


30.07.2015

Appellant with counsel and Mr. Hayat Muhammad, Reader to DSP
alongwith Assistant A.G for respondents present.

Appellant submitted application for withdrawal of appeal annexed
with an order in which the major penalty of dismissal is converted into
compulsory retirement from service.

Since the appellant has accepted the order of compulsory
retirement as such the appeal is dismissed as withdrawn. File be
consigned to the record.

ANNOUNCED
30.7.2015


Chairman
30.07.15

28.04.2015

Appellant in person present. Requested for adjournment as his counsel is not in attendance. Adjourned for preliminary hearing to 11.5.2015 before S.B.


Chairman

11.05.2015


Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was appointed as Constable on 06.07.1987 and was charged in a criminal case vide FIR 530 dated 22.08.2007 registered under section 302 at PS Khan Raziq Shaheed. That on the basis of the said criminal case the appellant was dismissed from service on 25.02.2008 issued on 26.02.2009 w.e.f 04.09.2007. That subsequently the appellant was acquitted of the charge vide judgment dated 17.11.2014 regarding which he preferred departmental appeal on 15.12.2014 which was not responded and hence the instant service appeal on 06.04.2015.

That the dismissal of appellant from service was not justified as he was having sufficient account of leave to his credit.

Points urged need consideration. Admit, subject to all legal objections. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 30.07.2015 before S.B.


Chairman

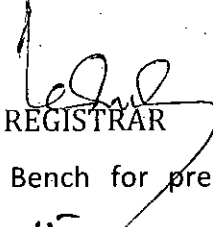


Appellant Deposited
Security & Process Fee



Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 293/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	06.04.2015	<p>The appeal of Mr. Siyar Muhammad resubmitted today by Mr. Murtaza Khan Durrani Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p> REGISTRAR</p>
2		<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>14-4-15</u>.</p> <p> CHAIRMAN</p>
3	14.04.2015	<p>None present for appellant. The appeal be relisted for preliminary hearing for 28.4.2015 before S.B.</p> <p> Chairman</p>

ORDER

This office order will dispose off departmental appeal of ex-constable **Siyar Mohammad No.2939** who was awarded the major punishment of **dismissal** from service under RSO-2000 by SP/HQRs: vide OB No. 585 dated 25/2/2009.

The allegations levelled against him were that he was transferred from Police lines Peshawar to PS Mathra on 4.9.2007. He was supposed to make his arrival at his new place of posting but instead he remained absent from his lawful duty. Enquiry was entrusted to DSP-Inv: Rural Peshawar who during the course of enquiry found him guilty. He mentioned in his report that due to involvement in criminal case vide FIR No. 530 dated 22.8.2008 u/s 302/324 PPC PS K.R.S has gone into hiding. (absence w.e.f 4.9.2007 to 25.2.2009= 1 year, 5-months & 21-days). On receipt findings of the E.O he was issued FSCN which was delivered at his home address, which was served upon his son namely Mohammad Naeem, but he failed to submit his written reply within stipulated period. As such the competent authority awarded him above major punishment.

The relevant record has been perused and also heard him in person in OR on 5/6/2015. He stated that he was falsely charged in the murder case by his opponents and stated that his enemies being very influential in the area were bent upon to put him to death. The appellant taken the plea he has been acquitted by the court of law in the instant case and requested for mercy. Keeping in view his long service of 21 years a lenient view is hereby taken and the major punishment of dismissal is converted into Major punishment of Compulsorily Retirement from service.

2225
6-15

VK

**CAPITAL CITY POLICE OFFICER,
PESHAWAR:**

No. 2943-48 /PA dated Peshawar the 6.6 2015.

Copies for inf and n/a to the:-

- 1/ SP/HQRs: Peshawar.
- 2/ PO/OASI
- 3/ CRC for making necessary entry in his S.Roll.
- 4/ FMC encl: complete FM.
- 5/ Official concerned.

صدرالت جہاں - جسٹس جہاں سید کی سرپرستی میں

اسٹریٹ 293/15

سیار خان
۲۵ حکومت

دراختی اسٹریٹ ۱۱۱، وادی مقبرہ نالہ

۱۔ جہاں عالم سیکرٹری اسٹریٹ گنڈاپور، جہاں گنڈاپور

۲۔ جہاں عالم سیکرٹری اسٹریٹ گنڈاپور، جہاں گنڈاپور
۳۰/۵۶
۱۵/۲

۳۔ جہاں عالم سیکرٹری اسٹریٹ گنڈاپور، جہاں گنڈاپور
۳۰/۵۶
۱۵/۲

۴۔ جہاں عالم سیکرٹری اسٹریٹ گنڈاپور، جہاں گنڈاپور

۵۔ جہاں عالم سیکرٹری اسٹریٹ گنڈاپور، جہاں گنڈاپور

۳۰/۵۶
۱۵/۲

صدرالت جہاں سید کی سرپرستی میں

۲۵ حکومت

This is an appeal filed by Mr. Siyar Muhammad today on 11/03/2015 against the order dated 26.02.2009 against which he preferred/made a departmental appeal on 15/12/2014 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and removing the following deficiencies.

- 1- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be annexed serial wise as mentioned in the memo of appeal.


No. 325/ST,

Dt. 12/3/2015


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Murtaza Khan Durrani Adv. Peshawar.

*Re-submitted after
removal of the above
deficiencies.*


06/4/2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 293 of 2015

Siyar Muhammad (Ex-Constable No.2939) Appellant

VERSUS

Superintendent of Police Head Quarters, Police Line Peshawar
& others Respondents


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5.	Copy of impugned order of Respondent No.1 dated 25/02/2008 allegedly communicated order dated 26/02/2009	"B"	12
6.	Copy of complete Challan, formal charge and acquittal order dated 17/11/2014	"C"	13-20
7.	Copy of grounds of departmental appeal	"D"	21
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Dated / /2015

Appellant

Through


Murtaza Khan Durrani
Advocate High Court,
Peshawar.

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 293 of 2015

Siyar Muhammad (Ex-Constable No.2939) Son of Shahzada Khan R/o Village Daulatpura, Teshil Shabqadar District Charsadda.

..... Appellant

K.W.F. Province
Service Tribunal

Diary No. 219

Dated 11-3-2015

VERSUS

- 1- Superintendent of Police Head Quarters, Police Line Peshawar.
- 2- Chief Capital City Police, Peshawar.
- 3- Provincial Police Officer /Inspector General of police Khyber Pakhtunkhwa Peshawar.
- 4- Govt of Khyber Pakhtunkhwa through Secretary Home Peshawar.

