

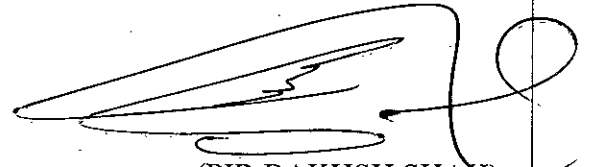
S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	04.08.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 1422/2014</p> <p style="text-align: center;">(Muhammad Ayaz-vs- Superintendent of Police Head Quarters, Police Line Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH , MEMBER:</u></p> <p>Counsel for the appellant (Mr. Aman Ullah Kundi & Muhammad Zafar, Advocate) and Mr. Aziz Shah, Reader alongwith Mr. Muhammad Jan, GP for respondents present.</p> <p>2. Head Constable of the Police Department, Muhammad Ayaz, No. 2469 was dismissed from service vide impugned order dated 25.08.2014 and his departmental appeal was also rejected vide order dated 11.11.2011, hence this appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Arguments heard at length and record carefully perused.</p> <p>4. It transpired from the record that the appellant, though acquitted as claimed by learned counsel for the appellant, in the criminal cases against him, was involved almost in nine (9) criminal cases, which according to the learned Government Pleader, included cases of theft of vehicles and thus cases of moral turpitude. These cases have been mentioned in the enquiry report dated 06.08.2007 of the then Inspector (Legal) Peshawar copy of which was produced</p>

by learned G.P. It also reveals from record that once also acquitted in case vide FIR No. 284 dated 21.04.2007 under Section-337-J/381/14 Islamic Law P.S East Cantt Peshawar, the appellant submitted application to the authorities to be selected for intermediate course contending that he has been acquitted in the criminal case. The competent authority, in the light of the pending disciplinary proceedings against the appellant of 2007 when going through the record, rather dismissed him from service in 2014 in proceedings which remained pending for seven(7) years with no opportunity of personal hearing. The appellate authority after giving him opportunity of personal hearing also rejected his appeal.

5. During hearing of this appeal, the appellant submitted that he has rendered service for long thirty years (appointed as Constable in 1987) and the penalty awarded to him was too harsh. He pleaded and prayed that this Tribunal may convert his penalty of dismissal from service into one that of compulsory retirement. In view of facts and circumstances of the case as briefly indicated above, the Tribunal in the interest of justice is inclined to grant the said relief to the appellant without going further into merits of the case. Consequently, the order of dismissal from service of the appellant be treated as his compulsory retirement. The appeal is disposed of in the above terms. Parties are left to bear their own cost. File be consigned to the record room.



(ABDUL LATIF)
MEMBER

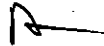


(PIR BAKHSH SHAH)
MEMBER


ANNOUNCED
04.08.2016

20.04.2016

Appellant with counsel and Mr. Muhammad Jan, GP for respondents present. After hearing learned counsel for the appellant for some time and perusal of the record it was found that criminal case was registered against the appellant in which he has been acquitted and despite the fact that the appellant was charge sheeted on the basis of the criminal FIR's he was dismissed from service vide impugned order dated 28.02.2013 in between which no proceedings of show cause etc were showing to have taken place. Plea of learned GP is that despite acquittal from criminal case, the department could legally proceed against him. Astonishingly none of the report of the enquiry officer, P.I (legal) or S.P cannt: available on file. Respondent-department is directed to produce the same on the next date. To come up for such record and further arguments on 04.08.2016.



Member



Member

09.03.2015

None present for appellant. Mr. Hayat Muhammad, Reader to DSP alongwith Addl: A.G present. Requested for adjournment. To come up for written reply/comments on 4.6.2015 before S.B.


Chairman

04.06.2015

Clerk to counsel for the appellant and Addl: AG for the respondents present. Learned AAG is directed to contact the respondents for submission of written reply/comments. Adjourned to 10.08.2015 before S.B.


Member

10.08.2015


Appellant in person and Mr. Hayat Muhammad, Reader to DSP alongwith Assistant A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 30.11.2015.


Chairman

30.11.2015

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on

20-4-16

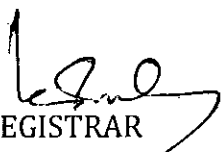


Member


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1422/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	23.12.2014	<p>The appeal of Mr. Muhammad Ayaz resubmitted today by Mr. Amanullah Kundi Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	21.1.2015	<p style="text-align: center;">_____ Bench _____ File received from the Hon'ble Bench-I. _____ Hearing to be _____</p> <p>Appellant with counsel present. The learned counsel for the appellant submitted before the court that major penalty of dismissal from service has been impugned upon the appellant but no proper enquiry was conducted against him; that no show cause notice issued to him and he has been condemned unheard. Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for submission of written reply/comments on 09.3.2015.</p> <p style="text-align: right;"> MEMBER</p>

*Appellant deposited
Process fee & Security
Rs. 350/- Bank Receipt
attached with file*


The appeal of Mr. Muhammad Ayaz son of Sobat Khan Ex-Head Constable No. 2469 received today i.e. on 11.12.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copies of Charge Sheet, statement of allegations, Show Cause Notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 2- Index of the appeal is incomplete which may be completed.
- 3- Departmental appeal having no date, be dated.

No. 1705 /S.T,

Dt. 15/12 /2014.

Mr. Amanullah Kundi Adv. Pesh.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Sirs Re submitted date after completion

Amul
23/12/14

Dear Sirs That the department have not provide the copy of charge sheet, show cause notice

Amul
23/12/14

BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1422 of 2014

Muhammad Ayaz Ex-Head Constable No.2469

..... Appellant

VERSUS

Superintendent of Police Head Quarters, Police Line Peshawar
& others

..... Respondents

Index

S.No.	Description of documents	Annexure	Pages
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5.	Copy of impugned order of Respondent No.1 dated 26/08/2014	"A"	9-10
6.	Copy of the impugned order of the respondent No.2 dated 11/11/2014	"B"	11-13
10.	Copy of acquittal order dated 28/02/2013	"C"	14-17
11.	Copy of acquittal order dated 16/12/2009	"D"	18-33
12.	Wakalat Nama	In original	34

Dated 11 / 12 / 2014

Appellant
Through

Amir
Aman Ullah Kundi
&
MZ
Muhammad Zafar
Advocates High Court,
Peshawar.

(1)

BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1422 of 2014

A.W.P. Peshawar
1434
11-12-2014

Muhammad Ayaz Son of Sobat Khan,
Ex-Head Constable No.2469 R/o Jojokhel Mattani, Tehsil
& District Peshawar presently Noutia Pattak Akbar Khan
Street Peshawar Cantt.

..... Appellant

VERSUS


- 1- Superintendent of Police Head Quarters, Police Line Peshawar.
- 2- Chief Capital City Police, Peshawar.
- 3- Provincial Police Officer /Inspector General of police Khyber Pakhtunkhwa Peshawar.
- 4- Govt of Khyber Pakhtunkhwa through Secretary Home Peshawar.

