AS انچارج موٹر دے بٹادر 1-17308-308851 / 17301-3088551 (نام وسکونت اطلاع د بهنده ستنغیث	2
9(C) CNSA ورآ مدگی میروئن 5 کلوگرام	مخقر كيفيت جرم (مددنعه) حال اگر كجه ليا حميا بو -	3.
موٹرو ے تا کہ بندی پتاور	جائے دقوعہ فاصلہ تھانہ سے اور سست :۔	.4
(1) أناء الله ولد ضابط خان (2) جها تكمير خان ولد محد الطاف سكنه صوالي	t م وسکونت لمزم	5
ررسدگروی مراسل برمقد ستام کیاجا ہے ج	کارروائی جو آفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں تو تف ہوا ہو تو وجہ بیان کرو	6
NA MAZ MANOR	تھانہ ہے روائی کی تاریخ وقت	7

ابتدائی اطلاع نیجے درج کرو۔

3 A31-P3-CHIVI A31000190777

BO

CHARGE SHEET U/R 6(1)(A) NWFP (NOW KHYBER PAKHTUNKHWA) POLICE RULES 1975.

You **Constable Jehangir Khan No.2582** posted at FRP/Peshawar Range Peshawar is hereby charged for committing the following Omission/Commissions.

Constable Jehangir Khan No.2582 of FRP Peshawar Range, being involved in case FIR No.982 dated 16.04.2019 U/S 9C-CNSA at PS Chamkani District Peshawar.

You are hereby called upon to submit your written defence against the above charged before the inquiry officer.

Your reply should reach to the enquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

Certified to be True Cary.

SUMMERY/STATEMENT OF ALLEGATION

Constable Jehangir Khan No.2582 of FRP Peshawar Range, being involved in case FIR No.982 dated 16.04.2019 U/S 9C-CNSA at PS Chamkani District Peshawar. Your reply should reach to the inquiry officer within (7) days from date of receipt of this charge Sheet, failing with Ex-part proceeding shall be initiated against you.

16202-5796309-1

Superintendent of Police, FRP Peshawar Range, Peshawar.

26-04-18,

ATTESTED

District Police Officer, Swabi.

The Superintended of Police, FRP Peshawar Range, Peshawar.

The Superintendent of Prison, District Peshawar.

No. 177 /PA, dated the

24 / 04 /2019.

Subject:

DEPARTMENTAL PROCEEDING.

Memo:

Enclosed please find herewith charge sheet in r/o accused Constable Jehangir Khan No.2582 of this Establishment involved in case FIR No.982, dated 16:04.2019 U/S 9C-CNSA at PS Chamkani District Peshawar was arrested in Judicial remand Peshawar. Now the said accused Constable is in your prison/Jail.

Certified to La Madee, in

It is therefore requested that my Duty Foot Constable Khan Wali No.3024 may kindly be allowed to distribute the charge sheet on defaulter Constable and reply of charge sheet may be returned to this Office for further necessary action please.

(Charge sheet and summary of allegation is enclosed)

Superintendent of Police, FRP Peshawar Range, Peshawar.

R

District Police Officer, Swabi.

ور ا دنه میان معمر المعمر ورسی مین هد طارح تسط می رسان دیا شی بیان اذانی کانشیبل جها مگیرخان 2582 متعینه FRP رخ پیثاور دناسالی!

بوالہ چارج شیٹ نمبر 166/PA مورجہ 17/04/2019 بجار ہے جناب SP صاحب FRP رہے چا ورمحروض فدمت ہوں کہ کن سائل مورجہ 16/04/2019 کوا ہے کئی کام کے سلسلے میں بوقت 11:00 بجا گاؤں خود سے پیٹا ور کے لیے روا نہ ہوا اور بوتت مائل مورجہ 16/04/2019 کوا ہے کئی کام کے طابق مورجہ کا انظار کر رہا تھا۔ 13:00 بجائے کام سے فارغ ہو کر گھر خود کے لیے والیس موڑو ہے چوک میں بوقت 13:45 بجے گھڑ اہوا فلائنگ کوچ کا انظار کر رہا تھا، اُس وقت موسلا دھا رہارش ہر وع تھی کہ اُس دوران ایک انجان سوز وکی Swift کارآ کر میر سے قریب رُک گئی، جس کے ڈرائیورکو بیس نہیں جانتا تھا اور اُس نے مجھے لفٹ دی۔ میں بھی بارش کی وجہ سے اُس کے ساتھ بیٹھ گیا۔ تھوڑ ا آ گے چل کر پولیس نے متذکرہ والاگاڑی کو کہا تا اور کی میں میٹھنے کا کہا گیا۔ تلاش کے بعد جمیں کے بعد جمیں کے ایک سروس کارڈ دکھائی تو مجھے گاڑی میں میٹھنے کا کہا گیا۔ تلاش کے بعد جمیں کھانہ چکنی درج رجٹر ہو چکا ہے۔

30 کے جایا گیا۔ اور من سائل کو بعد میں پنتہ چالکہ سائل کے خلاف مقدمہ 982 مورجہ 16/04/2019 جرم 9CCNSA تھانہ چکنی درج رجٹر ہو چکا ہے۔

جونکہ سائل گاؤں کے ایک شریف اور معزز گھرانے ہے تعلق رکھتاہے، سائل کے گھرانے کے تمام افراداعلی تعلیم یافتہ ہیں اور درس و تذریس کے پیشے سے تعلق رکھتے ہیں، اور سائل اپنی ڈیوٹی نہایت ایمانداری اور خوش اسلو بی سے انجام دیتار ہاہے۔ سائل کا اِس معاسلے نے کوئی تعلق نہیں ہے۔ صرف بارش کی دجہ ہے، میں اُس انجان شخص کے ساتھ گاڑی میں بیٹھ گیا تھا اور مجھے کوئی علم میں تھا کہ گاڑی میں منشیات چھیائی گئی ہیں۔

اسلیے استدعاہے کہ سائل کی بے داغ ماضی کو مدنظرر کھ کر چارج شیٹ کو بغیر کسی کارراد کی کے داخل دفتر کیا جائے۔ سائل آئندہ کے لیے مختاط رہے گااورا فسرانِ بالاکو کسی شمل شکایت کا موقع نہیں دے گا۔ جناب عالی میں میرابیان ہے۔جو کہ درست اور حقیقت پربٹی ہے۔

الرقوم: 30/04/2019

العاض

كانشيل جها نكير خان 2 5 8 2 متعينه FRP ريخ پيثا و ر

ORDER

This order will dispose of the formal departmental enquiry against constable Jehangir No.2582, of FRP Peshawar Range, is being involved in case ITR No.982 dated 16.04.2019 u/s 9C-CNSA at PS Chamkani District Peshawar, and also absented from lawful duty with effect from 16.04.2019 to 21.05.2019 for the total period of (34) days, without any leave/permission from the Competent Authority.

In this regard proper departmental enquiry was initiated against him, he was issued Charge Sheet and Statement of Allegations, and Reserve Inspector Mushtaq Shah of FRP Peshawar Range, was appointed as Enquiry Officer to conduct proper enquiry against him. After completion of enquiry, the Enquiry Officer submitted his findings, wherein he mentioned that the said constable personally received his Charge Sheet, submitted reply that he came to Peshawar for some private affairs after returning and due to rain I sit on with an un-known swift motor car but at a little while police stopped the said car and during the checking I entrust to PS Chamkani and then it was came to my knowledge that a proper FIR was registered against me.

But I belong to an honorable family and my entire family members are entitled with teaching profession and well educated. I performing the duty with so honesty and I have no links with the said case and I am totally exonerated from the said case. The Enquiry Officer further recommended that his enquiry is keep pending till the final decision of honorable court and his absence period of (34) days which he served in prison may be counted in duty.

The Undersigned agreed with the recommendation of Enquiry Officer therefore, that his enquiry is kept pending till final decision of honorable court and his total absence period which he served in prison during the case is treated in duty with pay. He is warned to be careful in future and his pay is released with immediate effect.

Order announced.

erintendeur of Police FRP

No: 266-68/PA dated Peshawar Range the 26 /06 /2019

Copy to:-

1. The Accountant FRP/PR Peshawar

2. The SRC/FRP/PR Peshawar

3. The OASI/FRP/PR Peshawar

<u>ORDER</u>

Constable Jahangir No.2582, of FRP Peshawar Range, is being involved in case FIR No.982 dated 16.04.2019 u/s 9C-CNSA at PS Chamkani District Peshawar.

Therefore, the said is hereby re-instated in service with immediate effect.

Superintendent of Police, FRP Peshawar Range, Peshawar. W

No. $\frac{263-65}{PA}$, dated Peshawar the $\frac{26}{c6}/2019$. Copy to:1. SRC/FRP/PR.

- - 2. LO/FRP/PR.
 - 3. OASI/FRP/PR.

FORM "A" FORM OF ORDER SHEET

THE COURT OF MR. AZIMULLAH MISHWANI ASJ-VIII/JUDGE SPECIAL COURT, PESHAWAR

The State ... Vs... Jehangir Khan etc.

Charged in case FIR No. 982 dated 16/4/2019 u/s 9-C CNSA of PS Chamkani , Peshawar

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	3/9/2019	SPP Gul Daraz Khan for the state present. Accused Sana
		Ullah produced in custody. Accused Jehangir on bail present. Accused Safi Ullah is absconding. The accused Sana Ullah
		requested that his case may kindly be decided on the basis of plead guilty.
		. Through this order I intended to dispose off the instant case on the basis of plead guilty by the accused
8 NOTE 113	SEE	Today, at the very outset, accused requested that his case may kindly be decided on the basis of plead guilty. Therefore,
	S JUDGE P.	notice U/S 265-E Cr.PC given to the accused to explain as to why he should not be convicted. To this effect statement of accused
The state of the s	W Anna	recorded to which he pleaded his guilt and placed himself at the mercy of the court.
		As per facts of the case, the complainant Tahir Khan ASI was
TTES	TED	at Nakabandi with police contingent, in the meanwhile on the tip off the informer regarding smuggling of narcotic in motorcar No. QF-
Examir (Examir pssion Court		961 to Punjab continued checking. The motorcar in question coming from Peshawar was intercepted being driven by accused
		facing trial Sana Ullah flanked by co-accused facing trial Jehangir

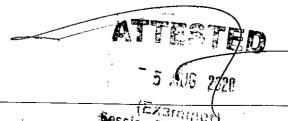
Khan. On search of the motorcar, the contraband heroin weighing 5000 grams was alleged recovered from the motorcar, hence, the instant case was got registered.

It is worth mention to be noted that the case is pending adjudication since for want of prosecution evidence but despite of repeated directives of the court the prosecution is not able to adduce the witnesses which aptly indicates the disinterest and lacklustre of the local police cited as witnesses to led evidence against the accused for the reason known to them.

In this backdrop of the facts of the case, request of the accused for disposing of the case on the basis of plead guilty seems to the court admissible as the ultimate result of the case keeping in view the disinterest of prosecution seems not encouraging.

As accused pleaded his guilt, therefore, in light of the clean breast confession/plead guilty of the accused, the accused Sana Ullah is convicted under section 9-C CNSA and is sentenced to undergo simple imprisonment for 03 year along with fine of Rs. 3,00,000/-(three lacs) In default of payment of fine accused shall further undergo simple imprisonment for 01 year.

Considering the contention of the accused that he is poor person and as per record there is no history of his involvement in such like cases, and first offender, is held to be entitled for the lenient view of the court.



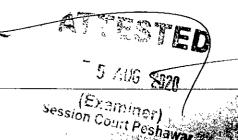
or counsel

Hence for the foregoing reasons, sentence of the convict is converted into probation subject to furnishing bonds in tune of Rs. 50,000/- with one surety to the satisfaction of probation officer.

So far as the accused Jehangir and absconding accused Safiullah are concerned, there is no iota of evidence against the them whose name as per statement allegedly disclosed by the accused Sana Ullah. The accused Sana Ullah also stated at the bar while surrendering himself before the court by making clean breast confession that the accused Jehangir and Safiullah have got no concern with the contraband which was recovered from his possession and that he was compel to name them by the accused. Moreover the alleged contraband has not been recovered from the direct possession of the accused Jehangir and Safiullah.

In such eventuality when there is no probability of the conviction of the accused, further proceedings in the case will serve no purpose to the cause of justice. By now it has been trite and axiomatic principle that a weak and unfounded lis should be buried in its very inception to get rid of unnecessary rigors of protracted trial on the analogy of nabbing the evil in the bud.

As aftermath of the afore stated discourse, the accused Jehangir Khan and absconding accused Safi Ullah are hereby acquitted under section 265-K Cr.P.C.





