

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

**Service Appeal No.450/2022**  
**Service Appeal No.451/2022**

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. \_\_\_\_\_  
Dated \_\_\_\_\_

**Judicial Record of FIR No.48, Dated 08.05.2020.**

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 10684  
Dated 19-1-2024

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Dated: \_\_\_\_/01/2024.

  
**Your Humble Respondent**

12101-2953532-9

IN THE COURT OF  
FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK  
Sessions Trail Case No. # 16/7 of 2021

Original Date of Institution: -----27/03.2021  
Date of Decision: -----17/02.2022

The State

Versus

1. Asif Khan S.I Belt No.384 S/O Mamid Khan caste Khojak  
Khel R/O Dubkot
2. Wazir Zada S.I Belt No.87 S/O Ghulam Nabi caste Tuji  
Khel R/O Kari Kot
3. Shaikh Qanoon constable Belt No.1031 S/O Muhammad  
Ramzan caste Tuji Khel R/O Kri Kot District South  
Waziristan -----(Accused facing trial)

Case FIR # 48 Dated: 08.05.2020

Charge under Section: 221 P.P.C/118 KP Police Act

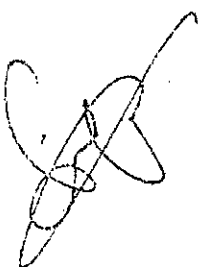
Police Station: Wana,

JUDGMENT:

Accused facing trial named above, involved in case  
FIR No.48, dated 08.05.2020, under Section 221  
P.P.C/118 KP Police Act registered at PS Wana, District  
South Waziristan faced the trial in the above captioned  
case.

The brief facts as per contents of FIR are that the  
accused facing trail, being police officials, after proper  
inquiry were found to have recovered 10500 grams of  
chars from an unknown person and instead of proceeding

12/10/2021  
 27/3/2021  
 17/2/2022  
 Advs. Wana 16/7/21




the accused free and the recovered chars were converted to their own use. The matter was inquired and during the course of inquiry all the three accused produced the recovered chars to the SHO Police Station Wana which were taken into possession vide recovery memo dated 08.05.2020, and the instant case was registered against them.

After completion of investigation, complete challan was put in court and accused were summoned.

Accused on bail appeared before the court on 13.04.2021 and provisions of 265-C Cr.P.C were complied with.

Formal charge was framed against the accused facing trial on 03.06.2021, to which they pleaded not guilty and claimed trial.

The prosecution witnesses were summoned. Prosecution in order to prove its case against the accused examined six PWs.

Brief account of prosecution evidence is as follows:

**PW-1 is Hayat Ullah, Muharir of Police Station.**

He stated that after the completion of investigation the I.O handed over to me the case property that is chars weighing total of 10500 grams, after

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completion of record the said case property was placed in the mall khana of Police Station for safe custody which was later on sent to the FSL for chemical analysis. The said case property was sent to the FSL through Arshad Abbas 109, vide receipt Rahdari No.62/21, which is placed on file and is EX-PW 1/1.

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PW-02 is Osman Khan who was the SHO of the Police Station at that time. He stated that on 11/03/2020 I was present in the Police Station. I recovered and took into possession the chars weighing 10500 grams from the accused which was left by one unknown person and the said quantity of chars was illegally retained with them (accused facing trail) and also committed embezzlement and facilitation to the actual culprits. The departmental inquiry was carried out whereby after they were dismissed from the service and the charge was imposed against them. I also chalked out the FIR. Today I have seen the copy of FIR which is correct and correctly bears my signature and is EX-PA/1. I also prepared the recovery memo in presence of PWs. The above quantity of chars was taken into possession which was weighed and was came out to be 10500 grams.

SA

The recovery memo is EX-PC. The sight plan was prepared at my instance by the I.O. I also prepared the card of arrest which is EX-PW 2/1. After the arrival of I.O, I handed over the case property, accused and all the documents to the I.O for further investigation. My statement was recorded by the I.O. after the completion of investigation, I submitted complete challan on 03/06/2020 while I submitted incomplete challan on 20/05/2020.

PW-03 is Hayat Ullah constable No.1175. He is the marginal witness of the recovery memo EX-PC. In his presence the SHO Osman Khan recovered and took into possession the chars weighing 10500 gram. The total 11 packets of chars was recovered in which 05 packets were packed together in each five packet consists of 02 further packets and one packet was weighing about 500 gram. In this respect the SHO prepared recovery memo which is already EX-PC. One the day of his evidence, he seen the recovery memo which was claimed to be correct and correctly bears his signature as marginal witness. His statement was recorded by the I.O.

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PW-04 is Taos Khan who was the I.O of the case. He stated that on 08/05/2020, I was present in the Police Station and the copy of FIR was handed over to me for investigation. The SHO handed over to me the accused, recovery memo, card of arrest and the case property. Firstly I prepared the site plan at the instance of eye-witnesses which is EX-PB. I prepared the recovery memo, weighted the contraband chars which each packet was 1000/1000 and one packet was of 500 grams of chars. I separate 05 grams from packet No.01 and sealed the same in parcel No.01 while the remaining 995 grams of chars in parcel No.02 EX-P1. From packet No.02 separate 05 grams and sealed the same in parcel No.02 while 995 grams of chars were sealed in parcel No.03 EX-P2. From packet No.03 separate 05 grams chars and sealed the same in parcel No.05 while 995 grams of chars were sealed in parcel No.06 EX-P3. From packet No.04 from separate 05 grams from and sealed the same in parcel No.07 while 995 grams of chars were sealed in parcel No.08 EX-P4. From packet No.05 from separate 05 grams from and sealed the same in parcel No.09 while 995 grams of chars were sealed in parcel No.10 EX-P5. From packet

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No.06 from separate 05 grams from and sealed the same in parcel No.11 while 995 grams of chars were sealed in parcel No.12 EX-P6. From packet No.07 from separate 05 grams from and sealed the same in parcel No.13 while 995 grams of chars were sealed in parcel No.14 EX-P7. From packet No.08 from separate 05 grams from and sealed the same in parcel No.15 while 995 grams of chars were sealed in parcel No.16 EX-P8. From packet No.09 from separate 05 grams from and sealed the same in parcel No.17 while 995 grams of chars were sealed in parcel No.18 EX-P9. From packet No.10 from separate 05 grams from and sealed the same in parcel No.19 while 995 grams of chars were sealed in parcel No.20 EX-P10. From packet No.11 from separate 05 gram from and sealed the same in parcel No.21 while 495 grams of chars were sealed in parcel No.22 EX-P11, and affixing all the parcel in seal in the name of TK. The recovery memo is EX-PW 4/1 in the presence of marginal witness. Today I have seen the recovery memo which is correctly signed by me and marginal witnesses. I also placed on file an application for chemical analysis which is EX-PW 4/2. I also placed on file the receipt Rahdari

*[Handwritten signature]*

*[Handwritten signature]*

No.62/21 EX-PW 4/3, the copy of said Rahdari is also placed on file and already exhibited as EX-PW 1/1. I also placed on file the result of FSL laboratory report which is positive and is EX-PW 4/4. The copy of one addition of offense U/S 17-CNSA-221 P.P.C/118- KP is also placed on file, which was drafted by Safdar Khan (I.C of Police Station Wana) thereafter the said sections were added in the challan. The said accused were produced before the learned Judicial Magistrate on 09/05/2020 for physical remand which was not accepted and sent to the judicial lockup while my application is EX-PW 4/5. The office order No-853-58/PA/SWTD dated 07/05/2020 of the District Police Officer, South Waziristan, to dispose of departmental proceedings initiated against the accused facing trail namely Asif Khan, Wazir Zada and Sheikh Qanoon, which is EX-PW 4/6 (pages 1-3). After completion of investigation the case file was handed over to the SHO Osman who submitted complete challan on 03/06/2020. I also recorded the statements of PWs etc.

**PW-05 is Constable Kashif Khan No 307. Who stated that the SHO handed over to me the**



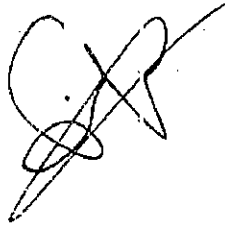
accused, recovery memo, card of arrest and the case property. I.O prepared the site plan at the instance of eye-witnesses. I.O prepared the recovery memo, weighted the contraband chars which each packet 1000/1000 and one packet of 500 grams of chars. I.O separate 05 gram from packet No.01 and sealed the same in parcel No.01 while the remaining 995 grams of chars in parcel No.02 already exhibited EX-P1. From packet No.02 separate 05 gram and sealed the same in parcel No.02 while 995 grams of chars were sealed in parcel No.03 already exhibited EX-P2. From packet No.03 separate 05 gram chars and sealed the same in parcel No.05 while 995 grams of chars were sealed in parcel No.06 already exhibited EX-P3. From packet No.04 from separate 05 grams from and sealed the same in parcel No.07 while 995 grams of chars were sealed in parcel No.08 already exhibited EX-P4. From packet No.05 from separate 05 grams from and sealed the same in parcel No.09 while 995 grams of chars were sealed in parcel No.10 already exhibited EX-P5. From packet No.06 from separate 05 grams from and sealed the same in parcel No.11 while 995 grams of chars were sealed in parcel No.12 already

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exhibited EX-P6. From packet No.07 from separate 05 grams from and sealed the same in parcel No.13 while 995 grams of chars were sealed in parcel No.14 already exhibited EX-P7. From packet No.08 from separate 05 gram from and sealed the same in parcel No.15 while 995 grams of chars were sealed in parcel No.16 already exhibited EX-P8. From packet No.09 from separate 05 grams from and sealed the same in parcel No.17 while 995 grams of chars were sealed in parcel No.18 already exhibited EX-P9. From packet No.10 from separate 05 grams from and sealed the same in parcel No.19 while 995 grams of chars were sealed in parcel No.20 already exhibited EX-P10. From packet No.11 from separate 05 gram from and sealed the same in parcel No.21 while 495 grams of chars were sealed in parcel No.22 already exhibited EX-P11, and affixing all the parcel in seal in the name of TK in my presence. The recovery memo is already exhibited EX-PW 4/1. Today I have seen the recovery memo which is correctly signed by me as marginal witness. My statement was recorded by the I.O.