..... Respondents

APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974, AGAINST THE
IMPUGNED Order INDECISION OF
RESPONDENT NO.2 WITH REGARD TO
DEPARTMENTAL APPEAL OF THE APPELLANT
AGAINST THE IMPUGNED ORDER OB NO.2143-
48/PA DATED 11/11/2014 BY WHICH THE
APPELLANT WAS DISMISSED FROM HIS
SERVICE ON THE BASIS OF INVOLVEMENT IN
FIR NO.284 DATED 21/04/2007 U/S 337/381-A/14
ISL LAW PPC POLICE STATION EAST CANTT &
FIR NO.177 DATED 31/03/2007 U/S 381-A/411 PPC
PS GHALIGAI DISTRICT SWAT, FIR NO.330
DATED 07/05/2007 U/S 337-J/381-A PPC PS PABBI
NOWSHERA AND FIR NO.91 DATED 23/02/2007
U/S 337-J/381-A PPC PS PRANG CHARSADEA.


11/12/14

re-submitted to
and filed.


11/12/14

Prayer in Appeal:

(2)

On acceptance of this service appeal the impugned orders of the respondents No.1 and 2 be declare as illegal, arbitrary, whimsical, fanciful, void-ab-initio, null and void, without jurisdiction, without lawful authority, against law and be set aside and the appellant may kindly be reinstated in service from the date of his dismissal with all back benefits.

It is, further prayed that any other relief deems fit and proper in the circumstances of the case may graciously be granted.

Respectfully Sheweth:

- 1) That the appellant was appointed as constable in the year 1987 and during the length of his service, the appellant appeared in various course passed i.e. PTC-C-1 conducted by the police department and the appellant have successfully completed them.*
- 2) That during appellant's 27 years service, he was not awarded to any minor or major punishment and have unblemished record.*
- 3) That the during the length of his service, while the appellant was posted at Police Line VIP Security, and he performed his duty very honestly and clear his record and he was not committed any act or omissions.*
- 4) That when the appellant was posted at Police Line Peshawar VIP Security Peshawar with near friend Saeed Khan unfortunately, falsely charged the name of the appellant.*
- 5) That the appellant has been acquitted by the competent Court of law and the appellant filed an application for obtaining attested copy of his acquittal order which was*

(3)

supplied to the appellant to the competent authority. (Copy of the acquittal order is attached

- 6) *That the appellant filed a departmental appeal on 07/09/2014 before the respondent No.2 for setting aside his dismissal order passed by the respondent No.1 which has not been decided by the Respondent No.2 so far, hence the present appeal is being filed before this Hon'ble Tribunal on the following amongst other grounds:*

GROUND:

- A) *That the impugned orders of respondents No.1 and 2 are arbitrary, whimsical, illegal, fanciful, void ab-initio, null and void and are against the law and fact, hence untenable and are liable to be set aside.*
- B) *That absence of the appellant was neither willful, nor intentional or deliberate but due to unavoidable circumstances.*
- C) *That neither show cause notice has been served upon the appellant nor the appellant had any knowledge of the same.*
- D) *That the appellant was neither associated with inquiry committee nor given any chance of personal hearing to explain his position.*
- E) *That it is an un-deniable principle of law that the procedure in an ex parte proceedings shall conform to the principle of natural justice as under the natural justice a*

(4)

defaulter in ex parte proceedings will be deemed not to have admitted the allegation contained in the summary of mis-conduct including a plea of not guilty to the charge.

- F) That there are sufficient reasons for taking lenient action in the case of the appellant keeping in view his previous clear record and lengthy service.*
- G) That the appellant's performance during the entire service remained outstanding and no bad entry was earned.*
- H) That the alleged inquiry report has also not been served upon the appellant.*
- I) That neither preliminary nor final show cause notice had been served upon the appellant nor the appellant have any knowledge of the same.*
- J) That though the removal from service (Special Power Ordinance 2000) is not applicable in the appellant case even otherwise the procedure adopted by the respondent No.1 and 2 is not according to the above Ordinance.*
- K) That as the appellant has been acquitted in the alleged all criminal cases by the competent Court and the impugned orders of the respondents No.1 and 2 are based on the above criminal case thus the impugned orders of the respondents No.1 and 2 are illegal, void ab-initio null and void which are liable to be set aside.*

(5)

- L) That the appellant has been punished for the same offence twice, so the impugned orders are against the law which are liable to be set aside.
- M) That the appellant during period remained out of service did not derive monetary benefit in any manner thus he is entitled for all full back benefits.
- N) That the appellant was condemned unheard which is against natural justice.
- O) That during the whole service period the appellant was never awarded to any major or minor punishment and the appellant has an unblemished record.
- P) That an absolutely false, frivolous and concocted case was registered by the complainant of FIR No.284 dated 21/04/2007 against the appellant and ~~his all family members as counter blast~~ of FIR No.177 dated 31/03/2007 and FIR No.330 dated 07/05/2007 and FIR No.91 dated 23/02/2007 is not based on corruption or moral turpitude. Thus the impugned orders are liable to be set aside.
- Q) That the procedure adopted in an inquiry allegedly conducted is not in accordance with the provision of law.
- R) That provision of police rules 1934 and 1975 have not been adhered to.
- S) That the provisions of NWFP Government Servant E&D Rules 1973 were not adhered to.

(6)


T) That during his 27 years lengthy service, the appellant has not committed any act or omission.

It is, therefore, humbly prayed that on acceptance of this service appeal the impugned orders of the respondents No.1 and 2 be declare as illegal, arbitrary, whimsical, fanciful, void-ab-initio, null and void, without jurisdiction, without lawful authority, against law and be set aside and the appellant may kindly be reinstated in service from the date of his dismissal with all back benefits.

It is, further prayed that any other relief deems fit and proper in the circumstances of the case may graciously be granted.

Dated 11/12/2014


Appellant
Through

Aman Ullah Kundi
& 
Muhammad Zafar
Advocates High Court,
Peshawar.

(7)

BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____ of 2014

Muhammad Ayaz Ex-Head Constable No.2469
..... Appellant

VERSUS

Superintendent of Police Head Quarters, Police Line Peshawar
& others
..... Respondents

Affidavit

I, Muhammad Ayaz Son of Sobat Khan, Ex-Head Constable
No.2469 R/o Jojokhel Mattani, Tehsil & District Peshawar
presently Noutia Pattak Akbar Khan Street Peshawar Cantt do
hereby solemnly affirm and declare on oath that the contents of
the accompanied service appeal are true and correct to the best
of my knowledge and belief and nothing has been concealed or
with held from this Hon'ble Tribunal.

Deponent



(8)

BEFORE THE KHYBER PAKHUTNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____ of 2014

Muhammad Ayaz Ex-Head Constable No.2469

..... Appellant

VERSUS

Superintendent of Police Head Quarters, Police Line Peshawar
& others

..... Respondents

ADDRESSES OF THE PARTIES

Appellant

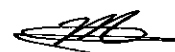
Muhammad Ayaz Son of Sobat Khan,
Ex-Head Constable No.2469 R/o Jojokhel Mattani,
Tehsil & District Peshawar presently Noutia Pattak
Akbar Khan Street Peshawar Cantt.

Respondents

- 1- Superintendent of Police Head Quarters, Police Line Peshawar.
- 2- Chief Capital City Police, Peshawar.
- 3- Provincial Police Officer /Inspector General of police Khyber Pakhtunkhwa Peshawar.
- 4- Govt of Khyber Pakhtunkhwa through Secretary Home Peshawar.