Order or other Proceedings with Signature of Judge or Magistrate and that of parties of Date of Order or where necessary Proceeding The accused Jehangir Khan is on bail, his sureties are absolved from the responsibilities. Case property motorcar bearing registration No. QF-961/ICT Islamabad be confiscated to the state while contraband Heroin be destroyed after period of appeal/revision. File be consigned to record room after necessary completion and compilation. Announced Hwilsh 3/9/2019 ULLAH MISHWANI) ASJ-VIII/Judge Special Court, Peshawar. CERTIFIED TO BE THUS GODY

<u>ORDER</u>

F(16)

In continuation to this office order No.266-68/PA dated 26.06.2019 that Constable Jehangir No.2582, of FRP Peshawar Range, was involved in case FIR No.982 dated 16.04.2019 u/s 9C-CNSA at PS Chamkani District Peshawar. His enquiry was kept pending till final decision of honorable court, but now he is acquitted by the Additional Sessions Judge-VIII, Peshawar vide order No.16058. Therefore, his order is hereby stand confirm.

Superintendent of Police, FRP P Peshawar Range, Peshawar.

No. $\frac{432-33}{17}$ /PA, dated Peshawar the $\frac{17}{09}$ /2019.

Copy to:-

1. SRC/FRP/PR.

2. OASI/FRP/PR.

Attester

بخدمت جنب ٥٠٥٥ ظير ضع صواب درفواست بُراد عَانون کاروائر کرن برخوف ع نشیر جهانگیری ولدالطف فان کمه نزر روژ اسماعید موایی جنابال! مشرصه دير فرمن كرما به. م سیر سنم عد ترود منی خیر در کامنه جمود خیبه ایجنس تا در کنیس باشنده مرسوس مبعر مبانگیری بر مقدم بر 182 معاری کا زمر دور مجابع نمان چین گرفتار می جور جهانگیری کا نمیبر میشوری کورک سے می نت پررہ میں اور مسلم عبد بند فوا مرت جو ڈ لیٹم رہا veparth J-72m ع برسام میدان بینری کن میرونین 5 طو میدا فانیس فی الیس م DPO/Swalin ترب تا اور سام ع جينير فان ۽ کھي پر ير عو بي بن . 04/11/2019 ق سرر مقدم برا میں جو و در ار استعار بوں و دبی جہانی ا سسر کو بھوی سرسیب مجھ سیر دفہ داری ہے سیں اسے دور المحار و سرسر سر به بهراه جهانگیره و نظر به تو سر و جهانگیره و سراه می نظیره و می نظیره و می نظیره و می نظیر به اور در کے جن میں خرچہ ویرہ مروکا سب میں ارس کھے دی Wayung ق سرراس دوران سرا گا میدر زیم می سات کرانس ب مود اور ساز میراه . در نامیر کا مرامت ومور کو هافز موت بر م

في سربروران مُراسير جيانييران عين و فيه سياح فيه سيرا فيرن روري المراجيل عامشوره دم اور سیار آ بدربن فرم تنسیم دلو اور میرا نام نه لو. ستدسه بنزاس جتنا فرچر وغ و مروط سب بجره ادما رهد في بر بركا اسى با بىت سىئىم ئىيما تە گورى مۇ بود يىلى . سي اور مس جيانگيري لواين مديو ملوئه مري عبيان ديا جبد بير سيّ جرانگيرظ نے بين اور سيال و چراد اور عي سيان عدا بد هور سي در ي برستم في ما منه و منه و من في من وما في ومراد و منه و بن فيم مدر وم ب جند مسرع در واست رورسیان پیر جما تگیرها و سری (دب س. و سرر به بازیر خوری که رها نگیرها مقدمه باز طور دی مرم ما - 5 موجر دنین اور سات میں سے کوئی دنہ داری جہانگیمرفان کی تی بول دہانگیمرفان سر فر میار مرمورند مرب بولمین کی ذکرواری بلی . فر بر ہے . امر سررام بطائليهم فان من توسيم فو فرفوره تكوان توجي 3/5 له ته ادا بيني ر اور میں اول اردور و میں اس کے کرے کی بی سیس سے کی دور و رف اور سار فو بندی ده و موان سیر فاص ا دوی اگر سی فیون المعنی توفیر مون کی میں ہے۔ اسلیے منابوء آج مرح م^ا کو کو اللہ میں اسلیے منابوء آج مرح م^ا کو (دفوامد تراری (بنور - مدسرمره لعنه) استره ميد عبرني در فواست را مسرا في در فواست برا م ح ك مستر اور سي صاليهم في حوا مع مسا مد ميما و مرة



OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE, HEADQUARTER, SWABI.

Phone No. 0938-280279, E-Mail: <u>dsphqswabi@gmail.com</u>

To:

District Police Officer, The

Swabi.

/HQrs: Swabi dated, 26 / 12 /2019.

Subject:

APPLICATION FOR LEGAL ACTION

Memo:

Kindly refer to your office Diary No. 1165/C/Cell dated 04.11.2019.

It is submitted that as per your good orders, a detail enquiry into the subject matter was held by the undersigned, which is dispatched herein, for your kind perusal, and suitable orders, please.

PROCEEDINGS: -

Certified to be True Capy.

One Sanaullah S/o Zabta Khan r/o Khyber moved a petition against Constable Jehangir No. 1040 to your good self seeking legal action for alleged connivance of the said Constable in a drug peddling move that resulted in the arrest of the applicant and the constable vide case FIR No. 982 dated 16.04.2019 u/s 9CCNSA PS Chamkani. The applicant contested that the constable made a de facto agreement with him, whereby the applicant solitarily confessed the crime and the constable had to share the case charges with him. After the acquittal of the constable, he refused to pay any share of case expenses. The applicant pleaded that his money may be recovered from the constable or proper departmental proceedings may be initiated against him. As such enquiry into the matter was ordered by the competent authority, and the undersigned was asked to report regarding the matter. The undersigned perused the relevant record, summoned all the parties involved and recorded their statements.

APPLICANT STAND POINT:-

The applicant was called; he stood to what he said in the application. His application is to be considered as his stand in the instant enquiry.

STATEMENT OF CONSTABLE JEHANGIR KHAN No.1040:-

Constable Jehangir No. 1040 was summoned. He out rightly rejected the allegations. He stated in his statement that on 16.04.2019 he was on his way to his home from Peshawar, during a heavy rainfall. He asked for a lift from the applicant. When they reached Motorway Police Picket, they were confronted by local Police, and recovered Contrabands from the Car. He showed them his service card but they took them both to PS Chamkani and lodged an FIR against them. He was acquitted in the said case by Peshawar High Court. Furthermore, as he was serving in FRP Peshawar, a departmental enquiry into the matter was conducted and he was exonerated in the proceedings by SP, FRP, Peshawar range. He further stated that he had already undergone mental torture during the trial and subsequent events. He belongs to a respectable family and has a clear service record; as such he prayed that instant application may be filled without any further proceedings.

Wsp. Led icens.

ED, who do do how the sound of the sound of

(20)

After going through the relevant record, statements of the officials concerned and careful deliberations the undersigned reckons the following:

- 1. The fact that both the applicant and Constable Jehangir had been arrested by Local Police vide case FIR No.982 dated 16.04.2019 u/s 9CCNSA PS Chamkani.
- 2. The fact that Constable Jehangir was acquitted by the Court in its judgment on 03/09/2019. (attested copy attached herewith)
- 3. The fact that Constable Jehangir was exonerated in departmental proceedings could not be ascertained, as concerned quarter has been approached vide your good office for the provision of attested copy of his departmental enquiry vide this office Memo No. 340/HQ dated 18.11.2019. Unfortunately no correspondence has been received as yet. However the accused officer has provided a copy from his own record. (attached herewith)

RECOMMENDATIONS:

Certified to be True Co. ..

In view of the above findings the undersigned is of the view it is an open and shut case provided that an attested copy of the departmental enquiry of the constable is received. The applicant plea for legal action cannot be entertained as the court has already acquitted him in the said case. As such, it is recommended to file the instant application, if agreed, please.

Enclosed (36 Pages)

(SAIF ALI KHAN)
Deputy Superintendent of Police,
H.Qrs, Swabi

ATTESTED

PIO

District Police Officer, Swabi.

20(21) (انگوشىدېدورك) يحوالم مشعول الكواسري عاعدات لرخلاف ليسل هاظير غر 322 صلح عدالی نا بلط مر ۱۵۴۰ موالی معروض عدمت بعوں کم جناب ۲۰۵۰ صلع صوالی _ کوال لیز عبر ۱۹۵ - 2423 - ۱۷ مورم موری کور ۲، کوال لیز عبر ۱۹۵ مرکز کار ۲، کوری میراند کاغلات برخلاف کنشل عدوره، اصران بالا جاحبان ۴۹۹ کو: کو ایر کند کاخلاف موجول شده و دواست ادان مهی ثناء اس ولد خارطه خان سا رم فیکا نہ کاروائی کرے رکورٹ طلب کی ہے۔ امرہ انکوائری کانخلات جناب صاحب لیشاور رینج کیشاور نے تعرض انکوامری جناب مsp جاری مروا والدكف صاب ۱۹۶ صاحب ۴۹۶ مردان نے أبلو الری مكل برے ای رور۔ بقوارتها مآنی واحل دفتر س کی سفارس کرے والیس جناب عجم جامی و اور ریخ کیشاؤر کو ارسال کیے جناب ۱۹۶۶ صاحب ۴۹۶ مشاور ریخ کیشاور نے منا صاحب ۴۹۴ مردان کی دلورٹ کے ساتھ اتفاق نم کرتے تعدی جدم کا غرات میں أَسَلَرُ مَل تُوازَعَان عِلَم يُعْمَاوِر وَ الْجُ لِمُنَاوِر كُو حَالِم بِعَرِيْ رُورَان أَنْوَامُ ماغدات کاملاحظم نوع و معلوم معوا تم کنش هانگیر غیر 1040 اور درد النبره ساداس، دلرجا بعم حان عداد فی بحواله مقرمه علت عمر 1040 مقرمه علت عمر 182 مقرمه علت عمر 1604 و 1604 مقرمه علت عمر 1604 و 1604 مقرمه علت عمر 1604 مقرمه علت عمر 2012 مقرم الأسلام المراد طرح الدار طرح ا ر روانی کے دوران تنافرات و لد طابط مان کر علم ایک بیمان رستی کر روانی کی بیمان رستی کر رسل حمالگیر میر 1040 نے قصور سے اور مرکوری اس کا ساتھ بطور سواری وس سنی ساجا سی تناواللہ کے بیان پر معزز عرالت جناب معلیم اللہ مشو الدر تناور نے ورضہ 100 ورضہ 2010 ورضہ 20 خان الم بيان ديعارة كما بي - الي بيان من شاء الله في و كو اور هانتيزها و مسّات سے عصر ملائے مورد ہم مردد ہم ملایات اس م بطور سوام منی حالیر کو جوانی کے حالے کیلئے بھایا کا ۱ور ہانلیر کی مثیات کی فوج سے راعلم قا اسی سان کی نارج معرزعرانت صاب عظیم الله مشوافی مباحد اندرستل سیس ع الله سیس کو رف بیشاور به دونعم سال کاچ ، ۱۲۰۰ دونون کاچ ، ۱۲۰ دونون کاچ ، ۱ ت الله تو مقرمه متذكره بع برى برى كا فلم جادر عرما باين عا م الفالمات في ما في محراه لف انو الري هزايد. ال ساعالة ولرمارطم حان كنه محرور يا تيل جانور خان 2582 مار 1040 مراف السران الا ماحمان في خرمت مين الله قريري دلورث ا در فراست د المرك مذلاباً هيله " كنشل جما تألير خان بمر 2582 منيات عملند بس أس ساق شامل ها اور ترمنادها عور اس تو ساتم قلم بولس کی نوتری برماست بون ما حفری به لبرا جمالیسرخان کو به قصور بیان کری در فین اس كرس بر حدا خرج هوا بديًا وه رقم هاندر خال ادا مره كم الس ار جمانگیرخان آس کو دخم پس در در ای مزکوده تنادات کی دروایت رُرُ لَسُل حَالِير مَاهِ كَا خَلْافَ كَلَمَاتُ اللَّهِ الرَّى كَلَمَ لِلسَّا عِينَ اللَّهُ الرَّى كَلَّمَ لِولس عِينَ اللَّهُ اللَّهُ اللَّهُ عَلَيْكُ لِللَّهُ عَلَيْكُ اللَّهُ عَلَيْكُ عَلَيْكُ اللَّهُ عَلَيْكُ عَلَيْكُ اللَّهُ عَلَيْكُ اللَّهُ اللَّهُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلْكُ عَلَيْكُ عَلْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلْكُ عَلَيْكُ عَلَّاكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلْكُ عَلَيْكُ عَلْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلَيْكُ عَلَّاكُ عَلْ

