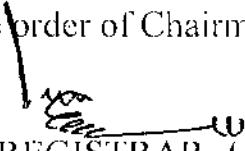


FORM OF ORDER SHEET

Court of _____

Case No.- 350/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	20/02/2023	<p>The appeal of Mr. Sana Ullah presented today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 350 /2023

Sana Ullah.....Appellant

V E R S U S

PPO & others.....Respondents

I N D E X

S. No	Description of Documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-4
2.	Application for condonation of delay with affidavit		5
3.	Copy of FIR & CDR	A & B	6-10
4.	Copy of Order dated 09-11-2016	C	11
5.	Copy of Judgment dated 26-02-2022	D	12-29
6.	Copy of Appeal & Order dated 06-04-2022	E & F	30-31
7.	Copy of Revision Petition & Order dated 09-02-2023	G & H	32-33
8.	Vakalat Nama		34

Dated:-20-02-2023



Appellant

Through



Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

①

PESHAWAR

Service Appeal No 350 -P/2023

Sana Ullah Ex Constable No 4152, Elite Force, Centre Hakimabad
Nowshera.Appellant

V E R S U S

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
4. Capital City Police Officer, Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 09-02-2023 OF RESPONDENT NO 1, WHEREBY REVISION PETITION OF THE APPELLANT FILED AGAINST THE ORDER DATED 06-04-2022 OF RESPONDENT NO 2 AND ORDER DATED 09-11-2016 OF RESPONDENT NO 3 HAS BEEN REJECTED.

PRAYER:-

On acceptance of this appeal the impugned Order dated 09-02-2023 of respondent No 1, Order dated 06-04-2022 of respondent No 2 and Order dated 09-11-2016 of respondent No 3, may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was initially enlisted as Constable in Police on 05-11-2008 and since enlistment the appellant performed her duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant while posted on deputation from Capital City Police to Elite Force Center Hakimabad Nowshera was involved in false murder case along with his father and brothers vide FIR No 180 dated 06-07-2016 U/S,s 302/324/148/149-PPC of Police Station Sardheri Charsadda, however on the eventful time and

date the appellant was present in Police Lines Mardan as evident from the CDR. **(Copy of FIR & Mobile data is enclosed as Annexure A & B).**

3. That in order to save his life the appellant was unable to have performed his duties, but in the meanwhile the appellant was removed from service by respondent No 3 on the allegations of being involved in criminal case and absence from duty for about four months and some days vide Order dated 09-11-2016, which order was never communicated to the appellant. **(Copy of Order dated 09-11-2016 is enclosed as Annexure C).**
4. That the appellant surrendered before the component Court of law getting his pre-arrest bail on 18-09-2018 and was arrested after the rejection of his BBA where after his bail applications were dismissed and finally the appellant was acquitted of the criminal case by the Court of competent jurisdiction vide Judgment dated 26-02-2022. **(Copy of Judgment dated 26-02-2022 is enclosed as Annexure D).**
5. That after obtaining copy of Judgment, the appellant soon within the prescribed time filed departmental on 28-03-2022 appeal before respondent No 2 which was rejected vide Order dated 06-04-2022. **(Copy of departmental appeal & order dated 06-04-2022 is enclosed as Annexure E & F).**
6. That there after the appellant filed Revision Petition Under Rule 11-A of Police Rules 1975 before respondent No 1 which was also rejected vide Order dated 09-02-2023. **(Copy of Revision Petition & Order dated 09-02-2023 is enclosed as Annexure G & H).**
7. That the impugned Orders dated 09-11-2016, Order dated 06-04-2022 & Order dated 09-02-2023, are against the law, facts and principles of justice on grounds inter-alia as follows:-

GRUNDS:-

- A. That the impugned Orders are is illegal, unlawful, without lawful authority and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.

- C. That the allegations against the appellant were false, baseless and unfounded which were also repelled by the Court of component jurisdiction by acquitting the appellant of the criminal charges.
- D. That Ex-parte action has been taken against the appellant and he has been condemned unheard.
- E. That no Charge Sheet and Show Cause Notice were communicated to the appellant.
- F. That the impugned orders are void being passed without lawful authority and jurisdiction, as the appellant was on deputation from Capital City Police to Elite Force and thus respondent No 3 had no jurisdiction to have removed the appellant from service.
- G. That after being acquitted from the charges, the appellant was required to have been reinstated in service but he was denied such right for reasons other than fair and bonafide.
- H. That the appellant was never associated with any inquiry, thus too the impugned orders are liable to be set at naught.
- I. That even otherwise the appellant was not present on the spot at the eventful date and time, thus too he is entitled to be reinstated in service.
- J. That the punishment awarded to the appellant is too harsh.
- K. That the principles of natural justice were badly violated and the appellant was not heard before adverse order.
- L. That the appellant was not afforded opportunity of personal hearing.
- M. That the appellant is jobless since her illegal removal from service.
- N. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-20-02-2023

Through


Appellant


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

LIST OF BOOKS

- 1. Constitution 1973.
- 2. other books as per need

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.


ADVOCATE

AFFIDAVIT

I, Sana Ullah Ex Constable No 4152, Elite Force, Centre Hakimabad Nowshera, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.


DEPONENT

17101-0435962-5
0333-9898747

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No _____/2023

Sana Ullah.....Appellant

V E R S U S

PPO & others.....Respondents

APPLICATION FOR CONDONATION OF DELAY IF ANY

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
- 2: That the grounds of appeal may be considered as integral Part of this application.
3. That since the impugned order is void ab-initio being ex-parte and without lawful authority besides passed in utter violation of law and principles of natural justice. Further copy of impugned order dated 09-11-2016 was never communicated to the appellant and the appellant through his own efforts after acquittal hence, such lis are to be decided on merit instead of technicalities.
4. That the law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-20-02-2023

Through

ali
Appellant
ali
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

AFFIDAVIT

I, Sana Ullah Ex Constable No 4152, Elite Force, Centre Hakimabad Nowshera, do hereby solemnly affirm and declare on oath that the contents of this **Application**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

ali
DEPONENT

17101-0435962-5
0333 9898 747

Annex 'A'

(6)

ENLISTMENT ORDER

Mr. Sana Ullah

S/o Inayat Ullah r/o Patwari Cali Dosehra

PS Sardar Distt: Charsadda is hereby enlisted as recruit /

Constable in BPS (5) w.e.f _____ and allotted

Constabulary No. 140 3812

Height 5' - 7" Chest 33" x 34 1/2"

Education 10th D/O 01-08-1984

Age on enrolment 24 Year 03 Months 04 Days.