..... Respondents

APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974, AGAINST THE
IMPUGNED INDECISION OF RESPONDENT
NO.2 WITH REGARD TO DEPARTMENTAL
APPEAL OF THE APPELLANT AGAINST THE
IMPUGNED ORDER OB NO.585 DATED
25/02/2008 /NO.230-34/PA, DATED PESHAWAR
THE 26/02/2009 BY WHICH THE APPELLANT
WAS DISMISSED FROM HIS SERVICE ON THE
BASIS OF INVOLVEMENT IN FIR NO.530
DATED 22/08/2007 U/S 302/324/34 PPC POLICE
STATION KHAN RAZIO SHAHEED DISTRICT
PESHAWAR.

Prayer in Appeal:

On acceptance of this service appeal the impugned orders of the respondents No.1 and 2 be declare as illegal, arbitrary, whimsical, fanciful, void-ab-initio, null and void, without jurisdiction, without lawful authority, against law and be set aside and the appellant may kindly

Filed to-day
Registrar
11/3/15

re-submitted to-day
and filed.

Registrar
11/3/15

(2)

be reinstated in service from the date of his dismissal with all back benefits.

It is, further prayed that any other relief deems fit and proper in the circumstances of the case may graciously be granted.

Respectfully Sheweth:

- 1) That the appellant was appointed as constable on 06/07/1987 and during the length of his service, the appellant appeared in various courses i.e. Weapon Course and Finger Print Course conducted by the police department and the appellant have successfully completed that.*
- 2) That the appellant served in the police department for more than 20 years and during his service, the appellant was not awarded to any minor or major punishment and have unblemished record.*
- 3) That in the year of 2006, the appellant was transferred to PS Mathra and then in 2007 the appellant was again transferred from PS Mathra to Town – II Peshawar and after 20/22 days the appellant was again transferred to PS Mathra. When the appellant was going to submit his arrival report in PS Mathra, the appellant was again transferred from PS Mathra to PS Bhana Mari Peshawar.*
- 4) That there was blood feud enmity between the relatives of the appellant, the appellant was charged in frivolous, false and concocted case on 22/08/2007. (Copy of FIR is annexed as Annexured)*

3

- 5) That the appellant was neither served through any show cause notice nor was given any chance to associate with the inquiry Officer to explain his position. The inquiry report was not served upon by the appellant.
- 6) That on 26/02/2009 the appellant was dismissed by the Respondent No.1 vide impugned order, which is illegal, arbitrary, whimsical, and fanciful and against the law and which has not been communicated to the appellant so far.
- 7) That the appellant has surrendered himself before the Court of law and on 17/11/2014 the appellant was acquitted by the Addl: Sessions Judge-X, Peshawar. (Copies of the judgment and order are annexed)
- 8) That after obtaining the attested copies of his acquittal order, the appellant has filed a departmental appeal before the respondent No.2 on 15/12/2014, which has not been decided by the respondent No.2 so far, hence the present appeal is being filed before this Hon'ble Tribunal on the following amongst other grounds:

GROUND:

- A) That the impugned orders of respondents No.1 and 2 are arbitrary, whimsical, illegal, fanciful, void ab-initio, null and void and are against the law and fact, hence untenable and are liable to be set aside.
- B) That absence of the appellant was neither willful, nor intentional or deliberate but due to unavoidable circumstances.

- 9
- C) *That neither show cause notice has been served upon the appellant nor the appellant had any knowledge of the same.*
 - D) *That the appellant was neither associated with inquiry committee nor given any chance of personal hearing to explain his position.*
 - E) *That it is an un-deniable principle of law that the procedure in an ex parte proceedings shall conform to the principle of natural justice as under the natural justice a defaulter in ex parte proceedings will be deemed not to have admitted the allegation contained in the summary of mis-conduct including a plea of not guilty to the charge.*
 - F) *That the punishment is very harsh and there are sufficient reasons for taking lenient action in the case of the appellant keeping in view his previous clear record and lengthy service.*
 - G) *That the appellant's performance during the entire service remained outstanding and no bad entry was earned.*
 - H) *That the alleged inquiry report has also not been served upon the appellant.*
 - I) *That neither preliminary nor final show cause notice had been served upon the appellant nor the appellant have any knowledge of the same.*

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- J) That though the removal from service (Special Power Ordinance 2000) is not applicable in the appellant case even otherwise the procedure adopted by the respondent No.1 and 2 is not according to the above Ordinance.
- K) That as the appellant has been acquitted in the alleged criminal case by the competent Court and the impugned orders of the respondents No.1 and 2 are based on the above criminal case thus the impugned orders of the respondents No.1 and 2 are illegal, void ab-initio null and void which are liable to be set aside.
- L) That the appellant has been punished for the same offence twice, so the impugned orders are against the law which are liable to be set aside.
- M) That the appellant during period remained out of service did not derive monetary benefit in any manner thus he is entitled for all full back benefits.
- N) That the appellant was condemned unheard which is against natural justice.
- O) That during the whole service period the appellant was never awarded to any major or minor punishment and the appellant has an unblemished record.
- P) That absence of the appellant be treated as suspension under FR-53 and 54 and Civil Service Regulation 194 & 194-A etc, thus the appellant is also entitled for all back benefits.

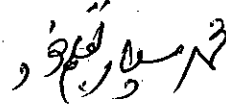
- Q) *That in the circumstances of the case the appellant, as per Esta Code (Establishment Code NWFP 2000) Vol: 1 Serial No.3 at Page 145 – 46, Serial No.4 at Page No.147-49, Serial No.37 at Page No.174 and Page No.218 and Under FR 53 and 54 and Civil Service Regulation 194 and 194-A etc, is entitled for all back benefits.*
- R) *That an absolutely false, frivolous and concocted case was registered by the complainant of FIR No.530 dated 22/08/2007 against the appellant which is not based on corruption or moral turpitude. Thus the impugned orders are liable to be set aside.*
- S) *That the procedure adopted in an inquiry allegedly conducted is not in accordance with the provision of law.*
- T) *That provision of police rules 1934 and 1975 have not been adhered to.*
- U) *That the provisions of NWFP Government Servant E&D Rules 1973 were not adhered to.*
- V) *That during his more than 20 years lengthy service, the appellant has not committed any act or omission and during that period the appellant did not avail Leave on Full Pay and there are more than 900 days leave on Full Pay in the credit of the appellant.*

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It is, therefore, humbly prayed that on acceptance of this service appeal the impugned orders of the respondents No.1 and 2 be declare as illegal, arbitrary, whimsical, fanciful, void-ab-initio, null and void, without jurisdiction, without lawful authority, against law and be set aside and the appellant may kindly be reinstated in service from the date of his dismissal with all back benefits.