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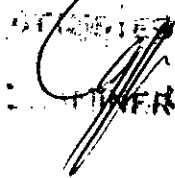
PW-06 is Arshad Abbas HC No.109. He stated that the Rehdari receipt No.62 was handed over to me by the Muharir of the Police Station for FSL Peshawar on 27/07/2020, and thereafter, submitting the parcels to the FSL, I returned back the said Ra hdari receipt No 62/21 and submitted to the Muharir of the Police Station, which was already exhibited as PW 04/03. My statement was recorded by the I.O.

After closure of prosecution evidence, statements of accused U/S 342 Cr.P.C. were recorded wherein they claimed their innocence and stated that they were falsely charged in the present case. Accused also denied the recovery from them. However, none of the accused wished to be examined on Oath U/S 340(2) Cr.P.C.

Arguments of the learned Senior Public Prosecutor for state and counsel for the accused heard and record available on file perused.

**ARGUMENTS ON BEHALF OF THE COMPLAINANT/PROSECUTION SIDE:**

The learned Senior Public Prosecutor for the state argued that huge quantity of contrabands (chars) has been recovered from the accused. He



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contended that all the prosecution witnesses had given consistent statement and there is no material contradictions in their statements. Positive report of FSL corroborates the ocular account of the occurrence furnished by the prosecution witness. Though there are some minor contradiction in the statements of prosecution witnesses, but all the witnesses are unanimous on the point of recovery of huge contraband from the possession of the accused therefore, they deserve severe punishment in accordance with law. He relied upon case law 2017 SCMR 1874.

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**ARGUMENTS ON BEHALF OF THE DEFENCE/ACCUSED SIDE:**



The learned counsel for accused argued that there is unexplained delay as the occurrence took place on 09.03.2020 while the FIR was lodged on 08.05.2020. There is major contradiction between the prosecution witnesses. The complainant had not associated any private person to witness the proceedings of recovery. The I.O could not complied the rules of 2021 (Government Analysts Rule, 2001) i.e. the safe custody and transmission of sample from police to chemical examiner was missing. All the proceedings were made in the



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Police Station. Therefore, the benefit of doubt may be given to the accused, and they may be acquitted from the charges.

Arguments heard and record perused.

**Findings of the court.**

Perusal of record in the light of arguments advanced by the learned Senior Public Prosecutor for the state and counsel for accused reveals that no doubt the alleged recovery of Charas has been shown to be made from the possession of the accused facing trial but in the statement of PW-02 Osman Khan SHO, in which he stated that at the time of occurrence he was informed through spy information on 09.03.2020 regarding the occurrence and that he did not went to the spot of occurrence but telephonically directed the accused facing trial to bring the said contraband to the Police Station which was recovered from an unknown accused, shows that the SHO did not recovered the contrabands from direct possession of the accused facing trial but they produced the same which was recovered from an unknown accused who is still not known to any one, however, prosecution is duty bound to validly

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prove the recovery and presence of PWs at the time of occurrence/recovery therefore, possibility of implicating the accused facing trial, cannot be ruled out. Similarly, fair investigation is the duty of Investigation Officer and if private witnesses are available on the spot, they must be associated with the recovery proceedings in order to show the fairness of the proceedings but in the instant case no private witness was associated with the process of recovery, even though the SHO was already informed about the recovery. In the statement of PW-1 who is Muharir of the Police Station, stated in cross examination that the contraband was handed over to him on 08.05.2020 and further stated that I do not know that where the said case property was lying but the I.O Taoos Khan handed over to me the said case property in sealed condition while in the statement of PW-02 Osman Khan in cross examination said that the said charr was handed over to him in the Police Station in presence of Hayat Ullah constable, Hayat Ullah Muharir, Osman constable and Taoos etc. Therefore, PW-02 contradicts the statement of PW-01. Furthermore, there is a contradiction regarding numbers of packets of charrs in statement

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of PW-02 and PW-03. PW-02 in cross, claims 5 packets while PW-03 claims 06 packets of chars on a whole.

PW-04 in cross examination stated that the sample was not sent to FSL on the same date that is 08.05.2020 but PW-06 Arshad Abbas Stated in his statement that the muharir of the Police Station handed over to him the samples on 27.07.2020 while the application to FSL EX-P4/2 also shows the date 27.07.2020, thus, case property has been sent to FSL after a delay of more than two month which has not been explained. Safe transmission of the alleged recovered narcotics from Police Station to the FSL was not established which is shown from the statements of PWs and if the safe custody of narcotics and its transmission through safe hand was not established on the record, the same could not be used against the accused. In this regard reliance is laid down in the case laws 2021 SC monthly review 363 and 2016 P.Cr.L.J 1668 (Lahore) which is as follows:-

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Control of Narcotic Substances Act (XXV of 1997)

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---S. 9(c)--- Control of Narcotic Substances (Government Analysts) Rules, 2001, Rr. 4, 5 & 6--- Possession of narcotics---Report of government analyst--- Safe custody and transmission of samples of the narcotic from the police to the chemical examiner---Scope---If safe custody of narcotics and its transmission through safe hands was not established on the record, same could not be used against the accused.---In the present case, evidence regarding safe transmission of alleged recovered narcotics to the Police Station and then onto the laboratory of chemical analysis was missing --- Accused acquitted of the charge in such circumstances."

2016 P.Cr.L.J 1668 (Lahore)

(a)Control of Narcotic Substances Act (XXV of 1997)---

---S. 9(c)--- Possessing and trafficking narcotics---Appreciation of evidence---



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*Prosecution had failed to establish safe custody of recovered substance from the date of its seizure till production in the court---*

The prosecution case is highly doubtful and based on unnatural and unbelievable story. Therefore, deposition of the prosecution witnesses are not up to mark. It is admitted that all the documents and proceedings were made in the Police Station which also creates doubt in the prosecution case. That process of search, arrest and mode of recovery is not according to the manner shown in the FIR, which weakens the case of prosecution. Reliance in this regard laid in case law 2021 MLD 2018:-

*"(b) Control of Narcotic Substance Act (XXV 1997)---*

*---S.25---Criminal Procedure Code (V of 1898), S. 103---Mode of search and arrest---*

*-Search to be made in presence of witnesses-*

*--Object---Where recovery was made after prior information and that too in presence of private person, then, failure to secure independent Mashirs cannot be brushed*

*C. P. R*

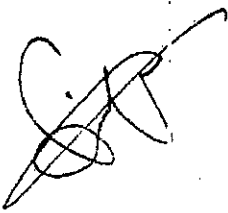
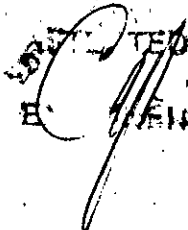
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aside lightly by the Court---Main object of S.103, Cr.P.C is to ensure transparency and fairness on the part of police during the course of recovery prevent false implication and diminish the scope of foisting fake recoveries upon the accused."

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### ACQUITTAL OF ACCUSED:

In view of what is discussed above it is admitted fact that it was primary duty of the prosecution to have established the guilt of the accused without any shadow of doubt, however, a careful scrutiny of the evidence available on record gives birth to various reasonable doubts i.e. delay in transmission of sample to the FSL for chemical analysis. Unexplained custody of the contrabands for about 02 months. Not associating witness from the public with the process of recovery. Change of case property as in the inquiry report/letter of District Police Officer (annexed with the judicial file) it is mentioned as Hashish, while in FIR report, it is mentioned as chars which weakens the prosecution case and creates doubts on the prosecution case, and advantage of doubt must go in favor of the accused facing trial, and

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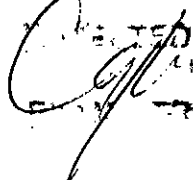
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transmission of case property was not established safely, is sufficient for the acquittal of the accused as many doubts do not require in a criminal case, rather any reasonable doubt arising out of the prosecution evidence, pricking the judicial mind, is sufficient for acquittal of the accused. **Reliance is placed on 2016 P.Cr.L.J 114.** In present case the PWs, in whose presence the recovery was allegedly affected, were not truthful and credible and prosecution evidence were not free from doubts, benefit of which must be given to the accused as a matter of right and not as a matter of grace. **Reliance is 2009 SCMR 230.**

The nut shell of my above discussion is that the prosecution has failed to prove its case against the accused facing trial beyond the reasonable doubts, therefore, by extending the benefit of doubt, accused facing trial namely 1. **Asif Khan S.I Belt No.384 S/O Mamid Khan caste Khojak Khel R/O Dubkot, 2.Wazir Zada S.I Belt No.87 S/O Ghulam Nabi caste Tuji Khel R/O Kari Kot 3.Shaikh Qanoon constable Belt No.1031 S/O Muhammad Ramzan caste Tuji Khel R/O Kari Kot District South Waziristan,** are hereby acquitted in

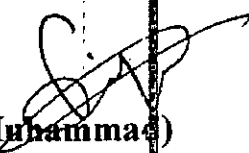


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present case. They are on bail, their bail bonds stand cancelled and their sureties are relieved from the liabilities of bail bonds. Case property be destroyed after expiry of limitation period of appeal/revision or as per law. File be consigned to the record room after its completion and compilation.