His service is purely on temporary basis and liable for termination at any time without any notice.

Amal Isha

OB No. 1124

Date. 05-11-2008

BY: COMMANDANT
FRONTIER RESERVE POLICE
NWFP, PESHAWAR.

am
ATTESTED

7

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع کی نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ فوجداری چارج 198

180	صفحہ	67/6	وقت	07:00
6	تاریخ	67/6	وقت	10:20
دورق رپورٹ		ظہیر شاہ وار الزور شاہ سائن جی ٹی ٹی		
دوسرے اطلاع دہندہ مستفیض		302-324-1168-149		
بیشتر کیفیت جرم (مصدقہ) حال اگر کچھ ایسا ہو		مقام حوالہ دہندہ		
جانے وقوعہ یا صاحب مقام کے بارے میں		مقام حوالہ دہندہ		
ام دوسرے لوگ		مقام حوالہ دہندہ		
بارہ کی جو تفتیش کے متعلق کی گئی اگر اطلاع دہندہ کرتے ہیں تو تفہیم ہوا تو وہ بیان کرو		مقام حوالہ دہندہ		
نام سے رہائی کی تاریخ دورق		مقام حوالہ دہندہ		

ابتدائی اطلاع کے مطابق اطلاع دہندہ نے اطلاع دی کہ وہ اپنے گھر پر ایک شخص کی آمد دیکھی اور اس نے اسے مارا اور اسے زخمی کیا۔ اطلاع دہندہ نے اس شخص کو دیکھا اور اس کے بارے میں کوئی اور اطلاع نہیں ہے۔ اطلاع دہندہ نے اس شخص کو دیکھا اور اس کے بارے میں کوئی اور اطلاع نہیں ہے۔ اطلاع دہندہ نے اس شخص کو دیکھا اور اس کے بارے میں کوئی اور اطلاع نہیں ہے۔

ASI P.S.D. 6-7-11613

ATTESTED

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

ضلع چارسدہ

تھانہ سر ڈھیری

تاریخ دوقت وقوعہ 6.7.16 وقت 07:06 بجے

علت نمبر 180

۱	تاریخ دوقت رپورٹ 6.7.16 وقت 18:40 بجے	چا کیدگی پرچہ 6.7.16 وقت 10:20 بجے
۲	نام و سکونت اطلاع دہندہ مستغیث	مظہر علی شاہ ساکن پنواری ککے
۳	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	PPC 302-324-148-149
۴	جائے وقوعہ فاصلہ تھانہ سے اور سمت	حجرہ ازاں مدعی واقع پنواری ککے دوسرہ
۵	نام و سکونت ملزم	کاشف، ضیاء اللہ، رضاء اللہ، ثناء اللہ پسران عنایت اللہ ولد نامعلوم ساکن پنواری ککے سر ڈھیری
۶	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان	برسدگی تحریر مراسلہ پر مقدمہ قائم کیا جاتا ہے۔
۷	تھانہ سے رواگئی کی تاریخ دوقت	بطور پیش رپورٹ

ابتدائی اطلاع نیچے درج کرو:

بوقت صدر بجے ایک تحریری مراسلہ منجانب قادر شاہ ASI کچولٹی ہسپتال LRH سے موصول ہو کر جو کہ یہ مضمون ذیل ہے۔

بخدمت انچارج SHO صاحب تھانہ سر ڈھیری مجرمین (۱) مظہر شاہ (۲) مدثر شاہ (۳) مظہر شاہ پسران انور شاہ ساکن پنواری ککے سر ڈھیری (۴) سلمان ولد نصیر شاہ سکند سیدان (۵) مقتول انور انور شاہ (۶) حاجی اکبر سکند پنواری ککے، سر ڈھیری کورٹ مارا روم LRH پشاور لایا مجرمین میں مظہر شاہ، رپورٹ کے قابل نہیں ہے۔ مدعی مقدمہ مظہر شاہ درست ہوش و حواس میں یوں رپورٹ کرتا ہے کہ میں معہ بالا مجرمین اور والد ام مقتول انور شاہ بوقت وقوعہ بالا پر موجود تھے کہ (sic) مسمیان (۱) کاشف (۲) ضیاء اللہ (۳) رضاء اللہ (۴) ثناء اللہ پسران عنایت اللہ ولد نامعلوم ساکن پنواری ککے سے اور تین کسان اسم و مسکن نامعلوم آ کر یکدم ہم پر اسلحہ آتشین سے بہ ارادہ قتل فائرنگ کر کے جھکے فائرنگ سے ہم بگ کر زخمی ہوئے اور والد ام جان بحق ہوا واقع ہذا میرے علاوہ بالا مجرمین اور دیگر موجودگان کا چشم دید ہے۔ ہمیں علاج معالجہ کیلئے رشتہ داران نے ہسپتال LRH پہنچایا۔ میں اپنے (sic) مجروحیت اور بالا مجرمین کو مجروحیت اور والد ام کی قتل کرنے کا برخلاف بالا کسان جمشیدہ دعوی دار ہوں۔ العبد مسمی (sic) نے رپورٹ بالا کی تائیدی کی۔ العبد حسب گفتہ مسائل رپورٹ درج بالا ہو کر پڑھ کر سنایا جا کر درستی کا انگوٹھا اور تائیدی دستخط ثبت کر کے جسکی میں تصدیق کرتا ہوں۔ مقتول انور شاہ ولد حاجی اکبر کے کاغذات مرگ LRH ٹراما روم میں مرتب کر کے جکو بغرض پوسٹارٹم زیر حفاظت کنسٹیبل نیاز عمر KMC 1260 پشاور بھجوا یا گیا۔ مجروحین کے نقشہ ضرر مرتب کر کے حوالہ ASI صاحب کیا گیا ہے جناب ڈاکٹر صاحب نے مجروح مظہر شاہ کی زخم پر KMC پشاور سے رائے لینے کا تحریر کر کے مضمون رپورٹ سے صورت جرائم بالا کاپی جا کر مراسلہ و نقشہ ضررہائے ارسال تھانہ ہے۔ کسی تفتیشی آفیسر کو مامور تفتیش کیا جائے اور افسران بالا کو بطور پیش رپورٹ کی اطلاع دی جائے دستخط انگریزی قادر شاہ ASI کچولٹی ہسپتال LRH مورخہ 6.7.16 کارروائی تھانہ آمدہ تحریری مراسلہ حرف بہ حرف درج بالا ہو کر پرچہ مجرم بالا چاک کیا جا کر نقول FIR معد مراسلہ و نقشہ ضررہائے بغرض تفتیش حوالہ کنسٹیبل کئے جاتے ہیں۔ SHO افسران بالا کو بطور پیش رپورٹ اطلاع دی جاتی ہے۔ پرچہ بطور پیش رپورٹ گزارش ہے۔

