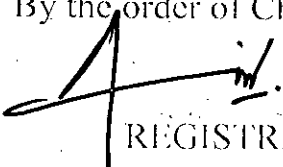


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

172/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/01/2024	<p>The appeal of Mr. Mehmood Khan received today by registered post through Mr. Khalid Mahmood Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Service Appeal No. 172 of 2024

**Mehmood Khan Vs. Govt. of Khyber Pakhtunkhwa etc
Service Appeal**

Index:

S#	Description of Documents	Annexure	Page Numbers
1.	Service appeal	--	1-7
2.	Copy of FIR No.102 dated 10.02.2020 of Police Station Jarma, District Kohat	A	8-9
3.	Copy of the Cr. Appeal No.331-P/2021	B	10-16
4.	copy of the Judgment dated 24.05.2023 of the Honourable Peshawar High Court, Peshawar,	C	17-23
5.	Copy of Office Order No.2680/PA and OB No.910 dated 17.08.2022	D	24
6.	Copy of the Departmental Appeal to Regional Police Officer, D.I.Khan	E	25
7.	Copy of the order No.7718/ES dated 09.10.2023 of Regional Police Officer, D.I.Khan	F	26
8.	Copy of the Departmental Revision Petition to Provincial Police Officer	G	27-28
9.	Copy of the Order No.S/3017-22/23 dated 22.12.2023 of AIG (Establishment) Peshawar	H	29

b

10	Vakalatnama	—	30-31
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Yours Humble Appellant

محمد خان

(Mehmood Khan)

Through Counsel



Dt. 17.01.2024

AHMAD ALI
Advocate Supreme Court



KHALID MAHMOOD
Advocate High Court, D.I.Khan.

BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 172 of 2024

Mehmood Khan son of Muhammad Ayub, resident of Nemat Khel,
Jandola sub-Division, District Tank. Ex. Constable/815, District Police
Tank.

APPELLANT

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
2. Provincial Police Officer/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General of Police (Establishment), Khyber Pakhtunkhwa, Peshawar.
4. Regional Police Officer, D.I.Khan Region, D.I.Khan.
5. District Police Officer, Tank.

RESPONDENTS

**SERVICE APPEAL UNDER SECTION 4 OF THE
K.P. SERVICE TRIBUNALS ACT, 1974,
AGAINST ORDER BEARING ENDST. No.S/3017-
22/23 DATED 22.12.2023 OF THE
RESPONDENT No.3 WHEREBY THE
DEPARTMENTAL REVISION PETITION U/RULE
11-A OF THE K.P. POLICE RULES 1975, FILED
AGAINST DISMISSAL OF HIS DEPARTMENTAL
APPEAL VIDE ORDER DATED 7718/ES DATED
09.10.2023 OF THE RESPONDENT No.4 AND**

HIS DISMISSAL FROM SERVICE PASSED BY
RESPONDENT No.5 VIDE OB No.910 DATED
17.08.2022, WAS DISMISSED.

PRAYER:

On acceptance of present Service Appeal and by setting aside the Orders bearing ¹No.S/3017-22/23 dated 22.12.2023 of respondent No.3, ²No.7718/ES dated 09.10.2023 of respondent No.4 and ³OB No.910 (Office Order No.2680/PA) dated 17.08.2022 of respondent No.5, the appellant may graciously be reinstated into service with all back benefits.

It is further prayed that the respondents may also be directed to pay all the salaries to the petitioner during the period of his suspension, during which he was confined in the Jail.

Any other appropriate remedy which this Honourable Tribunal may deems proper, in the circumstances of case, may also be granted to the appellant.

Respectfully Sheweth,

1. That the appellant was serving in the District Police Tank as Constable, Belt No.815 and during the service he was made a scapegoat in a criminal case registered under Section 9(D) of CNSA vide FIR No.102 dated 10.02.2020 of Police Station Jarma, District Kohat. Coy of the FIR is enclosed as **Annexure A.**
2. That due to his implication in the above referred criminal case, the appellant was suspended from service and an inquiry was also

initiated against him. The Inquiry Officer, upon completion of inquiry, recommended to keep the matter pending till final outcome of the criminal case.

3. That the appellant, unfortunately, was convicted by the learned Judge Special Court/ASJ-IV Kohat vide Judgment dated 18.03.2021 to suffer life imprisonment and fine of Rs.500,000/-. However, in Criminal Appeal No.331-P/2021 the Honourable Peshawar High Court, Peshawar, acquitted the appellant vide Judgment dated 24.05.2023. Copy of the Cr. Appeal No.331-P/2021 is enclosed as **Annexure B** whereas, copy of the Judgment dated 24.05.2023 of the Honourable Peshawar High Court, Peshawar, is enclosed as **Annexure C**.
4. That the District Police Officer Tank (respondent No.5) due to the conviction of appellant by the learned Judge Special Court/ASJ-IV Kohat and without waiting for decision of his criminal appeal, awarded major punishment of "Dismissal from Service" vide Office Order No.2680/PA and OB No.910 dated 17.08.2022 (**Annexure D**)
5. That the appellant then preferred a departmental appeal under Section 11 of the K.P. Police Rules, 1975, to the Regional Police officer, D.I.Khan Region, D.I.Khan, which was dismissed/rejected vide order No.7718/ES dated 09.10.2023. Copies of the Departmental Appeal and the order No.7718/ES dated 09.10.2023 of respondent No.4 are respectively enclosed as **Annexure E & F**.
6. That the appellant then moved a Departmental Revision under Section 11-A of the K.P. Police Rules, 1975, to the Provincial Police Officer, Khyber Pakhtunkhwa, which was also dismissed vide order bearing No.S/3017-22/23 dated 22.12.2023. Copies of the Departmental Revision and Order No.S/3017-22/23 dated 22.12.2023 of respondent No.3 are enclosed as **Annexure G & H** respectively.

