

FORM OF ORDERSHEET

Application No. 234/2024

Order No.

Order or other proceedings with signature of judge

3

23/03/2024

The Misc. application in Execution Petition No. 55/2024 submitted today by Mr. Abbas Ali Bangish. It is fixed for hearing before the Worthy Chairman at Peshawar on \_\_\_\_\_. Original file be requisitioned. Applicant be informed accordingly.

  
REGISTRAR

BEFORE THE HONORABLE KPK SERVICE TRIBUNAL, PESHAWARMiscellaneous Application dated *No. 234/2024*

In

Ex Order Application No- EP-55/2024 (connected to Service Appeal No-1273/2017)  
instituted by Maisam Ali

Abbas Ali Bangash s/o Capt Ali Muhammad Bangash (deceased) --- Petitioner-In-Person

VS

Ex Constable Maisam Ali s/o Riaz Ali ----- Respondent No-1

Inspector General of Police &amp; Others ----- Respondent No-2

Inspector General of Police &amp; Others ----- Respondent No-3

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Peshawar*

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Dated :

12 March  
2024

Petitioner-In-Person

  
(Abbas Ali Bangash)

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BEFORE THE HONORABLE KPK SERVICE TRIBUNAL, PESHAWAR

MISC. APPLI. NO. 234/2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11726

Dated 12-03-2024

Miscellaneous Application dated 12 March 2024

In  
Ex Order Application No- EP-55/2024 (connected to Service Appeal No-1273/2017)  
instituted by Maisam Ali

Abbas Ali Bangash s/o Capt Ali Muhammad Bangash (deceased) - Usterzai Payan, Kohat-  
----- **Petitioner-In-Person**

**VS**

Ex Constable Maisam Ali s/o Riaz Ali (Usterzai Payan, Kohat) ----- Respondent No-1  
Inspector General of Police KPK (CPO Peshawar) ----- Respondent No-2  
DPO Kohat (DPO Office, Kohat) ----- Respondent No-3

**Facts & Grounds of the Petition**

Respectively Sheweth! I would like to submit following :-

1. That, so far, Maisam Ali has instituted following Service Appeals/petitions before Honorable KPK Service Tribunal, Peshawar :-

Ser	Service Appeals	Details	Page#
a.	Service Appeal No-1273/2017, instituted on 15/11/2017	Against 1 <sup>st</sup> Dismissal Order .However, Meisam Ali was again dismissed from Police on 24/11/202 for his conviction in FIR-80.	9-18
b.	Service Appeal for Ex Order - EP#55 /2024, instituted on 09/1/2024	For claiming back Date benefits, as affixed on 12/3/24 & pending. Connected to 1 <sup>st</sup> Dismissal Order Order No-OB-426 dated 04/5/17 for his involvement in FIR#37	19-29
c.	Service Appeal No-224/2024, instituted on 19/1/2024	Against 2 <sup>nd</sup> Dismissal Order , affixed on 18/3/24 & pending for his involvement in FIR#80	30-38

2. That, No-963/1192; Ex Police Constable Meisam Ali s/o Riaz Ali (Dismissed from Police service) has a criminal record/history of misusing/exploiting the cover of

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prestigious Police uniform during his employment/deployment at Kohat Police & particularly at Police Station Usterzai, Kohat, in terms of his involvement into brutal murder of a senior army veteran namely Capt Ali Muhammad Bangash vide FIR-80 (u/s 302/34/109 PPC) dated 24 Mar 2013 (my father) & a feeble lady namely Hina Shahnawaz vide FIR-37 (u/s 302/34 PPC) dated 06 Feb 2017 (Honor Killing case). Maisam Ali hails from a criminal family, with countless criminal FIRs registered against him & his family members. Details of FIRs are as under -

*My Application to all is attached on Page 95-99*

a. **Details of FIR-80 (u/s 302/34/109 PPC) dated 24 March 2013 lodged at Police Station Usterzai, Kohat.**

- (1) FIR#80 was registered by myself as a Complainant for the brutal murder of my father namely Capt Ali Muhammad Bangash (a retired army officer/veteran). **Copy is attached on Page 39-41.**
- (2) Maisam Ali was charged for the murder of Capt Ali Muhammad Bangash (deceased) vide my CrPC-164 statement. **Copy is attached on Page 41.**
- (3) **1<sup>st</sup> Suspension Order.** That, Maisam Ali was suspended from service by Deputy Commandant KPK Police vide letter no - 4943-48/EF dated 03/4/13 has suspended Maisam Ali for his involvement in FIR#80. **Copy is attached on Page 54.**
- (4) That, later trial of case FIR#80 had been transferred from the Court of Session Judge Kohat to Court of Session Judge Peshawar by Honorable Peshawar High Court, Peshawar vide their Order dated 14 March 2014 on CMTA -53 /2013 for the security of Complainant & female Eye Witnesses. **Copy is attached on Page 42-44.**
- (5) **2<sup>nd</sup> Suspension Order.** That, Meisam Ali was again suspended from service by AIG Establishment Police vide 2<sup>nd</sup> Suspension Order No-1950-52 dated 16/2/2016 for his involvement in FIR#80. **Copy is attached on Page 55.**
- (6) That, trial in case FIR#80 was conducted at Session Courts Peshawar, wherein on 13 Oct 2020 ,Meisam Ali was convicted. As per statement of PWs and particularly by **DW-3 namely Atif Naeem, Madad**

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**Moharrar PS Usterzai Kohat** has categorically stated that Meisam Ali was missing from the duty at PS Usterzai Kohat at 19:30 hrs 23 March 13 , the time of occurrence also recorded by Complainant in FIR#80. **Copy is attached on Page 50-51**

- (7) **2<sup>nd</sup> Dismissal Order.** That, upon his conviction in Case FIR-80(u/s 302/34/109 PPC) dated 24 March 2013, DPO Kohat vide his Order - OB No- OB No-830 /5901-04 dated 24 November 2020 has issued Dismissal Order against Meisam Ali after conduct of thorough inquiry and issuance of Charge Sheet & Summary of Allegations to Meisam Ali to which he proffered no response. **Copy is attached on Page 53.**
- (8) That, Maisam Ali & other co-accused had filed an Appeal against their conviction before Honorable Peshawar High Court Peshawar in 2020, which was affixed on 28/2/24. Honorable Peshawar High Court Peshawar had not admitted the appeal, rather by disposing off the appeal, remanded the same to Session Judge Peshawar for making corrections of a minor anomaly; with regards to recording of triplicate copies of statements of all DWs against 3 x accused in its Order dated 28/2/23. Maisam Ali has falsely stated that his appeal was admitted by the Honorable Peshawar High Court, rather the case was remanded over a minor anomaly. **(Copies are attached with Appeal for Executive Order #EP-55 & Service Appeal No-224/2024)**
- (9) That, Maisam Ali & Co-accused were acquitted by the Court of Session Judge Peshawar vide his Order dated 16/9/23, on the same set of evidence as recorded earlier, without an iota of change in evidence, despite that Honorable Peshawar High Court has remanded the case over a minor anomaly of getting triplicate copies of the statements of all DWs. **(Copy is attached with Appeal for Executive Order #EP-55 & Service Appeal No-224/2024)**
- (10) That, Complainant namely Abbas Ali Bangash having felt aggrieved by the Order of Court of Session Judge Peshawar dated 16/9/23,

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accordingly filed a Criminal Appeal No-1398 against the acquittal of Maisam Ali and other co-accused on 03 Oct 2023 in Peshawar High Court Peshawar (Copy of the Institution slip dated 03 Oct 23 for filing Criminal Appeal No-1398 against acquittal is attached on Page 56 ). Honorable Peshawar High Court Peshawar vide Order dated 15 Feb 2024, has admitted the appeal with following order: *"the accused were acquitted on the charge on the same set of evidence. After hearing the learned counsel for the appellant, we are of the view that the case requires re-appraisal of evidence. Admit & Notice Bailable warrants of arrest in the sum of Rs 50,000/- with two sureties each in the like amount Bonds be issued against the accused/respondents to the satisfaction of Additional Registrar Judicial of this court. (Copy of the Order of Peshawar High Court Peshawar dated 15 /2/24 on Criminal Appeal No-13988 against acquittal is attached on Page 57-69 ).* This order inherently means that previous Order of Session Judge Peshawar dated 16/9/23 has been declared as Impugned /suspended. Conviction of Maisam Ali & other co-accused is now obvious/certain, after re-appraisal of evidence; hence he cannot be re-instated as case is under review by the Honorable High Court Peshawar.

b. Details of FIR-37 (u/s 302/34 PPC) dated 06 Feb 2017 at Police Station Usterzai Kohat - The Honor killing/Brutal Murder of a lady named Mst Hina Shahnawaz.

- (1) That, FIR#37 (u/s 302/34 PPC) dated 06 Feb 17 was registered at Police Station Usterzai, Kohat ; wherein Meisam Ali was charged for the brutal murder/Honor killing of Hina Shahnawaz by Complainant namely Farheen. Copy is attached as on Page 45
- (2) That, vide CrPC-164 Statement of Complainant in FIR#37, Meisam Ali was also charged for the murder of Mst Hina Shahnawaz. Copy is attached on Page 46-48

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- (3) **1<sup>st</sup> Dismissal Order.** Meisam Ali was dismissed from Police Service vide DPO Kohat Dismissal Order No-OB-426 dated 04/5/17 for his involvement in FIR#37. **Copy is attached on Page 52**

3. Details of Dismissal Orders, so far issued against Maisam Ali are as under:-

Ser	Details of Dismissal Orders	Brief Details
a.	1 <sup>st</sup> Dismissal Order No-OB-426 dated 04 May 2017	It was issued by DPO Kohat for his involvement in the murder of Hina Shahnawaz vide FIR-37(302/34PPC) dated 06 Feb 2017. In this connection Meisam Ali had filed Service Appeal No-1273/2017 & EP-55 for implementation of Executive Order.
b.	2 <sup>nd</sup> Dismissal Order by DPO Kohat OB No-830 /5901-04 dated 24 November 2020	It was issued by DPO Kohat upon his conviction in Case FIR-80(u/s 302/34/109 PPC) dated 24 March 2013. In this connection Meisam Ali has filed Service Appeal No-224/2024 before KPK Service Tribunal, which is pending till date.

4. That, trial of Co-Accused Mazhar Ali s/o Nadar Ali (uncle of Maisam Ali) directly charged in FIR#80, has been transferred from Kohat to Peshawar by Honorable Chief Justice Peshawar High Court Peshawar vide his Order dated 12 Jan 2024 on Cr Misc Transfer Application No-84-P/2023 due to life threats extended to myself and my family members by Maisam Ali & other co-accused. Accused Mazhar Ali remained an absconder for about 11 x years & now in judicial custody at Central Prison Peshawar. There is a strong possibility of coming forth countless incriminating evidences against Maisam Ali during trial of Accused Mazhar Ali. **Copy is attached on Page# 57-69.** *Criminal history 75-94*

5. **Prayer.** Keeping in view the above stated facts, the gross misconduct of Maisam Ali in terms of commission of 2 x murders by exploiting/misusing the Police uniform & in the light of existing laws & rules; his Service Appeals are void of merit & any substance; hence following is respectfully prayed in this regard :-

- a. Through a Court Order Sheet, permission may please be granted for proper institution of this miscellaneous Application by recognizing/admitting me as a potential Respondent in Service Appeal No- EP-55 & Service Appeal No-224/2024, as instituted by Maisam Ali. ***Being a direct affectee/victim of brutality/criminality of Ex Police Constable Maisam Ali, I would be able***

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***to assist this Honorable Service Tribunal about exact facts, which Maisam Ali has been hiding in his 3 x Service Appeals.***

- b. Through a Court Order Sheet, the facts highlighted & documents attached in this Miscellaneous Application may please be placed/brought on the record of Service Appeal for Executive Order No-EP-55 dated 09/1/2024 & Service Appeal No-224/2024 instituted on 19/1/2024.
- c. Service Appeal No- EP-55 as instituted by Maisam Ali for securing his back date benefits may please be dismissed as the case is still under judicial review by the Honorable Peshawar High Court Peshawar, as evident from its Order dated 15/2/24 on Criminal Appeal No-1398 against acquittal of Maisam Ali & others. He committed the murder of Capt Ali Muhammad Bangash (deceased) on 23 March 2013 vide FIR#80 , hence he is not entitled for any back date benefit.
- d. Service Appeal No-224/2024 as filed by Meisam Ali may be dismissed as the case is still under judicial review by the Honorable Peshawar High Court Peshawar as evident from its Order dated 15/2/24 on Criminal Appeal No-1398 filed by the Complainant against acquittal of Maisam Ali.
- e. Maisam Ali has a criminal history, hence his reinstatement into Department of KPK Police would pose enormous security threats to myself, 17 x PWs in the ongoing trial of his uncle Accused Mazhar Ali , particularly 2 x Female Eye Witnesses (my sisters) & people of the area as he has committed 2 x murders in the jurisdiction area of Police Station Usterzai, Kohat. His re-instatement may potentially lead to further heinous offences/crimes by him in the area, under the garb of Police uniform. It is also the question of public safety against the criminal mindset of Maisam Ali.

Petitioner-In-Person



(Abbas Ali Bangash)

12 March

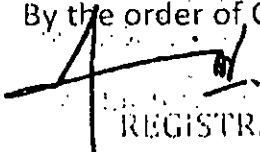
Dated : 2024

COURT PETITION

Form-A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 55 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.01.2024	<p>The implementation petition of Mr. Mehsam Ali submitted today by Mr. Hassan U.K Afridi Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____ Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to the counsel for the petitioner.</p> <p style="text-align: right;">By the order of Chairman    REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Mehsana Ali v/s IGP KPK

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974, Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Hassan UK Asidi  
 Signature: \_\_\_\_\_  
 Dated: 9-1-2024

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

Execution petition No. 55 /2024

In

Service Appeal No.1273/2017

Mehsam Ali S/o Raiz Ali,  
R/o Ustarzai, Kohat (Constable No.1192)

.....Appellant/Applicant

**V E R S U S**

Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar & others.....Respondents

**I N D E X**

S#	Description of Documents	Annex	Pages
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Through

Appellant

Dated 09.01.2024

**Hassan U.K Afridi**  
Advocate Supreme Court  
Cell No.0300-9151963

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

Execution petition No. 55 /2024  
In Service Appeal No.1273/2017

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10454

Dated 09-1-2024

Mehsam Ali S/o Raiz Ali,  
R/o Ustarzai, Kohat (Constable No.1192)  
District Police Kohat.....Appellant/Applicant

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
3. District Police Officer, Kohat.....Respondents

**APPLICATION FOR IMPLEMENTATION/  
COMPLIANCE OF JUDGMENT/ORDER OF  
THIS HON'BLE TRIBUNAL VIDE DATED  
01.07.2020**

**Respectfully Sheweth:-**

1. That the applicant/appellant has filed service Appeal before this Hon'ble Tribunal, which was decided in favour of applicant vide judgment dated 01.07.2020. **(Copy of judgment is attached).**
2. That the applicant/appellant was reinstated but the intervening period has treated as un-authorized

leave without pay, which is without jurisdiction and illegal.

3. That the applicant/appellant then filed application for compliance of the order of this Hon'ble Tribunal but in vain.
4. That the respondent turn deaf ear and not interested to implement the judgment of this Hon'ble Tribunal.
5. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is, therefore most humbly prayed that on acceptance of this application the respondents may kindly be directed to implement the judgment dated 01.07.2020 of this Hon'ble Tribunal and awarded the back benefit from 05.04.2017 to 27.07.2020.



Appellant

Through



Hassan U.K. Afridi

Advocate Supreme Court

Dated 09.01.2024

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

Execution petition No. \_\_\_\_\_/2024

In  
Service Appeal No.1273/2017

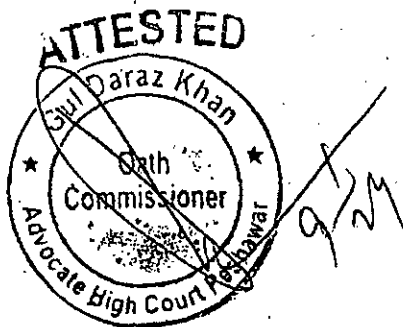
Mehsam, Ali S/o Raiz Ali,  
R/o Ustarzai, Kohat (Constable No.1192)  
.....**Appellant/Applicant**

**VERSUS**

Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar & others.....**Respondents**

**AFFIDAVIT**

I, Mehsam Ali S/o Raiz Ali, R/o Ustarzai, Kohat (Constable No.1192), do hereby solemnly affirm and declare on oath that the contents of the accompanying **Execution petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Mehsam Ali*  
**DEPONENT**

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

C.M.No. \_\_\_\_\_/2024  
in Execution petition No. \_\_\_\_\_/2024  
In  
Service Appeal No.1273/2017

Mehsam Ali S/o Raiz Ali,  
R/o Ustarzai, Kohat (Constable No.1192)  
.....**Appellant/Applicant**

**V E R S U S**

Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar & others.....**Respondents**

**APPLICATION FOR CONDONATION OF**  
**DELAY IF ANY**

**Respectfully Sheweth:-**

1. That the execution petition has being filed before this Hon'ble Tribunal with the present application, which has bright chance to succeed.
2. That the appellant/applicant was behind the bar in one criminal case from 13.10.2020 till 28.02.2023 for the reason, the present execution petitioner has been filed after three years.
3. That the delay to file execution petition is not intentional.
4. That there is no legal bar in the way, for execution/ compliance of the judgment of Hon'ble Tribunal.



5. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is therefore humbly prayed that on acceptance of this application, the delay to file execution petition, if any, may kindly be ordered to condone.