A	B	IMEI	Date	Time	Cell Type	SECC	Location
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3459292912	3459213146	35995205457369	05-07-16	02:30:08	OUTGOING SMS	0	Poke Lines Mardian Dist and Tehsil Mardian Mardian
3459292912	3459213146	35995205457369	05-07-16	03:04:49	OUTGOING	62	Poke Lines Mardian Dist and Tehsil Mardian Mardian
3459292912	3459213146	35995205457369	05-07-16	12:04:07	INCOMING SMS	0	Poke Lines Mardian Dist and Tehsil Mardian Mardian
3459292912	3079313575	35995205457369	05-07-16	12:19:38	OUTGOING	58	Poke Lines Mardian Dist and Tehsil Mardian Mardian
3459292912	3459213146	35995205457369	05-07-16	12:19:38	OUTGOING	67	Poke Lines Mardian Dist and Tehsil Mardian Mardian
3459292912	3467823289	35995205457369	05-07-16	13:29:58	OUTGOING	27	Poke Lines Mardian Dist and Tehsil Mardian Mardian
3459292912	3459213146	35995205457369	05-07-16	14:31:07	OUTGOING	15	Bar Chum Tehsil and District Mardian Mardian
3459292912	3018821585	35995205457369	05-07-16	15:03:21	INCOMING	22	Poke Lines Mardian Dist and Tehsil Mardian Mardian

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Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



(11) Annex

No. 16372-80 /EF

Dated 09/11/2016.

ORDER

This order will dispose the departmental proceedings against Constable Sana Ullah No. 4152 of Elite Force, on deputation from Capital City Police Peshawar.

He has been charged in case FIR No. 180, dated 06.07.2016 u/s 302-324/148-149 PPC Police Station Sardhairi district Charsadda and remained absent from duty without any leave or prior permission w.e. from 04.07.2016 till this date. In this regard Charge Sheet & Summary of Allegation was issued to him by this office vide No. 9390-95/EF, dated 15.07.2016 and SP Elite Force Mardan was appointed as enquiry officer but he failed to appear before the enquiry officer. Similarly A Final Show Cause Notice was issued to him but his reply was not found. To ensure his appearance, a notice was issued to him in daily newspaper "Aaj" dated 18.10.2016 and was directed to join the enquiry within 15 days after the publication of notice, but he neither joined the enquiry proceedings conducted against him, nor appeared for duty. It seems that he has no interest in his current job. Enquiry Officer recommended him for major punishment.

Therefore, I, Muhammad Hussain, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view the above facts and recommendations of enquiry officer impose major penalty of removal from service upon him from the date of absence i.e 04.07.2016.

(MUHAMMAD HUSSAIN) P.S.
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

Copy of the above is forwarded to the:-

1. Capital City Police Officer, Peshawar for information.
2. Superintendent of Police, Elite Force Mardan.
3. Office Superintendent, Elite Force Khyber Pakhtunkhwa Peshawar.
4. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Incharge Kot, Elite Force Khyber Pakhtunkhwa Peshawar.
6. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
7. SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
8. FOC, along with complete enquiry file encl: 27 pages.
9. OHC, Elite Force Khyber Pakhtunkhwa Peshawar.

ATTESTED

Annex D
12

IN THE COURT OF SHABANA MEHSOOD
Addl: Sessions Judge-II/Judge Model Criminal Trial Court
(MCTC), Charsadda

Sessions Case No 13/SC/MCTC
Date of Institution 17/04/2019
Date of Transfer to MCTC 16/01/2020
Date of Decision 26/07/2022

1. The State,
2. Mazhar Ali Shah son of Anwar Shah resident of Patwari Kafi Dosehra, Tehsil & District: Charsadda.
.....(Complainant)

Versus

1. Inayat Ullah son of Muhammad Ali Shah and
2. Sana Ullah son of Inayat Ullah,
Both residents of Patwari Kafi, Dosehra, Tehsil & District Charsadda.
.....(Accused facing trial)

Case FIR No. 180 dated 06/07/2016
Offence u/s 302/324/148/149 PPC
Police Station Sardheri.