7. That, aggrieved of the Orders bearing ¹OB No.910 (Office Order No.2680/PA) dated 17.08.2022 of respondent No.5, ²No.7718/ES dated 09.10.2023 of respondent No.4 and ³No.S/3017-22/23 dated 22.12.2023 of respondent No.3, the appellant has been left with no option but to file present service appeal before this Honourable Tribunal on, inter alia, the following grounds:

GROUND:

- i. That the impugned Orders bearing ¹OB No.910 (Office Order No.2680/PA) dated 17.08.2022 of respondent No.5, ²No.7718/ES dated 09.10.2023 of respondent No.4 and ³No.S/3017-22/23 dated 22.12.2023 of respondent No.3, are violative of the law, rules and procedure governing disciplinary matters, result of haste, illegal and summary in nature, and thus the same are liable to be set at naught.
- ii. That the Inquiry Officer in his report recommended that the matter be kept pending till outcome of the trial in the case FIR No.102 dated 10.02.2020 of Police Station Jarma, District Kohat. This report attained finality; therefore, respondents were required to wait the outcome of criminal appeal of appellant, and therefore, the impugned orders are nullity in the eyes of law.
- iii. That the District Police Officer in the order OB No.910 dated 17.08.2022 has specifically mentioned:

*The DSP/HQr: Tank was nominated as Inquiry Officer with the direction to conduct departmental inquiry against the defaulter police official and to submit his finding report. The enquiry was conducted and **facts find report was received in which he recommended that enquiry paper kept pending till the decision of Court.***

In light of recommendation of Inquiry Officer, the then District Police Officer, Tank passed the order to keep pending the enquiry paper till decision of the Court.

As per information report received from SP/Investigation Kohat that the default constable awarded sentence life imprisonment with fine of Rs.5,00,000/- (five hundred thousand) by the learned Court of Addl. Session Judge-IV Kohat in the instant case.

Therefore, in view of the above, I -----, District Police Officer Tank, ----- award him major punishment of "Dismissal from Service" and his absence period is treated as leave without pay.

It is thus, clear that the appellant was dismissed solely on the ground of convict in the case, in which he was later-on acquitted by the Honourable Peshawar High Court, Peshawar. Hence, the very basis of the dismissal from service order had been vanished and the appellant was required to be reinstated.

- iv. That it is an undeniable fact that only fact-finding inquiry was conducted and no disciplinary proceedings were initiated against the appellant, and similarly, no departmental inquiry was conducted. Even no show-cause notice was issued to the appellant before issuance of dismissal from service order. Hence, the appellant has been condemned unheard.
- v. That once it was settled that the matter be kept pending till final outcome of the criminal case against appellant, then it should have been kept pending till final outcome of the appeal. Moreover, before decision of the Departmental Appeal by the respondent No.4 vide order dated 09.10.2023, the appellant had

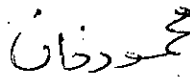
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already been acquitted vide Judgment dated 24.05.2023. But this important aspect of the case was overlooked by the respondent No.4 and also by the respondent No.3, which has resulted into grave miscarriage of justice.

- vi. That the appellant was not dismissed due to any departmental inquiry but dismissed only because of his conviction. Thus, upon setting aside of conviction order, the appellant is legally and lawfully entitled to be reinstated with all back benefits.
- vii. That during the period while appellant was confined in the Jail in connection with criminal case, he was suspended from duties and therefore, appellant is/was fully entitled to receive salaries of the period of his suspension but the same have wrongly been withheld by respondents.
- viii. That the counsel for appellant may please be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for.

Yours Humble Appellant


(Mehmood Khan)
Through Counsel

Dt. 17.01.2024


AHMAD ALI
Advocate Supreme Court


KHALID MAHMOOD
Advocate High Court, D.I.Khan.

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

Service Appeal No. _____ of 2024

**Mehmood Khan Vs. Govt. of Khyber Pakhtunkhwa etc
Service Appeal**

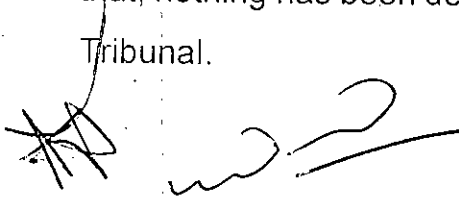
VERIFICATION:

I, the appellant, on this day of January-2024 (herein mentioned above) do hereby verify that all the contents of this appeal are true & correct and also that it is the first appeal on the subject matter and no such appeal has earlier been filed.

محمد خان
Appellant

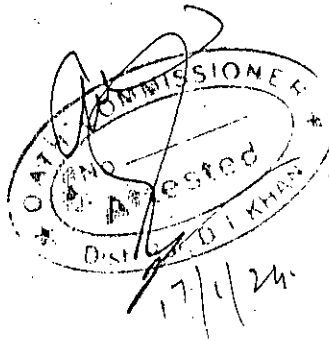
AFFIDAVIT:

I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.



Identified by Counsel:
Ahmad Ali ASC.

محمد خان
Deponent



ابتدائی اطلاعی رپورٹ

- تھانہ: جرما
نمبر 102
تاریخ وقت وقوعہ 10/02/2020 وقت 09:00 بجے
1۔ تاریخ وقت رپورٹ 10/02/2020 وقت 10:00 بجے: چاکیڈگی 10/02/2020 وقت 10:35 بجے
2۔ نام و سکونت اطلاع دہندہ مستفیث: قسمت خان SHO
3۔ مختصر کیفیت مجرم (معدوقہ): 9(D) CNSA
4۔ جائے وقوعہ فاصلہ تھانہ سے اور سمت: مسلم آباد چیک پوسٹ، بنوں روڈ
5۔ نام و سکونت ملزم: محمود خان ولد محمد ایوب سکنت نعمت خیل تحصیل وڈا کھانہ جنڈولہ ضلع قباہلی علاقہ ملحقہ ٹانک
6۔ کارروائی جو تفتیش کے متعلق کی گئی ہو۔: برسیڈگی مراسلہ پر چرچا دیا جاتا ہے۔
7۔ تھانہ سے روانگی کی تاریخ و وقت: سپہیل ڈاک۔