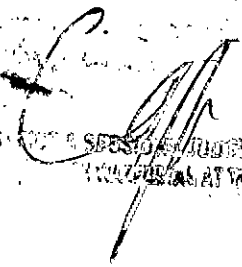
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ANNOUNCED  
17<sup>th</sup> February, 2022

  
(Fida Muhammad)  
Addl. District & Sessions Judge-I  
District South Waziristan

Certified that my this judgment consists of 19 pages. Each page has been read over, signed and corrected by me after making necessary correction therein.

  
(Fida Muhammad)  
Addl. District & Sessions Judge-I  
District South Waziristan

  
ADDL. DISTRICT & SESSIONS JUDGE  
DISTRICT SOUTH WAZIRISTAN

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C.D.No. \_\_\_\_\_  
Application Received on 21-12-2023  
Date of Copying \_\_\_\_\_  
Date of Delivery 21-12-2023  
No. of words \_\_\_\_\_  
Copying Charges \_\_\_\_\_  
Total Charges \_\_\_\_\_  
Name of copyist \_\_\_\_\_  
Cause of delay \_\_\_\_\_  
Signature of Examiner \_\_\_\_\_



IN THE COURT OF  
**FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,**  
SOUTH WAZIRISTAN AT TANK

Criminal Miscellaneous Application No. 16/7 2021

State vs Asif Khan etc


PW-01

**STATEMENT OF HAYAT ULLAH MUHARIR POLICE**  
**STATION TIARZA, STATED ON OATH STATED,**

That during the days of occurrence I was posted as Muharir Police Station Wana. After the completion of investigation the I.O handed over to me the case property that is chars weighing 10500 grams, after completion of record the said case property placed in the mall khana of Police Station for safe custody which were later on sent to the FSL for chemical analysis. The said case property was sent to the FSL through Arshad Abbas 109, vide receipt Rahdari No.62/21, which is placed on file and is EX-PW 1/1.

XX: On 08/05/2021, the case property was handed over to me. the case property was handed over to me by the I.O Taoos Khan at 1500 hours. I do not know that the where the said case property was laying but he the I.O Taoos Khan handed over to me the said case property in sealed condition. I do not remember the exact date when I sent the parcel for the FSL anyhow, we send it within 72 hours. It is correct that I did not sent the parcel to FSL on the same day, my statement was not recorded in this respect. It is incorrect to suggest that the case property was handed over to me by the I.O.

R.O & A.C  
14.07.2021

  
(Fida Muhammad)  
Addl. District & Sessions Judge-I  
South Waziristan at Tank



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17/2/2021  
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IN THE COURT OF  
**FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK**

State vs Asif Khan etc

FIR No.48. Dated 08/05/2020, U/S 9-D 221 P.P.C 118 KP Police Act P.S Wana,  
District South Waziristan

PW-02

**STATEMENT OF OSMAN KHAN INCHARGE PP ANGOR  
ADDA AT, STATED ON OATH,**

That during the days of occurrence, I was posted as SHO Police Station Wana. On 11/03/2020 I was present in the Police Station. I recovered and took into possession the chars weighing 10500 grams from the accused which was left by one unknown person and the said quantity of chars was illegally retained with themselves and also committed embezzlement and facilitate the actual culprits. The departmental inquiry was carried out whereby after they were dismissed from the service and the charge imposed against them. I also chalked out the FIR. Today I have seen the copy of FIR which is correct and correctly bears my signature and is EX-PA/1. I also prepared the recovery memo in presence of PWs. The above quantity of chars was taken into possession which was weighted and was came into 10500 gram. The recovery memo is EX-PC. The sight plane was prepared at my instance by the I.O. I also prepared the card of arrest which is EX-PW 2/1. After the arrival of I.O, I handed over the case property, accused and all the documents to the I.O for further investigation. My statement was recorded by the I.O. after the completion of investigation, I submitted complete challan on 03/06/2020 while I submitted incomplete challan on 20/05/2020.

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All the accused were deputed in the Wana Bazzar by the District Police Officer South Waziristan but they were remained subordinate under me. I was informed through informer the a huge quantity of chars was recovered from someone which was letter on during inquiry and after 02 days we came to known that the said recovered chars was recovered from an

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unknown person and was retained by the of the present accused. I was informed on 09/03/2020 through spy information regarding the occurrence. We did not went to the spot of occurrence. I telephonically directed the said accused to bring the said contraband to the Police Station which was recovered from an unknown accused. On 11/03/2020, the said chars was handed over to me in the Police Station in the presence of Hayat Ullah constable, Hayat Ullah Muharir, Osman constable, Taoos etc. it was about 1300 hours when the accused came to the Police Station. The said contraband was lying in a sack(Bori). The same sack was open by me. the said chars was packed in five packets which were rapped through plastic insulation tap. I open the said quantity and thereafter weighted the said quantity through scale. I weighted the contraband without the sack and insulation tap. It is incorrect to suggest that all the proceedings are concocted. It is incorrect to suggest that no recovery was made from the accused.

R.O & A.C  
14/09/2021

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(Fida Muhammad)  
Addl. District & Sessions Judge-I  
South Waziristan at Tank.

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IN THE COURT OF  
FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK

State vs Asif Khan etc

FIR No.48. Dated 08/05/2020. U/S 9-D 221 P.P.C 118 KP Police Act P.S Wana.  
District South Waziristan


PW-03 STATEMENT OF HAYAT ULLAH 1175, CONSTABLE PP  
ANGOR ADDA AT, STATED ON OATH.

That during the days of occurrence, I was present with the SHO and I am marginal witness to the recovery memo already EX-PC vide which in my presence the SHO Osman Khan recovered and took into possession the chars weighing 0500 gram. The total 11 packets of chars was recovered in which 05 packets were packed together in each five packet consists of 02 further packets and one packet was weighing about 500 gram. In this respect the SHO prepared recovery memo which is already EX-PC. Today I have seen the recovery memo which is correct and correctly bears my signature as marginal witness. My statement was recorded by the I.O.

XX We were not proceeded towards the spot of occurrence where the said quantity was taken into possession from an unknown person. I am unaware about the informer who informed the SHO about the occurrence. I do not know about who brought the chars to the Police Station. The said accused brought the chars to the Police Station. The SHO Osman Khan prepared the recovery memo regarding the recovery of recovered chars. The SHO Osman examined the recovered chars and thereafter handed over the same to the I.O. I have signed a document which was prepared by the I.O but I do not know about which document was signed by me. It is incorrect to suggest that all the proceedings are concocted. It is also incorrect to suggest that no recovery has been made from the accused.

R.O & A.C  
14/09/2021

  
EXAMINER

  
(Fida Muhammad)  
Addl. District & Sessions Judge-I  
South Waziristan at Tank

IN THE COURT OF  
FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK

State vs Asif Khan etc

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PW-04

STATEMENT OF TAOOS KHAN SHO POLICE JANDOLA,  
STATED ON OATH STATED,

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That during the days of occurrence I was posted as investigation officer Police Station Wana. That on 08/05/2020, I was present in the Police Station and the copy of FIR was handed over to me for investigation. The SHO handed over to me the accused, recovery memo, card of arrest and the case property. Firstly I prepared the site plan at the instance of eye-witnesses which is EX-PB. I prepared the recovery memo, weighted the contraband chars which each packet 1000/1000 and one packet of 500 grams of chars. I separate 05 gram from packet No.01 and sealed the same in parcel No.01 while the remaining 995 grams of chars in parcel No.02 EX-P1. From packet No.02 separate 05 gram and sealed the same in parcel No.02 while 995 grams of chars were sealed in parcel No.03 EX-P2. From packet No.03 separate 05 gram chars and sealed the same in parcel No.05 while 995 grams of chars were sealed in parcel No.06 EX-P3. From packet No.04 from separate 05 gram from and sealed the same in parcel No.07 while 995 grams of chars were sealed in parcel No.08 EX-P4. From packet No.05 from separate 05 gram from and sealed the same in parcel No.09 while 995 grams of chars were sealed in parcel No.10 EX-P5. From packet No.06 from separate 05 gram from and sealed the same in parcel No.11 while 995 grams of chars were sealed in parcel No.12 EX-P6. From packet No.07 from separate 05 gram from and sealed the same in parcel No.13 while 995 grams of chars were sealed in parcel No.14 EX-P7. From packet No.08 from separate 05 gram from and sealed the same in parcel No.15 while 995 grams of chars were sealed in parcel No.16 EX-P8. From packet No.09 from separate 05 gram from and sealed the same in parcel No.17 while 995 grams of chars were sealed in parcel No.18 EX-P9. From packet No.10 from separate 05 gram from and sealed the same in parcel No.19 while 995 grams of chars were sealed in parcel No.20 EX-P10. From packet No.11 from separate 05 gram from and sealed the same in parcel No.21 while 495 grams