Dated // 1/2/2014

Appellant
Through

Aman Ullah Kundi
& 
Muhammad Zafar
Advocates High Court,
Peshawar.

(9)

ORDER

This office order relates to the disposal of formal departmental enquiry against Head Constable Muhmmad Ayaz No.2469 of Capital City Police Peshawar on the following charges/allegations;

"that he was involved in criminal case vide FIR No.284 dated 21.04.2007 u/s 337-J/381/14 Islamic Law PS East Cantt & case vide FIR No.177 dated 31.03.2007 u/s 381-A/411 PPC PS Ghaligai District Swat."

In this regard, he was placed under suspension vide No.1330-OB dated 15.05.2007. He was issued charge sheet and summary of allegations vide No.38/E/PA/SP HQrs dated 15.05.2007 & No.43/E/PA/SP-HQrs dated 19.05.2007. Inspector Legal & ASP Cantt were appointed as Enquiry Officers.

Inspector Legal conducted the enquiry proceedings and submitted his finding/report that HC Ayaz is rightly involved in the criminal case and is guilty. It has also been established that he has been indulged in the offences of car lifting/receiving being a uniformed Police official which is stigma on the face of Police Department. He further recommended for a suitable punishment for the defaulter official vides Enquiry Report dated 06.08.2007.

ASP Cantt conducted enquiry and submitted his finding/report that the alleged official is involved in two different cases and is stigma on the face of Police department. He further recommended major punishment for the delinquent official vide Enquiry Report No.18/E/FC dated 13.06.2007.

Upon the finding of E.Os, he was issued final show cause notice to which he received and replied. He submitted an application requesting therein for re-instatement in service. In this regard the opinion of DSP/Legal was asked by the then SP-HQrs. The accused official was re-instated in service vide No.1468-OB dated 03.06.2008 and the departmental enquiry was ordered to be decided on the receipt of Court Judgment as per opinion of DSP/Legal.

Now, he submitted another application and requested that he was involved in 04-criminal cases and has been acquitted from the charges leveled against him. Then the application along with departmental enquiry file was again referred to DSP/Legal for seeking legal opinion. He opined that both the Enquiry Officers recommended the accused official for major punishment having criminal mind and on the basis of involvement in 09 criminal cases of theft, registered against him at Police Stations of various District. Now the defaulter Head Constable Muhammad Ayaz has taken the plea of acquittal in criminal cases by the competent court of law, but his acquittal in criminal cases has no binding over the disposal of departmental enquiry, the Apex Court in various judgments has held that acquittal in criminal case would not ipso facto lead to exoneration of a civil servant in departmental proceedings. He further opined that enquiry against HC Muhammad Ayaz may be disposed off in light of the recommendations of E.Os.

In view of the recommendations of E.Os & DSP/Legal opinion, the undersigned came to conclusion that he is guilty of this misconduct and not deserves an iota of leniency. Therefore, in exercise of the power vested to me under Police & Disciplinary Rules-1975, he is awarded the major punishment of dismissal from service with immediate effect.


SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

OB. NO. 2582 / Dated 26/8/2014

No. 3257-65 PA/SP/dated Peshawar the 25/8/2014

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

- ✓ The Capital City Police Officer, Peshawar
- ✓ DSP/HQrs, Peshawar & Pay Office, OAS
- ✓ CRC & FMC along-with complete departmental file & Officials concerned.

ATTESTED


صباح پشاور

سکوریٹی بونٹ

لفظاً 26 روزہ 3-6-08

در 26 روزہ / شادلم ذکی اللہ جان / sec / وقت 5:00 بجے 5-6-08 اس وقت Hc

محمد آریز محال شہ OB No. 1468 / 3-6-08 سکوریٹی بونٹ سے

خارج کرتے لائن روزہ آج سے

مہدی

نقل و حرکت

5-6-08

ATTESTED
[Signature]

Annex B (11)

ORDER

This order will dispose off departmental appeal of ex-Head constable **Mohammad Ayaz No. 2469** who was awarded the major punishment of **Dismissal** from service vide OB No. 2582 dated 26.8.2014 under PR 1975 by SP/HQ Peshawar.

The appellant was proceeded departmentally on the charge of his involvement in criminal cases of Car lifting vide FIR No. 284 dated 21.4.2007 u/s 337-J/381/14 ISL PS East Cantt: & FIR No. 177 dated 31.3.2007 u/s 381-A/411 PPC PS Ghaligzai Distt: Swat.

Two separate departmental proceedings were initiated against him and Inspector Legal and ASP-Cantt: were appointed as E.Os. They in their findings held him responsible of the allegations levelled against him. On receipt of findings of the E.Os he was issued FSCN to which he replied. The same was found unsatisfactory hence the SP-HQRs: awarded him the above major punishment.

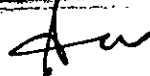
The relevant record has been perused and heard the appellant in OR on 7.11.2014. Perusal of record reveals that he remained involved in series of similar nature criminal cases which speak that he is a man of criminal mind and his retention in force is not suitable. He is a stigma on the face of Police department. Therefore, punishment awarded by the Competent Authority is commensurate with the gravity of misconduct. The allegations levelled against him stand proved beyond any shadow of doubt. Therefore, the appeal is rejected/filed.


**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No. 2143-48/PA dated Peshawar the 11/11 2014.

Copies for inf and n/a to the:-

- 1/ SP/HQ Peshawar
- 2/ PO/OSI
- 3/ CRC along with S.R. for making necessary entry.
- 5/ FMC, encl: FM.
- 6/ Official concerned.

ATTESTED


(12) بخدمت جناب سی سی پی او صاحب پشاور

۱۔ اپیل برخلاف حکم فیصلہ جناب ایس پی ہیڈ کوارٹر پشاور ڈر OB No. 2582 مورخہ 26/08/2014 جس کی رو سے سائل کو ملازمت سے برخاست کیا گیا

۲۔ اپیل برائے منسوخ حکم OB No. 2582 مورخہ 25/08/2014

۳۔ اپیل بمراد بحال فرمانے سائل کو بر ملازمت وادائیگی جملہ بقایا جات بہ شکل تنخواہ وغیرہ بمعہ سینارٹی جناب عالی! سائل حسب ذیل عرض رساں ہے

- ۱۔ یہ کہ سائل گزشتہ 27 سال سے محکمہ پولیس میں خدمات سرانجام دے رہا ہے۔
- ۲۔ یہ کہ سائل نے ہمیشہ قانون کی پاسداری کی اور ہمیشہ اپنی جان کی پروا نہ کرتے ہوئے ہمیشہ ملزمان پر ہاتھ ڈالا ہے لہذا اس وجہ سے کچھ لوگ میرے خلاف ہو گئے
- ۳۔ یہ کہ میرے نادیدہ مخالفین کی ایما پر مجھے پریشان کرنے اور مجھے ملازمت سے برطرف کرنے کیلئے میرے خلاف سازشی طور پر مقدمات قائم کئے گئے تاکہ وہ من سائل کو اپنی راہ سے ہٹائیں
- ۴۔ یہ کہ من سائل کو درج ذیل ایف آئی آر میں ملوث کیا گیا مگر عدالت حضور نے من سائل کو تمام مقدمات سے باعزت طور پر بری کر دیا ہے