اور دونواس سره ماداسه ولا المال اور کر بری بنان اسی دوران کراس سوالت بعی کنه بیخ من که خلاصه جات و ن دیل سن حما سانات مراه لف اور قابل ملافظم ہے. خلاصہ بیان لنیل هانگیر خان عبر 1040 - " فورض 40 ما کو پیناور بنے م عان كيك وويروك وك س هزا خلاسًا كوئ ما انتظار كررماها وس وقب ا ارش بهو دی هی - اس ایان گاری سے لغث مالکی اور نول بلادی) الم بنارى مِس تريش كر دوران گارى سے مشیات بم آمد بھوت ربر مرفون ك عرون الله الله عنوات عمر على الله عمر على عمر على الله عمر چلی درجر مواها وی بعر وسعدانت با باناه خابت کرے بری نماید الله كراس سوال كر واب كشل هانكير حاى مبر 2582 مراس سوال ا م ووجها سے قبل وہ تماء اللہ ولر فالطہ خان کو نہیں جانگا ہا۔ آئم تناء اللہ ساتھ اللہ سے قبل کے تعلقات نابت ہوکئے کو وہ بر جرم ماننے کو تیار ہوگا. * خلام، بان می تنادات ولرملط خان ان ع ورو- بس سی هانلیر ولر فح سلنم اسماعیلم صلع موالی کو سال ۱۹۵۶ سے جانتا ہوں۔ کیونکہ ھائیس ا کہان سرا فریادوست ها ، ادر پس کا کاروبار یان تیم بیند ر ۱۸۲۴ کاروون ا ا الل جلع من دوسرے جلع منعل م ناخا، هانلير هي ادريس كي ساق مل كرام ماویون کا مادوبار سریا تھا۔ اور ادر یسی کے ساتھ استی اتحاجا جس کی وج اسے ای حان بیجان بی تی و اللوے جھے ایکارہ کیا کہ کسی دور مشیا استقل تربیعا روز مناور سروری ام سردیام رمیداری بزم ود لی م سي سيات عب ممادهي و حدوره ما ناسر قد آگاه ما . هانار ع كما نم . آجا و و مورد مر ادر آنی اس سروس دوز کیا هی مراها اور وسری ساته و س سنه تيا. نعديد الله سالة ترمتار هور، الانسر عبرا سالة وقوى من لو ساس قا ۱ در بردران معم ما تاوان اور بر بات ما بن کو تیار قا۔ لیے میں عالمت میں خاصوبی رہا کا شاعداس نے اسی اور جانبی خاب کی ہو۔ وَدُلِكِ سَاهَ لَى ثَى الْمِومِ هِي رَسِي كَي جُوم بَيْرَاه لَف ہے۔ نبز مهي شاءاللرول خان عن الديان هي بيش ليخ توابان كر سيات المراه لف البير. خلامه ددج بالاعلات درج دیل بی () كشل جانيرخان مر <u>1040</u> اور درخواست كنيره تناءالله ولرجار

SA 77 16 04 180 60, 982 pric July 280 00 2 10 20 18 00 ويكني لشاور درح رجس هوا سی تناء اس نے مرزعرالت سامنے بیان دیتے ہوئے فود کو بے قم ور بیرانا اسل جانگر مالی کو مرف سواری کے طور فر گرائی میں بھانے کے متعلق بیان کرے اللہ جان کو مسات سے بے صراور مقرمہ میں بے قصور بیان کیا . مسی تناءاللا کے بیان رم معزز عرالت مناب عظیم الله متران مان روز عرالت مناب عظیم الله متران مان ورخ می میران صلی سی ناوات کو ده سال عام قید اور ده لافی دولی جرمانی سرا اصلی جرفانی مربر ایک سال قید کی سرا کاهنم هوا و کم بر و بیش بوریز فین ال قلم لولس ع إس ناء الله ولرجابط خان ع كنيل هانله خان 1040 ع خلاف و کویری و دواست ۱ور نور میس کریری بیان پیشی ریا ہے ، اس میں فرول ع و د منیات کمال کرے کا جم قبول کرے ہوئے کوئی کیٹیل جانگیر خای مر 2882 اور منیات کمال کرے کا جم أوريد ساق جرم من علوت هو بالمان سامع ، اور بتلايا هيك هاشرخان خ أُسْ تَو منتيات مِمَّل كُون براكماره كيا تها . الله ييان بر سمى تناو الله ع تناو الله ع تناو ق سل ها تسرهان 1822 و کرم معرز عرالت سے مقرف متن مرن میں میا مان ایت مرکز بری هوصابل نے مرکورہ شا در مقر و لوما بطر جاری سے فیل در تعلق کی اظهار رد الاعالات كو ورنظر رفع هوئ قدم بولس كسي معمام كو أس عساهي ور تواست كنيرت ماء الله ولد جاسطه خات كني جرور ي مقدم على عبر 482 نعر رعرالت كر ساها و و كو مشات س راعلم اور سا في ملم م هاندر خال كو الملی عصور سان سا اور و زوره که سان در صور عراست مدرم خاندر خان و

ورك ترى درن ما ملم ما در شرطال قا حبله تنادرية ولد ما طرخان لو سزا كا علم صادر فرمايا سايع. جوندا علم لولس اوسران عساهل ملزم تناداسم اسى مقدص کو اور سافی مکرع هانگرهان <u>1822</u> کو بی ملوث سان کماید هست مهاف طایر بعو تا سیکم مکرم نباد استر ملدمها بطمهان کند جروب معرز عدالت کے ساعف هوٹ لول کیر هانو آ کو جیما کر معزز عدالت کو دهو شادیا ہے . اور سا ہی مدرع مانگیرمان کو بری کرانے اور اپنی معمومیت بیان کرے بروبیش سریزی سراکا مسخی کردا کما ہے. عبله اب و دود و د و تارالله مقدم در حالا مس خود تو اور ساهی از م 9c CNSA, (75 de dip dip of 1040) re 1040 de 1040 القرم بيان كوت بعوراً على مناس بينان كيما في مشات سمعل كون كا فريس في س جناب علي ما حلي ١٩٦٩ مناور دينج ليناور دينج ليناور علي المادر علي ا وراد دع تر في لولس من سروس بركال دهن ما علم صادر فرمايا اعد سو وزوره كشل كوالم آردر عبر 18-18 - 182 - 6827 ورض 2019 ار قالم لولس PRP سے قالم رولس صلح میوالی تبدیل عدیر بصورت تمارلم روآنکی کرعِما ھے۔ لهذا الله حالات مِس مقدم متزكره بالا مِس نامزد مردو معزمان يُ خلام عدالى صَم كى حوودى مِس سريد قانونى كاروائى كنيلي ليقل الرّ حاص كَ عَامً - اور ليقُل راح كَي دو شي مِن مزيد قَالُوني كَادوا في كرن عَي سفادس في جاتى بد ، سريدهم افسران بالأصاصات كا افعل هي ، نينز مسى مى مورت مال معو حتى فيعلم سن كاغذات دُسمُن لولس صَام صله صوالى محمولة عاش أنكوائري راودت مرتب هركبر. نشل لزدشي

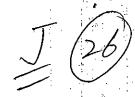
Wisting. شاداس وسرماره فان سب هردر فیرایکس کا بار الريم في المول المركم المركم والمركم المرك المركم المركم المرك المركم ال of White ign Uge wilder 2017 of Japan wa! ار المي در در المراق مي درست مي اورمي ادر ليس و به 1,56 m 5 10,666 Julian 2000 de ور سر ملا می اور سی وی نایم بارار لسی نیاه winder in with ساته رونا اوراس کام سی افرایور فروم تا رونات. اسی روزان جهاند او گران جهاند می روزان جهاند اور گراند ا 11/9/20 Willed 10 2/1/2 (1/6)/1/2 ر فروره کام سی ساری زمر داری نزیر فرد روی سی مو فروی (ور برای از این ا

1) Dismuel octor

2) Repoly to brine Show Court

3) Final Show Court Not and

4) Denovo Enguing Si Legal Sudd.



FINAL SHOW CAUSE NOTICE

Whereas you Constable Jehangir No.1040, while posted at FRP Peshawar Range was involved in a criminal case vide FIR No.982 dated 16.04.2019 U/S 9CCNSA At Police Station Chamkani, District Peshawar. You were proceeded against departmentally on the allegations of involvement in the above criminal case. Subsequently you were acquitted from the criminal case by the court of Azim Ullah Mashwani Additional Session Judge III Peshawar, vide court order dated 03.09.2019. Therefore, the competent authority disposed off the enquiry and you were reinstated in service from the date of suspension. Later on, your co-accused namely Sana Ullah S/O Zabita Khan R/O Jamrod, referred complaint against you, stating therein that you were accomplice with him in the above criminal case.

Therefore, Inspector Gul Nawaz Khan, RI, FRP Peshawar Range, was appointed to conduct denovo enquiry against you. The enquiry officer held enquiry and submitted his findings, wherein, he found you Constable Jehangir No.1040, guilty for involvement in narcotics trafficking.

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

[Certified to be Time Copy.]

Hence, I, Imran Shahid, PSP, QPM, District Police Officer, Swabi in exercise of powers vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you Constable Jehangir No.1040, to show cause finally as to why the proposed punishment should not be awarded to you.

Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to offer.

You are also at liberty to appear for personal hearing before

the undersigned.

District Police Officer, -Swabi.

9 _ -) -

District Police Officer, Syzbi.

1th rike 2020



REPLY TO FINAL SHOW CAUSE NOTICE ON SUBJECT: 04.08.2020.

SIR,

- 1. Most profoundly in reference to the subject noted above it is stated that though Final Show Cause Notice has been served on me but without any inquiry report which is not only prejudice but also amounts to miscarriage of justice because it is a well-known principle of Law that Final Show Cause Notice cannot be responded without findings of inquiry officer. However precisely, I submits as under:-Certified to be True Copy.
 - That I was charged in FIR No. 982 dated 16.04.2019 of Police i. Station Chamkani under section 9-CCNSA. The recovery was effected from the stepney of the Motor Car and the driver/owners (Sanaullah) in his statements before the Court has clearly admitted that the vehicle belonged to him, contraband was recovered from stepney lying in the rear portion of the Motor Car, I (Jahangir) was a passenger only and was not aware of any contraband and I (Jehangir Khan) was totally innocent. The said statement was made before the Court which is an admissible piece of evidence. Moreover, the learned ASJ-VIII has also acquitted me from the criminal case vide order dated 03.09.2019.

That now the said accused sanaullah has again filed a complaint against me which was initially marked to DSP-Headquarter Saif Ali Khan who gave finding in my favor. Then again the DSP-FRP to marked was complaint said Mr. Hidayatullah Shah who also gave findings in my favor and now for the third time the said complaint was forwarded to RI-FRP Inspector Gul Nawaz Khan. Who without associating me with the inquiry proceedings and without serving any charge sheet gave findings against me.

> That all the three inquiries were conducted without framing of iii. charge sheet because I have not been served with any charge sheet till date and inquiries were conducted. This proves those inquires were of fact finding nature and major penalty cannot be imposed on the basis of fact finding inquiries.

District Police Offices, Swabi.

Dismissed ii.

- iv. That though the final show cause notice served on me 04.08.2020 and to respond the same, I also requested for providing me the record of inquiry and charge sheet if any, but the concerned office straight away refused my request and even refused to receive any written application in that respect.
- v. This aspect clearly shows the malice and malafide intention on the part of office, inquiry officer, and the competent authority because under principle of fair play and justice and as well as under Article-10A of the Constitution fair trial is my fundamental right.
- vi. That from the above narration it is very much clearly that I have been made to suffer despite having acquittal order from the competent court of law and statement of Sanaullah made before the competent court of law wherein he clearly admitted that I was only a passenger and was having no links with the contraband. Thus under the principles of estoppel any complaint based on after thought of the accused Sanaullah cannot be based to penalize me.

Certified to be True Copy.

Therefore it is humbly requested that the show cause notice may be graciously be filed I may be exonerated from the complaint keeping in view his previous statements made before the Competent Court of Law.

Your Sincerely,

Jenangir Khan

Constable No. 1040 Swabi.

10,-08-2020

ATTESTED

District Police Offices, Swabi.

409

OFFICE OF THE DISTRICT POLICE OFFICER, SWARI

ORDER.