Signature  
Addl District & Session  
Judge-I  
South Waziristan at Tank

Signature

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IN THE COURT OF  
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SOUTH WAZIRISTAN AT TANK

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of chars were sealed in parcel No.22 EX-P11, and affixing all the parcel in seal in the name of TK. The recovery memo is EX-PW 4/1 in the presence of marginal witness. Today I have seen the recovery memo which is correctly signed by me and marginal witnesses. I also placed on file an application for chemical analysis which is EX-PW 4/2. I also placed on file the receipt Rahdari No.62/21 EX-PW 4/3, the copy of said Rahdari is also placed on file and already exhibited as EX-PW 1/1. I also place on file the result of FSL laboratory report which is positive and is EX-PW 4/4. The copy of one addition of offence U/S 17-CNSA-221 P.P.C/118- KP is also placed on file, which was drafted by Sufdar Khan (Oii Police Station Wana) thereafter the said section were added in the challan. The said accused was produced before the learned Judicial Magistrate on 09/05/2020 for physical remand which was not accepted and sent to the judicial lockup while my application is EX-PW 4/5. The office order No-853-58/PA/SWTD dated 07/05/2020 of the District Police Officer, South Waziristan, to dispose of departmental proceedings initiated against the accused facing trail namely Asif Khan, Wazir Zada and Sheikh Qanoon, which is EX-PW 4/6 (pages 1-3). After completion of investigation the case file was handed over to the SHO Osman who submitted complete challan on 03/06/2020. I also recorded the statements of PWs. etc.

XX: The occurrence took place on 09/03/2020. I conducted investigation in the instant case. The copy of FIR was handed over to me on 08/05/2020. It is correct that copy of FIR handed over to me after about 02 months of the occurrence. I have not visited the place of occurrence on 08/05/2020. The case property that is chars was handed over to me by the SHO through Muharir of Police Station on 08/05/2020. I have not annexed receipt regarding the entries of chars in the registered of Malkhana on 09/03/2020. It is correct that I have not asked any date of entry regarding the entry of said chars in Malkhana. Witness volunteer that I have recorded the statement of

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IN THE COURT OF  
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Muharrir Malkhana namely Hayat Ullah U/S 161 Cr.P.C. Each packet consists of one piece. Today, the parcel No.02 was examined in the court which consists of some pieces, witness volunteer that the case property was lying in a Malkhana and brought before the court and may be the said packets containing chars is broken into pieces. Similarly, the parcel No.04 was shown to the witness and the same packet is in one piece/slab. In parcel No.18 EX-P9 is also consists of some pieces. Witness volunteer the case property was lying in a malkhana and thereafter brought before the court and each and every date due to which the said packet may be broken. It is correct that the parcel was not sent to FSL on the same day that is 08/05/2020. Witness volunteer that the application and the parcels of chars were handed over to the Muharrir of the Police Station for sending the same to the FSL. It is correct that I have asked the Muharrir of Police Station about date of sending the sample to FSL. The dated 13/08/2020 is mentioned on the result of FSL. Witness volunteer that the same date is mentioned by the FSL department. I consumed a time of 02 and half hours in conducting the investigation. It is incorrect that the allegation is self-made. It is also incorrect to suggest a fabricated case was registered against the accused facing trial. It is incorrect to suggest that all the investigations are carried out on the directions of hi-ups.

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14.10.2021

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14/10/21

(Fida Muhammad)  
Addl. District & Sessions Judge-I  
South Waziristan at Tank

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IN THE COURT OF  
FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK

State vs Asif Khan etc

PW-05 STATEMENT OF KASHIF KHAN NO.307 POLICE STATION  
WANA, STATED ON OATH STATED,

That on 08/05/2020, I was present in the Police Station. The SHO handed over to me the accused, recovery memo, card of arrest and the case property. I.O prepared the site plan at the instance of eye-witnesses. I.O prepared the recovery memo, weighted the contraband chars which each packet 1000/1000 and one packet of 500 grams of chars. I.O separate 05 gram from packet No.01 and sealed the same in parcel No.01 while the remaining 995 grams of chars in parcel No.02 already exhibited EX-P1. From packet No.02 separate 05 gram and sealed the same in parcel No.02 while 995 grams of chars were sealed in parcel No.03 already exhibited EX-P2. From packet No.03 separate 05 gram chars and sealed the same in parcel No.05 while 995 grams of chars were sealed in parcel No.06 already exhibited EX-P3. From packet No.04 from separate 05 gram from and sealed the same in parcel No.07 while 995 grams of chars were sealed in parcel No.08 already exhibited EX-P4. From packet No.05 from separate 05 gram from and sealed the same in parcel No.09 while 995 grams of chars were sealed in parcel No.10 already exhibited EX-P5. From packet No.06 from separate 05 gram from and sealed the same in parcel No.11 while 995 grams of chars were sealed in parcel No.12 already exhibited EX-P6. From packet No.07 from separate 05 gram from and sealed the same in parcel No.13 while 995 grams of chars were sealed in parcel No.14 already exhibited EX-P7. From packet No.08 from separate 05 gram from and sealed the same in parcel No.15 while 995 grams of chars were sealed in parcel No.16 already exhibited EX-P8. From packet No.09 from separate 05 gram from and sealed the same in parcel No.17 while 995 grams of chars were sealed in parcel No.18 already exhibited EX-P9. From packet No.10 from separate 05 gram from and sealed the same in parcel No.19 while 995 grams of chars were sealed in parcel No.20 already exhibited EX-P10. From packet No.11 from separate 05 gram from and sealed the same in parcel No.21 while 495 grams

Additional District & Sessions  
Judge-I  
South Waziristan at Tank

TESTED  
AM/SE

IN THE COURT OF  
FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
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State vs Asif Khan etc

of chars were sealed in parcel No.22 already exhibited EX-P11, and affixing all the parcel in seal in the name of TK in my presence. The recovery memo is already exhibited EX-PW 4/1. Today I have seen the recovery memo which is correctly signed by me as marginal witness. My statement was recorded by the I.O.

XX: We joint the investigation on 08/05/2020. The place of occurrence was Police Station. 08/05/2020 the Muharir of the Police Station place the chars before the SHO who handed over the same to the I.O for investigation. The SHO handed over the contrabands and the accused to the I.O. The direction of SHO the chars were brought before the I.O on 08/05/2020. I do not remember that the chars were lying in a sack or else the contrabands was shown to me before sealing into parcels. 11 packets of chars consists of one piece each. The I.O took about 02 and half hour on the investigation process. I do not known about to whether the I.O asked the muharir of Police Station about in which entry was made in malkhana. I do not remember the total number of constables present during investigation in the instant case. the I.O recorded the statements of marginal witness not one else present in the Police Station. It is incorrect that the allegation is self-made. It is also incorrect to suggest a fabricated case was registered against the Accused. It is incorrect to suggest that all the investigations are carried out on the directions of hi-ups.

R.O & A.C  
14.10.2021

ATTESTED  
EXAMINED

  
(Fida Muhammad)  
Addl. District & Sessions Judge-I  
South Waziristan at Tank

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IN THE COURT OF  
FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK

State vs Asif Khan etc


PW-06 STATEMENT OF ARSHAD ABBAS HC NO.109 POLICE  
STATION RAGHZAI, ON OATH STATED.

That during the days of occurrence I was posted as HC at Police Station Wana. The Rehdari receipt No.62 was handed over to me by the Muharir of the Police Station for FSL Peshawar on 27/07/2020, and thereafter submitting the parcels to the FSL I returned back the said Rahdari receipt No 62/21 and submitted to the Muharir of the Police Station, which is already exhibit as PW 04/03. My statement was recorded by the I.O.

XX: I was HC at day of occurrence. The Rahdari receipt was handed over to me on 27/07/2020 by the Muharir of the Police Station. On the day of producing of rahdari receipt by the Muharir I could not give statement to the I.O or anyone else. On the direction of SHO of the Police Station I proceed to the FSL Peshawar. The samples of the instant case alongwith the other parcels of different case were handed over to me for FSL laboratory. At the time of departure from the Police Station I could not give statement to the I.O anyhow I made departure entry in the relevant register. It is correct that I have not annexed photocopy of nakal mad of the departure of rehdari register. It is correct that my statement was recorded by the I.O on 22/08/2020. I proceeded to the FSL Peshawar through public vehicle but I could not remember the vehicle registration Number and I could not tell this fact to the I.O. It is incorrect to suggest that I did not proceed to FSL Peshawar. It is also incorrect that all the proceedings were made in the Police Station.