It is, further prayed that any other relief deems fit and proper in the circumstances of the case may graciously be granted.

Dated 11 / 3 / 2015



Appellant

Through



Murtaza Khan Durrani
Advocate High Court,
Peshawar.

8

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____ of 2015

Siyar Muhammad (Ex-Constable No.2939) Appellant

VERSUS

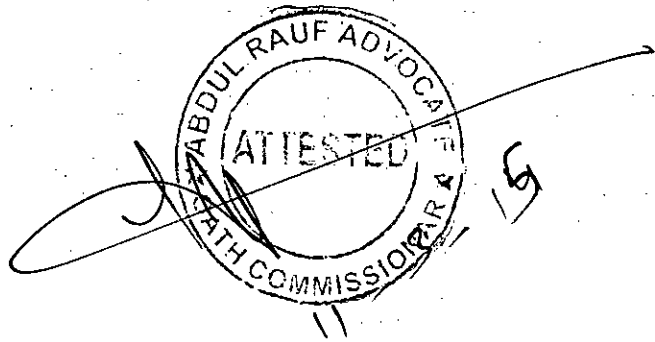
*Superintendent of Police Head Quarters, Police Line Peshawar
& others Respondents*

Affidavit

*I, Siyar Muhammad (Ex-Constable No.2939) Son of
Shahzada Khan R/o Village Daulatpura, Teshil Shabqadar
District Charsadda do hereby solemnly affirm and declare
on oath that the contents of the accompanied service
appeal are true and correct to the best of my knowledge
and belief and nothing has been concealed or with held
from this Hon'ble Tribunal.*

[Handwritten Signature]

Deponent



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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____ of 2015

Siyar Muhammad (Ex-Constable No.2939) Appellant

VERSUS

*Superintendent of Police Head Quarters, Police Line Peshawar
& others Respondents*

ADDRESSES OF THE PARTIES

*Siyar Muhammad (Ex-Constable No.2939) Son of Shahzada
Khan R/o Village Daulatpura, Teshil Shabqadar District
Charsadda.*

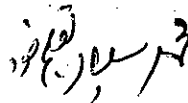
..... Appellant

VERSUS

- 1- Superintendent of Police Head Quarters, Police Line Peshawar.*
- 2- Chief Capital City Police, Peshawar.*
- 3- Provincial Police Officer /Inspector General of police Khyber Pakhtunkhwa Peshawar.*
- 4- Govt of Khyber Pakhtunkhwa through Secretary Home Peshawar.*

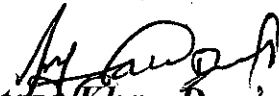
..... Respondents

Dated 11/3/2015



Appellant

Through


*Murtaza Khan Durrani
Advocate High Court,
Peshawar.*

(A) 10

گورنمنٹ پریس پبلشر ہریانہ جہان پور 19/540/19 قاعدہ نمبر 540 اور ایچ آر آر ہریانہ نمبر 23 اپریل 2007ء کو (قائد شہزاد) میں قادم پولیس

تاریخ نمبر ۳۲-۵ (۱)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردہ ۵۲ مجموعہ ضابطہ فوجداری
حالیہ لائق سعید

ضلع لہنا
تاریخ 22/8/07
پولیس اسٹیشن 5/10/8

530

بغ و وقت رپورٹ	22/8/07 وقت 10:10 بجایا کیلئے 22-30
سکونت اطلاع دہندہ مستغنیث	بیادری دلد عبدالعظیم لہنا قادم افسان مان ترم سنگھ
کیفیت جرم (معدوقہ) حال اگر کچھ لیا گیا ہو۔	Pc 302-324
بے وقوعہ فاصلہ تھانہ سے اور سمت	بیادری بازار نسبت فقہ حوالی
سکونت ملزم	
اے جوتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	برسگی ڈری ہرگم دہ رخصت کھانا 2
سے روانگی کی تاریخ و وقت	پولیس سٹیشن رپورٹ

ابتدائی اطلاع نیچے درج کرو۔ بوقت صبح ایک ڈری ہرگم دہ میں
سکول احمدی مدست عبدالعظیم لہنا قادم 19/8/07 بوقت دوپہر 10 بجے
انبار 7 لہنا۔ بیادری دلد عبدالعظیم لہنا قادم افسان مان ترم سنگھ
بنگام لہنا رپورٹ کرنا ہیکم آج میں سے بیادری دلد مان ام حاجی جان سرد
قتول شد افسان لہنا میدان قوم آفسان دہ ام لہنا اور بیادری بازار
سے گزر رہے تھے کہ بوقت دوپہر 12 بجے دو قوم پر ① بیادری دلد مان ② عبدالوہاب
سرخ پٹیو ③ ممدان لہنا میدان قوم عرف میں آفسان دہ ام ④ بیادری
ولد شہزادہ مان دولت پورہ خود اریوئے اور اپنے لہنا آفسان کر
بیادری دلد مان بیادری دلد مان برہہ ارادہ قتل فائرنگ شروع
کی سعید مان اور عبدالوہاب نے ہم برہہ ارادہ قتل بدلہ تھان لے
عبدالرحمن اور مبارکی فائرنگ سے محمد آفسان قتل ہو گیا کہان بھتی
ہوا خد تھان بیادری دلد مان دو قوم خراسان دلد مان بیادری دلد مان
حاجی جان سرد کا قتل ہو گیا وہ بیادری دلد مان میں جا بیادری دلد مان
کانٹار ہے۔ سب ہر جا تھان قدرہ نالا نے خد ف دیادری دلد مان
رنگ بھتی ہوا دلد مان دو قوم بیادری دلد مان ہر جا حوائی دو قوم
آر اور لہنا 27 بجے ہر جا مان سمجھا نہیں

ATTESTED

درخت تنم کر کے زر بیان خود لنتان انگنتت تنب کیا حکم میں بدلیں کرنا ہوں
 لنتوں 7 اور اقبال کی نندتسی لینے پر ایک ذوق لنتوں 30 ہوز پر 25/11/22
 کاشن جزی جولم 33 بود کلا دیوں 30 ہوز پر اور ایک عدد لانتس گا کی نام
 چند نبال برآمد ہو کر روڈ ذوق لنتوں لنتوں کی ننتوں 3 ہوز عدوت حال و
 لنتہ ترر عدوت حال دتت کر کے زر فعالیت کتبتیل رفقت علی 244 لنتوں
 پورٹ مادتم عطا یا گیا ہے۔ لورٹ سے عدوت دم مالدا مارا کر مراد لنتوں
 کا نہیں نندم عدوت کتبتیل بد القامح 1491 لورٹ لنتوں اریال ننام
 ننتم دتت دتت لورٹ کے جوام انوسنی گتت نانت کیا جانا ہے اریال
 مالکو لورٹ لنتوں لورٹ الیز ادی جائے دتت لنتوں کتبتیل لنتوں
 ننام خان رازق نندم 10 لورٹ لنتوں لنتوں لنتوں لنتوں
 جوام لنتوں لنتوں لنتوں لنتوں لنتوں لنتوں لنتوں لنتوں
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ASIA PAKISTAN
 22-05-07