*M. Ram Ali*

Appellant

Through

**Hassan U.K Afridi**  
Advocate Supreme Court

Dated 09.01.2024

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

C.M No. \_\_\_\_\_/2024  
in Execution petition No. \_\_\_\_\_/2024  
In  
Service Appeal No.1273/2017

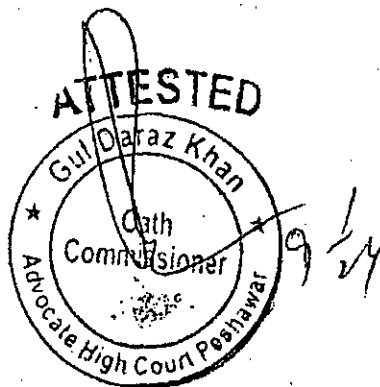
Mehsam Ali S/o Raiz Ali,  
R/o Ustarzai, Kohat (Constable No.1192)  
.....**Appellant/Applicant**

**VERSUS**

Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar & others.....**Respondents**

**AFFIDAVIT**

I, Mehsum Ali S/o Raiz Ali, R/o Ustarzai, Kohat  
(Constable No.1192), do hereby solemnly affirm and  
declare on oath that the contents of the accompanying  
**condonation of delay** are true and correct to the best of  
my knowledge and belief and nothing has been  
concealed from this Hon'ble Court.



*Mehsum Ali*  
**DEPONENT**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

Service Appeal No. 1273 /2017

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1313

Dated 15-11-2017

Mehsam Ali S/o Raiz Ali,  
R/o Ustarzai, Kohat (Constable No. 1192).....Appellant

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Kohat
3. District Police Officer, Kohat.....Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER  
 PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
 1974, AGAINST THE IMPUGNED ORDER OF  
 DISMISSAL OF THE APPELLANT FROM  
 SERVICE OF THE RESPONDENT NO.3  
 DATED 04.05.2017, WHEREBY THE  
 REPRESENTATION/DEPARTMENTAL APPEAL  
 OF THE APPELLANT WAS UNANSWERED,  
 AND REVISION FILED BY THE APPELLANT,  
 VERBALLY REJECTED ON 18.10.2017  
 WHICH ARE AGAINST LAW AND JUSTICE  
 AND LIABLE TO BE SET ASIDE.

Filed to-day  
 Registrar  
 15/11/17

**ATTSTED**

**ATTSTED**

*[Signature]*  
 MEMBER  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

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

Service Appeal No. 1273 /2017

Mehsam Ali.....Appellant

**V E R S U S**

Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar & others... Respondents

**I N D E X**

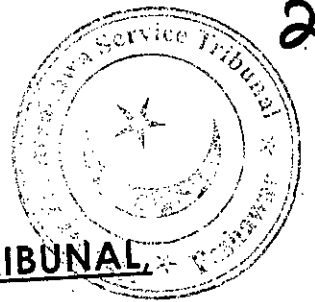
S#	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-7
2.	Application for condiation alongwith affidavit		8-10
3.	Addresses of parties		11
4.	Appointment order		12-13
5.	Copy of FIR		14-15
6.	Copy of 164 Statement		16-18
7.	Naqal Mad 8, 21, 33		19-21
8.	Charge sheet, statement of allegation		22-23
9.	Reply to charge sheet		24
10.	Copy of impugned order dt.04.05.2017		25
11.	Departmental Appeal dt.16.05.2017		26-29
12.	Copy of revision dated 10.09.2017		30-31
13.	Appearance order of appellant dated 17.10.2017		32
14.	Affidavit of Imtiaz Ali		33-34
15.	Release of appellant on bail 05.04.2017		35-40
16.	Order of High Court in B.C.A		41-44
17.	Application for getting inquiry report		45
18.	Wakalatnama		46

Appellant

Through

Dated 15.11.2017

**Hassan U.K Afridi**  
Advocate High Court  
Cell No.0300-9151963



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

Khyber Pakhtunkhwa  
Service Tribunal

Service Appeal No. 1273 /2017

Diary No. 1313

Dated 15-11-2017

Mehsam Ali S/o Raiz Ali,  
R/o Ustarzai, Kohat (Constable No.1192).....**Appellant**

**VERSUS**

1. Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar
2. Deputy Inspector General of Police, Kohat
3. District Police Officer, Kohat.....**Respondents**

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974, AGAINST THE IMPUGNED ORDER OF  
DISMISSAL OF THE APPELLANT FROM  
SERVICE OF THE RESPONDENT NO.3  
DATED 04.05.2017, WHEREBY THE  
REPRESENTATION/DEPARTMENTAL APPEAL  
OF THE APPELLANT WAS UNANSWERED,  
AND REVISION FILED BY THE APPELLANT,  
VERBALLY REJECTED ON 18.10.2017  
WHICH ARE AGAINST LAW AND JUSTICE  
AND LIABLE TO BE SET ASIDE..**

Filed to-day

Registrar

15/11/17

Certified to be true copy

  
Registrar,  
Peshawar

Prayer in Appeal:-

On acceptance of this appeal, the impugned order vide dated 04.05.2017 passed by the respondent No.3, may kindly be set aside and the appellant may please be re-instated in service with all back benefit.


Any the relief, the Honourable Court may deem fit for the safe administration of justice

Respectfully Sheweth:-

**Facts of the case**

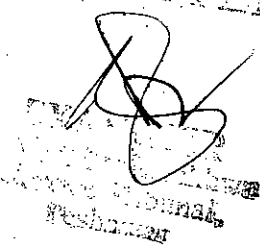
1. That the appellant was appointed as Constable in the police Department in District Kohat on 26.07.2007. (Copy of the Service card is attached).
2. That from the date of appointment, the appellant performed his duties well and to the entire satisfaction of the supervision.
3. That the record of the appellant is outstanding.

ATTACHED



District Police Officer  
 District Kohat,  
 Peshawar

4. That an FIR No.37, dated 06.02.2017 U/S 302 PPC has been lodged by the complainant, namely Mst. Farheen Shah, against the other persons, but later on in the statement u/s 164 of Cr.P.C dated 14.02.2017, the appellant has been charged by the some complaint.
5. That the appellant was locked in for quarter guard on 13.02.2017, and later on charge sheet has been issued to the appellant for the said offence, and without any regular and proper inquiry and without any show cause notice the appellant has been dismissed from the service on 04.05.2017. (Copy of the impugned order is attached).
6. That feeling aggrieved from the order of dismissal, vide dated 04.05.2017, the appellant filed departmental representation/appeal before the respondent No.2, on 16.05.2017 but this was unanswered. And on 10.09.2017, the appellant filed revision, and the appellant was called on 18.10.2017 and verbally denied the revision, hence the Service Appeal on the following amongst the other grounds:

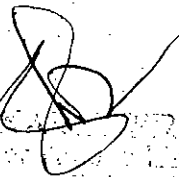
**ATTESTED**

Witness  
Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**GROUNDS:**

- A. That the impugned order of dismissal vide dated 04.05.2017 is against law and justice and is liable to be set aside.
- B. That the appellant has not been dealt in accordance with law and rules.
- C. That the disciplinary proceedings initiated against the appellant is not according to law and rules.
- D. That no Show Cause Notice has been issued to the appellant.
- E. That the inquiry has not been conducted in accordance with law and the allegation leveled against the appellant have not been proved.
- F. That the appellant has not been charged in FIR , but later on he has been charged in the statement recorded u/s 164 of Cr.P.C, while the appellant has been released on bail, while the BCA filed by the complainant also dismissed.

**ATTESTED**

  
Khyal Singh  
Senior Tinsal,  
Peshawar

G. That the appellant has been charged on malafide and no connection/corroboration has been



proved, of the appellant, with the commission of offence.

H. That the appellant has been locked up in quarter guard on 13.02.2017, while, he has been charged on 14.02.2017, which clearly shows the malafide in the part of the respondents.

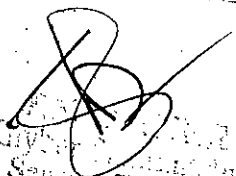
I. That opportunity of defence has not been given to the appellant.

J. That one eye witness in the FIR has given an affidavit, regarding the absence of appellant.

K. That the appellant is innocent, and has been charged malafidely in the criminal case and also initiated disciplinary proceeding malafidely and without any proof, further that behind all these malafide actions one army person, also involved.

L. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

ATTENDED

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

It is, therefore most humbly prayed that On acceptance of this appeal, the impugned order

vide dated 04.05.2017 passed by the respondent No.3, may kindly be set aside and the appellant may please be re-instated in service with all back benefit.

Any the relief, the Honourable Court may deem fit for the safe administration of justice

*[Handwritten Signature]*  
Appellant

Through

*[Handwritten Signature]*  
Hassan U.K Afridi  
Advocate High Court

Dated 15.11.2017

**ATTENDED**  
*[Handwritten Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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

Service Appeal No. \_\_\_\_\_/2017

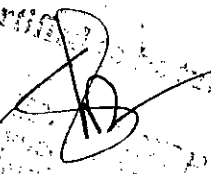
Mehsam Ali.....Appellant

**V E R S U S**

Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar & others... Respondents

**A F F I D A V I T**

I, Mehsam Ali S/o Raiz Ali, R/o Ustarzai, Kohat (Constable No.1192), do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

  
 Certified true copy  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

  
**DEPONENT**

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

Service Appeal No. 1273 /2017

Mehsam Ali.....Appellant

**V E R S U S**

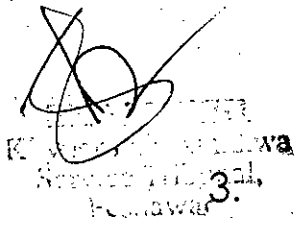
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar & others...Respondents

**APPLICATION FOR CONDONATION OF**  
**DELAY**

**Respectfully Sheweth:**

1. That the appellant filed with this application the service appeal which has bright chance to succeed.
2. That the impugned order, passed on 04.05.207 and departmental appeal filed on 16.05.2017, and when no reply of departmental appeal received to the appellant then he filed a revision, on 10.09.2017, and he was called on 18.10.2017, and verbally told to appellant that his revision has been rejected and hence filed the service appeal on 15.11.2017.

**ATTESTED**



3.

That even the impugned order is void as no Show Cause Notice has been issued so no limitation rules against void order.

- 4. That the case of the appellant is prima facie and having a bright chance to succeed.
- 5. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court

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

*Dr. Am Ali*  
Appellant

Through

*Hassan U.K Afridi*  
Advocate High Court

Dated 15.11.2017

*Dr. Am Ali*  
Certificate of Authenticity  
I hereby certify that this is a true copy of the original document.  
Signature of the Appellant  
Date: 15/11/2017

Date of Presentation: 28-3-18  
 Number of Pages: 3600  
 Copying Fee: 18  
 Urgent: 2  
 Total: 20  
 Name of Counsel: *Hassan U.K Afridi*  
 Date of Case: 28-3-18  
 Date of Filing: 28-3-18

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

Service Appeal No. \_\_\_\_\_/2017

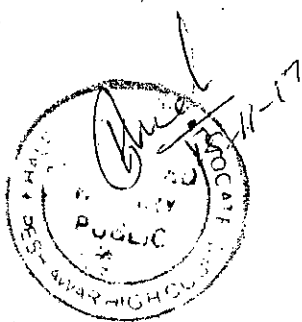
Mehsam Ali.....Appellant

**VERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar & others... Respondents

**AFFIDAVIT**

I, Mehsum Ali S/o Raiz Ali, R/o Ustarzai, Kohat (Constable No.1192), do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Mehsum Ali*  
**DEPONENT**

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

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10676

Dated 19-1-2024

Service Appeal No. 224/2024

Maisam Ali Son of Riaz Ali  
 R/o Ustarzai Payan, District Kohat  
 Ex-Constable No.963, Kohat.....**Appellant**

**V E R S U S**

1. Inspector General of Police (I.G.P), Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police (D.I.G), Kohat Region Kohat (Regional Police Officer Kohat Region Kohat)
3. District Police Officer (D.P.O), Kohat  
 .....**Respondents**

**SERVICE APPEAL UNDER SECTION 4 OF THE  
 KHYBER PAKHTUNKHWA SERVICE  
 TRIBUNAL ACT, 1974, AGAINST THE  
 IMPUGNED ORDER VIDE DATED  
 24.11.2020 PASSED BY THE RESPONDENT  
 NO.3 WHEREBY THE APPEAL FILED BY THE  
 APPELLANT BEFORE THE RESPONDENT  
 NO.2 DISMISSED ON 22.12.2023, WHILE  
 BOTH THE IMPUGNED ORDERS AS  
 MENTIONED ABOVE ARE AGAINST LAW  
 AND LIABLE TO BE SET ASIDE.**

**Prayer in Appeal:-**

On acceptance of this service appeal, the impugned order passed by the respondent No.3 vide dated 24.11.2020 and impugned order passed by the respondent No.2 vide dated 22.12.2023 may kindly be set aside and the appellant please be reinstated in service with all back benefits.

Any other relief, deemed fit and necessary in the given circumstances of the case may also be awarded in favour of the appellant was against respondents

**Respectfully Sheweth:-**

Facts of the case

1. That the appellant was appointed as Constable in the police department in District Kohat on 26.07.2007.
2. That from the date of appointment, the appellant performed his duty well and to the entire satisfaction of the authorities.



3. That the appellant was charged in the FIR No.80, dated 24.03.2013, charged under section 302, 109, 34, PPC of Police Station Ustarzai District Kohat.
4. That the charge sheet and statement of allegations have been served to the appellant due to the said criminal case, on 12.04.2013 and after that inquiry was also conducted and according to the finding of inquiry "from the inquiry so far conducted and keeping in view the stage of trial of the instant case, it would be the fitness of things that the decision of the case by Hon'ble Court of law to meet the ends of justice once for all and properly.
5. That the appellant was also suspended due to the above case, vide dated 03.04.2013, but later on the appellant was reinstated vide dated 17.10.2014 and the appellant performed his duty but all of the sudden the appellant again suspended vide dated 16.02.2016 till now.

6. That the trial of criminal case was commenced and the appellant after conclusion of trial, convicted U/S 302 (b) and sentenced to imprisonment for life by the Session Judge, Peshawar vide order dated 13.10.2020.
7. That the appellant filed appeal before the Peshawar High Court Peshawar which was allowed vide dated 28.02.2023 and the case was remanded for fresh decision and the appellant was released.
8. That the appellant then acquitted by the Session Judge, Peshawar vide order dated 16.09.2023.
9. That when the appellant was convicted then the re-inquiry was conducted, after serving charge sheet again to the appellant although the appellant was in jail, but the appellant has been dismissed from the service upon conviction vide dated 24.11.2020.
10. That when the appellant has acquitted from the charges levelled against him vide order dated 16.09.2023, then he filed departmental

appeal on 11.10.2023, which has been rejected on 22.12.2023 while the decision received by the appellant on 29.12.2013, hence this service appeal on the following amongst the other grounds:

**GROUND S:**

- A. That the impugned order passed by the respondent No.3 vide dated 24.11.2020, and impugned order passed by the respondent No.2 vide dated 22.12.2023 are against the law and justice and are liable to be set aside.
- B. That the appellant has not been dealt in accordance with law and rules.
- C. That the disciplinary proceedings initiated against the appellant is not according to law and rules as laid down in service law.
- D. That inquiry was conducted in the year 2013 and according to that inquiry, the fate of the appellant was left over to the decision of the competent court of law.

6

- E. That the second inquiry was conducted in absence of the appellant, as the appellant was in jail and the appellant has been dismissed on the basis of conviction announced vide dated 13.10.2020, but later on the appellant acquitted from the charge levelled against him vide dated 16.09.2023 but instead of that the departmental appeal has dismissed vide dated 22.12.2023 by the respondent No.2, which is unbelievable and unjust.
- F. That no opportunity of defence has been given to the appellant, in second inquiry, while the second inquiry is against law /rules.
- G. That the second inquiry conducted in absence of the appellant because the appellant was in jail.
- H. That the appellant has acquitted from the above mentioned case, and according to the finding of inquiry officer in the year 2013, the

appellant is very much entitled for reinstatement with all back benefits.

- I. That the delay of filing departmental appeal is due to the prison of appellant in jail and further the appellant waited for the final decision of competent court of law and when the appellant acquitted on 16.09.2023 then he filed departmental appeal on 11.10.2023, because the appellant has been dismissed by the respondent No.3 on the basis of conviction vide dated 13.10.2022.
- J. That the appellant was suspended on 03.04.2023 due to the criminal case, but after inquiry he was reinstated on 17.10.2014, surprisingly he was again suspended on 16.02.2016 and such suspension order is still alive which is against law /rules.
- K. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is, therefore most humbly prayed on acceptance of this service appeal, the impugned order passed by the respondent No.3 vide dated 24.11.2020 and impugned order passed by the respondent No.2 vide dated 22.12.2023 may kindly be set aside and the appellant ay please be remanded in service with all back benefits.

Any other relief, deemed fit and necessary in the given circumstances of the case may also be awarded in favour of the appellant was against respondents

Through Appellant

Dated 19.01.2024

  
Hassan U.K. Afridi  
Advocate  
Supreme Court of Pakistan

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

Service Appeal No. \_\_\_\_\_/2024

Maisam Ali.....Appellant

**V E R S U S**

Inspector General of Police (I.G.P), Khyber Pakhtunkhwa,  
Peshawar & others.....Respondents

**A F F I D A V I T**

I, Maisam Ali Son of Riaz Ali R/o Ustarzai Payan,  
District Kohat Ex-Constable No.963, Kohat, do hereby  
solemnly affirm and declare on oath that the contents of  
the accompanying **Service Appeal** are true and correct  
to the best of my knowledge and belief and nothing has  
been concealed from this Hon'ble Court.