It is alleged that Constable Jehangir No.1040, while posted at FRP Peshawar Range was involved in a criminal case vide FIR No.982 dated 16.04.2019 U/S 9CCNSA At Police Station Chamkani, District Peshawar. He was proceeded against departmentally on the allegations of involvement in the above criminal case. Subsequently he was acquitted from the criminal case by the court of Azim Ullah Mashwani Additional Session Judge III Peshawar, vide court order dated 03.09.2019. Therefore, the competent authority disposed off the enquiry and he was reinstated in service from the date of suspension. Later on, his co-accused namely Sana Ullah S/O Zabita Khan R/O Jamrod, referred complaint against him, stating therein that he was accomplice with him in the above criminal case. Therefore, Senior Superintendent of Police, FRP, Peshawar appointed Inspector Gul Nawaz Khan, RI, FRP, Peshawar Range to conduct denovo enquiry against him. The Enquiry officer conducted proper departmental proceedings, collected evidence and recorded statements of all concerned. The enquiry officer submitted his findings, wherein he found Constable Jehangir No.1040 guilty for misconduct. Certified to be True Copy.

The Senior Superintendent of Police, FRP, Peshawar sought legal opinion of SI Legal, FRP, Peshawar who opined that Constable Jehangir No.1040 is liable to be punished. He also opined that the case may be sent to DPO, Swabi for taking further action against the constable. As such Senior Superintendent of Police, FRP, Peshawar sent his case to the undersigned for further necessary action vide his office Memo: No.2423-24/GB, datëd 17.7.2020. Therefore, he was served with Final Show Cause Notice. His reply to the Final Show Cause Notice was received, perused and he was heard in Orderly Room but his reply was found un-satisfactory.

Therefore, I, Imran Shahid, PSP, QPM, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtankhwa Police Rules 1975, hereby award Constable Jehangir No.1040, Major Punishment of dismissal from service with immediate effect.

O.B No. 5/1/2020.

(IMRAN SHAMID) PSP,QPM

District Police Officer, Swabi

No. 2014-69PA, dated Swabi, the 6/08 /2020.

Copies to the: -

- 1. The Senior Superintendent of Police, FRP, Peshawai for favor of information w/r to his office Memo: No.2423-24/GB, dated 17.7.2020.
- 2. DSP, H.Qrs, Swabil
- 3. Pay Officer.
- 4. Establishment Clerk.
- 5. Fauji Missal Çlerk.
- 6. Official concerned

ATTESTED

District Police Officer, Swabl.

ولم المراجع ال

5 b b

لانگ بدار . کوشنا

. لمديقاً . أ

اے ایمان والو، اگرکوئی فاس آدمی آپ کے پاس کوئی خبر کے آئے تو خوب شخفیق کیا کرو، ایسانہ ہوں کہ اپنے کم علمی کی وجہ سے کسی قوم کونقصان پہنچا کیں۔ اور پراپنے کئے پرنا دم ہو۔ (القرآن)

To

The Deputy Inspector General of Police Mardan Range.

Through proper channel:

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 10.08.2020, WHEREBY THE MAJOR PENALTY OF "DISMISSAL FROM SERVICE" WAS IMPOSED UPON THE APPELLANT.

Prayer in appeal:

ON ACCEPTANCE OF THE DEPARTMENTAL APPEAL THE ORDER DATED 10.08.2020, MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS.

RESPECTFULLY SUBMITTED:

The few lines are submitted for your kind and sympatric consideration as under:

- 1. That the appellant was appointed as Constable in police department and later on posted to FRP Peshawar range. The appellant performed his duty up to the entire satisfaction of his superiors and no complaint has been filed against him.
- 2. That while posted at FRP Peshawar Range, appellant was falsely charged under the criminal case and the FIR No.982 dated 16.04.2019 u/s 9CCNSA was registered against the appellant. Copy of the FIR is attached.
- 3. That on the basis of above mentioned FIR appellant was charge sheeted and allegation was mentioned in the charge sheet was that involved in a criminal case. The appellant properly replied to charge sheet and denied the entire allegation.
- 4. That thereafter formal inquiry was conducted against the appellant on the basis of that enquiry appellant was reinstated into service vide order dated 26.06.2019 by the competent authority and inquiry was kept pending till the finalization of the criminal case. Copy of order is attached.
- 5. That the appellant was acquitted by the Additional Session Judge-VIII Peshawar Vide Judgment dated 03.09.2019 on the basis of the said judgment, the order dated 17.09.2019 has been passed wherein the re-

Actested

instatement order of the appellant has been confirmed and matter was closed which means that the competent authority agree with the inquiry officer. Copy of judgment and order is attached.



- 6. That the accused Sana Ullah when released on probation file complaint against the appellant on same allegation which is already decided by the competent court of law and department also in favor of appellant.
- 7. That on the basis of that complaint closed matter was re-open and 3 consecutive inquiry was conducted wherein first two inquiry appellant was exonerated but without showing any reason and proper order third inquiry was conducted and all these inquiries was conducted without issuing charge sheet and statement of allegation its means that these inquiries were fact finding not regular one. Further it is added that the appellant was not associated with inquiry and one sided inquiry was conducted.
- 8. That, thereafter, final show cause notice was issued to the appellant. the appellant properly replied to show cause and denied the entire allegation but the deptt not considering the reply the appellant was dismissed from the service vide order dated 10.08.2020 without given personal hearing. (Copy of order is attached).
- 9. That the appellant being feeling aggrieved from the order dated 10.08.2020 file this departmental appeal on the following grounds.

GROUNDS:

- A) That the impugned order dated 10.08.2020 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant was acquitted by the Court of Additional Session Judge-VIII from the baseless charges leveled against the appellant. So, there was no more remained any ground to punished the appellant, so the impugned order is against the law and void-abinitio, hence liable to be set-aside.
- C) That according to Superior Courts Judgments no penalty should be imposed on the basis of fact finding inquiry without conducting regular enquiry and without issuing charge sheet and statement of allegations.
- D) That the impugned dismissal order was passed in violation of principle of natural justice. Once the matter was closed and final. Then the authority has no power to reopen the same case and punished the appellant on same cause. So the authority misused his powers and passed the impugned dismissal order which is not warrant by law and liable to be set-aside.

Amided



- E) That the complainant Sanaullah admitted his guilt before the competent court of law and also stated that the appellant has only passenger and was not aware of any contraband and completely innocent. Now filed complaint against the appellant which is not to be considered.
- F) That on complaint the inquiry was marked to DSP-headquarter who gave finding in favor of appellant. Then the said complaint was marked to DSP-FRP Mardan who also give finding in favor of appellant. For the third time said complaint was marked to RI-FRP who without associating appellant with the inquiry proceeding and serving charge sheet gave finding against the appellant which was not warrant by any law and rules.
- G) That no inquiry report was provided to the appellant with show cause despite the request for providing inquiry report. This aspects clearly shows the malice and malafide intention on the part of deptt, which is violation of Article-10-A of the constitution.
- H) That under the principle of estoppels any complaint based on after thought of the accused Sanaullah cannot be based to penalize the appellant.
- I) That there is no order in black and white form to dispense with the regular inquiry which is violation of law and rules and without charge sheet and proper regular inquiry the major penalty cannot be imposed but the appellant was dismissed from the service even without given personal hearing which is necessary and mandatory in law and rules before imposing major penalty. So the whole procedure conducted has nullity in the eye of law. So the impugned order is liable to be set aside.
- J) That the appellant has been condemned unheard and has not been treated according to law and rules.
- K) That charge sheet and statement of allegations was not served upon the appellant and regular inquiry was not conducted against the appellant, which was necessary and mandatory in law before imposing major punishment which is violation of law, rules and norms of justice.
- L) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.

. [33]

- N) That the appellant belongs to noble and educated family so any member of his family into the appellant has not been involved in such like cases in past which also proved that the allegation level against the appellant is baseless and without any proof hence the penalty order is liable to be set-aside.
- O) That no chance of personal hearing was provided to the appellant and as such the appellant has been condemned unheard throughout.
- P) That the attitude and conduct of the Department shows that they were bent upon to remove the appellant at any cost.

It is therefore, most humbly requested that the departmental appeal of the appellant may be accepted as prayed for

Appellant

ali R

Ex. constable Jehangir

No. 1040, Swabi

Cell No. 0340-9871032

16202-5796309-1

Date: 19 - 08 - 2020

Arcested

ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Jehangir No. 1040 of Swabi District Police against the order of District Police Officer, Swabi, whereby he was awarded major punishment of dismissal from service vide OB: No. 914 dated 10.08.2020. The appellant was proceeded against departmentally on the allegations that he while posted at FRP Peshawar Range was involved in a criminal case vide FIR No. 982 dated 16.04.2019 u/s 9CCNSA Police Station Chamkani District Peshawar.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Inspector Mushtaq Khan R.I FRP/Peshawar was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he recommended that appellant may be re-instated into service and enquiry may be kept pending till the decision of the Court. The competent authority i.e, Superintendent of Police FRP Peshawar Range agreed with the said recommendations and the appellant was re-instated into service and enquiry was kept pending till the decision of the Court vide Order endorsement No. 266-68/PA dated 26.06.2019 and total absence period of the appellant which he spent in prison was treated on duty and he was warned to be careful in future. Subsequently, he was acquitted from the criminal case by the Court of Additional Session Judge-III, Peshawar vide order dated 03.09.2019. The competent authority vide order endorsement No. 432-33/PA dated 17.09.2019 had disposed off the enquiry and appellant was warned to be careful in future vide above quoted order. Later on, his co-accused namely Sana Ullah s/o Zabita Khan r/o Jamrud, after his release on probation, submitted complaint against the appellant to the District Police Officer, Swabi, stating therein that he (Sana Ullah) was accomplice with him (appellant) in the above criminal case. It is pertinent to mention that the appellant had been transferred to District Swabi. Since, the misconduct had been committed by the appellant during his posting at FRP Peshawar, therefore, complaint was referred to FPR Peshawar. De-novo enquiry proceedings were initiated and entrusted to Inspector Gul Nawaz Khan, RI FRP Peshawar. The Enquiry Officer during the course of enquiry proceedings, collected evidence and recorded statements of all concerned. The Enquiry Officer submitted his findings, wherein he found the delinquent Officer guilty for the misconduct. As,

Artested

the appellant was transferred to District Swabi, therefore, the de-novo enquiry proceedings were sent to District Police Officer, Swabi for further proceedings in the light of recommendations of enquiry Officer.

He was issued Final Show Cause Notice by the District Police Officer, Swabi 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, Swabi. But he failed to advance any cogent reason in his defense. Hence, he was awarded major punishment of dismissal from Service vide OB: No. 914 dated 10.08.2020.

Feeling aggrieved from the order of District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 06.10.2020.

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. During the course of de-novo enquiry proceedings, nexus of the appellant with the commission of offence was established. Moreover, the involvement of appellant in a criminal case, which comes within the purview of moral turpitude, is clearly a stigma on his conduct. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force. Moreover, he could not present any cogent justification to warrant interference in the order passed by the competent

Keeping in view the above, I, Sher Akbar, PSP S.St Regional authority. 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.

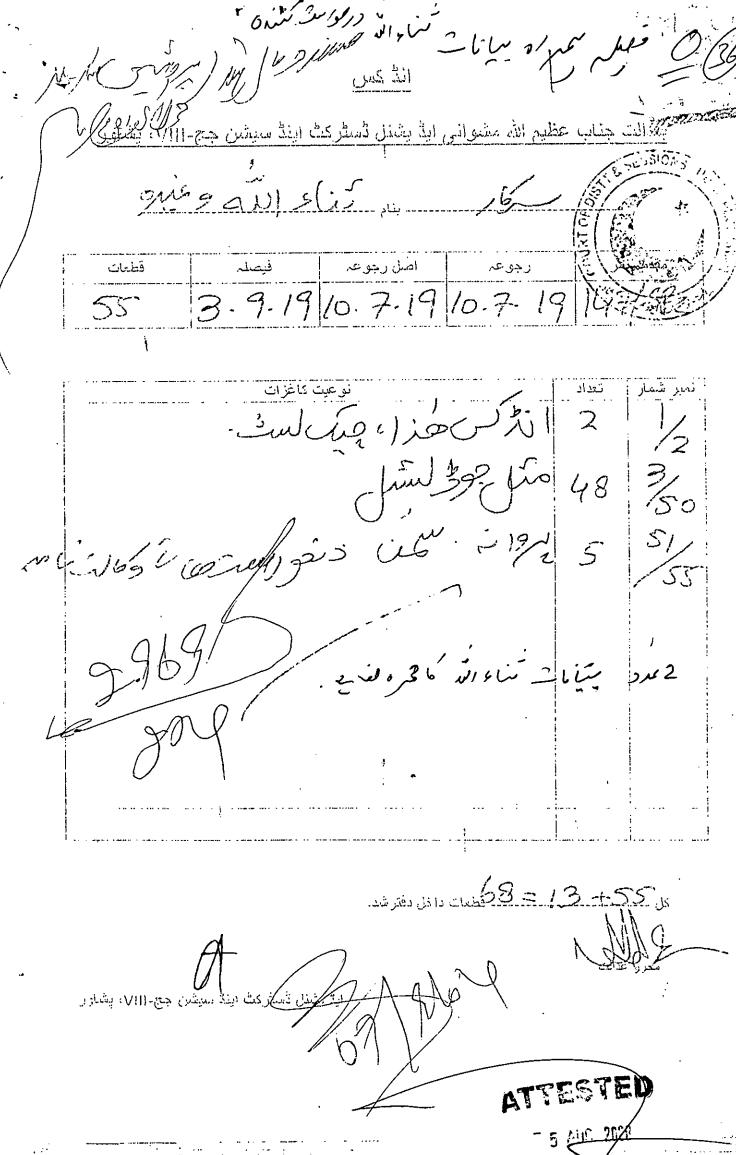
Regional Police Officer,

No. 6349 IES, Dated Mardan the 14-10 Copy forwarded to District Police Officer, Swabi for information

and necessary w/r to his office Memo: No. 147/Insp: Legal dated 02.09.2020. His service record is returned herewith.

