


12.04.2023

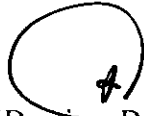
Appellant present through counsel.

Asif Masood Ali Shah learned Deputy District Attorney  
alongwith Farooq Khan DSP for respondents present.

Former made a request for adjournment as he has not prepared  
the brief. Adjourned. To come up for arguments on 15.06.2023  
before D.B. Parcha Peshi given to the parties.

SCANNED  
KFST  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

4<sup>th</sup> Nov. 2022

Lawyers are on strike today.

To come up for arguments on 03.01.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.



(Fareeha Paul)  
Member(E)

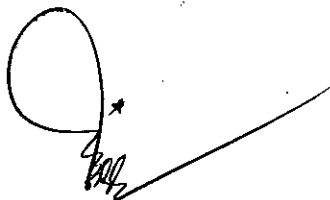


(Kalim Arshad Khan)  
Chairman

03.01.2023

Learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 12.04.2023 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

SCANNED  
KTS  
PESHAWAR

26<sup>th</sup> July 2022

Appellant in person present. Mr. Naseer-ud-Din Shah,  
Assistant Advocate General for the respondents present.

Appellant seeks adjournment on the ground that his  
counsel is not available today. Adjourned. To come up for  
arguments on 12.10.2022 before the D.B.



(Salah-Ud-Din)  
Member (J)

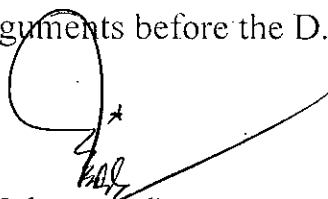
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(Kalim Arshad Khan)  
Chairman

12.10.2022

Junior of learned counsel for the appellant present. Mr.  
Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for  
adjournment on the ground that learned counsel for the appellant is  
busy in the august Peshawar High Court, Peshawar. Adjourned. To  
come up for arguments before the D.B on 04.11.2022.



(Mian Muhammad)  
Member (E)

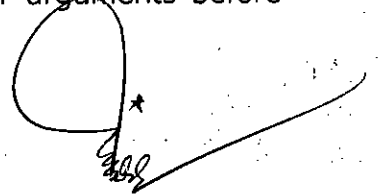


(Salah-Ud-Din)  
Member (J)

15.09.2021

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Yaqoob Khan, H.C for respondents present.

Written reply not submitted. Representative of the respondents sought time for submission of the same. Respondents are directed to submit written reply/comments within 10 days. Adjourned. To come up for arguments before the D.B on 26.01.2022.

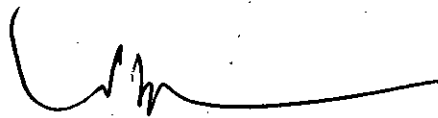


(MIAN MUHAMMAD)  
MEMBER (E)

26.01.2022

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG for the respondents present.

Learned counsel for the appellant seeks adjournment to prepare the brief. Case is adjourned to 11.05.2022 for arguments before the D.B.



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



Chairman

11-5-22

*Proper DB not available in case  
is adjourned on 26-7-22*



24.12.2020

Counsel for the petitioner and Mr. Noor Zaman, District Attorney for the respondents present.

Learned District Attorney has taken charge upon his transfer to the Tribunal today. He is not in possession of brief, therefore, requests for adjournment.

Adjourned to 22.02.2021 before S.B.

  
Chairman

22.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 08.06.2021.

  
Reader

08.06.2021

Counsel for the petitioner present and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Instant application has been filed on 24.10.2019 for restoration of Service Appeal No. 625/2019, dismissed for non-prosecution on 24.09.2019. Since the matter pertains to dismissal from service of the petitioner and the application has been filed within 30 days, therefore, the appeal is restored to its original number. To come up for proceedings as before on 15.09.2021 before S.B.

Appellant Deposited  
Security & Process Fee

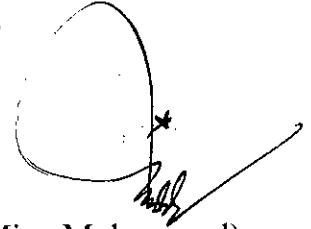
  
Chairman

13.07.2020

Counsel for the petitioner and Addl: AG for respondents present.

Learned AAG seeks time to submit reply on restoration application.

Adjourned to 15.09.2020 before S.B.



(Mian Muhammad)  
Member(E)

15.09.2020

Junior to counsel for the petitioner and Addl. AG for the respondents present.

Learned AAG furnished reply, which is placed on record. To come up for arguments on restoration application on 19.10.2020 before S.B.



Chairman

19.10.2020

Applicant is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is present.

The legal fraternity is observing strike today, therefore, the case is adjourned to 24.12.2020 on which date to come up for arguments on restoration application before S.B.



(Muhammad Jamal Khan)  
Member (Judicial)

04.02.2020

Clerk to counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Clerk to counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 24.03.2020 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

24.03.2020

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

  
Reader

16.06.2020

Learned counsel for the appellant and Mr. Riaz Paindakhel learned Asst. AG for the respondents present.





It is stated that instant matter was assigned to learned Addl. AG who had to proceed to attend the funeral today. Adjournment requested. Adjourned to 13.07.2020 before S.B.

Chairman 

Form-A  
FORM OF ORDER SHEET

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

Appeal's Restoration Application No. 3902019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.10.2019	<p>The application for restoration of appeal No.625/2019 submitted by Mr. Younas Aman Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25/10/19	<p>This restoration application is entrusted to S. Bench to be put up there on <u>22/11/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
22.11.2019		<p>Counsel for the petitioner present.</p> <p>Notices be issued to the respondents for 06.01.2020 before S.B</p> <p style="text-align: right;"> Chairman</p>
06.01.2020		<p>Mr. Sher Muhammad Advocate on behalf of counsel for the appellant and Addl. AG for the respondents present.</p> <p>Former requests for adjournment as learned senior counsel is not available at the station today. Adjourned to 04.02.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>



625/2019

Wasiullah vs Govt

24.09.2019

Nemo for appellant.

It is already past 2.00 PM and no one is available to represent the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.

Chairman



Announced:


24.09.2019

26.06.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant has (Ex-Constable) filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 18.01.2017 whereby the appellant was dismissed from service. The appellant has also assailed the order dated 06.03.2019 whereby the Regional Police Officer Bannu filed the departmental appeal of the appellant being badly time barred. The appellant has also made impugned the order dated 02.04.2019 through which the revision petition filed by the appellant was rejected being badly time barred. Learned counsel for the appellant contended inter-alia that upon setting aside his conviction in the criminal case by the Hon'ble Peshawar High Court Peshawar and after his acquittal the appellant filed the departmental appeal as such the departmental appeal and the revision petition were not time barred.

Points urged need consideration. The present service appeal is admitted for regular hearing subject to all the legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply/comments. To come up for written reply/comments on 26.08.2019 before S.B.

  
Member

26.08.2019

Nemo for appellant.

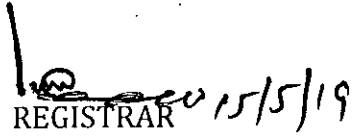
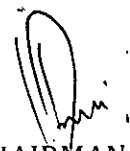
Due to general strike on the call of Khyber Pakhtunkhwa Bar Council instant matter is adjourned to 24.09.2019 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 625/2019 \_\_\_\_\_

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/05/2019 <b>SCANNED</b> <b>KPST</b> <b>Peshawar</b>	The appeal of Mr. Wasi Ullah presented today by Mr. Younas Aman Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.  REGISTRAR 15/5/19
2-	16/05/19	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26/06/19</u>  CHAIRMAN

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 625 /2019

**Waqi Ullah**

(Appellant)

**V E R S U S**

*Govt of K-PK through*

Inspector General of Police KP Peshawar and others.