**ATTESTED**  
Gul Daraz Khan  
Oath  
Commissioner  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*Maisam Ali*

**DEPONENT**

ایڈیٹور پولیس میگزین

# ایڈیشن اطلاعاتی رپورٹ

نمبر ۳۱۰۵۰

کوئٹہ

(قائمی) ایڈیشن اطلاعاتی رپورٹ نمبر ۳۱۰۵۰ مجموعہ مضامین نو مئی ۲۰۰۲ء

میں سے کوئٹہ

مختار السزئی

تاریخ وقت ۲۳/۳/۰۲ وقت ۱۹:۳۰ بج

نمبر ۸۰

۱.	تاریخ وقت رپورٹ ۲۴/۳/۰۲ وقت	۰۹:۰۵ بج
۲.	نام و سکونت اطلاع دہندہ و مینٹ	میجر عباس علی بنگس لوہڑی کھنڈہ علی ٹیڈ بنگس سکسٹھ ایئر بی یو
۳.	مختصر کیفیت جرم (موردہ) حال اگر کچھ باگیا ہو	۱۰۹-۳۴-۳۰۲/۲
۴.	جائے وقوع فاصلہ مقام سے اور سمت	سررحانہ حقیر علی ٹیڈ بنگس، واقعہ ایئر بی یو کھنڈہ علی ٹیڈ بنگس سکسٹھ ایئر بی یو
۵.	نام و سکونت مشا ذرا ذرا انتشار علی عرف	دست فہم علی (ڈی) ریاض علی لیبر ان نادری سکسٹھ ایئر بی یو
۶.	کارروائی پوئیش کے تعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔	رپورٹ درجہ ۱۲۰۰ دیا جائے
۷.	مقام سے روانگی کی تاریخ و وقت	بطور سب رپورٹ

ابتدائی اطلاع نچھ درجہ کوئٹہ مینٹ چانہ مرے، اموی  
 ہما اکبر بھٹی ولدہ مشغول کیشن رہنما علی ٹیڈ بنگس لوہڑی کھنڈہ علی ٹیڈ بنگس سکسٹھ ایئر بی یو  
 یا بیان ایئر بی یو رپورٹ کرنا چھک میں پاکستان ایئر بی یو نمبر PA 37644 میجر عباس علی بنگس  
 بنگس ۳۶/۳۷ سال ولدہ بنگس رہنما علی ٹیڈ بنگس سکسٹھ ایئر بی یو ایئر بی یو درجہ ۱۲۰۰  
 خواتین یہ بیان پولیس سٹیشن ایئر بی یو یا بیان میں تھانہ کوئٹہ میں ۲۰ بجے ۱۶:۲۰ بجے  
 موزم ۳۷ تاریخ سال ۱۹۷۸ کو میجر عباس علی بنگس نے سررحانہ حقیر علی ٹیڈ بنگس سکسٹھ ایئر بی یو  
 رپورٹ دی کہ سررحانہ حقیر علی ٹیڈ بنگس کو خورم چھہ حاج واقعہ ایئر بی یو کھنڈہ علی ٹیڈ بنگس سکسٹھ ایئر بی یو  
 یا بیان میں واقعہ ہے کہ نزدیک بنگس اسلام الشن مارٹن بنگس کے تھانہ کوئٹہ میں ۱۹:۲۵ بجے  
 اس وقت راولپنڈی میں واقعہ ہے کہ میں ۱۹:۲۵ بجے میں ۱۹:۲۵ بجے میں ۱۹:۲۵ بجے میں ۱۹:۲۵ بجے  
 درجہ ۱۲۰۰ تاریخ ۱۳۸۵ کو کھنڈہ علی ٹیڈ بنگس ۱۹:۲۵ بجے میں ۱۹:۲۵ بجے میں ۱۹:۲۵ بجے میں ۱۹:۲۵ بجے  
 کھنڈہ علی ٹیڈ بنگس کا بائیس طرف والا دروازہ رورڈ بنگس کھنڈہ علی ٹیڈ بنگس سکسٹھ ایئر بی یو  
 درجہ ۱۲۰۰ کھنڈہ علی ٹیڈ بنگس کا بائیس طرف والا دروازہ رورڈ بنگس کھنڈہ علی ٹیڈ بنگس سکسٹھ ایئر بی یو  
 سالی میں دی مٹر والی کھنڈہ علی ٹیڈ بنگس کھنڈہ علی ٹیڈ بنگس کھنڈہ علی ٹیڈ بنگس کھنڈہ علی ٹیڈ بنگس  
 منڈی کوئٹہ میں کھنڈہ علی ٹیڈ بنگس کھنڈہ علی ٹیڈ بنگس کھنڈہ علی ٹیڈ بنگس کھنڈہ علی ٹیڈ بنگس  
 کھنڈہ علی ٹیڈ بنگس کھنڈہ علی ٹیڈ بنگس کھنڈہ علی ٹیڈ بنگس کھنڈہ علی ٹیڈ بنگس کھنڈہ علی ٹیڈ بنگس  
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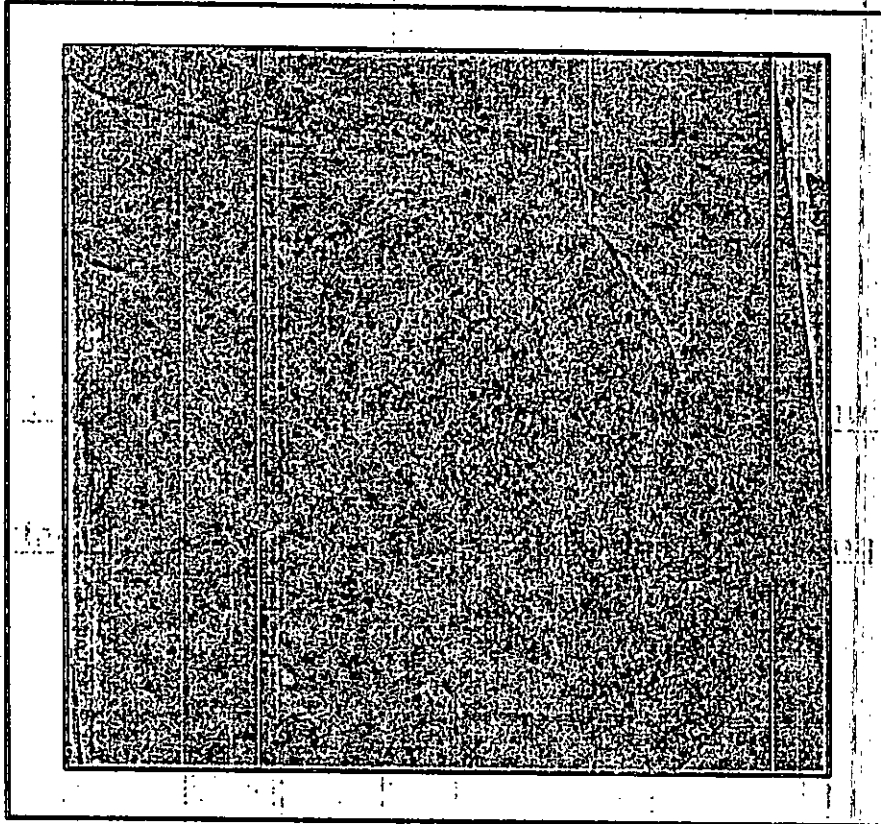




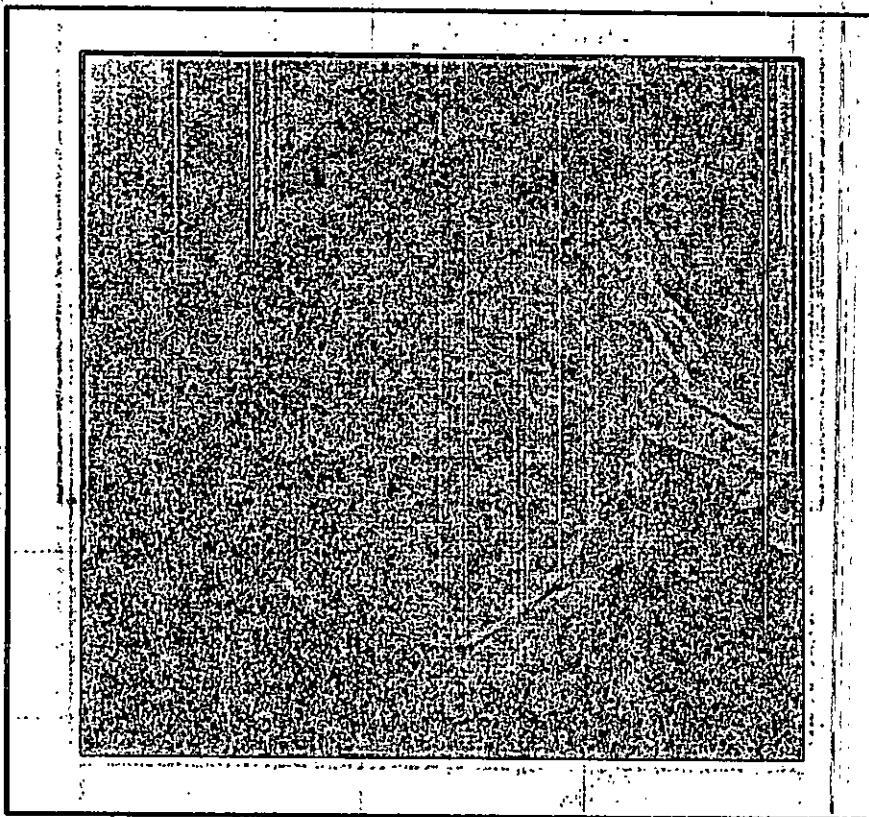
Extent of brutality of Accused Zulfiqar Ali alias Bhutto and his relatives

60

Brutal murder of Deceased - Captain Ali Muhammad Bangash (Retd),  
Pakistan Army



Shot 12 x bullets and a bullet in head



Supplementary Statement of Major Abbas Ali Bangash s/o Ali Mohammad Bangash (deceased) aged about 36/37 years r/o Usterzai Payan Kohat (complainant) u/s 164 Cr.PC on oath:-

Stated that in the FIR, I had charged Zulfiqar Ali alias Bhutto, Riaz Ali, Mazhar Ali s/o Nadir Ali r/o Usterzai Payan for the murder of my father Capt(R) Ali Muhammad Bangash. Through reliable/confirmed sources/information, I have come to know that Constable Maisam Ali of Elite Police Force also fired at my father. Constable Maisam Ali was seen present around the scene of murder of my father around 19.00 hours on 23<sup>rd</sup> March 2013 by number of people. In order to carry out thorough investigation of the case, it is requested that Constable Maisam Ali of Elite Force be arrested so that Police is able to investigate him. I also produce 3 x photocopies of the complaints of my father which he addressed to various officials/court with regards to the life threats given to him by Zulfiqar Ali alias Bhutto and his brothers. It will amply establish the cause and motive behind the murder of my father. 2 x photocopies of the court proceedings of the legal case on "Illegal occupation of the shamilat" by Zulfiqar Ali alias Bhutto is also enclosed. This is my statement.

RO&AC  
30.03.2013

Major Abbas Ali Bangash  
CNIC No. 71103-1779702-1

  
(AFTAB IQBAL)  
JM-VI Kohat

Certified u/s 164 Cr.P.C.

  
(AFTAB IQBAL)  
JM-VI, Kohat

JUDGMENT SHEET  
PESHAWAR HIGH COURT, PESHAWAR.  
JUDICIAL DEPARTMENT

C.M./T.A. No. 53 of 2013

JUDGMENT

Date of hearing 14-3-2014

Appellant Major Abbas Ali Bangash Petitioner in person.

Respondent Syed Muzakir Hussain Advocate for respondent.  
Wasim Ahmad Khan AAG. For State.



MIAN FASIH-UL-MULK, CJ.- Through instant application, petitioner Major Abbas Ali Bangash seeks transfer of trial in case FIR No.80 dated 24.03.2013 under Section 302/34/109 PPC, Police Station Usterzai, Kohat from the Court of Sessions Judge Kohat to some other Court in the Province in view of imminent and serious threats to his life and lives of eyewitnesses.

2. As per contents of application, father of petitioner namely Captain Ali Muhammad Bangash was murdered for which accused Riaz Ali, Mazhar Ali, Meisam Ali and Zulfiqar Ali alias Bhutto were charged by petitioner/complainant. Motive was over shamilat of deh, as father of petitioner had filed a civil suit in this regard. Petitioner is an Army Officer posted at GHQ Rawalpindi and has received various threats from the accused party for which

ATTESTED  
EXAMINER  
Peshawar High Court  
19 NOV 2016



petitioner in writing informed the local police but no positive steps have been taken so far; hence life of petitioner and eyewitnesses would remain in danger if trial of the case is conducted at Kohat.

3. Arguments heard and record perused.

4. At page 44 of the file is a copy of complaint submitted to the Magistrate by deceased father of petitioner against accused wherein it was stated that the accused party is compelling him to withdraw the civil suit. At Page 45 are the bail bonds which the accused submitted under Section 107 Cr.P.C for keeping good behaviour. Despite that, father of petitioner was murdered and accused-party was charged for the same. Similarly, petitioner has in writing informed the high-ups of police and Government authorities about the threats given to him by accused party, copies whereof are available at Pages 46 to 64 of the file.

5. Learned AAG appearing on behalf of the State, keeping in view the above circumstances of the case, has expressed his no objection if trial in the case is conducted some where outside District Kohat.

6. Learned counsel for respondents though opposed the transfer of case but could not convince this Court regarding the

ATTESTED  
EXAMINER  
Peshawar High Court  
19 NOV 2016

*Th*

imminent threat to the life of complainant and female eyewitnesses especially in view of the history of case and documentary evidence available on file.

7. For the aforesaid reasons, this application is accepted and trial of the case is transferred from the Court of Sessions Judge, Kohat to the Court of Sessions Judge, Peshawar. The D.P.O Kohat is directed to ensure the safe travel of female eyewitnesses as and when required by the trial Court. The learned Sessions Judge, Peshawar is directed to conduct trial in the case on urgent basis.

Announced  
14.03.2014

*[Signature]*  
CHIEF JUSTICE

**CERTIFIED TO BE TRUE COPY**  
EXAMINER  
Peshawar High Court, Peshawar  
Authorised Under Article 17 of  
The Courts Act, 1973  
19 NOV 2016

No. 6946  
Date of Presentation of Application 27/10/16  
No of Pages 15  
Copying fee 100  
Urgent Fee 200  
Total 300  
Date of Preparation of Copy 18/11/16  
Date Given For Delivery 18/11/16  
Date of Delivery of Copy 21/11/16  
Received By [Signature]



زبرد عاقبت لستیل محمد انجاء ۱۳۱۱ھ میں لکھی گئی ہے  
 دھول دیوٹ سے دو تہہ ہلائی باقی باقی ہے خدا سے دعا ہے  
 حضور لکھنؤ ہسپتال دیوٹ لکھنؤ میں خلیل خاں صاحب نے  
 دہلی صاحب نے لکھی ہے، حضور میں لکھی ہے، لکھنؤ میں لکھی ہے  
 خیرد خان ۱۳۱۱ھ میں لکھی ہے، لکھنؤ میں لکھی ہے، لکھنؤ میں لکھی ہے  
 عارف دوح ہلا لکھی ہے، لکھنؤ میں لکھی ہے، لکھنؤ میں لکھی ہے  
 حضور میں لکھی ہے، لکھنؤ میں لکھی ہے، لکھنؤ میں لکھی ہے

D. J. S. S. I.  
 H. K. P. S. S. I.  
 6. 3. 17

اسرار

دستخط  
 عہدہ

اطلاع کے لیے اطلاع دینا کہ دستخط ہوگا یا اس کی ہر یا نشان لگایا جائے گا۔ اور انہی تحریر کنہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔  
 حروف الفبا ب سرخ روشنائی سے بالمقابل نام پرنک ملزم یا مشہر علی الترتیب واسطے باشندگان علاقہ لکھنؤ یا وسط ایشیا یا افغانستان چاہا اور  
 لکھا جائے۔



بیان شہداء حسینؑ تان بیرون شہم عیاس دقتہ شہوار

164 من ف

ملف بیان کما کہ مؤلفہ حنا شہراز

پری سنائی سرف 6/2/2017 کو گروا ہم اشرفی

پری سرف سنی جیلہ میں ادبہر ولے پور سنی سرف سنی

ادبہر سرف صغیرہ حنا سرف ہم اہ سنی۔ اس دوران حنا دار

ام سرف عالم ولہ تہ عالم کڈر سرف آیا اور حنا لو سرف

کہ حنا تہ عالم سنی اے سرف حنا سرف سرف سنی

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12/2/17  
Kanal

سے کلمے اور شہم علی ہی باسلم موجود ہے۔ - صفحہ 10  
کو گولیاں مارنے کے بعد سادہ عالم اور معلم علی مہر سے  
مکہ آئے اور صفحہ 11 کا کہ تم نے دعویٰ کی رپورٹ  
بھیجی ہے۔ ہم فوراً جاننے کا سہاگے۔ - مسلمانوں کے گھر سے

0922-580218  
فلپائن کے لیبر میں سے تمہارے کئی خوں ہم  
برائے شہادت کے خوں یا ازرق دعویٰ کا کیا گیا۔ - کچھ دنوں کے بعد  
رہیں، آئی کو یہ ہے دربارہ تمہارے خوں کیا اور نہ کیا

کہ میرے علاوہ کسی کے پاس رپورٹ درج نہیں  
کیوں کہ مجھے اتنے سے تمہارے مسلمانوں کا کدو نہیں علم رپورٹ  
درج ہوگی۔ - بہر حال ایک گھنٹے کے بعد لوگوں آگے۔

اس دوران مسلمانوں کے لئے موجود رہے اور صفحہ 12 سے  
نام نقل سے منع کیا۔ - میں صحت نہ کے نام آئی اور لوگوں  
کو لگے اندر بلا لیا۔ Stho نامہ میں دو تین لوگوں ایسٹڈوں  
کے ساتھ اندر آیا۔ - لوگوں کو یہ سارے دعویٰ کا کیا گیا

دوران بیان مسلمانوں سے چار، معلم علی، سادہ عالم کان  
بہر دور رہے اور صفحہ 13 سے کہ چاہے نام، لوگوں  
تعمیر سے تمام مسلمانوں

کا Stho کو کیا گیا۔ - لیڈر فیکری رپورٹ سرکار  
Stho کے صفحے سے دستاویز - جو اب میں ہر سے  
بڑھ چکے تھے اور اس میں تامل تھی کہ ایسا بیان  
تعمیر کے لئے لیا گیا ہے کہ یہ بیان ہر دستاویز