Mr. Arbab Khalid Mehmood, advocate (counsel for the complainant)
Mr. Waris Khan Muhammad Zai and Mr. Imtiaz ur Rahman, advocates
(Counsel for the accused)
Mr. Sajjad Ahmad Public Prosecutor for the State

JUDGMENT:

1. This judgment relates to case FIR No. 180 dated 06/07/2016 under section 302/324/148/149 PPC of Police Station Sardheri.
2. Facts as per contents of FIR are that on 06/07/2016 at 08:40 hours, complainant Mazhar Ali Shah reported the matter to the local police at Trauma room of LRH, Peshawar to the effect that on the eventual day he alongwith injured Mudasir

Shabana Mehsood
Additional District & Sessions Judge-II
Judge MCTC Charsadda

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Shah, Azhar, Ali Shah, Salman and his deceased father Anwar Shah were present in the Hujra of their house, meanwhile accused Kashif, Zia Ullah, Raza Ullah, Sana Ullah sons of Inayat Ullah and Inayat Ullah duly armed came there alongwith three unknown persons and started firing upon the complainant party with the intention of killing, as a result of said firing, complainant alongwith others received injuries while father of complainant namely Anwar Shah died on the spot. Report of the complainant was reduced in the shape of Murasila, on the basis of which the instant FIR was registered. Hence the instant case.

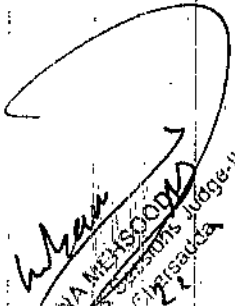
3. After registration of case, accused were absconded, so they were proceeded under section 512 Cr.PC and prosecution was allowed to produce its evidence in their absentia. Later on, accused Sana Ullah and Inayat Ullah were arrested and after completion of necessary investigation, supplementary Challan were submitted against the accused. Accused have been summoned, on attendance, provisions of section 265-C Cr.P.C complied with and copies of the statements etc. provided to the accused facing trial. On 18/05/2019, charge was framed against the accused facing trial under section 302/324/148/149 PPC by the then Court whereas accused denied the allegations leveled against them and claimed trial. Prosecution was then directed to produce evidence against the

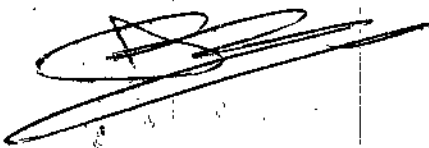
Additional District & Sessions Judge-II
 District Court
 Ferozpur
 Punjab

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accused and prove the Charge. Prosecution produced witnesses as follows;

- i. Amjad Ali ASI was examined as PW-1 who incorporated the contents of Murasila into the shape of FIR Ex.PA.
- ii. Dr. Sahib Dad was examined as PW-2, who on 06/07/2016, conducted autopsy on the dead body of deceased Anwar Shah. He verified the postmortem report Ex.PM consisting of 6-sheets including pictorial. His endorsement on inquest report is Ex.PM/1.
- iii. Waris Khan No. 16 was examined as PW-3, who is marginal witness to the recovery memo (Ex.PW3/1), vide which the Investigating Officer recovered and took into possession blood stained earth from the place of deceased Anwar Shah and sealed the same in parcel No.1 and blood stained earth from the place of injured Mazhar Ali Shah and sealed the same in parcel No.2. He is also marginal witness to recovery memo (Ex.PW3/2) vide which the Investigating Officer recovered and took into possession 4 empties of 30 bore lying scattered on the places of accused and sealed the same into parcel No.3. He is marginal witness of recovery memo Ex.PW3/3 to Ex.PW3/7,


ISHABANA MEHMOOD
Additional District Sessions Judge-II
JUDICIAL OFFICE, RAIPUR
2016-17



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vide which the Investigation Officer took into possession the blood stained garments of deceased namely Anwar Shah and injured namely Azhar Shah, Salman, Mudasir and Mazhar ,produced by constable Niaz Muhammad and sealed in parcels No. 4 to 8 respectively. The Investigating Officer affixed SD monogram on each parcel in his presence as well as in presence of other marginal witness. He verified the mentioned documents as correct.

iv. Qadir Shah Khan ASI was examined as PW-4, who stated that on 06.07.2016, he was present in casualty LRH, Peshawar, wherein, injured Mazhar Shah, Mudasir Shah, Azhar Ali Shah sons of Anwar Shah, Salman S/o Nazar Muhammad and deceased Anwar Shah S/o Haji Akbar R/o Patwari Kalli, Dosehra were brought to trauma home LRH, Peshawar. Mazhar Ali Shah reported the matter as well oriented at that time, which he reduced in writing in the shape of murasila (Ex.PA/1). The report was read over and explained to him, which was thumb impressed by him as token of its correctness, while one Salman verified his report by putting his signature. He prepared the injury sheets of the injured Mazhar Shah (Ex.PW4/1), Azhar Ali Shah (Ex.PW4/2), injured Salman (Ex.PW4/3), injured

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 Additional District Sessions Judge-II
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Mudasir Shah (Ex.PW4/4), injured Mudasar (Ex PW4/5) and inquest report of deceased Anwar Shah (Ex.PW4/6). The injured were sent to the doctor for medical treatment, while the dead body of the deceased was sent for PM examination under the escort of constable Niaz Muhammad, while the murasila was sent to the Police Station for registration of the case. He verified the mentioned documents as correct.

v. Dr. Muhammad Saqib was examined as PW-5, who on 06/07/2016 at 08:10 am examined injured Azghar Ali Shah. He verified the medicolegal report (Ex.PW5/1), review points (Ex.PW5/2) and OPD prescription chit (Ex.PW5/3).

vi. Dr. Ruman Khan was examined as PW-6, who on 06/07/2016 examined injured Mazhar Shah, Salman and Mudasar Shah. He verified the medico-legal reports of injured Ex.PW6/1, Ex.PW6/2 and Ex.PW6/3.

vii. Statement of complainant Mazhar Ali Shah was recorded as PW-7, he being the star witness supported the contents of FIR as well as the stance of prosecution.