- aquilled from Criminal case available.

Denovo orders, hearm no available.



(Examinar)
Session Court Feshawa

المعد في بالمعرفين المعربين ال ن الله و بأن درقواست عراد نبطیه زغ وزروریزا بزریه بیروایتین e iz ity in which اور تسام میدان بزا سی گر منار مور پامیر فوادی بود میران برا می از میرا می است. اور تسام برای کر منار می تربیم میاب می . ر دستر از بیا ک ما سے زیر داست جو دستی سے سرسر ری cin in 3 & pure of site Co-accused in the river I'm ing wind of who is with four form. . Why change oint in. ر مسلم بزرید در فواسه عدامت د مؤرسه میدند کو منظیر رسی a for The July or gird of the first of الم لاتر منزلام والبيتن فرفلم إن على من روسي



Statement of Sana Ullah S/O Zabta Khan R/O Jamrud Khyber Agency.

Stated that I used ply the motorcar bearing registration No. Qf-961 ICT as Taxi on behalf of Sajjad who is my relative. On 16/4/2019 by took passenger to Jamrud and on my return one person whom I did not recognize before. That stranger asked me to syphone some contraband to motorway toll plaza which was to be handed over to a person waiting there. I agreed to the offer in order to earn money as I was in dire need. That person took out the Stepney out of my motorcar and after some time he handed over me my Stepney and Rs. 5000/-. I proceeded towards the city Peshawar and on my way towards the motorway another person who thereafter known as Jehangir Khan signalled me whom I got seated on the front of the motorcar who told me that he was going to Swabi and when I disclosed that I was going to the toll plaza at motorway he asked me to take we there so that he would then take another passenger vehicle near the toll plaza. When I reached near the motorway the police stopped and search of the moor car some contraband were recovered from the Stepney Ing in the rear portion of the motorcar and arrested me as well as the passenger Jehanir I told the local police that the said Jehangir was just a passenger and did not know about presence of the contraband in my motorcar but they did not listen to me. Thereafter I came to know that he as well as well some else were also made accused which is not correct. I affirm solemnly that neither the accused Jehangir knew about the presence of nartock in the motor nor I have told name of Safiullah S/O Rambail whose name has also been included and mentioned by the local police on their own. They both are innocent and I was swayed by the greed offered to me by a person who I did not know as I am a poor Taxi driver and use to ear my livelihood by plying the motorcar as taxi.

I surrender before the court and request for lenient view as I have neither being involved in such like activities in the past nor I will repeat my act. I am the only bread earner of my family. I am behind the bar for about 4/4/1-2 months and am not able to forebear the ordeals of the trials while s social worker has promised to pay fine on my behalf. I therefore request the court humbly to keep me on probation as my children are going to be spoiled.

Accused Sana Ullah

Dated: 3/9/2019

(AZIMULLAH MISHWANI)

Additional Sessions Judge-VIII,

Peshawar.

- 5 Cas 2628/

(Examine)

VAKALAT NAMA

NO.	/20

IN THE COURT OF <u>KP</u>	Service	Tribumal,	Peshawa
		•	
Jehangie Kh	rys		(Appellant) (Petitioner) (Plaintiff)
	VERS		(Flailluit)
Police	Dep H	. ,	(Respondent) (Defendant)
I/We, Jehangis	Khan		(Defendanc)
Do hereby appoint and constite Peshawar , to appear, plead, me/us as my/our Counsel/Advoling default and with the authorny/our costs. I/We authorize the said Advocate sums and amounts payable or on the Advocate/Counsel is also proceedings, if his any fee left up to the Advocate of th	act, comproncate in the abority to engage te to deposit, deposited on nat liberty to	nise, withdraw or recove noted matter, withdraw and receiven ny/our account in the leave my/our case	fer to arbitration for thout any liability for Advocate/Counsel on on my/our behalf all above noted matter at any stage of the
Dated/20		Jehai (CLIE ACCE	EPTED
		Advocate Suprem & & TAIMUR A	
			ALI BUKHARI
OFFICE: Room # FR-8, 4 th Floor, Bilour Plaza, Peshawar, Cantt: Peshawar		Auve	rcuie.

· 6/7/21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 12888/2020.

Jehangir Ex-Constable 1040				Appellant
	VERSUS		٠.	
			i ·	
Inspector General of Police, Kh	yber Pakhtunkhw	a, Peshawar	,	·.
& Others			Res	pondents.

INDEX

S#	Description of document	Annexure	Page
1	Pasquise Comments.		14.
2-	Copy of DPO Letter	" A "	5-7
3	Copy of Engulsy Repost	B	8-29
4	,00 10		
5			1
6	•		
7			
8			
9			
10			



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWA

Service Appeal No. 12888/2020.

Jehangir Ex-Constable	1040	Appellant
J		pakheu

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar	706 III
& Others	Respondents.

WRITTEN REPLY BY RESPONDENTS.

Respectfully Sheweth:

Preliminary Objections.

- 1. That the appellant has got no cause of action and locus standi to file the present appeal.
- 2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
- 3. That the appeal is barred by law & limitation.
- 4. That the appellant has not come to this Tribunal with clean hands.
- 5. That this Hon'ble Tribunal has got no jurisdiction to entertain the present appeal.
- 6. That the instant appeal is not maintainable in its present form.
- 7. That the appellant concealed the material facts from this Hon'ble Tribunal.
- 8. That the appellant has been estopped by his own conduct to file the appeal.

REPLY ON FACTS.

- 1. Para No. 01 of appeal is correct to the extent that the appellant was employee of respondent department, but his performance was not upto the mark.
- 2. Para No. 02 of appeal pertains to record of criminal case, on account of involvement in narcotics dealing, he was Charge Sheeted with initiation of enquiry.
- 3. Para No. 03 of appeal to the extent of departmental proceedings on account of involvement in narcotics case is correct.

- 4. Para No. 04 of appeal to the extent of departmental enquiry is correct, however due to pending trial of narcotics case, his enquiry was kept pending till the decision of case.
- 5. Para No. 5 of appeal to the extent of acquittal of appellant u/s 265-K CrPC is correct, however co-accused Sana Ullah was convicted u/s 9CCNSA whose sentenced was converted into probation.
- 6. Para No. 6 of appeal is incorrect. Appellant was transferred from FRP/HQrs Peshawar to District Police Swabi during pendency of trial. However after conclusion of trial and release of convicted accused Sana Ullah on probation filed complaint against appellant by leveling some serious allegations, as his accomplice, such application was sent to FRP/HQrs for denovo enquiry (Copy of letter of DPO Swabi is attached as Annexure "A").
- 7. Para No. 07 of appeal is incorrect. Keeping in view some new facts mentioned in the complaint of convicted accused Sana Ullah and in the light of recommendation of respondent No. 3, the FRP/HQrs conducted denovo enquiry. During enquiry, the relationship of appellant & convicted accused has been established beyond any shadow of doubt. During denovo enquiry, appellant was further associated with the enquiry proceedings and proper opportunity of defense was provided (Copy of enquiry report is attached as Annexure "B").
- 8. Para No. 08 of appeal is incorrect. After denovo enquiry and recommendation of Enquiry Officer, appellant was served with Final Show Cause Notice, the reply of which was found unsatisfactory, hence he was dismissed from service.
- 9. Para No. 09 of appeal to the extent of filing of departmental appeal is correct, which was rejected on solid grounds.
- 10. That the appellant has got no cause of action and the instant appeal is groundless.

GROUNDS.

- A. Incorrect. The orders of competent authority as well as appellate authority are based on sound reasons in accordance with law/rules.
- B. Incorrect. Under the well established, jurisprudential principle of administrative law, the findings of criminal case has got no bearing on the departmental proceedings.
- C. Incorrect. After proper departmental proceedings, appellant was dismissed from service.

- D. Incorrect. Regular enquiry was conducted and the allegations against appellant were proved.
- E. Incorrect. The order of competent as well as appellate authority was strictly in accordance with law/rules.
- F. Incorrect. Convicted accused Sana Ullah, leveled serious allegations against appellant, which were proved in denovo proceedings.
- G. Incorrect. Reply already given vide paras above.
- H. Incorrect. Reply already given vide paras above.
- I. Incorrect. Reply already given vide paras above.
- J. Incorrect. After fulfillment of all codel formalities, appellant was dismissed from service.
- K. Incorrect. Appellant was associated with enquiry proceedings and proper opportunity of hearing was provided before final order.
- L. Incorrect. Reply already given vide paras above.
- M. Incorrect. Appellant was treated in accordance with law/rules.
- N. Incorrect. Appellant being member of force involved himself in trafficking of narcotics was rightly dismissed from service.
- O. Incorrect. Reply already given vide paras above.
- P. Incorrect. Reply already given vide paras above.
- Q. That the respondents also seeks permission to advance further grounds at the time of arguments/hearing.

Prayer.

Keeping in view the above narrated facts, it is humbly prayed that the instant appeal being devoid of merits may very kindly be dismissed with costs, please.

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. (Respondent No. 1)

Deputy Inspector General of Police, Mardan Region-I Mardan (Respondent No. 2)

District Police Officer Swabi, (Respondent No. 3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 12888/2020.

Jehangir Ex-Constable 1040...... Appellant

VERSUS

AFFIDAVIT:-

We the respondent No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/true to the best of our knowledge / belief and nothing has been concealed from the honorable Tribunal.

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. (Respondent No. 1)

Deputy Inspector General of Police, Mardan Region-I Mardan (Respondent No. 2)

> District Police Officer Swabi (Respondent No. 3)

ATTESTER





Ame you -OFFICE OF THE DISTRICT POLICE OFFICER, SWABI PHONE NO. 0938-920050, 0938-920053

FAX NO. 0938-920054. EMAIL ADDRESS: dpo_swabi@yahoo.com.

Office of the over 1937	24/	GB, dated Swabi the	25	1	3	/2020
Dlary No 53					Çffice	of the Addit IGF/Com F.R.P KPF Peshawa
Date 23 10:	The	Deputy Commandant,				10 2773 1

Subject:

DEPARTMENTAL ENQUIRY AGAINST JEHANGIR NO. 2582.

FRP, Khyber Pakhtunkhwa, Peshawar.

Palo 20 / 04 /20

Memo:

Constable Jehangir No. 2582 was received on transfer to this District from your esteem unit vide CPO Order Endst: No. 6825-26/E-IV, dated 04.07.2019. During posting in FRP Peshawar, he was proceeded against departmentally on account of involvement in case FIR No. 982 dated 16.04.2019 u/s 9CCNSA PS Chamkani Peshawar. On recommendation of Enquiry Officer, the enquiry was kept pending till the decision of Court in the above case.

During trial of case, one of accused Sana Ullah s/o Zabta Khan r/o Jamraud Khyber District requested the Court for disposal of his case on the basis of plead guilty by placing himself at the mercy of the Court. The trial Court on the basis of confession/plead guilty convicted the accused Sana Ullah u/s 9CCNSA by undergo simple imprisonment for 03 years alongwith fine of Rs. 3 lacs, however being first offender the trial Court by taking lenient view, converted above sentence into probation.

In view of above, the trial Court acquitted accused/Constable Jehangir alongwith absconding accused Safi Ullah. After acquittal of Constable Jehangir, he was reinstated in service vide SP FRP Peshawar Range office order Endst: No. 432-33/PA, dated 17.09.2019. Now after release of accused Sana Ullah on probation, he submitted an application to the undersigned against the conduct and involvement of above Constable in the case by levelling serious all egations.