R.O & A.C  
22.12.2021

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(Fida Muhammad)  
Addl. District & Sessions Judge-I  
South Waziristan at Tank

IN THE COURT OF  
FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK

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State vs Asif Khan etc

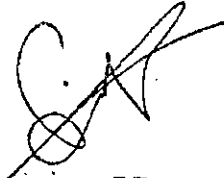
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STATEMENT OF ACCUSED WAZIR ZADA S/O GHULAM NABI AGED ABOUT 36/37 CASTE WAZIR, R/O KARHI KOT TEHSIL WANA, DISTRICT SOUTH WAZIRISTAN, U/S 342 CRPC:

Q.1 That on 09/03/2020 at about 1300 hours at Main Bazar Wana, falling within the criminal jurisdiction of Police Station, Wana, you all the accused, named above, recovered Chars weighing 10500 gram from unknown person and intentionally not apprehended the said unknown person and, thus you all the accused have committed an offence punishable under section-221 P.P.C and cognizance of this court. What do you say about it?

Ans. It is incorrect.

Q.2 That on the same date time and place, you all the accused recovered the contraband chars weighing 10500 gram of chars from unknown person and you being police official were duty bound to arrest the said person, so you all the accused have violated the official duty, thus all you accused have committed an offence punishable u/s 18 KP Police Act, 2017 and cognizance of this court. What do you say about it?



Addl District & Session  
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Ans. It is incorrect.

Q.3 It is in the evidence that your act creates bad image of police force. What do you say about it?

Ans. It is incorrect. I have done nothing which create bad image of police force.

Q.4 It is in the evidence that you accused alongwith you co-accused facing trail, facilitate the actual culprits and thereafter, help them to escape. What do you say about it?

Ans. It is incorrect.

Q.5 It is in the evidence that on 09/03/2020 at about 1300 hours at Main Bazar Wana, falling within the criminal jurisdiction of Police Station, Wana, you accused, named above, recovered Chars weighing 10500

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SOUTH WAZIRISTAN AT TANK**

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gram from unknown person and the said quantity illegally retained with yourself and you accused committed defalcation/embezzlement and also abated/facilitate the actual culprits, thus you all the accused have committed an offence punishable under section-9(D)/17 of the Khyber Pachtunkhwa Control of Narcotics Substances Act,2019. What do you say about it?

Ans. It is incorrect. The FIR was registered with the unexplained delay of about 02 months.

Q.6 It is in the evidence that after the arrival of I.O the SHO handed over the contraband chars to the I.O and thereafter the I.O took the same into possession and weighing the contraband which came out 10500-gram chars and sealed the same in separate parcels EX-P-01 to EX-P-11, while from each packet 05 grams of chars were separated from each parcels and sealed the same in separate parcels for chemical analysis. In this respect the I.O prepare the recovery memo while EX-PW-4/1 in the presence of marginal witnesses. What do you say about it?

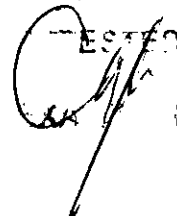
Ans. It is incorrect. I know nothing about the recovery and handing over the contraband by the SHO to the I.O.

Q.7 It is in the evidence that the parcel No.01, 03, 05, 07, 09, 11, 13, 15, 17, 19, and 21 five grams (each) were sent to the FSL for chemical analysis. The report whereof is EX-PW 4/4 which is in positive. Which effect incriminate you with the commission of offence. What do you say about it?

Ans. It is incorrect.

Q.8 It is in the evidence that the I.O prepared site plan EX-PB on the piontaiton of eye witnesses. What do you say about it?

Ans. It is incorrect. The names of eye witnesses were not mentioned in the site plan.

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IN THE COURT OF  
FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK

State vs Asif Khan etc

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Q.09 Why the PWs have deposed against you?

Ans. All the PWs are interested and inimical towards me. No impartial witness has been produced by the prosecution against me.

Q.10 Do you want to be examined on Oath in your defence U/S 340 (2) Cr.P.C?

Ans. No

Q.11 Do you produce any defence evidence?

Ans. No

Q.12: Do you want to add anything else in your statement?

Ans: It is crystal clear that the FSL report about the contraband is doubtful. The sample were sent to the FSL through constable on 27/07/2020 on the direction of SHO. A fabricated case was registered against me. The allegations are self-made and all the proceedings were carried out with the direction of high ups. I know nothing about the contraband and it was not recovered from my personal possession. A mala fide case has been registered against me.

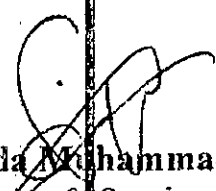
Accused: Wazir Zada



CERTIFIED U/S 364 Cr.P.C

R.O & A.C  
12.01.2022

EXAMINE

  
(Fida Muhammad)  
Addl. District & Sessions Judge-I  
South Waziristan at Tank

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IN THE COURT OF  
FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK

16/7  
State vs Asif Khan etc

STATEMENT OF ACCUSED ASIF KHAN (AGED ABOUT 30/31 YEARS), CASTE KHOJAL KHEL, WAZIR, RESIENDT OF DOBKOT, TESHIL WANA, DISTRICT SOUTH WAZIRISTAN, U/S 342 CRPC:

Q.1 That on 09/03/2020 at about 1300 hours at Mair Bazar Wana, falling within the criminal jurisdiction of Police Station, Wana, you all the accused, named above, recovered Chars weighing 10500 gram from unknown person and intentionally not apprehended the said unknown person and, thus you all the accused have committed an offence punishable under section-221 P.P.C and cognizance of this court. What do you say about it?

Ans. It is incorrect.

Q.2 That on the same date time and place, you all the accused recovered the contraband chars weighing 10500 gram of chars from unknown person and you being police official were duty bound to arrest the said person, so you all the accused have violated the official duty, thus all you accused have committed an offence punishable u/s 118 KP Police Act, 2017 and cognizance of this court. What do you say about it?

Ans. It is incorrect.

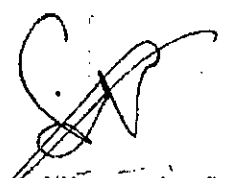
Q.3 It is in the evidence that your act creates bad image of police force. What do you say about it?

Ans. It is incorrect. I have done nothing which create bad image of police force.

Q.4 It is in the evidence that you accused alongwith you co-accused facing trail, facilitate the actual culprits and thereafter, help them to escape. What do you say about it?

Ans. It is incorrect.

Q.5 It is in the evidence that on 09/03/2020 at about 1300 hours at Main Bazar Wana, falling within the criminal jurisdiction of Police Station, Wana, you accused, named above, recovered Chars weighing 10500

  
Addl District & Sessions  
Judge  
South Waziristan at Tank

IN THE COURT OF  
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State vs Asif Khan etc

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(34)

gram from unknown person and the said quantity illegally retained with yourself and you accused committed defalcation/embezzlement and also abated/facilitate the actual culprits, thus you all the accused have committed an offence punishable under section-9(D)/17 of the Khyber Pakhtunkhwa Control of Narcotics Substances Act, 2019. What do you say about it?

Ans. It is incorrect. The FIR was registered with the unexplained delay of about 02 months.

Q.6 It is in the evidence that after the arrival of I.O the SHO handed over the contraband chars to the I.O and thereafter the I.O took the same into possession and weighing the contraband which came out 10500-gram chars and sealed the same in separate parcels EX-P-01 to EX-P-11, while from each packet 05 grams of chars were separated from each parcels and sealed the same in separate parcels for chemical analysis. In this respect the I.O prepare the recovery memo while EX-PW-4/1 in the presence of marginal witnesses. What do you say about it?

Ans. It is incorrect. I know nothing about the recovery and handing over the contraband by the SHO to the I.O.

Q.7 It is in the evidence that the parcel No.01, 03, 05, 07, 09, 11, 13, 15, 17, 19, and 21, five grams (each) were sent to the FSL for chemical analysis. The report whereof is EX-PW 4/4 which is in positive. Which effect incriminate you with the commission of offence. What do you say about it?

Judge Ans. It is incorrect.  
South Waziristan at Tank

Q.8 It is in the evidence that the I.O prepared site plan EX-PB on the piontaiton of eye witnesses. What do you say about it?

Ans. It is incorrect. The names of eye witnesses were not mentioned in the site plan.

TESTED  
EXAMINER

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IN THE COURT OF  
**FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK**

State vs Asif Khan etc

**Q.09** Why the PWs have deposed against you?

**Ans.** All the PWs are interested and inimical towards me. No impartial witness has been produced by the prosecution against me.

**Q.10** Do you want to be examined on Oath in your defence: U/S 340 (2) Cr.P.C?

**Ans.** No

**Q.11** Do you produce any defence evidence?

**Ans.** No

**Q.12:** Do you want to add anything else in your statement?

**Ans:** It is crystal clear that the FSL report about the contraband is doubtful. The sample were sent to the FSL through constable on 27/07/2020 on the direction of SHO. A fabricated case was registered against me. The allegations are self-made and all the proceedings were carried out with the direction of high ups. I know nothing about the contraband and it was not recovered from my personal possession. A mala fide case has been registered against me.