نمبر شمار	ایف آئی آر	مورخہ	جرم	تھانہ	عدالت حضور	حکم فیصلہ
۱۔	284	21/04/2007	337-J/381-A/ 14 Islamic law	شرقی پشاور	ASJ پشاور	28/02/2013
۲۔	177	31/03/2007	337-J/381-A	خانگی سوات	اضافی قاضی سوالات	16/12/2009
۳۔	330	07/05/2007	337-J/381-A	مہی نوشہرہ	ASJ نوشہرہ	09/06/2009
۴۔	91	23/02/2007	337-J/381-A	پڑانگ چارسدہ	ASJ چارسدہ	11/02/2013

یہ کہ اس دوران از روئے 1330 مورخہ 15/05/2007 من سائل کو ملازمت سے معطل کیا گیا ماہم از روئے OB No. 1468 مورخہ 03/06/2008 من سائل کو ملازمت پر بحال کر دیا گیا

۴۔ یہ کہ من سائل اپنی seniority کے حصول کیلئے جناب AR SP پشاور کے پاس گیا مگر کسی سنوائی کے بغیر من سائل کو از روئے OB 2582 مورخہ 26/08/2014 ملازمت سے برخاست کیا گیا

۵۔ یہ کہ سائل اپنی بحالی سے آج تک اپنی ملازمت باقاعدہ طور پر کرتا رہا اور ہمیشہ قانون کی پاسداری کی ہے

۶۔ یہ کہ مذکورہ حکم نامہ بوجوہات ذیل غیر قانونی سائل کے حقوق پر ناقابل رفتار ہے۔

الف۔ یہ کہ تمام مقدمات میں مختلف عدالت ہائے نے سائل کو بے قصور گردانا جا کر باعزت طور پر بری کر دیا ہے (نقول لف ہیں)

ب۔ یہ کہ تمام تر مقدمات میں سائل کو جیل سے باہر لے جائیں اور un trace کیسز کی ریکوری نہیں کی گئی

اور نہ ہی سائل کیخلاف کوئی شہادت ریکارڈ کی گئی۔

ج۔ یہ کہ شریک ملزم سعید خان نے خود کو بچانے کیلئے سائل کا نام لیا اور اس طرح سائل کی بے داغ شہرت اور ملازمت کو خطرے میں ڈالا

د۔ یہ کہ سائل کو کسی سنوائی کے بغیر ملازمت سے برطرف کر کے انتہائی زیادتی کی گئی

ع۔ یہ کہ مذکورہ جملہ کاروائی انتہائی عجلت میں اور یکطرفہ طور پر کی گئی جو سائل کے حقوق پر ناقابل رفتار ہے۔

لہذا استدعا ہے کہ مذکورہ حکم برخاستگی کو منسوخ کیا جاوے اور سائل کو ملازمت پر بحال کر کے اسے جملہ بقایا جات بمعہ سناریٹی وغیرہ فوری طور پر ادا

کرنے کا حکم صادر فرمایا جائے

سائل بدستور آپ کا تابع دار رہے گا۔

العبد

محمد ایاز LHC 2469 پشاور پولیس

شناختی کارڈ نمبر: 17301-1678823-1

0345-5465426


ATTESTED

7/9/14

(13)

ORDER

LHC Muhammad Ayaz No.2469 of Capital City Police Peshawar who was suspended vide OB No1330 dated 15.5.2007 issued under endst No.1230-36/PA, dated 15.5.2007 due to involvement in criminal case vide FIR No.284 dated 21.4.2007 u/s 337-J/381/14 Islamic Law Police Station East Cantt. is hereby reinstated in service with immediate effect. Departmental enquiry will be decided on receipt of court judgment as per opinion of DSP/Legal.


(ZAFFAR ULLAH KHAN)
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

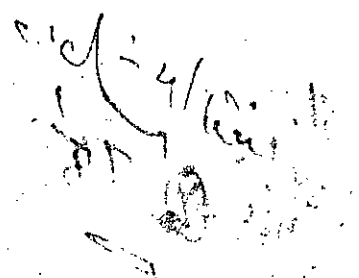
O.B No. 1468 /dated 3-6- /2008

No. 61725 /PA, dated Peshawar the 3/6 /2008

Copy forwarded for information & n/action to:-

1. The Capital City Police Officer, Peshawar.
2. The SSP/Operation Peshawar.
3. The Superintendent of Police Security.
4. DSP/Hqrs & Pay Officer.
5. OASI, CRC & FMC.
6. Official concerned.





Annex C^{oo} (14)

Or.....21
19/02/2013

Accused Muhammad Ayaz on bail with counsel and Dy.PP for the State present. Statement of Abdur Rehman (PW-3) recorded. Remaining PWs alongwith case property be summoned through NBWA for 28-2-13

BADAR UD DIN
AD&SJ-II, Peshawar

ORDER
28.02.2013

Accused present. Evidence absent despite repeated issuance of NBWA to the prosecution witnesses, attachment of salaries of official PWs and notice U/s: 265-F(III) ^{Cr.P.C} The witnesses have not been produced.

Brief the facts that the on 21.04.2007 at Police Station East Cantt: District Peshawar that on 14.04.2007 the complainant Abdul Rehman was plying a motorcar No.H-1142 as a Taxi, which was owned by one Sartaj Khan. On the said day at 07:00 in the morning the complainant was present near Pabbi Station while a uniform person disclosing his name to be Jamil Khan, engaged the complainant from Peshawar Katchery. One reaching the Katchery the said Jamil Khan brought two bottles of soft drink and biscuits which were consumed by both including the complainant. From there the complainant was taken to Khalid Bin Walheed Park where he dropped unconscious. The watchman of the park later took him to personnel's of military police, who handed him over to the local police. It was stated that the complainant did not have any information regarding the motorcar. On 21.04.2007 complainant while recording his 164 Cr.P.C statement charge the accused facing trial for the commission of offence.

ATTESTED

Sessions Judge Peshawar
30/3/13

ATTESTED

(15)

The learned counsel for the accused filed an application for acquittal of accused u/s 265-K Cr.P.C on 17.12.2012. Arguments on the said application heard. I proceed to disposed of the same as under.

The learned counsel for the accused argued that the instant case is pending for trial since long time and there is no iota of cogent, trustworthy evidence to connect the accused with the commission of offence, hence, further proceeding in the instant case would be a futile exercise.

On completion of investigation the complete challan was submitted on 06.10.2011 and the accused put up his appearance on 11.10.2011 on which date provision u/s 265-C Cr PC was complied with. Charge u/s 436/427 was framed vide order dated 10.12.2011 and the evidence was called. The record would show that only 3 witnesses as PW-1 to PW-03 were produced by the prosecution till date. The record would show that the prosecution was given approximately 15 months after framing of formal charge for production of entire witnesses but despite issuance of NBWA and attachment of salaries of the official PWs and notice u/s 265-F(III) Cr.P.C, the evidence could not be procured. Rather the proceedings of the court were used to be detriment and interest of the accused. The court cannot sit and watch as a silent spectator and leave the accused at the mercy of the prosecution to suffer the miseries of protected trial.