Mardan.

In the light of contents of application of convicted accused Sana Ullah, the possibility of involvement of Constable Jehangir No. 2582 in the trafficking of narcotics could not be ruled out. Moreso, under the well established jurisprudential principles of administrative law, the findings of the criminal case who has got no bearing on the departmental proceedings.

As aftermath of the above stated position and disclosure of facts behind the case, it is requested to conduct denovo proceedings against the ℓ subject Constable under intimation to this office, please.

Encl: (Application)

District Police Officer. Swabi.

C.c.

Deputy Inspector General of Police, Mardan Region-I, Mardan

for favour of information, please.

SP-FRP -

فرن من م م م م ما مع موان AU) درخواسدت براد فانون کاروائ کے برضوف ع نتیبر جیانگیری ولد الطف فان كند نزر رود النماعيد موابي بناجال! سنم صف ديروض كرما يه. ع ميرنر سينو علاقد فرود نفي خير دُرك من فرود فينبر بمنس يا ديانيس مارت نيو. For engu في نت دُيرري يَنْوُ لُوْر نستام عِينِد تُواندِ شَدِي فَيْ لُوْر نستام عِينِد تُواندِ شَدِي جُود لينتم ديا. report ع سر مسافر ميدان بالمري من عسر وس 5 طو سي المنتبر جها تليم فا DP0/Si ر الله المورسلام مع ملير فان على الله علم مي الله ، 04/11/2 ق سرر نندند بازا نس فو فو سرطر استفار بلون و دایل جهانگیرها ن منساط کو بتلای مرسیب مجلی تنییر دفروزی می تبین است دو از طور و در طور De Ciro 20/02/2 ے بتلایا نداز ب ساب ذیروروں کے اور میزیمر میں بولر ما تعییم میوں ا ودا يد ما جنسا بين خرچه ويره مروكا منه مين ا دي ره و ب عرر انس دوران نسم گا میرند و به می سابق مرانم باری میوا اور سنام بیراه جها نمیر کا عرانت و مور کو هاو موت رسی

ع مر مروران مرامير جي مينز كان مساور و مقد مديرا فيرا در الم را در الم ما منتوره ون اور سیار آب دین فرم شدم دلو اور سیم نه لو A(2) نستنه بنونس بشن و چر وی مرفظ سسب کیدا دند دها دهم فره بر مرفظ المنس با نبت منسو كيدا ته كون مو بود يد. و سرسسان البرائيرا على برعاند وهنورس ابن البراج نىي اور قى جيانكرى كواين سات ماوت ما بين عابي ن ديا جىلدىي مِنْ دِرْنَكُيْرِظَ عَ بِينَ اور سَمَارِ الرَّحِرِ ادا فِي سَمَانِ عَلَا مَ طَوْرَ سِي دِرِ ٤ مر رنسا كو موان د و منوري منبغ و مراه د ما اور سانة بي ورسالة مي ورسارة و صرط د بها ديم مادر فرم ب جند منسار ع در فواسه - رور بدین پیم جها تکیر فا کو بری در در ایس. و سرر برب زیر خوری کر رها نگیری صدید برا طور ری طرف می 5 مویدر وین افر سانق میں سے۔ کوٹ و فرزاری فرانگیمرفان کی تلی، مبؤل فرنانگیرفان سما کو بنا کہ مدینورنگ مدیب بولمنیں کی وقد والدی لیلی جی بار ہے ۔ رة الورندي لول دارط و تريك بيراب ت رئ كل ما منظن تنا في ل دول دني رفی اغور سائل فویتندیا مروم موای منه را فاص ا دفیه اگر سر فلان درفواسد گراری (نفوند میمراه لای) تُنتُ بوانند و ند فن استرن به نا منزور درفوانند با نسار کی درفوانند برطردان

INNERUSE -

From:

The Sr: Superintendent of Police, FRP

Peshawar Range, Peshawar.

To:

The District Police Officer,

Swabi.

/PA, dated the

17/07/2020.

Subject:

DEPARTMENTAL INQUIRY AGAINST CONSTABLE JEHANGIR

NO.2582/1040

Memo:

Kindly refer to your office Letter No.2423-24/GB, dated 25.03.2020 on subject cited above.

It is submitted that the detail inquiry reports compiled by the RI/Gul Nawaz Khan of FRP Peshawar Range, and SI/Legal Mushtaq Khan of FRP/HQrs: against Constable Jehangir No.2582/1040 are hereby submitted to your office for further necessary action please. (Inquiry reports are annexed for ready reference)

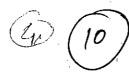
> Sr: Superintendent of Police, FRP Peshawar Range; Peshawar.

No. /PA, dated Peshawar the -/ - /2020.

Copy of the above is forwarded to Deputy Commandant FRP Khyber Pakhtunkhwa, Peshawar w/r to Dairy No.2773, dated 20.04.2020 for favor of information please. .

> Sr: Superintendent of Police, FRP Peshawar Range, Peshawar.

- Sir.
 - 1. It is submitted that constable Jehangir No. 2582/1040, now transferred to District Police Swabi, he while posted at FRP Peshawar Range was involved in a criminal case vide FIR No. 982, dated 16.04.2019 U/S 9CCNSA at Police Station Chamkani, District Peshawar. He was proceeded against departmentally on allegations of his involvement in the above criminal case. Subsequently he was acquitted from the criminal case by the court of Azim Ullah Mashwani Additional Session Judge III Peshawar, vide court order dated 03.09.2019. Therefore, the enquiry against the accused constable was disposed off which he was reinstated in service from the date of suspension, by the competent authority.
 - 2. Later on, his co-accused namely Sana Ullah S/o Zabita Khan R/O Jamrod, preferred complaint before the DPO Swabi against the above named constable, by stating therein that constable Jehangir No. 2582/1040 was accomplice with him in the above criminal case. He further mentioned in his complaint that after arrest the constable Jehangir told him that he is being a employ of Police department and therefore he could be dismissed from service due to involvement in criminal case and asked him that to accept all responsibilities regarding to the above criminal case, before the court of law and assured that he shall be paid him all such expenses in account of judiciary trail as a compensation. The complainant further added that above named accused constable is therefore, acquitted from criminal case, while he was convicted in the instant case as he confessed the offence before the court of law.
 - 3. The same complaint was conveyed to SP FRP Peshawar Range by the DPO Swabi for further necessary action. In this regard an enquiry was entrusted to Mr. Gul Nawaz Khan RI FRP Peshawar Range, to unearth the actual facts and submit the findings. After completion of enquiry, the Enquiry Officer submitted his findings which is placed on file.
 - 4. From perusal of enquiry file, it has been found that the above named constable alongwith a private person namely Sana Ullah had been charged in the above Criminal Case. According the planning and due deliberation between the both accused, nominated in the above criminal case, where the accused namely Sana Ullah has confessed the offence. Therefore, he was convicted and sentences to undergo simple imprisonment for 03 year alongwith fine of Rs. 3,00,000/- (Three Lac), by the court of Azim Ullah Mashwani Additional Session Judge III Peshawar, vide court order dated 03.09.2019, while the accused constable Jehangir No. 2582/1040 was acquitted from criminal case.



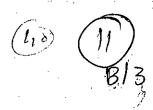
5. According to Police Rule 1934 Chapter No. 16 rule 3 employ of police department could not be punished in a criminal case departmentally, if he once acquitted from the same criminal case by the court of law. However, keeping in view the above mentioned facts and circumstances it has been found that the above named constable has fully found involved in a the above criminal case in the intent of moral turpitude nature and his co-accused Sana Ullah is an eye witness of the offence. It is pertinent to mention here that Judiciary proceedings and departmental proceedings are two different entities, and can run side by side. In this stage the allegations leveled against the accused constable has fully established in the light of solid evidence/proof. Therefore, the accused constable is liable to be punished. However, the instant case may be sent to DPO Sawabi for taking to proceed further into the matter as at present the above accused constable is existing to the strength of District Sawabi.

Submitted for kind order please:

SI Legal FRP

SSP FRP PESHAWAR RANGE, PESHAWAR.

24 PAR 2020



REFERANCE PUC

Constable Jehangir No.2582, now transferred to District Swabi during posting in FRP Peshawar Range, was proceeding against departmentally on account of involvement in case FIR No.982 dated 16.04.2019 u/s 9CCNSA at PS Chamkani Peshawar.

Accordingly the same complaint was entrusted to RI/Gul Nawaz Khan. He submitted his finding, which is placed at F/A.

PA to SP/FRP/PR

Superintendent of Police FRP/PR

Si ha Sal For Casal opinion please Casal opinion please SSR FR. 53.7.70

B/4 (اللوسى بلورث) مناعظی کی الم مشول اندوائری واعدات برولان لیسل جانلیری ر 2582 PP حال مناح موالی نیا بلط می 1040 موالی معروض عدمت هوں تم جمال OPO ماحد صلح صوالى ز بحوال ليرعبر ١٩٤ ١٤١٤-١٩١٥ هوروم 35 كر ١٠ اناوائرى الفذات برخلاف كنشل مذكوره اصرال بالا بهاحبان FRP كو يحد اكر كشل مركوره كَ خلاف فوصول شده و دفاست آدان مى ننادات ولد ضابطه حان سال جرود ير قيل نه مادواني كرے راورٹ طلب كي ہے كمره اندوائري كاغوات عنال عاكم ای صاحب لشاود رینج لیشاور نے لعرض انگوائری صناے DSP میاص PRP مروان کو والم لك مناب الم الم صاحب ٢٩٦ مردان ي ألو الري مكل كري الى رور ي وس مَعَارُهُمَا مَا لَكَ وَاحْلُ رَصَرُ مِنْ كَيْ سَعَارِسَ مِنْ وَالْسِسْ جَنَابِ عِلَى مِنْ الْكُ رَفِرتِ وَلَ مَعَارُهُمَا مَا لَكَ الْمُحَالِقُ مِنْ مِنْ عَلَى مِعَادِسَ مِنْ وَالْسِسْ جَنَابِ عَلَى الْمُحَالِقِينَ وَا مَعَارُهُمُ الْمُعَالِقِينَ الْوَادِسَالِ لِلْهُ عِنْابِ عَلَيْهِ عِلَيْهِ مِنْ مِنْ اللَّهِ مِنْ اللَّهِ وَلَيْ اللَّهِ مِنْ اللَّهِ وَلَيْ اللَّهِ مِنْ اللَّهِ وَلَيْ اللَّهِ وَلَيْ اللَّهِ مِنْ اللَّهِ وَلَيْ اللَّهِ اللَّهِ وَلَيْ اللَّهِ مِنْ اللَّهِ وَلَيْ اللَّهِ مِنْ اللَّهِ وَلَيْ اللَّهِ وَلَيْ اللَّهِ مِنْ اللَّهُ فَيْ اللَّهِ مِنْ اللَّهِ وَلَيْ اللَّهُ وَلَيْ اللَّهِ مِنْ اللَّهُ مِنْ اللَّهُ مِنْ اللَّهُ مِنْ اللَّهُ مِنْ اللَّهُ مِنْ اللَّهِ مِنْ اللَّهُ مِنْ اللَّهُ اللَّهُ مِنْ اللَّهُ اللَّهُ اللَّهُ اللَّهُ مِنْ اللَّهُ اللَّهُ اللَّهُ اللَّهُ مِنْ اللَّهُ مِنْ اللَّهُ مِنْ اللَّهُ مِنْ اللَّهُ اللَّهُ اللَّهُ اللّلَّالِيلُ مِنْ اللَّهُ مِنْ اللَّهُ مِنْ اللَّهُ مِنْ اللَّهُ مِنْ اللَّهُ اللَّهُ اللَّهُ مِنْ اللَّهُ مِنْ اللَّ صاحب FRP مردان کی دلورٹ ع ساتھ اتعاق نہ درے تھوئے علم ماغدات من Ri انسلام فازمان FRP نماور دیج لیکاور کو حالم بعرف دوران انوانری المسر مل ورات الم مراء ور فعلوم بعوا أم كيس ها للر مبر 1040 اور در توالت ناروان کا ماند میر میرور می اور مرتورا اس کا ساق بطور سواری گازی ماند میرور سواری گازی میں سے تا فعل میں شاواللہ کے بیان رم معزز عوالت جناب عظم اللہ مشوالی الرئيسل سين عج IIV ليساور ع مورض 100 در مي شاعراس ولرمالط الرئيسل سين على الله ولرمالط خان كو اور ها الميرخان كو خان كو اور ها الميرخان كو مشات سے عصربتلاے معوے مزید یہ بھی بتلا یا ہے اس ے بطور سوری مى جانس كو جوالى لے جائے كيلئے بنها ما ها اور جانلير بھى مشيات كى حو جورى سے راعلم قا اسی بیان کی بنا ہر معرزعرادت صابعظیم اللہ مشوای میاف رونیم ماری ورث بیشور نے رونیم ماری ورث رونیم ماری ورث بیشور نے رونیم ماری ورث بیشور نے دونیم میرونی ت فت هائلیم کو مقرمہ منذ کر ہ سے بری کرنے کا حکم ما در مرما ہے ۔ علم اصالحات کی کالی محراه لف آنو افری هزاید. ال تباء الله ولرماطم خاب الم حرور يا كيل جاني حان 1040 خلاف افسران بال جامان كي خرمت بين اير تحريري دلودي (درخوات بيش) كرت بنلايا هيلم " كثيل جاتلير فان بمر 2582 منيات عَلَيْل بِينَ أَسَى يَ ساق شامل تما اور دوندادی ، وهر اس تو ساق بولین کی توری س برخاست سن عاحظری بد ابزا جانگیرخان دو بد قصور بیان کرے دیریس اس كس ير حما خرج هوا يومًا وه رقم هالبرخل ادا كرى ما كين اب حمانگیرخان أس كو دخم نس در دیا " مزكوده تنادات كی درفوایت