W. B. Khan
Additional Judge
(S. No. 10/2016) (M. No. 15/2016)
Judge M.C.C. Chitradurga

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viii. Azhar Shah son of Anwar Shah was examined as PW-8, he being injured and eyewitness supported the version of complainant as well as the stance of prosecution.

ix. Fazal Mabood Khan S.I was examined as PW-9, investigation of case was handed over to him. He stated that he proceeded to the spot and prepared site plan Ex. PB at the instance of complainant Mazhar Shah. He took into possession blood stained earth from the place of deceased Anwar shah and sealed the same into parcel No.1 (Ex.P-1). Similarly, he took into possession blood stained earth from the place of injured Mazhar Ali Shah and sealed the same into parcel No.2 (Ex.P-2), vide memo already Ex.PW3/1. He took into possession 4-empties of 30 bore from the spot and have signed on all the four empties through a sharp thing and sealed the same in parcel No.3 (Ex.P-3) vide recovery memo (already Ex.PW3/2). He took into possession blood stained garments of deceased Anwar Shah, injured namely Azhar Shah, Salman, Mudasir and Mazhar, sealed in parcels No. 4 to 8 (Ex.P4 to Ex.P8 respectively) brought by constable Niaz Muhammad vide memos already Ex.PW3/3 to Ex.PW3/7 respectively. He put 1/1 monogram of SD

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Jalgaon District, Maharashtra

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inside the parcel while 3/3 monogram on the parcels of SD. He sent blood-stained earth and blood stained garments to the FSL vide carbon copies of his applications are Ex. PW9/1 and Ex. PW9/2 and FSL reports thereof are Ex. PZ and Ex. PZ/A, respectively. He sent 4-empties of 30 bore to the FSL for ascertaining that whether these were fired from one and the same weapon or otherwise, vide carbon copy of his application Ex. PW9/3 and report whereof is Ex. PZ/2. He prepared list of legal heirs of deceased Ex. PW9/4 and placed on file injury sheets, inquest report, PM report and medico legal reports alongwith other relevant documents on the file. He applied and obtained warrant u/s 204 Cr. PC against all the accused vide copy of application Ex. PW9/5 and obtained proclamation notices u/s 87 Cr. PC against all the accused Ex. PW9/6 and handed over the same to the DFC concerned for execution. As the accused Sanaulah was serving in police department, he therefore, applied for departmental action against him through high ups, the carbon copy of said application is Ex. PW9/7. He placed on file his arrival report to the Police Station vide copy of DD No.10, dated 07.07.2016 which is Ex. PW9/8. He attached 8-photos

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of the spot which are Ex. PW9/9 to Ex.PW9/16 which shows the bullet marks as well. He recorded statements of PWs and thereafter handed over the case file to the then SHO Taimoor Khan, who submitted complete challan u/s 512 Cr. PC which is Ex.PK in the instant case. He verified the mentioned documents as correct.

x. Khaliq Dad No. 38 was examined as PW-10, he executed warrants under section 204 Cr.PC and proclamation notices under section 87 Cr.PC against the accused facing trial. The warrants, notices and reports are Ex.PW10/1 to Ex.PW10/8 respectively.

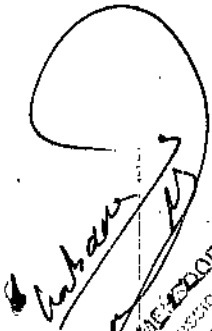
xi. Habib ul Hassan S.I was examined as PW-11, who stated that accused Inayatullah and Sanaulah applied for their BBA and they appeared before him. He formally issued their card of arrest (Ex.PW11/1). After rejection of their BBA they were handed over to him for interrogation. He applied for the custody vide application Ex. PW11/2 and two days custody was granted by the court. He interrogated the accused, during interrogation they led them to the place of occurrence and pointed out various points on the spot. He prepared their pointation memo Ex. PW11/3. As the accused confessed their guilt before him, he

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Additional District Judge
Judge MCTC Chairperson Judge-II

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recorded their statements u/s 161 Cr. PC. On the expiry of their custody, he produced them before the court for recording their confessional statement, but they refused to confess their guilt and were sent to judicial lock up. After completion of investigation, he handed over case file to the SHO Ali Akbar Khan, who submitted supplementary challan against the accused which is Ex. PK/1. He verified the mentioned documents as correct.

4. After closing evidence of prosecution, statements, of accused facing trial was recorded under section 342 Cr.PC who pleaded that they were innocent and falsely charged in the instant case. They however denied to be examined on Oath or to produce any evidence in their defence.
5. Learned counsel for the complainant, Public Prosecutor for the State on behalf of the prosecution and learned counsel for the accused argued their respective case at length.
6. Public Prosecutor for the State alongwith counsel for complainant submitted for conviction of the accused on the basis of statements of the PWs as well as the record. They submitted that the witnesses corroborated to furnish the occurrence in the manner and mode so prescribed. They argued that accused facing trial killed the deceased and


 (SH. AKBAR KHAN) (1000)
 Additional District & Sessions Judge-II
 JUDGE-M.C.T. CHAWANDEGA


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injured the complainant as well as Mudasir, Salman and Azhar Ali Shah passerby and all PWs and medico legal report support the case of prosecution. Lastly prayed for the conviction of accused facing trial.

7. Contrary to this, the counsel for the accused submitted that it is a false case with no evidence corroborative while contradiction in statements of PWs create serious doubts as negate the stance of prosecution. They also argued that the ocular account is not supported by circumstantial and other evidence as to prove the offence. With reference to relevant evidence in the case, they pointed out the discrepancies in the prosecution evidence and submitted for acquittal of the accused on the ground of un-explained discrepancies in the prosecution evidence, un-proved motive and the witnesses interested also shatter the prosecution stance etc. Lastly prayed for acquittal of accused.

8. As per FIR the complainant namely Mazhar Ali Shah has charged eight persons for making indiscriminate firing on him, his brothers and father. As per murasila Ex.PA/1, the murasila was recorded at 08:40 am on 06/07/2016 at Lady Reading Hospital, Peshawar. As per murasila, the time of occurrence is at 07:00 am, whereas the deceased and injured were brought to the Lady Reading Hospital, Peshawar at 08:40 am. According to Murasila, Qadir Shah ASI posted at

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Lady Reading Hospital, Peshawar recorded the report of complainant, prepared the inquest report of the deceased and injury sheets of the injured persons namely Mazhar Shah, Azhar Ali Shah, Mudasir Shah and Salman and sent the dead body for postmortem, whereas the injured for medical examination.