ASIA PAKISTAN
 22-05-07

دستخط _____
 عہدہ _____

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ جوف الف یاب سرخ روشنائی

(B) 9/12

ORDER

This office order relates to the disposal of formal departmental against Constable Siyar Muhamad No.2939 of Capital City Police, Peshawar on the following allegations that ;

1. On 04.09.2007, he was transferred from PS Mathra to PS Bhanamari but he did not report arrival.
2. The MHC PS Mathra was asked about him but he stated that the record of PS was silent.
3. On further inquiry from Moharrir Police Lines, it was found that he has reported his departure from Police Lines to PS Mathra vide DD No.54 dated 18.6.2006.
4. It was further stated that Constable Siyar Muhammad No.2939 is involved in a criminal case vide FIR No.530 dated 22.08.2008 U/S 302/324-PPC PS Khan Raziq Shaheed (copy attached).

In this regard, he was charge sheeted and issued summary of allegations vide No.178/PA, dated 18.08.2008. DSP Investigation Rural was appointed as Enquiry Officer vide No.1830 dated 16.0.2008. He conducted the enquiry and submitted report/finding that the defaulter Constable Siyar Muhammad No.2939 has been declared as P. O and he has directly been charged by the complainant in the aforesaid murder case vide No.1904/St, dated 13.01.2009

Upon the finding of Enquiry Officer, he was issued Show Cause notice vide No.178/PA, dated 15.01.2009 and sent to him through his home address which was received by his son Muhammad Naeem, but he is still at large and failed to submit his explanation to the said notice within stipulated period of 07-days.

In the light of the finding of Enquiry Officer and other material available on record it has been proved beyond any doubt that he is guilty of misconduct and has also been declared as PO in the above mentioned murder case. Therefore, in exercise of the powers vested in me under the Removal from Service (Special Power) Ordinance -2000, he is hereby awarded the major punishment of dismissal from service due to deliberate absence from duty with effect from 04.09.2007 and involvement in murder Case.

Order Announced.

Hasan
(HASAN ASAD ALVI)
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

O.B No. 585 /
Dated 25-2- /2008

No. 230-34 /PA, dated Peshawar, the 26/2 /2009.

Copy forwarded for information & n/action to:-

- ✓ The Capital City Police Officer, Peshawar.
- ✓ The SSP/Operation Peshawar.
- ✓ Pay Officer/RI, LO Police Lines Peshawar.
- ✓ OASI, CRC & FMC along-with complete departmental enquiry file.
- ✓ Officials concerned.

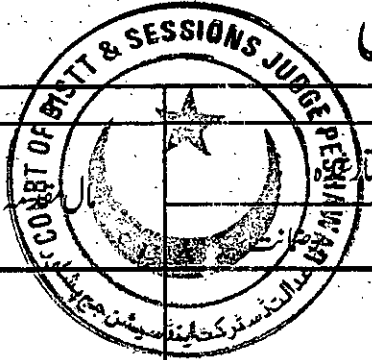
Hasan
ATTESTED

لیدر اسٹاٹس صاحب سردار خان علی گڑھی

صفحہ 17/14

چالان مکمل

نمبر 530 فرم 228/2007



1	2	3	5	6
نام مستفیث	نام ملزمان جو گرفتار نہ ہوئے ہوں بشمول مفروران	نام ملزمان گرفتار زیر است	نام گواہان	مختصر حالات مقدمہ
			<p>جناب عالی</p> <p>حالات قدم ہوں حسیہ</p> <p>دعوی قدم نے مقیم خانہ</p> <p>مخبر کے خلاف محمد نصیب</p> <p>کی قتل کی دعوت داری نہ</p> <p>دیہ راجہ جان کتا کتا۔ سلام</p> <p>خانہ جی رولوشن قدر جی</p> <p>کے خلاف قدم یہاں</p> <p>سکھن زمین 512 قضا جی</p> <p>یہاں کتا۔ اب سلام محمد سار</p> <p>نے عدالت سینٹ کے مور کا</p> <p>فحاشت کرتے جو کتقم نہ ہو کر</p> <p>سلام قدم خدا میں گرفتار</p> <p>کرتے جی صاحب است تولی</p>	<p>1587</p> <p>2014</p> <p>11</p> <p>22/14</p> <p>موجود</p>

ATTESTED
(Examiner)
Sessions Court Peshawar

Supplementary
for trial
for court

Director Public Prosecutor
Peshawar
11-6-14

سازشی ولد عبدالرحمن آئن تریڈ بنگلام

عدالت میں سید نے پوری ام محمد ایال کے بار بار ادہ مثل مانگ کر شروع

(13)

IN THE COURT OF FAREED KHAN ALIZAI,
ASJ-X, PESHAWAR

FORMAL CHARGE

I, Fareed Khan Alizai, Additional Sessions Judge-X, Peshawar do hereby charge you accused Muhammad Sayyar son of Shahzada aged about 45 years resident of Dolat Pura a as follows:

Firstly:

That, on 22/8/2007 at 10.00 hours in the vicinity of Kabari Bazar back side Qissa Khwani, falling within the criminal jurisdiction of police station Khan Raziq Shaheed, Peshawar, you accused named above alongwith your acquitted co-accused Abdul Wahab and Imran and absconding/proclaimed offender Abdur Raheem in furtherance of your common intention you accused Sayyar and your absconding/proclaimed offender accused Adur Raheem opened firing with your pistols at Muhammad Iqbal effectively as result of which Muhammad Iqbal was hit, injured and died on the spot and thus you thereby committed his murder (Qata-e-Aind) an offence punishable u/s 302/34 PPC within my cognizance, and I hereby direct that you be tried by me on the said charge.