Accused: Asif Khan



**CERTIFIED U/S 364 Cr.P.C**

R.O & A.C  
12.01.2022

(Fida Muhammad)  
Addl. District & Sessions Judge-I  
South Waziristan at Tank

IN THE COURT OF  
FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,  
SOUTH WAZIRISTAN AT TANK

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STATEMENT OF ACCUSED SHEIKH QANOON S/O MUHAMMAD RAMZAN  
AGED ABOUT 37/38 CASTE WAZIR I/O KARHI KOT TEHSIL WANA,  
DISTRICT SOUTH WAZIRISTAN, U/S 342 CRPC:

Q.1 That on 09/03/2020 at about 1300 hours at Main Bazar Wana; falling within the criminal jurisdiction of Police Station, Wana, you all the accused, named above, recovered Chars weighing 10500 gram from unknown person and intentionally not apprehended the said unknown person and, thus you all the accused have committed an offence punishable under section-221 P.P.C and cognizance of this court. What do you say about it?

Ans. It is incorrect.

Q.2 That on the same date time and place, you all the accused recovered the contraband chars weighing 10500 gram of chars from unknown person and you being police official were duty bound to arrest the said person, so you all the accused have violated the official duty, thus all you accused have committed an offence punishable u/s 118 KP Police Act, 2017 and cognizance of this court. What do you say about it?

*SAR*  
Additional District & Session  
Judge  
South Waziristan at Tank

Ans. It is incorrect.

Q.3 It is in the evidence that your act creates bad image of police force. What do you say about it?

Ans. It is incorrect. I have done nothing which create bad image of police force.

Q.4 It is in the evidence that you accused alongwith you co-accused facing trail, facilitate the actual culprits and thereafter, help them to escape. What do you say about it?

Ans. It is incorrect.

Q.5 It is in the evidence that on 09/03/2020 at about 1300 hours at Main Bazar Wana, falling within the criminal jurisdiction of Police Station, Wana, you accused, named above, recovered Chars weighing 10500

*ASIF KHAN*

IN THE COURT OF  
**FIDA MUHAMMAD, ADDITIONAL DISTRICT & SESSIONS JUDGE-I,**  
 SOUTH WAZIRISTAN AT TANK

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gram from unknown person and the said quantity illegally retained with yourself and you accused committed defalcation/embezzlement and also abated/facilitate the actual culprits, thus you all the accused have committed an offence punishable under section-9(D)/17 of the Khyber Pakhtunkhwa Control of Narcotics Substances Act, 2019. What do you say about it?

Ans. It is incorrect. The FIR was registered with the unexplained delay of about 02 months.

Q.6 It is in the evidence that after the arrival of I.O the SHO handed over the contraband chars to the I.O and thereafter the I.O took the same into possession and weighing the contraband which came out 10500-gram chars and sealed the same in separate parcels EX-P-01 to EX-P-11, while from each packet 05 grams of chars were separated from each parcels and sealed the same in separate parcels for chemical analysis. In this respect the I.O prepare the recovery memo while EX-PW-4/1 in the presence of marginal witnesses. What do you say about it?

Ans. It is incorrect. I know nothing about the recovery and handing over the contraband by the SHO to the I.O.

Additional District & Sessions  
 Judge-I  
 South Waziristan at Tank

Q.7 It is in the evidence that the parcel No.01, 03, 05, 07,09,11,13,15,17,19, and 21, five grams (each) were sent to the FSL for chemical analysis. The report whereof is EX-PW 4/4 which is in positive. Which effect incriminate you with the commission of offence. What do you say about it?

Ans. It is incorrect.

Q.8 It is in the evidence that the I.O prepared site plan EX-FB on the piontaiton of eye witnesses. What do you say about it?

Ans. It is incorrect. The names of eye witnesses were not mentioned in the site plan.

IN THE COURT OF  
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SOUTH WAZIRISTAN AT TANK

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Q.09 Why the PWs have deposed against you?

Ans. All the PWs are interested and inimical towards me. No impartial witness has been produced by the prosecution against me.

Q.10 Do you want to be examined on Oath in your defence U/S 340 (2) Cr.P.C?

Ans. No

Q.11 Do you produce any defence evidence?

Ans. No

Q.12: Do you want to add anything else in your statement?

Ans: It is crystal clear that the FSL report about the contraband is doubtful. The sample were sent to the FSL through constable on 27/07/2020 on the direction of SHO. A fabricated case was registered against me. The allegations are self-made and all the proceedings were carried out with the direction of high ups. I know nothing about the contraband and it was not recovered from my personal possession. A malafide case has been registered against me.



Accused: Sheikh Qanoon

CERTIFIED U/S 364 Cr.P.C

R.O & A.C  
12.01.2022

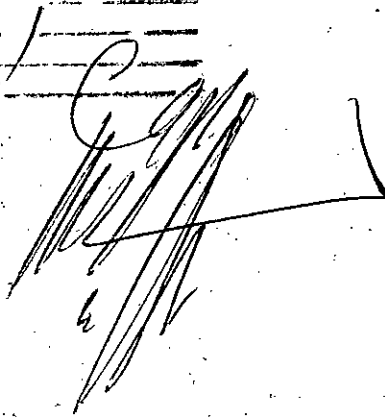
EX. CLERK

(Fida Muhammad)  
Addl. District & Sessions Judge-I  
South Waziristan at Tank



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Signature of Examiner \_\_\_\_\_



لیڈر اللت صاحب ایڈیشنل سیشن جج صاحب

P.O.F

09-02-22

سرکار ہند  
نمبر ایس ڈی "90515A" 90515A

فکر سیری کیٹ صاحبی نام ملزمان اکٹھے  
درجہ زادہ 3-3 قانون

1- یہ کہ ملزمان باہد کو عورت 9/20<sup>03</sup> کو موقع ہوا ہے اور 11/11 کو رپورٹ  
سوتی ہے جو کہ Unexplained تاخیر ہے جبکہ بعد از ایگوری  
عورت 08/5 کو جاگرتی رہی ہے 2 ماہ کی تاخیر ہے۔ 3-1  
FIR یا خالی میں کسی پر بھی وقوعیات موجود تاخیر ہے۔

2- یہ کہ بعد از ایگوری ملزمان باہد کو پولیس روٹ کے تحت کار سار کرنے میں  
جو کہ FIR میں خود کہنے میں کہ جس میں کسی ملزمان نام سے برآمدگی  
رہی۔

3- یہ کہ بعد از گواہان فرد و خورد یہ بتیے میں کہ S.H.O صاحب کا کہنے  
S.H.O عثمان نے خورد کا پاس رکھی تھی۔ اور بعد از ایگوری 8/5 کو  
100 صاحب کودی۔ جبکہ X-enemy میں فرد گواہ صاحب اللہ  
خود کہنے کہ مجھے علم نہ ہے کہ جس میں کسی کی تھی مجھے یہ بھی علم نہ  
ہے کہ جس میں کون کھانا لایا تھا۔

Attest  
Ams  
Signature

3- یہ کہ 1- P.W. محمد رحمت اللہ نے X-enemy میں کہنے کہ مجھے جس میں  
8/5 کو تھی۔ جبکہ کہ خود کہنے کہ مجھے علم نہ ہے کہ جس میں خورد  
رہی ہیں۔ جو کہ S.H.O کے بیان کو نکل انکار ہے۔

4- بیگز 2 - pw-2 S.H.O کے لئے ہیں کہ جس میں کھانا لانا ہوتا ہے

42

ساتھ۔ حضور صلی اللہ اور فرزند گواہ صلی اللہ علیہ وسلم

موجود ہے۔ جبکہ 1 - pw اور 2 - pw دونوں نے

45

S.H.O صاحب نے ساتھ موجودگی سے ملنے انکار کیا ہے

S.H.O صاحب خود کہتے ہیں کہ دوران Recovery میرے ساتھ

1 - pw اور 3 - pw موجود ہے۔ جو کہ ان گھنٹوں میں ملے گا

5- بیگز 4 - pw-4 100 صاحب جو کہ مورخہ 25/8 کو

تفتیش میں۔ از خود لیا مال مقدمہ S.H.O کے گینے پر چھے حضور

صاحب نے دی جبکہ 1 - pw حضور نے مقدمہ میں ملنے لائے

ظاہری۔ 100 صاحب خود کہتے ہیں کہ مقدمہ میں حضور نہیں لائے

کس دائری نمبر پر حال خانہ میں ہیں جس میں ملے گی

6- بیگز کہ F.S.L جو کہ 7 گھنٹوں میں لایا پھینسی جائے

F.S.L کو 27/20 کو send کرنے سے جو کہ 2 ماہ کی

خوف تافیر ہے۔ جس میں پیشاور صالی نے مقدمہ میں دی

کے safe فردی ہے

PLD 2012 S-380  
sample کی تعریف ہے  
pg-7

2020 SemR 196  
2021 PLD NI 22 Peshawar  
Protocol

کا ہونا فردی ہے

2021 YLR 296  
کہ تمام کردار کھانا میں ملے گی

2013 YLR 64

استاد  
A-3  
8/20/2020

منیجنگ ملزمان کو جس



142

Handwritten notes at the top right of the page.

