

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 262 /2023

Syed Asim Shah, Ex-Kanongo (BPS-11).....Appellant

V E R S U S



Senior Member Board of Revenue & others.....Respondent

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Dated: / /2024

DEPONENT


AMER LATIF
Senior Member Board of Revenue
Respondent No. 01


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 262 /2023

Syed Asim Shah, Ex-Kanongo (BPS-11).....Appellant


VERSUS

Senior Member Board of Revenue & others.....Respondent

AFFIDAVIT

I, Senior Member Board of Revenue, do hereby solemnly affirm and declare on oath that the contents of the accompanying relevant record in the subject Service Appeal noted above are true and found correct and noting has been concealed from the Honorable Service Tribunal. Hence, it is further stated that in the subject Service Appeal, the answering respondents have neither been placed ex-parte nor their defense have been struck off cost.

DEPONENT


AMER LATIF
Senior Member Board of Revenue
Respondent No. 01

23 AUG 2024

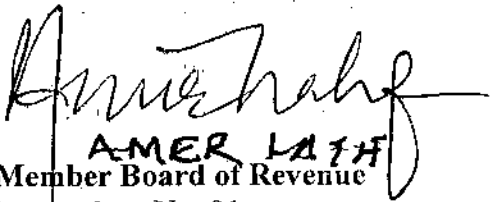


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GOVERNMENT OF KHYBER PAKHTUNKHWA
REVENUE AND ESTATE DEPARTMENT

AUTHORITY LETTER

Mr. Abdul Raheed, Superintendent, Litigation-II (BS-17) Board of Revenue, is hereby authorized to attend and submit relevant record on the part of respondent No.1 before the Khyber Pakhtunkhwa Service Peshawar in Service Appeal No. 262/2023 filed by Syed Asim Shah, Ex-Kanongo of the office of Deputy Commissioner Kohistan.


AMER LATH
Senior Member Board of Revenue
Respondent No. 01.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 262/2023
Syed Asim Shah, Ex- Kanonog (BPS-11).....Appellant.

VERSUS

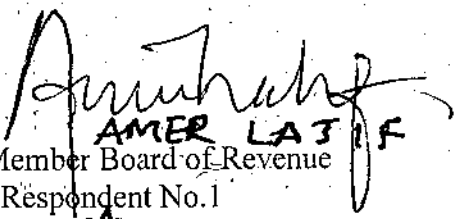
Senior, Member Board of Revenue & others.....Respondent **Khyber Pakhtukhwa Service Tribunal**

SUBJECT: APPLICATION FOR SUBMISSION OF DOCUMENTS.

Diary No. 15171
Dated 23/8/24

1. That the subject case was fixed for hearing before the Camp Court at Abbottabad, Khyber Pakhtunkhwa Service Tribunal on **16.05.2024**.
2. That vide order sheet dated 16.05.2024 the honorable Service Tribunal directed bothe the parties to submit all the documents of criminal case i.e warrant U/S204, Proclamation Notice U/S-87, Order U/S 512 of the Cr.PC and /or bail and pre bail arrest applicaiotns, cards of arrest and acquittal judgment etc in respect of Syed Shorain Shah, the then Tehsildar, father of appellant i.e Syed Asim Shah, Ex-Kanongo on the next dated of hearing at Camp Court Abbottabad on 25.06.2024 but the Camp Court adjourned the case to 25.09.2024, and the documents to submit in Khyber Pakhtunkhwa, Service Tribunal Peshawar.
3. Keeping in view the above, all the documents vide order sheet dated 16.05.2024 are hereby submitted before the Khyber Pakhtunkhwa Service Tribunal.

DEPONENT


AMER LATIF
 Senior Member Board of Revenue
 Respondent No.1

(4)

S.A #.262/2023

16th May. 2024

1. Appellant alongwith his counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Shahid Mehmood Khan, Private Secretary and Mr. Ghulam Shabir Ahmad, Assistant Secretary for the respondents present.

2. During the course of arguments, the Tribunal was informed that the appellant as well as his father namely Shorain Tehsildar both remained absconders at different points of time, thereafter, father of the appellant was acquitted by a separate judgment, some two years prior to acquittal of the appellant. The parties are directed to place on file all the documents of the criminal case i.e. warrant U/S 204, Proclamation Notices U/S-87, Order U/S 512 of the Cr.PC and/or bail and pre bail arrest applications, cards of arrest and acquittal judgments etc, within a fortnight. This case pertains to Camp Court, Abbottabad, therefore, it be fixed for arguments on 25.06.2024 before D.B at Camp Court, Abbottabad. P.P given to the parties.