The perusal of the record would show that complainant Abdur Rehman appeared in the court and recorded his statement as PW-3 and during his cross examination he stated that accused facing trial is not known to him, whose name was disclosed to him by the police after his arrest and no identification parade has been conducted in the Police Station

ATTENDED

ATTESTED

30/3/13

ATTESTED

ATTESTED

investigation under doubt
 doubt, in the commission of offence which puts the entire
 investigation proceedings and to connect the accused beyond
 any private person to suggest the transparency of the
 plan he has not shown the place of occurrence nor he associate
 during spot inspection had prepared the site plan but in the site
 conducted. The record would further transpire that the IO who
 been gathered during probe investigation to the extent he had
 complainant against the accused nothing incriminating has
 involvement in the instant case and except the charge of the
 Cr.P.C nothing incriminating could be gathered to show his
 examination admitted it correct that from his statement u/s 161
 recorded his statement as PW-2, this witness in his cross
 investigating officer Jan Muhammad SI appeared and
 acquitted of the charges.
 and he has also got no objection if the accused facing trial is
 that accused facing trial has not snatched the vehicle from him
 present at the time of occurrence. He further admitted it correct
 has neither hired his taxi on the relevant day nor he was
 to the IO. He further admitted it correct that accused facing trial
 him. He further deposed that he has not given any Pepsi bottle
 accused nor he can identified the accused if he brought before
 further stated that he has not disclose the feature of the
 charged the accused facing trial in his 164 Cr.P.C statement. He
 accused was disclosed to him by the IO and on his direction he
 of the accused. He further admitted that the name of the
 or in judicial lockup and his statement was recorded after arrest

[Handwritten mark]

(18)

(17)

The record further shows that the accused is on bail and regularly attending the court since the submission of the case and the delay was merely caused on account of none production of witnesses by the prosecution. The only inference which can be drawn by this court is that the witnesses do not support the case of the prosecution and by not appearing in the court for recording their statements and offering themselves for their cross examination suggest that the entire case stands baseless. In light of my above discussion, even if the remaining evidence is recorded against the accused, I am of the view that there is no probability/possibility to record conviction of the accused facing trial, therefore, by invoking powers u/s 265 K Cr.PC, the accused facing trial are hereby acquitted from the charges leveled against him. He is on bail, his sureties stand relieved from the liabilities of bail bonds. As far as the absconding co-accused Saeed Khan who seemed to be connected prima facie with the offence is hereby declared as proclaimed offender. His names be included in the list of proclaimed offender and perpetual warrant of arrest be issued against him.

Case property ^{if any} be kept intact till the arrest and finalization of the absconding co-accused.

File be consigned to record room after its completion.

Announced.
28.02.2013.

Badar-Ud-Din,
Addl; Sessions Judge-II,
Peshawar

No.	2064
Dated of Application	4-3-13
Name of Applicant	Qasim Khan
Word	2000
Fee	Urgent/Free
Signature of Applicant	[Signature]
Dated of Registration	30/3/13
Date of Delivery	30/3/13

CERTIFIED TO BE TRUE COPY

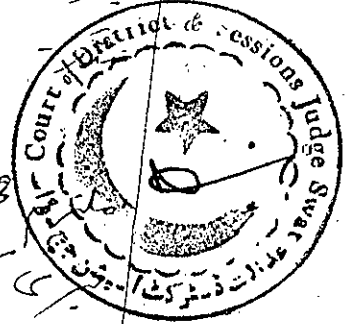
Copy of [unclear] Court
30/3/13

ATTESTED
[Signature]

Annex D

DPP برائے سرکار حاضر۔ ملزم محمد آریاز بہ صفات ہمراہ
 وکیل حاضر۔ ملزم سعید خان بدستور روپوش ہے۔
 مستغیث ہمراہ وکیل خود و گواہان حاضر۔ جملہ بیانات
 نمبر PW-2 تا PW-5 مندرجہ ذیل کے مطابق

0-30
 16.12.09



دے تفصیلی فیصلہ تحریرہ اور روزہ منقولہ منسلک ہے
 محمد آریاز کو مقدمہ عدالت میں نمبر دفعہ 265 جن میں
 کیا جاتا ہے جملہ ملزم سعید خان کو مقدمہ نمبر درجہ اول
 مال مقدمہ تا وقت گرفتاری روپوش ملزم سعید خان محفوظ
 رکھا جائے۔ ضامنان ملزم محمد آریاز ضمانت ناموں کے ذمہ دار
 سے سبکدوش کر دیے جاتے ہیں۔ حکم سنایا گیا۔ منسلک بعد از
 تشریح و تکمیل داخل دفتر ہو۔

SD
 (محمد آریاز)
 اصنافی ضلع جافی
 16/12/09

MAJID
 District & Sessions Judge
 Swat
 09/10/10

ATTESTED

(19)

فرد جرم

مورخہ: 31/3/2007 جرم نمبر: 3381A/411 تھانہ: غاگی

177

سرکار بنام سعید خان



درج ذیل فرد جرم نمائند کرتا ہوں۔
جنج ارضانی ضلع قاضی ششم سوات تم ملزم محمد ایاز ولد صوبت خان عمر تقریباً 44 سال سکنتھی پشاور پر

اولاً: یہ کہ تم بشمول شریک ملزم سعید خان حال روپوش حصول نفل جرم کے خاطر مشترک نیت مورخہ 23/3/2007 کو بوقت 0900 بجے بمقام کڑا کڑ آڈو واقع بریکوٹ بازار اندرون دو قعات ٹانکے مستغیث / ذرائع رست و اٹس نمبر DR 9220 کو جسکو جی سے ڈیڑھ گھنٹے سے ملزمان لانے کے بہانے لے جا کر اسکو اور کنڈیکٹر کو نشانہ آور چیر کھلا پانکر ان سے ڈسٹنس نمبر DR 9220 چھین کر لے گئے اور یوں تم نے جرم زبردفعہ 381 الف ت ف کا ارتکاب کیا ہے۔ جو کہ عدالت ہذا کے اختیار سماعت میں ہے۔

دوئم: یہ کہ تم نے بشمول شریک ملزم تاریخ وقت اور مقام مذکورہ سے ڈیڑھ گھنٹے پہلے جرم کو روک دیا کہ ان سے ڈسٹنس لینے کے خاطر انکو نشانہ آور چیر کھلا پانکر لے کر آئے ہیں اور یوں تم نے جرم زبردفعہ 337 J/171 ت پ کا ارتکاب کیا ہے۔ جو کہ عدالت ہذا کے دائرہ اختیار سماعت و قابل دست اندازی میں ہے۔

سوم: یہ کہ تم نے بشمول شریک ملزم تاریخ وقت اور مقام مذکورہ بالا مستغیث سے ڈسٹنس لینے کے بعد مورخہ 27/28 اپریل بوقت 01:30 بجے واپس سوات منتقل کر رہے تھے۔ کہ مقامی پولیس نے تم کو ہرا مال مسروقہ ڈسٹنس نمبر DR 8222 تاپو کر کے گرفتار کیا اور یوں تم نے جرم زبردفعہ 411 ت پ کا ارتکاب کیا ہے۔ جو کہ عدالت ہذا کے دائرہ اختیار سماعت و قابل دست اندازی میں ہے۔