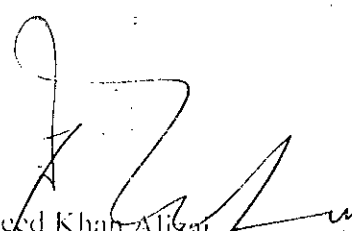
Secondly:

That, accused named above on the above mentioned date, time and place you accused named above alongwith your acquitted co-accused Abdul Wahab and Imran and absconding/proclaimed offender Abdur Raheem in furtherance of your common intention, the acquitted co-accused Abdul Wahab and Imran by aiming their pistols at the complainant Niaz Ali and his companion with intention to criminally intimidate them and as such committed criminal intimidation an offence punishable u/s 506/34 PPC within my cognizance, and I hereby direct that you be tried by me on the said charge.

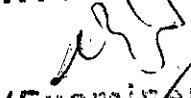
RO & AC.

Dated: 11/7/2014

(43)


Fareed Khan Alizai
Additional Sessions Judge-X,
Peshawar.

ATTESTED


(Examiner)
Sessions Court Peshawar

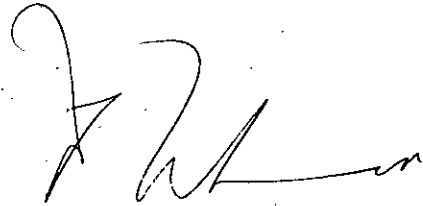
15 (16) (17)

Cont. formal charge, case
State vs Abdl Wahab
Accused facing trial is
Sayyar.

Q. 1 Have you heard and understood the charge?
A. Yes.
Q. 2 Do you plead guilty or contest the case?
A. I do not plead guilty and claim trial.

RO & AC
Dated: 11/7/2014

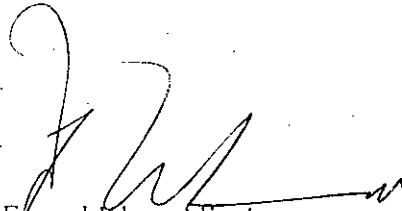
Sayyar
Accused: Sayyar



Fareed Khan Alizai
Additional Sessions Judge-X,
Peshawar.

CERTIFICATE

Certified u/s 364 CrPC that the above formal charge against the accused has been framed in my presence and in presence of accused named above. The same has been read over and explained to the accused who after admitting its contents as correct thumb impressed/ signed the same.



Fareed Khan Alizai
Additional Sessions Judge-X,
Peshawar.

(44)

ATTESTED

[Signature]
(Examiner)
Sessions Court Peshawar
25/11/14

IN THE COURT OF FAREED KHAN ALIZAI,
AD & SJ-X, PESHAWAR

Case No. 55/SC of 2014
State Vs Abdul Wahab

ORDER.
17/11/2014

PP for the State present. Accused Sayyar in custody present. His counsel present. Accused Abdul Wahab and Imran have already been acquitted in the instant case by learned Additional Sessions Judge-XI, Peshawar vide Judgment dated 19/4/2012. Other accused have already been declared as proclaimed offenders vide Judgment dated 19/4/2012, ibid.

PWs including the complainant are again absent despite last chance to the complainant to produce its evidence:

Arguments on application u/s 265 K Cr,PC heard and case file perused. Notice of the said application has already been given to the State/prosecution as evident from order sheet dated 03/10/2014.

As per brief facts of the case allegations against the accused is that on 22/8/2007 complainant reported the matter to the local police that accused facing trial Syyar alongwith acquitted co-accused Abdul Wahab and Imran and absconding/proclaimed offender co-accused Abdur Raheem appeared. Accused Abdur Raheem and Sayyar put out their pistols and opened firing at Muhammad Iqbal whereas accused Imran and Abdul Wahab aimed their pistols at complainant Niaz Ali and PW Haji Jan Serwar. As result of firing of accused Syyar and absconding co-accused Abdur Raheem Muhammad Iqbal was hit and died on the spot. Hence the instant case vide FIR No. 530 dated 22/8/2007 was registered under section 302/324/34 PPC at police station Khan Raziq Shaheed, Peshawar.

Case against the present accused was put in court. Accused Syyar was summoned who produced in custody and after compliance of provisions of section 265 C Cr,PC formal charge against him was framed on 11/7/2014 to which he pleaded not guilty and claimed trial. Prosecution witnesses were summoned.

Till today prosecution has produced and examined only five PWs.

PW1 is the statement of Raheem Ullah Khan SI. He is the marginal witnesses to the pointation memo Ex:PW 1/1.

ATTESTED

(Examined)
Sessions Court Peshawar

Additional District Sessions
Judge-X, Peshawar.

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PW 2 is the statement of Aqil Shah CIO who investigated the case after the arrest of accused facing trial.

PW 3 is the statement of Khan Ghalib Khan SI. He stated that he is the marginal witnesses to the recovery memo Ex:PW 3/1 vide which the IO took into possession the blood from the place of deceased at point No. 1 and the same was sealed into parcel No.1 by affixing 4 monograms of SR. Similarly he is also marginal witness to the recovery memo Ex:PW 3/2 vide which the IO took into possession 31 empty shells Ex:P:1/1 Ex:P:1 and Ex:P:2 during spot inspection from point 1 and 2 and sealed the same into parcel No. 2 by affixing four monogram in the same of SR. He further stated that he is the marginal witness of the recovery memo Ex:PW 3/3 vide which the IO took into possession the blood stained garments of the deceased Muhammad Iqbal consisting of shalwar shirt Ex:P:4 and banyan Ex:P:5 of white color brought by constable Raffat Ali 244 from hospital KMC and the garments were sealed in parcel No. 3 by affixing 4 monogram in the name of SR. He further stated that he is the marginal witness of the recovery memo Ex:PW 3/4 vide which the IO took into possession one lead bullet recovered from the body of deceased and the same was sealed into parcel No. 4 by affixing four monogram in the name of MR. He admitted his signature over the abovementioned recovery memos to be correct and correctly bears his signature.

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Additional District & Sessions
Court, Peshawar.

PW 4 is the statement of Mukamil Shah SI. He stated that on 28/8/2007 he conducted raid at the house of accused facing trial Syar but the accused was not found as well as nothing was recovered from his house. He admitted that search memo Ex:PW 4/1 is correct and correctly signed by him.

PW5 is the statement of Ikram Ullah. He stated before the court that he had identified the dead body of the deceased namely Iqbal before the police as well as before the doctor at the time of post mortem and that his statement was also recorded by the IO.

PW Jan Sarwar appeared before the court alongwith the complainant as evident from order sheet dated 08/9/2014. On 09/10/2014 PW Jan Sarwar was present but could not be examined due to non availability of counsel for the complainant. On 03/10/2014 PW Jan Sarwar present but could not be examined due to absence of complainant and on

ATTESTED
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(Clerk)
Sessions Court Peshawar

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It is evident from record that complainant and eye witnesses have not been appearing since long despite the fact that various processes were issued against them. Moreover it is also evident that complainant party was in the knowledge of the instant case as it is evident from the order sheets referred above regarding. The complainant and eye witness are the star witnesses in the instant case and success of the case depended upon their appearance in the witness box against the accused for commission of offence but the complainant party has shown his complete disinterest by not appearing despite the fact that accused facing trial has been facing the agony of protracted trial and also the agony of jail.