مِ كَنْسُلْ جِمَانُلِسِ 1040 كَ خَلَافَ كَلَمَاتُ اللَّهِ الرَّى فَيْمَ لِولْسَ مِينَ سُرِوعَ المُولُ

FRP لېشاود دېچ لښاور

خلاص بیان لنیل ها تیر خان عربی از در استار می از در استار اس وقت و سلاها اس وقت و سلاها الم بنوی می موایی بارش بهو دیما هی - اس به ایک ایک بارش به و دیما هی - اس به ایک ایک بارش به و دیما هی - اس به ایک ایک باری سے لفظ را مربابها اس وقت و سلاها کام بنوی می خلاش کے در دران باری سے متیات بر آمد بوت بر مراوری کشل اور درائی و درائی و درائی به میرات بر آمد بوت بر مراوری کشل اور میک در آر در مراوری کشل اور میک در آر در ایک و در می میران بر آمد بوت بر مراوری کشل اور میک در آر در آر در آر در آر در آر درائی و می میران با بیران می در آر میل ها ایک میران با بیران می میران کو ایمان ک

خلامه دوج بالاحالات درج درل بین کنیره مناع الله ولدمالطهان کنیل جانگیرخان مبر 1040 اور درخواست کنیره نیاع الله ولدمالطهان

رمانم جرود ك فلاف بحرالم معرم علت عبم 182 بورهم 2019 ماري ماري الم plagaensa (? جنی بشاور درج رجس هوا، (B166) می نناء اللہ ا مرزعرالت اسلامی بیان ریتے ہور فورکو بے توہور بندالیا میلی کانٹیل جانگیرخان کو جرف مواری کے طور ہر گراڑی میں بخوانے کے متعلق بیان در کانٹیل جانگیرخان کو منسات سے بے صور اور مقرص میں بے تھیور بیان کیا . مر الما المراد عور م المراد عوالت والمراد عوالت والمراد عور م المراد عور م المراد عور م المراد المر مِلْنَ مِی شَاءِاللّٰہ کو 30 سال عام قید اور 30 لاکھ دردی جرمانے کی سراحیلہ جرمانہ ا م عے کونے والم مربز ایک سال قبو کی سزا کا علم ہوا ہو کہ ہم ویسش ہورڑ میں اب قلم لولس كياس ناء المرولرطاط مان كريس هانليم مان 1040 عافلاف و کویری در واست ۱در بعر مس کریری سان پستی کیا دید ۱ اس می وروره ع فودمشات عمَّل نوع ما معول من هوء كشل جانگير مان مر مان الم 2022 كوانغ شاق عرم مين علوت هو ناميان ساري . اور متلاما هيله والسرخان غ أيس قو منشيات ميمل كرع بر آماره كيا بها . ايني سان بر سمى تما و الله ع نشان ع کشل هانگیرخان 1822 و کرم فعرز عرالت سے مقروم متنام میں میں کامنا میں بوئر بری هرفوره تنا در میں و دومانطرحان سے فیل در تعلقی کما اظار الرا هوي الني آرك كو معرص على عقور ملايان. دن بالامالات كومرنظم رهي هون ديم لولس كسي معالم كو أس سَاهَي سمندس سی قدم کی غیرقالونی رخم دلوانے میں کوئی کرداد ادا نس سرسلتا للکے در فاست كنسرى تاءات ولد ماسط خات سن هرور م مقدم على عمر 982 وردم 16 مرام عام علی علی میں علوت عوب کے بعر معالی بولس اور وعرزعرالت له سامل ودكو مشات سه راعلم اور سا هي ملم م ها الدر خان لو فلمل عقمور سان کیا ۱وروزکوره که بیان بر سور عراست مرم ها لیرخان بو

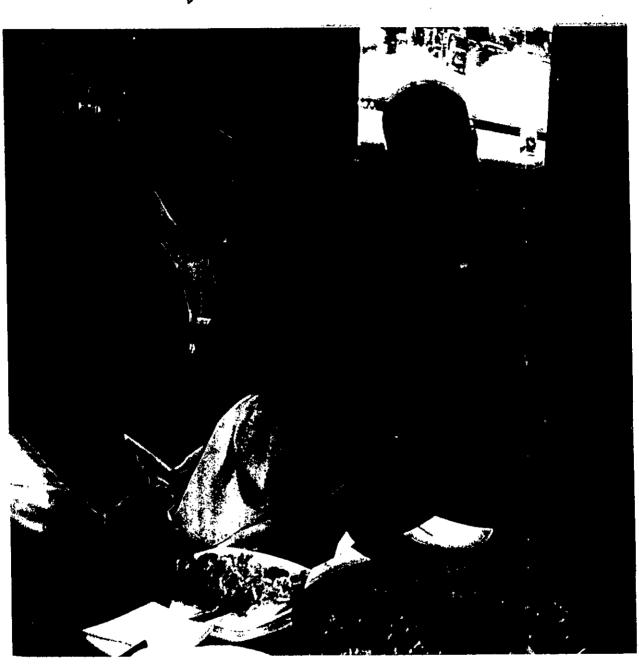
الرى مرة ما حلم ما دو شرطانا بعال حيل تنا د الله ولد ما بطرحات نواجي ارمل سزا ما صادر فرمایا سراید (17) جونلہ اب فلم لولس اوسران کے ساعل طرح تباء النہ اسی مقدم مسود کو اور سافی مگرم هانگیرهان <u>1822</u> کو بی داوی برای برای در هر مین از جرور را مهاف ظاہر هوتا جدم شاء ادر ولد ضامطان را جرور را فعرز عدالت کے ساعلے حدوث لولی کیر میانی کو هما نیر میرز عدالت لو ر دهو مادیا ہے اور سا هی مدزم هانگیرهان کو بری کرانے اور اپنی (فعمومیت نیان کرے برونیش بسریز کی سرایا هیچی درلا تما ہے۔ क्येनामंदर वर्षेर के मेराय करका तर गाए के देश हर मेरिय عانسرمان بولس لشل <u>2582</u> مان مبلح مولی لو حرم الم 9c CNSA كا قرم بيان كوت بعوراً ملحل منفير برزى ليماق مشات المالي من كا جونكم فقرقم متناقر الاس فحرز عرالت مال عظم الله مسوافي الأستال رفت الما المناور على ورحم المورد و و تفع لى فيمل ساديا يد اور اسى فلهام کی زو تنی میں جناب عادم ماصب FRP رساور رائع لیساور د لغريبو مذوره كشل كوالم آردر عبر ١٤-١٤ - 6227 حورة، ١٥٠٤ الم الرقيم الوليس عام على فيكم الوليس صلح صوالى تبديل هوير بصورت تناولم زواتكي كرمينا هي -لبذا الله مالات مِس مقدم متزيره بالا مِس نامزر مردو ملزمان ع دلاف (عدانی حلی کی فوجودی میں سزیر قانونی کاروافی کسے لیمل از مامل فَي عِلَدُ - الْذِرُ لَيْنُلُ رَافَّ كَي وَوْ مَنَّى فِسِ صَرُيدٌ مَا لُونًا كَيْ ادوا فِي دُرِ عَي سَتْقَادِشَ فَي عَالَى إِلْهِ مَرْيِدُ مَهُم افْسَان بالْ صَاصَان كَا افْتَعَلَ بِيعَ نَيْرَ عسى لهي مووت مال لعو حتى فيعلم سن كاغذات وسور الولس كَمَامَ ضِلَّهُ مِنُوالِي بِحَمِولَةُ عِاشِ ، انْلُوافُرِي رَلُودِتْ مرسْ هَوَمَم سِسْ لزارش ہے، انسلامل اوارجان RI FRPIPA

(16) 115 ci 0/4 B/8 In Charles of a Social print of the sail so سرمعه ساز فر تا بول او می در او می در ادر او می این است. is) Will ign Uge with 2017 g Mgsalis wa! ازرلسی وند فرزنس منزافر بسی درست می اور می ادر لیس فر ماری Du mulility prince me in painting the comments will believe in of just gold of by the just of it was a single interior of the wind of with all. on mais of the Mill of the office (3) / 69/ (2) ر المارة من رس روز منی تر من در از این در از این در اور الرفع من موجود من دور برف را برف را برف را برف الم من من الم المن من من المن من من المن من المن من المن من الم

الله الموري المي المراد الموري المراد is a so we wind in the ign in = wider on, , of logo on - july 0, 93 /11/2 V Biri - Malw m. 191 Will. (3) or 10) - 10 10 المرا المرابي مير مي سيد شوث اور الرابي الوقور می اور میں پر گرار اور گواری ما و رکوایا ما و رکستا ، برو ر ن المالية الما الورسروران فعدور ترافعتم كالموان (ورسرب مان لوتبارت الما أن الما الما أن ا المريم دولول در لل لمراث يم دالط في في 0312-17-6702 0313-9623 347 و نکے ایک اوقت وقوع کھانے کالی کو نس دیا ہے۔ تناوائن

18 (10) B/10

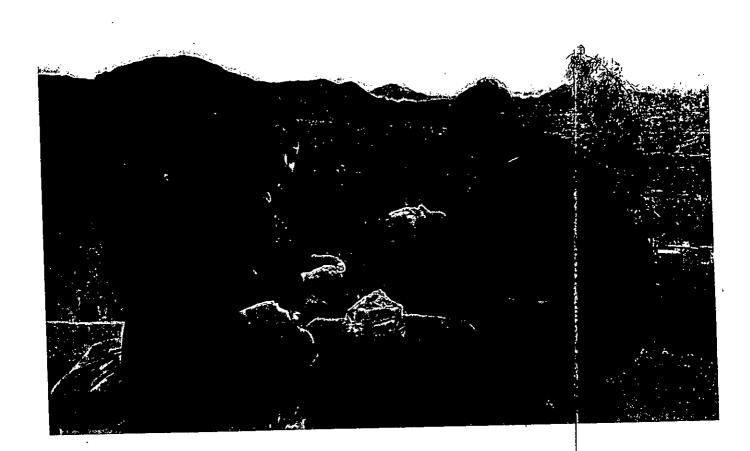
 \int



المراد المراد على الراس مل المراس المراس







١٤٦- جمانيز عاقي مي ادريس ال ولررئس خان كيسان تعلق قا الحانير أس ع سا في بهاري بان آ تا ها . السي ع:- جما نيز ع ساه تس سه تعلق بنا . تيا وه آب ك ياس ا كاها. ون أور مانكر العلق ١٦٥٥ سے بنا أور ٥٥ ور ح الساس) ون مراح اللاساس العالما العالمات الله الدرس علاوہ من وہ مدر عاس العالمات العالمات العالمات الدرس علاوہ من وہ مدر عاس العالمات العالمات الدرس علاوہ من وہ مدر عاس العالمات العالمات الدرس علاوہ من وہ مدر عالم العالمات ، ١٠٠٠ جمانگير كري از دهاى ادرس آب ك ساق سا كارومار سرتاها. ابذر وه فيرس ساة (NCP) كاريون ما كاروبار سراها ال عمر وقوم كاروز جانكرك ساھ موسكل در آج ما رابطم شي ار بوا قا اور جا أيم نال هذا ها آب َ أَسْطار مِينَ . ادا- جانلير فرع ساق مع س رابطم مين ها. اور مونزم ع اوبرنادرن بانی اس سروس رود کی ساق تعمر اتعاد اور میری ساق ماری س عنا حنات ودون كول ولازه ور ترفيارهو و حماليري آب سي ممال نقائم فيرانام مرتبي أور سي آري ما سارا عرج برداً شت مرقعاً. ان بالعل جہانون تھے بہاں کہ زیراستمال عبر دولس کو مت دو اور مرا نام في مت لو حب بولس نه ايم دونون كو انتازوس سادر فارسا تو بعردوون جم تسلم ما الر ١٠٠١ نه عدالت س آب ن جهانگیر کو کیو با تناه خم ار در ا الم نے جہانگیرے تھے ساں کہ قبرے جھوٹے جھوٹے بی بس اور قبری و بری جاسلی ہیں آپ کا سال حرجہ برداشت کررٹیا اسی وجہ سے س جاند و عاماه قراد دیا . السعد الله المارك سام كون أواه ووريد المساق الله عال مال العربي العل وم ع ساق توامان مووريد. العربية

