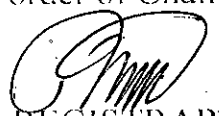


FORM OF ORDER SHEET

Court of _____

Appeal No. 190/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	26/01/2024	<p data-bbox="540 649 1473 891">The appeal of Mr. Bilal Ahmad presented today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ . Parcha Peshi is given to counsel for the appellant.</p> <p data-bbox="956 968 1348 1019">By the order of Chairman</p> <p data-bbox="1066 1006 1285 1146"> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 190/2024

Bilal Ahmad..... Appellant

V E R S U S

PPO & others..... Respondents


I N D E X

S. No	Description of Documents	Annexure	Pages
1.	Service Appeal with Affidavit	*	1-4
2.	Application for condonation of delay with affidavit	*	5
3.	Addresses of Parties	*	6
4.	Copies of FIR,s & Orders dated 14-09-2020 & Order dated 24-09-2020	A	7-11
5.	Copy of Order dated 23-11-2020	B	12
6.	Copies of Judgments dated 22-06-2022	C & D	13-57
7.	Copy of Judgment dated 21-09-2022	E	58-63
8.	Copy of departmental appeal & Order dated 06-12-2023	F & G	64-66
9.	Copy of Revision & Order dated 27-12-2023	H & I	67-68
10.	Vakalat Nama	*	69

Dated: 26-01-2024

Through


Appellant


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

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

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 190 /2024

Bilal Ahmad Ex Constable No 91, Capital City Police, Peshawar.

.....Appellant

V E R S U S

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, Headquarters, Peshawar.

.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE LETTER/ORDER DATED 27-12-2023 OF RESPONDENT NO 1, WHEREBY REVISION PETITION OF THE APPELLANT FILED AGAINST THE ORDER DATED 06-12-2023 OF RESPONDENT NO 2 AND AGAINST THE ORDER DATED 23-11-2020 NO 1, HAS BEEN FILED/REGRETTEED.

PRAYER:-

On acceptance of this appeal the impugned Order/Letter dated 27-12-2023 of respondent No 1, Order dated 06-12-2023 of respondent No 2 and Order dated 23-11-2020 of respondent No 3 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable/Computer Operator on 08-08-2012 and was posted to Central Police Office and since appointment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of high ups.
2. That in the year 2020, the appellant while posted in Establishment-III, Section of Capital City Police, Peshawar, was involved in two false cases vide FIR No 84 dated 12-09-2020, U/S 9-D CNSA 2019, and also recovery of Police Cards from his possession of Police Station Hassan Khan Shaheed Alladhand,

2

District, Malakand and FIR No 924 dated 12-09-2020 U/S 409 PPC of Police Station Badabher, Peshawar and was arrested and was accordingly suspended on the same ground vide Order dated 14-09-2020 and vide Order dated 24-09-2020. **(Copies of FIR,s & Orders dated 14-09-2020 & Order dated 24-09-2020 is enclosed as Annexure A).**

3. That the appellant while in custody was dismissed from service by respondent No 3 vide Order dated 23-11-2020, however copy of the same was never communicated to the appellant. **(Copy of Order dated 23-11-2020 is enclosed as Annexure B).**
4. That the appellant was tried and was convicted by the learned Sessions Judge/Zilla Qazi, Judge Special Court, Malakand at Batkhela Under Section 9-D as well as Under Section 420, 468, 471 PPC vide Orders/Judgments dated 12-10-2021, against which the appellant filed Criminal Appeal No 323-M/2021 and Criminal Appeal No 291-M/2021 before the honorable Peshawar High Court Mingora Bench/Dar-Ul-Qaza, Swat which was allowed vide Judgment dated 22-06-2022 and the appellant was acquitted accordingly. **(Copies of Judgments dated 22-06-2022 are enclosed as Annexure C & D).**
5. That the appellant was also tried by the Court of learned Judicial Magistrate, Peshawar and during trial, he submitted application under Section 249-A, PPC which was finally accepted and the appellant was acquitted of the charges by the Court of learned Judicial Magistrate, Peshawar vide Judgment dated 21-09-2022. **(Copy of Judgment dated 21-09-2022 is enclosed as Annexure E).**
6. That the appellant preferred departmental appeal against the Order dated 23-11-2020 before respondent No 2 on 11-10-2022 which was rejected vide Order dated 06-12-2023. **(Copy of departmental appeal & Order dated 06-12-2023 is enclosed as Annexure F & G).**
7. That the appellant then filed Revision before respondent No 1 which was also filed order of which was communicated to the appellant vide Letter/Order dated 27-12-2023. **(Copy of**

3

Revision & Order dated 27-12-2023 is enclosed as Annexure H & I).

8. That the impugned Orders dated 27-12-2023, Order dated 06-12-2023 & Order dated 23-11-2020 are against the law, facts and principles of justice on grounds inter-alia as follows:

GROUND:

- A. That the impugned Orders are illegal, unlawful, without lawful authority and void.
- B. That the appellant is not treated in accordance with law and rules which being his fundamental right as per Article 4 and 25 of the Constitution and law of the land.
- C. That the appellant was suspended and proceeded on the allegations of involvement in criminal cases from which he has been acquitted by the Courts of competent jurisdiction hence is entitled to be reinstated in service.
- D. That the appellant was dismissed from service when he was in custody and was thus proceeded ex-parte.
- E. That no Charge Sheet & Show Cause Notice was communicated to the appellant hence condemned unheard.
- F. That no inquiry was conducted in the matter to have found out the true facts and circumstances, as the appellant was never associated with the same.
- G. That the appellant was not provided opportunity of personal hearing.
- H. That there is no omission and commission on part of the appellant and the appellant could not be punished for the fault of others if any.

4

- I. That the appellant is having more than ten years with unblemished service record and is jobless since his illegal dismissal from service.
- J. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

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

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

Dated:-26-01-2024

Through

Appellant



Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

LIST OF BOOKS:

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

CERTIFICATE:

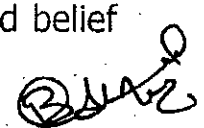
Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.



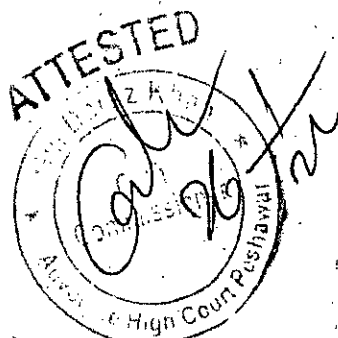
ADVOCATE

AFFIDAVIT

I, Bilal Ahmad Ex Constable No 91, Capital City Police, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



DEPONENT



5

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2024

Bilal Ahmad..... **Appellant**

V E R S U S

PPO & others..... **Respondents**

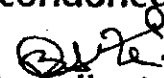
Application for condonation of delay if any

Respectfully Submitted:-

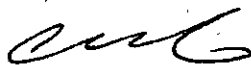
1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application.
3. That the appellant was not communicated copy of dismissal order and soon after acquittal and release from jail filed departmental appeal, hence the appeal is well within time.
4. That the appellant has been acquitted of the charges by the Courts of competent jurisdiction and law as well as the dictums of the superior Courts also favors decisions of cases on merit.

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

Dated:-26-01-2024



Appellant

Through

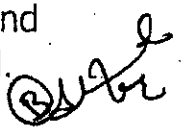

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

AFFIDAVIT

I, Bilal Ahmad Ex Constable No 91, Capital City Police, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

ATTESTED

High Court, Peshawar

DEPONENT



6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2024

Bilal Ahmad..... Appellant

V E R S U S

PPO & others..... Respondents

ADDRESSES OF PARTIES

APPELLANT

Bilal Ahmad Ex Constable No 91, Capital City Police, Peshawar.


RESPONDENTS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Superintendent of Police, Headquarters, Peshawar.

Dated:-26-01-2024

Through


Appellant


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

(ابتدائی اطلاعی رپورٹ)

7

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ نو جداری

قحانہ حسن خان شہر الاڈھنڈ

ضلع ملاحنڈ

علت نمبر 84

تاریخ درخت وقوع 12/2/2020 بوقت 18:30 بجے

1	تاریخ درخت رپورٹ 12/2/2020 بوقت 19:10 بجے	حاکم علی بی بی مورخہ 12/2/2020 بوقت 19:45 بجے
2	نام و سکونت اطلاع دہندہ مستنیت سرکار بندر لہ	NIS نیٹکے ملین پوسٹ کے انڈر قحانہ حسن خان شہر الاڈھنڈ
3	مختصر کیفیت جرم (سہ دفعہ) حال اگر کچھ لیا گیا ہو	2019 KP CNSA 9-D
4	جائے وقوع فاصلہ قحانہ سے اور دست الاڈھنڈ لہ نہرو تھراب درہ لہ فاصلہ تقریباً 3 1/2 کلومیٹر جنوب مغرب از قحانہ	
5	نام و سکونت ملزم (شکیں لہ و ولد ولی محمد سکنتہ اتما ندرنی باؤکے شاہور) بلال احمد ولد نثار احمد سکنتہ باؤکے شاہور	
6	کارروائی جو افتتاح کے متعلق کی گئی اطلاع درج کرنے میں توقف ہوا ہوا وجہ بیان کرد	بہ رسیدگی مراسلہ بی بی خانک لہ
7	قحانہ سے روانگی کی تاریخ درخت	بہ سہیل ڈاٹ