(Respondents)

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5	Copy of order / judgment of High court	D	27-29
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Appellant

Through



**Younas Aman**

**& Sahibzada Muhammad Riaz**

Advocates High Court,

Peshawar

Dated: 08.05.2019

①

**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. \_\_\_\_\_/2019

**Wasi Ullah**

No. 321, Ex-Constable Bannu District Police

\_\_\_\_\_  
(Appellant)

**V E R S U S**

- 1) Govt. of KPK through Inspector General of Police KP, Central Police Office, Peshawar
- 2) Regional Police Officer, Bannu Region, Bannu
- 3) District Police Officer (DPO) Bannu

\_\_\_\_\_  
(Respondents)

**Appeal Under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the impugned orders OB No. 80 dated 18.01.2017 issued by respondent No. 3 whereby the Departmental Appeal / Representation against the dismissal order dated 18.01.2017 and Revision petition dated 13.03.2019 has been rejected on no good grounds.**

**Prayer:**

**On acceptance of the instant appeal, the impugned order OB No. 80 dated 18.01.2017 issued by respondent No. 3 may graciously be set aside and appellant be reinstated into service at the police**

**department Bannu with all back benefits.**

**Respectfully Sheweth,**

Facts giving rise to the present appeal are as under:

- 1) That appellant was appointed as Police Constable in the Police Department District Bannu on 15.07.2009 and performed his duty efficiently, devotedly, bravely and punctually.
- 2) That during the course of service, unfortunately the appellant was nominated in the criminal case vide FIR No. 847 dated 23.10.2013 U/s 302/324/13 PPC. (Copy of FIR is attached as Annexure A)
- 3) That on the basis of nomination in the above FIR, the respondents initiated departmental proceedings against the appellant.
- 4) That on 17.01.2017 the court of Additional Sessions Judge-III Bannu convicted the appellant vide judgment in Case No. 84/SC of 2014. (Copy of judgment is Annexure B)
- 5) That thereafter the respondent No. 3 vide Order OB No. 80 dated 18.01.2017 dismissed the appellant without waiting for confirmation of conviction by the superior courts. (Copy of order / judgment is attached as Annexure C)
- 6) That thereafter appellant filed an appeal against the

conviction in the hon'ble Peshawar High Court, Peshawar and on 28.11.2018 the Peshawar High Court, Peshawar allowed the appellant appeal on the basis of compromise and acquitted the appellant. (Copy of order / judgment is attached as Annexure D)

- 7) That the appellant after acquittal preferred departmental appeal against the dismissal order before the Regional Police Officer, Bannu Region. (Copy of appeal is attached as Annexure E)
- 8) That the Regional Police Officer Bannu rejected departmental appeal of the appellant vide order No. 1003/EC dated 06.03.2019. (copy of the order is attached as Annexure F)
- 9) That thereafter appellant filed revision petition before Inspector General of Police KPK Peshawar on 13.03.2019 which was rejected by the IGP KPK Peshawar vide Order No. S/1017/19 dated 02.04.2019 and was communicated to the appellant on 17.04.2019 hence preferring the present appeal to please set aside the dismissal order on following grounds. (Copy of revision and order is attached as Annexure G)

### GROUNDS

- a) That the impugned dismissal order dated 18.01.2017, 06.03.2019 and 02.04.2019 is against the law facts material available on record, hence not tenable in the eyes of law.

- b) That the respondents has not treated appellant in accordance with law rules policy on subject and acted in violation of Article 4 and 25 of the Constitution of Islamic Republic of Pakistan and unlawfully issued impugned order which is unjust, unfair and hence not sustainable in the eyes of law.
- c) That the respondents not made statement of allegation against the appellant and had not followed the required procedure due to which the dismissal order is liable to be set aside.
- d) That no charge sheet was formulated against the appellant which is against the require procedure and law on the subject matter.
- e) That the respondents not provided chance to personal hearing and also no notice was served personally on the appellant which is against the law, fundamental rights and prevailing procedure due to which the impugned order is liable to be struck down in the eyes of law.
- f) That the discrimination has been made while issuing the impugned order by the respondents.
- g) That Rule 2 and 3 of Chapter 16 of Police Rule 1934 was violated by the respondents due to which the impugned order is against the law and is liable to be set aside.
- h) That the appellant has acquitted from the charges leveled against the appellant, therefore the impugned order is liable to be struck down.



- i) That the appellant would like to offer some other grounds during the course of arguments.

**It is, therefore, humbly requested that on acceptance of instant appeal, the impugned order OB No. 80 dated 18.01.2017 issued by respondent No. 3 may graciously be set aside and appellant be reinstated into service at the police department Bannu with all back benefits.**

Appellant

Through



---

**Younas Aman**  
**Sahibzada Muhammad Riaz**  
Advocate High Court,  
Peshawar

Dated: 08.05.2019

**Note:** No such service appeal on the same subject matter has earlier been filed before this honourable court.



ADVOCATE

**AFFIDAVIT**

I, **Wasi Ullah** No. 321, Ex-Constable Bannu District Police, do hereby solemnly affirm and declare on Oath that the contents of instant "**Service Appeal**" are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

DEPONENT



IN THE COURT OF MUHAMMAD TAHIR AURANGZEB  
ADDITIONAL SESSIONS JUDGE-III, BANNU

Sessions Case No: 84/SC of 2014  
Date of Institution: 21/03/2016  
Date of Decision: 17/01/2017

Place: Bannu  
FIR No. 847  
Dated: 23/10/2013  
Under sections: 302, 324, 34 PPC  
Police Station: City District, Bannu

The State.....

**V E R S U S**

Wasiullah aged about 25-26 years S/O Nawab Khan R/O Mandave Khass presently Muhallah Nawab Sahib Bannu City, Tehsil & District Bannu

----- (Accused) .

J U D G M E N T :-

Accused named above, faced criminal trial in case FIR # 847, dated 23-10-2013, U/Ss 302/324/337-A(i)/337-D/34 PPC registered at Police Station City, Bannu.

2. Briefly stated the facts of prosecution case as unfolded in FIR are that complainant Ali Muhsin in injured condition reported the matter to the local police at Emergency Room/Civil Hospital, Bannu at 11:20 hours, on 23-10-2013 that he along with his cousins namely Junaid Khan and Muhammad Hussain were going from their house situated in Muslim Abad Sukari to their other house situated at Muhallah Nawab Bannu City. As they reached near the house of Nawab at about 10:30 AM that accused (1) Asghar Khan, (2) Sunar Khan and (3)

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District & Session Judge  
Bannu

17-1-17

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Wasiullah duly armed with pistols were already present there, they started firing at them with the intention to commit their Qatl-e-Amd. As a result of which complainant Ali Muhsin along with his cousins namely Junaid Khan and Muhammad Hussain were hit and fell down. Accused after the occurrence decamped from the spot. Complainant party being empty handed could do nothing. Motive for the occurrence was reported that exchange of hot words and altercation took place between the complainant party and accused Wasiullah one day before the occurrence. The report of the complainant Ali Muhsin was recorded U/S 324/337-F(i), F(ii)/337-D/34 PPC initially and after the death of injured Muhammad Hussain on the same day, Section 302 PPC was added in the FIR.

3. Investigation was carried out and after completion of investigation, complete challan was submitted against the accused facing trial Wasiullah along with absconding co-accused Asghar Khan and Sunar Khan. Accused were summoned. Accused Wasiullah appeared while accused Asghar Khan and Sunar Khan were absconding, therefore, they were proceeded against under section 512 Cr.P.C on 12-01-2014 while prosecution was allowed to produce evidence in their absentia. Accused Wasiullah was handed over with the copies under 265-C Cr.P.C. Charge U/Ss 302/324/337-A(i)/337-D/34 PPC was framed against him to which he pleaded not guilty and claimed trial.

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District & Session Judge  
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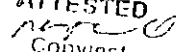
4. On the contrary, accused Wasiullah also reported the matter to police in Emergency Room Civil Hospital, Bannu that on the day of occurrence, he was present in front of his house in Bannu City and it was about 10:30 AM, that Ali Muhsin, Junaid, Muhammad Hussain along with two unknown persons duly armed with pistols attacked on him and gave blows of kicks, fists and butt of pistols. He claimed that he rescue himself from their circle and the accused Ali Muhsin etc (complainant party of this case) started firing at him from the back. As a result of which, he got injured on his head and the accused fled away from the spot. The same was reported through FIR No.848 dated 23-10-2013 U.Ss 327, 148/149 PPC P.S City, Bannu.

5. Prosecution in order to prove its case produced as many as Ten (10) witnesses. The brief resume of Prosecution evidence is as under:-

(PW-1) was Dr. Khalid Mehmood MO, who on 23-10-2013, at 10:55 AM, examined the injured Muhammad Hussain S/O Jangez Khan aged about 28/30 years R/O Narmi Khel Baka Khel at about 10:55 A.M brought by constable Ishfaq Khan and found the following:

1. One FAI entry wound on left side face.  
Injured was initially conscious but with few minutes become unconscious.  
Injured was referred to Peshawar for further treatment.

Probable time injury:- Within one hour.  
Kind of weapon:- FA.

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 Bannu  
 17-1-17

After examination of the injured, he handed over the MLC copy EX:PW-1/1 to escorting constable. He has also endorsed the injury sheet EX:PW-1/2 of the injured.

On the same day, he also examined the injured Junaid Khan S/O Noor Nawaz aged about 23/24 years R/O Narmi Khel Baka Khel brought by constable Ishfaq Khan and found the following injuries:-

Wounds:-

- 1. One 1/4 X 1/4 FA entry wound in abdomen.

Injured semiconscious was shifted to O.T.

Nature of injury:- KUO

Probable time injury:- Within one hour.

Kind of weapon:- FA.

After examination of the injured, he handed over the MLC copy EX:PW-1/3 to escorting constable. He has also endorsed the injury sheet EX:PW-1/4 of the injured and discharged slip EX:PW-1/5.

On the same day, he also examined the injured Ali Muhsin S/O Mada Noor aged about 29/30 years R/O Narmi Khel Baka Khel brought by constable Ishfaq Khan and found the following injuries:-

Wounds:-

- 1. One 1/4 X 1/4 FA lacerated wound on top of scalp.

Injured was well oriented.

X-ray of scalp AP and lateral views were advised.