ابتدائی اطلاع نیچے درج کرو

اس وقت ایک تحریری مراسلہ منجانب قسمت خان SHO بدست اکبر حسین 1100/LHC موصول ہو کر ذیل ہے محرر تھانہ امروز میں معہ مبارک حسین IHC، اشفاق 731، تنویر خان 1200، لائق شاہ 4748، اکبر حسین 1100/LHC، و دیگر نفری پولیس بمقام بالا اسپتال ٹانک بند کیے ہوئے موجود تھے کہ اس اثنا میں پک اپ نمبری C6181/بنوں، جانب پشاور آ کر بغرض چیکنگ کھڑا کر کے ڈرائیونگ سیٹ پر موجود جوان کے اپنے آپ کو سرکاری اہلکار ظاہر کر کے ساتھ ہی ایک بندہ سروس کارڈ پیش کر کے جس پر مذکورہ کا تصویر چسپاں ہے تصویر اور کارڈ پیش کردہ میں مذکورہ کا رینک ٹانک ہے جو اپنے آپ کو ٹانک بیرئیر میں حاضر سروس ملازم ظاہر کیا اپنا نام محمود خان ولد محمد ایوب سکنت نعمت خیل تحصیل وڈا کھانہ جنڈولہ ضلع ملحقہ علاقہ ٹانک بتلا کر شناختی کارڈ اور سروس کارڈ چیک کرنے پر نام درست پایا چونکہ مذکورہ بار بار اپنی ملازمت کا اصرار کرتا لہذا منگھوکی جا کر متذکرہ بالا پک اپ کو باریک پٹی سے سرچ شروع کر کے پک اپ کی جھپلی باڑی میں سائیڈ بائی سائیڈ اور دونوں حصہ میں سیٹوں کے پیچھے بنائے گئے خفیہ خالوں سے کل 10 پکٹ جس برآمد ہو کر وزن کرنے پر پنی پکٹ 1140/1140 گرام نکل ہر ایک پکٹ سے 10/10 گرام بغرض تجزیہ FSL بند پارسل نمبر 10۴1 جبکہ بھایا- 11300/ گرام بند پارسل نمبر 11 میں کر کے پارسل ہائے کی بیرونی جانب 3/3 عدد مواہیر اسی SM مثبت کر کے پک اپ متذکرہ کی بابت کوئی کاغذات وغیرہ پیش نہ کر کے جملہ چرس، سروس کارڈ معہ پک اپ بالا بروئے فرد قبضہ پولیس میں کر کے محمود خان مذکورہ بالا کو مرتکب جرم بالا پا کر گرفتار کر کے مراسلہ بدست اکبر حسین 1100/LHC کر کے محمود خان مذکورہ بالا کو مرتکب جرم بالا کا پا کر گرفتار کر کے مراسلہ بدست کانسٹیبل اکبر حسین ارسال تھانہ ہے۔ بعد اندراج مقدمہ کے نقول FIR معہ مراسلہ بغرض تفتیش حوالہ ASI سٹاف کیا جاوے الوٹسی گیشن افسر پک پک مقبوضہ کی ویریفیکیشن کریں دستخط انگریزی قسمت خان SHO تھانہ جرما مورخہ 10/02/2020 کارروائی تھانہ آمدہ مراسلہ حرف بحرف درج بالا ہو کر پرچہ بجرانم بالا چاک کر کے نقل FIR معہ مراسلہ بغرض تفتیش حوالہ KBI سٹاف کیا جاتا ہے۔ پرچہ گزارش ہے۔

MHC-PS-Jarman

10-02-2020

Attested
(Signature)

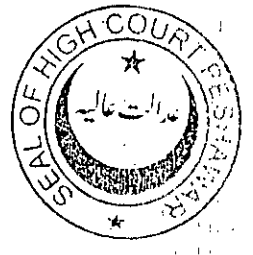
① - 331P

Annex (B)

10

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Cr.A No:- 331P /2021



Mehmood Khan S/o Muhammad Ayub R/o Jandola
District Tank.

Presently confined in Central Jail at Bannu.

..... Accused/Appellant

Versus

The State.

..... Respondent

Criminal Case vide FIR No:- 102

Dated:- 10.02.2020

U/S 9 (D) C.N.S.A

Police Station Jerma Kohat.,



APPEAL U/S 24 OF KP C.N.S.A ACT 2019 R/W
410 Cr. PC AGAINST THE ORDER/JUDGMENT
DATED 18.03.2021 PASSED BY LEAREND
JUDGE SPECIAL COURT / ASJ-IV, KOHAT,
WHEREBY THE APPELLANT WAS CONVICTED
AND SENTENCED:

- I. TO SUFFER LIFE IMPRISONMENT**
- II. TO PAY A FINE OF RS. 500,000/-**
- III. IN DEFAULT OF PAYMENT OF FINE, HE**
SHALL FURTHER UNDERGO SIMPLE
IMPRISONMENT FOR A PERIOD OF SIX
(06) MONTHS

FILED TODAY
Deputy Registrar
31 MAR 2021

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

IV. BENEFITS U/S 382-B CR. PC IS EXTENDS TO THE ACCUSED.

PRAYER:-

On acceptance of this appeal, the impugned order/judgment dated 18.03.2021 may kindly be set-aside and the appellant may kindly be acquitted from the charges leveled against him.

Respectfully Sheweth:-

1. *That the local police has arrested the accused/appellant in the above noted case. (Copy of FIR is attached as Annexure "A").*
2. *That on 18.03.2021 the accused / appellant was convicted by the learned Judge Special Court -/ ASJ-IV, Kohat. (Copy of order dated 18.03.2021 is attached as Annexure "B")*
3. *That aggrieved with the accused / appellant come to this Honourable Court on the following grounds amongst others:-*

GROUND:-

- A. *That the judgment of the learned trial court below is against settled principles of law and justice.*

FILED TODAY
Deputy Registrar
31 MAR 2021

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

- B. That the order/judgment of the learned court below is the result of non-reading and mis-reading of facts & evidence available on record.
- C. That instead of acquittal of the appellant, the trial court convicted the appellant, which is against the principles of justice and has thus committed serious illegality.
- D. That the learned trial court below failed to appreciate the facts and record available on file.
- E. That the prosecution has badly failed to bring home charge against the accused.
- F. That the leaned trial court over looked the doubts and lacunas and the contradictions in the prosecution case and in evidence has thus deprived the appellant from its benefit.

FILED TODAY
Deputy Registrar
31 MAR 2021

That the learned trial court below failed to appreciate the fact, that the alleged contrabands produced in the court was is

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

(4)

13

tempered condition, which creates serious doubts in the prosecution case.

H. *That any other grounds will be raised at the time of arguments with prior permission of this Honourable Court.*

It is, therefore, most humbly prayed that on acceptance of this appeal, the accused/appellants may kindly be acquitted of charges leveled against him.