9. Medical record of injured as well as of the deceased, however, speak alternative. According to the inquest report Ex.PW4/6, the deceased was arrived at Lady Reading Hospital, Peshawar at 07:51 am, while his inquest report Ex.PW4/6 was prepared in next four minutes i.e. 07:55 am. Similarly, the medical report of injured Mzhar Shah, Azhar Ali Shah, Mudasir Shah and Salman show that they had reached the hospital at 08:10 am and examined immediately. The timing recorded in the medico-legal reports and murasila are in contradiction to each other. According to the statement of complainant Mazhar Ali Shah as PW-7, he alongwith the dead body left his house at Charsadda at 07:40 am and took more than one hour in reaching the hospital at Peshawar. If so how the deceased body was received by the doctor at 07:51 am. By no means, one can reach from Dosehra Charsadda to Lady Reading Hospital, Peshawar in 10-minutes. The actual time of occurrence, time of report as well as the time of

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 Additional District & Sessions Judge-II
 Judge MCTC Charsadda

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examination of injured and deceased is thus seriously doubtful.

10. According to the FIR, the complainant reported that he alongwith the injured and deceased were present in their Hujra, when the accused party came there duly armed with deadly weapons and started firing at them. As per complainant, the occurrence took place at their Hujra, however, during the course of evidence, PW-3 namely Waris Khan, stated that the occurrence had taken place inside the house of complainant and not in the Hujra. This fact though was denied by the complainant in his statement as PW-7, but the statement of PW-3 Waris Khan too cannot be ignored because he is witness of all the recoveries from spot which he pleads to be house of the complainant. If it is accepted that it was not a house but the Hujra of complainant, then the entire evidence of Waris Khan, PW-3 which consists all the recoveries would become doubtful. Eventually, the place of occurrence is also doubtful.

11. According to the FIR, eight persons were charged for the reported incident of firing upon the complainant party. Five persons were nominated by their names whereas three persons are still unknown. As per FIR, all the eight persons were duly armed with deadly weapons and made firing. The record of case i.e. the recovery memo Ex.PW3/7 as well as statement of

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Investigation Officer as PW-9, however show that only four crime empties were recovered from the place of occurrence. As per statement of the complainant, the firing was continued for 6/7 minutes and numerous shots were fired by all the accused. If so where dead the rest of the empties go? Recovery of only four empties means that only four fire shots were made. This fact was re-verified by the FSL report Ex.PZ/2. As well as statement of doctor PW-2 namely Dr. Sahib Dad, who stated that all the four injuries on the body of the deceased were caused by single weapon. Same is the FSL report. All this means that the reported occurrence infact has not taken place in the mode and manner as reported in the FIR. Furthermore, if it was the job of a single person caused through a single weapon, eight persons cannot be validly condemned for it, particularly when there is specific allegation of active participation of all the eight persons in the act of firing and not of abetment or sharing of common intention. More so, any weapon has not recovered from any of the accused nor they have made any confession, so that single person could be validly identified.

12. According to the Investigation Officer, he went to the spot for spot inspection and collection of evidence at about 10:30 am on the day of occurrence. The Investigation Officer stated that when they reached to the place of occurrence, there were so

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 (SHABAN) KISHOR BADDY
 Additional Magistrate & Sessions Judge
 Judge MCTC, Chaurasara

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many people present around and that the complainant was also present on the spot. Same is the statement of marginal witness to recovery memo i.e. PW-3. The complainant however, stated that he reached to the spot later than the Investigation Officer and police party and that he reached to the spot only the police party was there and no private persons were there.

Similarly, as per complainant a lot of people including relatives and friends were present around the place of occurrence at the time of firing and he had mentioned their names and places to the Investigation Officer but none of them was either examined by the Investigation Officer nor any of those persons were produced by the prosecution/complainant party before the court. This fact was also not mentioned in the site plan.

- 13. According to the site plan Ex.PB, eight accused persons were present at two different locations and entire complainant party was at their mercy. The medical reports however, show that except deceased and Azhar Ali Shah injured, the other injured did not receive any firearm injury on any vital part of their body. The injured Salman and Mazhar Ali Shah have received only lacerated wounds on their bodies, which is not due to any firearm. If eight persons were present and making firing

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 Additional District & Sessions Judge MCTC Ghazipur II

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with deadly weapons, escape of three persons from the firing is highly improbable.

14. Prosecution raised the plea of other FIRs to establish previous bad conduct of accused party, but previous bad conduct is irrelevant and not sufficient proof of criminality. Furthermore, previous bad conduct is to be proved through record of conviction in cases of similar nature, mere previous charge is not conclusive evidence.
15. As per FIR, the motive between the parties, is previous enmity, however, no specific nature of enmity was disclosed. The complainant however, as PW-7 stated that "*motive for the occurrence, was that prior to the occurrence, the son of Inayat Ullah, namely, Kashif was taken by the police in some dispute and they were in doubt that my father was involved for taking Kashif to the police station, as my father was serving as a retired Police Officer.*" It amounts to an improvement at the trial stage. Motive is a double edged weapon for the occurrence and also for false implication. In the instant case, prosecution failed to prove the motive as alleged. No any strong and reliable evidence produced by the prosecution in this regard. No doubt, motive is not necessary for proving the crime, but once it is alleged by the prosecution then burden lies upon him. Motive alone cannot prove the criminality of the accused person, unless there is sufficient,

Kashif Ullah
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 Additional Judge
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 Judge MCTC, Sessions Judge-II
 District Court, District

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direct and circumstantial evidence. Strength or weakness of the motive eventually is less relevant as compared to cogent and tangible evidence. So in the instant case prosecution has failed to prove the motive as alleged.