عید العبلغہ م م م م اور باقی م اور باقی اس میں م م م دوروں کے اور باقی م اور باقی م م م م دوروں کا اور باقی م م عصر تھا۔ اللہ میں آپ دو ہیں حانتا۔ بیا آپ جاندر کو حانتے فائے۔ جہانگیر بشاہد ہی آپ عیاں سے ہو ، فرق ہو ، فو اور دی آپ عیاں سے ہو ، فرق ہے ، اور وس تقریباً المان من جهانگیر تو تقریبًا 3 سال سے دوستی ہے. اور میں تقریبًا ١١٥ وفعم أن كيان صلح صوالي اسماعيلم آ تاجا تاريايون اور 314 دفع ان کا بال ال مراد کیا سوری اس کے والی اور نعانیوں کے ساہ دعاسلام ہے۔ ال می در بقدل مهاندر می بنیرندونی بلک شی هرا گائی کاستظار می در بقدل مهاندر ماؤن مان ما کانتظار کرریا ها یا استظار کرریا ها یا استظار کرریا ها یا الم المنال المنال المالية ان علی جیالیر میرانی انتظار کرریاها سیس بیرزکونے بل کے سے بس نک موٹرونے ٹول بلاؤہ سروس روڑ کے ساھ میرا مرا انتظار نزریاتها اور مسلس میرے ساھ دارہ میں تھا۔ ا الله الم الله كون على منوات بو آب دو دون رابطم مس هق ؟ ہنانہ دیل غبرات ہم ددنون رابطہ س ہے . 0313-9623347 (المثلث): بنوليت D تلك يم دونون مرات م ندسي الولي كودي اور ما عى عدالت س س سي . الله المسار ن ایک دونوں ایھے دونت ہے افر ساق ی خارو ارکزے ہے آپ درنون ا تعلقات كس بات ور حراب هوية ، جُ وَ فِلْجِهَا لَلْهِ عَامِي سَافِح وَعَرُهُ سَاقًا رَمَ وَسَادًا حَرَّمَ جُوبِرُودَانَ معیلی آیے رام حربی ہونئے سی سال کا سارا برد املت کرونیا ، سان مب صاتليرجيلس ريا بوا تو إسى رينا عبر بي در سل اور دري فنز فرن ساھ ملے من سی جمیلی سے دیا۔ تھوا قو میں نے وہانگر سے ارتا حق مانقا نو ایس نے تھے رہملی می دی اور معرب ساتھ دوسی اور تعلقات ضم سے.

ان آب دونوں کو کولس نے کس سک بر روکا اور تر منارسل (ا م الله عب بولس نام درون كوردها لوكشل مانلير فورا الله الله و وور وسرك فرا الله الله و وور وسرك فرا الله الله و وور وسرك فيراد مان الله و وور فين دفع هيد نشر الدخان الم مان بعد ا در العالما أو شك من بر اس م بم دون كوروك كو روك كو اور عادي كى دلائل ليد در المراهد عور س سمنى سي سيرون در المد هوت المراهد هوت المراهد هوت المراهد الموت المراهد المراهد الموت المراهد الم الله المربع المر افعہ بان باللّٰ ہم دونوں مرین اور کریں سرو تقریح निम् हहें न क में रि की विविध्य के प्रकेट के कि بع . تصاوير ميرد بيان) ساق مراه لذ هي . ال الى:- بقول آب كر الشيل جا قلير اس وقوى من آب ع سالا سَامل ہے۔ تو آب الل بارے قبل اور کیا نبوت نسٹ کر سلے ہیں ان بالعل س ساق توابان وود س فبوت عوربر تماویم دو دور سے . اور حلفاً جی امرار کر سکتا ہوں العب B/14

بنان ازان لعب ولر فررزاز فين قسم لغيم فان ولا فرر را را حلفًا رور ركم بور الله ولا فيلا في أن اساعليه عمر إلى كوما تمام و اور بهار الم عن باورى كر المرابق الرابع العربي المرابع العربي المرب المواجع المورا الله المعالى القدار المجام الموامير سالوط المرابيل سالوط المرابيل م - 4 is Cana So di la Just مال مالج والمروز بروهنا مال مالج والمروز بروهنا 0318-9072847 02-07-2020

يان ازان لعب ولد قرران فين من المعلم المورك ال رات الرق على الما كالله وكا والما مع الله ساكو افتدر ما ك -die Care De al Chier مای مای و نیم وزیر در هندا 0318-9072847/ EC 02-07-2029

بان ازال جاب وله غلام ميرر میں سیمی مطاب ولد غلام میرر علقًا اور ار کرنا ہو کے مانگر ولد محراك فى قان سكتر اسما على عادال كوما نما سي - سهرم رورش کے ساتھ رینگ ہود کو الکسٹو نئے ہوا کھ کو کہ تنا واللہ اور الطلق we so is preio of & di pul) - Ever of & in white - 4 Mils Cara Seculting popelje de la maria , och spess preside her in in 0345-917-0932 / 5 8 1.50 02-07-2020 - 2/6

is the olis plans in plans it is it is B/17 (25) (77) من منسلی الحراشرولد عاجی شاه عالی خان حلفا افرار کر ایموک ما لليزولا فرالطاف فان سانداساعه المراك كوجاني بو ميرانياءالله و الله المراك و المراك و المراك و الله و الل Entro 0, 8/ 13. 11/ 50 11/ 18 (2010) · 4 0/2/2 Care 2 6 100/20 2003 (فرستر ولا فای سیاه مال فان mig dig 292. in 346-5000984 /July 02-07-2020 - 4/6) Al 02/07/2020

بيان ازال كانشيبل جهانگير خان 1040



معروض خدمت ہوں کہ مور خد 2019-04-16 کوسائل پشاور سے گھرآ رہا تھا۔ اس وقت سائل پشاور میں تعینات تھا۔ موٹر ویے چوکٹ میں کھڑا ہوافلا ننگ کوچ کا نظار کر رہا تھا۔اس وقت موسلادھار بارش ہور ہی تھی، اس دوران سائل نے ایک انجان کاڑی ہے لفٹ مانگی اور کاڑی میں سوار ہو گیا۔ جب کاڑی موٹروے ناکہ بندی پشاور پینی تو ناکہ بندی میں موجود پولیس نے کاڑی روک کر تلاشی لی اور ڈرائیور کو نیچے اتارا۔ ساکل نے اپناسروس کارڈ د کھایا تو سائل کو گاڑی بیٹھنے کے لئے کہا گیا۔ تلاشی کے بعد ہمیں تھانہ چکنی لے جایا گیا۔ اور من سائل کو بعد میں پتہ چلا كە ساكل كے خلاف مقدمه علت 982 مور خە 2019-04-16جرم 9CCNSA بقائد چېكني درج رجير بوا تقايه

(انکوائری نقل ہمرالف ہے)

(نقل فيصله ممراه لف

سائل کے خلاف محکمہ کی طرف سے انکوائری شروع ہو کر اختیام پذیر ہو گی اور سائل ہے گنا پایا گیا۔ سائل کو پٹاور ہائی کورٹ نے منانت پر رہا کر کے بعد از ٹرائل کورٹ نے بھی بے گناہ ثابت کر کے بری کیا۔

اب در خواست كننده (ناء الله) نے سائل كے خلاف آپ صاحبان كى خدمت ميں ايك جعلى اور فرضى درخواست دائر كى ہے، كم من سائل كا ڈسٹر کٹ پولیس آفیسر صاحب کے ساتھ قریبی تعلق ہے، جو کہ سراسر جھوٹ پر مبنی ہے۔اور میرا حال ہی مبیں ضلع ہذامیں تبادلہ ہو چکا ہے۔اور میں نے اس قتم کی کوئی بات نہیں کی ہے۔اضران بالاکامیں محم اور عزت واجرام کا پابند ہوں جو کہ تاحیات کرتا رہو نگا۔

سائل پہلے سے ہی اس جھوٹے مقدمے میں کافی کو فت اور تکلیف سے گزرا ہے۔ اور اب مزید بھی اس انکوائری میں تکلیف سے گزر رہا ہواں، سائل کوعدالت کے فیطے کی روشی میں محکمہ نے دوبارہ تعینات کر دیااور بخوبی اپی ڈایوٹی سرانجام دے رہا ہے۔ سائل نے بھی بھی بنتایت وغیرہ کاکار وبار نہیں کیا ہے اور نہ ہی سوچا ہے۔اور سائل کاؤں کے ایک شریف اور معزز گھرانے سے تعلق پر کھتا ہے۔ سائل کے گھرانے کے تہام افراد اعلی تعلیم یافتہ ہیں اور درس وتدریس کے پیشے سے تعلق رکھتا ہے۔

سائل کااس معاملے ہے کوئی تعلق نہیں ہے، صرف بارش کی وجہ سے میں اس انجان مخص کے ساتھ کاڑی میں بیٹھ گیا تھااور مجھے کوئی علم نہیں تھا کہ کاڑی میں مشیات چھپا کی گئی ہے۔

اس لئے آپ صاحبان سے استدعا ہے کہ سائل کی بے داغ ماضی کو مد نظر رکھ کر انکوائری بغیر کسی کار والی کے داخل و فتر کیا جائے۔ جناب عالی! یکی میرابیان ہے جو کہ حقیقت پر مبنی ہے۔

العارض كانتيبل جهانگير خان 1040 متعينه يوليس لائن صوابی راسل سولات / جرارات I de find som l'ordination de l'étables de la soir le 2018 les 2) 6/2 Cool) Po, 02 our (216/3 Cool)

1/1101 - 13 6/2 Cod) (20) 1/2 16-18 Cod. 220 (5),6 = 10 be/100 6100 500 2000 is to (3) in the con 10,01 (6,01) (6) In (86.00 - 10) 139 M Olason - 62 41/1 150 16 8 16 20 16 E. 162/ ion 200 1500 18200 18 6, 6 (6, 6) (8 Cid 32 ap. file bid) in (100 M/ Colin a 036 00 0 6 m/ Soin of 2/2 Es files pilo Como y in the server, 3 6-16086 10 20 SSIL (150) 10 - 7 -2 B well of The coder to see 30% 36 (30) Si Wist Ulair anish (05) · (() de 30 () 35 10 30 July 20 3/1 1 00 00 6 6 6 10 . 2. من الحد من آج و رکورنس کردره شار رفد ولام ما آ لووج eschold de la 18th de se و في در كو ميل وي في الماما اور م ي كون لول 10 2 16 8 les (3/0 0 0 0 10 11 -250 على المرابع الم

B120 (28) [10/2/ July 201) لن ول المرك الله المرك الله الله الله الله الله الله الله وي لين في الساكو دسول برس و Pagride Wide ما به دس العالم ما الوس به وساله و المراه المراع المراه المراع المراه المراه المراه المراه المراه المراه المراه المراه المراه ور ورس ما والع ما والع من الع حريث فين المالي المالية Parity of out & C=1 (617): hi ...). is 1719 & supupi);

Properim w = Payone الم الله المولاد المرسال هو المرسال المرسال هو المرسال - indopologia in in the solution of the Envisor for the sound in the service of the service Me 1 de l'all de la de l'all d 1120 (0313-9623347) (5,030-119) 7 000 20 low = 5 Well of in Out خ قلی ترکانهال میماری . (ا 5000 = (02) -1706702) 4 ph is is is 8200015/205 . Le ver ver o'es o' l'est so o L'ago



KHYBER PAKHTUNKWA

SERVICE TRIBUNAL, PESHAWAR

No. 205 18

Dated: 31/0/ /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281 Fax:- 091-9213262

To

The DistrictPolice Officer,
Government of Khyber Pakhtunkhwa,
Swabi.

Subject:

JUDGMENT IN APPEAL NO. 12888/2020 MR. JEHANGIR KHAN.

I am directed to forward herewith a certified copy of Judgement dated 10.12.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR W KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR