

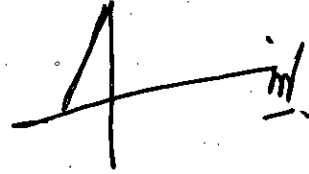


The appeal of Mr. Abid Ali son of Umara Khan Ex-Constable No. 1743 received today i.e. on 13.11.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of appellant is incomplete be completed according to the rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Memo of appeal be supported by with an affidavit duly attested by the Oath Commissioner.

No. 3574 /S.T.

Dt. 14/11 /2023.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Kabir Ullah Khattak Adv.  
High Court Peshawar.

Re-submitted  
objections has  
been removed

Kabir Ullah  
16-11-23

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Appeal No. 2422 of 2023

Abid Ali S/o Umara Khan Ex Constable 1743 R/o Main Khan  
Mohallah Khoshal Khel Baizai Tehsil Katlang District Mardan

..... Respondents

**VERSUS**

1. District Police Officer Mardan.
2. Regional Police Officer Mardan.
3. Inspector General of Police KPK Peshawar.


..... Respondents

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Appellant

Through

  
Kabir Ullah Khattak  
Advocate High Court,  
Peshawar

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Appeal No. 2422 of 2023

Abid Ali S/o Umara Khan Ex Constable 1743 R/o Main  
Khan Mohallah Khoshal Khel Baizai Tehsil Katlang  
District Mardan.

..... Appellant

**VERSUS**

1. District Police Officer Mardan.
2. Regional Police Officer Mardan.
3. Inspector General of Police KPK Peshawar.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KPK  
SERVICE TRIBUNAL ACT, 1974, AGAINST  
THE IMPUGNED ORDER DATED  
13/01/2023 WHEREBY MAJOR PENALTY  
OF DISMISSAL FROM SERVICE WAS  
IMPOSED TO THE APPELLANT AGAINST  
WHICH THE APPELLANT FILED  
DEPARTMENTAL APPEAL ON  
13-02-2023 WHICH HAS BEEN REJECTED  
ON 30-03-2023 ON NO GOOD GROUNDS.**

**Prayer:**

By acceptance of this appeal both the  
impugned orders dated 13.01.2023 and  
30.03.2023 may kindly be set aside and the  
appellant may kindly be reinstated on his service  
along with all back benefits.

2

Any other remedy which this august tribunal deems fit that may also be onward granted in favor of appellant.

Respectfully Sheweth:

FACTS

The appellant respectfully submits as under:

- 1) That the appellant has been appointed as Constable with respondent department since long time.
- 2) That after appointment the appellant performed his duty regularly with full devotion and hard work and no complaint whatsoever has been made against the appellant.
- 3) That while performing his official duty with respondent department a false and fabricated criminal case FIR 424 dated 06.11.2022 U/S 302, 324, 337, 114, 148, 149 PPC in P.S Baizai Mardan. (Copy of FIR is attached as Annexure-A).
- 4) That the appellant has been got bail in the said criminal case on 09.02.2023 and later on has been acquitted on 24.10.2023 from the court concerned. (Copy of bail order and acquittal orders are attached as Annexure B&C).

- 5) That the appellant has been dismissed from service on 13.01.2023 due to involvement of the above criminal case. (Copy of impugned dismissal order is attached as annexure-D).
- 6) That the appellant submitted Departmental Appeal on 13.02.2023 against the impugned order dated 13.01.2023 which has been rejected on 30.03.2023 on no good grounds. (Copy of Departmental Appeal and rejection order are attached as Annexure E&F).
- 7) That the appellant filed revision petition on 13.04.2023 against the impugned dismissal order dated 13.01.2023. (Copy of revision Petition is attached as Annexure-G).
- 8) That after submitted revision petition to respondent department the appellant becomes ill. (Copy of medical prescription are attached as Annexure-H).
- 9) That feeling aggrieved the appellant submitted the instant Service Appeal before this Hon' able Tribunal inter alia on the following grounds.

#### GROUND

- A). That the impugned orders dated 13/01/2023 and 30.03.2023 are void ab initio orders because it has been passed without fulfilling the codal formalities.

4)

- B). That no regular inquiry has been conducted by the respondent Department and no chance of personal hearing has been provided to the appellant in this respect the appellant relied upon the Judgment dated 2008 Page SCMR 1369.
- C). That no show cause notice has been issued to the appellant by the respondent Department.
- D). That no charge sheet and statement of allegation has been issued /serve to the appellant which is a clear cut violation of Rules (6) (a) (b) of Police Rules 1975.
- E). That it well settled principal of law no one can be condemn unheard because it is against the natural justice of law and this respect the appellant relied upon the Judgment reported on 2008 SCMR Page 678.
- F). That no statement of witness has been recorded and no opportunity of cross examination has been provided to the appellant.
- G). That the respondent department should be waited till the final decision of the criminal case according to law and rules.

5

H). That the appellant has already been acquitted from the criminal case.

I). Any other grounds will be raised at the time of arguments with prior permission of this Hon' able Tribunal.

It is therefore most humbly prayed by acceptance of this appeal both the impugned orders dated 13.01.2023 and 30.03.2023 may kindly be set aside and the appellant may kindly be reinstated on his service along with all back benefits.

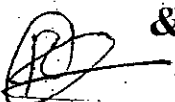
Any other remedy which this august tribunal deems fit that may also onward granted in favor of appellant.

  
Appellant

Through

  
Kasir Ullah Khattak

&

  
Roeda Khan

Advocates, High Court, Peshawar



(b)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Appeal No. \_\_\_\_\_ of 2023

Abid Ali S/o Umara Khan Ex Constable 1743 R/o Main  
Khan Mohallah. Khoshal Khel Baizai Tehsil Katlang  
District Mardan.

..... Appellant

**VERSUS**

1. District Police Officer Mardan.
2. Regional Police Officer Mardan.
3. Inspector General of Police KPK Peshawar.

..... Respondents

**APPLICATION FOR CONDONATION OF DELAY (IF  
ANY).**

**Respectfully Sheweth:**

- 1) That the petitioner/appellant has filed the accompanied appeal today in which no date has yet been fixed.
- 2) That petitioner/appellant has a good prima facie case and is hopeful for its success and the grounds mentioned in appeal may be treated as integral part of this application.
- 3) That the impugned dismissal order from service of the appellant dated 13/01/2023 is come under the definition of void order because it has been passed without fulfilling the codal formalities.
- 4) That no limitation can run against a void order.

7

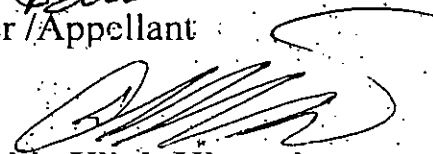
- 5) That after submitted revision petition to respondent department the appellant becomes ill.
- 6) That the respondent department should be waited till the final decision of the criminal case according to law and rules.
- 7) That there are many Judgment of the Supreme Court that cases should be decided on merit rather than on technicality.

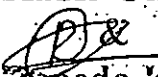
It is, therefore, most humbly prayed that on acceptance of this application the delay if any may be condoned in the interest of justice.

Dated 13/11/2023

  
Petitioner / Appellant

Through

  
Kabir Ullah Khattak

  
Roeda Khan  
Advocates, High Court  
Feshawar

8

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Appeal No. \_\_\_\_\_ of 2023

Abid Ali S/o Umara Khan Ex Constable 1743 R/o Main  
Khan Mohallah Khoshal Khel Baizai Tehsil Katlang  
District Mardan.

..... Appellant

**VERSUS**

1. District Police Officer Mardan.
2. Regional Police Officer Mardan.
3. Inspector General of Police KPK Peshawar.

..... Respondents

**AFFIDAVIT**

I, Abid Ali S/o Umara Khan Ex Constable 1743 R/o Main  
Khan Mohallah Khoshal Khel Baizai Tehsil Katlang District  
Mardan do hereby solemnly affirm and declare on oath that  
the content of the above application are true and correct to  
the best of my knowledge and belief and nothing has been  
kept secret and concealed from this Hon'ble Tribunal.

  
DEPONENT

(9)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR.**

Abid Ali S/o Umara Khan Ex Constable 1743 R/o Main Khan  
Mohallah Khoshal Khel Baizai Tehsil Katlang District Mardan

..... Respondents

**VERSUS**

1. District Police Officer Mardan.
2. Regional Police Officer Mardan.
3. Inspector General of Police KPK Peshawar.

..... Respondents

**ADDRESSES OF THE PARTIES**

**Appellant**

Abid Ali S/o Umara Khan Ex Constable 1743 R/o Main  
Khan Mohallah Khoshal Khel Baizai Tehsil Katlang  
District Mardan

**Respondents**

1. District Police Officer Mardan.
2. Regional Police Officer Mardan.
3. Inspector General of Police KPK Peshawar.

  
Appellant

Through

  
Kabir Ullah Khattak

&

  
Reeda Khan

Advocates, High Court, Peshawar

(A) (15)

پولیس فارم نمبر 24-15(1)

سیریل نمبر: 000666--

ابتدائی اطلاع رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 154 مجموعہ ضابطہ فوجداری

تاریخ وقت وقوع: 05-11-2022 10:40 PM

نمبر: 424/22 تھانہ: بائیزری ضلع: مردان ای ٹیک نمبر: 00000

1	تاریخ وقت رپورٹ	مکالمہ نمبر (7)	6	تھانہ سے روانگی کی تاریخ وقت	پیسٹیکل ڈاک
2	نام و سکونت اطلاع دہندہ مشتعل	06-11-2022 12:50 AM			
3	مختصر کیفیت جرم (محدود حال اگر کچھ خوب کیا ہے)				
4	جلنے وقوعہ و فاصلہ تھانہ سے اور سمت				
5	کارروائی مختلفہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جاوے				

03469361840

ٹیلی فون نمبر

ASI

عہدہ:

533

پلیٹ نمبر:

Jehangir

دستخط:

(ابتدائی اطلاع نیچے درج کریں)

مراسلہ موصولہ منجانب زیور خان نمبر 72 S072 IP/SPO موٹروے پولیس بدست کنسٹیبل اظہار علی نمبر 2467 J درج ذیل ہے۔ خدمت اشرف انچارج SHO صاحب تھانہ بائیزری ضلع مردان مضمون مراسلہ آج مورخہ 11.11.2022 کو حسب اطلاع ہسپتال بٹ خیلہ آکر لاکر جیسی وارڈ میں بیڈوں پر مقول رہتم الدین عمر تقریباً 41/42 سال و مجرد و قاسم الدین عمر تقریباً 33 سال پران غلام محمد الدین ساکنان تیرگرہ قلاگئی پڑے پا کر مجرد و قاسم الدین کا ہوش و خواص درست ہے۔ بوقت صدر بچہ رپورٹ کرتا ہے کہ امر و ز میں معہ برادر ام مقول رحیم الدین یہ سواری کو سٹر نمبری CAA4257 پشاور سے تیرگرہ آ رہے تھے۔ راستے میں بدوران سفر سیاسی بحث و مباحثہ طوم نام و مسکن نامعلوم سے ٹکرا ہوا۔ جو کہ بعد میں بات باتا پائی تک پہنچ کر طوم نام و مسکن نامعلوم نے واقعات کے نسبت اپنے دیگر ساتھیوں ارشدہ دوران کو بذریعہ موبائل فون کال کر کے باہر زنی انٹرو چیج آنے کو کہا۔ جو نمبری کو سٹر نمبری بالا بوقت صدر بچہ بمقام بالا پہنچ کر تو دیگر پانچ مسکن طمان یہ اسلئے نامعلوم یہ مسلحہ ڈنڈوں لیس یہ اسلئے تھے۔ طمان کو سٹر نمبری بالا کو زبردستی کھڑا کر کے طمان میں معہ برادر ام کیساتھ یہ آرادہ شر و فساد ہو کر ہم پر لاقوں کھوں ڈنڈوں سے وارہیں کر کے دوران شر و فساد ایک طوم جو سامنے آنے پر شناخت کر سکا ہوں نے اسلئے آتشیں سے میں معہ برادر ام پر کو سٹر میں یہ ارادہ آگن فائرنگ کر کے جن کے فائرنگ سے برادر ام لگ کر موقع پر جاں بحق ہوا۔ جبکہ میں بائیں ہاتھ لگ کر شدید زخمی ہوا ہوں۔ طمان کیساتھ ساتھ عداوت نہیں ہے۔ البتہ دوران سفر ٹکرا شر و فساد ہوئی ہے۔ وقوعہ کو سٹر میں ڈرائیور کنڈیکٹر کے علاوہ دیگر سواریوں کا چشم دید ہے۔ پس میں طمان نام و مسکن نامعلوم کے خلاف بالا واقعات کا عہدہ ہوں۔ العیدہ دستخط دار و دو قاسم الدین کارروائی پولیس حسب گذشتہ سائل نے مجرد کار پورٹ حرف بہ حرف درج بالا ہو کر سائل نے بعد تسلی زبردستی دستخط اور دو خود ثبت کی۔ جسکا میں تصدیق کرتا ہوں۔ کہ مجرد و قاسم الدین کے نقشہ ضرر بمطابق زخمت جبکہ مقول کے نقشہ ضرر کا نقذات بمطابق زخمت مرتب کر کے حوالہ آن ڈیوٹی ڈاکٹر لوید عالم صاحب کیگی۔ سائل مجرد و ز پورٹ سے صورت جرم بالا کا کاپی جا کر بر خلاف 56 طمان نام و مسکن نامعلوم کے مراسلہ عرض قاسم الدین مقدمہ بدست کنسٹیبل اظہار علی نمبر 2467 J اور سال تھانہ ہے۔ تفتیش بجائے۔ دستخط اشرفی زیور خان IP/SPO S072 موٹروے پولیس مورخہ 11.11.2022 کارروائی تھانہ پس آمدہ مراسلہ حرف بہ حرف درج صدر ہو کر یہ جرم بالا مرتب ہو کر نقول FIR معہ مراسلہ براد تفتیش حوالہ انچارج شعبہ تفتیش کے جاتے ہیں۔ جبکہ اشرفان بالا صاحبان کو بطور سٹیشن رپورٹ اطلاع دی جاتی ہے۔ بطور سٹیشن پر چہ گزارش ہے

ASI Jehangir  
06-11-2022

ATTACHED

File to be made ADJ in the name of the State  
09-02-2023 02-2-2023 N. S. S. TX BA

IN THE COURT OF SHER AZIZ  
ADDITIONAL SESSIONS JUDGE, MARDAN AT KATLANG

(3) (B) (11)

Petition No. 71/BA of 2023

*Haider Ali etc. versus the State*

Order—03  
09.02.2023



**Present:**

- Iltaf Ahmad, APP for the State;
- Counsel for accused/petitioners;

**Absent:**

- Complainant despite personal service;

This is the post-arrest bail petition of accused/petitioners 1) Haider Ali and 2) Abid Ali both sons of Umara Khan residents of Mian Khan, Tehsil Katlang, District Mardan in case FIR No. 424 dated 06.11.2022 v/s 302/324/337F(iv)/114/147/148/149PPC/15AA PS Baizai, Mardan.

1. Argument heard and record perused. The prosecution case as set forth in the case FIR is that on 06.11.2022, the complainant reported the matter to motorway police that he along with his deceased brother Raheem ud Din was going to Timergara from Peshawar boarding coaster No. CAA4275; during the travel, political discussion started with accused/petitioner Haider (name unknown then); the political discussion culminated to scuffle; the said accused/petitioner called his other companions/relatives through his cell phone instructing them to come to Babozai Interchange; as soon as the coaster reached Babozai Interchange, accused/petitioner Abid Ali along with co-accused Sardar Ali, Ahmad Ali, Yasir Ali and Shaukat Ali (name unknown then) being armed with sticks came there; they stopped the coaster and started beating the complainant and his deceased brother; in the meanwhile, one of the accused whom he can identify when brought before him, made firing at him and his brother; resultantly, his brother was hit and died on the spot

9.2.23  
SHER AZIZ  
Additional District & Sessions Judge  
Mardan at Katlang

Official stamp with signature and date 11/2/2023

~~TESTED~~

12

4

while he sustained injuries; the motive is the political discussion; later on, the coaster driver and cleaner namely Shahid Khan and Waheed Ullah recorded their Magisterial statements u/s 164 Cr.P.C. on 10.11.2022; in the said statements, inter alia, the names of the persons with whom altercation had occurred on political issue was disclosed as Haider Ali (accused/petitioner); later on, statement of Waqas ud Din (complainant) recorded u/s 164 Cr.P.C. on 21.11.2022; he has nominated the accused/petitioners as well as co-accused named above.

2. A bird eye view of record reveals that accused/petitioner Haider Ali is the master mind of the unfortunate occurrence. Being aggrieved of political discussion, he called the co-accused for his assistance. In this scenario, his role cannot be equated with the role of co-accused getting bail. He has directly/initially been nominated. He has called the co-accused. So, he, at the face of record, is connected with the commission of offence. So far as the other accused/petitioner Abid Ali is concerned, his role and the roles of the co-accused getting bail are similar. So, the rule of consistency is safely applicable. The co-accused having the same roles have got bail either by the worthy Peshawar High Court, Peshawar or this court.

3. Hence, the bail petition to the extent of accused/petitioner Haider Ali stands dismissed while the same is accepted to the extent of accused/petitioner Abid Ali subject to provision of bail bonds to the tune of Rs. 200,000/- with two sureties each in the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means. Copy of this order be placed on judicial and police files. Requisitioned record be

9.2.23  
 SHER AZIZ  
 District & Sessions Judge  
 District of Khyber Pakhtunkhwa

~~ATTESTED~~

11/2/2023

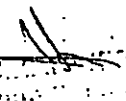
13

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returned to the quarter concerned and file of this court  
consigned to record room after completion and compilation.

Announced  
09.02.2023

(Sher Aziz)  
Addl: Sessions Judge,  
Mardan at Katlang

Certified to be true copy  
  
Additional District & Sessions Judge  
Mardan at Katlang

SHER AZIZ  
Additional District & Sessions Judge  
Mardan at Katlang

11/2/2023

~~ATTESTED~~



Before the Additional Sessions Judge <sup>(14)</sup> Kallang <sup>(b)</sup>

- 1. Haider Ali
- 2. Abid Ali sons of Amara Khan R/o Mian Khan

----- Petitioners -----  
 02/11/23

vs

- 1. The State
- 2. Waqas ud din s/o Ghulam Moliudeen R/o Qalaqi Temergon Lower Dir.

----- Respondent/complainant -----

FIR No. 424 dated: 06-11-2022 U/sec 302-324-337 (vi)-14-147-148-149 P.C. - 15AA  
 P.S. Baizoh.

Subject:- Application for post-Arrest Bail

R/sir,

The facts and Circumstance of the instant Bail are as under:-

- 1. That the above mentioned accused/petitioners are charged in the above mentioned case and are behind the bar (Copy of FIR is attached)
- 2. That the petitioners are innocent and falsely charged for some ulterior motive.
- 3. That the co-accused are also released on bail, the principle of consistency existed.
- 4. That the petitioners are not directly charged in the FIR but were charged in Supplementary Statement.

**TESTED**

11/2/2023

(15)

5. That the Site-plan and medico-legal report are highly  
Contradictory to the version of Complaint (7)

6. That the petitioners are ready to furnish the bail bonds  
for the entire satisfaction of this honorable court.

Therefore it is requested that petitioners  
may kindly be release on bail.

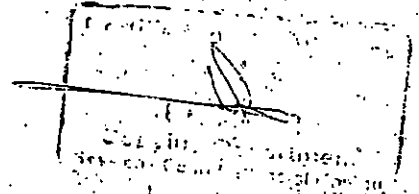
Dated: 02.02.2023

Submitted by

1. Haidor Ali
2. Abid Ali

  
AZIZUR REHMAN

Through Counsel  
AZIZUR REHMAN ADVOCATE  
High Court, Peshawar  
at Distt: Courts Mardan K.P.K

  
Haidor Ali  
Abid Ali

11/2/2023

**ATTESTED**

AFFIDAVIT

(16)

(8)

It is solemnly affirm and declare that the content of this petition are true and correct as per the clients, it is further certified that no such like petition is pending before this or any other honorable Court.

Section 10  
22/1/2023

Dated: 02-02-2023

*[Signature]*



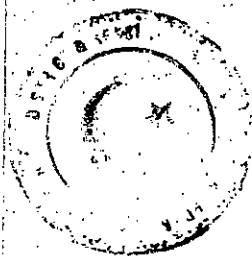
Certified to be True Copy  
EXAMINED  
Copying Department  
Sessions Court Mairan at Mardan

ATTESTED  
High Court Registrar  
at District Courts Mardan K.P.K

11/2/2023

Name of Applicant	_____
Date of Presentation of Application	11-02-2023
Date on which copy From	11-02-2023
Date on which copy Examined	11-02-2023
No. of words	9-6
Court Fee Stamps	3-10
Court Fee	_____
No. of Copies	1
Date of Delivery	11-02-2023

**ATTESTED**



(10)

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Case No. 10/SC of 2023  
The State vs Shoukat Ali and others  
FIR No. 424 dated 06.11.2022  
u/s 302/324/337F(vi)/148-149 PPC/15AA  
PS Raizai

**IN THE COURT OF ADIL ZEB KHAN  
ADDITIONAL SESSIONS JUDGE, MARDAN AT KATLANG**

Case No.....**10/SC of 2023**  
Date of institution.....**09.03.2023**  
Date of decision.....**24.10.2023**

State through Waqas ud Din son of Ghulam Mukhi ud Din resident of Qilagai,  
Timergara, District Lower Dir.....Complainant

Versus

1) Shoukat Ali, 2) Sardar Ali, 3) Ahmad Ali sons of Shamshi Khan, 4) Yasir Ali, 5)  
Haider Ali and 6) Abid Ali sons of Umara all residents of Mian Khan, Tehsil  
Katlang, District Mardan.....Accused facing trial

**FIR No. 424 Dated 06.11.2022 U/S 302/324/337F(vi)/148/149 PPC/15AA**  
**PS Katlang, Mardan**

**JUDGEMENT**  
**24.....10.....2023**

1. Facts forming matrix of the instant case as incorporated in the Murasila,  
Exh.PA/1, are that complainant Waqas ud Din made report to Zawar Khan  
No. S1072, IPO/Motorway police that he along with his deceased brother  
Raheem ud Din was going to Temargera from Peshawar boarding coaster  
No. CAA4275; during the travel, political discussion started with the  
accused (name unknown then); the political discussion culminated to  
scuffle; the said unknown accused called his other companions/relatives  
through his cell phone instructing them to come to Babozai Interchange; as  
soon as the coaster reached Babozai Interchange, five unknown persons  
being armed with sticks came there; they stopped the coaster and started  
beating the complainant and his deceased brother; in the meanwhile, one of  
the accused whom he can identify, if brought before him, made firing at him

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Case No. 10/SC of 2023  
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PS Barzai

and his brother; resultantly, his brother was hit and died on the spot while he sustained injuries. the motive is the political discussion.

2. The Reporting Officer Zawar Khan recorded the report of the complainant in the shape of Murasila Exh.PA/1 and sent the same to police station through Constable Izhar Ali No. J2467 to register the case against the unknown accused. He also prepared injury sheet and inquest report of the deceased as well as injury sheet of the complainant and handed over the same to the on-duty Doctor namely Naved Alam.
3. Having received the Murasila, Jehangir Khan ASI converted contents of the same in the shape of FIR and registered the case against accused facing trial. On registration of the instant case, investigation was conducted by Naveed Alam SI. During the course of investigation, the coaster driver and cleaner namely Shahid Khan and Waheed Ullah recorded their Magisterial statements u/s 164 Cr.P.C. on 10.11.2022. In the said statements, inter alia, the name of the person with whom altercation had occurred on political issue was disclosed as Haider Ali. The statement of Waqas ud Din (complainant) was also recorded u/s 164 Cr.P.C. on 21.11.2022 wherein he has nominated all the the accused facing trial namely Shoukat Ali, Abid Ali, Sardar Ali, Ahmad Ali, Haider Ali and Yasir Ali. On completion of investigation, complete challan was submitted against the accused wherein the accused facing trial Haider Ali, Abid Ali, Sardar Ali and Ahmad Ali were shown in column No. 2 of the Challan with red ink as they were absconders then. Later on, the said accused were arrested and on completion of partial investigation, supplementary challan were submitted before court. Being summoned, the accused facing trial appeared and after provision of copies of relevant

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PS Baizai

documents u/s 265-C Cr.P.C., they were charge-sheeted u/s 302/324/337F(vi)/148/149 PPC/15AA to which they did not plead their guilt and claimed trial. On claiming trial, PWs were summoned. On claiming trial, prosecution witnesses were summoned. The following PWs were examined while the remaining PWs were abandoned by the prosecution.

4. Waqas ud Din son of Ghulam Muhi ud Din resident of Siyar Qilagai P/O Danwa, Timergara, District Lower Dir (PW-1)

PW-1 is the complainant of the instant case. For ready reference, his examination in chief is reproduced in verbatim as under:

*"Stated that on 5.11.2022, I alongwith my brother deceased Rahim u din were going from Peshawar to Taimergara via Coaster bearing registration No. 4257 CAA Peshawar. During journey in the way my deceased brother and unknown accused exchange harsh words on political issues which turned into scalping. The unknown accused called his friends and relative through his mobile phone to Babozai interchange upon which they came there and intercepted the above-mentioned coaster. Accused were dully equipped with sticks. As the coaster stopped, they started beating me and my brother with fists, kicks and sticks. Among them one of the accused started firing upon me and my brother resultantly, my brother hit from the firing of the said accused and died on the spot, while I sustained injuries on my left shoulder. Motive behind the occurrence was political discussion. Beside me the occurrence was seen by driver, conductor and other person present there in the coaster. I alongwith my deceased brother were shifted to Batkhaila hospital in the coaster, where I reported the*

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matter to the police of PS Baizai, after scribing my report I signed my report as token of correctness. My report is Ex. PA/1. The accused can be recognized if they are brought before me. The site plan which was prepared on instance and pointation driver and conductor of the said coaster was verified from me by the IO after I was discharge from the hospital. I recorded my statement before Judicial Magistrate wherein I charged the accused facing trial. During identification parade I recognized the accused facing trial Shoukat was correctly identified by us."

5. Shahid Khan son of Noor Muhammad resident of Mohallah Darwish Khel, Dhery Jowalgrami, Batkhaila, Malakand (PW-2). (Driver of Coaster)

PW-2 has been cited as eye witness of the occurrence. To have a vivid picture in mind, his examination in chief is reproduced in verbatim as follows:

"Stated that I am driver of the coaster bearing registration No. 4257 CAA Peshawar, while Waheed Ullah is conductor with me. On 5.11.2022, we boarded passengers in the above-mentioned coaster for Taimergara from Peshawar Bus stand wherein the complainant party namely Waqas u Din, deceased Ra:im u Din and one of the accused beside other passengers were present. During journey in the way the complainant party and one of the accused exchange harsh words on political issues which turned into scuffling. The unknown accused called his friends and relative through his mobile phone to Babozai interchange upon which they came there and intercepted the above

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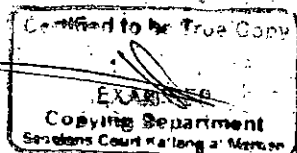
mentioned coaster. Accused were dully equipped with sticks. As the coaster was stopped by them they started beating the complainant party with fists, kicks and sticks. Among them one of the accused started firing upon the complainant party resultantly, Rahim u din died on the spot while Waqas injured from the firing of one of the accused. Beside me the occurrence was seen by conductor and other person present there in the coaster. My statement was recorded by the police as well by the Judicial Magistrate in the instant case. The site plan which was prepared on instance and pointation me and my conductor by the IO. During identification parade we recognized the accused facing trial Shoukat correctly."

6. Tariq Alam ASI (PW-3)

PW-3 accompanied the I.O. (PW-4) during spot inspection and endorsed the following recovery memos as marginal witness:

- i. Exh.PW3/1, blood of complainant collected through cotton;
- ii. Exh.PW3/2, blood of deceased collected through cotton;
- iii. Exh.PW3/3, three empties of 30 bore, Ex.P-1;
- iv. Exh.PW3/4, coaster and its registration book, Ex.P-3 and Ex.P-2;
- v. Exh.PW3/5, bloodstained clothes of deceased and that of complainant, Ex.P-4 and Exh.P-5;
- vi. Exh.PW3/6, certain sticks lying near the spot, Exh.P-6;

He verified his signature as well as that of co-marginal witness on the said memos.





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7. Naveed Alam SI (PW-4)

PW-4 is the Investigation Officer of the instant case. After registration of the FIR, he proceeded to the spot of occurrence and prepared site plan Ex. PB at the instance of the driver Shahid and conductor Waheed Ullah in the light of torch and head light of coaster. During spot inspection he made certain recoveries and prepared recovery memos (Ex.PW3/1, Ex.PW3/2, Ex.PW3/3, Ex.PW3/4, Ex.PW3/5, Ex.PW3/6 and Ex.PW4/1. He made sketch Ex.PC of the place where from the pistol weapon of offence was recovered on the pointation of accused Shoukat. He also prepared pointation memos, Exh.PW4/2, Exh.PW4/3, Exh.PW4/4, Exh.PW4/5, vide which all the accused pointed out the spot of occurrence and their respective places as well as that of complainant, deceased and PWs at the time of occurrence. He also made additions in site plan with red ink, Exh.PB/1, Exh.PB/2, Exh.PB/3 and Exh.PB/4 on the pointation of the accused facing trial. He placed on file the MLR report of the injured and PM report the deceased Rahim u Din. He vide applications Ex. PW 4/6, Ex. PW 4/7 and Ex. PW 4/8 sent to the FSL for examination and received the reports of FSL which are Ex.PZ, Ex. PZ/1 and Ex. PZ/2. He vide application Ex. PW 4/9 applied for warrants u/s 204 Cr. P.C against all the accused which were issued and handed over to DFC concerned for compliance. After the warrants were returned unexecuted, he applied vide application Ex. PW 4/10 for proclamation u/s 87 Cr.P.C. which were issued and handed over to DFC concerned for execution. He vide applications Ex. PW4/11, Exh.PW4/12 produced the accused Shoukat before the Judicial Magistrate for physical custody and later on for recording his confessional statement. He vide my applications Ex. PW 4/13.

*affidavit*  
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Exh.PW4/14 produced the accused Yasir before the Judicial Magistrate for physical custody and after expiry of said custody, for recording his confessional statement. He prepared the cards of arrest of accused Sardar Ali and Ahmad Ali which are Ex. PW 4/15 and Ex. PW 4/15-A. After recalling of BBA of accused Sardar Ali and Ahmad Ali, he vide his applications Ex.PW4/16, Exh.PW4/17 produced both the accused before the Judicial Magistrate for physical custody and later on for recording their confessional statement. He vide his applications Ex.PW4/18, Exh.PW4/19 produced the accused Haider Ali and Abid Ali before the Judicial Magistrate for physical custody and for recording their confessional statement. He vide his applications Ex.PW4/20 and Exh.PW4/21 produced Shahid, Waheed Ullah and Waqas ud Din before Judicial Magistrate for recording their statement u/s 164.Cr. P.C. He also arrested accused Yasir vide card of arrest is Ex.PW4/22. He placed on file attested copies of relevant dairy consists of 20 sheets Ex. PW 4/23, extracts of register No. 19 consists of 04 sheet Ex.PW 4/24, OPD chits of injured Waqas u din, extract of register No. 21 consists of 04 sheets Ex. PW 4/25, letters issued in the instant case in respect with the accused and relevant pictures of the proceedings of the instant case consisting of 30 photos, Ex: PW 4/26. He vide his application Ex. PW 4/27 applied for conducting identification parade of the accused. He vide his application Ex.PW4/28 applied for seeking opinion to the Dy.PP with respect to the injury cause upon the injured. He also recorded the statement u/s 161 Cr. P.C of clerk of Lahore Adda Peshawar. He vide memos Ex.PW4/29, Exh.PW4/30, Exh.PW4/31, Exh.PW4/32 made addition of relevant sections of law. He vide application Ex.PW4/33, Exh.PW4/34,

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Exh.PW4/35 and Exh.PW4/36 applied for details of accused Haider Ali from Frontier Core Baluchistan, details of accused Yasir from Malitry police Rawalpindi, details of accused Abid Ali from police department, details of accused Shoukat Ali from Pak Army posted at Nowshera. He vide application Ex.PW4/37 applied for extension of time for completion of investigation. He also placed on file CDR report and other details from NADRA consisting of 11 sheets Ex.PW4/38. He recorded the statement of all PWs and after completion of investigation, the case file was handed over to the SHO concerned for onward submission.

8. Dr. Naveed Alam (PW-5)

PW-5 conducted the autopsy of deceased Rahim ud Din and examined the injured/complainant Waqas ud Din on the day of occurrence. His examination in chief is reproduced in verbatim as follows:

*"On 05.11.2022 I conducted autopsy of the dead body of Rahim ud Din aged about 41 years s/o Ghulam Mahi ud Din r/o Siyar Qalagai, Temargira, brought by public. The dead body was identified by his brother. I started examination of the dead body at 09:39 P.M.*

*Symptom observed before death: Nil*

*Information furnish by police: Nil*

**I-EXTERNAL APPEARANCE**

<p>Mark of ligature on neck and dissection, etc</p>	<p>No any ligature marks. I received dead body wearing White clothes, Shalwar and Qamees, under sweater</p>
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	<i>bloodstained. Rigor mortis developed, one hour before.</i>
<i>Wound, bruises, position, size, nature</i>	<p><i>On examination I found the following injuries:</i></p> <ol style="list-style-type: none"> <li><i>1. I lacerated wound of about 1.5 cm in length and depth of 1 cm with bleeding slightly; irregular margins, just about six (6) cm distance about right ear.</i></li> <li><i>2. I entry wound of about 1.2 cm in length below right nipple of chest two cm at a distance.</i></li> <li><i>3. I recommended the x-ray of skull, chest and abdomen. On X-ray of skull, no bone fracture noted while the abdomen was full of blood. Liver injury and abdominal aorta and abdominal contents damaged and bullet observed on the left side of abdomen near the hip bone.</i></li> </ol>

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Case No. 13/SC of 2023  
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u/s 302/324/337F.I.R. 148 149 P.P.C.  
PS Balzai

**II. CRANIUM AND SPINAL CARD**

*Intact.*

**III. THORAX**

1. Walls, Ribs and cartilages	Only wall of right chest below the nipple area injured.
2. Plurae	Intact
3. Larynx and trachea	Intact
4. Right lung	Intact
5. Left lung	Intact
6. Pericardium and heart	Intact
7. Blood vessels	Intact

**IV. ABDOMEN**

1. Walls	Abdominal wall injured.
2. Peritoneum	Peritoneum injured.
3. Mouth, Pharynx and Oesophagus	Intact
4. Diaphragm	Injured
5. Stomach and its contents	Accumulation of blood in abdominal cavity.
6. Pancreas	Intact
7. Small intestines and their contents	Involved small intestine + contents
8. Large intestines and their contents	Involved large intestine + contents

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**EXAMINER**

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9. Liver	Injured
10. Spleen	Intact
11. Kidneys	Right injured may be involved.
12. Bladder	Intact
13. Organs of generation external and internal	Intact

**V. MUSCLES, BONES, JOINTS.**

Only lacerated wound of 1.5 cm in length about right ear. Entry wound of 1.2 cm in length below right nipple of chest. No any skull fracture and ribs fracture present.

**VI. REMARKS BY MEDICAL OFFICER.**

The dead body of Rahim ud Din s/o of Ghulam Muhi ud Din brought to the casualty of Bathkela hospital by public received dead. External postmortem done. No pulse. No bleeding. Fixed and dilated pupils observed. FAI with blood stained white clothes.

Probable time that elapsed.	Half an hour (30 minutes).
(a) Between injury and death;	
(b) Between death and PM.	One hour (60 minutes).

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Today I have seen the postmortem report consists upon six sheets including pictorial prepared by me is correct and correctly bears my signature on each sheets/pages. The postmortem report is Ex.PM. I have also endorsed the injury Sheet which is Ex. PM/1.

On the same day I also examined injured Waqas ud Din s/o Ghulam Muhi ud Din resident of Timargera who was brought to the casualty.

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*Batkhela hospital in the presence of public at 09:28 PM, on 05.11.2022. I found lacerated wound of 2.5 cm in length and 1.5 cm depth wound with blood stained deep color clothes wearing and there was fracture of upper head of the left Ulna bone into small fragments. On the X-ray left elbow joint. The wound stitched and joint elbow stabilized. Then the patient was referred to Timargera hospital for further management. POP was done and hospital slips were attached. The medicolegal report is Ex.PM/2 has correctly been prepared by me which bear my signature.*

9. Constable Naimat No. 2670 (PW-6)

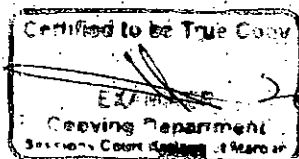
PW-6 marginal witness to the following memos being prepared in his presence:

- i. Exh.PW4/2, memo prepared on pointation of accused Shoukat;
- ii. Exh.PW4/1, memo for recovery of weapon of offence;
- iii. Exh.PW4/3, memo prepared on pointation of accused Yasir Ali;
- iv. Exh.PW4/4, memo prepared on pointation of accused Haider Ali and Abid Ali;
- v. Exh.PW4/5, memo prepared on pointation of accused Sardar Ali and Ahmad Ali;

He authenticated his signature on the said memos as well as that of co-marginal witness.

10. Jehangir Khan ASI (PW-7)

PW-7 is the author of FIR, Exh.PA who registered the case on receipt of Murasila from the Reporting Officer.



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PS Baizai

11. Khalid DFC No. 2706 (PW-8)

PW-8 had executed processes u/s 204/87 Cr.P.C. against the accused facing trial. Processes u/s 204/87 Cr.P.C. are Exh.PW8/1 to Exh.PW8/20 respectively.

12. Muzamil Jadoon (PW-9)

PW-9 is the custodian of case property who kept the same in safe custody in *Malkhana* of the police station. He made entry in register No. 19 and transmitted parcels to FSL vide transit receipts No. 482/21, 483/21 and 488/21. Copies of transit receipts and register No. 19 are Exh.PW9/1, Exh.PW9/2 and Exh.PW9/3 respectively.

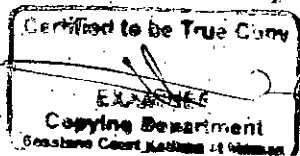
13. Zaiwar Khan No. S1072 (PW-10)

PW-10 has recorded the report of complainant in the shape of Murasila (Exh.PA/1). He also prepared injury sheet and inquest report of the deceased as well as injury sheet of the complainant/injured which are Exh.P10/2, Exh.PW10/3 and Exh.PW10/1 respectively.

14. Mr. Arbab Waheed Alam, Civil Judge, Mardan at Katlang (PW-11)

PW-11 conducted the identification parade of the accused Shaukat Ali. His examination in chief is reproduced in verbatim as follows:

*"Stated that on 16.11.2022 Naveed Alam S/O of Police Station Baizi appeared before the court alongwith record of the instant case and submitted application already exhibited Ex.PW4/27 for conducting identification of accused Shaukat Ali s/o Shamsi Khan through complainant Ghulam Muhaiddin and eye witnesses namely Waheed Ullah and Shahid. The application was allowed with the direction to produce the relevant record, complainant and eye witnesses for dated*



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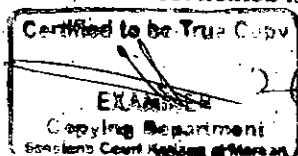
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Case No. 1058 of 2023  
The State vs Shaukat Ali and others  
FIR No. 424 dated 06.11.2022  
u/s 302/324/337Friv/148/149/149  
PS Baizai

19.11.2022 at 1:00-PM. The superintendent Jail Mardan was also informed accordingly. On the date fixed I visited the district jail Mardan where the IO informed that complainant is not present due to his arm surgery while other eye witnesses are present. The IO witnesses named mentioned above were called to the office and were properly identified in the office of Superintendent Jail Mardan. Identification parade of accused Shaukat Ali was conducted in accordance with the law which was properly identified by both the witnesses. After conducting the identification parade of accused Shaukat Ali, reports in this respect was prepared and signed as well certificates in this respect were also issued and signed by me. The reports and certificates are Ex.PW11/1 to Ex.PW11/2 respectively. That on dated 19.11.2022 the complainant not appeared for identification being ill and had gone for surgery. The IO submitted another application Ex.PW11/3 for identification of accused Shaukat Ali through complainant which was allowed and 23.11.2022 was fixed with the direction to the IO to produce the relevant record and complainant in the jail premises. On 23.11.2022 I came to the District Jail Mardan where the complainant of the instant case was called to the office jail superintend Mardan and was properly identified. The identification of accused Shaukat Ali was conducted as per law, he was identified by the complainant in three turns. I prepared my report in this respect which was duly signed by me. Similarly, I issued certificate in this respect which was also signed by me. The report is Ex.PW11/4 while the corticated is Ex.PW11/5. Today I have seen the

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PS Balzai

*above mentioned documents which are correct and correctly bears my signatures."*

- 15. After conclusion of prosecution evidence, statements of accused facing trial were recorded u/s 342 Cr.P.C. wherein they falsified the allegations of prosecution. However, they neither opted to produce defense evidence nor wanted to be examined on oath. Pro and contra argument already heard. Record perused.
- 16. The learned public prosecutor argued that the instant case hinges upon ocular and corroborative evidence. He further advanced his arguments that the ocular evidence is justified, consistent and confidence inspiring and not a noteworthy contradiction surfaced in the ocular deposition. He also argued that the corroborative evidence is also flawless and no reasonable doubt is detectable. He contended that the occurrence has promptly been lodged so chance of consultation and deliberation does not arises. He further contended that the weapon of offence has been recovered from the accused facing trial Shoukat Ali and same also matched with the crime empties recovered from the spot as the FSL report is positive in this regard. He also contended that the prosecution has proved the case against the accused facing trial beyond the shadow of reasonable doubt. He also drawn the attention of this court towards the identification parade in which the complainant along with other witnesses duly identified accused Shoukat Ali. He further contended that the recoveries from the spot and medical report of deceased in shape of postmortem report fully supports the prosecution case. Atlast, he requested that that all the accused facing trial may be convicted and deterrent sentence be awarded to them.

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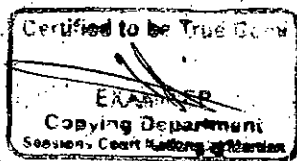
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PS Baizai

17. On the other hand, the learned counsel for the accused facing trial rebutted the arguments of learned prosecutor by arguing that the report as well as the evidence is full of doubts and dents of reasonable nature. He further argued that there is considerable delay in reporting the occurrence which shows consultation and deliberation on the part of the complainant party. He further contended that the mode and manner of the occurrence is highly doubtful as the occurrence took place in the vicinity of PS Baizai (Katlang, Mardan) while the report/Murasila was lodged at Batkhela hospital, District Malakand when even the author of the Murasila was not authorized either by the PS Baizai, Katlang, Mardan or PS Batkhela, District Malakand and hence the basic foundation of the prosecution case is not only shaky but cannot stand on its legs being illegal. The learned counsel also attacked the medical evidence on its legal as well as factual aspects. He also argued that the star witnesses of the occurrence being the complainant and driver of the coaster negated the prosecution story and now same is beyond repair and in no way become the basis of conviction of the accused. Learned counsel also argued that the identification parade is not in line with the rules and procedures but more importantly the accused was seen by the witnesses before the identification parade in the PS and also via social media. Lastly he argued that the recovery of the weapon in question and its positive FSL report loses its credibility as the pistol was sent with an unexplained long delay to the FSL. Lastly, the prosecution has miserably failed to prove the charge against all the accused facing trial and as such they deserve honorable acquittal.

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PS Baizai

18. After hearing all the sides and perusal of record and evidence, this court is of considered opinion that the ocular account in the instant case has been furnished by PW-1 (complainant/injured) brother of the deceased who was accompanying the deceased when the occurrence took place. In cross examination, PW-1 admitted that the occurrence took place at about 09:00 AM and they remained on the spot for about one hour with the local police however his this statement is completely contradictory to the Murasila, Exh.PA/1, and FIR, Exh.PA, as per both the said documents the occurrence took place on 05.11.2022 at 10:40 PM and his this admission which is not in line with the Murasila regarding the time of the occurrence creates reasonable doubt in the prosecution case. This fact finds further support from other eye witness of the case who appeared in the witness box as PW-2 who was the driver of the coaster and he also stated in his cross examination that it was about 08:00/09:00 AM when the occurrence took place and also stated that they remained at the spot with the police for about 30 minutes and they even went inside the PS at about 11:00/12:00 night time which further raises serious question not only over the mode and manner of the occurrence but clearly shows that the Murasila is not in line with the depositions of the PWs and same was the result of deliberation and consultation which makes the prosecution case highly doubtful.

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19. Moreover complainant/injured (PW-1) also rendered in his cross examination that when they reached the place of occurrence suddenly the electricity of the coaster went off and there was complete darkness when in the meanwhile from outside the vehicle firing was started on the vehicle and after sometime when the electric power of the vehicle resumed, he saw the

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PS Batzai

deceased being hit with a bullet inside the coaster and found him dead. He also stated during the darkness period he also received firearm injury and admitted that he has not seen any person firing at the vehicle. He even stated that he could not say that by whom blows he was hurt as at that time there was complete darkness. His these admissions have completely torpedoed the prosecution case as he admitted that at the time of occurrence the lights of the coaster/vehicle went off and thereafter firing was started on the coaster from outside and when the lights came back he saw that his brother/deceased has been hit with the bullet inside the coaster by negating the prosecution case further that he has not seen any person making firing at the vehicle while on the other hand he also admitted that he could not say that by whom blows he was hurt as there was complete darkness at that time. From the said depositions of complainant/injured (PW-1) who was the star witness of the prosecution one can reach to an irresistible conclusion that the ocular account rendered by PW-1 could not in any way connect the accused facing trial with the commission of offence.

20. More importantly PW-1 also stated in his cross examination that they charged the accused facing trial at the behest and directions of the local police on mere suspicion and they are innocent therefore he has got even no objection over their acquittal. In order to have a vivid picture, his said deposition is reproduced in verbatim as follows:

24/10/23

*"The accused facing trial are charged by us at the instance of the local police on doubt and suspicion. In present circumstances I have got no objection on acquittal of the accused facing trial being innocent."*

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w/s 302/334/337F(v/v/148, 149) P.O. Is A.  
PS Baizai

21. Similarly the other star witness/eye witness of the occurrence was the driver of the coaster who appeared in the witness box as PW-2. PW-2 also admitted in his cross examination that firing was made from outside the coaster and in the meanwhile the electricity of the vehicle went away and there was complete darkness while after some time, when the electric power was restored they found the deceased dead inside the coaster as he was hit by a bullet while one other person namely Waqas ud Din (complainant/PW-1) was also injured. He also admitted that he has not seen anyone making firing at the vehicle/coaster and cannot say by whose firing and blows the complainant received the injuries. In order to have a lucid picture, it is imperative to reproduce the said admission in verbatim as follows:

*"It is correct that I have not seen any person firing at the vehicle. I cannot say by whom firing and blows the complainant and injured received injuries."*

*24/10/23*

From the aforesaid narrative and admission by the eye witnesses it is very much evident that both the eye witnesses i.e. PW-1 and PW-2 admitted that when the firing started on the vehicle/coaster from outside the lights inside the coaster went off and there was complete darkness at that time and when the electric power/lights came back they found that the deceased was hit by a bullet and he died at the spot inside the coaster and they have not seen who was making firing and even they showed their ignorance that from whose firing complainant/PW-1 was injured and both the said PWs never raised their fingers on any of the accused facing trial that they made firing and due to the firing of accused facing trial namely Shoukat the deceased and complainant were hit while on the other hand both the said PWs admitted

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that they have charged the accused facing trial at the instant of the local police on the basis of doubt and suspicion and all the accused facing trial are innocent and showed their no objection over their acquittal. This all leads to an irresistible conclusion that the ocular account produced by the eye witnesses in no way connects the accused facing trial with the commission of the offence.

22. The mode and manner of the occurrence is also highly doubtful due to the reasons that the basic foundation of the prosecution case was the Murasila, Exh.PA/1, on the basis of which the complainant made its report, as strange enough the occurrence took place within the precinct of PS Baizai, Tehsil Katlang, District Mardan while the report, Exh.PA/1, was lodged in Batkhela hospital, District Malakand within the vicinity of PS of District Malakand without any justifiable reasons and during the course of trial the prosecution failed to justify the said omission and illegality that what were the compelling reasons which forced the complainant to lodge the report at Batkhela hospital District Malakand and not at PS Baizai Tehsil Katlang, Mardan when the occurrence took place in the limits of PS Baizai. The whole file is silent in this regard that whether any special permission were taken by the prosecution/police in this regard, which is against the theme and spirit of criminal law and same also violates the police rules.

23. The aforesaid aspect of the case becomes more clear when complainant/PW-1 who lodged the report at Batkhela hospital Malakand admitted in his cross examination that the occurrence had taken place within the jurisdiction of PS Baizai which is at a distance of about 2 purlong from the PS when he also admitted in cross examination that the local police of PS Baizai attracted

*M. J. Khan*  
24/10/23

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PS Baizai

to the spot and came near to us and there on the spot after the arrival of Baizai police all the witnesses; conductor and driver were examined and thereafter report was made by them. Similarly the other eye witness PW-2 also admitted in his cross examination that the occurrence took place within the jurisdiction of PS Baizai which is at a distance of 2 purlong from the PS and the local police of PS Baizai reached the spot and all the witnesses were examined by them, thereafter report was made by them and even their statements were recorded by PS Baizai on the spot then the important question arises that how the complainant made his report Exh.PA/1 outside the limit and jurisdiction of PS Baizai, Katlang, Mardan to a complete alien jurisdiction in district Malakand where even the occurrence had not taken place when even PS Baizai was at a distance of just 2 purlong from the place of occurrence while cognizance of the case had been taken by PS Baizai as they reached to the spot and even examined the witnesses. Even I.O. of the case while appearing as PW-4 admitted in his cross examination that the report was made by motorway police in Batkhela Hospital and only PS Baizai was competent to register the case because the occurrence has taken place within its jurisdiction. No reason or explanation is given that why the said case was not reported in PS Baizai. This all makes a big dent in the Murasila Exh.PA/1 of the prosecution and when the basic document/Exh.PA/1 of the prosecution is not only doubtful but is even illegal the prosecution case could not stand on its legs.

*Agreement*  
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24. When the author of the Murasila Exh.PA/1 appeared in the witness box as PW-10 he admitted that during the days of occurrence he was not posted in Batkhela police and was serving in motorway police. He admitted that at

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PS Baizai

that time he was neither Muharrir nor Mad Muharrir of any PS and a criminal case is registered in a PS in whose jurisdiction crime take place. He also admitted that the instant case was not committed in the jurisdiction of Batkhela PS and same has taken place in the jurisdiction of PS Baizai, Katlang, Mardān. His these admissions further creates a big question mark over the Murasila Exh.PA/1 as even the author of the same admitted that he was neither posted in the police of Batkhela at the time of occurrence nor he was Muharrir of any PS then a vital question arises that under what law and rules he recorded the report Exh.PA/1 as he was never authorized under the law to act in such a way and this aspect has completely shattered the report Exh.PA/1 and the prosecution case.

25. The mode and manner of the occurrence also comes under heavy doubt when PW-10 the author of the Murasila, Exh.PA/1 admitted in his cross examination that it is correct that in the report the time of occurrence and the time of report, some digits have been tampered. He even admitted that he had rectify the timing at the instant of beat commander. His these admissions that as the time of occurrence and time of report were tampered and he rectified the same at instance of beat commander further makes the mode and manner of the occurrence highly doubtful. He even admitted that that the inquest report was not prepared by him and same was subsequently prepared by PS Baizai and this aspect further creates dent in the prosecution case.

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26. During the course of arguments the learned Dy.PP for State gave much stress that one of the accused facing trial namely Shoukat Ali was duly identified by PW-1 and PW-2 during identification parade conducted by the Judge.

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PS Baizai

Magistrate and this aspect is enough for his conviction. This argument of learned Dy.PP for the State does not hold much water in it due to the reasons that when learned Judicial Magistrate who conducted identification parade appeared in the witness box as PW-11 he produced the reports pertaining to the identification parade as Exh.PW11/4 and its certificate as Exh.PW11/5. It is pertinent to mention here that the said identification parade was conducted by PW-11 in District Jail, Mardan on 23.11.2022. The perusal of record shows that accused facing trial namely Shoukat Ali son of Shamshi Khan was arrested by the local police on 11.11.2022 which is visible from his card of arrest. On 12.11.2022 he was produced before the Judicial Magistrate-II/MOD. for the first time wherein the local police sought his 10 days police custody as visible from Exh.PW4/11 and the local police was granted three days police custody with directions to produce the accused before the concerned Judicial Magistrate on 15.11.2022 and on 15.11.2022 the learned Judicial Magistrate sent him to judicial lock up and thereafter conducted the identification parade of the said accused on 23.11.2022 after a delay of about 8 days and said facts were admitted by learned Judicial Magistrate while appearing in the witness box as PW-11. PW-11 also admitted that when accused Shoukat Ali was produced before him for physical remand he was having open face in his court and he was not muffled face. When complainant PW-1 who identified the accused Shoukat Ali before the learned Judicial Magistrate during the course of identification parade appeared in the witness box he admitted in his cross examination that it is correct that after the arrest of the accused they used to come to the PS and the accused were seen by them in the PS. His this admission has

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PS Baizai

completely shattered the identification parade and its report and thus have got no legal implications and ramifications as the identifier/complainant admitted that before the identification parade he has seen the accused facing trial in the PS. The identification parade further loses its authenticity in the eyes of law as the identifier/PW-1 admitted that the accused Shoukat and others were also seen by him through social media on the net as their photos were uploaded on the same. Similar admissions were made by other identifier/PW-2 that after the arrest of the accused they were repeatedly summoned to the PS to see the accused and they were seen by us in the PS which further shatters the identification parade. Even the learned Judicial Magistrate, PW-11, also admitted in his cross examination that in his report the accused Shoukat Ali had stated before him at the time of identification parade that he was shown to the identifiers in the PS while when the statements of the identifiers PW-1 and PW-2 are put in juxtaposition with the said admission of learned Judicial Magistrate, it is very much clear that the accused Shoukat Ali was already seen by the identifiers in the PS and therefore the identification parade conducted by the learned Judicial Magistrate vide his report Exh.11/4 and certificate Exh.PW11/5 has got no evidentiary value in the eyes of law.

*affidavit*  
24/10/23

27. The medical evidence in the instant case has been given by Dr. Naveed Alam as PW-5 who conducted the autopsy on the body of deceased namely Rahim ud Din son of Ghulam Mohi ud Din at DMC Hospital, Batkhela, District Malakand. During cross examination PW-5 admitted that the occurrence has taken place in PS Baizai, District Mardan while Batkhela comes within the jurisdiction of District Malakand and he was not bound to medically

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PS Baizai

examine an injured or dead bound if that belongs to other police station and not of Malakand. From the said admissions of PW-5 and my detailed discussion aforesaid it is very much evident that the occurrence took place in the territorial jurisdiction of PS Baizai, Katlang, Mardan but the deceased and injured both were examined and even autopsy on the body of deceased was conducted at DHQ, Batkhela, District Malakand with no plausible explanation rendered by the prosecution further creates a big dent in the prosecution case and makes the post-mortem report Exh.PM and the medico-legal report of the complainant/injured Ex.PM/2 highly doubtful.

28. Similarly during the course of trial this question remained in mystery that who brought the body of the deceased and complainant/injured to the hospital as even PW-5 the doctor stated in his cross examination that both the deceased and the injured were not produced before him by the police and they were produced by the general public however he has not mentioned their names although PW-5 stated that the dead body was identified by his brother but admitted that the name of the identifier (brother) has not been mentioned by him which further raises serious question not only the mode and manner of the occurrence but also over the medical evidence.

29. The doctor, PW-5, admitted that the dead body was examined by him at 09:39 PM which is also duly mentioned in the post-mortem report of the deceased Exh.PM that on 05.11.2022 at 09:39 PM the body of the deceased was examined by the doctor and as per the post-mortem report the probable time that elapsed

(a) *Between injury and death: Half an hour (thirty minutes (30 minutes))*

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PS Baizni

(b) *Between death and post-mortem: (60 minutes)*

has been shown in the post-mortem report and when the post-mortem report Exh.PM and Murasila report Exh.PA/1 are put in juxtaposition it is very much evident that both contradicts each other due to the reasons that as per Murasila Exh.PA/1 the occurrence took place at 10:40 PM on 05.11.2022 while the doctor examined the body of the deceased at 09:39 PM on 05.11.2022 and also examined the injured at 09:28 PM on 05.11.2022 and same does not appeal to a prudent mind that how the doctor examined the body of the deceased and injured 50/60 minutes before the occurrence and this aspect alone of the case is sufficient for the acquittal of all the accused facing trial.

30. As far as the recovery of 30 bore pistol is concerned from accused facing trial Shoukat the I.O. of the case appeared before the court as PW-4 and stated that on 14.11.2022 the accused led them to the place of occurrence for handing over the weapon of offence. (pistol) which he had hidden in bushes near the place of occurrence and same was recovered and handed over to him which was taken into possession vide recovery memo, Exh.PW4/1. It is also pertinent to mention here that during the course of investigation the local police also recovered three empties of 30 bore and same were recovered vide recovery mem Exh.PW3/3 and when the said 3 empties were sent to FSL it came on the surface that the said 3 empties were fired from one and the same pistol and later on when the pistol was recovered vide recovery memo Exh.PW4/1, same was also sent to FSL and as per FSL report Exh.PZ/2 same were matched. In cross examination he admitted that the marginal witnesses of the recovery memo Exh.PW4/1 are police officials

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PS Barzan

and this fact was also admitted by PW-6 who is marginal witness to the recovery memo Exh.PW4/1 that on all recovery memos the marginal witnesses are police officials of the same PS. PW-6 also admitted that it is correct that the I.O. had not asked any private person to associate with recovery proceedings and at the time of pointation proceedings public was coming and going on the road. This all clearly shows that the local police had ample opportunity to associate independent witnesses to the recovery memo and pointation memo but they omitted the same without any plausible explanation when PW-6 even admitted that the I.O. did not ask any private persons to associate during the said proceedings makes the recovery and pointation doubtful as the local police violated the mandatory provisions of Section 103 Cr.P.C.

31. The recovery of pistol and its positive FSL further loses its authenticity when PW-9 who took the parcels to FSL appeared in the witness box and stated that on 06.11.2022 the I.O. handed over to him six parcels of instant case for FSL in shape of parcel No. 1 to 5 while on 14.11.2022 he was handed over parcel No. 6 and relevant documents for sending to the FSL. He admitted in his cross examination that parcel No. 1 to 5 were sent to FSL by him on 14.11.2022 as all parcels were in his possession from 06.11.2022 to 14.11.2022 and no explanation was given by him that why same were sent with such long delay to the FSL. Meaning thereby that when parcel No. 3 which was having three 30 bore empties recovered vide recovery memo Exh.PW3/3 were handed over to him on 06.11.2022 while same was sent to FSL on 14.11.2022 and during the intervening period PW-9 admitted that all the parcels were in his possession from 06.11.2022 to 14.11.2022 a

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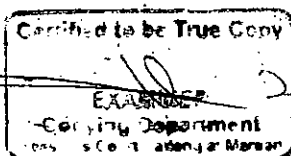
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serious question arises over its safe custody and the element of tampering and fabrication could not be ruled out when he even could not explain such long delay of 8 days of sending the same to FSL raises serious questions over the recovery of crime empties and FSL report.

32. Moreover as the local police recovered thirty bore pistol from the possession and pointation of accused facing trial Shoukat vide recovery memo Exh.PW4/1 dated 14.11.2022 and same was sealed to parcel No. 7. PW-9 admitted during his cross examination that entry of parcel No. 1 to 7 and coaster were made on 06.11.2022 in the register No. 19 by producing the same as Exh.PW9/3. His this admissions that parcels No. 1 to 7 were handed over to him in sealed condition on 06.11.2022 has completely shattered the recovery memo Exh.PW4/1 vide which the local police recovered 30 bore pistol from the possession and pointation of the accused facing trial namely Shoukat Ali and its positive FSL report regarding matching of the same with the crime empties because as per recovery memo Exh.PW4/1 the local police recovered the 30 bore pistol from the accused facing trial Shoukat on 14.11.2022 which was sealed into parcel No. 7 then the vital question arises that how entry of the said parcel No. 7 was made on 06.11.2022 in register No. 19 Exh.PW9/3 before its recovery from the accused facing trial vide recovery memo Exh.PW4/1 dated 14.11.2022 and this aspect has completely shattered the recovery of 30 bore pistol and its positive report.

33. As far as the motive part is concerned, as per the Murasila report Exh.PA/1 there was an altercation that took place between the accused facing trial namely Haider Ali and the deceased over political discussion. The same



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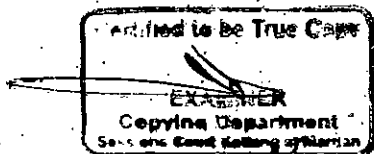
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PS Baizai

could not be proved during the course of trial as no concrete evidence was produced.

34. What has been discussed above, by wrapping it up, this court comes to the conclusion that the above-detailed circumstances create reasonable doubts regarding the involvement of all the accused facing trial in the commission of offence which can in no stretch of imagination be deemed as sufficient for conviction of the accused facing trial. Hence, while extending benefit of doubt, all the accused facing trial namely 1) Shoukat Ali, 2) Sardar Ali, 3) Ahmad Ali sons of Shamshi Khan, 4) Yasir Ali, 5) Haider Ali and 6) Abid Ali sons of Umara are hereby acquitted of the charge leveled against them. Accused Shoukat Ali is in custody and he be released forthwith if not required in any other case. All the remaining accused are on bail. Their bail bonds stands cancelled and their sureties are discharged. Case property be disposed off in accordance with law after expiry of period provided for appeal/revision. File of this court be consigned to record room after necessary completion and compilation.

Announced  
24.10.2023



*Adil Zeb Khan*  
Adil Zeb Khan  
Additional Sessions Judge,  
Mardan at Katlang.

**CERTIFICATE**

It is certified that this judgment of mine consists of twenty-nine (29) pages and each page is duly signed by me after necessary corrections.

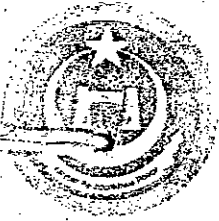
Announced  
24.10.2023

Name of Applicant	<i>Adil Zeb Khan</i>
Date of Presentation of Application	<i>24-10-2023</i>
Date on which copy Prepared	<i>26-10-2023</i>
Date on which copy Examined	<i>26-10-2023</i>
Ans. No.	<i>29</i>
Court Fee Stamp	<i>29</i>
Urgent Fee	
Signature of Copyist	<i>[Signature]</i>
Date of Delivery	<i>26-10-2023</i>

*Adil Zeb Khan*  
Adil Zeb Khan  
Additional Sessions Judge,  
Mardan at Katlang.

**ATTESTED**





OFFICE OF THE  
DISTRICT POLICE OFFICER,

MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dponrda@gmail.com

2023

44

No. 485-1 /PA

Dated 13/1/2023

ORDER ON ENQUIRY OF CONSTABLE ABID ALI NO.1743

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against Constable Abid Ali No.1743, under the allegations that while posted at PS Kalang (now under suspension Police Lines Mardan), was placed under suspension vide this office OB No.2390 dated 14-11-2022, issued vide order/endorsement No.6484-88/OSI dated 15-11-2022, on account of charging in a case vide FIR No.424 dated 06-11-2022 U/S 302/324/147/148/149 PPC Police Station Baizai.

To ascertain facts, Constable Abid Ali was proceeded against departmentally through Miss Resham Jehangir SDPO Sheikh Maltoon vide this office Statement of Disciplinary Action/Charge Sheet No.342/PA dated 18-11-2022, who (E.O) after fulfillment necessary process, submitted her Finding Report to this office vide her office letter No.1075/St dated 23-12-2022, holding responsible the delinquent official of gross misconduct on the eve of not attending her office, therefore, recommended him for ex-parte action.

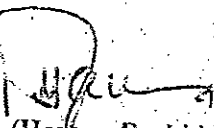
Constable Abid Ali was served with a Final Show Cause Notice under Khyber Pakhtunkhwa Police Rules-1975, issued vide this office No.13158-59/PA dated 28-12-2022 through his cousin Yasir Mehmood on 31-12-2022, to which, he was bound to submit his reply to this office within stipulated time of (07) days, but with non-compliance till-date, meaning that he has nothing to offer in his defense.

Final Order

In the light of above discussion, I am of the considered opinion that the allegations leveled against Constable Abid Ali are true/genuine, therefore, awarded him major punishment of dismissal from service with effect from 06-11-2022 with immediate effect, in exercise of the power vested in me under Police Rules-1975.

CB No. 89

Dated 13/01/2023

  
(Haroon Rashid Khan) T.SI/ P.S.P  
District Police Officer, Mardan.

Copy forwarded for information & n/action to:-

- 1) The SP/Investigation Mardan with reference to his office letter No.3276-78/GB/Inv: dated 09-11-2022.
- 2) The DSP/HQrs Mardan.
- 3) The P.O & E.C (DPO Office) Mardan.
- 4) The In-charge Lab (HRMIS) DPO Office Mardan.
- 5) The OSI (DPO Office) Mardan with (1) Sheets.

**ATTESTED**

45 "E" مدت ریجنل پولیس افسر صاحب دریاں  
اپیل بمبرو بحالی نوکری

تہا الی  
موضوع حدیث ہوں کہ میں سائل کے خلاف کو الہ ہمدردی 24  
تاریخ 11/6/22 حرم 302-324-337A قمار ہائٹری راج  
114/147-148-149  
ہوا جس میں میں سائل نے اپنی گرفتاری SH5 ہائٹری دیگر  
میں سائل کے خلاف حکماء کارروائی شروع تھا جس میں  
ADP صاحب دریاں نے حکم عدالت سے برطرف کرے گا جس کے  
تعدادات ختم شدہ برجان ADJ صاحب کا ملگ نے میں سائل  
عملیات شروع کرنے کا حکم کیا لیکن یہ عمل ہمراہ لے  
رہے تھے تاکہ مسائل کو نوکری پر دوبارہ بحال کرے گا حکم عدالت  
الغرض

سابقہ ریجنل عاید علی 1743 ساکن میان علامہ قمار ہائٹری  
0343-1959117

ATTESTED

'F'  
46

**ORDER.**

This order will dispose off the departmental appeal preferred by Ex-Constable Abid Ali No. 1743 of Mardan District Police against the order of the then District Police Officer, Mardan, whereby he was awarded major punishment of dismissal from service vide OB: No. 89 dated 12.01.2023. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Katlang, Mardan was placed under suspension on account of his involvement in case vide FIR No. 424 dated 06.11.2022 U/S 302/324/147/148/149-PPC Police Station Baizai District Mardan.

Proper departmental enquiry proceedings were initiated against him.. He was issued Charge Sheet alongwith Statement of Allegations and Sub Divisional Police Officer (SDPO) Sheikh Maltoon, Mardan was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities, submitted her findings wherein she reported that the delinquent Officer was found guilty and was contacted time and again to appear before the enquiry Officer but he did not bother to do so, besides, he is also avoiding his lawful arrest, which showed that he was no more interested in Police Service. She recommended the appellant for ex-parte action.

He was issued Final Show Cause Notice on 04.02.2021, but neither did he submit his reply nor did he joined the investigation rather remained absconder. Hence, he was awarded major punishment of dismissal from service with effect from 06.11.2022.

Feeling aggrieved from the order of the then District Police Officer, Mardan, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 22.03.2023.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the involvement of appellant in this heinous criminal case is clearly a stigma on his conduct. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. He could not present any cogent justification to warrant interference in the order passed by the competent authority.

Keeping in view the above, I, Muhammad Ali Khan, PSP Regional Police Officer, Mardan; being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

**Order Announced.**



Regional Police Officer,  
Mardan.

No. 1982 /ES, Dated Mardan the 30/03 /2023.

Copy forwarded to District Police Officer, Mardan for information and necessary w/r to his office Memo: No. 63/LB dated 28.02.2023. His service record is returned herewith.

(\*\*\*\*\*)

**ATTESTED**

بخدمت جناب عزت مآب انسپکٹر جنرل کے پی کے پشاور  
ایپیل / درخواست بمزاد محالی نوکری اور ادائیگی جملہ واجبات

جناب عالی!

درخواست حسب ذیل گزارش ہے یہ کہ سائل کو دفاتر بحوالہ مقدمہ عدالت 424 مورخہ 06.11.2022م

302-324-337-114-147-148-149 میں 10 یوم اور ضمنی میں چارج کیا ہے۔

یہ کہ قبل ازیں FIR نامعلوم بلزمان کے خلاف چاک کیا گیا تھا۔

یہ کہ سائل کا والد صاحب مورخہ 2022-11-03 کو وفات پا چکا تھا۔ یہ کہ سائل کے پاس فاتحہ خوانی کے لیے لوگ عزیز واقارب آرہے تھے۔ یہ کہ سائل کو وقوعہ کے بارے میں کوئی علم نہیں ہے، یہ کہ سائل کو دس یوم بعد سادش کے طور پر پھنسانے کیا ہے۔ اور ضمنی میں دس یوم بعد چارج کیا ہے۔ یہ کہ دفاتر بحوالہ آرڈر شیٹ نمبر 3 مورخہ 2023-02-09 سیشن جج صاحب نے ضمانت پر رہا کر دیا ہے۔ یہ کہ سائل کو پولیس پر مخالفین نے ساز باز کر کے پھنسانے کی کوشش کیا ہے۔ یہ کہ مقدمہ بالا ٹرائل شروع ہے۔ آئندہ تاریخ پیشی مورخہ 2023-04-20 مقرر ہے۔ یہ کہ سائل کو عدالت نے ابھی تک سزا نہیں دیا ہے۔ جبکہ محکمہ پولیس کے آفسران بالا عدالت سے بری ہونے سزا دینے سے پہلے سائل کو پہلے درخواست کیا ہے۔ یہ کہ مقدمہ میں یعنی FIR آرٹی والے دو افراد اور ایک FC جو کہ ایف آئی آر میں شامل کئے گئے۔ اپنی اپنی نوکری کر رہے ہیں،

یہ کہ سائل کہ چھوٹے چھوٹے بچے ہیں اور کوئی ذریعہ معاش نہیں ہے،

یہ کہ سائل کو جانی نقصان کا شدید خطرہ ہے، کیونکہ سائل پولیس ملازم ہے، پوسٹ والے ویسے کن روڈ روڈ آئی ہو رہے ہیں اور پوسٹ پوسٹ چاہے جارہے ہیں۔ یہ کہ شناخت پر بیڈ میں شوکت علی ولد شمش خان جیل میں ہے یہ کہ اگر ٹرائل میں عدالت نے سائل کو سزا کر دیا تو چلو سائل کو نوکری سے برخواست کریں جبکہ سائل ابھی تک بحیثیت ملازم ہے محروم نہیں ہے، سائل کی برخواستگی اور DISMISAL غیر اخلاقی اور بدنامی پر مبنی ہے اور سائل کو Discourage کیا جا رہا ہے۔ مستظوری درخواست جناب IGP صاحب KPK سے عاجزانہ اپیل کرتا ہوں کہ سائل کو ہمدردانہ طور نوکری پر بحال کرنے کا حکم جاری فرما کر مشکور فرمائیں اور سائل کے خاندان اور چھوٹے چھوٹے بچوں کی دعائیں لیں اور جملہ واجبات ادا کرنے کا حکم صادر فرمائیں۔ جملہ دستاویزات بشمول آرڈر شیٹ ASJ صاحب لف درخواست ہے، جو کہ بہت سختی پر مشتمل ہے۔

العبد

عابد علی بلٹ نمبر 1743 ساکن میاں خان تحصیل کاٹنگ ضلع مردان محلہ خوشاں خیل علاقہ تھانہ بائیزئی پشاور 47500 سکریٹری برانچ

CR

41714 / SB

13/04/23

شناختی کارڈ نمبر: 1-4688013-16101

رابطہ نمبر 03431959117, 03442154221

عدالت سے بائیزئی بری

ATTESTED

MARDAN MEDICAL COMPLEX IPB-OPD

Assistant Professor

Dr. Murad Ali

MBBS (KMC Peshawar)

FCPS (Medicine)

MRCP-II (England)

Mardan Medical Complex Mardan



IBP-OPD

میڈیکل پیڈیاٹرک

اسٹنٹ پروفیسر

ڈاکٹر مراد علی

ایم بی بی ایس (کے ایم سی - پشاور)

ایف سی پی ایس (میڈیسن)

ایم آر سی پی (انگلینڈ)

مردان میڈیکل کیمپلکس مردان

Name Abid Ali

Age 28Y Sex M

Date 7/8/23

Clinical Record

Rx

Typhoid  
Fever

Tab Novidate  
Strong

1 + 1

15 days

Tab Panadol

10 days

Cap E-ssony

1

Bed Rest  
for 15 days

یخچل مشورے کے ذریعہ ادا کیا گیا، کم مائیکروب

100% مرنی نمونہ ملے۔ لیس

**Dr. Waqar Ahmad**

MBBS (Post Graduate Diploma in Diabetes (UK)  
Member Pakistan Society Endocrinology  
Register Medical "A" Ward  
Incharge Diabetic, O.P.D  
Mardan Medical Complex, Mardan.



ڈاکٹر وقار احمد

(49)

ایچ ایچ ایس مڈی کالے ایڈیٹس  
مرکز میڈیکل کمپلکس  
ایچ ایچ ایس مڈی کالے ایڈیٹس  
مرکز میڈیکل کمپلکس

Name Abid Ali Age \_\_\_\_\_ Sex \_\_\_\_\_ Date 15/7/23

**Clinical Record**

MPC (Private)

RX

Temp: 100°F

Tabs: A/cex 9

93 →

Tabs: Caprosin

93 →

Tabs: Max 7 4006

Handwritten signature and notes: *Handwritten signature and notes*

Physician  
Mardan Medical Complex  
Mardan



Not Valid For Court

SHAHAB KHAN ☎ 0300-5109906

کلینک مین روڈ نزد رشکنی پل مردان

**ATTESTED**

50

Rasheed Medical & Laparoscopy Center

Senior Pharmacist

Lund Khwar Road Katlang

Ph: (Office) 0937-576114

Mob: 0314-5075814

Rasheed Ahmad  
M.D



Registration No.  
HCCR28652023

شید میڈیکل سنٹر اینڈ لاپروسکوپي سنٹر

سینئر فارماسسٹ

صحت کارڈ پلس کی سہولت موجود ہے

لونڈ خوار روڈ کاٹلانگ

Name

Abdul Khwar

Age

Date

13/6/23

پروفیسر ڈاکٹر امجد علی سید کی سہولت

بروز ہفتہ صبح 10 بجے

ڈاکٹر ہدیہ ڈاکٹر حیات الرحمن جلد راجہ سہولت

ڈاکٹر ہدیہ ڈاکٹر نور الہادی بیڈ آف سہولت

بروز اتوار صبح 2 بجے

ڈاکٹر ہدیہ ڈاکٹر محمد اسرار ڈیپارٹمنٹ

بروز ہفتہ 9 سے 2 بجے تک

ڈاکٹر ہدیہ ڈاکٹر سعید شاہ ENT سہولت

بروز اتوار صبح 2 بجے

ڈاکٹر ہدیہ ڈاکٹر سعید علی شاہ پیریکٹو سہولت

بروز اتوار صبح 9 سے 12 بجے تک

ڈاکٹر محمد وسیم آئی سرجن

بروز ہفتہ، اتوار صبح 2 بجے

ڈاکٹر سعید محمد عبید مکن سہولت

بروز پیر 9 سے 12 بجے تک

ڈاکٹر محمد شہاب سہولت آئی سرجن

سہولت روز جمعرات، جمع اتوار صبح 12 بجے

ڈاکٹر نصیب داد پیرا اوپن سرجن

بروز ہفتہ صبح 2 بجے

ڈاکٹر فیصل ملک سہولت آئی سرجن

بروز ہفتہ اتوار صبح 2 بجے

ڈاکٹر عبدالرحیم نیورولوجسٹ

بروز ہفتہ صبح 10 بجے

ڈاکٹر محمد شاہد ان آئی سہولت

پیر اتوار صبح 1 بجے

ڈاکٹر ولایت شاہ نیورولوجسٹ

بروز اتوار صبح 2 بجے

ڈاکٹر ذوالفقار علی خان سہولت آئی سرجن

سہولت جمعرات، جمع اتوار صبح

ڈاکٹر سعید علی سہولت آئی سرجن

بروز ہفتہ صبح 10 بجے

ڈاکٹر لیاقت علی سہولت آئی سرجن

Rx

120  
30

100

100  
100

100

100  
100

100

100

100

100

100

100

100

100

100

100

100

100

100



Name: ABid Ali s/o Umara Khan

Age: 29 y

Date: 10/5/23

Fever

- 1/0 Loin -

- vomiting

- inj. Oxidil 180 in pladex 100ml

- inj. Provas

- inj. Dexa

- Tab. Arceva. 80/480 g

1-0-1

Ad

- Tab. Penadal

1-0-1

MP

- SyP Motilex

2+2+2

Typidat

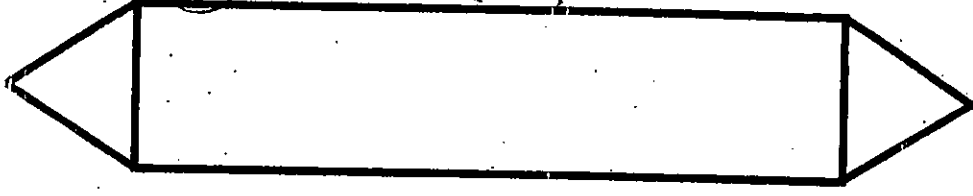
Urin RTE

MEDICAL  
Mardan Medical Complex  
Mardan

Consult to R.O.D at Penadal P



# بعدالت مناب للروس



2023ء منجانب اللہ

عابد علی بنام

مورخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکہ

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

کیلئے لکھوائے خط، ایسے

آن مقام

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 ق تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں 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 محتاج 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 مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سبب سے وہوگا۔ 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۔

2023ء

ماہ اگست

13

المرقوم

واہ العبد

Accepted

B7