Dated:- 30/03/2021

Through:-

Accused/Appellant


Syed Abdul Fayaz
Advocate Supreme Court.


Subhan Ullah

&


Sajjad Harder
Advocates High Court.

Note:-

As per instruction of my client no such like appeal has earlier been filed before this Honourable Court.


Advocate.

FILED TODAY

Deputy Registrar
31 MAR 2021

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

(5) 14

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Cr.M No:- 182P /2021

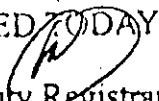
In
Cr.A No:- 331P /2021

Mehmood Khan Versus The State

**APPLICATION U/S 426 Cr.P.C FOR THE
SUSPENSION OF SENTENCE TILL THE
DECISION OF THE APPEAL.**

Respectfully Sheweth:-

1. *That the petitioner/appellant has been appellant was convicted and sentenced to suffer life imprisonment and to pay fine of Rs. 500,000/- and in default of payment of fine, he shall further undergo simple imprisonment for a period of six (06) months. benefits u/s 382-b cr. pc is extends to the accused vide order 18.03.2021.*
2. *That the appeal against the judgment has filed by the accused/appellant in this Honourable Court in which no date of hearing has been fixed as yet.*
3. *That the appellant is sanguine the success of his appeal and there is no likelihood of early fixation of the appeal in the near future.*

FILED TODAY

Deputy Registrar

31 MAR 2021

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

6

15


4. *That the accused/appellant being the first time charged and the accused/appellant may be released on probation.*
5. *That the petitioner/ appellant is ready to furnishing all sort of reliable sureties to the best satisfaction of this Honourable Court.*

It is, therefore, most humbly prayed to kindly release the appellant on bail while suspending the sentence awarded by the learned trial court.

Dated:- 30/03/2021

Through:-


Accused/Appellant


Syed Abdul Fayaz
Advocate Supreme Court.


Subhan Ullah

&


Sajjad Haider
Advocates High Court.

FILED TODAY

Deputy Registrar
31 MAR 2021

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

7

16

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR.

Cr.M No:- 182P /2021

In
Cr.A No:- 331P /2021

Mehmood Khan Versus The State

AFFIDAVIT

I, Subhan Ullah Advocate High Court as per instruction of my client, do hereby solemnly affirm and declare that the contents of this Application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Court.

S. U.

DEPONENT

CNIC: 17301-0926348-3
Cell # 0313-0901087

FILED TODAY
Deputy Registrar
31 MAR 2021

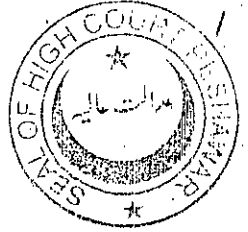
No. 25641
 Certified true copy verified on solemn affirmation of Subhan Ullah on 31 day of March 01 Peshawar s/o Adv Self who was identified by Self
 Who is present, I declare to be:
 Oath Commissioner
 Peshawar High Court
31/03/2021

CERTIFIED TRUE COPY
EXAMINED
Peshawar High Court Peshawar
Authorized Under Article 6, 7 of
the Qanun-e-Shahadat Act 1984
10 JAN 2024

Auct. (C)

17

JUDGMENT SHEET
PESHAWAR HIGH COURT, PESHAWAR
[JUDICIAL DEPARTMENT]
Cr. Appeal No. 331-P/2021
Mehmood Khan Vs. the State



Date of hearing 24.05.2023

Appellant (s) (by) Syed Abdul Fayaz, Advocate.

The State (by) Mr. Danial Khan Chamkani, Addl: A.G.

JUDGMENT

MUSARRAT HILALI, CI.- This criminal appeal u/s 24 of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019, "KPCNSA" is directed against the judgment dated 18.03.2021 passed by learned Additional Sessions Judge-IV/ Judge, Special Court, Kohat, whereby Mehmood Khan, the appellant herein, involved in case FIR No. 102, dated 10.02.2020, under section 9 (d) KPCNSA of Police Station, Jerma Kohat, was convicted and sentenced to life imprisonment, besides payment of fine of Rs. 500,000/- or in default thereof to further undergo SI for six months with benefit of section 382-B Cr.P.C.

2. Succinctly, the case of the prosecution is that on 10.02.2020 Qismat Khan SHO (PW-5) along with other police contingent had arranged special 'nakabandi' at Muslim Abad, Check Post, in the meantime, at 09.00 hours, a Pick-up bearing registration No. C-6181-Bannu, came which was stopped for the purpose of checking. The

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

driver of the Pick-up disclosed his name as Mehmood Khan, who claimed to be a Levy official. During search of the Pick-up, (10) packets chars, total weighing 11400 grams, were recovered from its secret cavities. Ten (10) grams from each of the packet was separated for chemical analysis and sealed the same into parcels No.1 to 10, while rest of 11300 grams contraband was sealed into separate parcel No.11. The seizing officer, thereafter, drafted murasilla and in pursuant thereto the above referred case was registered against accused Mehmood Khan. During interrogation, he also disclosed the name of one Tanveer Ali, consequently, he was also arrayed as accused in the case.

3. After completion of investigation, complete challan was submitted against the accused before learned Judge Special Court, Kohat, for trial, who, on its conclusion, vide judgment dated 18.03.2021, convicted and sentenced the appellant as mentioned above while co-accused Tanveer Ali was acquitted of the charge by extending him benefit of doubt, hence, the instant criminal appeal.

4. Arguments heard and record perused.

5. The prosecution, in order to prove its case, produced as many as eight (08) witnesses but their evidence, when scrutinized cautiously, was found replete of material defects and was not of such a caliber to make it basis for conviction of the appellant. As per prosecution story, chars was recovered from secret cavities of a

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

pick-up, which, at the relevant time, was driven by the appellant, but the prosecution has failed either to produce the said vehicle or the recovered illegal stuff for its exhibition before the trial court and even failed to furnish any explanation as to why the case property was not produced before the trial court. We have further observed that even ownership of the vehicle was not established by the prosecution. It has now been settled by the worthy apex court that case property is always relevant for decision of the case because if the narcotics are recovered from any accused, the same should have been shown in court. Likewise, in such like cases, the conviction and sentence are based on possession of narcotics or on aiding, abetting or associating with narcotics offences, in that eventuality, it is incumbent upon the prosecution to produce the case property before the trial court to show that this is the narcotics/case property that was recovered from possession of accused. Ref: Ahmad Ali and another vs. the State (2023 SCMR 781).