Nature of injury:- KUO

Probable time injury:- Within one hour.

Kind of weapon:- FA

After examination of the injured, he handed over MLC copy EX:PW-1/6 to escorting constable. He has also endorsed the injury sheet EX:PW-1/7 of the injured and discharged slip EX:PW-1/8.

(PW-2) was Mahmood Khan No.1043/FC, who brought the murasila to the P.S City for registration of the case.

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District & Session Judge  
Gannu  
17-1-17

(PW-3) was Rooh Niaz Khan, who correctly identified the dead body of Muhammad Hussain before the police and before the doctor.

(PW-4) Muhammad Ishfaq Khan FC/1621 escorted the injured Ali Muhsin, Junaid and Muhammad Hussain for their medical examination along with their injury sheets and handed over to the doctor. After their medical examination, the injury sheets were handed over to him by the doctor. The deceased then injured Muhammad Hussain was referred to Peshawar for his onward treatment but expired. The SHO handed over him his inquest report and he produced the dead body for autopsy along with inquest report before the doctor who after PM examination, handed over him the PM along with two X-ray films and inquest report by the doctor which he further handed over to the I.O.

(PW-5) Ali Muhsin (complainant/injured of the instant case) who supported the narration made in FIR and charged the accused and also named eye witnesses of the occurrence. He further stated that they were taken to the hospital by the people. Where he lodged his report and after scribing his report by the police, its contents were read over to him after admitting it correct, he signed his report, which is EX:PA. The treatment was incepted by the doctor after his report. He was referred to Peshawar and on 28-10-2013, when he was discharged from the hospital, on his pointation some additions were made. Muhammad Hussain his cousin expired later-on.

(PW-6) Junaid Khan (eye witness/injured of the instant case) had narrated the same facts as that of complainant (PW-5).

(PW-7) is Muhammad Jalil Khan Inspector CTD stated that on the eventful day, he was present on routine gasht when received the information of the present occurrence. Then he rushed to the DHQ hospital, Bannu where he recorded report of the complainant Ali Muhsin. After scribing the report, the contents of which read over to him who after admitting correct put his

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 Copies  
 District & Session Judge  
 Bannu

signature on his report. The report is EX:PW-7/1 All the three injured were brought to the hospital in injured condition. Thereafter, he prepared the injury sheet of deceased then injured Muhammad Hussain already EX:PW-1/2, then the injury sheet already EX:PW-1/4 and then the injury sheet of Ali Muhsin already EX:PW-1/7. All the injury sheets bears his signature correctly. After do the needful, all the three injured alongwith the injury sheets were handed over to the doctor for medical examination. After expiry of the deceased the injured Muhammad Hussain, his inquest report was also prepared and his dead body alongwith the death certificate EX:PW-7/2 were handed over to the escorting constable for autopsy. He is attesting witness to the recovery memo EX:PW-7/3 vide which the IO took into his possession blood from point A with the help of cotton, packed and sealed into parcel No.1. and from point B blood with cotton was also collected from the venue of occurrence, packed and sealed into parcel NO.2. The memos bear his signature correctly. He is also marginal witness to the recovery memo EX:PW-7/3. EX:PW-7/4. EX:PW-7/5. EX:PW-1/6. the detail of which have been given in the statement of PW-9 (I.O). My statement was recorded by the IO u/s 161 Cr.PC. After completion of investigation, he has submitted complete challan U/S 512 Cr.PC against accused on 03.11.2013. All the above documents correctly bears his signature.

M.K

(PW-8) was Muhammad Zahir Shah ASHO, who on receipt of Murasila, incorporated the contents of Murasila into FIR EX:PW-8/1 and after registration of FIR, he handed over the copy of the same to the I.O.

(PW-9) was Naimat Ullah Khan (Retired) S.I Investigation, who after receipt of copy of the FIR, he alongwith police Nafri proceeded to the spot. and at the same time the SHO Jalil Khan also came there. He prepared site plan EX:PW-9/1 with his own observation on 30.10.2013 bears his signature correctly. During spot inspection, he collected blood with cotton

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 District & Session Judge  
 Bannu  
 17-11-13



from one place i.e. from point A, packed and sealed in parcel No.1. From Point B. He also collected blood with cotton, sealed in parcel No.2 and prepared the recovery memos already EX:PW-7/3, bears his signature correctly. He also prepared another recovery memo already EX:PW-7/4, vide which he took into his possession one pistol .30 bore P-1, No.4270 Pak made with fitted magazine containing 07 live rounds of the same bore P-2, produced by the SHO Muhammad Jalil Khan. The pistol and empty magazine were sealed in parcel No.3, the memo bears his signature correctly. Through another memo, already EX:PW-7/5, he took into his possession 08 empty shells of .30 bore pistol P-3 lying scattered in area of 6 feet, packed and sealed in parcel No.4. Point C is given to the said empties in the site report, two more empties of .30 bore P-4 from point D, lying scatted in area of 4 feet, packed and sealed into parcel No.5. He also prepared recovery memo already EX:PW-7/6, vide which he took into his possession one spent bullet from point E, P-5, another spent bullet from point F, P-6 and one spent bullet P-7 from point G, packed and sealed into parcel No.6. The memos bear his signatures correctly. All the spent bullets were extracted from their respective places. When the complainant was discharge from the Hospital namely Ali Muhsin on 28-10-2013 additions were made by him on his pointation which also bear his signature correctly. After receipt of information pertaining to death of Muhammad Hussain then injured, I added Section 302 PPC. The Arzi Atla is EX:PW-9/2 pertaining to change of Section 302 PPC bears his signature correctly. The addition so made by him on the pointation of complainant is EX:PW-9/1-A. He arrested accused Wasiullah Khan on 30-10-2013 and issued his card of arrest which is EX:PW-9/3. He recorded statement of the witnesses U/S 161 Cr.PC. He also initiated proceedings against the absconding accused through an application EX:PW-9/4 regarding issuance warrant of arrest U/S 204 Cr.PC, thereafter, he also applied for issuance of proclamation against the absconding accused

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EXPW9/5, bears his signature correctly. He drafted an application to the FSL for seeking opinion regarding blood stained cotton, spent bullets and empties shells. The original application alongwith case property were sent to the FSL for examination and the carbon copies of the applications are EX:PW-9/6 and EX:PW-9/7 respectively. He also received FSL result in respect of blood stained cotton EX:PW-9/8 and EX:PW-9/9 pertaining to the pistol .30 bore, 10 empties and 3 crime bullets. He also drafted form remand judicial through which the accused Wasiullah Khan was sent on judicial remand and the same application is EX:PW-9/10. After completion of investigation, he handed over the case file to the SHO for onward submission of the proceeding. He also placed on file X-ray report, sent by the doctor. EX:PW-9/11 was also prepared by him pertaining for seeking report from the Muharrir of DCT (policing) as absconding co-accused Asghar Khan as employee and the report of the concerned quarter is EX:PW9/10-A, consisting of two pages.

(PW-10) was Dr. Muhammad Riaz Khan, who on 23-10-2013 at 05:00 PM, conducted the autopsy on the dead body of deceased Muhammad Hussain S/O Changez Khan R/O Narmi Khel, Baka Khel, identified by Rooh Niaz and Asghar Ali brought by constable Ishaq No. 1621 and found the followings:-

Condition of subject:

Stout clothed. PM staining and Rigor Mortis not yet developed.

Wounds:


1. One FA entry wound on left side of face just lateral to the left temporal mandibular joint size 1/2 X 1/2"

Cranium and spinal cord: health.

Thorax: All healthy.

Abdomen: All healthy. Stomach empty, large intestine containing stool. Bladder empty.

Muscles, bones & joints: Muscles are injured at the site of injuries. Bone of left side face are fractured.

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Opinion: In his opinion the deceased died due to fire arm injury causing injury to the major blood vessel to the face and neck leading to excessive bleeding, shock and death.

Probable time between injury and death: 03 to 04 hours.

Probable time between death and Postmortem: 02 to 03 hours.

After PM examination, he handed over to the escorting constable PM report along with two X-ray of skull and face showing foreign body. The PM report is EX:PW-10/1. Inquest report and injury sheet also endorsed by him are already EX:PW-7/2 and EX:PW-1/2. The two X-ray films are EX:PW-10/2 and EX:PW-10/3. All the documents correctly his signature correctly.

6. Thereafter, prosecution closed its evidence. Statement of accused was recorded U/S 342 Cr.P.C, who professed his innocence and false implication. He termed all PWs highly interested and procured; however, he did not wish to be examined on oath U/S 340 (2) Cr.P.C or to produce defence evidence.

7. Learned SPP for the state assisted by private counsel for complainant Mr. Sultan Mahmood Khan Advocate argued that accused facing trial is directly charged in the FIR and has committed the murder of deceased Muhammad Hussain by firing at him with firearm weapons and also effective firing at complainant Ali Muhsin and Junaid Khan (eye witness); that medical as well as circumstantial evidence in shape of recovery of blood stained earth and blood stained garments of deceased supports the prosecution version; while FSL positive report, speaking about blood of human origin and same group further strengthens the prosecution case. Similarly,

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all PWs remained consistent and coherent in their deposition made regarding the occurrence; that no major or minor contradiction could be extracted from their mouths. It was finally argued that prosecution has successfully proved its case against accused facing trial beyond shadow of doubt and prayed for conviction of the accused.