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

میں کے سن دن لم سنم 2017 کے 9 کو SP اس کیس میں سارا  
 کان بھارتے مگر آئے اور واقعے کی تفصیل مجھے پڑھی۔ جسے  
 سارا باہر افس میں سارا SP مامیٹے کہا کہ ایک  
 رپورٹ میں کو حرف ایک سٹریٹ میں جو دو گ کاڑ ہے  
 لہذا ان افسوں نے مجھے کہا کہ اس بات پر بیان رد ہر  
 عدالت میں کریں۔ میں سارا داری کی سارا مگر سے  
 میں نکل سکتی تھی دوسرا میرے کان کو خطرات لاحق ہے۔  
 امروزہ پولیس کی حفاظت میں عورت آگے ہوں اور چوٹی

میرا بیان تمہارے بیان کے ساتھ ہے۔  
 میں سارا سارا سارا سارا سارا سارا

- 2) سارا عالم کان ولد فری (3) سارا عالم فری
- 4) سارا ولد ریاض علی (5) سارا علی دلہ ریاض علی
- 6) ذوالفقار علی ولد مادر علی، (7) ریاض علی ولد مادر علی
- 8) سارا عالم ولد سارا عالم کان ہے اسے سارا سارا سارا
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- 10) سارا سارا سارا سارا سارا سارا سارا سارا سارا سارا

دستاویز  
 CNIC: 14301-2342941-0  
 Sadeeqa Tariq CNIC  
 farheen shah

14/12/2017  
 PATA ENCHARGED JUDGE PSHH  
 Civil Judge Jash. Muzaffargarh  
 Rahat

NO 9 A/F  
 Resaved XX



## حشا شاہ نواز کے قتل کے خلاف سول سوسائٹی کا احتجاجی مظاہرہ

سولت غیرت کے نام پر قتل روکنے میں مکمل طور پر ناکام ہو چکی ہے۔

کی۔ مقررین کا کہنا تھا کہ حکومت غیرت کے نام پر روکنے میں مکمل طور پر ناکام ہو چکی ہے، چار سال بعد بھی تحریک انصاف کی حکومت نے ناخالصی بھی کی قانون سازی نہیں کی، حکومت خواتین کے حوالے سے سوئٹس سویٹس اسبلی میں لانے میں ناکام ہو چکی ہے۔ انسانی حقوق اور خواتین حقوق کی تنظیمیں کھلیا گیا ہے۔

پشاور (نامہ نگار) کوہاٹ میں قتل کی جانے والی حشا شاہ نواز کے قتل کے خلاف سول سوسائٹی میدان میں آگئی اور پشاور پولیس کلب کے سامنے احتجاجی مظاہرہ کرتے ہوئے مصوبائی حکومت سے انصاف کی فراہمی کا مطالبہ کر دیا۔ مظاہرہ میں پختونخوا سول سوسائٹی نیت درک کے کوآرڈینیٹر تیمور کمال، قریم مریم بی بی، فدا جان زاہد، جیش ٹوٹی، ظہور مشتاق، درانی و دیگر نے شرکت

State... Vs... Riaz Ali etc  
690/SC

DW-3: **Statement of Atif Naeem, Madad Muharrir P.S. Ustarzai Kohat on oath:-**

Stated that today I have brought Roznamecha Register dated 23/03/2013, as per Mad report No.10 dated 23/03/2013, at 13:10 hours accused Maisem Ali started Gasht along with ASI Tahir Khan. Similarly, vide Mad No.10 dated 23/03/2013 at 17:00 hours accused Maisem Ali is returned to the P.S. from Gasht, and as per Mad No.12 dated 23/03/2013 at 18:00 hours, police officials who completed their duties were counted and present in police station. Similarly as per Mad No.14 dated 24/03/2013 at 00:50 hours accused Maisem Ali has left the P.S. along with other officials for Gasht. The copy of above mentioned DDs are Ex:DW3/1 consisting of two pages. Original seen and returned. Today I have produced the original register of Daily diary in respect of Ex:DW3/1 consists of 4 sheets, which was inadvertently mentioned as 2 sheets in my examination-in-chief recorded on 07/07/2020. (At this stage at the request of the counsel for complainant / prosecution the original DD was perused, as per the original DD, every second page is missing from the DD.)

XX \_\_\_\_\_ In district Kohat, the DD start at 8:00 AM and also close at 8:00 AM too. It is a fact that on 23/03/2013 at 19:30

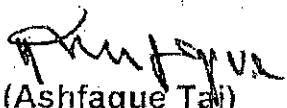
**ATTESTED** ours accused Maisam Ali was not on duty as per the available

3 record. Self stated that as per the DD No.12 he was shown

DW-03 contd: P-2:

present in between at 18:00 hours. As per the available record the accused Maisam Ali was shown on duty on 24/03/2013 at 00:50 hours, whereas departure from P.S. was shown along with one Tahir Mehmood ASI. It is incorrect to suggest that I being the official colleague of accused, recorded my false statement which is contradicted by the record produced by myself. It is further incorrect to suggest that the record was manipulated, the original paper was torn from the record and later on other paper was prepared, which was pasted in the DD at the instance of accused being police official and tried to save the skin of accused from the case. Self stated that after completion of the DD of the day, we prepared copy for the same for the high ups and send the same to the high ups which is the part of the daily diary and even record the last daily diary that the one copy is sent to the IDPO office. It is incorrect to suggest that my volunteer statement is false, afterthought and to fill the lacunas in the record. It is further incorrect to suggest that all the above mention was done at the instance of accused later on.

R.O.&A.C.  
27/05/2023

  
(Ashfaq Taj)  
District & Session Judge,  
Peshawar

**ATTESTED**

31 SEP 2013

Secretary

POLICE DEPTT:DISTRICT KOHATORDER

This order is passed on the departmental enquiry against Constable Mehsam Ali No. 1192 of this District Police under the Khyber Pakhtunkhwa, Police Rules, 1975 Amendment 2014.

Brief facts are that while Constable Mehsam Ali No. 1192 posted at Police Lines Kohat who was charged by the complainant in her statement recorded u/s 164 CrPC on 14.02.2017 for the murder of Hina Shanawaz in case FIR No. 37 dated 06.02.2017 u/s 302/311/148/149 PPC PS Usterzai. This act shows inefficiency and gross misconduct on his part.

He was issued Charge Sheet & Statement of Allegations and DSP Legal, Kohat was appointed as Enquiry Officer to proceed against him departmentally. Enquiry officer submitted his finding reported and stated that the defaulter constable is ill-reputed and criminal mind person, report of local police and his involvement in two heinous cases of murder including the case in question rectify his criminal conduct and the allegation leveled against the defaulter are well founded and substantiated.

He was called in OR and heard in person. His reply is perused and found unsatisfactory.

Keeping in view of above facts, finding of Enquiry Officer and available record against the defaulter constable, his further retention in the department may bring bad name to whole Police department, therefore, I Javed Iqbal District Police Officer, Kohat, competent authority under KPK Police Rules 1975 Amendment 2014, hereby award him a major punishment of "dismissal from service" with immediate effect.

OB No. 426  
Date 04-5-2017

2  
DISTRICT POLICE OFFICER,  
KOHAT 2/15

OFFICE OF THE DISTRICT POLICE OFFICER, KOHAT

No. 3731-33/PA dated Kohat the 04-5-2017.

1. Reader, Pay Officer, EC and OHC for necessary action.

05 95  
017

1  
2/15



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

ORDER

This order will dispose of a regular departmental enquiry initiated against Constable Mehsam Ali No. 963, (hereinafter called accused official), under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

2. Short facts of the case are that the accused official was charged in criminal case vide FIR No. 80 dated 24.03.2013 u/ss 302,109, 34 PPC PS Usterzal, Kohat and facing trial in the court of Sessions Judge Peshawar. On conclusion of trial the accused official is convicted u/s 302 (b), 34 PPC and sentenced to the extent of imprisonment for life as tazir and shall pay Rs: 200,000/- as compensation to legal hires of deceased, in default the accused official shall undergo further six months simple imprisonment, vide judgment dated 13.10.2020.

3. The accused official on bail was arrested and confined to Central Prison Peshawar to undergo the sentence. Hence on the above, a charge sheet alongwith statement of allegations was served upon him through Superintendent Central Prison Peshawar, but no reply was received to this office or enquiry officer

4. The enquiry officer (SDPO HQrs) conducted the proceeding accordingly and examined the relevant witnesses. The enquiry officer held the accused official guilty of the charges.

5. In view of above, Final Show Cause Notice alongwith relevant record was served upon the convicted accused official, through Superintendent Central Prison Peshawar, but no reply is received within prescribed period.

6. In view of above and available record, I, came to the conclusion that the charges leveled against the accused official have been established beyond any shadow of doubt. Record further indicates that the accused official is ill reputed. Therefore, I, Javed Iqbal District Police Officer, Kohat, in exercise of powers conferred upon me under the rules ibid, impose a major punishment of dismissal from service upon convicted constable Mehsam Ali No. 963 with immediate effect. (Kit etc allotted to the accused official be collected)

DISTRICT POLICE OFFICER,  
KOHAT 24/11

OB No. 830

Date 24.11.2020

No 5901-04 /PA dated Kohat the 24-11-2020.

Copy of above for necessary action to the:-

1. Reader/SRC/OHC/L.O & Pay officer.
2. Convicted Mehsam Ali through Superintendent Jail concerned for information.



ORDER

Constable Masam Ali No.1502 of Elite Force-Khyber Pakhtunkhwa is hereby suspended being charged vide case FIR No.86 dated 24.03.2013 U/S 302/34 PPC Police Station Usterzai with immediate effect.

*M. Quraish Khan*  
(MUHAMMAD QURAIISH KHAN) P.S.P  
Deputy Commandant  
Elite Force Khyber Pakhtunkhwa Peshawar

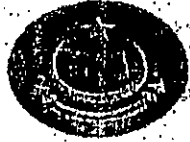
No. 4943-48 JEF Date: 03/04/2013

Copy of above is forwarded and necessary action to the:-

1. Superintendent of Police Investigation Wing, Kohat.
2. Superintendent of Police Elite Force, HQrs Khyber Pakhtunkhwa, Peshawar.
3. Deputy Superintendent of Police Elite Force Kohat.
4. Account Elite Force, Khyber Pakhtunkhwa Peshawar.
5. OAS/SRC Elite Force, Khyber Pakhtunkhwa Peshawar.

*in/OC*  
*Pls m/h Al*  
*3/4/13*

*M. Quraish Khan*



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

**ORDER**

Constable Musam Ali No. 1103 of District Police Kohat on deputation to CTD KPK, Peshawar is hereby repatriated to his parent District Kohat on account of being involved in murder case. His case is under trial. He is hereby suspended with immediate effect.

He will not be posted at other Units / Districts till the decision of the Court.

*Najeeb*

(NAJEEB-UR-REHMAN BUGVI) PSP  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

No. 1950-52 /E-IV dated Peshawar the 16/02/2016

Copy of above is forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police, Kohat Region, Kohat.
2. Deputy Inspector General of Police, CTD KPK, Peshawar.
3. District Police Officer, Kohat.

*[Handwritten signature]*

Institution Slip # 38765 - 05 Oct 2023

For Criminal Appeal against Acquittal - 1398

**PESILAWAR HIGH COURT**  
**Institution Receipt (Original)**

Inst. No: 38765 Date 03-OCT-23

GA 1398 / *2023* Acquittal Appeals  
 Abbas Ali Bangash  
 vs  
 Riaz Ali and others

*23/11/2023*

Submitted by:  
**Hussain Ali**

Note: Please check status of case on next working day, and if the case is returned due to objection(s) raised by the office, then ensure timely collection of the same by providing this receipt.

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**BEFORE PESHAWER HIGH COURT, PESHAWER**

**(Appellate Jurisdiction)**



Criminal Misc Transfer Application /Appeal No: / 2023

In continuity with earlier passed Order (unchallenged/intact till date) of Chief Justice PHC, Peshawar Order on Cr Misc Transfer Appeal/Application No-53 dated 14 March 2014 (attached)

Col Abbas Ali Bangash s/o Capt Ali Muhammad Bangash (Postal Address: Mangla Cantonment, District Jhelum)

(Applicant/Petitioner)

**VS**

- (1) State ----- Respondent-1
- (2) Accused Mazhar Ali s/o Nadar Ali , Usterzai , Kohat ----- Respondent-2

Petition	Subject/title of Petition
<p>Criminal Misc Transfer Application/Petition</p> <p>In continuity with</p> <p>Chief Justice PHC, Peshawar Order on Cr Misc Transfer Appeal/Application No-53 dated 14 March 2014</p> <div data-bbox="186 1893 479 2155" style="border: 1px solid black; padding: 5px; margin-top: 20px;"> <p><b>ATTESTED</b> EXAMINER Peshawar High Court Peshawar</p> </div>	<ul style="list-style-type: none"> <li>• For passing <b>Orders/directions</b> to the Court of Session Judge Peshawar to conduct trial of 4<sup>th</sup> Co-Accused namely Mazhar Ali s/o Nadar Ali, who was directly charged in Case FIR-80 dated 24 March 2013 as lodged u/s 302/34/109 PPC in Police Station Usterzai, Kohat, who remained an Absconder for almost 11 x years.</li> <li>• Complete Case Trial in Case FIR-80 had been transferred already from the Court of Session Judge Kohat to Court of Session Judge Peshawar vide Peshawar High Court Order on Cr Misc Transfer Application No-53 of 2013 dated 14 March 2013(attached ); whereof the trial of 3 x Co-Accused has been conducted already by the Court of Session Judge Peshawar.</li> <li>• In line with/continuity of Order of Peshawar High Court, the Supplementary Challan against Co-Accused Mazhar Ali s/o Nadar Ali was processed by Session Judge Kohat to Session Judge Peshawar for conduct of trial of the accused; however Session Judge Peshawar requires directions from Peshawar High Court to proceed with the trial proceedings of above named accused, despite that Order of Peshawar High Court is unambiguous &amp; remains <b>not challenged.</b></li> </ul>

	<ul style="list-style-type: none"> <li>Furthermore, as per settled law, the trial of 4<sup>th</sup> Co-accused in a same Case/FIR requires to be conducted by the Court of Session Judge Peshawar instead of any other court as it would lead to ambiguities and non-uniformity, which could be objected at the Appeal stage, hence making the process dubious.</li> </ul>
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Respectfully Sheweth!

1. Brief of the Case. It is respectfully submitted that following 4 x Co-Accused (all close blood relatives- brothers /son/nephew) had been directly charged by the Petitioner in FIR#80 (302/34/109 PPC) dated 24 March 2013, lodged in PS Usterzai Kohat for the brutal murder/assassination/target killing of my deceased father, namely Capt Ali Muhammad Bangash (A veteran of Pakistan Army in the age of 64 years) (Copy of FIR & CrPC-164 statement are attached on Page 20,21,22,23,24)

- Riaz Ali s/o Nadar Ali
- Meisam Ali s/o Riaz Ali
- Zulfiqar Ali Bhutto s/o Nadar Ali
- Mazhar Ali s/o Nadar Ali

2. That, 4<sup>th</sup> Accused namely **Mazhar Ali** remained an Absconder/outlaw for almost 11 x years & his BBA was recalled on 20 November 2023 as Pre-Trial formalities. His trial is now pending before Session Judge Peshawar, however Learned Session Judge Peshawar requires directions from Peshawar High Court Peshawar, in continuity with, earlier passed Order for conduct of trial of above named accused (Copy is attached on Page 17-19).

3. Motive of Murder & attached Incriminating Evidences

- That, murder was meticulously conspired & planned by the Accused **Zulfiqar Ali alias Bhutto**, who was charged under 109 of PPC. Page: 56
- That, motive of murder was a civil law suit, filed by my deceased father in the Civil Court against illegal occupation of "Qaumi Shamilat" by the Accused Party. Accused Zulifqar Ali Alias Bhutto is the ring leader of Land Mafia and criminal groups in the area, who is being abetted by the most influential people of Kohat District; including religious/sectarian elements, headed by prominent Shia Syed clergy leader namely Syed Ibn e Ali & his family members. Accused Party was in the process of constructing safe sanctuaries / hideouts for the terrorists by illegally occupying "Qaumi Shamilat", but their efforts were effectively thwarted/resisted / frustrated by my deceased father, through filing of a civil law suit in Kohat Courts. Page: 56

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- c. That, sequel to continuous life threats having been extended to my deceased father by the Accused Party; my father<sup>had</sup> complained to Kohat Police & Magistrate vide his letters. A Surety Bond under Section Cr PC 107/51 was also obtained from the Accused Zulifqar Ali alias Bhutto. Accused party carries no regard for judicial procedures and sureties even. (Copies are attached on Page No 53-58)
- d. That, On 30 March 2013, two Female Eye Witnesses namely PW Alia Perveen and PW Maria Perveen (daughters of deceased), had recorded their CrPC-164 Statements & stated that they would be able to identify the firers/accused, if brought/paraded before them. (Copies are attached on Page 23-24).
- e. That, on 03 April 2013, accordingly Identification Parade of Accused Riaz Ali & Meisam Ali was conducted in Kohat Prison, wherein they were correctly identified by the 2 x Female Eye Witnesses (daughters of deceased). (Copy is attached on Page 25-28)
- f. That, a Female Eye Witness also testified before the Learned Session Courts Peshawar as PW during 1<sup>st</sup> stage of the Trial of case FIR-80. (Record)
- g. That, following Incriminating Evidences had been attached with Main Challan by the Police (Record) :-

(1) Parcels

- (a) Parcel-1 : Blood Stained Pebbles
- (b) Parcel-2 : 16 x empties 7.62 MM
- (c) Parcel-3: Garments (Shalwar Qameez + Waistcoat + White Banyan)
- (d) Parcel-4 : Torch & Search Light
- (e) Parcel-5 : Official Rifle AK-47 - 7.62 mm

(2) FSL Reports

- (a) FSL-1 : Pebbles + Clothes for matching Blood (Parcel No-1 & 3) + Human Blood + A+ Gp
- (b) FSL-2 (Fire Arm): 16 x empties / opinion of arms
- (c) FSL-3 : AK-47 / Rfl No-313-56-14611810 - Parcel-5 (Empties did not match with the official rifle of accused)

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- (3) Site Plan of Occurrence
- (4) Post Mortem Report
- (5) Call Dialing Record showing locations of accused party
- (6) 10 x Pictures of the deceased
- (7) Legal documents proving motive of the murder

h. Identification Parade of Co-Accused Mazhar Ali s/o Nadar Ali dated 02 December 2023

(1) That, on 28 November 2023, Identification Parade of Accused Mazhar Ali was affixed at Kohat Prison, 2 x Female Eye Witnesses travelled from Muzaffarabad, AJ&K ; but due to life threats from accused party, they had to be sent back for their security/safety. Accordingly, this fact was mentioned by the Magistrate Kohat in his Order Sheet dated 28 November 2023 ; which sufficiently establishes the fact that Female Eye Witnesses are receiving life threats<sup>even now</sup> from accused party till date. This also reflects that there is no change in circumstances on the ground even today (Copy is attached on Page No 76, 243-48).