6. Similarly, Qismat Khan, the Seizing officer, was examined as PW-5, who in cross examination stated that a rubber mat was lying on the secret cavity from which the contraband was recovered while the Investigating Officer (PW-8) stated that the cavity was made beneath the seat and nothing was placed upon the cavities. In addition, there is no mention either in recovery memo or murasilla/ FIR as to where the recovered contraband was weighed. The complainant during cross

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

examination admitted it correct that he had not mentioned in the murasilla that through which means he had made weightment, however, he, by his own accord, added that weightment was made through digital scale usually kept by them for the purpose of investigation, but his this statement seems to be afterthought by making improvement in his statement as nothing in black & white in shape of daily diary was produced. Also, Mubarak Hussain (PW-6) in reply to a question admitted as correct that the contraband was not in hard/solid form while, as per FSL report, Ex.PZ, the chars was 'brown solid'. The above material discrepancies in the testimony of star witnesses of the prosecution also make the story of the prosecution doubtful.

7. Apart from the above loopholes, complete chain as to safe custody and safe transmission of the representative samples from the place of recovery to FSL has also not been established as Gulab Ali Moharrir (PW-3) stated in examination in chief that the seizing officer handed over him eleven (11) parcels of chars, one pick-up, and one service card of accused. He further stated that parcels No.1 to 10 were handed over to the investigating Officer; while parcel No.11 was kept by him in the 'malkhana' but there is no explanation as to where parcels No.1 to 10 were lying. In cross examination, he (PW-3) endorsed the handing over of the above mentioned articles in Register No. XIX, but in extract of Register No. XIX, Ex. PW 8/8, only case

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EXAMINER
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Peshawar

property 13000 grams chars (Parcel No.11), a pick-up bearing registration No. C-6181/ Bannu and service card of accused are mentioned, however, there is no entry as to representative samples, i.e., parcels No.1 to 10 in it. Rule 22.70 of the Police Rules provides that Register No. XIX shall be maintained, wherein every article placed in the store-room shall be entered and the removal of any such article shall also be noted in the appropriate column. Such mechanism is provided in the Police Rules in order to ensure that the case property remains in safe custody and is not tampered with, but here in the instant, as stated earlier, no entry as to representative samples, i.e., parcels No.1 to 10, is made in Register No. XIX.

8. Similarly, as per contents of FSL report Ex.PZ the samples were received by the Laboratory on 11.02.2020, while contents of application drafted for FSL, Ex.PW 8/6, shows that the samples were sent through receipt No. 58/21J dated 10.02.2020. Likewise, Javed Iqbal LHC (PW-2) stated in examination in chief that on 11.02.2020 ten parcels were handed over to him by the Investigating Officer which he further delivered to the official of FSL, while Gulab Ali Moharrir (PW-3) stated in cross examination that the samples were handed over to the I.O on 14.02.2020. When the samples were handed to the I.O on 14.02.2020 then how he (I.O) handed over the same on 11.02.2020 to Javed Iqbal, the prosecution version in this respect is also in vacuum.

ATTESTED
EXAMINER
Peshawar High Court
Peshawar

9. It has now been well settled that chain of safe custody and safe transmission of narcotic substances begins with seizure of the narcotic drug by the law enforcement officer, followed by separation of the representative samples of the seized narcotic drug, storage of the representative samples and the narcotic drug with the law enforcement agency and then dispatch of the representative samples of the narcotic drugs to the office of the chemical examiner for examination. Any break in the chain of custody i.e., in the safe custody or safe transmission of the narcotic substances or its representative samples makes the Report of the Chemical Examiner unsafe and unreliable justifying conviction of the accused. Ref: 2021 SCMR 451, 2018 SCMR 2039 & 2015 SCMR 1002.

10. It is cardinal principle of law that the offence carrying harder sentence must be proved through credible and persuasive evidence and transparent process in order to rule out the possibility of any error and, thus, a special care has to be taken by the court while trying an offence under the Control of Narcotic Substance Act as punishments provided therein are stringent and it is also the rule of thumb for safe administration of criminal justice that harsher the sentence, stricter the standard of proof. Therefore, in view of the above discussion, we have no hesitation to hold that the prosecution has failed to prove its case against the appellant beyond reasonable doubts and, thus, by extending him benefit of doubt, the impugned judgment passed by

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EXAMINER
Peshawar High Court
Peshawar

learned trial court is set aside and he is acquitted of the charge levelled against him. He be set free forth with if not required in any other case.

Above are the reasons of our short order of even date.

Announced

24.05.2023

M.Zafra C.S

Musarrat Hilali
CHIEF JUSTICE

[Signature]
JUDGE

(DB)

Hon'ble Justice Musarrat Hilali, HC &
Hon'ble Mr. Justice Wiqar Ahmad.

28399
 Date of Presentation of Application 10-01-2024
 No of Pages 14
 Copying fee 56-00
 Total 10-01-2024
 Date of Preparation 10-01-2024
 Date of Delivery 10-01-2024
 Amount of Rs 1606

CERTIFIED TO BE TRUE COPY
 EXAMINER
 Peshawar High Court, Peshawar
 Authorized Under Article 37 of
 the Qanun-e-Shahadat Act, 1994
 10 JAN 2024



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24

OFFICE OF THE
DISTRICT POLICE OFFICER,
TANK

No. 2680 /PA

dated

Tank the

17/08/2022

OFFICE ORDER

My this order will dispose off the departmental enquiry initiated against Constable Mehmood-Khan No. 815, of this district on the allegation that he involved in case vide FIR No. 102 dated 10.02.2020 U/S 9(F) CNSA at Police Station Jarna District Kohat. Due to which, he was properly charge sheeted and served upon him. He placed under suspension and closed to Police Line Tank immediately.

The DSP/IO, Tank was nominated as Inquiry Officer with the direction to conduct departmental inquiry against the defaulter police official and to submit his finding report. The enquiry was conducted, and facts find report was received in which he recommended that enquiry papers kept pending till the decision of court.

In light of recommendation of Inquiry Officer, the then District Police Officer, Tank passed the order to keep pending the enquiry paper till the decision of the Court.