8. Conversely, learned defense counsels Mr. Iftikhar Ahmad Durrani and Mr. Farooq Khan Sukari Advocates argued that accused facing trial is innocent and has falsely been charged in the instant case; that occurrence has not taken place in the mode and manner as narrated by the complainant rather medical evidence, site plan as well as circumstantial evidence do not support the ocular account; that all the PWs are highly interested, procured witnesses and they never remained consistent and coherent in their deposition against the accused and their statement is suffering from major discrepancies and contradictions; so prosecution has failed to prove charge against accused facing trial beyond any shadow of doubt. Lastly, he kept his reliance on his plea of alibi and stated that un-shattered defence evidence is sufficient for their innocence and prayed for acquittal of the accused.

9. I have heard the arguments and record perused.

10. Vide case FIR No.847 dated 23-10-2013 U/Ss 302/324/34 PPC, complainant Ali Muhsin PW-5, charged accused Wasiullah, Asghar Khan and Sunar Khan for committing Qatl-e-Amd of his cousin Hussain Khan and for

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attempt at his life and life of his cousin namely Junaid Khan (PW-6). In this case the complainant alleged the motive, exchange of hot words in between accused on trial and them one day before the occurrence. In case FIR No.848 dated 23-10-2013 U/S 324/148/149 PPC P.S City, accused facing trial Wasiullah charged the complainant of this case Ali Mohsen, PW Junaid, deceased Hussain and two others for attempt at his life and also for beating with the kicks, fists and butt blows. In both the cases motive, venue and time of occurrence is the same.

11. One person namely Muhammad Hussain lost his life in the incident whereas two sustained injuries at the hand of accused facing trial as well as absconding co-accused Sunar Khan and Asghar Khan. On the other hand, Wasiullah as per him, also sustained the injuries with the firing of complainant of present case for attempt at his life. The time of occurrence is reported as 10:30 hours and the report was made by the complainant Ali Mushin at 11:20 hours. Both the FIRs disclosed the time of occurrence as 10:30 hours, so the report was promptly lodged. Except the allegation of altercation one day prior to occurrence, no other motive or enmity has been alleged, therefore, keeping in view facts and circumstances of the case, the question of deliberation and consultation is not floating on the record.

12. I have gone through the entire case file and observed that the following points are to be determined for disposal of this case.

APPROVED

Signature

Session Judge

Date

- (i) Presence of complainant party at the spot.
- (ii) Presence of accused party at the spot.
- (iii) If both proved then to determine that who was aggressor and who is aggressed upon or who launched ~~be~~ the attack.
- (iv) Impact of other corroborative evidence on the case.

13. As per prosecution story, the complainant was proceeding to their house situated in Muhallah Nawab Bannu Muslim Abad Sukari. The complainant Ali Muhsin, deceased Hussain Khan and injured PW Junaid are cousin interse, so their joint movement toward the said house may be quite natural. During his cross examination, though the complainant admitted that there were ways leading to their destination other than the adopted passage and they could have adopted of those passage but there is another aspect of the situation too. No doubt complainant has also admitted that it was in their knowledge that the house of accused party was situated on their way which they opted for reaching to their destination but prior altercation was not so serious that the complainant should have avoided to pass in front of accused house.

14. Three persons namely Hussain Khan, Junaid Khan PW and Ali Muhsin sustained injuries at the spot. The defence never denied the presence of complainant party at the spot. The complainant PW-5 as well as Junaid Khan PW-9 submitted in their examination in chief regarding the occurrence. During the

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cross examination their presence as well as presence of deceased was not questioned at the spot. During the cross examination of complainant Ali Muhsin, he was suggested by the defence that deceased Muhammad Hussain has received injury from the hand of their companion during beating accused Wasiullah. This was the plea of defence and the same was also raised in statement of accused in answer to Question No.15 where the accused submitted that the deceased got injured at the hands of his own. On the contrary, the accused Wasiullah also got registered FIR No.848 on 23-10-2013 wherein he recorded the FIR by alleging motive, venue and time of occurrence same of this FIR and admitted presence of complainant party as well as accused himself. This means that accused has not denied the presence of complainant party as well as himself rather admitted the same, so presence of both the parties is established beyond shadow of doubt. The accused in his defence advanced a defence plea where he admitted presence of both the parties at the spot and extended role of aggression to the complainant. Although, the initial burden to prove the prosecution version is on the prosecution but when the accused takes a plea while admitting his presence at spot that he was not aggressor. In such like situation Article 121 of Qanun-e-Shahadat reproduced as below :-

Ali

*"121. Burden of proving that case of accused comes within exceptions: When a person is accused of any offence the burden of proving the existence of circumstances bringing the case within any of the exceptions...*

*Exceptions in the Pakistan Penal Code (Act XLV of 1860), or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances."*

15. The accused facing trial has been directly charged in initial report and the said accused by lodging report vide FIR No.848 dated 23-10-2013, disclosing the same venue of occurrence and charging the complainant, PW Junaid and deceased Muhammad Hussain has also admitted his presence at spot. Now when accused took the plea of attack on his person and house by the complainant party, it is to be seen that as to whether complainant party lunched the attack or the accused set up a cross version just as a defence plea. On one side deceased Muhammad Hussain died in the incident. PW Junaid sustained injuries on vital part i.e., abdomen beside injuries of the complainant. On the other hand, according to medico legal report EX:PW-1/1 and EX:PW-1/1 in case FIR No.848 dated 23-10-2013 of accused Wasiullah two lacerated wounds were noticed on the head of accused Wasiullah for which he charged five persons for an attempt at his life with fire arms. He alleged that complainant party came to his house, encircled him and beaten him with the butts of pistols, kicks and fists blows. Though he has stated in cross examination he was not fired at by accused Ali Muhsin etc while he was encircled by them. He further alleged that when he rescued himself from circle of accused Ali Mushin etc, he was fired at but did not see the

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For my use  
District Judge



accused firing. The perusal of site plan of that case reveals that as per accused Wasiullah (complainant of that case) there was shortest distance between him and accused Ali Muhsin Etc, hence, his safe escape from such a distance is not believable. Particularly, when five persons are charged for firing from a very close range. For the sake of arguments, if it is believed that the complainant party lunched the attack for committing of Qatl-e-Amd of accused Wasiullah then question arises that as to why complainant opted to beat accused Wasiullah with kicks and fists and why did not fire when he was totally on their mercy. Thus the plea of accused facing trial Wasiullah is after thought and without substance and not acceptable to prudent mind.

16. Medico legal report of Muhammad Hussain was EX:PW-1/1 and EX:PW-1/2, medico legal report of Junaid Khan is EX:PW-1/3, EX:PW-1/4 and EX:PW-1/5 and medico legal report of Ali Mushin is EX:PW-1/6, EX:PW-1/7 and EX:PW-1/8 and the PM report of deceased Muhammad Hussain is EX:PW-10/1, EX:PW-7/2 and two X-ray films are EX:PW-10/2 and EX:PW-10/3 which affirmed that all the three victims sustained fire arm injuries as the said reports support the prosecution version. The complainant furnished ocular account in Court in line of initial report. PW Junaid also recorded his evidence to the same fact despite lengthy cross examination, the testimony of PWs could not be shattered on material points.

17. As far as motive is concerned, the complainant has alleged that altercation with accused facing trial Wasiullah and

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Wasiullah while lodging report in shape of FIR No.848 dated 23-10-2013 also alleged the same motive, hence, the same being not disputed, stand proved and corroborative the prosecution version.

18. Now, I would like to discuss the minor contradictions and discrepancies of the case and their impact over the other evidence. It's not rule of law to require for corroborative evidence but it is a rule of prudence. As and when ocular account furnished is confidence inspiring and consistent when standard of proving other corroborative evidence is different keeping in view the circumstances of the case. The defence plea that stance of PW Junaid was not recorded U/S 161 Cr.PC and his evidence in court is after thought with consultation and deliberation is concerned, the court believe that it was the job of I.O to record the statement of injured in hospital at Peshawar. he was discharged from hospital when the investigation was concluded, so keeping in mind facts and circumstances of the case the adverse presumption under article 129-G would not go against the prosecution and the PW Junaid with stamp of injuries is considered as a strong direct evidence in the instant case.

*M.A.*

19. The recovery of blood stained garments is material evidence and normally such articles are taken into possession during investigation after PM report or medical examination. Accused facing trial and absconding co-accused Asghar Khan both are police officials, the lacuna in investigation such as not

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Bannu

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recording statement of PW Junaid, nor recovering blood stained garments of complainant party may be result of favour of the I.O to his colleague accused. Otherwise, such important evidence could not be ignored by the I.O and it is settled law that each case should be decided on its peculiar circumstances and the negligence or laxities of investigation agency could not consider fatal for prosecution case if the ocular account is consistent and affirmed. A pistol was also shown to be recovered from spot and not matching with the crime empties was made by the I.O and same was also not investigated by the I.O whether the same was licensed one or not and to whom it belong or whether the accused party planted it at spot to complicate the case.