(2) That, on 02 December 2023, Identification Parade of Co-Accused Mazhar Ali was conducted under supervision of Magistrate-1 Kohat, whereof the Female Eye Witness has correctly identified the Co-Accused Mazhar Ali for having fired at the deceased, even after 11 x years of his absconding. Hence, life threats are posed to the life of above named Eye Witness, who would be required to testify against the accused & under the circumstances, she cannot travel to Kohat and this would favor the accused unduly. Page: 43-48

4. Cogent & Irrefutable Evidences with regards to Serious Life Threats posed to myself and Female Eye Witnesses, which remains valid even in trial of 4<sup>th</sup> Co-accused Mazhar Ali s/o Nadar Ali

a. That, given my military background & having participated in various military operations as an Army Officer against Terrorist groups in erstwhile Orakzai & Kurrum Agencies (both located on the fringes of District <sup>Kohat</sup>, sharing a common border and passage routes), these terrorist groups are closely associated with Accused party, who all are established criminals in Kohat/adjacent areas. I & my family members including 2 x Female Eye Witnesses (daughters of deceased) are receiving life threats from Accused Party, meant to force us to step back from pursuance of the trial. I have also mentioned about nexus of accused party with terrorists of Kurrum and Orakzai Agencies in FIR, which further reinforce my pledge before this Honorable Court (Copy is attached on Page No 20-21).

b. That, given the criminal Background of Accused party as evident from various past FIRs including one, whereof a young lady named Hina Shahnawaz had been brutally murdered in Kohat in 2017 by the same Accused party ; threats to female Eye Witness stands enormous. Accused

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party has also been involved in firing/killing against Police officials in Usterzai Kohat ; which reflect their mercilessness and hard core militant wherewithal and manpower, which pose serious threat to our lives at Kohat. Accused party maintains linkages with the most dangerous Target Killers of Kohat Districts. Earlier, Accused Meisam Ali had brought a Target Killer against me in the premises of Session Courts Kohat. (Copies of FIRs are attached on Page 77-95 , 886-90)

- c. That, Accused party continue to serve as facilitators for the terror groups operating in Kohat & adjacent tribal districts of Orakzai and Kurrum ; where law and order situation has deteriorated significantly over the past One year & getting precarious continuously. Given the dilapidated state of training, resources manpower & intelligence capabilities; Kohat Police do not have requisite resolve & capability to mount an effective action / operation against this menace in the area, which has further emboldened Accused Party (an organized criminal group). *Page : 79-81 (FIR)*
- d. That, Accused Party also wields profound negative influence / ingress in the lower cadre of local Police , being very influential / well-linked in the area in terms of manpower, weapons and through exploitation of Sectarian / religious sensitivities/pooling in the area. Accused Meisam Ali, an ELITE Police Force Personnel wields profound influence in Kohat Police; hence Kohat Police cannot be trusted for security of myself & 2 x Female Eye Witnesses. Village Usterzai is located hardly at a distance of 17 km from Court of Session Courts Kohat; hence it provides immense criminal leverage to the accused party, in terms of amassing manpower, weapons & ammunition. Therefore, Trial at Kohat provides accused party with an easy access, reach and abundance of opportunities of our target killing in Kohat & on all routes leading to Kohat. Accused Meisam Ali retains access onto Call tapping and location tracing technology of cellular phones/SIMs of CTD Police; which also pose tremendous life threats to us, during our travel to Kohat.
- e. That, my deceased father was a Secular Person in nature, who was an excellent Poet of Urdu, Pashto and English. Being a literate /knowledgeable person he had always forged unity & cohesion amongst the locals in the area for their collective well-being & prosperity against violent and exploitation forces. My deceased father has always denounced the sectarian violence/exploitation of the situation by the influential "Syeds" of the area (Shia clerics who remain in control of religious seminaries). **Accused party has been closely supported by this**

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influential religious group known as "Syeds". I would like to discuss this sensitive aspect in the court in greater detail during my arguments, by drawing its particular relevance to the threats <sup>posed</sup> to my life and lives of 2 x Eye Witnesses. It is also important to highlight that Advocate Syed Muzahir Hussain, who is the Defense Council of Accused Party in this murder case also belong to the same religious/sectarian cleric group, who protects these hardened criminals in the courts. This sectarian group has been one of the causes of sectarian clashes/violence in the area as this group effectively controls the religious seminaries for the sole purpose of personal growth/prosperity of their families and occupation of Qaumi Shamilat/lands of suppressed people. The above named advocate had been the Defense Council of Accused Zulfiqar Ali alias Bhutto in the civil law suit filed by my father, which unfortunately became the motive of murder of my father. The efforts of my father in terms of educating poor and deprived people of the area were not welcomed, as it would have created the awareness against Shia clergy Syeds headed by Syed Ibn-e-Ali. Furthermore, Ex Chief Justice Peshawar High Court Peshawar & Ex Governor KPK namely Syed Ibn e Ali & his son Additional Session Judge Syed Ihtisham also hails from our village Usterzai Payan, who both have an established nexus with Accused party & history of animosity with my deceased father due to his noble ideas for Muslims of all faith. They continue to protect all <sup>the</sup> criminal acts of Accused party in the area for furtherance of their sectarian (Iranian based Shia ideology/conglomerate), political objectives & suppression of common people for occupation of their lands in the area. A nephew of Syed Ibn e Ali namely Syed Abid Jawad had been nominated in FIR-48 for firing on Police officials in Kohat alongwith co-accused Zulfiqar Ali alias Bhutto & Izhar Ali. In FIR-48's incident dated 11 April 1997; Syed Abid Jawad had been charged for firing onto police officials near Usterzai Kohat, as result of which, several police officials had lost their lives & several got injured. The sectarian volatility & sensitivity attached to murder of my father also makes my request genuine. Syed Ibn-e-Ali, being settled at Kohat may negatively influence any proceedings at Kohat to my disadvantage (Copy is attached on Page

**79-81** ) **8 57-58**

That, I had been timely reporting to Police authorities at Kohat and Peshawar regarding these serious life threats through my personal interaction with Police officials, telephonic conversations and formal correspondence. But, unfortunately no worthwhile / concrete actions have

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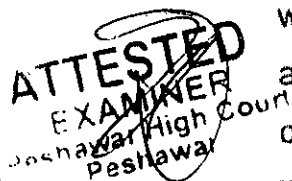
been taken / instituted by the Police Officials; which compelled me to knock the door of Peshawar High Court. To an extent, that I have provided them all the precise details of these threatening mobile calls to Police Officials and Government through my letter, but nothing was done in this regard (Copies are attached on Page 59-72 )

- g. That, to attend trial hearings / proceedings in the Session Court Kohat, I will be compelled to travel via Road Mangla - Rawalpindi - Fateh Jang - Jhand & Fateh Jhang , which passes through desolate terrain and offers ideal ambush sites for our target killing. Travel via Road Rawalpindi - Peshawar - Mattani - Darra Adam Khel – Kohat also pose tremendous life threats. Above routes are insecure particularly for the travel of Female Eye Witnesses. Furthermore, our road move to Kohat can be effectively monitored by the Accused Police Constable Meisam Ali through his peers/ links in the Police (posted on check posts on the road) on both routes.
- h. That, trial at Session Courts Peshawar, would afford us to travel on a safer route of Road Mangla - Rawalpindi - Peshawar in the shape of Motorway. Even on above route, we will be travelling more distance as compared to accused, who would require to travel a turnaround distance of only 140 km, whereas we would <sup>still</sup> be travelling a turnaround distance of almost 700 km.
- i. That, suitable location of trial of this case stands out to be Peshawar, being a major city having better security arrangements in place. *We dont reside in Kohat.*

5. In the past , Accused party has tampered with the evidences of the Case FIR, hence they would repeat the same with the case file of Accused Mazhar Ali at Kohat (Copy is attached on Page 96-102 ).

6. Crux of Orders of Chief Justice Peshawar High Court dated 14 March 2014 on Transfer of Complete Trial in Case FIR-80 *Page : 17-19*

- a. Para-1 of Order. Chief Justice Peshawar High Court Peshawar has clearly mentioned *that petitioner seeks the transfer of trial in case FIR-80 dated 24 March 2013 from the Court of Session Judge Kohat to Court of Session Courts of Peshawar*, hence this clearly establishes the fact that I had requested for transfer of Complete Trial/ in totality in case FIR-80, which was also acknowledged as such by the High Court, without any ambiguity. Common sense also suggests that my request was aimed at conduct of trial of all 4 x accused nominated in the FIR-80. No petitioner would desire for conduct of trial in piece meal in separate trial courts. At the time of Order, only 2 x accused had appeared before the Court, whereas 3<sup>rd</sup>



one joined later and for him no separate request for trial was processed to High Court for directions. **Page - 17**

b. Para-2 of the Order. Chief Justice Peshawar High Court Peshawar has mentioned names of all Accused namely Riaz Ali, Mazhar Ali, Meisam Ali and Zulfiqar Ali alias Bhutto. Name of 4<sup>th</sup> Accused namely Mazhar Ali has also been mentioned by the Chief Justice Peshawar High Court, Peshawar. Hence, this establishes the fact that Chief Justice Peshawar High Court Peshawar was crystal clear in his mind with regards to conduct of trial of all 4 x Accused by the Session Judge Peshawar & therefore he has transferred the trial of all 4 x accused. **Page - 17**

c. Last Para-7 of Order : In concluding para, the Honorable Chief Justice Peshawar High Court has unambiguously stated that *"For the aforesaid reasons, this application is accepted and trial of the case is transferred from the court of Session Judge Kohat to the Court of Session Judge Peshawar. The DPO Kohat is directed to ensure the safe travel of females Eye Witnesses as and when required by the Court. The Learned Session Judge Peshawar is directed to conduct trial in the case on urgent basis"* **Page: 19**

d. That State also supported the transfer of trial of Case FIR-80 from Court of Session Judge Kohat to Court of Session Judge Peshawar, which remains valid to the extent of Accused Mazhar Ali as well. **Page: 18**

e. That, in view of above facts, which are prevalent & relevant even today, Chief Justice Peshawar High Court transferred the Trial in Case FIR-80 (Complete trial) from Court of Session Judge Kohat to Session Judge Peshawar vide Order dated 14 March 2014. Trial of 3 x Co-Accused had been conducted already by the Session Judge Peshawar (Copy is attached on Page 31-32 & 41)

f. That, Order of Chief Justice Peshawar High Court had not been challenged before the Supreme Court of Pak neither by the state nor by the accused party; hence it remains valid even for the conduct of trial of 4<sup>th</sup> Accused, who remained an absconder for almost 11 x years. **Page: 17-19**

7. Detail of various various stages of trials so far conducted in Case FIR-80 by the Session Judge Peshawar

a. Transfer of Trial of Case FIR-80 on 14 March 2014 by Chief Justice Peshawar High Court Peshawar to Court of Session Judge Peshawar. **P-17-19**

1<sup>st</sup> Trial : On the day of transfer of Trial in case FIR-80, 2 x accused namely Riaz Ali & Meisam Ali had surrendered before the court and facing trial.

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Peshawar

Charge Sheet was framed by Session Judge Peshawar (Copy is attached on Page 29).

- c. Re-commencement of Trial with amended Charge Sheet : Subsequently in September 2014, Accused Zulfikar Ali Bhutto also surrendered himself and joined trial in the Court of Session Judge Peshawar. His Supplementary Challan was also submitted before Session Judge Peshawar by the DPP Kohat. No separate Transfer petition was filed before Peshawar High Courts Peshawar (Copy is attached on Page 30 )
- d. 1<sup>st</sup> Order by Session Judge Peshawar : On 13 October 2020, 2 x accused namely Riaz Ali and Meisam Ali were convicted by the Session Judge Peshawar (Copy of the Order is att on Page 31-32 ).
- e. Trial on Remand. On Appeal, the trial on Remand (On orders of Peshawar High Court) was also conducted by Session Judge Peshawar (Copy is attached on Page 33-40 ).
- f. 2<sup>nd</sup> Order on Trial on Remand by Session Judge Peshawar : Session Judge Peshawar passed his Order on 16 September 2023 (Copy is attached on Page 41 ).

8. Legal Grounds for passing Directions /elaboration to Learned Session Judge Peshawar for entertaining the conduct of trial of 4<sup>th</sup> Co-accused namely Mazhar Ali s/o Nadar Ali

- a. That, on 12 December 2023, Ses sion Judge Kohat has processed the Supplementary Challan of Co-accused Mazhar Ali to Session Judge Peshawar for conduct of his trial on the basis of transfer of Trial of the Case to Session Judge Peshawar & also on the basis that earlier trial of 3 x Co-Accused had been conducted by the Session Judge Peshawar (Copy of Order Sheet is attached on Page 51 )
- b. That, it is a settled law /principle that a trial court, which has conducted the trial of Co-accused (3 x Co-accused) already, inherently becomes the trial court for remaining accused/co-accused. Hence, the trial of Accused Mazhar Ali is also to be conducted by Court of Session Judge Peshawar. P-49-52
- c. That, digital and file Record of the previous trials is also held with Session Courts Peshawar. Same record will be required for conduct of trial of Mazhar Ali, as all previous recorded PWs will have to testify against him in the court. Hence, the convenience of trial also lies in favor of conduct of trial at Session Courts Peshawar

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That, most of the PWs of 1<sup>st</sup> trial are located away from Kohat and Court of Session Courts Peshawar remains to be the convenient location for majority of PWs; therefore convenience of summoning PWs to the court also lies in

favor of conduct of trial in the Court of Session Judge Peshawar instead of Session Courts Kohat.

- e. That , law and Order situation has erupted between Petitioner and Accused party after lodging of FIR-80 (24 March 2013) and its proofs exists in the shape of FIR-539 (u/s 506/352 PPC) dated 27 November 2014. Hence , situation is grim between the parties and it warrants trial of accused at the Court of Session Judge Peshawar. *Copy on Page 84-85 (FIR)*
- f. That, Session Judge Peshawar requires directions from Chief Justice Peshawar High Court for conduct of trial of 4<sup>th</sup> Accused namely , Mazhar Ali. *P-52*
- g. That, at no point I had ever objected on any Judge in person. I trust judiciary & accept their verdicts with open heart. However, I do retain the right of Appeal in a respectful & dignified manner for removal of anomalies in an earlier verdict. I trust every Honorable Judge in Peshawar and cannot have any preferences. *h. Other facts will be agitated during hearing*

9. Prayers. For the aforesaid reasons and grounds, following is respectively prayed before Honorable Chief Justice Peshawar High Court Peshawar :-

- a. That, in continuity with earlier passed Order of Chief Justice Peshawar High Court Peshawar dated 14 March 2013 on transfer of trial in Case FIR-80 (u/s 302/34/109 PPC) dated 24 March 2013 at PS Usterzai Kohat; the Learned Session Judge Peshawar may be directed to conduct trial of 4<sup>th</sup> Co-accused namely Mazhar Ali s/o Nadar Ali (who remained an absconder for almost 11 x years). The conduct of trial of above named accused by the Court of Session Judge Peshawar lies in continuity/tandem with already conducted trial of 3 x Co-accused, as one and the same trial court is required to conduct trial of all Co-accused nominated in a single FIR case for uniformity of standards/procedures & also to ward off doubts/legal lacuna appearing at Appeal Stage at High Court & Supreme Court.
- b. That, till final Order by the Peshawar High Court, the Learned Court of Session Judge Kohat may be directed to halt judicial proceedings with regards to 4<sup>th</sup> Co-accused namely Mazhar Ali s/o Nadar Ali; as until clarity, any such proceedings would lie in contradiction to the earlier passed Order of Chief Justice Peshawar High Court, Peshawar & would also be tangent to the settled principles of law/procedures, whereby one and the same trial court is required to conduct the trial of all Co-accused nominated in single Case FIR, in order to ward off the chances of varying/contradicting standards, legal issues & doubts arising at Appeal stage at the High Court & Supreme Court.