As per information report received from SP/Investigation Kohat that the defaulter constable awarded sentence life imprisonment with fine of Rs. 5,00,000/- (five hundred thousand) by the learned Court of Addl. Session Judge-IV Kohat in the instant case.

Therefore, in view of the above, I, WAQAR AHMED, District Police Officer, Tank in exercise of powers conferred upon me under Khyber Pakhtukhwa Police Rules 1975 amended 2014, award him Major Punishment of "Dismissal from service", and his absence period is treated as Leave Without Pay.

Order announced

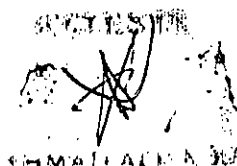
(WAQAR AHMED)
District Police Officer,
Tank

Copy /PA

Copy of above is submitted for information to the:-

1. Establishment Clerk, Tank.
2. Pay Officer, Tank.
3. OB Clerk.

CBN 910
04.17.22



(WAQAR AHMED)
District Police Officer,
Tank

Anex (F)

25

خدمت جناب ایچی الیکٹریکلز جنرل آف پولیس، وزیر، اسماعیل خان رینجن
درخواست برائے وارنٹ اور سرکاری برہنہ کے مانگنے

185 کے
07-08-2023

جناب مال

مذکورہ گذارش ہے کہ سن سال سابقہ 11 مئی 2020 میں سرور ڈرائنگ ایئر اور برہنہ فراہم کرنے میں تاخیر کی بنا پر، ایجنٹ
11 مئی 2020 کو روٹی نہیں ہوئے کے بعد ٹیکہ پولیس سن سال جن ایئر کنسٹیبل ایسے فراہم کرنے کے لیے سن سال نے ایئر پورٹی ایجنٹ
اور جانٹھالی کے ساتھ ایچی الیکٹریکلز جنرل آف پولیس اور اس سرور میں کی ایسے ایئر ان بلا کو شکایت کا موقع نہیں دیا سووی 10.02.2020
سن سال کو ایک جوتے اور سن گزرتے نو جداری مقدمہ نمبر 102 سووی 10.02.2020 جیم CNSA (D) تمام جرمات جرمات کو باہر
پہنچنے کی صورت میں ایچی الیکٹریکلز جنرل آف پولیس آفیسر ٹیکہ نے مقدمہ نمبر ایسے مقدمہ نمبر کے لیے سن سال کو لڑائی سے برہنہ کر دیا
سن سال نے ایچی الیکٹریکلز جنرل آف پولیس کے تعلق رکھنے والے سن سال ایک شریف ایئر اور ایسے کمرانے کا واحد کٹیل ہے ایسے ایجنٹ نے ایچی الیکٹریکلز
ایئر اور شکایت کے ایسے ایجنٹ کے خلاف سے باہر لے کر، ایسے جیم کا بیوت یہ کہ عدالت عالیہ ہائیڈرونی کوٹ نے برہنہ عم سووی
24.05.2023 کو مقدمہ نمبر ایسے ایجنٹ برکی فرار اور ایئر جنرل آف پولیس

لہذا ایئر وارنٹ درخواست ایسے ایجنٹ کے خلاف ایسے ایجنٹ کو مقدمہ کے لیے سن سال کو جناب DPO کے
سن سال کے ایسے ایجنٹ کے خلاف ایسے ایجنٹ کے خلاف ایسے ایجنٹ کے خلاف ایسے ایجنٹ کے خلاف ایسے ایجنٹ کے خلاف
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17/18

سن سال تازہ ترین ہے
07.08.2023

ارضی

No: 5794/ES
dl: 7-8-027
Dpo. Tunde

سن سال کے خلاف ایسے ایجنٹ کے خلاف ایسے ایجنٹ کے خلاف ایسے ایجنٹ کے خلاف ایسے ایجنٹ کے خلاف
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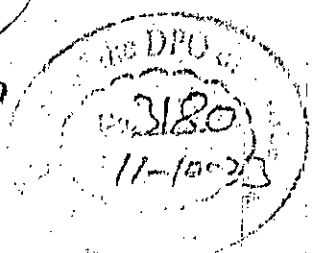
for commit along with
documents within 15 days

For [Signature]
R.D.O. Dm 17
8/18

TEST
[Signature]

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26



OFFICE OF THE
REGIONAL POLICE OFFICER,
DERA ISMAIL KHAN
REGION

☎ 0966-9280291 Fax # 9280290
dated D.I.Khan the

No. 7718

29/10/2023

ORDER

1. This order disposes off departmental appeal filed by Ex-Constable Mehmood Khan No. 815 of District Police Tank against the order of Major Punishment (Dismissal from Service) by the DPO Tank, passed vide his office Order Book No.910 dated 17.08.2022 on the following allegations:


- i. "He was involved in case vide FIR No. 102 dated 10.02.2020 U/S 09(D) CNSA at Police Station Jarma District Kohat".
- ii. DPO Tank served the appellant with the charge sheet. Enquiry into the matter was got conducted into through DSP HQrs Tank who in his finding report, recommended that inquiry paper kept pending till the decision of court.
- iii. On the information of SP Investigation Kohat, that the appellant/accused Mehmood Khan, has awarded sentence life imprisonment with a fine of Rs. 5,00,000/- (Five Hundred Thousand) by the learned Court of Addl. Session Judge-IV Kohat vide in case FIR No. 102 dated 10.02.2020 u/s 09(D) CNSA Police Station Jarma District Kohat.

Hence, the appellant was awarded major punishment of "Dismissal from Service" by the DPO Tank vide OB No. 910 dated 17.08.2022.

Perusal of the service record of the applicant and finding of the inquiry officer, and also appeared in person before the undersigned in orderly room held on 06.10.2023. The defaulter Ex-Constable did not satisfy the undersigned about his misconduct.

3. Keeping in view the above, I, **NASIR MEHMOOD SATTI, PSP**, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11, clause-1 (a), of the Police Rules 1975, do not intend to take a lenient view. I, therefore, **REJECT** his appeal and uphold the order of Major Punishment of "Dismissal from Service" passed by District Police Officer Tank vide OB No. 910 dated 17.08.2022.