~~W. H. Wang~~  
SHO/B. Wang  
12-3-2021

Attus  
Amz  
S. H. / Warren  
Superintendent of Police  
Investigation SWTD

# ابتدائی اطلاع رپورٹ

27

کونٹر

(قابل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ ۱۵۴ مجموعہ ضابطہ جاری

43

SWTD

نام

تاریخ وقت وقوع ۱۳:۰۵

48

تاریخ و وقت رپورٹ	۱۱/۳	وقت ۱۸:۰۵	تاریخ و وقت وقوع ۱۳:۰۵
نام و مکونت اطلاع دہندہ	شہان خان SHAN KHAN	تعلقہ	۱۲
تعلقہ کنفیٹ	۹۷۶ - ۹۷۵	۱۱۸۴ - ۱۱۸۳	۱۲
جائے وقوع	بازار وائٹ ہاٹ	بازار وائٹ ہاٹ	۱۲
نام و مکونت ملزم	۳۸	۳۸	۱۲
کارروائی جو پیش سے متعلق کی گئی	میں توقف ہوا تو وہ بیان کر	میں توقف ہوا تو وہ بیان کر	۱۲
تاریخ و وقت			۱۲

ابتدائی اطلاع نیچے درج کروانے کے بعد ملزمان حیدر علی خان نے کہ  
 قبضہ سے پیشات پیرس کس دن (10500) گاڑی میں مدھولے کھنچے ہوئے گاڑی میں  
 سے ملے گا۔ اس سے پتہ چلتا ہے کہ اسے گاڑی میں رکھ کر گاڑی میں رکھ کر  
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SHO P.S. Wana  
 8-5-2010

Attest  
 SHO  
 SHO / SHO  
 SHO / SHO  
 SHO / SHO

حکومت

درخواست بولیس

قانون

SWTO

94

کوالا لومپور، 48 جولائی 2005ء (2005-07-48) 620  
CNSA-221-118KP  
CNSA-400

1. سارا/آئی ایم ایف کے بارے میں 384 ویلے کے ساتھ ساتھ قانون پولیس کے تحت ڈیٹا

2. سارا/آئی ایم ایف کے بارے میں 87 ویلے کے ساتھ ساتھ قانون پولیس کے تحت ڈیٹا

3. سارا/آئی ایم ایف کے بارے میں 31 ویلے کے ساتھ ساتھ قانون پولیس کے تحت ڈیٹا

جناب صاحب، مقدرہ عنوان بالا میں ملزمان بالا حسب ذیل کے گرفتار ہوئے ہیں۔

ملزمان کے بارے میں بولیس لکھی جا رہی ہے اور وہ قید میں ہیں۔ ملزمان بالا کے خلاف

رہنماگات اور مزید برآں کی سروس کرائی مطلوب ہے۔

گفتار شدہ خاصیت کے ملزمان بالا  $\frac{3}{3}$  نومبر 2005ء کو بولیس کے مطابق منظور

کیے گئے ہیں۔ بولیس کے ساتھ ساتھ ملزمان کے بارے میں ڈیٹا

10/11/05  
09-05-02

Attending  
Am 3  
S/O/Woman  
Inspector of Police  
Kuala Lumpur

On 1 the data received on request  
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before me / Inspector Concern.

Attested  
9/5/2005  
S/O/Woman  
9/3/21





46

مجلس القضاة  
القسم الثاني  
الجلسة الأولى  
العدد 10

46

مجلس القضاة  
القسم الثاني  
الجلسة الأولى  
العدد 10

08/05/20

مجلس القضاة  
القسم الثاني  
الجلسة الأولى  
العدد 10

Attest  
Amir

SAO/Wareen

47

49

سواند

فوق صرف

کتاب

48 صفحہ 850 درجہ 406 C.A.S.A. (90) کتاب خانہ  
11884 - 221 - C.A.S.A.

دو ہزار اسی تالیف کے ساتھ سواند میں دو ہزار اسی تالیف کے ساتھ  
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8/05/2020

Attested  
011/13-wang  
9/3/21

Signature  
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Attested  
Signature  
Signature

48

Case  
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48

سید (SATO)

کارت

کارت

موضوع پرونده 43 صفحه 8/20  
کارت 406-1188R  
کارت 384  
کارت 8  
کارت 1031

کارت 1188R  
کارت 384  
کارت 8  
کارت 1031

SHO P. Wama

8/5/2022

کارت 1188R  
کارت 384

کارت 8  
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کارت 1188R  
کارت 384  
کارت 8  
کارت 1031

Attest  
SHO P. Wama  
91-3-21

Attest  
SHO P. Wama  
Independent of Police  
Investigation SW

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41

دقیقہ ( ) میں پائیل

9CDNSA 08 48 17CNSA-221-118KP

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 7/3/21

Ex Pw 1  
 11/10/21

11/01/20  
 08/05/20

A. Hussain  
 Supt. PS-Women  
 Investigation SWTD

Kae huf

DPC



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
SOUTH WAZIRISTAN TRIBAL DISTRICT.

No. 853-58 / PA/SWTD

Date 7/5/2020

ORDER

This order is passed today on 07-05-2020 to dispose of departmental proceedings initiated against Constable (Sub Inspector) Asif Khan Belt No. 384 (under suspension) while posted as Traffic Staff Wana Bazar South Waziristan Tribal District.

Sub Inspector Asif Khan presently under suspension and closed to Police Line SWTD was charge sheeted under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) on the score of the following allegations:-

*That you are posted in Traffic Police at Wana Bazar confiscated Hasheesh from the position and sold instead of giving it in Police Custody/Deposited to relevant Department which shows your inefficiency, lack of interest in discharge of your responsibilities.*

For conducting probe into the allegations leveled against Sub Inspector Asif Khan an enquiry of Mr. Said Marjan DSP Wana was constituted. The enquiry officer found the officer guilty as Sub Inspector Asif Khan has confiscated Hasheesh in large amount and sold it instead of giving it in police custody, which creates bad image of Police Force the enquiry officer recommended him for major punishment along with criminal Proceeding.

In the light of findings/recommendations of the Enquiry Officer and available record against Sub Inspector Asif Khan, I, Shaukat Ali, District Police Officer, South Waziristan Tribal District being competent authority, hereby imposes the major punishment "Dismissal from service" and a proper case FIR u/s 9(f) CNSA shall be registered by local police with immediate effect.

Order announced.

(SHAUKAT ALI)  
District Police Officer,  
South Waziristan Tribal District

Endst: No. & date even.

Copy of the above is forwarded to the:-

1. Worthy Regional Police Officer, D I Khan Region for favour of information.
2. Deputy Superintendent of Police, Wana.
3. Accountant, EC, OASI for information and necessary action.
4. SHO PS Wana for further necessary action.
5. Officer concerned.

A. August  
A. Wana

Sub - Wana  
Deputy Superintendent of Police  
South Waziristan Tribal District

(SHAUKAT ALI)  
District Police Officer,  
South Waziristan Tribal District



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OFFICE OF THE  
DISTRICT POLICE OFFICER,  
SOUTH WAZIRISTAN TRIBAL DISTRICT.

No. 847-52 / PA/SWTD

Dated 7/5/2020

ORDER

This order is passed today on 07-05-2020 to dispose of departmental proceedings initiated against Constable Sheikh Qanoon S.No. 1031 (under suspension) while posted as Traffic police Wana South Waziristan Tribal District.

Constable Sheikh Qanoon presently under suspension and closed to Police Line SWTD was charge sheeted under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) on the score of the following allegations:-

*That you are posted in Traffic Police Wana confiscated Hasheesh from the position and sold instead of giving it in Police Custody, Deposited to relevant Department which shows your inefficiency, lack of interest in discharge of your responsibilities.*

For conducting probe into the allegations leveled against Constable Sheikh Qanoon an enquiry of Mr. Said Marjan DSP Wana was constituted. The enquiry officer found the officer guilty as Constable Sheikh Qanoon has confiscated Hasheesh in large amount and sold it instead of giving it in police custody, which creates bad image of Police Force the enquiry officer recommended him for major punishment along with criminal Proceeding

In the light of findings/recommendations of the Enquiry Officer and available record against Constable Sheikh Qanoon, I, Shaukat Ali, District Police Officer, South Waziristan Tribal District being competent authority, hereby imposes the major punishment "Dismissal from service" and a proper FIR u/s 9(D)CNSA shall be registered by local police with immediate effect.

Order announced.

(SHAUKAT ALI)  
District Police Officer,  
South Waziristan Tribal District

Endst: No. & date even.

Copy of the above is forwarded to the:-

1. Worthy Regional Police Officer, D I Khan Region for favour of information.
2. Deputy Superintendent of Police, Wana.
3. Accountant, EC, OASI for information and necessary action.
4. SHO PS Wana for further necessary action.
5. Official concerned.

A. H. S. Talwar  
S.A.O. Wana  
Deputy Superintendent of Police  
South Waziristan Tribal District

(SHAUKAT ALI)  
District Police Officer,  
South Waziristan Tribal District



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
SOUTH WAZIRISTAN TRIBAL DISTRICT.

No. 841-46 / PA/SWTD

Date 7/5/2020

**ORDER**

This order is passed today on 07-05-2020 to dispose of departmental proceedings initiated against Sub Inspector Wazir Zada S.No. 87 (under suspension) while posted as General Police Duty PS Wana South Waziristan Tribal District.