ابتدائی اطلاع نیچے درج کرد۔ بوقت صدر کے ایک نمبر پیری ماسلہ
 مچانہ NIS نیٹکے ملین بدست ڈرائیور مبارک حسین نمبر 5199 موصول ہو کر ذیل سے محرر
 قحانہ حسن خان شہر الاڈھنڈ (مورخہ 12/2/2020 کو میں جمعہ تقریباً 11:30 بجے گل
 مہراں، شہیر خان سکنتہ وہاب ڈرائیور مبارک حسین بمقام الاڈھنڈ نندر (شہر اب درہ تاکہ
 بندر لہ ڈیوٹی پر موجود تھے کہ جانب امانزرہ سے موٹر کار نمبر 6432/Police اگر بوقت صدر کے
 تلاشی کیے گئے کہ بدریافت ڈرائیور نے اپنا نام بلال احمد ولد نثار احمد سکنتہ
 باؤکے شاہور اور فرنٹ سیٹ پر بیٹھے ہوئے شخص نے اپنا نام شکیں لہ و ولد
 ولی محمد سکنتہ اتما ندرنی باؤکے شاہور بتلایا۔ موٹر کار سے نیچے اتار کر پیر دران تلاشی
 موٹر کار کے بائیں طرف فرنٹ سیٹ کے نیچے سیٹ پر رکھا ہوا سفید بلاسٹک ٹھیلے میں
 بندر لہ عدد پیکٹ نمونہ نمبر 1398 گرام، 1257 گرام، 1235 گرام، 1120 گرام
 بلاسٹک ایک سفید بلاسٹک جیکم ایک سرخ رنگ بلاسٹک میں لپٹا ہوا ہے۔ جو کہ بعد
 تو لینے زرد رنگ پیکٹ وزن 1398 گرام، 1257 گرام، 1235 گرام، 1120 گرام
 جیکم سفید رنگ پیکٹ بوزن 1195 گرام فنل کر کے ایک پیکٹ سے ہزار یہ حاوی 3430
 نمونہ نمبر سے علیحدہ کر کے برائے تجربہ بندر لہ ماسلہ نمبر اتا ہی بقایا نمونہ نمبر 1
 بوزن 550 گرام نمبر لہ ماسلہ نمبر 10-T نمبر لہ ماسلہ نمبر لہ ماسلہ
 (فائل) سے ایک عدد KPK پولیس سرورس کار نمبر ہنا بلال احمد

Abbas
 [Signature]

(8)

کر کے بیڑیہ پارسل نمبر 7 سر نمبر M-A کروا کر سمیت مورٹ کار نمبری بالا پرنٹ سلیٹس
 بطور ثبوت قبضہ میں لیکر ساڑھان جرم بالا کے مرتکب پاکر حسب ضابطہ گرفتار کر کے
 گئے۔ جنک خلاف مراسلہ لکھنؤ تاملی مقدمہ برصیت ڈر فوری مبارک قسطنطنیہ 5192
 ارسال کیا ہے۔ مقدمہ درم کر کے بڑے تفتیشی GHC محمد طفیل حوالگی اجراء
 نقل FIR سے آگاہ کر کے۔ دستخط انگریزی NIS نیک رحمن پوسٹ کمانڈر
 صین شہید الاڈھنڈ مورفہ 18/09/2020 کاروائی مکانات امرہ بخیر ایمراسلہ عرفی پروف
 درج بالا کر ملزمان بالا کے خلاف مقدمہ مجرم CPD KP CNM درج رجسٹر کر کے مقدمہ
 عزابڑے مزید تفتیش حسب ہدایت پوسٹ کمانڈر صاحب GHC محمد طفیل
 کو حوالہ کیا گیا ہے۔ انفران بالا کو اطلاع دی جا رہی ہے سر ہرگز ارشاد ہے۔

Arrested
 Ghad

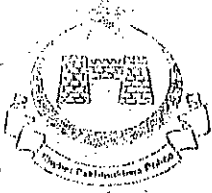
کراچی

0344

8143738

Judge: Qasim Shikzad

By: [Signature]



OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
CENTRAL POLICE OFFICE,
KHYBER PAKHTUNKHWA

10

ORDER

Constable Bilal Ahmad No. 91 of CCP Peshawar presently posted in Establishment-III, Section, Central Police Office, Peshawar is hereby placed under suspension with immediate effect due to his involvement in case FIR No.84 u/s 9D KP CNSA dated 12.09.2020, Levy Post Hassan Khan Shahaeed Alladand, District Mairakand.

(KASHIF ZULFIQAR) PSP
Assistant Inspector General of Police,
Establishment, Khyber Pakhtunkhwa.

No. 10618-22 /E-IV dated Peshawar the 14.09.2020.

cc:

Copy to the:-

1. Addl: Inspector General of Police, HQrs, Khyber Pakhtunkhwa.
2. DIG/HQrs, Khyber Pakhtunkhwa.
3. AIG/Internal Accountability with the request to initiate Proper departmental proceeding against accused Constable Bilal Ahmad No. 91 of E-III Section, Central Police Office.
4. Registrar, Central Police Office.
5. Office Superintendent, Secret Branch, CPO

B-111 ePo

ORDER

(11)

Constable Bilal No:91 of Capital City Police Peshawar while posted at Establishment Branch CPO, Peshawar is hereby placed under suspension with immediate effect due to involvement in a criminal case vide FIR No.924 dated 13.09.2020 u/s 408/409 PPC PS Badaber.

Charge sheet & summary of allegations is being issued to him separately.


SUPERINTENDENT OF POLICE
HEADQUARTER PESHAWAR.

O.B No 2372

Dated 24/9/2020

No. 5013-20 /PA/SP/H.Qrs: dated Peshawar, the 24/9 /2020

Copy to:

1. The Capital City Police Officer, Peshawar
2. The AIG Establishment, CPO Peshawar
3. DSP H.Qrs: Peshawar.
4. Pay Officer.
5. CRC 6.OASI.
- 7.FMC 8. Official concerned.

B

(12)

ORDER

This is a formal departmental proceeding against Constable Bilal Ahmad No.91 on the allegations/charges that he while posted at Establishment-III Branch CPO, Peshawar involved in following criminal cases.

S #	Criminal Cases
01	FIR No.84 dated 12.09.2020 u/s 9D KP CNSA, Levy Post Hassan Khan Shaheed Aladand, District Malakand
02	FIR No.924 dated 13.09.2020 u/s 408/409-PPC PS Badaber

In this regard, he was placed under suspension by AIG establishment Khyber Pakhtunkhwa Peshawar vide No.10618-22/E-IV & issued charge sheet & summary of allegation. 02-separate enquiries were initiated & conducted by ASP Hayatabad. He conducted both the enquiry & submitted his report/findings that the alleged official did not attend the enquiry proceedings. The E.O further recommended that the enquiries may be kept pending till the final decision of the court vide Enquiry Report No.45/E/S & No.47/E/S dated 04.11.2020:

Upon which, DSP Legal opinion was sought. He opined that "whereas criminal and departmental proceedings can run side by side and there is no bar on award of punishment even if the criminal proceedings are pending adjudication in the court. Hence the enquiries needs to be disposed off in light of available material.

Upon the finding of E.O, he was issued final show cause notice & delivered to him through Superintendent Jail, Central Prison Peshawar but he failed to submit reply of the said notice within stipulated period of 07-days as yet.

From perusal of the findings of E.O and other material available on record, it has been proved beyond any shadow of doubt that he is guilty of involvement in criminal cases. Therefore, he is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect.


SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 3101 / Dated 28/11 /2020

No 5901-07 /PA/SP/dated Peshawar the 24/11 /2020

Copy of above is forwarded for information & n/action to:

- ✓ Capital City Police Officer, Peshawar.
- ✓ AIG Complaint & Enquiry, Internal Accountability Branch, Khyber Pakhtunkhwa, Peshawar
- ✓ DSP/HQrs, Peshawar.
- ✓ Pay Office OASI,
- ✓ CRC & FMC along-with complete departmental file.

13



JUDGMENT SHEET

PESHAWAR HIGH COURT
MINGORA BENCH
(Judicial Department)

Cr.A No. 323-M/2021

Bilal Ahmad son of Nisar Ahmad (Appellant)
Versus

The State through A.A.G.

(Respondents)

Present:

M/S Muhammad Ishaq Shah, Muhammad Ishaq
(Khalil), Advocates and Mr. Abdul Qayum, ASC.

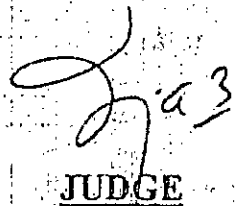
Mr. Haq Nawaz, Asst. A.G.

Date of hearing: 20.06.2022

JUDGMENT

MUHAMMAD IJAZ KHAN, J.- Vide my detailed judgment in connected criminal appeal No. 291-M of 2021 title "Shakeel Ahmad v/s The State", the instant criminal appeal is allowed, in the terms provided therein.

Announced
Dt. 20.06.2022


JUDGE



The
PESHAWAR HIGH COURT

Mingora Bench/Dar-ul-Qaza
Swat

All communications should be addressed to the Additional Registrar of this Bench.