4. Order Announce

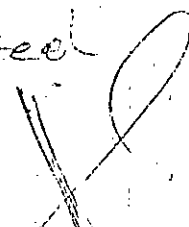

(NASIR MEHMOOD SATTI)PSP
Regional Police Officer
Dera Ismail Khan
29/10

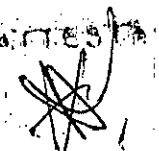
No. 7719

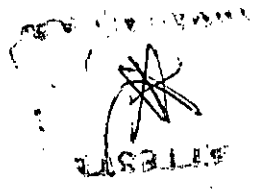
/ES,

Copy of above is sent to the DPO Tank with reference to his office letter No. 2057/ dated 15.08.2023, (Encl: Service Roll & Fauji Missal).


(NASIR MEHMOOD SATTI)PSP
Regional Police Officer
Dera Ismail Khan
29/10

AHasteel

District Police Officer
Tank





(۱۰۱۵)

۱) در خصوص درخواستی که در تاریخ ۱۳۸۵/۰۳/۰۳
از سوی اینجانب به شما ارسال گردید (بند ۱۰۱۵)

۲) در خصوص درخواستی که در تاریخ ۱۳۸۵/۰۳/۰۳
از سوی اینجانب به شما ارسال گردید (بند ۱۰۱۵)

۳) در خصوص درخواستی که در تاریخ ۱۳۸۵/۰۳/۰۳
از سوی اینجانب به شما ارسال گردید (بند ۱۰۱۵)

۴) در خصوص درخواستی که در تاریخ ۱۳۸۵/۰۳/۰۳
از سوی اینجانب به شما ارسال گردید (بند ۱۰۱۵)

۵) در خصوص درخواستی که در تاریخ ۱۳۸۵/۰۳/۰۳
از سوی اینجانب به شما ارسال گردید (بند ۱۰۱۵)

۱) در خصوص درخواستی که در تاریخ ۱۳۸۵/۰۳/۰۳
از سوی اینجانب به شما ارسال گردید (بند ۱۰۱۵)

۲) در خصوص درخواستی که در تاریخ ۱۳۸۵/۰۳/۰۳
از سوی اینجانب به شما ارسال گردید (بند ۱۰۱۵)

۳) در خصوص درخواستی که در تاریخ ۱۳۸۵/۰۳/۰۳
از سوی اینجانب به شما ارسال گردید (بند ۱۰۱۵)

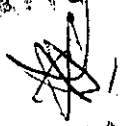
۱۰۱۵

بیتنی ہی اڑان فقیر فقیر کو بالادراکری اور بحیرہ 24/05/23 کو
 مذکورہ عوارض کا کہنے کے مسائل کو بتیادہ عوارض سے ہوئے رہا کہ ماہی نقل مسئلہ کے
 5 مسائل کے مسائل نے بحیرہ R.P.O ڈرہ اسٹیشن خالی گزارش کے مسائل
 کو بحیرہ بیتنی کے ملازمت پر بحالی فرما جاوے کے لئے بحیرہ
 آفس کے 7718/45 نمبر 10/2023 کے مسائل کو
 بحالی نہ کھالیا ہے

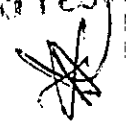
(VI) یہ کہ مسائل کے غریب مسائل دار شوقی کے تنخواہ و ملازمت پر کہیں
 کے سوا کوئی و مسلم روزگار نہ ہے اور مسائل نہ تو کسی قسم کا کٹہہ
 کا عادی ہے نہ ہی کسی دوسرے انفرادی و جمعیہ میں ملازمت ہے
 مسائل ملازمت سے بہرہ ور نہیں و فقیر کو بالادراکری کے لئے
 فقیر کو بالی مسئلہ کا شکار ہو چکا ہے اور زنی اڑان کا شکار ہے
 (VII) یہ کہ حضور والا کو اس مسلم میں وسیع اقتصاداً حاصل ہے

کئی اشخاص کے مسائل پر کو منظور فرمایا ہوئے مسائل کو بحیرہ کو کہیں
 کا شعل بحالی فرما کر عسکری اشخاص بالادراکری کے مسائل فرما کر بحالی
 مسائل انصاف بالادراکری کو کہیں فقیر کو بالی کا موقع نہ دیا جا
 خیابان کے عین نوازش ہوگی
 صفحہ 16/10/23

7008 442 0334 Mob: 9955748-5 22601-NIC
 محمد رفیق خان و محمد الوب خان (ب) کا شعل
 محمد رفیق خان

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

Ames (H)
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ORDER

This order is hereby passed, to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Mehmood Khan No. 815. The petitioner was dismissed from service by DPO Tank vide Order Endst: No. 2680/PA, dated 17.08.2022 on the allegations that he was involved in case FIR No. 102, dated 10.02.2020 u/s 09 (D) CNSA at PS Jarma District Kohat. The Appellate Authority i.e. RPO DI Khan rejected his instant appeal vide order Endst: No. 7718/ES, dated 09.10.2023.

He was convicted and sentenced to life imprisonment along with fine of Rs. 500,000/- by Judge special court/ASJ-IV Kohat on 18.03.2021. He was acquitted of the charge by Peshawar High Court vide judgment dated 24.05.2023 by extending him benefit of the doubt.

Meeting of Appellate Board was held on 12.12.2023 wherein petitioner was heard in person. The petitioner contended that the FIR was frivolous.

Perusal of the enquiry papers reveals that the allegations leveled against the petitioner have been proved. During hearing petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board sees no ground & reasons for acceptance of his petition; therefore, his petition is hereby rejected.

Sd/-

AWAL KHAN, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 3017-22 /23, dated Peshawar, the 22-12- /2023.

Copy of the above is forwarded to the:

1. Regional Police Officer, Dera Ismail Khan. Service Book alongwith Fauji Missal and inquiry File of the above named FC received vide your office Memo: No. 9159/ES, dated 21.11.2023 is returned herewith for your office record.
2. District Police Officer, Tank.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.