16. Though the accused facing trial remained absconders for sufficient long time, but same is not a conclusive evidence of guilt of the accused facing trial. It is pertinent to note that abscondence alone could not be a substitute for real evidence. Mere abscondence of an accused would not be enough for conviction. Reliance placed on PLD 1980 SC 201, 1986 SCMR 823 and 2015 YLR 2413 Peshawar (c). Abscondence no doubt is a relevant fact but it can be used as a corroborative piece of evidence, it cannot be read in isolation as has to be read alongwith a substantive piece of evidence.
17. For the purpose of conviction of the accused, the prosecution is duty bound to prove its case beyond any shadow of doubt. As per August Supreme Court of Pakistan in a judgment reported as PLD 1995 Supreme Court, 1345 and Hon'ble Peshawar High Court Peshawar in judgment reported 2013 YLR 196, even a single suspicious circumstance creating reasonable doubt and prudent mind would entitle the accused to the benefit of doubt not as a matter of grace or concession, but as a matter of right. Moreover, conviction must be based on unimpeachable evidence and certainty of guilt and any

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 Additional District & Sessions Judge-2
 Jhelum, Ferozpur, Multan, Gujranwala

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doubt arising in the prosecution must be resolved in favour of the accused. It is based on the maxim "*it was better that ten guilty persons be acquitted rather than one innocent person be convicted*", which occupied a pivotal place in Islamic law and was strictly enforced in view of the saying of the Holy Prophet (PBUH) that "*the mistake of Qazi (judge) in realizing a criminal was better than his mistake in punishing an innocent.*" So rule of benefit of doubt is essentially a rule of prudence, which could not be ignored while dispensing justice in accordance with law. In the instant case, the prosecution has been unable to prove the charge against the accused facing trial beyond any reasonable doubt. Benefit of doubt is therefore extended to the accused facing trial Inayat Ullah and Sana Ullah and they are acquitted from the charge leveled against them. Accused Inayat Ullah is on bail, his sureties are absolved from the liability of bail bonds, while accused Sana Ullah is in custody, he be released forthwith, if not required in any other case or to any other quarter.

18. So far as the absconding co-accused namely Kashif, Ziad Ullah and Raza Ullah are concerned, they have already been declared Proclaimed Offenders (PO's) vide Order dated 06/05/2019 of the then learned Addl: Sessions Judge-V, Charsadda, therefore, case property be kept intact till arrest

Subhan
 Additional Sessions Judge
 Charsadda
 12/05/2019

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and trial of the Proclaimed Offenders. Record of the Case shall also be persevered.

- 19. File be consigned to the Record Room after necessary completion and compilation.

"Pronounced in open Court at Charsadda and given under my handwriting and seal of the Court on this 26th day of February, 2022".

Shabana
MS

(SHABANA MEHSOOD)

Add: Sessions Judge-II/Judge MCTC,
Charsadda

CERTIFICATE

Certified that this judgment of mine are consists of Eighteen (18) pages. Each page has been read, signed and corrected by me wherever necessary.

Shabana
MS

Add: Sessions Judge-II/Judge MCTC,
Charsadda

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حضرت جناب کمانڈنٹ ایلیٹ فورس فیصلہ مختصر خواہ

30 Annex E

عنوان:- درخواست مسز اد بجالی فوٹری سائل
 شادی شاد اللہ ولا عنایت اللہ ماکن
 پٹواری کے، دوسرے تعلقہ و نملع چار سده۔

جناب عالی! درخواست سائل حسب ذیل ہے۔

1:- یہ کہ سائل نملع چار سده کا مستحق رہائشی، پرائیویٹ
 دستاویزی باشندہ، قانون کا پابند اور تعلیم یافتہ سہیلی ہے۔

2:- یہ کہ سائل محکمہ پولیس کا ملازم اور بیٹ نمبر FC-4152
 ہے اور محکمہ پولیس میں نہایت اعلیٰ طرز سے ڈیوٹی
 سرانجام دیتا رہا ہے اور اعلیٰ انسپران کو کبھی کسی قسم شکایت
 کا موقع نہیں رہا ہے، صاف دیکھا کہ ڈاکو کا حامل ہے۔

3:- یہ کہ سائل کی طرف سے مقدمہ عدالت: 180، مورخہ 6/7/2016ء، جرم
 302/148/199/329 تھا نہ، سر ڈیپوٹی ایف اے من گھڑت اور بنیاد
 FIR درج ہوئی۔ جہیں سائل نے مقامی پولیس کو سر نڈر کیا ہوگا
 سائل ناگزیر بنا ہوا اور پھرتا رہا۔

4:- یہ کہ سائل مقدمہ بالا میں پابند سلاسل تھا جبکہ سائل کو بذریعہ
 چیف ڈپٹی کمشنر پٹواری نمبر 8/EF-16372 مورخہ 9/11/2016 فوٹری سے بر وقت
 رہا گیا حالانکہ اس دوران نہ تو سائل کو کوئی اظہار وجود
 سہول ہوا اور نہ ہی سائل کی اہانتا تعلقہ یعنی نہائی تھی۔

5:- یہ کہ مقدمہ بالا میں سائل کا باقاعدہ ٹرائیبل شروع ہوا اور بعد ازاں
 سائل ٹرائیبل میں پابند ثابت ہوا اور سائل پر عائد شدہ نذر جمعہ
 مبنی بر جھوٹ ثابت ہوا اور عدالت حضور اہل بیتس شیخ جم - 25 / 26 / 2016 کو
 چار سده سائل کو باعزت بری کر دیا ہے۔ (نقل منہج عدالت لکھی)۔

6:- یہ کہ چونکہ سائل ناگزیر بنا ہوا ہے اور عدالت حضور نے سائل کو بری کر دیا ہے
 اسلئے آپ کے حضور فوٹری پر بحالی کی استدعا کرتا ہے۔

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Office of the Addl: IGP
Elite Force Khyber Pakhtunkhwa Peshawar

(31)

Annex



Dated 26/09/2022

ORDER

This is departmental appeal submitted by Ex-Constable Sana Ullah No. 4152 against the punishment of dismissal from service awarded to him by Deputy Commandant Elite Force vide order No. 16372-80/EF dated 09.11.2016 charged in case FIR No. 180, dated 06.07.2016 u/s 302/324/148/149, PPC PS Sardhani District Charsadda.