*M. L.*

20. As against the version of complainant of instant case, accused facing trial also lodged a case by setting a counter version of the instant case wherein he charged the complainant party along with two unknown accused for deadly assault on his person but the same was not substantiated by any cogent evidence rather the circumstances totally negated the version of the accused Wasiullah. It has already been discussed above that the defence plea of accused Wasiullah is without substance.

21. In the light of aforementioned discussion, it is held that the prosecution witnesses remained consistent on material points of the case whereas some minor discrepancies pointed out by the defence were ignorable being immaterial specifically when the presence of parties is established on the spot firmly. The prosecution has successfully brought home the guilt of the

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accused and proved that accused in furtherance of their common intention committed the offence, therefore, he is convicted for committing Qatl-e-Amd of Muhammad Hussain U/S 302 (b)/34 PPC and is sentenced to R.I for life and shall also pay compensation Rs.2,00,000/- to LRs of deceased U/S 344 Cr.PC. In default whereof he will undergo six months simple imprisonment and compensation will be recoverable as arrear of land revenue in case of in default. The normal penalty of death is not awarded for the reason that deceased received single bullet injury for which three persons are charged which is mitigating circumstance.

22. The accused facing trial is also convicted U/S 324/34 PPC on two counts for an attempt at the life of complainant and injured Junaid and sentenced to five (05) years rigorous imprisonment each.

23. For committing causing Jaifa to the victim Junaid, the accused facing trial is also convicted U/S 337-D/34 PPC read with 337-N (ii) PPC and shall pay compensation equivalent to 1/3<sup>rd</sup> of Diyat amount fixed for current financial year as Daman. The sentence be dealt under section 337-X PPC.

24. For causing Shaja-e-Khafifa to the complainant Ali Muhsin, the accused facing trial is also convicted U/S 337-A(i)/34 PPC read with 337-N(ii) PPC and shall pay Rs.5,000/- as Arsh to the victim.

25. All the punishments mentioned above run concurrently and benefit of section 382-B Cr.PC is also extended


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 District & Session Judge  
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to the accused facing trial. Accused is in jail. He is remanded to jail with the object to serve the remaining sentence. Copy of judgment be delivered to the accused free of costs.

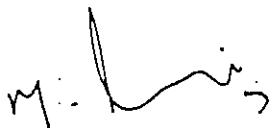
26. There is a strong prima facie case against the absconding co-accused namely Asghar Khan and Sunar Khan. They are declared as proclaimed offenders (POs) and their names be entered in the relevant register of proclaimed offenders. Perpetual non-bailable warrant of arrest be issued against them. Case property shall be kept intact till the arrest of absconding co-accused and final disposal of the case in accordance with law. File be consigned to record room after necessary completion

**Announced**  
17-01-2017

  
(Muhammad Tahir Aurangzeb)  
Additional Sessions Judge-III  
Bannu

CERTIFICATE

It is hereby certified that this judgment consists of Nineteen (19) pages, each page read corrected and signed by me.

  
(Muhammad Tahir Aurangzeb)  
Additional Sessions Judge-III  
Bannu

- 1- Registration No: 173
- 2- Date of Presentation of Application 12-1-12
- 3- Date of receipt of the file 17-1-12
- 4- Date of receipt of copy 17-1-12
- 5- Date of 17-1-12
- 6- Date of 19
- 7- Date of 19
- 8- Date of 19
- 9- Date of 19
- 10- Date of 19
- 11- Date of 19
- 12- Date of 19
- 13- Date of 19
- 14- Date of 19
- 15- Date of 19
- 16- Date of 19
- 17- Date of 19
- 18- Date of 19
- 19- Date of 19

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ORDER:

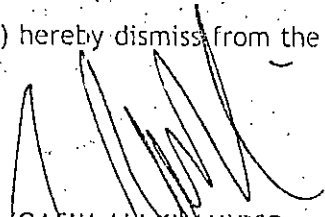
This order of the undersigned will dispose of the departmental proceeding, initiated against accused Officials Constable Wasi Ullah No. 321 under general proceeding of police rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification No. 27<sup>th</sup> of August 2014) for committing the following commissions/omissions:-

- That you while posted to Police lines, Bannu willfully absented yourself from official duty w.e.f 22-10-2013 to date.
- That you took active part in the incident of case vide FIR No. 847 dated 23-10-2013 u/s. 302/324/34 PPC PS City.

SP/Inv, Bannu conducted proper departmental enquiry into the above charges and submitted his findings vide his office memo No.3010 dated 01.12.2014, wherein, the Enquiry Officer suggested to kept the enquiry proceeding against the accused Officials till the decision of the court. Now the Court of Addl: Session Judge-III, Bannu announced the judgment against the accused constable Wasi Ullah No.321 vide judgment dated 17.01.2017 in which the accused constable was convicted imprisonment for life and also compensated of Rs:2,00,000/- as evident from the Court judgment.

In light of the departmental proceeding I, QASIM ALI KHAN, District Police Officer, Bannu in exercise of the power vested in me under police rule 1975 (As amended vide Khyber Pakhtunkhwa gazette Notification No. 27<sup>th</sup> of August 2014) hereby dismiss from the service with immediate effect.


OB No. 80  
Dated: 18/01/2017

  
(QASIM ALI KHAN)PSP  
District Police Officer,  
Bannu.

No. 1102-05 /SRC dated Bannu, the 20-01/2017

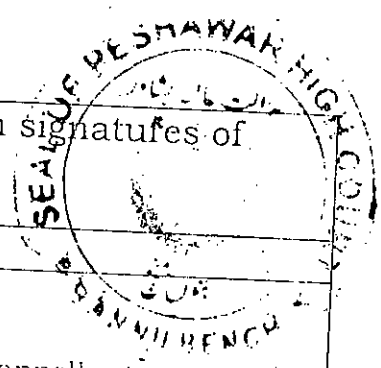
- Copies for necessary action to:
1. The SP/Investigation, Bannu for favour of information with reference to his office Memo: No. 3010 dated 01.12.2014.
  2. DSP/HQ/Saddar, Bannu.
  3. The Pay Officer, Bannu.
  4. The OASI, DPO Office, Bannu along with the enquiry file for placing it in the Fuji Missal of concerned officials.

✓  
 C ✓  
 P ✓  
 PS ✓  
 L ✓  
 Y ✓  
 J.B.

Attested to be true copy  


**PESHAWAR HIGH COURT, BANNU BENCH**

**FORM OF ORDER SHEET**



Date of order or proceedings (1)	Order or other proceedings with signatures of Judge (s). (2)
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28.11.2018

Cr.A No. 36-B of 2017.

Present:-

- Sawal Nazir Advocate for appellant.
- Shahid Hameed, Addl: A.G for the State.
- Pir Liaqat Ali Shah Advocate for respondent.

SHAKEEL AHMAD, J.---Appellant filed instant criminal appeal against his conviction recorded by Additional Sessions Judge-III, Bannu on 17.01.2017 in case F.I.R No.847, dated 23.10.2013, under section 302/301/307-A(I)/307-D/34 P.C, whereby he was convicted under section 302 (b)/34 PPC and sentenced to R.I for life alongwith compensation of Rs.2,00,000/- to the Legal heirs of the deceased, in default thereof, to further undergo six months Sl. he was also convicted under section 324/34 P.P.C, on two counts and sentenced to five years RI for each. He was also convicted under section 337-D/34 P.P.C and sentenced to pay compensation equallent to 1/3<sup>rd</sup> of diyat amount. He was also convicted under section 337-A(I)/34 P.P.C, and sentenced to pay Arsh Rs:5000/- to the victim.

*and*

2. During pendency of appeal, appellant

**ATTESTED**

Attested by Mr. Justice Muhammad Nisar & Mr. Justice Shakeel Ahmad

*Attested to be true copy  
extended from page 27 to 29*

CLERK  
Peshawar High Court  
BANNU BENCH

effected compromise with legal heirs of the deceased. As a consequence whereof, the record was remitted to the learned Additional Sessions Judge-III, Bannu, (trial court) on 30.10.2018 for recording statement of legal heirs of the deceased and verification regarding genuineness of the compromise and to submit report. In compliance to that order, report has been submitted by the trial court, which was received vide letter dated 15.11.2018, according to which statement of injured/ complainant Ali Mohsin, injured Junaid and all the legal heirs of deceased were recorded. All the major legal heirs stated that they have pardoned the appellant and have waived off their right of Qisas and diyat. The deceased was serviced by two minor children, namely, Muradullah and Asadullah, for which the landed property measuring 2 kanal 11 Marlas and 8½ sarsi vide mutation No.730 dated 30.07.2018 has been transferred in their names. It was also verified that the compromise was genuine, without any pressure or coercion. In the circumstances, compromise seems genuine and is accepted.

ad

3. In view of statements of complainant, injured and legal Heirs of deceased and report of trial court with regard to genuineness of compromise, this appeal is allowed on the basis

**ATTESTED**

**EXAMINER**  
**Peshawar High Court**



of compromise and impugned judgment and conviction of trial court is set-aside and appellant is acquitted of the charges. He be set at liberty forthwith if not required in any other case.