No conviction can be attained when complainant party is not ready to appear in the witness box. Non appearance of the complainant for such a long time implied that he is not ready to bear the test of cross examination and a strong presumption is that certain facts would have been extracted from him which could benefit the accused despite the fact that already two other co-accused were tried and have been acquitted in the instant case. It will be unjust if proceedings in the instant case are stopped as there is no strong reason that why a case should be stopped for the whims and caprices of the complainant.

No case can be proved on the mere allegation incorporated in the FIR except juxtaposition of these witnesses in the witness box bear their also cross examine.

In criminal cases, the prosecution is duty bound to proof its case beyond shadow of reasonable doubt for bringing home conviction of accused.

The above referred circumstances clearly reveal that there is no probability of the accused facing trial being convicted in the instant case, even if the remaining evidence of the prosecution is recorded. Hence further proceeding with the trial would thus a futile exercise which shall waste the time of court. In such like circumstances the law requires that a purposeless litigation should be brought to an end when it is evident from the circumstances that there is no likelihood of conviction of the accused. Resultantly proceedings with the instant case appears to be an exercise in futility. Thus accused facing trial Sayyar is, hereby, acquitted in the instant

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District & Sessions
Peshawar

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ATTESTED

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Sessions Court Peshawar

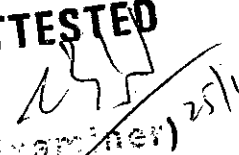
the even date counsel for the accused facing trial moved application 265 K Cr.PC for acquittal of the accused. On 21/10/2014 PW Jan Sarwar present but could not be examined because of again absence of complainant and the case of adjourned. On 01/11/2014 last chance was given to the complainant party to produce the complainant for the next date. On 08/11/2014 once again complainant and other PWs was absent despite of NBWA against them and complainant/prosecution and junior counsel for complainant present in court were directed to produce the private witnesses including the complainant on the next date, failing which it will be presumed that complainant party/prosecutions is disinterested in the case and once again last chance was given to the complainant/prosecution.

Today again private PWs including the complainant absent. Thus arguments on the instant application u/s 265 K from the side of State and counsel for accused heard and case file perused.

Perusal of the case file reveal that the accused facing trial Sayyar and absconding co-accused Abdur Raheem are charged in the instant case by the complainant for the murder of one Muhammad Iqbal whereas accused Imran and Abdul Wahab aimed their pistols at complainant Niaz Ali and PW Haji Jan Serwar.

It is evident from the record co-accused Abdul Wahab and Imran were earlier arrested, released on bail and tried by the learned trial court and after recording of prosecution witnesses both of them were acquitted in the instant case by the learned Additional Sessions Judge-XI, Peshawar vide Judgment dated 19/4/2012. It has been held in the said judgment dated 19/4/2012, that it could be easily gathered that status of both the eye witnesses is that of chance witnesses who being closely related inter se and to the deceased Muhammad Iqbal fail to explain the case of their presence at the spot at the relevant time.

Though role attributed to the present accused facing trial is not at par with both the acquitted co-accused but after recording evidence including the evidence of complainant and eye witnesses, but after recording statements of prosecution witnesses before the trial court, evidence of the prosecution was deceived and status of both the eye witnesses is that of chance witnesses who being closely related to inter se as detailed above.

ATTESTED

 (Examiner) 25/11/14
 Sessions Court Peshawar

Additional Sessions Judge-XI, Peshawar

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case u/s 265 K Cr.PC without proceedings further. Accused facing Sayyar is in custody and he be set free forthwith, if not required in any other case.

As far as the case of the absconding co-accused Abdur Raheem is concerned, he has already been declared as proclaimed offender vide judgment dated 19/4/2014, passed by the learned Additional Sessions Judge-XI, Peshawar.

Case property be kept intact till the arrest and trial of the absconding co-accused.

Copy of this order be placed on judicial/police file. The police record be returned to the quarter concerned and file of this court be consigned to the record room after its completion and compilation.

Announced:

Dated: 17/11/2014

Fareed Khan Alizai
Additional Sessions Judge
Peshawar

No:	10960
Dated of Application	25-11-14
Name of Applicant	1, 4, 2
Word	1000
Fee	2
Signature of Clerk	[Signature]
Dated of Preparation	25/11/14
Date of Delivery	25/11/14

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CERTIFIED TO BE TRUE COPY

(Examined)
Copying Agency Sessions Court
Peshawar. 25/11/14

25/11/14

بخدمت جناب کیپٹن نسٹی پولیس افسر ضلع پشاور

(10) (11) (12) (13)

مخبر: محکمہ اسپل واسطے بحالی ملذرت و داد رہی

جناب عالی! سائل ذیل عرض ہے:-

- 1۔ یہ کہ سائل محکمہ پولیس میں بطور کانسٹیبل تعیناتی ہو کر حکم عوامی تفریبات 21/22 سال ملذرت بظہر کی شہادت کے انجام دی ہے۔
- 2۔ یہ کہ سائل کے رشتہ داران کے مابین تین قعات تک کی دوشمنی چلی آ رہی تھی جس میں سائل کو شامل کر لیا گیا تھا۔ سائل کے خلاف بحال مقدمہ عدالت 530 موضع 2008-22-8-224/324 P.C. 2007-2008 عدالت عالیہ رازق شہید میں درج ہے۔ اور سائل کو قتل کرنے پر تلے ہوئے تھے۔
- 3۔ یہ کہ سائل نے بس اور کمزور ہونے کی وجہ سے اپنی جان کی حفاظت اور ساتھیوں کی حفاظت کا فکر ہو کر علاقہ چھوڑنے اور کسی محفوظ مقام منتقل ہونے پر مجبور ہو گیا۔ اور یوں بہادر چھوڑی علیہ حاضر ہو گیا۔
- 4۔ اس دوران سائل کے خلاف محکمہ مارائی ہو کر بحال O.B. نمبر 585 25-2-2009
- 5۔ آج کل سائل نے گرفتاری دیکر مقدمہ عنوان بالذیل اسرائیل ہو کر لگایا ہے۔
تاریخ 17/11/2014
نقل ضلع ملذرت لہذا ہے۔

اس لئے درخواست حضور انور ہے۔ کہ سائل کی مجموعی اور درہم بالہ حالت کو پیش نظر رکھ کر انسانی ہمدردی کی بناء پر سائل اور طویل ملذرت کو سائل کو تفریحی پر حال کرنے کا حکم بہادر فرمانر مسکو روٹ ماسٹ۔ لاہور صادر فرمائیں۔

عارضہ 15/12/2014

ریکارڈ نمبر 2939 سالہ نسٹی پشاور

ATTESTED

CHARGE SHEET

(E)

(28)

(15)

(5)

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a ~~competent~~ authority, hereby charge you Constable Siyar Muhammad No. 2939 of Capital City Police Peshawar as follows.