میں تم ملزم پر روٹی والا زبردفعہ کے تحت عدالت ہذا میں مقدمہ چلانے کی ہدایت دیتا ہوں۔
نوٹ: فرد جرم ملزم کو پڑھ کر سنایا اور سمجھایا گیا۔

محمد طارق صاحب
اضافی ضلع قاضی ششم سوات
ایڈیشنل ڈسٹرکٹ جج
ایڈیشنل سیشن جج

سوال نمبر: کیا تم نے فرد جرم سن دیکھ لیا ہے؟
جواب: جی ہاں۔

سوال نمبر: کیا تم اقرار جرم کرتے ہو یا مقدمہ چلانا چاہتے ہو؟
جواب: میں اقرار جرم نہیں کرنا چاہتا اور مقدمہ چلانا چاہتا ہوں۔

سن کو درست تسلیم کیا گیا۔

العبد
ملزم محمد ایاز

تصدیق زبردفعہ 364 ض ف شد۔ 24/10/2008

محمد طارق صاحب
اضافی ضلع قاضی ششم سوات
ایڈیشنل ڈسٹرکٹ جج
ایڈیشنل سیشن جج

ATTESTED

(21)

بیان غائبتہ رحمن خان انسپکٹر SHO/ عمارت عمارت کے حال DSP
ارین سرکل بریکوٹ :-

PW-1
4/11/20

بہ حلف بیان کیا کہ پیر دران و عورتہ عمارت میں بحیثیت
انسپکٹر SHO/ عمارت عمارت کے عمارت کے مقدمہ عمارت میں پیراز
تکمیل تفتیش میں تہ جان مکمل دیا ہے۔ جو کہ EXP 11/20
ہے۔ جس پر میرا دستخط درست طور پر ثبت ہے۔

ذہن دہ (موقعہ دیا گیا) X X

محمد طارق
ایڈیشنل ڈسٹرکٹ ایجوکیشن آفیسر
سوات
4/11/20

المہدیہ 4/11/20



ATTESTED
[Signature]

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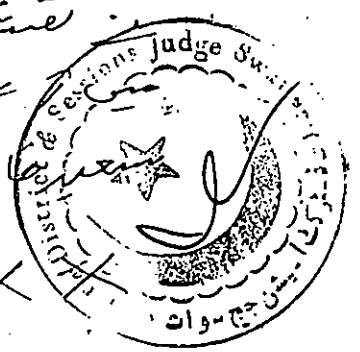


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PW-2
16.12.09

رپورٹ میں نے یو ایس یوسٹ بریکوٹ میں کی تھی۔ جسے
 آ 2 میں نے ملا کر لیا ہے جو کہ مسل پور میری رویت اور
 Ex PA ہے جس پر میرے دستخط درست طور پر لکھے ہیں
 اس نسبت میرا بیان مقامی پولیس نے زیر دفعہ 164 عرفی
 ر 164 من قلمبند کیا ہے اور میرے نشانہ میں پر تھی اس پر
 نقشہ موقع جات بھی مرتب کیے ہیں، اگلے دن پورٹ
 نے جو بعد چھو پتہ چلا کر گاڑی کو غز کر رہا ملزم
 کے بیان کے لیا ہے۔



X صحائف و کیبل ملزم محمد آواز نڈارو (موقعہ دریا لیا)

(محمد طارق)

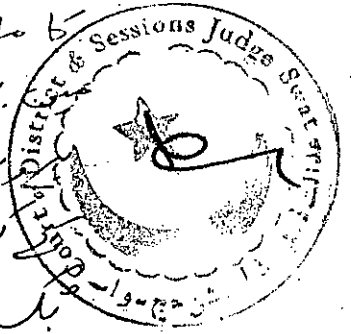
ملزم درست تسلیم کیا

16 — 12 — 09 اضافی ضلع قاضی ششم سوات

ATT

ATTESTED

بیان بخت کرم ولد سعید زمان بچہ 3/3/3 سال سکینہ نائت میرہ
تھیل بریکوں صلح سوات :



بیرحلف بیان کیا کہ میں ڈائٹنسن بڑ
کا ماتک بیوں۔ جبکہ محمد حسین میرہ سا کو مزکورہ گاڑی
بجسٹ ڈرائیور سے اور میں بطور کلینر کام کرتا بیوں۔
مذکورہ موقعہ ایک شخص جو کہ یو ایس کے کالے / ملیشا
پٹرول میں ملبوس تھا نے اکثر ہمیں ڈگریٹیل تیل
بل کرنے کی بات کی۔ میں نے اس سے درنہرارہ روک
بطور کرایہ ماٹک۔ مذکورہ شخص بیانی تھا کہ ڈگریٹیل
تیل یوں کو سوات لانا ہے۔ ہم نے پہلے اس کے ساتھ جانے
سے اتفاق کیا مگر بعد میں وہاں ہر معرہ اور عبدالرحمن سیال
نے اسکی سفارش کی جس وجہ سے ہم اس کے ساتھ
میلخ = 1500 روپے کرایہ کے عوض اپنی گاڑی میں تیل یوں
کولہ لے ہر رافن بیوں۔ اور مذکورہ شخص جس کا نام بعد
میں سعید خان معلوم ہوا ڈرائیور کے ساتھ فرنیٹ نے
سیٹ پر بیٹھ کر ہم ڈگریٹیل روڈ بیوں۔ جب ہم ڈگریٹیل
پہنچے تو مذکورہ شخص نے ہمیں سوار ٹی جانے تیلے کہا تاکہ
ادھر سے کچھ سرکاری سامان گاڑی میں پہلے لوڈ کر کے
ساتھ لائے جہجہ جب ہم سوار ٹی ہو کر پہنچے تو وہاں
ہر معرہ شخص نے گاڑی کھڑی کر والی ہمیں چائے
اور پکوری کے کھلانے کا کہا۔ اور ہٹو دیا کر جانے اور پکوری
ہمارے لئے لایا۔ چائے پینے اور پکوری کے کھانے کے بعد
اس نے محمد حسین ڈرائیور کو گاڑی سمیت
ہر گتے کا کہا اور مجھے سامان لائے تیلے سوار ٹی کالج
کے اندر لے گیا۔ جب میں کالج کے صحن میں

محمد طارق
ڈپٹی سیکرٹری ایڈمنسٹریشن
سوات

ATTESTED

ATTESTED

16-12-09
16-12-09
16-12-09

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16-12-09
PW-3

PW-12

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Handwritten text in Urdu, starting with "میں نے اس وقت میں" and "میں نے اس وقت میں".

Handwritten text in Urdu, starting with "میں نے اس وقت میں" and "میں نے اس وقت میں".

Handwritten text in Urdu, starting with "میں نے اس وقت میں" and "میں نے اس وقت میں".



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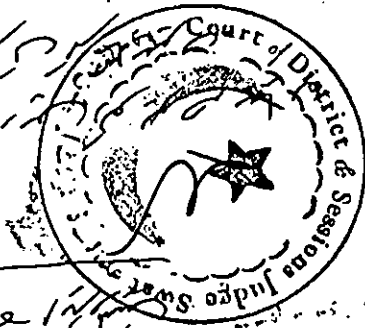
16/12/09
ایمانی جج صاحب

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Handwritten signature and text.