**Announced.**  
28.11.2018

~~Sd/- Mr. Justice Muhammad Nasir Mahfooz~~  
Sd/- Mr. Justice Shakeel Ahmad J

CERTIFIED TO BE TRUE COPY

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Place  
Date

70

**BEFORE THE REGIONAL POLICE OFFICER, BANNU REGION, BANNU**

Subject: APPEAL OF EX-CONSTABLE WASI ULLAH NO. 321 AGAINST THE ORDER OF DISMISSAL VIDE OB NO. 80 DATED 18-01-2017.

Prayer:-

On acceptance of this appeal, the impugned order of dismissal dated 18-01-2017 may kindly be set aside by reinstating the appellant with all back benefits.

Respected Sir,

The appellant most respectfully and humbly submits as under:-

1. That the appellant is educated up to M.A and has served in police force for about 04 years bravely and dedicatedly. During the course of service, unfortunately, the appellant was charged in criminal case vide FIR No. 847 dated 23-10-2013 u/s 302/324/34 PPC PS City.
2. That on the basis of criminal charges, the appellant was proceeded departmentally in spite of the fact that criminal proceeding was also under way against the appellant in the court of law.
3. That according to Police Rule 1934 chapter-16, it was required for the department to postpone departmental proceedings till the decision of the court in criminal case but the departmental acted otherwise and without provision of opportunity of defence as well as personal hearing, etc. the appellant was dismissed from service from the date of ER i.e 23.10.2013. (copy is enclosed).
4. That aggrieved from the said order, the appellant preferred an appeal from the prison through his mother. On acceptance of the said appeal, the appellant was reinstated into service for the purpose of Denov proceedings vide RPO Office order endst No.931-32 FC dated 02.04.2018 because the appellant was condemned unheard as is evident from the order dismissal.
5. That no denovo proceedings was initiated against the appellant but on the ground of judgment dated 17.01.2017 (copy is enclosed), passed by court of additional Session Judge Bannu, the appellant was again dismissed from service vide OB No. 80 dated 20.01.2017 even the appellant had preferred an appeal to Peshawar high Court Bannu Bench against the said judgment and no decision was passed on my appeal.
6. That on 28.11.20018, the appellant was acquitted from the charges by Peshawar high court Bannu Bench (copy of Judgment is enclosed). Just after the acquittal, the appellant has submitted the instant appeal for set aside the punishment of dismissal from service vide order dated 20.01.2017 which is against the law, discriminatory, arbitrary both in law and in fact, therefore, not tenable in the eyes of law and that is why, the appellant most respectfully and humbly preferring this appeal against the impugned order of DPO, inter alia on the following grounds:-

*Attested to be true copy*

*AM*

GROUNDS:

1. That according to police rules 1975, decision of the Courts and fundamental rights, the competent authority was required to provide a reasonable opportunity to the appellant for defense as was ordered in the previous reinstatement order but competent authority altogether ignored norms of justice and without initiation of Denovo inquiry proceeding, the appellant was dismissed from service while I was in prison. Likewise, no opportunity of personal hearing and showing cause has been provided to me.
2. That according to police rule, punishment of dismissal shall be awarded only for the gravest acts of misconduct but in making such an award, regard shall be had to the length of service of offender and his claim to pension but the appellant was dealt with in contrary to the said laid down rules without looking into his 07 years service and meritorious services for the police department.
3. That as per police rule, when investigation establishes a prima facie case against a police officer involved in criminal case, a judicial prosecution shall normally follow however, the matter shall be disposed of departmentally only if the District Magistrate so orders for reason to be recorded, but the appellant has been proceeded departmentally without adopting the said prescribed procedure by the authority, thus the instant proceedings and order passed on the same proceeding is against the spirit of law as well as justice.
4. That similarly, Police rule stipulates that when a police officer has been tried and acquitted by a criminal court, he shall not be punished departmentally on the same charge or on a different charge based upon the evidence cited in the criminal case. The purport of this rule is, that a police officer, involved in a criminal case, will be proceeded departmentally after the decision of criminal court but strange enough, the appellant has been proceeded departmentally as well as dismissed from service prior to the decision of the court which is contrary to the essence of the police rule which clearly stipulate that a police officer tried and acquitted by a court shall not be punished departmentally on the same charge, thus the competent authority was required to kept pending the departmental proceeding till the decision of the appeal preferred by the appellant in Peshawar High Court Bannu Bench against the decision of lower court. Hence, the order passed by the competent authority is liable to be set aside because the Higher Court has held the appellant acquitted from the charges.

Keeping in view the above it is, therefore, requested that the impugned order dated 20.01.2017 passed by DPO may graciously be set aside and the appellant may be reinstated into service with all back benefit please.

Appellant,

( WASI ULLAH NO. 321 )  
EX- Constable.

32

POLICE DEPARTMENT

BANNU REGION

ORDER

My this order will dispose off departmental appeal, preferred by Ex-Constable Wasi Ullah No.321 of District Bannu, wherein, he has prayed for setting aside the order of major punishment of dismissal from service, imposed upon him by DPO Bannu vide OB No.80 dated 15.01.2017 after found him guilty of the following misconduct:-

- That he while posted to Police Lines Bannu, willfully absented himself from official duty w.e.f 22.10.2013 till the order of dismissal.
- That he took active part in the incident of case FIR No.847 dated 23.10.2013 u/s 302/324/34PPC PS City.

His service record, inquiry papers and comments, received from DPO Bannu, were perused and it was found that the appellant was earlier proceeded departmentally on the said charges and awarded major punishment of dismissal from service vide order dated 28.02.2014 from the date of FIR. The then RPO Bannu partially accepted his appeal vide order dated 02.04.2014 and reinstated into service for the purpose of de novo inquiry proceedings. Muhammad Shafiq, then SP/Investigation Bannu was entrusted with the de novo proceedings who inquired into the allegations and concluded in his findings that the accused constable is confined in judicial lockup and is getting monthly pay and the case is under trial in the court. Hence, suitable order may be solicited regarding his pay and to keep pending the inquiry papers till the decision of the trial court. In the light of opinion of Inspector Legal, the finding was re-entrusted to the Inquiry Officer for submitting afresh finding report regarding misconduct committed by the appellant. The E.O again opined that I.O has submitted complete challan in the case against the accused and the case is under trial. Hence, the competent authority can decide well as to keep pending the inquiry papers or to award punishment for misconduct. The competent authority after providing him opportunity of showing cause, imposed upon him major punishment of dismissal from service vide OB No.80 dated 15.01.2017.

Aggrieved from the impugned order, the appellant submitted the instant appeal to the undersigned which was sent to DPO Bannu for comments as well as obtaining his service record. DPO Bannu, vide his letter No.793/SRC dated 18.01.2019, submitted para wise comments, wherein, the appeal of the appellant was properly defended on cogent grounds.

During the perusal of his service record, it was found that the appellant has served in Police force for about 07 years, 06 months & 05 days and he has submitted the instant appeal after 01 year, 11 months & 20 days which is grossly time barred.

The undersigned also provided him opportunity of personal hearing but he failed to substantiate the inordinate delay in submission of the instant appeal. Therefore, I, Abdullah Khan, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby file his appeal being badly time barred.

ORDER ANNOUNCED

(ABDULLAH KHAN) PSP  
Regional Police Officer,  
Bannu Region, Bannu

No. 1003 /EC, dated Bannu the 06 /03/2019

Copy to the DPO, Bannu w/r to his office letter number quoted above along with the service record containing the inquiry papers of the appellant for record in office which may be acknowledged. The appellant may be informed please.