Office: 0946-885005
Fax: 0946-885004
E-Mail: darulqazaswat2011@gmail.com

No. 3829 / Cr.A/Misc: Branch

Dated: 22-06-2022

To

The Sessions Judge,
Malakand

Subject: RELEASE ORDER

CRIMINAL APPEAL NO. 323-M/2021

Bilal Ahmad ... Vs ... The State

1	Case detail	In CNSA Case No. 1 of 2021, vide FIR No. 84 dated 12.09.2020, U/S 9 (d) KP CNSA, Levy Post Alladhand, District Malakand, Accused-Appellant Bilal Ahmad son of Nisar Ahmad resident of Utmanzai Paoka, District Peshawar.
2	Date of judgment	20.06.2022
3	Court (Single Bench)	Mr. JUSTICE MUHAMMAD IJAZ KHAN
4	Previous Conviction/ order of Court)	The appellant/convict Bilal Ahmad son of Nisar Ahmad was convicted U/S 9 (d) KP CNSA and sentenced to suffer ten years rigorous imprisonment, with a fine of Rs:500,000/- and in default thereof to further suffer six months S.I. Benefit of section 382-B Cr.P.C was also extended to him, by the learned Sessions Judge/Zilla Qazi, Judge Special Court, Malakand at Batkhela vide order/judgment dated 12.10.2021.
5	High Court Order (Operative part only)	For reasons to be recorded later, I allow this appeal, set-aside the judgment of conviction dated 12.10.2021 passed by the learned Special Court/Sessions Judge Malakand at Batkhela in case FIR No. 84 dated 12.09.2020 registered under section 9 (d) of the Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 at Levy Post Alladhand District Malakand and resultantly acquit the appellant namely Bilal Ahmad of the charges levelled against him. He be released forthwith from the jail, if not required in any other case.
6	Direction	As per Court order

ATTESTED

EXAMINER

Peshawar High Court
Mingora Dar-ul-Qaza, Swat
Sub-Registry Malakand

Enclosed:

1) Certified Copy of short order dated 20.06.2022

(Mamrez Khan Khalil)
Additional Registrar

15

JUDGMENT SHEET

PESHAWAR HIGH COURT
MINGORA BENCH
(Judicial Department)



Cr.A. No. 323-M/2021

SHORT ORDER

Date of hearing:- 20.06.2022

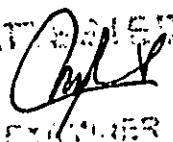
Appellant:- (Bilal Ahmad) by M/S Muhammad Ishaq Shah, Muhammad Ishaq (Khalil), Advocates and Mr. Abdul Qayum, ASC.

Respondent: (The State) by Mr. Haq Nawaz, Astt. A.G.

MUHAMMAD IJAZ KHAN, J.- For reasons to be recorded later, I allow this appeal, set aside the judgment of conviction dated 12.10.2021, passed by the learned Judge Special Court/ Sessions Judge Malakand at Batkhela in case FIR No. 84 dated 12.09.2020 registered under section 9 (d) of The Khyber Pakhtunkhwa Control of Narcotic Substances Act, 2019 at Levy Post Alladhand District Malakand and resultantly acquit the appellant namely Bilal Ahmad of the charges levelled against him. He be released forthwith from the Jail, if not required in any other case.

Announced.
Dt: 20.06.2022


JUDGE


REGISTRAR
Peshawar High Court
Mingora Bench, Dera, Swat
Sub-Registrar Malakand

mtic 10/6/2022

(16)



JUDGMENT SHEET

PESHAWAR HIGH COURT
MINGORA BENCH
(Judicial Department)

Cr.A No. 291-M/2021

Shakeel Ahmad son of Wali Muhammad (Appellant)
Versus

The State through A.A.G & another
(Respondents)

Present: Mr. Naseem Ullah Khan, Advocate.

Mr. Haq Navaz, Asst. A.G.

Cr.A No. 323-M/2021

Bilal Ahmad son of Nisar Ahmad (Appellant)
Versus

The State through A.A.G.
(Respondents)

Present: M/S Muhammad Ishaq Shah, Muhammad Ishaq
(Khalil), Advocates and Mr. Abdul Qayum, ASC.

Mr. Haq Navaz, Asst. A.G.

Date of hearing: 20.06.2022

JUDGMENT

MUHAMMAD NAZ KHAN, J.- Through this single judgment, we intend to decide the instant criminal appeal No. 291-M of 2021 as well as the connected criminal appeal No. 323-M of 2021, as both these appeals arise out from one and the same impugned judgment of conviction and sentence dated 12.10.2021 passed by the learned Judge Special Court/Sessions Judge Malakand at Batkhela.

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PESHAWAR HIGH COURT
MINGORA BENCH
JUDICIAL DEPARTMENT

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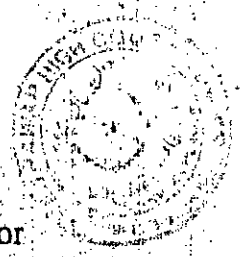


2. As per contents of FIR complainant Naik Rehman, Post Commander of Levy Post *Hassan Khan Shaheed, Alladhand* along with other levy official laid a barricade at *Alladhand* road near *Sharab Dara* when in the meanwhile they stopped a motorcar bearing No. 6432/Police coming from *Amandara* side. Driver of the car disclosed his name as Bilal Ahmad, while the person sitting in its front seat has been identified as Shakeel Ahmad. During search of the motorcar, the levy officials recovered a white colour plastic lying beneath the front seat on mate which contained five packets of Chars total weighing 6000 grams. Further search of the accused/appellant namely Bilal Ahmad led to recovery of three service cards of the Khyber Pakhtunkhwa Police Department. Both the accused were arrested on the spot and the motorcar was also taken in possession. 'Murasila' was drafted which was reduced into FIR No. 84 dated 12.09.2020 registered under section 9 (d) of The Khyber Pakhtunkhwa Control of Narcotic Substances Act 2019 (hereinafter referred to as "*The K.P.*

ATTORNEY
 GENERAL
 KHYBER PAKHTUNKHWA
 ISLAMABAD

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4. Arguments of learned counsel for the appellants as well as learned Astt. A.G. appearing on behalf of the State were heard in considerable detail and the record perused with their able assistance.

5. As per the prosecution's case information were received by the complainant namely Naik Rehman, Post Commander who appeared as PW-3 that on the day of occurrence he along with police personnel namely Mohib Gul, Shamrooz Khan, Sikandar Wahab and driver Mubarak Hussain were present at the barricade laid at *Alladhand* road near *Sharab Dara* when in the meanwhile a motorcar bearing No. 6432/Police came from *Amandara* side at 18:30 hours which was signaled to stop. Driver of the car disclosed his name as Bilal Ahmad whereas the person sitting on the front seat disclosed his name as Shakeel Ahmad. Both were de-boarded from the car and on search of the motorcar beneath the front seat on

ATTORNEY GENERAL
 ACCOUNT
 SECTION
 DISTRICT
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mate a plastic bag comprising five packets of Chars was recovered which were wrapped up in a white colour polythene bag and 10 grams sample from each packets were separated for the purpose of FSL through knife and these samples were sealed in parcels No. 1 to 5 whereas the remaining stuff was sealed in parcel No. 6 and the same were affixed with the monogram of "M.T". On further search of the appellant namely, Bilal Ahmad three service cards of the Police Department were recovered from his side pocket and the same were sealed in parcel No. 07 and thereafter both the accused were arrested and only the 'Murasila' was sent to the police station through the driver namely Mubarak Hussain for registration of the FIR.

POST OFFICE
 DISTRICT COURT
 SINGAPORE
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6. First of all this Court will determine that as to whether on the available evidence prosecution has been able to establish

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the conscious knowledge of either of the appellants or of both of the appellants jointly.

As stated in the *Murasila* that recovery of alleged contraband was made from beneath the left side of the front seat on mate

”بانیں طرف فرٹ سیٹ کے نیچے میٹ پر“ so, this possibility cannot be excluded that the same

may be kept by co-appellant who was front-seater namely Shakeel Ahmad and the appellant

namely Bilal Ahmad was not in the knowledge

of the same and this possibility is equally applicable to the case of appellant namely

Shakeel as the packets of Chars may be kept by

Bilal Ahmad and the co-appellant Shakeel was

not in the knowledge. So when once both

possibilities could not be excluded then the

prosecution was bound to prove the conscious

knowledge of either of the appellants or of both

the appellants jointly but the prosecution has

not been able to discharge their burden. In the

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Peshawar High Court
Muzaffargarh District
Muzaffargarh District

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case of Muhammad Noor & others v/s The

State reported as 2010 SCMR 927, the

Hon'ble Apex Court has held that it is

permissible to look into the object of the

legislature and find out whether, as a matter of

fact, the legislature intended anything to be

proved except possession of the article as

constituting the element of the offence. Even if

it is assumed that the offence is absolute, the

word "Possess" appearing in the section 6

connotes some sort of knowledge about the

things possessed. So we have to determine what

is meant by word "possess" in the section. It is

necessary to show that the accused had the

article, which turned out to be narcotic drugs. In

other words the prosecution must prove that the

accused was knowingly in control of something

in the circumstances, which showed that he was

assenting to being in control of it. It is not

necessary to show in fact that he had actual

possession of the article.