Handwritten text: 16-12-09



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16-12-09
ایمانی جج صاحب

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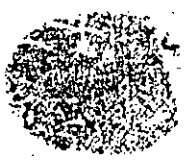
PS-4

Handwritten signature and a rectangular stamp.

Handwritten text: 16/12/09, (3), and other illegible characters.

CNIC No = 15602-8981797-5

Handwritten signature.



Large block of handwritten Urdu text, oriented vertically.



Handwritten text: 16/12/09, PW-3

Handwritten text: 70 سالہ عمر کے ساتھ...

(25)

~~SECRET~~

۹. ۶. ۱۹۵۹

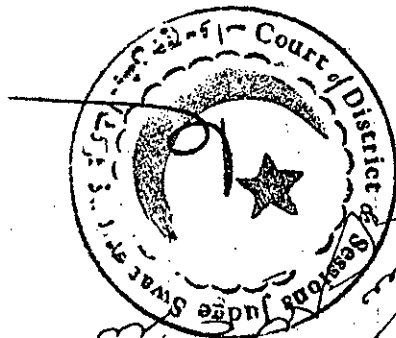
کے لئے
۹. ۶. ۱۹۵۹

~~SECRET~~

۹. ۶. ۱۹۵۹

۹. ۶. ۱۹۵۹

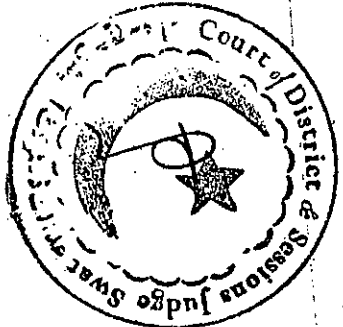
۹. ۶. ۱۹۵۹



۹. ۶. ۱۹۵۹

TESTED

1- ...
 2- ...
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 9- ...
 10- ...



16/12/2009
 27/09/2008
 20/11/2007
 381/411 PPC
 177
 617
 89220
 23/03/2007
 35/36
 1500/

(27)

کے خلاف فرد جرم نمائندہ ہونے کے بعد شہادت استغاثہ طلب کی گئی۔

۵۔ امر روز سنہ ۱۹۸۱ء اور کنڈ کٹر مالک کا زنی والد مالک گاڑی کے بیانات قلمبند کئے گئے مگر قلمبند شدہ بیانات کے بھی موجودہ ملزم محمد آیاز کو چارج نہیں کیا گیا ہے۔ اور نہ ہی مسل پر ملزم محمد آیاز کے خلاف کوئی مواد موجود ہے۔ ملزم محمد آیاز شیر زمان والد مالک گاڑی کے بیان زیر دفعہ 164 ض۔ ف کی وجہ سے چارج کیا گیا تھا۔ مگر امر روز شیر زمان مذکور نے بیان قلمبند کرایا کہ وہ ملزم محمد آیاز کے خلاف دعوہ پوری نہیں کرتا ہے۔ اور اگر ملزم مقدمہ ہذا میں بری ہو جائے تو بھی ان کو کوئی اعتراض نہ ہے۔

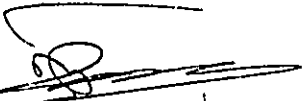
لہذا قلمبند شدہ شہادت کی روشنی میں ملزم محمد آیاز کو مقدمہ ہذا میں زیر دفعہ 265K ض۔ ف بری کیا جاتا ہے۔ جبکہ بیان کے خلاف قلمبند شدہ شہادت و مواد موجود پر مسل کی روشنی میں قوی مقدمہ موجود ہے لہذا ملزم سعید خان کو میں منسوخ و قرار دیا جاتا ہے۔ اور DPP و DPO سوات کو ہدایت کی جاتی ہے کہ ملزم سعید خان کا نام نہرست میں اشتہاری میں شائع کریں۔ مال مقدمہ تا وقت گرفتاری روپوش ملزم محفوظ رکھا جائے۔ مسل بعد از ترتیب و تکمیل داخل



دفتر ہو۔

حکم سنایا گیا۔


16/12/2009


محمد طارق


اضافی ضلع قاضی ششم سوات
ششم سوات

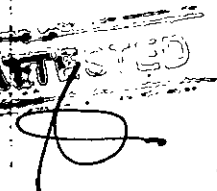
سرٹیفکیٹ :-

تصدیق کی جاتی ہے کہ فیصلہ ہذا اکل دو (۲) صفحات پر مشتمل ہے۔ اور ہر صفحہ بعد از ضروری تصحیح میرا دستخط شدہ ہے۔


محمد طارق
اضافی ضلع قاضی ششم سوات

ڈپٹی ڈائریکٹر
ڈپٹی ڈائریکٹر
ششم سوات


District & Sessions Judge
Zilla Court Swat
09/10/10


ATTESTED

(29)

From: The Capital City Police Officer,
Peshawar.

To: The Additional Inspector General of Police,
Investigation, Khyber Pukhtunkhwa,
Peshawar.

The Additional Inspector General of Police,
Special Branch, Khyber Pukhtunkhwa,
Peshawar.

The Deputy Inspector General of Police,
Traffic, Khyber Pukhtunkhwa,
Peshawar.

The Senior Superintendent of Police,
Traffic, Peshawar.

No: /CRC, dated Peshawar the 13/8 2012.

Subject: **SELECTION OF INTERMEDIATE COLLEGE COURSE**

Memo: The Intermediate College Course 2nd term is commencing at
PTC, Hangu with effect from 01.10.2012.

Please send the Service Records of the following Head
Constables alongwith no departmental enquiry certificates/willingness to
proceed further in the matter.

S.No.	Name & No.	Present Posting
1.	Muhammad Ayaz 2469	Suspended Line
2.	Mukhtiar Nabi 3515	PS Nasir Bagh
3.	Muhammad Amin 1617/1248	PS Phandu
4.	Muhammad Asif 3361	Investigation Branch CPO
5.	Waqif Khan 1238	PS Hayatabad
6.	Zahid Muhammad 2111	PPO Squad
7.	Baqi Billah 3094	PS Tahkal
8.	Farman Ullah 1709	Traffic Staff
9.	Zia Ullah 213/CID181/T	Traffic
10.	Noor Khan 2440/20/CID	Light Duty Police Lines
11.	Bahrullah 1658/3614/FRP	PS Chamkani
12.	Muhammad Shafiq 4426/2508/FRP	Traffic
13.	Asghar Khan 3304/2506/FRP/241/T	Traffic
14.	Shehzad Mir 3796	PS Badaber Investigation
15.	Taj Mir 1021/1737	Police Lines
16.	Fazal Driyan 2050/2396	Traffic
17.	Gulzar 883/3804/2621	PS Hayatabad
18.	Mukhtiar Khan 2679/2506FRP/197/T	Traffic
19.	Alamzeb 486/SB/703	SB
20.	Zaheer Abbas 14/1415/T	Traffic
21.	Sajjad qul 2931/68/T	Traffic
22.	Mushtaq Ahmed 1325	PS Phandu
23.	Ghani ur Rehman 2734	PS kotwali
24.	Muhammad Yousaf 263	Police Lines
25.	Bakht Muhammad 2043	PS Regi
26.	Izharullah 1374	MM PS Mattani
27.	Gulzar Khan 1324	Reader DSP/Faqirabad
28.	Muhammad Riaz 2709	Reader DSP/Rural Inv:
29.	Muhammad Amin 4002	DFC PS Gulbahar
30.	Asif Mehmood 139/3215	Traffic Staff
31.	Hazrat Yousaf 3831/SB	SB
32.	Shakeel Raza 2078	Computer Operator SP/ Office
33.	Azizullah 1615	PS Banamari
34.	Qadar Shah 766/4096	Police Lines

ATTESTED
[Signature]

درخواست برائے انٹرمیڈیٹ کورس سائیکیشن

عنوان :-

جناب عالی!