Consequently, the competent authority on the perusal of the appeal and on the grounds of time limitation i.e. time barred filed the appeal.

Order Announced!

-Sd-

(MUHAMMAD WISAL FAKHAR SULTAN) PSP
Addl: Inspector General of Police,
Elite Force, Khyber Pakhtunkhwa, Peshawar

No. 3748-52/EF.

Copy of above is forwarded:-

1. Superintendent of Police, HQrs: Elite Force, Peshawar.
2. OASI/SRC/FMC, Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. Ex-Constable Sana Ullah No. 4152, through Reader SP Elite Force Peshawar.

(ASIF IQBAL MOHMAND) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

Handwritten signature

عنوان: ریل بر خلاف حکم / فیصلہ ٹرانزٹ ڈیپارٹمنٹ ایڈیشن فورس مسدود
 مورخہ 6/11/2016، لیٹر نمبر 3748-52/EF جسٹس رول
 درخواست سائل جمالی ڈوگری خارج فرامی سے سائل جب ذیل تعلق ہے۔

شمارہ
ATTESTED

- 1: یہ سائل ضلع چارسدہ کا متعلق رہائشی پیدائشی و سٹونٹی باشندہ
 قانون کا پابند اور تعلیم یافتہ شہری ہے۔
- 2: یہ سائل محکمہ پولیس کا بطور نائبین بلیٹ نمبر FC-415-415 ملزم ہے اور
 محکمہ پولیس میں نہایت اچھن طریقے سے ڈیوٹی سرانجام دیتا رہا ہے۔ اور اعلیٰ
 انسپران کو بھی بھی کسی بھی قسم کی شکایت کا موقع نہیں دیا ہے۔
- 3: یہ سائل کے خلاف مقدم عدالت: 180، مورخہ 6/7/2016، رقم 302/324/148
 تھانہ سر ڈھیری میں ایک بے بنیاد دعویٰ درج ہوئی تھی جس میں سائل نے مقامی پولیس
 عدالت کو سرنڈر کیا تھا کیونکہ سائل نے قصور اور نافرمانی نہ کی تھی۔
- 4: یہ سائل نے سائل کو بے ذریعہ حقیقی ڈسٹریکٹ نمبر 16372-80/EF
 مورخہ 9/11/2016 کو ڈوگری سے برخواست / Dismiss کر کے جسپر ٹھکانو ٹاؤن
 تھانہ فرمایا حالانکہ اس دوران نہ تو سائل کو کوئی show cause جاری ہوا اور
 نہ ہی سائل کی اہمات تھیں یعنی بنانے کی کوشش کی گئی اور قانونی تعلقہ جوڑنے
 کے بغیر سائل کو برخواست کیا گیا۔ (نقل لیا ہے)
- 5: یہ سائل نے سائل کو ڈوگری میں سائل کو ڈوگری میں سائل نے قانونی کارروائی کے بعد جو بے علم ہوتا
 باعزت تہری کر دیا اور عدالت جناب آسٹری-آسٹری محترمہ سببانہ قصور چارسدہ نے
 عائد شدہ نرد جہم بر خلاف سائل بے بنیاد قرار دیا۔ (نقل فیصلہ عدالت لیا ہے)
- 6: یہ سائل نے ٹرانزٹ ڈیپارٹمنٹ فورس کو جمالی ڈوگری کی درخواست گزار کی ملین انٹرن
 نے جو بے Time based خارج فرامی حالانکہ سائل کی درخواست مطابق قانون انڈر سٹیڈ کی
 ہے: یہ سائل مقدمہ متذکرہ بالا میں عدالت مجاز سے بے گناہ ثابت ہو کر تہری ہو چکا ہے اور
 پیشابہ حضور ہے اسلئے نوٹری تہری کی بذر لہجہ اصل نیا اسد حاضر ہے۔

شہادت شدہ و معائنہ شدہ سائل ڈوگری کی عدالت



D. No. 990
Date 9-2-23
Commandant, Elite Force

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

33
Annex H

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Sana Ullah No. 4152. The petitioner was dismissed from service by Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide order No. 16372-80/EF, dated 09.11.2016 on the allegations that he was charged in case vide FIR No. 180 dated 06.07.2016 u/s 302/324/148/149 PPC PS Sardhairi district Charsadda and remained absent from duty w.e.f 04.07.2016 till date of dismissal from service i.e 09.11.2016 for total period of 04-months & 05-days. His appeal was filed by Addl: IGP/Elite Force, KP vide order Endst: No. 3748-52/EF, dated 06.04.2022.

Meeting of Appellate Board was held on 19.01.2023 wherein petitioner was heard in person. Petitioner contended that he was acquitted by the court of Addl: Session Judge-II/Judge MCTC, Charsadda vide judgment dated 26.02.2022.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner has been proved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The acquittal from the court does not absolve the petitioner from the liability. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-
SABIR AHMED, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 297-303 /23, dated Peshawar, the 9-2 /2023.

Copy of the above is forwarded to the:

1. Addl: IGP/Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar. One Service Roll, on Fauji Missal and one enquiry file (49 pages) of the above named Ex-FC received vide your office Memo: No. EF/SRC/S.Record:4464, dated 29.04.2022 is returned herewith for your office record.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

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ATTESTED

(DR ZAHID ULLAH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

In copy
2023/2/9

بعد الت سروس ٹریننگل KPK

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2 جناب

۲۹۰ وغیرہ

بنام فنانس

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام ~~کے~~ کیلئے ~~فصلہ~~ ~~مقدمہ~~ ~~ASC~~
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی 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 منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ 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
مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم _____ ماہ _____ 20

کے لئے منظور ہے۔

کے لئے

بمقام

FAZAL SHAN MOHAMMAD

ASC

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