ATTORNEY
EAD
Punjab High Court
Lahore
Sole Advocate for the State

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knowledge of that which he had. In the case of

"Shahzada v/s The State" reported as 2010

SCMR 841 it was also held by the Apex Court

that no such evidence has been led by the

prosecution to prove the above aspects of the

case so as to make the appellants responsible

for the commission of the crime along with the

Driver. If the property would have been lying

open within the view of the appellants or they

knew the placement of the property then the

situation would have been different. In such a

situation, the appellants were required to

explain their position, as required under Article

122 of Qanun-e-Shahadat Order, 1984 and

without such explanation their involvement in

the case would have been proved. As the

property was not within their view and they had

no knowledge of the placement of the property,

therefore, they cannot be held responsible and

in joint possession of the property with the

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Driver. In another case the august Supreme Court of Pakistan reported as 1997 SCMR 345 in such like situation, the other fellow of the truck driver sitting with him has been absolved of the charge in view of the possibility that he might had no, knowledge of the presence of heroin in the truck.

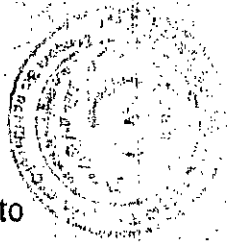
7. Secondly this Court will determine that as to whether on the available evidence the prosecution has been able to establish the safe transmission and safe custody of the samples and remaining stuff from the spot to the police station. It may be noted that in the 'Murasila' it has not been specifically mentioned that the seizing officer namely Naik Rehman who appeared as PW-3 has handed over the parcels of samples to PW Mubarak Hussain for their transmission to the police station and the same remained a mystery till date that as to whether the seizing officer has ever handed over the

Minister of Law
 Government of Punjab
 Lahore

ATTORNEY
 GENERAL
 GOVERNMENT OF PUNJAB
 LAHORE

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samples to Mubarak Hussain or not and as to whether the seizing officer has retained these samples with himself or not as the said Mubarak Hussain has not been produced by the prosecution in the Court who was the most relevant and natural witness to answer these questions, and as such because of his non-production the prosecution has itself created these lacunas in its case, which goes deep into the roots of the prosecution case.

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8. Similarly, the seizing officer namely Naik Rehman who appeared in the Court as PW-3 has also not uttered a single word that as to whom he has handed over the samples and his whole statement is completely mum regarding handing over of the samples to PW Mubarak Hussain or even to the *Muharir* of the police station namely Zakir Hussain. In this view of the matter, the seizing officer and other police personnel who were present on the spot

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have not been able to establish on record that as to how they have made the transmission of the samples and the remaining stuff from the spot to the *Mall Khana* of police station.

9. The separation of the samples by the seizing officer namely Naik Rehman also become doubtful as under the Rules the abbreviation of the name of the seizing officer is to be the monogram on the parcels of the samples, which in the present case should have been "N.R" i.e. Naik Rehman, however, the parcels which were received in the laboratory are bearing the monogram "M.T." which is the abbreviation of name of Muhammad Tufail who happened to be the Investigating Officer of this case and who appeared as PW-5, however, he in his Court statement has never stated that he separated the samples from the recovered stuff and inscribed the monogram on the parcels as "M.T" and rightly so as per the prosecution

Testimony of Naik Rehman
Muzaffar Hussain
2013

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case it was the seizing officer namely Naik Rehman who separated the samples. In this view of the matter, the separation of the samples from the recovered stuff by the seizing officer namely Naik Rehman appears to be not a true statement specially when he in his court statement has categorically mentioned that he was present on the spot, when Muhammad Tufail reached there and on his directions he started the investigation, so, in such state of affairs the prosecution has not been able to establish on record that as to who has separated the samples from the recovered contraband leaving behind many doubts of their safety qua their transmission and custody.

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10. In narcotic cases it is the duty of prosecution to establish the seizure of contraband, taking of samples from the recovered stuff, their safe transmission from the spot to the police station and from police station

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to the F.S.L and the safe custody of remaining contraband, however, as stated above that in the present case Mubarak Hussain who brought the 'Murasila' from the spot to the police station was not produced before the Court whereas the seizing officer namely Naik Rehman (PW-3) in his examination-in-chief has not uttered a single word that as to whom he handed over the parcels of separated samples of contraband and as such the unbroken chain has not been established by the prosecution. This silence assume more significance when it is seen that the alleged parcels are not bearing the monogram of abbreviation of the seizing officer ("N.R") rather it bears the abbreviation of name of Investigating Officer i.e. Muhammad Tufail ("M.T") and as such the prosecution has not been able to prove that as to who separated the samples from the recovered stuff and that as to who has dispatched or taken them to the police

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station, which failure of the prosecution is fatal for their case. In the case of "Oaiser Khan v/s The State" reported as 2021 SCMR 363, the Hon'ble Apex Court has held that the record shows that there is nothing on the record to establish that to whom the alleged recovered narcotics were handed over in the police station for safe custody. The Forensic Report reflects that the alleged narcotics were received in the laboratory on 11th December, 2012 but evidence on the record is silent that where the same remained for two days i.e. from 9th December, 2012 to 11th December, 2012. Similarly, evidence regarding safe transmission of alleged recovered narcotics to the laboratory for chemical analysis is also missing. The law in this regard is settled by now that if safe custody of narcotics and its transmission through safe hands is not

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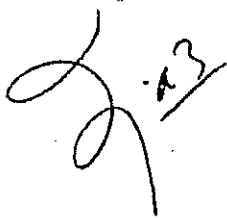
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established on the record, same cannot be used against the accused. Similarly, the Hon'ble Apex Court in the case of "Zubair Khan v/s The State" reported as 2021 SCMR 492 has also held that prosecution produced two witnesses, namely, Basharat Hussain, Inspector as (PW-1) and Abdul Ghani as (PW-2); the former furnished comprehensive details regarding interception of vehicle along with the contraband and investigative steps taken thereafter whereas the former corroborated his deposition, however, the prosecution unredeemably failed to establish the essential link of safe transmission of samples to the office of Chemical Examiner as despite opportunity Abdul Hakeem, EC/B-131 who had delivered the samples failed to enter the witness box, leaving the entire case in the lurch. Same view has also been reiterated by the Hon'ble Apex Court in the case of "Abdul

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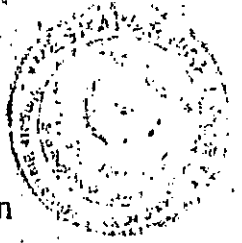
Ghani & others v/s The State & others

reported as 2019 SCMR 608 by holding that it is not denied that Ali Sher, H.C. who had delivered the samples of the recovered substance at the office of the Chemical Examiner had also not been produced during the trial so as to confirm safe transmission of the samples of the recovered substance.

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11. In this case, admittedly as the seizing officer was Naik Rehman, therefore, the parcels bearing the samples should have been carrying the monogram of his name i.e. "N.R.", however, the same were inscribed with "M.T" which is the abbreviation of the name of the Investigating Officer Muhammad Tufail and thus this very fact by itself doubted and destroyed the whole prosecution case right from its inception as it has never been the case of prosecution that Muhammad Tufail has separated the samples and sealed them in

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not been able to advance any explanation whatsoever as to why the recovery officer namely Assistant Director Rehmat had not put his own monogram on the seals of the parcels prepared by him and as to why he had used the monogram of some other officer who was not even posted at the relevant Police Station at the relevant time. Similarly, this Court in the case of "Usman Shah v/s The State" reported as 2022 YLR 821 has also reiterated the same stance by holding that the seizing officer while appearing before the Court as PW-2, deposed in his Court's statement that after recovery of contraband, he separated samples for FSL purpose and sealed in parcels Nos.1 to 8 and remaining stuff in parcel No.9 with a monogram of "MK" which, he categorically admitted that same is not pertained to his name and in fact the same stands for Mukhtiar Khan, S.I., who was stated to be present with the

Page No. 18
 Mukhtiar Khan
 S.I. No. 1234

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complainant. The alleged recovery seems to be doubtful, rather hints at something to be planted by complainant, because said Mukhtiar Khan SI was never cited as a witness during proceedings in the instant case. This witness, after few moments, in his cross-examination contradicted his own statement by deposing that "Mukhtiar Khan S.I. was present in the P.S. at that very time. The MK monogram was lying with me in the official van". Be that as it may, the Seizing Officer, pursuant to spy information, should have been required to have his own monogram with the letters "RK" in his possession to have strengthened and substantiated his version, but he disrupted the episode in a casual manner.