As per the report of SSP/Investigation vide memo: No. 2844, dated: 11-08-2008 you Constable Siyar Muhammad No. 2939 of Capital City Police Peshawar have committed the following irregularities:-


1. On 04-09-2007 you were transferred from PS/Mathra to PS/Bhanumari (Investigation) but up till now you have not been report your arrival.
2. MHC/PS Mathara was asked about you but the record of Police Station was silent.
3. On further inquiry from Moharrar Police Lines it was found that you have reported your departure from Police Lines to PS/Mathra vide DD No. 54, dated: 18-06-2006.
4. It is further stated that you are involved in a criminal case vide FIR # 530, dated: 22-08-2008 U/S 302/324 PPC, PS/Khan Raziq Shaheed (copy attach:)
5. These all amount to gross misconduct on your part and against the disciplined force."

You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the Enquiry Officer or committee, as the case may be.

Your written defence, if any should reached the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case expartee action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.



SUPERINTENDENT OF POLICE HQRS,
CAPITAL CITY POLICE PESHAWAR


ATTESTED

(F) (23)

(16)

(6)

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Constable SIYAR MUHAMMAD NO. 2939 have rendered yourself liable to be proceeded under Section-3 of NWFP, Removal From Service (Special Power) Ordinance 2000.

STATEMENT OF ALLEGATION


"As per the report of SSP/Investigation vide memo: No. 2844, dated: 11-08-2008 Constable Siyar Muhammad No. 2939 of Capital City Police Peshawar have committed the following irregularities:-

1. *On 04-09-2007 he was transferred from PS/Mathra to PS/Bhanamari (Investigation) but up till now he has not been report his arrival.*
2. *MHC/PS Mathra was asked about him but the record of Police Station was silent.*
3. *On further inquiry from Moharrar Police Lines it was found that he has reported his departure from Police Lines to PS/Mathra vide DD No. 54, dated: 18-06-2006.*
4. *It was further stated that Constable Siyar Muhammad is involved in a criminal case vide FIR # 530, dated: 22-08-2008 U/S 302/324 PPC, PS/Khan Raziq Shaheed (copy attach:)*
5. *These all amount to gross misconduct on his part and against the disciplined force."*

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and Mr. Attallah Khan (P-I) is appointed as Enquiry Officer.
DSP/I (Rural)

2. The enquiry officer shall in accordance with the provisions of the Ordinance provide reasonable opportunity of hearing to the accused officer, record its finding within 30 days of the receipt of this order, made recommendations as to punishment or other appropriate action against the accused.

The accused shall join the proceeding on the date time and place fixed by the enquiry Officer.


SUPERINTENDENT OF POLICE HQrs,
CAPITAL CITY POLICE PESHAWAR.

No. 178 /E/PA, dated Peshawar the 18/8 /2008.

1. P-I / DSP/I (Rural) is directed to finalize the aforementioned departmental proceeding within stipulated period under the Rule.

2. Official concerned.

Attested
ATTESTED

(G) (E/S)

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SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police, Peshawar as competent authority, under the North West Frontier Provincial Removal From Service (Special Power) Ordinance, 2000 do hereby serve you Constable Siyar Muhammad No. 2939 of Capital City Police, Peshawar as follows.

1 (i) That consequent upon the completion of enquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.

(ii) On going through the findings and recommendation of the enquiry Officer, the material on record and other connected papers produced before the E.O.

I am satisfied that you have committed the following acts/omissions specified in section 3 of the said Ordinance.

As per the report of SSP/Investigation vide his memo: 2844, dated 11.08.2008 you Constable Siyar Muhammad No.2939 of Capital City Police Peshawar have committed the following irregularities:-


- 1 *On 04-09-2007 you were transferred from PS/Mathra to PS/Bhanamari (Investigation) but up till now you have not been reported your arrival*
- 2 *MHC/PS Mathra was asked about you but the record of Police Station was silent.*
- 3 *On further inquiry from Moharrar Police Lines it was found that you have reported your departure from Police Lines to PS/Mathra vide DD No.54, dated 18.06.2008.*
- 4 *It was further reported that you Constable Siyar Muhammad are involved in a criminal case vide FIR# 530, dated 22.08.2008 U/S 302/324 PPC, PS/Khan Raziq Shaheed.*
- 5 *These all amount to gross misconduct on your part and against the disciplined force.*

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under section 3 of the said Ordinance of sub section 4 of section 5 for absence willfully performing duty away from place of posting.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 7 days of its delivery, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as exparte action be taken against you.

5. The copy of the finding of the enquiry officer is enclosed.


SENIOR SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No 178 /PA. SSP/HOrs: dated Peshawar the 15/11/2009.

Attested

No 2177-LB
15-8-08

(H) (3) (25)

From: The Senior Superintendent of Police,
Investigation, Peshawar.

To: The Capital City Police Officer,
Peshawar.

No. 2844 /PA, dated Peshawar, the 11/8. 2008.

Subject: INFORMATION.

Memo. It is submitted that :-

1. On 04.09.2007 constable Siyar Mohammad No.2939 has been transferred from Police Station Mathra to Police Station Bhanā Mari (Inv:) but up-till now he has not been reported his arrival.
2. MHC Police Station Mathra has been asked about the said constable but the record of Police Station is silent.
3. On further inquiry from Moharrir Police Lines, Peshawar it was found that the said constable has been reported his departure from Police Lines. Peshawar to Police Station Mathra vide Daily Diary No.54 dated 18.06.2006.
4. It is further stated that Constable Siyar Mohammad No.2939 is involved in a criminal case vide FIR No.530 dated 22.08.2007 u/s 302/324 PPC Police Station Khan Raziq Shaheed. (Copy of FIR attached).
5. The said constable neither suspended nor any departmental action has been initiated against him.

Submitted for f/o your kind perusal please.

[Signature]
SENIOR SUPERINTENDENT OF POLICE,
INVESTIGATION, PESHAWAR.

Pay stopped & initiate dep: proceedings & suspension order.

O. B. No 2373.
DATE 13-8-08

DSP/Legal.