گزارش ہے کہ سائل کی عمر تقریباً 40 سال ہونے والی ہے سائل 1987ء میں بطور کنشیل بھرتی ہوا ہے۔ 1998ء میں ا-سی کورس پی ٹی سی ہنگو سے پاس کیا اور 11 سال سے انٹر کورس کے لئے انتظار میں ہے جب کہ سائل اودرتج ہونے والا ہے۔ سائل کا سائیکیشن بد قسمتی سے ایک سپاہی سعید خان 3276 جو کہ میرا قریبی پروسی تھا جن کو پولیس نے دو نمبری گاڑیوں کے کاروبار میں پکڑا تھا جس کو بعد میں ڈیپسیمیال کیا گیا اس نے پولیس کو میرا نام دیا جس پر پولیس نے میرے خلاف بھی قانونی کارروائی عمل میں لائی اور انکوآری کی گئی اور انکوآری عدالتی کارروائی مکمل ہونے تک پینڈنگ کی گئی جس کی وجہ سے میرے پیچھے انٹر کورس کے لئے کوئی اطلاع نہیں بھیجوائی گئی اور نہ ہی انٹر کورس کے لئے نہ بھیجے کی کوئی وجہ معلوم ہو سکی۔ عدالت نے بھی مجھے بے قصور قرار دے کر بری کر دیا جس کی نقل کا پتیاں ہمراہ درخواست لف ہیں۔

لہذا بذریعہ درخواست استدعا کی جاتی ہے کہ سائل کی اودرتج ہونے کو مد نظر رکھتے ہوئے سائل کو اگلے آنے والے انٹرمیڈیٹ میں شامل کرنے کا حکم صادر فرما کر مشکور فرمائیں سائل تادم زیست آپ کی لمبی عمر کے لئے ڈعا گور ہے گا۔

العارض

آپ کا تابع فرماں ہیڈ کنشیل محمد ایاز نمبر 2469 متعینہ VIP سیکورٹی پولیس لائن پشاور

ATTESTED
K

(78) (34)

FINDING.

This is a departmental enquiry against H.C Mohammad Ayaz that he while posted at Capital City Police Peshawar remained involve in case FIR No.248 dated 21.4.2007 u/s 381/337-J PPC read with 14 Islamic Law Police Station East Cantt: Peshawar.

The defaulter H C was issued charge sheet and summary of allegations and the under-signed was appointed to conduct departmental enquiry against him.

The accused was summoned but it was reported that he is in Central Jail Peshawar. As such charge sheet and summary of allegations were served upon him in Central Jail Peshawar. The accused HC submitted his reply to the aforesaid charges which was placed on file and record of case were summoned.

The brief back ground of the present enquiry is that complainant Abdur Rahman on 14.4.2007 reported in Police Station East Cantt: that he is a taxi driver and running his car No.H/1142 as a taxi. The said car belongs to one Sartaj. That on 14.4.2007 at 7.00 hrs: he was present in Pabbi Station, meanwhile a person duly in uniform who disclosed his name Jamil Khan and hired his taxi for Peshawar. He brought him to Peshawar Kechehry. Reaching to Kachehry he told him that he has some private business, which will take some time and brought cold drink along with biscuits for him and further stated that he will attend a meeting with Governor NWFP Peshawar. Thereafter he took him to Khalid bini Waleed Park where he became senseless. After gaining senses he came to know that the said accused had taken away his car. The said report was entered in to Daily Diary and enquiry was conducted. During the course of enquiry the complainant identified the culprits and charged accused Mohammad Ayaz the defaulter H.C along with another co-accused namely Said Khan. His statement was recorded u/s 164 Cr.P.C and the aforementioned case was registered against them.

P.W Jan Mohammad ASI PS East Cantt, who conducted investigation of the case was examined, he in his statement narrated the story of prosecution case. He further stated that during investigation he came to know that the accused Mohammad Ayaz HC and his accomplice namely Saeed Khan have been arrested by the local Police of PS Ghaligy district Swat in case FIR No.147 dated 17.3.2007 u/s 381-A PPC and case FIR No.177 dated 31.3.2007 u/s 381-A/411 PPC Police Station Ghaligy. He further added that the stolen Dotson Pick Up No.9226/DR of case FIR No.177/07 of PS Ghaligy was also recovered from the possession of accused HC Mohammad Ayaz. He further stated that as accused were confined in District Jail Swat in the aforesaid cases, therefore they were

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arrested in the case of PS East Cantt and were transferred to Peshawar after completion of all codal formalities. He further stated that during interrogation both the accused admitted their guilt however resiled before the court. He further added that during interrogation accused Saeed Khan stated on oath that after stealing the car from complainant, he sold it to HC Mohammad Ayaz who disposed it off. He further stated that according to his investigation, accused Mohammad Ayaz is rightly involved in the criminal case and is guilty. He also produced the following list of criminal cases besides his case of Police Station East Cantt in which accused Mohammad Ayaz HC is also involved and arrested:-

- 1- FIR No.262 dt 2.5.2007 u/s 381-A/337-J PS Pishtakhara.
- 2- FIR No.91 dt 23.2.200 u/s 381-A/337-J PS Prang District Charsadda.
- 3- FIR No. 106 dt 9.3.2007 u/s 420/468/471 PS Mandani District Charsadda.
- 4- Under Section 107/151 Cr.P.C Police Station Prang District Charsadda.
- 5- FIR No.16 dt 16.03.07 u/s 382 PS Resalpure Distt. Nowshera.
- 6- FIR No.73 dated 22.2.007 u/s 381-A/337-J PS Khyber.
- 7- FIR No.102 dated 3.4.007 u/s 381-A/337-J PS Khyber.
- 8- FIR No.330 dt 7.5.007 u/s 381-A PS Pabbi Nowshera.
- 9- FIR No.177 dt 31.3.007 u/s 381-A/411 PPC PS Ghaligay District Swat.

Under the above circumstances and evidence on record, it has been established that accused Mohammad Ayaz HC has been indulged in the offences of car lifting/receiving being a uniformed Police Official which is a stigma on the face of Police Department. As such he is responsible for the aforesaid misconduct and liable for suitable punishment.

~~SPHARIS P/0490~~

Issue him SEN

Inspector Legal,
Peshawar.

6/8/07

AM
S. P. K.