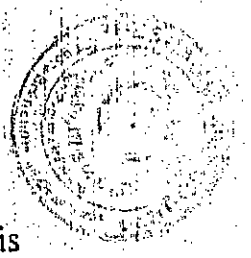
12. As in the present case the Investigating Officer was Muhammad Tufail, who was IHC (Incharge-Head-Constable) was not an "authorized officer" within the meaning

Permanently Assigned to
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of section 2 (e) of The K.P. CNSA Act which is reproduced below;-

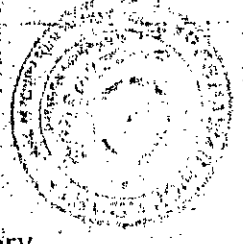
Authorized Officer means:-

- (i) an officer of the Directorate General, not below the rank of [Inspector], authorized by the Director; or
- (ii) a Police officer/official not below the rank of Sub-Inspector, authorized by the Regional Police Officer

The aforesaid definition of the "authorized officer" states that any officer of the Directorate General not below the rank of Inspector who is duly authorized by the Director or a police officer/official not below the rank of Sub-Inspector, who is duly authorized by the Regional Police Officer. In the present case section 2 (e) (ii) would be applicable, however, on record there is no authorization of Regional Police Officer in favour of Muhammad Tufail, IHC is available on file so as to term him as an "authorized officer" within the meaning of section 2 (e) (ii) of The K.P. CNSA Act 2019 and as such the

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 (MIRANSAH)

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investigation conducted by him lacks statutory backing and sanctity.

13. It is also settled law that for giving benefit to an accused, it is not essential that there should be many grounds for the same, even a single doubt is sufficient to extend its benefit to an accused person as it is the cardinal principle of criminal administration of justice that let hundred guilty persons be acquitted but one innocent person should not be convicted. In the case of "Muhammad Mansha v/s The State" reported as 2018 SCMR 772, the Hon'ble Apex Court has held that while giving the benefit of doubt to an accused, it is not necessary that there should be many circumstances creating doubt. If there is a circumstance which creates reasonable doubt in a prudent mind about the guilt of the accused, then the accused would be entitled to the benefit of such doubt, not as a matter of grace and concession, but as a matter of right. It is based on the maxim, "it is better that ten guilty

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persons be acquitted rather than one innocent person be convicted". Reliance in this behalf can be made upon the cases of Tariq Pervez v. The State (1995 SCMR 1345), Ghulam Qadir and 2 others v. The State (2008 SCMR 1221), and Muhammad Zaman v. The State (2014 SCMR 749). In the case of "Muhammad Akram v/s The State" reported as 2009 SCMR 230, the Hon'ble Apex Court has held that it is an axiomatic principle of law that in case of doubt, the benefit thereof must accrue in favour of the accused as matter of right and not of grace. In the case of "Tariq Pervaiz v/s The State" reported as 1995 SCMR 1345, the Hon'ble Apex Court has held that the concept of benefit of doubt to an accused person is deep-rooted in our country. For giving him benefit of doubt, it is not necessary that there should be many circumstances creating doubts. If there is a circumstance which creates reasonable doubt in a prudent mind about the guilt of the accused, then the accused will be entitled to the benefit not as a matter of grace and concession but as a matter of right.

Assistant Registrar
 Civil & Criminal
 District Court
 Faisalabad

A. I. Khan
 District Registrar
 Faisalabad

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14. For what has been discussed above, this Court is of the firm view that the prosecution has failed to prove its case against both the accused/appellants beyond reasonable doubt; therefore, their conviction cannot be maintained. Resultantly, while extending them the benefit of the doubt, both these connected criminal appeal bearing No. 291-M and 323-M of 2021 are allowed and the impugned order/judgment of conviction and sentence dated 12.10.2021 recorded by the learned trial Court is set aside and consequently the appellants namely Shakeel Ahmad and Bilal Ahmad are acquitted of the charges levelled against them. They be released forthwith from the Jail, if not required in any other case.

15. These are reasons for my short orders of even date.

Announced
Dt. 20.06.2022

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JUDGE

No. 266
 Name of Applicant Bilal Ahmad
 Date of Presentation of applicant 25-7-2022
 Date of completion of copies 25-7-2022
 No. of Copies (23) Pages
 Reason For —
 Fee —
 Date of Delivery of Copies 25/07/2022

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 Acted under Article 51 of Oathen Shahadat under 1934
 Swat-Registry Maland

Peshawar High Court
 Mingora District Basha Swat
 Civil Registry Maland
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JUDGMENT SHEET
PESHAWAR HIGH COURT
MINGORA BENCH
(Judicial Department)

Cr. A No. 289-M/2021

Bilal Ahmad son of Nisar Ahmad
(Appellant)

Versus

The State through A.A.G.
(Respondent)

Present: *M/S Ishaq Shah, Muhammad Ishaq (Khalil),
Ghulam Mohy-ud-Din Malik and Muhammad
Farooq Malik, Advocates,
Mr. Haq Nawaz, Asstt. A.G.*

Date of hearing: 20.06.2022

JUDGMENT

MUHAMMAD IIAZ KHAN, J.- This order is directed to decide the appeal filed by appellant namely Bilal Ahmad against the judgment of his conviction and sentence dated 12.10.2021 passed by the learned Sessions Judge Malakand at Batkhela.

2. As per contents of FIR complainant Naik Rehman, Post Commander of Levy Post Hassan Khan, Shaheed, Alladhand along with other levy official laid a barricade at Alladhand road near Sharab Dara when in the meanwhile they stopped a motorcar bearing No. 6432/Police coming

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from Amandara side. Driver of the car disclosed his name as Bilal Ahmad (the appellant herein), while the person sitting in its front seat has been identified as Shakeel Ahmad. During search of the motorcar, the levy officials recovered a white colour plastic lying beneath the front seat on mate which contained five packets of Chars total weighing 6000 grams, regarding which a separate FIR No. 84 dated 12/09/2020 under section 9 (d) of The Khyber Pakhtunkhwa Control of Narcotic Substances Act-2019 has been registered at Levy Post, Alladhand, District, Malakand. Further search of the accused/appellant namely Bilal Ahmad led to recovery of three service cards of the Khyber Pakhtunkhwa Police Department. The appellant was arrested on the spot and the motorcar was also taken in possession. 'Murasila' was drafted which was reduced into FIR No. 84 dated 12.09.2020 registered under sections 420, 468, 473 PPC at Levy Post, Alladhand, District, Malakand.

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3. The accused was summoned by the learned trial Court and charge was framed against him, to which he pleaded not guilty and claimed trial. The prosecution was invited to produce its evidence, who accordingly examined five (05) witnesses in support of their case. Thereafter, statement of accused was recorded under section 342 Cr.P.C and on conclusion of trial in the case, the accused/appellant was convicted vide the impugned order/judgment dated 12.10.2021 of the Court of learned Sessions Judge Malakand at Batkhela and was sentenced as follows:-

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"Under sections 420, 468, 471 PPC to three years rigorous imprisonment along with fine of Rs. 50,000/- (fifty thousand), or in default thereof he was ordered to undergo six months simple imprisonment. The appellant was also extended benefit of section 382-B Cr.P.C."

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The appellant has now challenged the aforesaid judgment by filing the instant criminal appeal before this Court.

4. Arguments of learned counsel for the appellant as well as learned Astt. A.G. appearing on behalf of the State were heard in

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considerable detail and the record perused with their able assistance.

5. At the very outset it may be noted that the evidence produced by the prosecution in both set of allegations i.e. recovery of Chars and recovery of forged service cards are verbatim copy of each other and as such their evidence qua the present set of allegation is to be analyzed as under:-

6. It is the case of prosecution that since the appellant namely Bilal Ahmad has fixed a police number plate on his motorcar in which he was boarded at the relevant time and as the three service cards of the Police Department were recovered from his pocket, therefore, he has committed the offences under sections 420, 468, and 473 PPC.

7. Before appreciating the evidence it would be relevant to mention here that what are the essential ingredients to constitute an offence under sections 420, 468, 473 PPC.

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DISTRICT OF WEST BENGAL
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An offence under section 420

PPC could be constituted when a person has dishonestly induced another person:-

- (i) To deliver any property to any person or;
- (ii) To make, alter or destroy,
 - (a) The whole or any part of a valuable security or;
 - (b) Anything which is signed or sealed and which is capable of being converted into a valuable security.

Similarly to constitute an offence under section 468 PPC the prosecution has to prove:-

- (i) That the document is a forgery;
- (ii) That the accused forged the document;
- (iii) That he did as above intending that the forged document would be used for the purpose of cheating.

and the ingredients of section 473

PPC are;

- (i) That the accused made or counterfeited the seal, plate, etc., or that he had such seal etc., in his possession, and he knew it to be counterfeit;
- (ii) That such seal, etc., was made in order to produce impressions;
- (iii) That he intended to use such seal, etc., for the purpose of committing forgery;
- (iv) That such forger was punishable under section 467.

8. Now keeping in view the aforesaid essential ingredients for commission

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of offences levied against the appellant the prosecution has to prove that the appellant has deceived them for delivery of any property or part of it; however, it is not at all the case of prosecution, even such nature of allegations were not leveled by it what to say about the proof of it. Similarly, prosecution is bound to prove that what documents have been forged by the appellant. It is an admitted fact that the appellant is a police personal and he was having service cards of Police Department which were sent for verification and the same were found as genuine, so, except allegation prosecution has not brought on record any evidence to substantiate their charge. Similarly, prosecution has also to prove that which counterfeit number plate has been made by the appellant. It is the case of prosecution that the appellant has affixed a number plate

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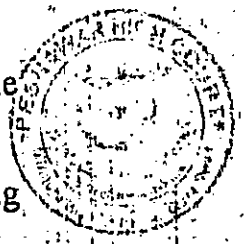
of Police Department on his motorcar, which is in a broader sense is not a counterfeit number plate as the appellant is an employee of Police Department and as such the allegation would have at the most attract the provision of section 473 PPC, had the appellant not been an employee of Police Department. It may be an offence under The Motor Vehicles Ordinance, 1965 but in no way would attract the provision of section 473 PPC to the case of appellant.