ATTEST

(MUHAMMAD AZHAR) PSP
AIG/Establishment,
FC: Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Name **MR. AHMAD ALI**
Father's Name **RAHIM GUL**
Date of Birth **06-04-1967** CNIC **72101-5155327-9**
Date of Enrolment as Advocate of Supreme Court **11-08-2012**
Enrolment No. **3092** Ref No. **G9/PBC/KPK/I.D.**
Address **GULSHAN COLONY, D. I. KHAN,**

Tel: Off **0092-963-710005** Res: **0092-965-710705** Cell: **0305-3240008**

If found please return to:

PAKISTAN BAR COUNCIL
Supreme Court Building, Constitution Avenue, Islamabad.
Tel No. 0092-51-9206805 Fax No. 0092-51-9206922



(Mian Abbas Ahmad)
Chairman
Executive Committee

PROFESSIONAL CARD

وکالت نامہ

MR. AHMAD ALI
Advocate
Supreme Court of Pakistan (ASC)

Date of Issue: 13-06-2013 Valid Upto: 31-12-2015

(Muhammad Arshad)
Secretary
Pakistan Bar Council

جناب فیروز گواہ سرور فیروز گواہ سرور

مجاہد فیروز گواہ سرور
بیام گواہ سرور

محمد عثمان

دعوی یا جرم

مدرسہ اسلامی

تفصیل دعوی یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا مقدمہ میں اپنی طرف واسطے بڑی ذرا بات دینی سے پیش یا تفسیر مقدمہ بیام

احمد علی فیروز گواہ سرور

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا اپنا بذریعہ رو برو عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ مکمل صاحب
موسوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب
موسوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موسوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بروز قتل
بیرون کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز قتل یا بکھری کے اوقات کے آگے یا پیچھے پیش ہونے
پر مشورہ کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا سخت نہ دینے یا سخت نہ دینے یا سخت نہ دینے کے بھی صاحب موسوف ذمہ دار نہ ہوں گے جو
کو حق ساختہ پر داخست صاحب موسوف نقل کردہ ذات خود منظور قبول ہو گا اور صاحب موسوف کو مرض بکھری یا جواب دعوی یا درخواست اجراء امانت و گمران
تعمیراتی انجمن گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر نالی یا راضی نامہ و فیصلہ برطاعت کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے
تاریخ پیشی مقدمہ مندرجہ بالا از بکھری صدر بیرو مقدمہ مندرجہ بالا نظر ثانی اکیل و گمرانی و برآمدگی مقدمہ یا منسوی ڈگری یک طرفہ یا درخواست حکم استغاثہ یا ترقی
یا گرفتاری قبل از فیصلہ اجراء دگری بھی صاحب موسوف کو بشرط ادائیگی علیحدہ معاہدہ بکھری کا اختیار ہو گا اور تمام ساختہ پر داخست صاحب موسوف نقل کردہ
از اور منظور و اقبال ہو گا اور بصورت ضرورت صاحب موسوف کو یہ بھی اختیار ہو گا کہ مقدمہ مندرجہ بالا میں کسی جزو کی کارروائی یا بصورت درخواست اقبال
انجمن گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا بیزسٹر کو اپنے جہانے یا اپنے امراء مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں دی اور دینے
اختیارات حاصل ہوں گے پیسے صاحب موسوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جات اجراء پڑے گا وہ صاحب موسوف کا حق ہو گا مگر
صاحب موسوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موسوف کو پورا اختیار ہو گا کہ مقدمہ کی پردی نہ کریں اور ایسی بصورت
میں میرا کوئی مطالبہ کسی قسم کا صاحب موسوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند ہے
سورہ 17

مضمون وکالت نامہ من لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

محمد عثمان - امین
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KHALID MEHMOOD

Advocate

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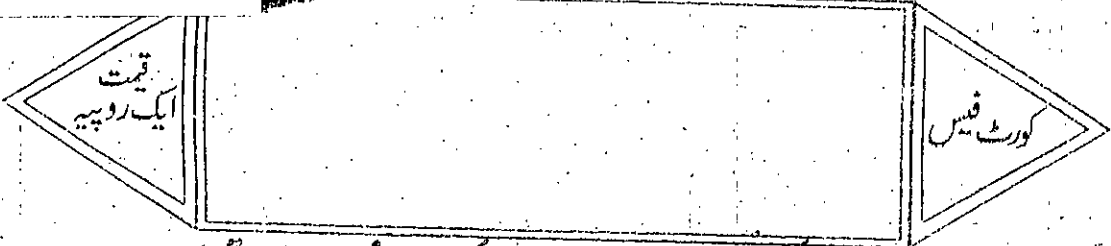
Valid upto: November 2025



Secretary
KP Bar Council

31

وکالت نامہ



إحداثیہ جناب **حیدر کوٹوالہ سردس ٹریبیونل لیسٹا اور**

منجانب **اسٹوڈنٹ**

بنام **محمد رفیق کورٹ** 1CP/12

دعویٰ یا جرم

سردس ٹریبیونل

تفصیل دعویٰ یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے اسٹوڈنٹ کی درخواست پر اسٹوڈنٹ کی طرف سے مقدمہ مندرجہ بالا کے لئے

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر پیشی پر خود بزرگیہ اختیار حاصل کروں اور عدالت حاضر ہونے والوں کا۔ اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر مظہر حاضر نہ ہوں۔ اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف سردس مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف سردس مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ سردس پکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے نہیں ہونے پر مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا جمانہ واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مل کر وہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اہرائے ذمگی و نظر خالی اجل گرائی اور حرم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ذمگی کرانے اور حرم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور حرم کے بیان دینے اور اس پر عائشہ یا رامنی نامہ فیصلہ پر حلف کرنے، اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیش مقدمہ مذکورہ بیرون از پکھری سردس بیرونی مقدمہ مذکورہ نظر خالی واپس و گرائی و درآمد کی مقدمہ یا منسوخی ذمگی یا طرف یا درخواست حکم انتہائی یا قرنی یا گرائی آجل از فیملہ اجرائے ذمگی بھی صاحب موصوف کو بشرط ادائیگی طبعہ و عینت ہیوی کا اختیار ہوگا اور تمام ساختہ پر ذمہ دار صاحب موصوف مل کر وہ ذات خود منظور قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کاروائی یا بصورت درخواست نظر خالی اجل یا گرائی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا میرٹز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ التواہ پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے تاکہ مندرجہ
تاریخ 17/01/2024

مضمون وکالت نامہ سن لیا ہے۔ اور اسی طرح سمجھ لیا ہے اور منظور ہے۔

محمد رفیق کورٹ - اسٹوڈنٹ
محمد رفیق کورٹ

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