*Interim Relief* →

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c. That, till final Orders, Judicial file /Supplementary challan of Accused Mazhar Ali s/o Nadar Ali may be consigned to the Record Room of Court of Session Judge Peshawar for its safety, so as to ward off any malicious attempts of Accused party in terms of tampering with the incriminating evidences, as they have done in the past.

d. Previous & Challan/Judicial file of Accused Mazhar Ali may be requisitioned for hearing, please. record

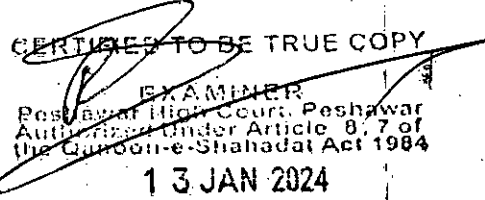


Petitioner - In-Person

(Colonel Abbas Ali Bangash)

Date: 2<sup>o</sup> December 2023

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EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 8, 7 of  
the Qanoon-e-Shahadat Act 1984

13 JAN 2024

**PESHAWAR HIGH COURT, PESHAWAR****FORM OF ORDER SHEET**

Date of Order of Proceedings	Order or other Proceedings with Signature of Judge.
1	2
12.01.2024	<p><b><u>Cr.M (Transfer Application) No. 84-P/2023</u></b></p> <p>Present: Petitioner in person.</p> <p style="text-align: center;">***</p> <p><b><u>MOHAMMAD IBRAHIM KHAN, CJ:</u></b></p> <p>The applicant Abbas Ali Bangash son of Ali Muhammad Bangash has filed this application under section 526 CrPC for transfer of the trial in case FIR No. 80 dated 24.03.2013 under sections 302-34-109 PPC of Police Station Usterzai, District Kohat from District Kohat to District Peshawar on the ground that trial of co-accused has been conducted by the learned Sessions Judge, Peshawar in light of the order of this court passed in C.M No. 53 of 2013 decided on 14.03.2014.</p> <p>2. Arguments heard and available record gone through.</p>



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3. Since, the trial of co-accused has been conducted by the learned Sessions Judge, Peshawar on the strength of order of this court passed in CM TA No. 53 of 2013 decided on 14.03.2014 hence, this petition is allowed whereby, the trial of accused Mazhar Ali is transferred from District Kohat to the Court of learned Sessions Judge, Peshawar for deciding the same on merits in accordance with law.

Announced  
12.01.2024

*Chad*  
Chief Justice

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EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 8.7 of  
the Qanun-e-Shahadat Act 1984

13 JAN 2024

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Date of Presentation of Application

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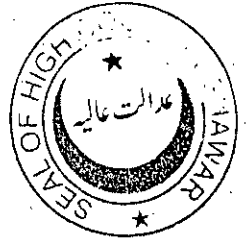
\*Muhammad Fiaz\* \*S.B\* Hon'ble Mr. Justice Mohammad Ibrahim Khan, CJ


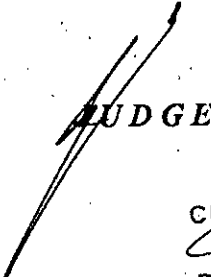
*Muhammad Fiaz*



# PESHAWAR HIGH COURT, PESHAWAR

## FORM OF ORDER SHEET



Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
1	2
<p>15.02.2024</p>	<p><u>Cr.A No.1398-P/2023.</u></p> <p><b>Present:</b></p> <p><b>Mr. Hussain Ali, Advocate, for the appellant.</b></p> <p>*****</p> <p><i>Inter-alia</i> contends that in earlier round of litigation, the accused-respondents were convicted and sentenced, however, on remand of the case to the learned trial court, the accused were acquitted of the charges on the same set of evidence. After hearing the learned counsel for the appellant, we are of the view that the case requires re-appraisal of evidence. Admit. Notice.</p> <p>Bailable warrant of arrest in the sum of Rs.50,000/- (fifty thousand rupees) with two sureties each in the like amount be issued against the accused-respondent to the satisfaction of Additional Registrar Judicial of this Court.</p> <p style="text-align: right;">   <b>JUDGE</b> </p> <p style="text-align: right;">   <b>JUDGE</b> </p> <p>33153</p> <p>15-02-2024</p> <p>5 - P</p> <p>20 - W</p> <p>20-02-2024</p> <p>20-02-2024</p> <p>(Under Seal, 1992) "DD" Honble Mr. Justice Shakes Ahmad and Honble Mr. Justice Waseem Ahmad</p>
<p>Date of Presentation of</p> <p>No of Pages</p> <p>Copy fee</p> <p>Value</p> <p>Name of</p> <p>Date of</p>	<p>33153</p> <p>15-02-2024</p> <p>5 - P</p> <p>20 - W</p> <p>20-02-2024</p> <p>20-02-2024</p>

**CERTIFIED TO BE TRUE COPY**

**EXAMINER**  
Peshawar High Court, Peshawar  
Authorized Under Article 8, 7 of  
the Qanun-e-Shahadat Act 1984

**20 FEB 2024**

IN THE PESHAWAR HIGH COURT PESHAWAR  
OPENING SHEET FOR CRIMINAL BRANCH

Case Type

Case NO

Date of Filing  
2/10/2023

District: Peshawar

Cri.Appeal	Cri. Revision	Cri.Misc	T.A (Cri)	I.C.A
1. Category Code				Review In
(Categories & sub-Categories are given at back of the opening Sheet)				



Case files against	FIR#/ Police Station (in state case)	Decided by Court / Forum	Date of Decision	Result/ sentence	Whether decision are concurrent or at variance
Original Order/ proceedings	FIR NO 80 P.S Ustarzai Kohat	Session Judge Peshawar	16/9/2023	Respondents were acquitted	
Review	Revision	Appeal			

Particulars of Petitioner/ Appellant &amp; Respondent.

Appellant(s)/ Petitioner(s) \* (Accused/ complainant/  
Abbas Ali Bangash s/o Ali Muhammad Bangash  
R/o ustarzai payan Tehsil & Distt: Kohat  
Mobile No \_\_\_\_\_  
Name of Jail in which appellant/ pet/ Respondent confined/ custody : NIL

2. Appellant (s) Petitioner(s) Counsel \*(Accused/ Complainant)\_  
Mobile No\_0333-9105258\_ E-mail hussainlawchamber15a@yahoo.com\_  
Address 16-B Rehman Plaza Peshawar \_  
Name of Jail in which appellant/ pet/ Respondent confined. If in custody: \_  
Respondents (s) (Accused/ Complainant) :  
1) Riaz Ali s/o Nadar Khan  
2) meisam Ali s/o Riaz Ali  
3) Zulfiqar Ali alias Bhutto s/o Nadar Ali  
All R/o Ustarzai Payan Tehsil & Distt: Kohat  
Name of Jail in which Respondent confined, If in custody

Relevant Law (s) (name of the law (s))	Relevant section (s)/ clause (s) Sub-Section (s)/ sub-clause(s)
PPC	302/34/109-ppc
ATA	
Special Law (give name of enactment)	

**Prayer :** It is therefore, humbly prayed that on acceptance of this appeal, judgment and order impugned herein be set aside and Respondents -#1 to 3 may please be convicted and sentenced U/S 302/34/109-PPC by awarding them punishment in the interest of justice.

Signature of Appellant/ Petitioner or Counsel:  Dated 2/10/2023

\*use extra sheet if required. (No of extra sheets used)

\*\* Copy to be attached

Note: Any suggestion to improve the proforma will be appreciated

**ATTESTED**  
EXAMINER  
Peshawar High Court  
Peshawar



BEFORE THE PESHAWAR HIGH COURT PESHAWAR.

Cr.Appeal # \_\_\_\_\_ /2023

Abbas Ali Bangash s/o Ali Muhammad Bangash  
R/oUstarzai payan, Tehsil & Distt: Kohat ..... Appellant

VERSUS

- 1) Riaz Ali
  - 2) Zulfiqar Ali alaias Bhutto sons of Nadar Khan
  - 3) Meisam Ali s/o Riaz Ali  
All R/o Ustarzai Payan ,Tehsil & Distt: Kohat
  - 4) The State
- .....Respondents

FIR # 80 Dated 24/3/20213  
 U/S 302/34/109-PPC  
 P.S Ustarzai (Kohat)  
 =====

Criminal appeal u/s 417(2-A) CrPC , against  
 the Judgment and order dated 16/9/2023 passed by  
 Session Judge Peshawar vide which respondents  
 # 1 to 3, (Accused in case FIR as mentioned  
 above) have been acquitted of the charges u/s  
 302/34/ 109- PPC  
 =====

Prayer in Appeal:

On acceptance of this appeal , the judgment and order  
 Dated 16/9/2023 impugned here in, be set aside to  
 the ends of justice and the Respondents # 1 to 3 ,  
 may please be convicted and sentence  
 u/s 302/ 34/109 PPC by awarding them punishment in  
 according to Law.  
 =====

GRONDS OF APPEAL.

- 1) That the impugned Judgment and order of acquittal of respondents # 1 to 3 , dated 16/9/2023 passed by Session Judge Peshawar manifestly against law and facts , hence untenable.
- 2) That the impugned order passed by the trial court is wholly unreasonable and untenable . That the evidence produced by the prosecution has not been considered in the proper perspective.
- 3) That the ocular testimony had a ring of truth around it, inspired confidence and from evidence produced and material brought

CRA1398-2023 ABBAS ALI VS RIAZ ALI CF PG89

**ATTESTED**  
**EXAMINER**  
 Peshawar High Court  
 Peshawar

on record, overwhelming proof of committing, the offence by the Respondents #1 to 3, were apparent on the face of the record but still the order of acquittal has been passed entailing the judgment/order on complete misreading of evidence indicating great miscarriage of justice in reasons and conclusion arrived at beside artificial are erroneous.

- 4) That the learned trial court did not appreciate the evidence as per principle laid down by the superior courts from time to time and has gravely erred to discard the direct evidence and as such, acquittal order passed by the lower court.
- 5) That the ground which prevails with the trial court qua acquittal of the Respondents # 1 to 3, are whimsical and unwarranted under the law.
- 6) That the prosecution has established its case beyond the reasonable doubt particularly to extent of involvement of Respondents # 1 to 3, in the case rather prosecution case is in proper sequence least to say about direct statement of PWs before the trial court which could not be rebutted in any manner whatsoever but even then the learned trial court while acquitting the Accused /Respondents -#1 to 3, have committed grave miscarriage.
- 7) That the accused / respondents were earlier convicted by the trial court on 13/10/2020 and against the said order appeal was filed before this Hon:ble Court, the case of the accused were remanded to the trial court for examination of the defense witness already examined during the previous trial or to place on file triplicate copies of the statement of the defense witness only.
- 8) That as per the law the domain of the trial court after the remand was only to the extent that the direction of this Hon:ble Court, be complied with to the extent of rectifying and identified the plea of the accused to the extent of their defense evidence only.

It is therefore, humbly prayed that on acceptance of this appeal, judgment and order impugned herein be set aside and Respondents -#1 to 3, may please be convicted and sentenced U/S 302/34/109-PPC by awarding them punishment in the interest of justice.

THROUGH

Appellant

(HUSSAIN ALI)  
ASC, Peshawar.

(Rehmat Ullah)

&

(Abdul wahab)

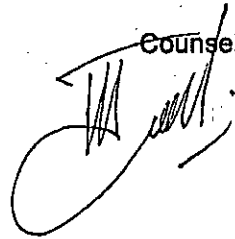
**ATTESTED**  
EXAMINER  
Peshawar High Court  
Peshawar

B

CERTIFICATE.

Certified that the appellant has not filed an appeal in this August Court earlier to this one

Counsel



~~CERTIFIED TO BE TRUE COPY  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 8.7 of  
the Qanun-e-Shahadat Act 1984  
20 FEB 2024~~

شکر بیرون درین مورخه در تمام کشور

نام شکر ۵۰ دان

### ابتدائی اطلاعیه پورت

کلیه کارکنان (معمولاً) اطلاع است که در تمام پورت در این مورخه در تمام کشور  
شکر بیرون درین مورخه در تمام کشور  
نام شکر ۵۰ دان

پورت در تمام کشور

شکر بیرون درین مورخه در تمام کشور  
نام شکر ۵۰ دان

شکر بیرون درین مورخه در تمام کشور  
نام شکر ۵۰ دان

شکر بیرون درین مورخه در تمام کشور  
نام شکر ۵۰ دان

شکر بیرون درین مورخه در تمام کشور  
نام شکر ۵۰ دان









تاریخ تفصیل درج کر کے  
 سہ ماہی کے پختے پر فوراً خانہ پوری کی جائے گی  
 حیدرآباد میں 25/11/138  
 حیدرآباد میں 6/11/97  
 حیدرآباد میں 14/11/97

تاریخ پورٹ ضمنی	نام فریقین کنندہ	بٹنر	تاریخ رپورٹ ضمنی	نام فریقین کنندہ	بٹنر	تاریخ رپورٹ ضمنی	نام فریقین کنندہ
11.4.97	فردوس خان SHC	7	8.5.97	فردوس خان SHC	14	3.6.97	سید عساکر شاہ
11.4.97	فردوس خان SHC	8	28.5.97	فردوس خان SHC	15	4.6.97	سید عساکر شاہ
12.4.97	فردوس خان SHC	9	8.5.97	سید عساکر شاہ SHC	16	5.6.97	سید عساکر شاہ
13.4.97	فردوس خان SHC	10	30.5.97	سید عساکر شاہ SHC	17	6.6.97	سید عساکر شاہ
20.4.97	فردوس خان SHC	11	31.5.97	سید عساکر شاہ SHC	18	11.6.97	سید عساکر شاہ
30.4.97	فردوس خان SHC	12	01.6.97	سید عساکر شاہ SHC	19	16.6.97	سید عساکر شاہ
5.5.97	فردوس خان SHC	13	2.6.97	سید عساکر شاہ SHC	20	23.6.97	سید عساکر شاہ

اطلاع جو حالان بار پورٹ اخلاقی کے پختے پر درج کی جائے گی  
 حیدرآباد میں 18.7.97

کاپی لان کی کیا ہے۔	گروہ	(ب) ضمانت یا چیک پر (ج) جو برائے تجویز بھی کیا ہو۔
1	1316	انصاف رضا ولد کور علی سہ اشرا
2	216 HC	بابر علی ولد شہید علی سہ
3	733 PC	عبد اللہ علی ولد شہید علی سہ
4	175 PC	ذوالفقار علی عرف کبیر ولد نادر علی
5	193 HC	عابد حواد ولد شہید حواد
6	240 SHC	سید عساکر شاہ
7	240 SHC	سید عساکر شاہ
8	240 SHC	سید عساکر شاہ
9	240 SHC	سید عساکر شاہ
10	240 SHC	سید عساکر شاہ
11	240 SHC	سید عساکر شاہ
12	240 SHC	سید عساکر شاہ
13	240 SHC	سید عساکر شاہ
14	240 SHC	سید عساکر شاہ
15	240 SHC	سید عساکر شاہ

Handwritten notes and signatures on the right side of the table, including names like 'Saeed' and 'Saeed'.





Anx 1380

Supplementary Statement of Major Abbas Ali Bangash s/o Ali Muhammad  
Bangash (deceased) aged about 36/37 years r/o Usterzai Payan Kohat (complainant)  
u/s 164 Cr.PC on oath:-

\*\*\*\*\*

Stated that in the FIR , I had charged Zulfiqar Ali alias Bhutto , Riaz Ali, Mazhar Ali s/o Nadir Ali r/o Usterzai Payan for the murder of my father Capt(R) Ali Muhammad Bangash. Through reliable/confirmed sources/information, I have come to know that Constable Maisam Ali of Elite Police Force also fired at my father. Constable Maisam Ali was seen present around the scene of murder of my father around 19.00 hours on 23<sup>rd</sup> March 2013 by number of people. In order to carry out through investigation of the case , it is requested that Constable Maisam Ali of Elite Force be arrested so that Police is able to investigate him. I also produce 3 x photocopies of the complaints of my father which he addressed to various officials/court with regards to the life threats given to him by Zulfiqar Ali alias Bhutto and his brothers. It will amply establish the cause and motive behind the murder of my father. 2 x photocopies of the court proceedings of the legal case on "Illegal occupation of the shamilat" by Zulfiqar Ali alias Bhutto is also enclosed. This is my statement.

RO&AC  
30.03.2013

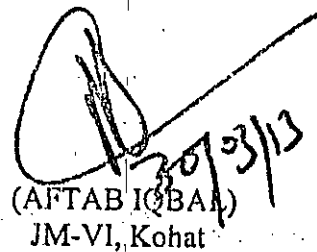


Major Abbas Ali Bangash  
CNIC No. 71103-1779702-1



(AFTAB IQBAL)  
JM-VI Kohat

Certified u/s 164 Cr.P.C.



(AFTAB IQBAL)  
JM-VI, Kohat

گورنمنٹ پبلس پشاور جاب نمبر 2286/13 نام نمبر تعداد ایک ہزار چھ سو نو سو 20.06.2011 لیڈر (نام شورا جاز) کے نام (پولیس)

ویب نمبر فارم نمبر 23

فارم نمبر 23-5 (1)

### ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع بہت جرم قابل دست اندازی پولیس رپورٹ شدہ ریکورڈ نمبر 1982302-14301-14  
موجودہ خطا بطور عوارضی

ضلع پشاور	تاریخ 21/11/2014	539	18
تاریخ وقت رپورٹ	24/11/2014		
دستور اطلاع دہندہ مستغیث	24/11/2014		
ریکیٹ جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔			
نئے وقوعہ فاصلہ تھانہ سے اور دست			
دستور ملزم			
وائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں تاخیر ہو تو اس کی وجہ بیان کریں			
نہ سے روانگی کی تاریخ و وقت			

ابتدائی اطلاع نیچے درج گروپ کے نام سے  
سعدت مہدی خان نے بحالہ نمبر 36

21/11/2014 ایس ڈی پشاور سٹیٹس سٹانچ کی دھمکان سے برخلاف ملزم خانہ 15 لوٹ کی  
کئی تحریری نقل پر اجازت سے پشاور سے واپس نہ آئے بلکہ قریب خانہ 15 برخلاف ملزم  
خانہ 15 حریزہ رضیہ پر کرناٹل پشاور کو عرض گفتیش حوالہ الٹو سٹی سٹانچ سے ملے ہیں  
پرم گزرائیں۔ نقل پر ملے۔  
Shad Malik

Use of foul language and life threat by accused Zulfikar Ali Alias Butto S/O Madan Ali Resident of Usterzai Poyran Kohat KPK Criminalised 1982302-14 with due respect it is reported that above named accused is nominated for murder of my father Captain Ali Muhammad Bangash in FIR No 80 dated 24/3/2013 Lodge U/s 302, 34, 109 P.P. Usterzai Kohat KPK. The accused is presented on bail however I have moved the BEA No 1683/14 dated 11/10/2014 in PCC Peshawar which is pending adjudication before chief Justice on 21 November 2014. The BEA was affixed before chief Justice PHA. The above named accused was sitting outside court No 1 along with a suspicious person with whom he was intimately conversing in the past. The accused party had been bringing paid assassins/terrorists to the court premises for my recognition for target killing. In one such instance the accused had brought a Terrorist to the Kohat Courts who made my pic. video for recognition.