Attested to be true copy  
[Signature]

[Signature]  
(ABDULLAH KHAN) PSP  
Regional Police Officer,  
Bannu Region, Bannu

بخدمت جناب پروٹیکشن پولیس آفیسر خیبر پختونخواہ پشاور۔

رجم اپیل اورخواست دوبارہ بحالی سروس دوبارہ

عنوان:

جناب عالی۔

گزارش بحضور انور ہے کہ من سائل مورخہ 15.07.2009 کو محکمہ پولیس ضلع ہزارگیولر پولیس میں بطور کنسٹیبل بھرتی ہو کر اپنی ڈیوٹی نہایت جانفشانی اور ذمہ داری کے ساتھ سرانجام دے رہا تھا۔ دوران ڈیوٹی کبھی بھی افسران بالا کو شکایت کا موقع نہیں دیا۔ اس دوران مورخہ 23.10.2013 کو بحوالہ مقدمہ علت نمبر 847 مورخہ 23.10.2013 بجرم PPC 302/324/34 تھانہ سٹی میں دعویٰ داری ہوئی۔ سائل نے قانون کی بجا آوری کر کے عدالتی کارروائی کا سامنا کرنے کیلئے فوری طور پر اپنے آپ کو مقامی پولیس کو پیش ہو کر جیل گیا۔ اس دوران افسران بالا کی طرف سے چارج شیٹ و شیڈول آف الیکشنز ہو کر من سائل کو موصول نہیں ہوئے اور نہ ہی محکمہ انکوائری کو خاطر میں لایا گیا بلکہ یکطرفہ کارروائی عمل میں لاتے ہوئے بحوالہ OB نمبر 205 مورخہ 28.02.2014 کو سروس سے ڈسمس کیا گیا۔ جو کہ اس کے خلاف جناب DIG صاحب بنوں کی خدمت میں اپیل گزاری جو جناب DIG صاحب نے بحوالہ آرڈر انڈر سمنٹ نمبر 931-32/E مورخہ 02.04.2014 کو سروس میں دوبارہ بحال کر کے De novo انکوائری کا حکم صادر فرمایا۔ جو جناب SP/Inv صاحب بنوں نے اندریں سلسلہ میں انکوائری کر کے تا حکم عدالت Pending رکھنے کا حکم صادر فرمایا۔

مورخہ 17.01.2017 کو عدالت جناب ایڈیشنل سیشن جج صاحب نمبر III بنوں نے من سائل کو 25 سال قید اور دو لاکھ جرمانے کی سزا سنائی۔ جناب DPO صاحب بنوں نے اس سزا کی بناء پر بحوالہ OB No.80 مورخہ 18.01.2017 کو دوبارہ Dismissal کی سزا سنائی۔ جو من سائل نے مذکورہ بالا سزا کے خلاف عدالت عالیہ پشاور ہائی کورٹ بنوں بینچ میں اپیل دائر کی۔ جو عدالت عالیہ نے مورخہ 28.11.2018 کو من سائل کو لگائے گئے الزامات سے بری کیا۔ جو من سائل نے بعد حصول فیصلہ عدالت عالیہ ہذا جناب DIG صاحب بنوں کی خدمت میں بسلسلہ بحالی سروس دوبارہ اپیل دائر کی جو انجناب نے مورخہ 06.03.2019 کو Timebarred ہونے کے اپیل فائل کیا۔ چونکہ سائل کو عدالتی حکم کی بناء پر نوکری سے برخاست کیا گیا تھا اس لئے تا فیصلہ عدالت عالیہ انتظار کیا اور جب عدالت عالیہ پشاور ہائی کورٹ سے بری کیا گیا تو فوراً سروس میں بحالی کیلئے افسران بالا کی خدمت میں اپیل دائر کی جو کہ بوجہ Timebarred ہونے فائل کیا گیا۔ جو کہ نا انصافی ہے۔

سائل نے دوران پیشی اعلیٰ عدالتوں کے نظائر بھی پیش کئے مگر کوئی شنوائی نہ ہو سکی۔ سائل غریب ہے اور پہلے ہی قتل مقاتلے کے اس عمل میں اپنے بھائی اور باپ کھو چکا ہوں اور مزید یہ کہ مخالف فریق سے بخوشی بارضاح کیا ہے جو کہ ریکارڈ پر موجود ہے۔ لہذا بذریعہ درخواست استدعا ہے کہ من سائل کے حال پر رحم فرما کر سروس پر دوبارہ بحال کرنے کے احکامات صادر فرمائیں۔

عین نوازش ہوگی۔

مورخہ: 13.03.2019

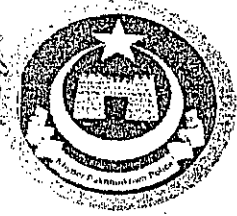
العارض

سائل واسیع اللہ خان Ex-Constable نمبر 321

موبائل نمبر: 0332-9747145

Attested to be true copy

am



(34)

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar.

No. S/ 1017 /19, dated Peshawar the 02/04 /2019.

To: The Regional Police Officer,  
Bannu.

Subject: - REVISION PETITION.

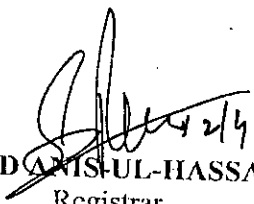
Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-Constable Wasi Ullah No. 321 of Bannu District Police against the punishment of dismissal from service awarded by District Police Officer, Bannu vide OB No. 80, dated 18.01.2017, being badly time barred.

Requestant may please be informed accordingly.

No.

11.1.19

  
(SYED ANIS-UL-HASSAN)  
Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

Alerted to be done  
CPT out



2019ء پنجاب سائل  
واسع اللہ بنام گورکھنٹ آف خیر متونخواہ  
آئی جی پی

موری  
مقدمہ  
دعوی  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام کشاور کیلئے پوس آجان صاحبہ سزاوارہ محمد ریاض اور پوس  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سدر ہے۔

واسع اللہ خان

الرقوم 15 ۱۵ مئی 2019ء

Accepted by

بعد الت سروس ٹریبونل خیر متونخواہ کشاور کے منظور ہے۔

Accepted  
Attested

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**  
Appeal No.625/2019

Wasi Ullah No. 321  
Ex-Constable Bannu District Police

Appellant

Versus

The Regional Police Officer, Bannu Region, Bannu and others.

..... Respondents

**INDEX**

S/No	Description of Documents	Annexure	Page
1	Comments/Reply		1-2
2	Authority Letter		3
3	Affidavit		4
4			
5			

  
DEPONENT

11101-1483421-1



8. The appeal of the appellant was rejected on cogent reasons and devoid of merits.
9. There is no second appeal in law under the Tribunal Act, thus plea of appellant badly barred by law.

**OBJECTIONS ON GROUNDS**

- A. Incorrect. The orders issued by the Respondent Department is quite legal based on facts and justice and in accordance with law/rules.
- B. Incorrect. The Respondent Department did not violate Article 4 and 25 of the Constitution of Islamic Republic of Pakistan and the order issued by high ups are quite legal based on facts and justice and there is no malafide on the part of the Respondents.
- C. Incorrect. Proper show cause notice/ charge sheet with summary of allegations were served upon the appellant. But he badly failed to prove his innocence.
- D. Incorrect. Charge sheet with statement of allegations were issued to appellant under KP Police Rules 1975.
- E. Incorrect. Reply has already given in para "c".
- F. Incorrect. No discrimination has been made on the part of the Respondent Department while issuing the dismissal order.
- G. Incorrect. The Respondent Department did not violate Rule 2 & 3 of Chapter of 16 of Police Rule 1934. The orders issued are in accordance with law/rules. He was dismissed from service after fulfillment of all codal and legal requirements under the rules.
- H. Correct to the extent that the appellant has acquitted from the charges leveled against the appellant. However, the appellant was dismissed on the grounds detail is given in para-No.5.
- I. The Respondents department may kindly be allowed to advance any other grounds & material as evidence in the time of arguments.

**PRAYER:**

In view of the above replies, it is most humbly prayed that the appeal of the appellant being badly time barred by limitations, may kindly be dismissed with costs, please.

District Police Officer,  
Bannu  
(Respondent No.3)

Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No.2)

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

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

Appeal No.625/2019

Wasi Ullah No. 321

Ex-Constable Bannu District Police

Appellant

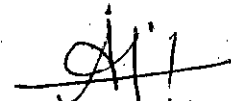
Versus

The Regional Police Officer, Bannu Region, Bannu and others.

..... Respondents

**AFFIDAVIT**

I, **Muhammad Farooq Khan**, DSP Legal representative for Respondent Nos. 1, 2 & 3, do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by me are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.



DEPONENT

11101-1483421-1

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Appeal No.625/2019

Wasi Ullah No. 321

Ex-Constable Bannu District Police

Appellant

**Versus**

The Regional Police Officer, Bannu Region, Bannu and others.

..... Respondents

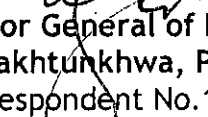
**AUTHORITY LETTER.**

Mr. Muhammad Farooq Khan, DSP Legal is hereby authorized to appear before The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.

  
District Police Officer,  
Bannu  
(Respondent No.3)

Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No.2)

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

**BEFORE THE HON'BLE**  
**SERVICE TRIBUNAL, PESHAWAR**

*Restoration Application no- 390/2019*

Appeal No. 625/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1094

Dated 24/10/2019

Wasi Ullah \_\_\_\_\_

**V E R S U S**

Govt. of KPK and others \_\_\_\_\_

**Petition for restoration of the captioned service  
appeal, which was dismissed for non-prosecution vide  
order dated 24.09.2019 by this hon'ble tribunal.**

**Respectfully Submitted:**

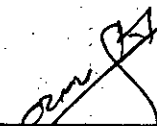
The petitioner submits as under:

- 1) That the captioned appeal No. 625/2019 was pending before this hon'ble tribunal.
- 2) That the previous date was fixed 26.08.2019 and on the same date the next date was given by the reader of the court to the counsel / clerk as 24.10.2019 and on the same date when the counsel appeared before this hon'ble tribunal he came to know that the date fixed in the above titled case was 24.09.2019 and the case was dismissed in default and the counsel / clerk noted the date 24.10.2019. (Copy of diary page is attached)
- 3) That applicant / appellant interest with the instant appeal and has got a good case to argue.