Sub Inspector Wazir Zada presently under suspension and closed to Police Line SWTD was charge sheeted under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) on the score of the following allegations:-

*That you are posted for General police duty at PS Wana confiscated Hashesh from the position and sold instead of giving it in Police Custody/Deposited to relevant Department which shows your inefficiency, lack of interest in discharge of your responsibilities.*

For conducting probe into the allegations leveled against Sub Inspector Wazir Zada an enquiry of Mr. Said Marjan DSP Wana was constituted. The enquiry officer found the officer guilty as Sub Inspector Wazir Zada has confiscated Hashesh in large amount and sold it instead of giving it in police custody, which creates bad image of Police Force the enquiry officer recommended him for major punishment along with criminal Proceeding.

In the light of findings/recommendations of the Enquiry Officer and available record against Sub Inspector Wazir Zada, I, Shaukat Ali, District Police Officer, South Waziristan Tribal District being competent authority, hereby imposes the major punishment "Dismissal from service" and a proper FIR u/s 9(D) CNS shall be registered by local police with immediate effect.

Order announced.

(SHAUKAT ALI)  
District Police Officer,  
South Waziristan Tribal District

Endst: No. & date even.

Copy of the above is forwarded to the:-

1. Worthy Regional Police Officer, D I Khan Region for favour of information.
2. Deputy Superintendent of Police, Wana.
3. Accountant, EC, OASI for information and necessary action.
4. SHO PS Wana for further necessary action.
5. Officer concerned

*Advised*  
*Amir*

*SHO - PS - Wana*

(SHAUKAT ALI)  
District Police Officer,  
South Waziristan Tribal District

TESTED  
50

10

Dis-agree with learned App.  
remarks dt 23/2/21 and directed  
the local police to delete Sec 4  
or not attracted, ~~add~~ add  
Sec 17 CrP.A. 22 App. 7w 118A  
Police Act 2017 and annexed  
FSL report within two days  
To DPP/

Also case is weak  
from evidentiary point  
view, hence fit for  
discharge, if approved  
P/z.

~~Handwritten signature~~  
APP SWD  
23-2-21

Attended  
~~Handwritten signature~~  
01/15/2021  
9/13/21

To DPP/

R/s a. file may be allowed  
to court if approved

~~Handwritten signature~~  
APP SWD  
23-2-21



59

الزائن

97  
وفاة السيد الزائد

52

سوار سوات

سوار سوات

باعتبار 48 من 5-8-20  
910 CNSA 17 CNSA-221-118KP  
406

52

هذا على عرض حرمه صديقه بنهاية قريه الزين جلاله بكم دياره سوا  
جوار قرية حرمه صديقه بنهاية قريه الزين جلاله بكم دياره سوا  
باعتبار 48 من 5-8-20  
17 CNSA-221-118KP  
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باعتبار 48 من 5-8-20  
17 CNSA-221-118KP  
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Wana  
011/PS  
8/3/2021

Attested  
011/PS. Wana  
8/3/21

Attested  
Amir  
S. H. P. S. Wana  
Superintendent of Police  
Investigation SW 70

5A  
52

الزائن  
وفاقی سیکرٹریٹ

کاپی سٹوڈیو

17 CNSA-221-1181K P  
406  
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یہ کاپی پوزیشن حوثیہ سیکرٹریٹ میں فیملی انجینئرنگ کے تحت دی گئی ہے۔  
جو انجینئرنگ کے تحت دی گئی ہے۔  
17 CNSA-221-1181K P  
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Wang  
8/3/2021

Attested  
Wang  
8/3/21

Attested  
Sgt. P.S. Waman  
Superintendent of Police  
Investigation SWD

کچھ حالت خیرات ایڈیشن 10/5/1958

P.S.F

53

کے کارکنان نے کھانسی کے لئے خیرات ایڈیشن  
نمبر 10/5/1958

54

کچھ سرکاری حالت خیرات ایڈیشن 10/5/1958  
نمبر 10/5/1958

55

1- یہ کہ ملزمان یا دیگر عورتوں کو قوت سے روکا اور 11/11 کو رپورٹ  
کی گئی ہے جو کہ Unexplained تاخیر سے جبکہ بعد از ایڈیشن  
نمبر 08/5/58 کو باگ کی گئی اور 2 ماہ کی تاخیر سے 3-3  
FIR یا قاضی سے کہیں اور بھی قیادت صورت ماخیز نہ ہے۔

2- یہ کہ بعد از ایڈیشن ملزمان یا دیگر عورتوں کی حالت حیرت انگیز  
جو کہ FIR میں خود کیے ہیں کہ وہ اس میں کس طرح خیرات ایڈیشن  
سے۔

3- یہ کہ بعد از ایڈیشن فرد و خیرات ایڈیشن میں کہ 5-11-0 صاحب کے لئے  
5-11-0 عیاشی خیرات ایڈیشن میں رکھی تھی۔ اور بعد از ایڈیشن 8/5 کو  
10-0 صاحب کو کسی - جبکہ x-enemy میں فرد کو وہ خیرات ایڈیشن  
خود کیے ہیں کہ مجمع علم نہ ہے کہ وہ اس میں کس کی تھی مجھے یہ بھی علم نہ  
ہے کہ وہ اس میں کون کون تھا نہ لایا تھا۔

3- یہ کہ 1-11-0 خیرات ایڈیشن x-enemy میں کس کے لئے مجھے علم نہ  
8/5 کو کسی - جبکہ کہ خود کس کے لئے مجھے علم نہ ہے کہ وہ اس میں کس  
پڑی 1-11-0 جو کہ 5-11-0 کے بیان کو مکمل انکار کیا ہے۔

4- بیٹہ 2- PW-2 S.H.O کہتے ہیں کہ فرس کمانڈ لائن پر وہ ایک

سائف۔ حرر عدالت اللہ اور نیرنگواہ عدالت اللہ سہارا

صوبہ ٹف۔ جبکہ 1- PW اور 3- PW درتوں نے

S.H.O صاحب نے ساتھ موجودگی سے ملکر انکوائری جبکہ

S.H.O صاحب خود کہتے ہیں کہ دوران recovery میرے ساتھ

1- PW اور 3- PW صوبہ ٹف۔ جو کہ ان تینوں میں ملکر تھاپا

تفاریک۔

54

5- بیٹہ 4- PW-4 100 صاحب جو کہ مورثہ 8/5 کو

تفتیش میں۔ از خود کیا مقدمہ S.H.O کے کہنے پر تھے حرر

صاحب نے دی جبکہ 1- PW حرر نے مقدمہ سے ملکر لا لعلی

ظاہر کی۔ 100 صاحب خود کہتے ہیں کہ مقدمہ حرر میں پوچھا کہ

کس دائرہ نمبر پر حال خانہ میں میں فرس سے ملے گی تھی۔

6- بیٹہ F.S.L جو کہ 72 گفتوں میں latency چھینی جائے

F.S.L کو 27/20 کو سند کرتے ہیں جو کہ 2 ماہ کی

حکم تفریق۔ جس میں بشاد رضا نے Judgment دی

کے بعد safe سردی ہے

PLD 2012 SC 380  
simple کی تعریف ہے  
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2021 PCV 11 NI 22 Peshawar

Protocol.

کے مونا ضروری ہے

2021 YLR 296

کہ تمام کردہ کمانڈ میں کی گئی

2013 YLR 64

Attest

A-3

Sd/- PS. Waseem

Sub-Inspector of Police  
District Sialkot

1  
نبی ب۔ گلزار کونسل  
[Signature]



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

**AUTHORITY LETTER**

Mr Kifayat Ullah DSP Investigation, South Waziristan Tribal District (upper), is hereby authorized to attend and submit the entire record both Police and Judicial of FIR No.48 dated 08.05.2020 under section 221 PPC/118 Police Station Wana, the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar on behalf of the undersigned in the Service Appeal No.450 and 451, of 2022, titled "Shaikh Qanoon versus Provincial Police Officer and others. Asif Khan versus Provincial Police Officer and others."

The officer is directed to attend the Honourable court on behalf of the undersigned till the final decision of the case and will be responsible to safeguard the government interest and obtain certified copy of the court decision and furnish this office as well as to all concerned.

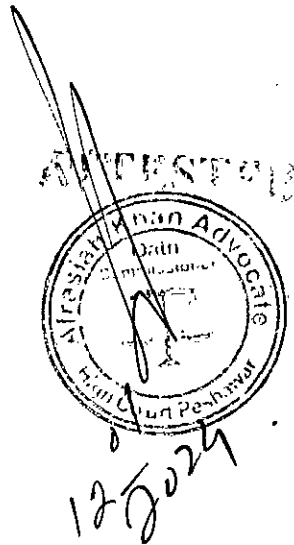
**(MALIK HABIB KHAN)**  
District Police Officer,  
South Waziristan Tribal District (Upper)  
(Respondent- 3)

**(NASIR MEHMOOD SATTI) PSP**  
Regional Police Officer,  
D I Khan Region, D I Khan.  
(Respondent - 2)

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

**AFFIDAVIT**

I, **Kifayat Ullah DSP Investigation, Police Department, South Waziristan Tribal District (upper)**, do hereby solemnly affirm and declare on oath that the contents of departmental inquiry record both Police and Judicial of FIR No.48 dated 08.05.2020 under section 221 PPC/118 Police Station Wana, to the **Service Appeal No.450 and 451, of 2022**, titled "**Shaikh Qanoon versus Provincial Police Officer and others. Asif Khan versus Provincial Police Officer and others.**" are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble court.



*Kifayat Ullah*  
DEPONENT  
12/01-2953532-9