20

Complaint To This effect is attached with The  
BCA Page NO 63, My letter dated 17 September 2016.  
② In This retrospect I requested The Police depicted  
outside court NO 1 to ascertain whether the identity  
of suspicious person who was sitting close to the accused  
on one bench on my request the police started checking  
the identity of the suspicious person with discreetly without  
bothering/talking to the accused. The accused presumed get  
up from his seat. Started using foul language upon  
his foul language I moved towards the DSP Security office to  
to report to him. When I came back the accused was  
already sitting inside the court NO 1. When I sat on the  
seat in the court the accused angrily look towards  
me and threatened me by saying that he would  
see me outside the court. Even the recorder of court  
NO 1 had to silence the shouting accused. I immediately  
came out of the court and telephoned DSP Security  
and informed him who then spoke to HC Ghulam Nabi on  
my mobile number and passed some instruction.

③ Above in view following is requested. Due notice of  
the reported incident may please be taken by registering on  
my complaint in Police station record.  
In future a police guard may please be Extra duty  
detailed on my security in the court premises both in  
Sessions Court and PIC as I am facing life threats  
Forwarded for legal action and Registration of report  
in Police station Record Signature LT Colonel A. A. Bano

شہد

Shahd Mohd  
SIP Security  
27/11/2016

دستخط

عہدہ

اطلاع کے لیے اطلاع دہندہ کا دستخط ہوگا یا اس کی ہر نشان لگایا جائے گا۔ اور اسے تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الفیاب سرخ روشنائی =  
ایک منظم یا مشہور علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیاء یا افغانستان جہاں موزوں ہوں، لکھنا چاہئے۔





ذہنی معاملات کی شکل میں اور انجیاز ۴۱۸ LIII حسابی نوکات سے جو انی جانی ہے  
 دیکھ کر اور دیکھ کر یہ ہو گیا کہ ہم بالائی یا انی جانی سے مدد سے دیکھ کر انی  
 مقدمہ دیکھ کر یہ شکل دیکھ کر یہ شکل حالہ ۴۱۸ سال عقلمانی  
 دیکھ کر یہ شکل دیکھ کر یہ شکل دیکھ کر یہ شکل دیکھ کر یہ شکل  
 خرد خردان ۴۱۸ عقلمانی ۱۷ مادہ انی عقلمانی مدد سے دیکھ کر  
 عقلمانی بالائی دیکھ کر یہ شکل بالائی عقلمانی مدد سے دیکھ کر  
 دیکھ کر یہ شکل دیکھ کر یہ شکل دیکھ کر یہ شکل دیکھ کر یہ شکل

Date  
 ۱۱. ۲. ۱۹۱۱  
 ۶. ۵. ۱۶

استری

\_\_\_\_\_ دستخط \_\_\_\_\_  
 \_\_\_\_\_ عہدہ \_\_\_\_\_

اطلاع کے لیے اطلاع دینا کہ دستخط ہوگا یا اس کے ہر بار نشان لگا یا جانے گا اور اگر کوئی چیز کہہ کر انی اطلاع کا دستخط بطور تصدیق ہوگا۔  
 حروف الفبا یا سرتخروف نشان سے بالفاظ نام پر ایک نام یا شہر علی الترتیب واسطے ہرگز نہ علامت لیا یا سرتخروف نشان یا افغانستان چنانچہ  
 لکھا جائے

بیان شہداء نور عین شاہ بیرون شہم عباسی - حقہ شہدائے شہر

888

مذکورہ بیان کا کہ مورخہ حنا شاہ شہزادہ  
 شہزادی بی بی سنیہ سرفراز 2/2/2017ء کو گورنمنٹ ہسپتال  
 میں موجود تھی جبکہ میں ادھر والے پورٹن میں موجود تھی  
 اور میری مصیبت حنا میرے ہمراہ تھی۔ اس دوران جہاز  
 ام محبوب عالم ولد شاہ عالم سکندر ریو آیا اور حنا لوہا  
 کہ جیسا شاہ عالم بیٹے آئے ہیں حنا کے نزدیک بات کرنی  
 ہے۔ اس کے ساتھ ساتھ حنا بیٹے کے ساتھ میں  
 آگے کو دیکھا کہ جیسا شاہ عالم کے ہمراہ منظم ہی جان گیا،  
 ولد سنیہ علی، ماسون ریاض علی، ماسون ذوالفقار علی  
 ولد نادر علی، ماسون ذوالنجم علی، میران علی ولد ریاض علی اور  
 جہازدار جہاز ولد شاہ عالم پہلے سے تھے۔ ہمارے استاد  
 جیسا شاہ عالم نے بات شروع کی کہ جہاز اور اس کے ملازمین  
 کو کتنے اس سے ملاحظہ میں ہماری بہائی شہزادی سے لہذا یہ تو کبری  
 کو کتنے اس سے تمام لوگ اس کے ساتھ تھے۔ چنانچہ میں  
 چھوڑ دے لیہ میں تمام لوگ اس کے ساتھ تھے اور حنا کے ہمراہ  
 حنا کے ساتھ وہ ملازمین میں پھرتے گئے اور حنا کے ساتھ  
 حنا کے ساتھ تھے۔ اس دوران جہازدار محبوب علی نام ولد شاہ عالم  
 نے حنا کے ساتھ حنا کے ساتھ حنا کے ساتھ حنا کے ساتھ حنا کے ساتھ  
 گانا چار گویاں گئے حنا کے ساتھ گورنمنٹ ہسپتال میں  
 فوفے بارے میں گورنمنٹ ہسپتال میں آگے۔ دیکھا کہ گورن

2/2/2017  
 RAJA HUSAINI AND SONS  
 150-152  
 KARACHI

(2)

8309

ہے سے علم علیٰ اور شہم علیٰ ہی باسلم مروجہ ہے - صحیحہ نام  
کو گولڈن سارٹ کے لہذا ساہ عالم اور مطم علیٰ مہے جیسے  
کہہ رہا آئے اور جیسے منع کیا کہ تم نے دعویٰ کی رپورٹ  
سہاراں - ہم فوراً جانے پائیں گے - سترمان کے گھر سے

0922-580218  
علیٰ جانے کے لہذا میں نے تمہارے کے سہل خون نام  
برائے آئے تمہارے خون یا اور دعویٰ گا تاہنا - کچھ ہر کے لہذا  
رہیں آئے تو جیسے دربارہ تمہارے خون کیا اور ہر کیا

کہہ رہے علاوہ کسی کے ہر رپورٹ درجہ نہیں  
کہیں کہ جیسے آئے تمہارے سترمان کیا کہ میں ہر علاوہ رپورٹ  
درجہ ہوں - ہر حال ایک گئے کے لہذا لوگس آگے -

اسی دوران سترمان گئے لہذا موجود آجے اور جیسے گئے  
نام نکلے منع کیا - میں ہمت نہ کر کے ہاتھ آجے اور لوگس  
کو گئے لہذا بلا لہذا Stho نام میں حد میں لوگس ایک دن

کے ساتھ لہذا آیا - لوگس کو جس نے سارے دعویٰ کا تاہنا  
دوران بیان سترمان میں سے کہ تھا ہے نام لہذا لوگس  
میں آجے اور جیسے ہاتھ سے نام سترمان

میں آجے اور جیسے ہاتھ سے نام سترمان  
کا Stho کو تاہنا - لہذا فلورک رپورٹ سرکارہ  
Stho نے جیسے دیکھ لہذا - ہواہ میں ہر سے

انہر حال ہی اور میں مابین ہی کہ لہذا بیان  
ہر وہ لوگس لہذا لہذا ہر سے کہ بیان ہر دیکھ لہذا

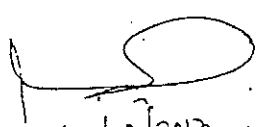
ALFA INTERNATIONAL  
CIN 2008

890

۱۳۱)   
 درم کے تین دن لم سرنج  $\frac{2}{2017}$  کو SP اسٹریٹس پراجیکٹ   
 مان صارفے مگر آئے اور واقعہ کی تفصیل مجھے پڑھی۔ جس   
 بار ماہرا میں سما کر SP صاحب نے کہا کہ ایک   
 رپورٹ میں لکھ کر ایک سٹریٹس موجودگی کا ذکر ہے   
 لہذا ان اعموانے مجھے کہا کہ اس بات پر ایما بیان ہر ہر   
 محالیت مل کر کریں۔ یہ سائنس داری کی سائنس ہے   
 میں نکل سکتی تھی دوسرا مریہ جان کو حضرات لاقصد   
 اور وہ پولیس کی حفاظت میں عدالت آئے ہوں اور جی

- میرا بیان تمہارے بیان کو راجح   
 میں سٹریٹس کو چھپا کر لو کہ وہ تمام   
 ۱) سہ عالم جان ولد فریدی ۲) شمیم علی ولد فریدی   
 ۳) میران ولد ریاض علی ۴) شمیم علی ولد ریاض علی   
 ۵) ذوالفقار علی ولد نادر علی، ۶) ریاض علی ولد نادر علی   
 ۷) حارث عالم ولد سہا عالم جان پر اپنے پتھرہ حصاد   
 کے حصار پر قتل کے دو پہاری کرتے ہوں۔ سٹریٹس   
 یا ایئر میں لہرا جیسے ان سے غلط بھی رہا جائے گا   
 اسٹریٹس حصار واقعہ سڑکی طے -

دفعہ ۱۰۰ - زمین ساد   
 CNIC: 14301-2342941-0   
 Sadeeqa Farooq CNIC   
 farheen shah   
 RD 9 A.C.   
 Resaved XX

  
 14/12/2017   
 PAFI CHAIRMAN'S OFFICE  
 Civil Judge cum Magistrate  
 2017

*Meisam Ali*

**Following picture depicts the overall criminal mindset of this family**



**Accused Riaz Ali ; Meisam Ali & Zulfiqar alias Bhutto**

# ابتدائی اطلاعی رپورٹ

کوٹلی

ابتدائی اطلاع نسبت مجرم قابل دست اندازی پولیس پورٹ ٹیو اور دفتر 102 انچورڈ ضابطہ رپورٹ

میں کوٹلی

صفحہ 1

نمبر 192 تاریخ در وقت وقوع 14/11/75 وقت 11:15

تاریخ و وقت رپورٹ 14/11/75	تاریخ و وقت وقوع 14/11/75
نام و سکونت اطلاع دہندہ و متنبہ	11/150
مقرر کیفیت مجرم (مرد/مرا) حال اگر کچھ لیا گیا ہو	14301-41173358-7
جائے وقوع نامہ تھانہ سے اہمیت	انسپکٹر ناظر حسن SHO
نام و سکونت ملزم	15AA
کارروائی پولیس کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف پر ہو تو وجہ بیان کرو۔	خانہ اذنان P مظہر علی اور تھانہ کوٹلی
تھانہ سے روانگی کی تاریخ و وقت	P مظہر علی ولد نادر علی بدستگاری کوٹلی
	نوٹس دیا گیا ہے

ابتدائی اطلاع نیچے درج کرواں وقت ایکے تھانہ کوٹلی سے ملنے والی اطلاع ہے۔

انسپکٹر ناظر حسن SHO بدستگاری میں خالہ 26 نومبر کو درج ذیل ہے۔ محمد رحمان اور فرید میں مہم اسٹیشن خانہ 199 حکمت سے 199، خلیل خالہ 26 نومبر کوٹلی سے پولیس کے بس سلسلہ میں آئی۔

مظہر علی مظہر علی صاحب نے اطلاع دی کہ مجرم استنبہاری مظہر علی ولد نادر علی مظہر علی صاحب نے بیان جو جو عالم مقدمہ 24/13/75 حرم 302/31/75 تھانہ استنبہاری میں حسرتی گھر تھانہ مطلوب ہے۔ خانہ خود میں موجود ہے۔ اطلاع کو صدمہ ہوا تاکہ تھانہ کوٹلی لکھی گئی تھانہ نادری تھانہ 418 کے P مظہر علی کے گھر پر چھا پم لگایا گیا P میں موجود رہا۔ البتہ دوران خانہ تلاشی P کے کوٹہ رہائشی سے ایک کپڑا لیا گیا 30 پور پلاٹ نمبر 26 کوٹلی کا نوٹس 30 پور پلاٹ نمبر 26 کوٹلی کے مظہر علی کو مر تبہ حرم بالا لکھی گئی تھانہ نادری درپیش ہے۔ مر اسام بدستگاری خالہ 26 ارسال تھانہ ہے۔

گفتش حرم ان کے ساتھ کیا جائے۔ دستخط ان کے پاس سے لیا گیا۔ تھانہ استنبہاری حرم 14/11/75 تھانہ نادری تھانہ احمد مر اسام صرفا بحرم بالا کوٹلی سے لیا گیا۔ حرم بالا کا چھانسی ہو کر لکھی گئی تھانہ مر اسام لکھی گئی حرم KBI مشرف لیا جائے پورچھانسی ہے۔

11/150  
14/11/75

Attested  
Said Muhammad Hussain  
Magistrate High Court  
Dhat Courts Kohat



1	تاریخ وقت رپورٹ	حوالہ رپٹ نمبر (8) 27-09-2017 08:20 AM	6	تھانہ سے روانگی کی تاریخ بوقت	پیش رپورٹ
2	نام و سکونت اطلاع دہندہ مستفیث	دوست محمد ولد میاں محمد، پتہ: ڈاک خانہ پنڈی گھیب، راول، تحصیل پنڈی گھیب، ضلع انک، پیشہ: مزدوری شناختی کارڈ نمبر: 7-37105-5795234 فون نمبر: 03009140967 مرتبہ مرسلہ: محمد نواز ASI تھانہ فتح جنگ			
3	مختصر کیفیت جرم (معہ دفعہ) و مال اگر کچھ کھو گیا ہے	بجرم: 392 ت پ پک اپ: قیمت - 710000 - رجسٹریشن نمبر RIS-15-476-1-نجن نمبر - چیس نمبر موبائل: Q موبائل 1 عدد - قیمت - 7000 روپیہ: - قیمت - 19000			
4	جائے وقوعہ و فاصلہ تھانہ سے اور سمت	بحد رقبہ صدکال بفاصلہ 4 کلو میٹر جانب شمال دیہہ نمبر 33			
5	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جاوے	حسب آمد استغاثہ مقدمہ درج رجسٹر ہوا			



دستخط: محمد اقبال پیلٹ نمبر: 933/R عہدہ: SI ٹیلی فون نمبر: 03435726822  
(ابتدائی اطلاع نیچے درج کریں)