- 4) That superior court always stress the issues should be decided on merits, rather than technicalities.
- 5) That petitioner appearance of the appellant or his counsel was not present due to the above mentioned reason.
- 6) That applicant / appellant, appeal if not restored, applicant / appellant will suffer irreparable loss.
- 7) That as the instant petition / appeal has valuable rights in appeal and its restoration.

It is, therefore, most humbly prayed that on acceptance of this application the appeal of the applicant / appellant may kindly be restored.

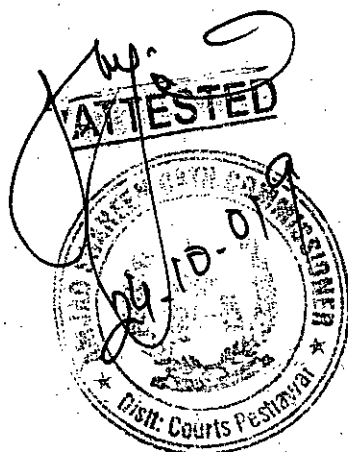
Applicant  
Through

  
\_\_\_\_\_  
Younas Aman  
Advocate High Court,  
Peshawar

Dated: 24.10.2019

### AFFIDAVIT

I, do hereby solemnly affirm and declare on Oath that the contents of the instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble tribunal.



  
DEPONENT

AUG 2019

Zilhaj 1440

136 MONDAY 26 Zilhaj  
سنة 1440 هـ  
29/6

24/10

AUGUST

M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER

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16	17	18	19	20	21	22
23	24	25	26	27	28	29

2019 SEP

Muharram 1441

THURSDAY 29  
27 Zilhaj

27 TUESDAY  
25 Zilhaj

سنة 1440 هـ  
27/9  
18/7

FRIDAY 30  
28 Zilhaj

28 WEDNESDAY  
26 Zilhaj

SUNDAY | SATURDAY 31  
1 Muharram 29 Zilhaj

OCT 2019

Safar 1441

21 MONDAY  
21 Safar

محمد الور  
بخت ناز 11/10 اجاز القضاة

OCTOBER						
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28	29	30	31			

OCTOBER						
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28	29	30	31			

2019 OCT

Safar 1441

THURSDAY 24  
24 Safar

24/9  
26/9  
27/9  
17/10

محمد سعيد  
بنام  
بنام  
جميد 29/10 اجاز

22 TUESDAY  
22 Safar

FRIDAY 25  
25 Safar

محمد سعيد (مترجمه ناز) 29/9  
16/10 ارباب عبدالعمر  
ظاير

23 WEDNESDAY  
23 Safar

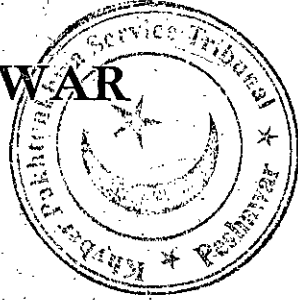
SUNDAY 27 SATURDAY 26  
27 Safar 26 Safar

10/10 ساخنه  
16/10 عبد القدوس  
18/10 نسيم اختر

80/10 سكول  
عبدالعمر  
محمد شاه 30/10

ظاير ناز 11/10  
اسفند ناز  
ملاک

BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR



Service Appeal No. 625 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 756

Dated 15/5/2019

Wasi Ullah

No. 321, Ex-Constable Bannu District Police

(Appellant)

VERSUS

- 1) Govt. of KPK through Inspector General of Police KP, Central Police Office, Peshawar
- 2) Regional Police Officer, Bannu Region, Bannu
- 3) District Police Officer (DPO) Bannu

(Respondents)

Appeal Under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the impugned orders OB No. 80 dated 18.01.2017 issued by respondent No. 3 whereby the Departmental Appeal / Representation against the dismissal order dated 18.01.2017 and Revision petition dated 13.03.2019 has been rejected on no good grounds.

Filed to-day

Registrar

15/5/19

Prayer:

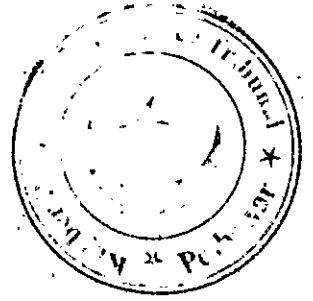
On acceptance of the instant appeal, the impugned order OB No. 80 dated 18.01.2017 issued by respondent No. 3 may graciously be set aside and appellant be reinstated into service at the police

Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



625/2019

Wasiullah vs. Gort



24.09.2019

Nemo for appellant.

It is already past 2.00 PM and no one is available to represent the appellant despite repeated calls.

Dismissed for non-prosecution. File be consigned to the record room.

Chairman

Announced:  
24.09.2019

**Certified to be true copy**

Kayid  
Service Tribunal,  
Peshawar

Date of Presentation	24-10-19
Number of Witnesses	800
Copy of	10-00
Urgent	4-00
Total	14-00
Name of	
Date of	24-10-19
Date of Delivery of	24-10-19

Before the Hyderabad Panchtunkhwa Service Tribunal  
Resnowal

Was' ulah vs Govt.

Reply to the application for  
restoration

Respectfully Shewels,

① Para no 1 need no comments.

② Para 2 is incorrect. The petitioner  
deliberately failed to appear before  
the court on the date fixed and  
the appeal was rightly dismissed

(B) Para no 3<sup>is</sup> incorrect. The appellant has no cause to argue.


(C) incorrect. The appeal was rightly dismissed.

(D) incorrect. The appellant miserably failed to appear before the court on the date fixed.

(E) incorrect. If the appeal is restored, the respondents will suffer irreparable loss.

(F) incorrect. The instant application is barred by law.

It is requested that the instant application may kindly be dismissed.

  
Respondent 15/9/2020  
Tunge Addi ALG

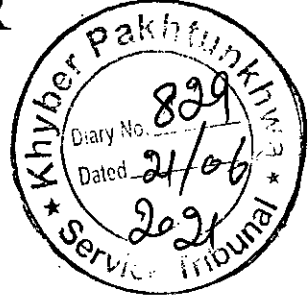
BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR

Put up to the worthy  
Chairman with relevant  
appet.

Service Appeal No. 625/2019

Wasi Ullah

Wasi Ullah  
21/6/2021.



(Appellant)

Wasi Ullah

Extended for 03 days

VERSUS

Wasi Ullah  
29/6/2021

Govt. of KPK through Inspector General of Police and others

(Respondents)

Application for extension of time for depositing  
process fee in the captioned service appeal.

Respectfully Sheweth,

- 1) That the above titled service appeal is pending adjudication before this hon'ble tribunal which is fixed for ~~25~~ 09.2021.
- 2) That due to some unavoidable circumstances the petitioner was unable to deposit process fee in the captioned service appeal in time.
- 3) That now the petitioner got knowledge from court file that process fee has not been deposited.
- 4) That according to the precedents of the superior courts the cases should be decided on merit and the party should be not knock down on the basis of technicalities.

- 5) That there is no legal bar on acceptance of the instant application.

**It is, therefore, humbly requested that on acceptance of instant application, the extension of time for depositing process fee may kindly be granted.**

Appellant

Through



---

**Younas Aman**  
Advocate High Court,  
Peshawar

Dated: 18.01.2021

**AFFIDAVIT**

I, **Wasi Ullah** No. 321, Ex-Constable Bannu District Police, do hereby solemnly affirm and declare on Oath that the contents of instant "**Service Appeal**" are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

DEPONENT



**ATTESTED**  
**IRFAN ULLAH**  
Commissioner  
Peshawar



**BEFORE THE HONOURABLE  
SERVICE TRIBUNAL, KP PESHAWAR**

Service Appeal No. 625/2019

Wasi Ullah

(Appellant)

**V E R S U S**

Govt. of KPK through Inspector General of Police and others

(Respondents)

**Application for extension of time for depositing  
process fee in the captioned service appeal.**

**Respectfully Sheweth,**

- 1) That the above titled service appeal is pending adjudication before this hon'ble tribunal which is fixed for ~~15.09~~ 15.09.2021.
- 2) That due to some unavoidable circumstances the petitioner was unable to deposit process fee in the captioned service appeal in time.
- 3) That now the petitioner got knowledge from court file that process fee has not been deposited.
- 4) That according to the precedents of the superior courts the cases should be decided on merit and the party should be not knock down on the basis of technicalities.

- 5) That there is no legal bar on acceptance of the instant application.

**It is, therefore, humbly requested that on acceptance of instant application, the extension of time for depositing process fee may kindly be granted.**

Appellant

Through

---

**Younas Aman**  
Advocate High Court,  
Peshawar

Dated: 18.01.2021

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I, **Wasi Ullah** No. 321, Ex-Constable Bannu District Police, do hereby solemnly affirm and declare on Oath that the contents of instant "**Service Appeal**" are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable court.

DEPONENT