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9. It is and has been an admitted fact that the appellant namely Bilal Ahmad is an employee of the Police Department and posted at the office of C.P.O Peshawar and that his two out of the three service cards recovered from him were verified during the course of investigation and were found genuine, therefore, in such eventuality when

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the appellant is admittedly an employee of the Police Department and when he was having his service cards in his pocket then one fails to understand that how he has committed an offence as stated hereinabove. These allegations should have been carrying some weight had the appellant not been an employee of the Police Department and he has personated to be an employee. The service cards recovered from him reflects his designation as constable and computer operator respectively. It was admitted by the learned Astt. A.G. at the bar that the appellant was initially appointed as a constable in the Police Department, however, when he was literate in computer, therefore, he was posted at C.P.O. Peshawar office as a computer operator, therefore, all the cards recovered from him bearing his correct designation i.e.

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of constable and computer operator and as such on this score too, the service cards so recovered from the appellant are genuine and correct qua the factual position of his designation and Department.

10. Similarly, fixing of a police number plate on the motorcar which was given to him on 'Superdari' too, is not a false, forged or counterfeit number plate as the appellant is an employee of the Police Department, however, fixing of such a number plate on the motorcar may be an offence under The Motor Vehicles Ordinance, 1965, which is not the case of prosecution but by no stretch of imagination the provision of section 473 PRC could be attracted, therefore, on this score too the allegation made by the prosecution appears to be misconceived and

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does not constitute an offence within the meaning of section 473 PPC

11. As stated above that the appellant is and was an employee of the Police Department and even if the allegations made by the prosecution are considered to be correct the applicability of section 420 PPC could not be attracted against the appellant as it is not the case of prosecution that he has dishonestly induced them for the delivery of any property. Similarly, section 468 PPC too could not be attracted against the appellant as he has not committed any forgery for the purpose of cheating. As stated above that all his service cards and number plate reflect the true position that he is an employee of the Police Department, therefore, in such state of affairs, it can safely be concluded that the appellant has not at all committed an offence,

RESERVED FOR THE COURT
 IMPROPERLY FILED
 DISTRICT COURT OF THE CITY OF NEW YORK

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which may attract the penal provision of sections 420, 468 and 473 PPC.

12. The statements of the PWs recorded in this FIR as well as in the connected FIR No. 84 dated 12.09.2020 are the verbatim/photo-state copies of each other and all the PWs have not uttered a single word that the appellant has either induced them for the delivery of any property or that he has committed any forgery to cheat them or he has prepared any counterfeit plate/seal etc. as during the course of investigation and the trial all their allegations are turned out to be false, therefore, in such state of affairs the impugned conviction and sentence of the appellant could not be sustained.

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13. In view of the above, the case of prosecution is misconceived qua the true factual position with respect to official position of the appellant being employee of

So



Police Department and his service cards and police number plate affixed on his motorcar, therefore, he is entitled for the lapses in the prosecution evidence. It is not essential that there should be many doubts in the prosecution case, even a single doubt is sufficient to extend its benefit to an accused person as it is the cardinal principle of criminal administration of justice that let hundred guilty persons be acquitted but one innocent person should not be convicted. In the case of "Tariq Pervaiz v/s The State" reported as 1995 SCMR 1345, the Hon'ble Apex Court has held that the concept of benefit of doubt to an accused person is deep-rooted in our country. For giving him benefit of doubt, it is not necessary that there should be many circumstances creating doubts. If there is a circumstance which creates reasonable doubt in a prudent mind about the guilt of the accused, then the accused will be entitled to the benefit not as a matter of grace and concession but as a matter of right. Reliance in this behalf can be

Additional District Magistrate
 District Court
 Faisalabad

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made upon the cases of "Muhammad Zamin v/s The State & others" (2014 SCMR 749) and "Muhammad Akram v. The State (2009 SCMR 230). In the case of "Ghulam Qadir & others v/s The State" reported as 2008 SCMR 1221 the Hon'ble Apex Court has also held that it needs no reiteration that for the purpose of giving benefit of doubt to an accused person, more than one infirmity is not required, a single infirmity creating reasonable doubt in the mind of a reasonable and prudent mind regarding the truth of the charge-makers the whole case doubtful. Merely because the burden is on the accused to prove his innocence it does not absolve the prosecution from its duty to prove its case against the accused beyond any shadow of doubt and this duty does not change or vary in the case. A finding of guilt against an accused person cannot be based merely on the high probabilities that may be inferred from evidence in a given case.

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14. For what has been discussed above, this Court is of the firm view that the prosecution has miserably failed to prove its case against the accused/appellant beyond reasonable doubt; therefore, his conviction and sentence cannot be maintained. Resultantly, while extending him the benefit of the doubt, this appeal is allowed and the impugned order/judgment of conviction and sentence dated 12.10.2021 recorded by the learned trial Court is set aside and consequently the appellant is acquitted of the all charges levelled against him. He be released forthwith from the Jail, if not required in any other case.

15. These are reasons for my short order of even date.

Announced
Dt. 20.06.2022

[Signature]
JUDGE

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Bilal Ahmad

25-7-2022

25-7-2022

14 pages

25-7-2022

FOR FILE COPY
[Signature]
25-7-2022

(53)

بعدالت جناب شام اللہ خان صاحب جوڈیشل مجسٹریٹ VIII پشاور

مقدمہ نمبر 1385/2 سرکار نامہ بلال اعظم

رجسٹر 07/12/2020 فیصلہ 21/9/2022 کل قسطات 192

قسطات نمبر	نوعیت کاغذات
1-16	انٹرنیشنل کورٹس
17	چارٹرسٹ
18-124	مجلس جوڈیشل
125-126	وکالت نامے
127-133	درخواست نامے
134-152	سبب نامے
153-192	ریفرنس نامے



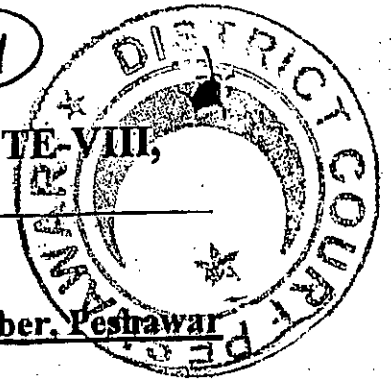
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07 OCT 2022

(Examiner)
District Court Peshawar

In the Court of
SANA ULLAH KHAN JUDICIAL MAGISTRATE-VIII,
Peshawar

(54)



CHARGE SHEET

Case FIR # 924 Dated 13/09/2020 U/S 408/409 PPC PS Badhber, Peshawar

The State Versus

*Bilal Ahmad s/o Nisar Ahmad (presently
Central Prison Peshawar).*

ACCUSED FACING TRIAL

(17)

I, SANA ULLAH KHAN, Judicial Magistrate-VIII, Peshawar do hereby charge-you the accused named above as follows:

Firstly:- That you accused being Employee of Government/police department, during the year 2020, misused the case property/vehicle motorcar involved in case No.513 dated 02/06/2020 u/s 15AA of P.S Badhber for trafficking of contrabands which you misappropriated by committing breach of trust in respect of the case property which is an offence punishable under Section 408/409 PPC within the cognizance of this Court.

I direct you to be tried for the above charge within my cognizance.

Bilal Ahmad s/o Nisar Ahmad

SANA ULLAH KHAN
Judicial Magistrate-VIII, Peshawar
SANA ULLAH KHAN
JMIC-VIII
Peshawar

ADMITTED

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01 OCT 2022
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Note:- The charge has been read over and explained to the accused.

Q) Do you understand the charge?

Ans) Yes.

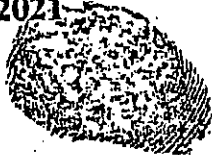
Q) Do you plead guilty or claim trial?

Ans) No, I am innocent and claim trial.

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RO & AC

13/02/2021



Bilal Ahmad s/o Nisar Ahmad

SANA ULLAH KHAN
Judicial Magistrate-VIII, Peshawar

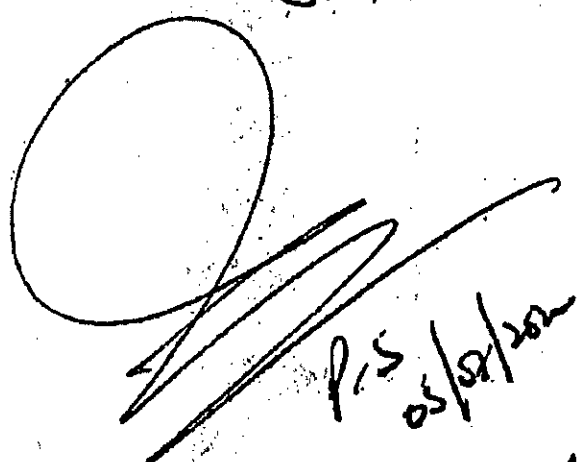
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17/02/2022

(Examiner)
District Court Peshawar

THE COURT OF JMFC PESHAWAR (76)

State vs. Bilal Ahmad. (188)



Charge u/s. 408/409 P/c

FIR No. 924 dt. 12⁰⁹
2020

P/s. Badshair.