بیان اذان دوست محمد ولد میاں محمد قوم انوان سکند راول پنڈی گھیب بھر 46/47 سال موبائل نمبر 03009140967 شناختی کارڈ نمبر 7.37105.5795234 بیان کیا کہ میں سابقہ فوجی ہوں اور راول کارہائشی ہوں میں نے مزدوری کیلئے ذاتی گاڑی سوزوکی پک اپ نمبری RIS/476 ڈال سے 2015 مالتی -/710000 رکھی ہوئی ہے آج سے تین دن پہلے میں سوزوکی لیکر فتح جنگ آیا تو فتح جنگ سے ایک نامعلوم پٹھان نے صدکال سے پنڈی گھیب کیلئے کبھی فارم لے جانے کیلئے -/3000 روپے بنگ طے ہوئی جو میں صدکال سے کبھی فارم لوڈ کر کے پنڈی گھیب سبل نالہ کے پاس فارم چھوڑ کر آیا تو اس وقت اس نامعلوم آدمی نے مجھے اپنا موبائل فون 03369969669 اور میرا موبائل فون نمبر 03009140967 لوٹ کر لیے تاکہ دوبارہ ضرورت پڑی تو کال کریگا جو کل مورخہ 26.09.2017 بوقت -/5 بجیشام تقریباً مجھے موبائل فون نمبر 03478215811 سے کال آئی اور مجھے کہا کہ میں کبھی فارم والا پٹھان بول رہا ہوں آج پھر صدکال سے کبھی فارم لوڈ کر کے پنڈی گھیب لیکر جانا ہے لہذا آپ گاڑی لیکر آجائیں چونکہ کرایہ پہلے سے طے تھا جو میں نے اپنے ساتھ اپنے بھانجے غضنفر علی ولد غلام مہندی قوم لکھا ساکن پرانہ پنڈی گھیب کو ساتھ لیکر سوزوکی لیکر فتح جنگ تقریباً -/8 بجے رات پہنچا تو فتح جنگ چوک میں نامعلوم پٹھان جو کہ موبائل پر رابطہ میں تھا انتظار کر رہا تھا جو ہمارے ساتھ بیٹھ گیا اور صدکال کی طرف چلنے کو کہا جہاں سے پہلے فارم لوڈ کیا تھا جانے کو کہا ہم سوزوکی لیکر صدکال سے جانب شمال رکھ جنگل کی طرف چل پڑے جو تھوڑے فاصلہ جہاں سے پہلے فارم لوڈ کیا تھا دو نامعلوم پٹھان کھڑے تھے جو ساتھ بیٹھے آدمی نے گاڑی رکوا کر ان کو بھی ساتھ بٹھا لیا اور مزید آگے جانے کو کہا تو تقریباً ڈیڑھ کلو میٹر مزید جنگل میں جا کر تینوں نے گاڑی رکوائی اور ایک نے ہینڈ نکال کر جان سے مار دینے کی دھمکی دیکر مجھے زبردستی گاڑی سے نیچے اتار دیا اور ایک نامعلوم پٹھان گاڑی چلا کر وہاں سے گاڑی بھاگ کر لے گیا جبکہ دو نامعلوم آدمی جن میں سے ایک کے پاس ہینڈ تھا دونوں نے ہمیں جان سے مار دینے کی دھمکی دی اور ہماری چادر پھاڑ کر ہم دونوں کے ہاتھ پیچھے باندھ دینے اور دونوں کے پاؤں بھی باندھ کر ہم پر ہینڈ تان کر ساری رات کھڑے رہے کہ اگر کوئی حرکت کی تو گولی مار دیں گے ساری رات پہرہ دیتے رہے اور صبح اذان کے بعد دونوں نامعلوم آدمی ہمیں چھوڑ کر جنگل میں غائب ہو گئے گاڑی میں لائسنسی ہینڈ بمعہ لائسنس، ڈرائیونگ لائسنس، شناختی کارڈ اور رقم مبلغ -/17000 روپے جبکہ بھانجے غضنفر علی سے رقم مبلغ -/2000 روپے اور میرا موبائل Q جس میں سے سیمیں نکال کر مجھے واپس دے دیں زبردستی ہمراہ لیکر چلے گئے ہیں ان دونوں ملزمان کے جانے کے بعد ہم دونوں کوشش کر کے اپنے آپکو آزاد کروا کر برائے رپورٹ تھانہ آیا ہوں تینوں ملزمان جو شکل صورت سے نوجوان پٹھان معلوم ہوتے تھے جنکو سامنے آنے پر ہم دونوں بخوبی شناخت کر سکتے ہیں قانونی کارروائی کی جائے العبد دستخط بحروف انگریزی دوست محمد تصدیق شد محمد نواز ASI کارروائی پولیس ساکل مندرجہ بالا نے بحاضری تھانہ آکر بیان بالا تقریری دیا جو مذکورہ کو پڑھکر سنایا و سمجھایا گیا جس نے صحت بیان خود کو درست تسلیم کرتے ہوئے اپنے دستخط بحروف انگریزی کر دیئے جنکی میں تصدیق کرتا ہوں بیان ساکل و حالات واقعات سے سردست صورت جرم 392 ت پ پائی جا کر بیان بشکل استغاثہ بغرض اندراج مقدمہ حوالے عمر HC/574، نیاز احمد C/1759 کے بسلسلہ تفتیش روانہ ہوتا ہوں دستخط اردو و انگریزی محمد نواز ASI تھانہ فتح جنگ 27.09.2017 از تھانہ بوقت 8/15 بجے صبح حسب آمد استغاثہ رپورٹ ابتدائی ہذا بجرم مذکور مرتب ہوئی اصل استغاثہ معہ نقل FIR بمراہ تفتیش دست تو شیر عباس C/2290 محمد نواز ASI بھجوائی جا رہی ہیں نقل FIR بشکل پیش رپورٹ جا بجا بحد مت افسران مجاز مرسل کی جا رہی ہیں عمر کو ہدایت ہوئی کہ تکمیل ریکارڈ کرے۔





ALI HAMZA S/O ACCUSED ZULFIQAR ALI ALIAS BHUTTO

Display of Prohibited Weapons (AK-47 , 7.62 MM)

92



PICTURES OF FAMILY MEMBERS AND FRIENDS OF  
ACCUSED ZULFIQAR ALI ALIAS BUTTO

93



**Muzahir (pic#1)**



**Tanveer pic:2**

PICTURES OF FAMILY MEMBERS AND FRIENDS OF  
ACCUSED ZULFIQAR ALI ALIAS BHUTTO

94



PERS CONFD

Col Abbas Ali Bangash

**(Complainant in FIR No-80)**

Contact : 03005708179

Dated : 20 Feb 2024

- List-1:(1) Inspector General Police, KPK (CPO Peshawar) (2) RPO/DIG Kohat  
 (3) DPO Kohat (4) AIG Establishment, CPO Peshawar (5) DSP Legal, Kohat  
 (6) Reader /SRC/OHCL/LO & Pay Order (7) Home Secretary KPK (Home Office)  
 (8) Head of Legal Branch, KPK Police; CPO Office , Peshawar

- List-2:(1) Governor KPK  
 (2) Chief Minister KPK  
 (3) DG Prosecution KPK  
 (4) Chairman KPK Service Tribunal, Peshawar  
 (5) Advocate General, KPK Service Tribunal, Peshawar  
 (6) Registrar KPK Service Tribunal, Peshawar  
 (7) Assistant Registrar, KPK Service Tribunal  
 (8) All concerned Intelligence Agencies

Subj: Dismissal (Major Punishment) of No-963/1192 Ex Police ELITE Force Constable Meisam Ali s/o Riaz Ali (CNIC No -14301-7690552-5) from Police Department vide DPO Kohat Order No- OB No-830/ 5901-04 dated 24 November 2020 for his involvement in 2 x murder FIRs i.e FIR-80(u/s 302/34/109 PPC) dated 24 March 2013 & FIR-37 (34/302PPC) dated 06 Feb 2017 FIR-80 + His 1<sup>st</sup> Appeal before KPK Service Tribunal 1273/2017 + Ex-55/24 in 1273/17 + 2<sup>nd</sup> Appeal 224/24

Reference : My letter dated 11 Jan 2024 on the subject

1. With due respect, it is stated that **No-963/1192 ; Ex Police Constable Meisam Ali s/o Riaz Ali (Dismissed from Police service)** had been charged alongwith other Co-accused for 2 x murders as per 2 x separate FIRs (all blood relatives including his father, brother & uncle) as under :-

- a. FIR-80 (u/s 302/34/109 PPC) dated 24 March 2013 at PS Usterzai, Kohat - Brutal Murder of my father namely Capt Ali Muhammad Bangash (deceased).
- b. FIR-37 (u/s 302/34 PPC) dated 06 Feb 2017 at PS Usterzai Kohat - Brutal Murder of a lady named Mst Hina Shahnawaz (deceased).

PERS CONFD

PERS CONF D

2. Chronology/background of the subject case is as under :-

Ser	Date	Details
a.	06/7/07	Recruitment of Constable Meisam Ali in KPK Police
b.	24/03/13	<b>FIR#80</b> FIR#80 (u/s 302/34/109 PPC) dated 24 March 2013 - Murder of Capt Ali Muhammad Bangash
c.	20/5/13	Police Inquiry Officer recommended to keep the inquiry pending
d.	17/10/14	Meisam Ali was reinstated into Service wef 17 Oct 2014
e.	06/02/16	Constable Meisam Ali was suspended from service
f.	06/02/17	<b>FIR#37</b> FIR#37 (u/s 302/34 PPC) dated 06 Feb 17 was lodged wherein Meisam Ali was charged for the brutal murder of Hina Shahnawaz
g.	14/2/17	Meisam Ali was charged in CrPC-164 Statement of Mst Farheen
h.	04/05/17	<b>1<sup>st</sup> Dismissal Order of Meisam Ali from Police</b> Meisam Ali had been dismissed from Kohat Police by DPO Kohat for his proven involvement in Case FIR#37
i.	05/05/17	Meisam Ali was granted Bail by the Court
j.	16/05/17	Meisam Ali filed Department Appeal before DIG/RPO Kohat
k.	10/9/17	Meisam Ali filed Appeal before IGP KPK under Rule 11-A of KPK Police Rules-1975
l.	18/10/17	Meisam Ali's Appeal before IGP KPK was dismissed
m.	15/11/17	<b>Appeal before KPK Service Tribunal</b> Meisam Ali filed an Appeal No-1273 /2017 before Service Tribunal KPK
n.	21/9/19	Acquittal of Meisam Ali in FIR#37 as result of compromise
o.	01/7/20	As per Order of Service Tribunal , his appeal was admitted and he was re-instated into service
p.	27/7/20	Service Tribunal letter to IGP KPK about re-instatement of Meisam Ali
q.	06/8/20	Police Order for his re-instatement into Service
r.	20/8/20	Meisam Ali asked Police for reimbursement of his back benefits since 05 April 2017 till 27 July 2020
s.	13/10/20	<b>Conviction of Meisam Ali in FIR#80</b> Meisam Ali was convicted in FIR No-80 (u/s 302/34/109 PPC) lodged on 24 March 2013 with award of Life Imprisonment and payment of Rs 2 Lakhs to bereaved family of deceased
t.	24/11/20	<b>2<sup>nd</sup> time Dismissal of Meisam Ali (FIR#80)</b> DPO Kohat vide his Order - OB No- OB No-830 /5901-04 dated 24 November 2020 has dismissed Meisam Ali for the 2 <sup>nd</sup> time upon his conviction in Case FIR#80 (Attached)
u.	28/2/23	Peshawar High Court, Peshawar while disposing off connected appeals had remanded the trial of accused on a minor anomaly to Court of Session Judge Peshawar only to procure the triplicate copies of statements of all DWs.
v.	16/9/23	<b>Acquittal in FIR#80</b> Meisam Ali was acquitted by the Court of Session Judge Peshawar despite no addition of any evidence. Same DWs statements were transposed with not an iota of additional evidence
w.	05/10/23	Cr Appeal against Acquittal No-1398 against acquittal of Meisam Ali, Riaz Ali and Zulfiqar Ali alias Bhutto was filed at Peshawar

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<b>High Court Peshawar</b>		
x.	05/10/23	<b><u>Appeal against Acquittal at Peshawar High Court, Peshawar</u></b> Complainant in case FIR-80 Col Abbas Ali Bangash filed an Appeal against Acquittal of Meisam Ali against the Impugned Judgement of Session Judge Peshawar and so far the case has been affixed on following dates with admission on 18 Jan 24 for hearing. <b>(Institution Slip No - 38765 dated 05 Oct 23 is attached)</b>
y.	09/1/24	<b><u>Appeal for Execution Order No-55/2024 by Meisam Ali</u></b> Meisam Ali's petition for Execution Order before Service Tribunal KPK in connection to Appeal No-1273/2017 <b>(Attached)</b>
z.	15 Feb 24	<b>Cr Appeal Against Acquittal -1398</b> against acquittal of Meisam Ali, Riaz Ali & Zulfiqar Ali alias Bhutto has been admitted by the Honorable Peshawar High Court ; hence suspending the Judgement of Session Judge Peshawar dated 16 Sep 2023.

3. Details of Dismissal Orders of Meisam Ali are as under :-
- 1<sup>st</sup> Dismissal Order** by DPO Kohat dated 04 May 2017 for his involvement in the murder of Hina Shahnawaz vide FIR-37(302/34PPC) dated 06 Feb 2017
  - 2<sup>nd</sup> time Dismissal** by DPO Kohat OB No-830 /5901-04 dated 24 November 2020 upon his conviction in Case FIR-80(u/s 302/34/109 PPC) dated 24 March 2013 , an order which remains unchallenged till date.

4. Thus far, Meisam Ali has filed following Petitions before KPK Service Tribunal:-

Ser	Service Appeals	Details
a.	<b>Appeal No-1273/17</b> on 15 Nov 2017	Against 1 <sup>st</sup> Dismissal Order .However, Meisam Ali was again dismissed from Police on 24 November 2020 for his conviction in FIR-80.
b.	<b>Ex Order -55 /24</b> on 09 Jan 24	For claiming back benefits <b>(Pending)</b>
c.	<b>Appeal No-224/24</b> on 19 Jan 24	Against 2 <sup>nd</sup> Dismissal Order <b>(Pending)</b>

5. **Order of Peshawar High Court Peshawar.** On 15 Feb 24, the Honorable Peshawar High Court Peshawar has admitted the Cr Appeal against Acquittal No - 1398 against the acquittal of Meisam Ali , Riaz Ali and Zulfiqar Ali alias Bhutto ;hence the Order of Acquittal dated 16 Sep 24 as passed by Session Judge Peshawar stands Impugned/suspended till further Orders by Honorable High Court Peshawar. **(Copy of the Order is attached).**

6. In view of above stated facts, following is respectfully requested :-
- Appropriate comments /report for KPK Service Tribunal may be prepared at your end.
  - On 15 Feb 24, Honorable Peshawar High Court Peshawar while dealing with Cr Appeal against Acquittal No-1398 on 15 Feb 24, recorded in its Order that "**the**

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*accused were acquitted on the charge on the same set of evidence. After hearing the learned counsel for the appellant, we are of the view that the case requires re-appraisal of evidence. Admit & Notice Bailable warrants of arrest in the sum of Rs 50,000/- with two sureties each in the like amount Bonds be issued against the accused/respondents to the satisfaction of Additional Registrar Judicial of this court.* This inherently means that previous Order of Session Judge Peshawar dated 16 Sep 24 has been declared as Impugned /suspended. Conviction of all accused including Meisam Ali is now obvious.

- c. Meisam Ali may not be re-instated in the Police Department & the back date benefits as demanded by Ex Constable Meisam Ali (Dismissed) wef **05 Apr 2017 till 27 July 2020** vide Appeal for Executive Order - Ex-55 /24 may not be granted to him in view of fresh Order of Peshawar High Court Peshawar on Cr Appeal against Acquittal #1398 on 15 Feb 24, whereby the Impugned Order of Session Judge Peshawar is now in the state of suspension & subject to review.
- d. Meisam Ali is a hardened criminal with criminal history in the area, who has always misused his employment in Kohat Police for commission of heinous crimes in the area; hence as per Police Rules, a person with such criminal mindset, doubtful integrity & character shall not continue to serve in Police. Upon his re-instatement in Police, he would further misuse the badge/uniform of Police for commission of further heinous crimes & such criminal elements within Police have always tarnished the image of Kohat Police.
- e. Given aforesaid facts, IGP KPK is requested to kindly direct AIG Establishment at CPO Peshawar, Legal Branch KPK Police, DPO Kohat & DSP Legal Kohat to prepare a proper/cohesive/consolidated report/case before KPK Service Tribunal, so as to ensure that 2<sup>nd</sup> Dismissal Order of DPO Kohat vide DPO Kohat OB No-830 /5901-04 dated 24 November 2020, as issued sequel to conviction of Meisam Ali in Case FIR-80(u/s 302/34/109 PPC) dated 24 March 2013, remains upheld & Government fund is not exhausted in terms of reimbursements of claimed back date benefits to a criminal namely **Meisam Ali** & the matter may be pursued at **Supreme Court (Appellant Jurisdiction as**

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per article 212 of Constitution) in case an adverse Order is passed by KPK Service Tribunal.

7. Next dates in following Service Petitions are mentioned against each , hence comments/report may be prepared accordingly by DSP Legal Kohat :-

- a. Service Petition for Ex Order No - Ex -55 in 1273/17 : 12 March 24  
 b. Service Appeal No-224/24 : 18 March 24

8. Following documents are attached with this application for perusal at your end:-

Ser	Attachments	Flag
a.	<b>FIR#80</b> (u/s 302/34/109 PPC) dated 24 March 2013 - Brutal murder of Capt Ali Muhammad Bangash (deceased)	<b>A</b>
b.	<b>CrPC-164 Statement in FIR-80</b> of Major Abbas Ali Bangash, whereby Meisam Ali was charged for the murder of Capt Ali Muhammad Bangash(deceased)	<b>B</b>
c.	<b>FIR#37</b> (u/s 302/34PPC) dated 06 Feb 2017 - Brutal murder of Hina Shahnawaz	<b>C</b>
d.	<b>CrPC-164 statement in FIR#37</b> whereby Meisam Ali was charged for the murder of Hina Shahnawaz	<b>D</b>
e.	<b>1<sup>st</sup> Dismissal Order</b> by DPO Kohat as issued on 04 May 2017 by DPO Kohat (FIR#37)	<b>E</b>
f.	<b>2<sup>nd</sup> Dismissal Order</b> by DPO Kohat as issued on 24 Nov 2020 by DPO Kohat (FIR#80)	<b>F</b>
g.	<b>Execution Order # 55/2024</b> by Meisam Ali alongwith fake affidavit on 09 Jan 2024 before KPK Service Tribunal, wherein he concealed the fact of 2 <sup>nd</sup> Dismissal Order of DPO Kohat dated 24 Nov 2020.	<b>G</b>
h.	<b>Service Appeal No-224/24</b> against 2 <sup>nd</sup> Dismissal Order issued on 24 Nov 2020	<b>H</b>
i.	<b>Order of Peshawar High Court Peshawar</b> on Cr Appeal against Acquittal #1398 against acquittal of Meisam Ali & others in FIR#80 dated 15 Feb 24, whereby the Order of Session Judge Peshawar dated 16 Sep 24 has been declared impugned and suspended.	<b>I</b>

9. Forwarded for further necessary action, please.



(Col Abbas Ali Bangash)

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COURT PETITION

BEFORE THE HONORABLE KPK SERVICE TRIBUNAL, PESHAWAR

Miscellaneous Application dated 12 March 2024

In

Ex Order Application No- EP-55/2024 (connected to Service Appeal No-1273/2017)

instituted by Maisam Ali

&

Service Appeal No – 224/2024 instituted by Maisam Ali.

Abbas Ali Bangash s/o Capt Ali Muhammad Bangash (deceased) – Usterzai Payan,  
Kohat--- **Petitioner-In-Person**

**VS**

Ex Constable Maisam Ali s/o Riaz Ali (Usterzai Payan, Kohat)----- Respondent No-1  
Inspector General of Police KPK (CPO Peshawar) ----- Respondent No-2  
DPO Kohat (DPO Office, Kohat)----- Respondent No-3

AFFIDAVIT OF FACTS

1. I, Abbas Ali Bangash s/o Capt Ali Muhammad Bangash (deceased) having residential address of Usterzai Payan, Kohat, as Petitioner - In - Person do hereby solemnly affirm and declare as under :-

- a. That the facts contained in the accompanying Misc Application are correct & true to the best of my knowledge & information.
- b. That, above stated facts have been obtained from the record.

Sworn at Peshawar on this 12 day of March 2024



Signature  
12-03-24.

COURT PETITION

DEPONENT

Petitioner-in-Person

Signature

(Abbas Ali Bangash)

0300-5708179