For legal comments & detail report pl.

SP/HQs:
13/8/08

[Handwritten notes and signatures]
SP/HQs
no action
active plan

The constable has been suspended and proceeded under the rules & removed from service (Sp Power) and 200A on the charge of absence from duty and his involvement in criminal case.

SP/HQ

For all
DSTL
1618

ATTESTED

(26)

No 104-LB
15-1-09

From: The Deputy Supdt: of Police,
Inv: Rural, Div: Peshawar.

e 16

To : The Sr: Superintendent of Police,
Head Quarter,s Peshawar.

(23)

No. 1904 /St: Dated Peshawar the, 13/07/2009.

Subject: DEPARTMENTAL ENQUIRY AGAINST CONSTABIE
SIYAR MUHAMMAD NO.2939.

Memo:

Kindly refer to your office Dy:No.1830/PA,
dated 16/10/2008, On the subject noted above.

This is an a departmental enquiry against
the above mentioned police official who suspended from
service, chargsheeted & summary of allegations has also
been issued to the defaulter due to his non comply the
orders/instruction issued by the high ups.

The undersigned was appointed as enquiry
officer for the purpose to scrutinizng the conduct of
the said constable with reference to the attached alleg-
ations.

In this regard the MI/PS:Mathra was directed
to submit the report regarding the presence of the defaulter
constable. Henceforth, as per attached report of MI/Gulzar
of PS:Mathra that the defaulter constable had made his arri-
val in PS:Mathra on 21.08.06, but after 2/3-months he was
transferred and posted to police lines, Peshawar but in this
connection no entry DD-is present/found in register No.16
of PS:Mathra.However, he stated to the effect that at the
time of involvement in a murder case taken place in police
station Khan Raziq Shaheed, Peshawar the defaulter was posted
in police lines, Peshawar.

The CIO/SI-Mirza Khan of PS:K.R.Shaheed was
summoned who stated to the effect that the complainant of
the case namely Niaz Ali s/o Abdul Sakhi r/o Tirkha(B.Gram)
had directly charged the accused constable (Siyar Mohd) for
the murder of his brother in law deceased Muhammad Iqbal.
Henceforth, a proper case vide FIR-No:530/Dt:22.08.2007,
U/S-302/324/34-PPC, PS:Khan Raziq Shaheed Peshawar was regi-
stered accordingly.

The investigation in the subject case was
conducted by the then CIO/Inspector Salim Riaz Khan pre-
sently he has been preceded to U.N.mission while after all
codle formalaties the challan complete u/s-512-Cr.Pc has
been sent to the court against the accused constable.

Handwritten signature

ATTESTED

P.T.O.

(27)
(22)

In view of the above circumstances it revealed that being police constable he has been involved in a criminal case of murder while he has directly been charged by the complainant of the case who has been fledaway after the crime. Hence his absence & absconding in the matter seems that he is implicated in a case of murder taken place in the jurisdiction of P.S Khan Raziq Shaheed Peshawar.

In this connection a written parwana was marked to CIO/Mathra that DFC/Ajmal No.600 of investigation unit FS:Mathra to trace out the absconder/defaulted accused F.C Siyar Muhammad No.2939 urgently and produced him before the under signed so that the subject enquiry could be completed, but according to the written reply of DFC/Ajmal Khan No.600 that he has visited the house of accused constable situated in District Charsadda village Daulat Pura PS:Bata-Gram but the accused constable has been decamped from his place of residing after the commission of offence and shifted to unknown place. (The reply in urdu version of DFC is enclosed).

In light of complete challan u/s-512-Cr.Pc, the constable (Siyar Muhammad No.2939) has been declared as P.O as he has directly been charged by the complainant in the case of murder.

It is, therefore, suggested that in this connection a proper consultation regarding the suitable punishment of the accused constable may please be obtained from P.DSP/Pesh: if approved.

Submitted please.

Encls: (10)

(HILAL HAIDER)
DEPUTY SUPDT: OF POLICE,
INV: RURAL, PESHAWAR.

DSP/legal.

bin
I have gone through the finding of B.O, which reveals that the constable is absent from duty due to absconding in a murder case. Therefore the further proceeding of show notice is required to sent at his home address, and the enquiry is disposed of accordingly by

for opinion

SSP/Hdm.
14/11/09.

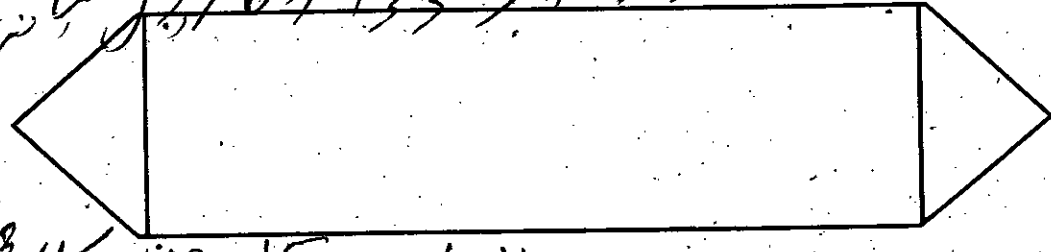
SSP/Hdm.
15/11/09

Issued S.C.N

SSP/Hdm.
15/11/09.

ATTESTED

بعدالت جہر خسرو خان کی لہذا کی سرپرستی



11 مارچ 2015ء پنجاب سارا سہم
بنام اس کی سرپرستی
دعا

مورخہ
مقدمہ
دعوی
جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام میں کیلئے سرپرستی خان درستی اور لہذا کی سرپرستی
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 حالت فیصلہ برحلف دیئے جواب دہی اور اقبال دعوی اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعوی اور درخواست ہر قسم کی تصدیق
زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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 بااختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted

M. S. Khan

المرقوم 11 مارچ 2015ء

سرپرستی خان

بمقام کے لئے منظور ہے۔

BEFORE THE I.C.P.C SERVICE TRIBUNAL
بعد الترتیب
Festhall

S.A.No. — of 2015

APPELLANT

Sixar Muhammad

2015ء پنجاب

15. Superintendent

11/05/2015

مورخہ

مقدمہ

دعویٰ

جرم

of Police Head Quarters Lahore

باعث تحریر آنکے

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

آن مقام کے ARBAR Saiful Kamal کیلئے Kesham Advocate

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 پر حلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار 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 داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائد 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 لکھ دیا کہ سندر ہے۔

المرقوم 11 ماہ مئی 2015

واحد

کے لئے منظور ہے۔

مقام

for now

Uzma

11

Advocate

11

Uzma

11/05/2015