Application u/s 249-A Crpc for the
Acquittal of the Accd. petitioner for
the charge levelled against him.

Respectfully Submitted.

- (1) That the above mentioned trial is pending adjudication before this Honorable Court for today.
- (2) That the Accd. petitioner is facing trial since 7¹² 2020 and till date no formal PW appeared before Court to deposed against the Accd.
- (3) That even otherwise, Co-Accd. having the similar role have been discharged by the local police and by this Hon. able Court too.
- (4) That there is no chance of the conviction of the Accd. petitioner on the available

ATTESTED

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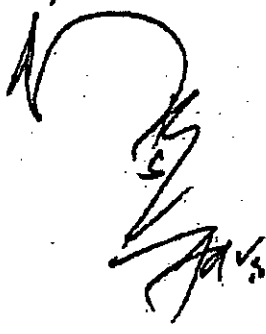
record, and it will be a futile
exercise to wait further for
the appearance and their
deposition against the Accd.
any more.

15) That the Accd. petitioner
is facing agony of the
trial.

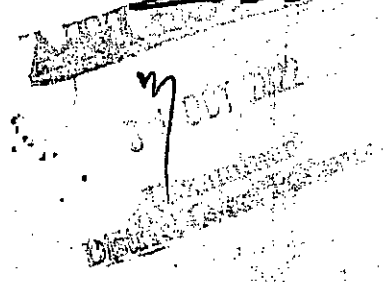
It is therefore most
humbly prayed that on acceptan
ce of this application the Accd.
may kindly be acquitted from
the charge levelled against him.

Bilal Ahmad (Accd.
petitioner)
Through.

M. Saqib Khalil
Advocate



Dt: 5/7
2022.



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In the court of
SANA ULLAH KHAN JUDICIAL MAGISTRATE-VIII,
PESHAWAR

Order---37
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SPP Anila Faryal for the State present. Accused Bilal Ahmad on bail alongwith his learned counsel present.

Arguments on the application submitted u/s 249-A Cr.P.C for the acquittal of the accused Bilal Ahmad, have already been heard and record perused.

Brief facts of the case are that on 12/09/2020, the local police of P.S Hassan Khan Shaheed Allahdand District Malakand, during Nakabandi, intercepted motorcar No.LEF-6432 and on search, five packets of charas were recovered. The driver disclosed his name as Bilal Ahmad/accused facing trial who shown himself as police official and stated that the motorcar in question is the case property of case FIR No.513 dated 02/06/2020 u/s 15/17-AA P.S Badhber. A case vide FIR No.84 dated 12/09/2020 u/s 9D-CNSA in P.S Hassan Khan Shaheed Allahdand District Malakand was registered. The accused namely Bilal Ahmad and Shakeel Ahmad were arrested besides the motorcar was taken into possession vide recovery memo. The local police of P.S Hassan Khan Shaheed Allahdand District Malakand conveyed information regarding the motorcar to P.S Badhber which was entered vide D.D No.16 dated 12/09/2020 at P.S Badhber which culminated in registration of the instant case FIR No.924 dated 13/09/2020 u/s 408/409 PPC PS Badhber wherein Bilal Ahmad was charged, however, later on accused Jamil Shah and Bilal Hussain were also arrayed as accused being the then

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Moharrer and SHO of P.S Badhber. The accused Jamil Shah and Bilal Hussain were also arrested and later released on bail while accused Bilal Ahmad was confined to judicial lockup.

After completion of investigation, complete challan was submitted by the prosecution for trial to the extent of accused Bilal Ahmad while an application was submitted by the prosecution u/s 169 Cr.PC for discharge of the accused Jamil Shah Moharrer and Bilal Hussain SHO in the instant case due to weak evidence. The accused Jamil Shah and Bilal Hussain were discharged by this court vide order dated 05/01/2021 on the application moved by the prosecution u/s 169 Cr.PC from the charges leveled against them in the instant case as no iota of evidence was brought on record to establish that motorcar, which was case property of another case FIR No.513, was handed over to accused Bilal Ahmad by any of the accused i.e. Jamil Shah and Bilal Hussain.

Accused Bilal Ahmad was produced through Zameema Bay from Central Prison Peshawar and after compliance u/s 241-A Cr.P.C, formal charge against the accused Bilal Ahmad was framed on 13/02/2021 and prosecution was directed to produce its evidence. Till date not a single witness has been produced by the prosecution in support of its stance. The accused facing trial Bilal Ahmad was also released on bail during trial proceedings. The learned counsel for accused facing trial Bilal Ahmad submitted the present application and sought acquittal of accused facing trial Bilal Ahmad u/s 249-A Cr.P.C on the ground that through the strength of evidence so collected by the IO, the prosecution could not prove the charges leveled against accused facing trial Bilal

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Ahmad nor any prosecution witness has produced up-till now. The case of prosecution is weak as no recovery has been affected from the accused facing trial and he is also acquitted from the charges leveled against him u/s 9D-CNSA in case FIR No.84 dated 12/09/2020 of P.S Hassan Khan Shaheed Allahdand District Malakand. Therefore, no case made-out against the accused Bilal Ahmad u/s 408/409 PPC.

Conversely, the learned SPP vehemently resisted the application with further submissions that the accused facing trial Bilal Ahmad is charged for major offenses as he has misused/misappropriated the case property/vehicle motorcar involved in case No.513 dated 02/06/2020 u/s 15-AA of P.S Badhber for trafficking of contrabands and committed breach of trust in respect of the case property, therefore, he is prima facie connected with the offence. Mere non-appearance of the witnesses do not entitle the accused facing trial Bilal Ahmad for acquittal u/s 249-A Cr.P.C. Therefore, requested for dismissal of the instant application.

Perusal of available record shows that there is no evidence available on record to show that the motorcar/vehicle in question which is a case property in case FIR No.513, was handed over to the accused facing trial Bilal Ahmad which was allegedly misappropriated by the accused facing trial being used for trafficking of contrabands. More so, the accused facing trial namely Bilal Ahmad has been charged for misappropriation/breach of trust in respect of the case property but no written evidence/any approval of handing over the case property is available on record to show that the vehicle/motorcar which was involved

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in case FIR No.513, was handed over to the accused Bilal Ahmad nor the IO of the case has produced any ancillary proofs during investigation regarding the same facts. The contents of FIR also made the contention of the prosecution as one of doubtful that whether with such allegations can a person be prosecuted for offence u/s 408/409 PPC. The IO of the case also failed to collect any circumstantial evidence against the accused facing trial Bilal Ahmad which could connect him with the commission of offence. On the basis of available record, there is no chance of conviction of accused facing trial Bilal Ahmad. Furthermore, the prosecution story against the accused facing trial Bilal Ahmad was that the accused Bilal Ahmad was entrusted a vehicle/motorcar which was a case property, by the then Moharrer Jamil Shah and Bilal Hussain SHO of P.S Badhber and the same was allegedly misappropriated by him being used in trafficking of contrabands but as the prosecution has itself moved an application u/s 169 Cr.PC for the discharged of the accused Jamil Shah and Bilal Hussain on the basis of weak evidence and on the same application, the said accused were discharged by this court. Therefore, in the present circumstance, no case distinguished/made-out against the present accused facing trial Bilal Ahmad because the contention of the prosecution becomes doubtful that two versions theory elaborated by the prosecution i.e. on one side prosecution states that the accused Bilal Ahmad misappropriated the case property which was handed over to him by Jamil Shah and Bilal Hussain, the then Moharrer and SHO of P.S Badhber and on the other hand, prosecution submits an application for the discharge of the co-accused Jamil Shah and Bilal Hussain u/s 169

(S)

JAMIL SHAH
JMIC-VIII
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Cr.PC on the basis of weak evidence. So the question arise that co-accused Jamil Shah and Bilal Hussain, who have already been discharged u/s 169 Cr.PC, have not handed over the case property to the present accused Bilal Ahmad, then how the case property was handed over to the present accused Bilal Ahmad or the same was neither handed over to him nor the accused Bilal Ahmad was involved in the instant case. The facts so discussed shows that the instant case is a concocted one which was registered against the accused facing trial Bilal Ahmad. The cited facts further corroborate the version of the accused facing trial Bilal Ahmad for his innocence and lead the case to his acquittal. No previous criminal history of accused Bilal Ahmad available on record to show the involvement of the accused facing trial in like offences. The prosecution has badly failed to bring a single dint against the accused facing trial Bilal Ahmad in support of its case leading for conviction of the accused facing trial.

In any criminal case, the prosecution is always burdened with responsibility to get home guilt of accused through convincing and connected evidence whereas no person can be convicted on the basis of mere speculation or surmises. In the attending circumstances no option other than to vindicate the accused Bilal Ahmad is available with court even otherwise any further proceeding in case would be just a futility and would amount to an abuse to the process of law.

For the reasons above since no probability of conviction of accused facing trial Bilal Ahmad exists in the case rather further proceedings in the case would be just a futile exercise which would result

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Dated: 21/09/2022

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nothing but only abuse to process of law. Hence, the application is hereby accepted and the accused facing trial Bilal Ahmad s/o Nisar Ahmad charged in case FIR No.924 dated 13/09/2020 U/S 408/409 PPC of PS Badhber Peshawar is hereby acquitted under Section 249-A Cr.P.C. Accused Bilal Ahmad is on bail, therefore, his sureties are also discharged from their liabilities of bail bonds.

Case property, if any, be dealt in accordance with law.

File after completion & compilation be consigned to record room.

ANNOUNCED
21/09/2022

SANA ULLAH KHAN
JUDICIAL MAGISTRATE-VIII
PESHAWAR
SANA ULLAH KHAN
Judicial Magistrate-VIII, Peshawar

CERTIFIED TO BE TRUE

Examiner
Copying Agency District Court
Peshawar

No.	50812
Dated of Application	01-10-22
Name of Applicant	06/9/22
Word / Pages	p- 11
Fee	47
Signature of Applicant	
Dated of Receipt	01-10-22
Dated of Delivery	01-10-22

بخدمت جناب کیپٹل مسٹر لوئیس آفس (دہلی) کے لیے

فیس بھرنے کی درخواست مراد بحال کیے جانے کے لیے
بخدمت بوجہ باعزت سرکار کے اہل خانہ کے لیے

جناب کے پاس ذیل عرصہ کے لیے

دہلی سے 12 مارچ 2012ء کو بحالت باعزت کیپٹل مسٹر لوئیس آفس (دہلی) میں
مقامی سٹریٹ لوئیس آفس (دہلی) کے ذریعے اور اس کے ذریعے فیس بھرنے کے لیے
سے سہ ماہی کے لیے

دہلی سے 12 مارچ 2012ء کو 9 مارچ 2012ء کو اہل خانہ کے لیے فیس بھرنے کے لیے

جناب (PCNSA) کے پاس 9 مارچ 2012ء کو جناب کے پاس اہل خانہ کے لیے فیس بھرنے کے لیے
بخدمت بوجہ باعزت سرکار کے اہل خانہ کے لیے فیس بھرنے کے لیے
بخدمت بوجہ باعزت سرکار کے اہل خانہ کے لیے فیس بھرنے کے لیے
بخدمت بوجہ باعزت سرکار کے اہل خانہ کے لیے فیس بھرنے کے لیے

دہلی سے 12 مارچ 2012ء کو 9 مارچ 2012ء کو اہل خانہ کے لیے فیس بھرنے کے لیے

بخدمت بوجہ باعزت سرکار کے اہل خانہ کے لیے فیس بھرنے کے لیے
بخدمت بوجہ باعزت سرکار کے اہل خانہ کے لیے فیس بھرنے کے لیے

بخدمت بوجہ باعزت سرکار کے اہل خانہ کے لیے فیس بھرنے کے لیے

بخدمت بوجہ باعزت سرکار کے اہل خانہ کے لیے فیس بھرنے کے لیے

دعا کی اور نہ ہی سزا کو بحال رکھا گیا۔ (منفصلہ جہز لیسٹ پیسٹ کیا گیا ہے)

تاریخ: یکم نومبر 2020ء کو عدالت کی طرف سے سزا کو بحال کرنے اور

ڈی.آئی.سی. / 5901-07/PA/50/2020 No: 24/11/2020

سے سزا کو بحال کرنے (آفس آرڈر نمبر 24/11/2020)

کی بنا پر جو عدالت کی طرف سے سزا کو بحال کرنے میں مددگار تھا اس کے بارے میں

تعمیراتی نوٹس۔ عدالت کی طرف سے سزا کو بحال کرنے کے بارے میں

رہنمائی کی ضرورت ہے اور عدالت کی طرف سے سزا کو بحال کرنے کے بارے میں

دعا کی اور نہ ہی سزا کو بحال رکھا گیا۔ (منفصلہ جہز لیسٹ پیسٹ کیا گیا ہے)

تاریخ: یکم نومبر 2020ء کو عدالت کی طرف سے سزا کو بحال کرنے اور

ڈی.آئی.سی. / 5901-07/PA/50/2020 No: 24/11/2020

سے سزا کو بحال کرنے (آفس آرڈر نمبر 24/11/2020)

کی بنا پر جو عدالت کی طرف سے سزا کو بحال کرنے میں مددگار تھا اس کے بارے میں

تعمیراتی نوٹس۔ عدالت کی طرف سے سزا کو بحال کرنے کے بارے میں

رہنمائی کی ضرورت ہے اور عدالت کی طرف سے سزا کو بحال کرنے کے بارے میں

دعا کی اور نہ ہی سزا کو بحال رکھا گیا۔ (منفصلہ جہز لیسٹ پیسٹ کیا گیا ہے)

تاریخ: یکم نومبر 2020ء کو عدالت کی طرف سے سزا کو بحال کرنے اور

ڈی.آئی.سی. / 5901-07/PA/50/2020 No: 24/11/2020

سے سزا کو بحال کرنے (آفس آرڈر نمبر 24/11/2020)

کی بنا پر جو عدالت کی طرف سے سزا کو بحال کرنے میں مددگار تھا اس کے بارے میں

Dy No: 1353/PA
dated: 11/10/2022



(66) 4

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989 Fax: No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Bilal Ahmad No. 91, who was awarded the major punishment of "dismissal from service" under KP PR-1975 (amended 2014) by SP/HQrs. Peshawar vide OB No. 3101, dated 23.11.2020.

2- Brief facts leading to the instant appeal are that the defaulter Constable was proceeded against departmentally on the charges of his involvement in criminal cases vide FIR No. 84, dated 12.09.2020, w/s 9D KP CNSA Levy Post Hassan Shaheed Aladand, District Malakand & FIR No. 924, dated 13.09.2020 w/s 408/409-PPC PS Budaber, Peshawar.

3- He was issued Charge Sheets and Summary of Allegations by SP/HQrs. Peshawar and two Separate enquiries was conducted against him. SDPO/Hayatabad, Peshawar was appointed as Enquiry Officer in both cases to scrutinize the conduct of the accused official. The Enquiry Officer, after conducting departmental enquiries submitted his findings in which he was found guilty. The competent authority in light of the findings of the Enquiry Officer issued him Final Show Cause Notice. But he failed to submit reply to the said notice and hence, awarded the major punishment of dismissal from service.

4- He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by SP/HQrs. Peshawar vide OB No. 3101, dated 23.11.2020 is hereby rejected/filed being also time barred for 02 years and 09 months.

"Order is announced"

**CAPITAL CITY POLICE OFFICER,
PESHAWAR**

No. 4520-26/PA.

dated Peshawar the 06/12/2023

Copies for information and necessary action to the:-

1. SP/HQrs. Peshawar.
2. AD/IT CCP Peshawar.
3. PO, CRC, OASI & I/MC alongwith complete Fuji Misal.
4. Official concerned.

حضرت جبران انجیل کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے

درخواست کی کاپی مندرجہ ذیل ہے

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حضرت جبران انجیل کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔
تذکرہ میں لکھا گیا ہے کہ حضرت جبران انجیل کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔

2012 سے لے کر 2020 تک کے حالات کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔
2012-2020 کے حالات کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔

21-9-22 کو ماہنامہ 'انجیل' میں شائع ہونے والے مضمون کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔
21-9-22 کو ماہنامہ 'انجیل' میں شائع ہونے والے مضمون کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔

12-9-2020 کو ماہنامہ 'انجیل' میں شائع ہونے والے مضمون کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔
12-9-2020 کو ماہنامہ 'انجیل' میں شائع ہونے والے مضمون کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔

ادراستی کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔
ادراستی کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔

21-9-22 کو ماہنامہ 'انجیل' میں شائع ہونے والے مضمون کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔
21-9-22 کو ماہنامہ 'انجیل' میں شائع ہونے والے مضمون کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔

21-9-22 کو ماہنامہ 'انجیل' میں شائع ہونے والے مضمون کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔
21-9-22 کو ماہنامہ 'انجیل' میں شائع ہونے والے مضمون کے حوالہ سے اس کی تفسیر کے حوالہ سے لکھا گیا ہے۔

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18-12-2023
13:40 PM

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9

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.
Phone: 091-9210927

No. S/ 3120 /23, dated Peshawar the 27/12/2023.

To: The Capital City Police Officer,
Peshawar.

Subject: - REVISION PETITION

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-FC Bilal Ahmad No. 91 of Capital City police against the punishment of dismissal from service awarded by SP HQrs: vide Order OB No. 3101, dated 23.11.2020 being badly time barred.

- The applicant may please be informed accordingly.

(Signature)
27/12

(AFSAR JAN)

Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

wj,
o/c 26/12/23

18-12-23-15
28/12/23
0333-9212198

(68)

بعدالت کی سرسبز بیوی لکھو



Appellant

بلا لکھو بنام حکومت سندھ

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
 آن مقام لکھو کیلئے محکمہ عدالت مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار دیا گیا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زراں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لایا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ یا اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھو یا کہ سند ہے۔

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Handwritten signature at the bottom left.

الرقوم 26 ماہ جولائی 2021

Handwritten signatures and text at the bottom left, including 'Allah' and 'A.S.C.'

بمقام لکھو