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

Muzem Shah

Attested

Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

Superintendent
Revenue & Estate Department
Hyderabad

28/10/18

MSJ/2018

Ex. 5008
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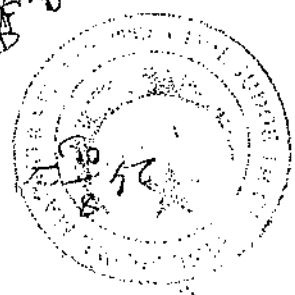
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Revenue & Estate Department
Khyber Pakhtunkhwa

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31/5/18
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31/5/18



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Handwritten text in Urdu, including 'D.F.C. 204' and other administrative details.

31/5/18
D.F.C. 204

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Main body of handwritten text in Urdu, detailing the document's content.

D.F.C. 204

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Warrant
31/5/18

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512. **Record of evidence in absence of accused:** (1) If it is proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or send for trial to the Court of Session or High Court such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into, or trial for the offence with which he is charged if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable,

(2) **Record of evidence when offender unknown :** if it appears that an offence punishable with death or imprisonment for life has been committed by some person or persons unknown, the High Court may direct that any Magistrate of the First Class shall hold an inquiry and examine any witnesses who can give evidence concerning the offence.

Any depositions so taken may be given in evidence against any person who is subsequently accused of the offence, if the deponent is dead or -incapable of giving evidence or beyond the limits of Pakistan.

Attested

M. M. J.

Superintendent
Revenue & Estate Department
Khyber Pakhtunkhwa

Before the Court of Session's Judge Charsadda

- 1. Syed Asim Shah s/o Syed Shorain Shah
- 2. Syed Mujahid Shah s/o Syed Barakat Shah R/O Mohalah Parich Khel, Utmanzai Tahsil and District Charsadda.....(Petitioners)

(SHABANA MEHSOBI)
Additional District & Sessions Judge
Judge-MCTC Charsadda

VERSUS

- 1. The State
- 2. Syed Bakhtawar Shah s/o Syed Feroz Shah (Through Syed Mubbarak Shah Brother of the Deceased) R/O Mohalah Parich Khel, Utmanzai Tahsil and District Charsadda.....(Respondents)

11-1-21
30D

Subject: Application for Post-Arrest Bail in Case FIR No. 501
Dated: 17-08-2015 U/S 302/34 PPC of Police Station
Charsadda.

Sir,

Respectfully submitted as under;

- 1. That the above-named accused/petitioners have been falsely charged in the above-mentioned case and are in Judicial Lock-up.

(Copy of FIR is annexed herewith.)

- 2. That the accused/petitioners are innocent and have been falsely implicated by the complainant party with mala fide intention.

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Superintendent
Revenue & Estate Department
Khyber Pakhtunkhwa

3. That the co-accused Namely Syed Shorain Shah, in the instant case has been Acquitted by the learned trial Court Additional Session Judge/JMCTC Charsadda.

- 4. That the story of prosecution has been disbelieved by the trial Court, hence there is no evidence in the hands of prosecution to connect the accused/petitioners with the commission of offence.

08 JUN 2024

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- 5. That circumstantial and medical report also does not support the prosecution version.
- 6. That the story of the prosecution is concocted, fabricated and shows that occurrence has not taken place in the mode and manner as alleged by the complainant party.
- 7. That there is no independent iota of evidence in the hands of prosecution to connect them with the commission of offence.
- 8. That there are grave doubts in prosecution story, the benefit of which can be extended to accused/petitioners even at bail stage.
- 9. That there is much to be inquired about the guilt of the petitioners, hence case of the petitioners needs further inquiry.

It is therefore, requested that by acceptance of this application, post-arrest bail may kindly be granted to the accused/petitioners, please.

Date: 11-01-2021

Attested

M. M.
Superintendent
 Revenue & Estate Department
 Khyber Pakhtunkhwa

Through

Accused /Petitioners
[Signature]
 Muhammad Saeed Khan
 Saeed Ullah Khan
[Signature]
 Tasbeeh Ullah Khan
 Advocates Charsadda

Note: As per information of our clients no such like application is pending in any court of Law.

Counsel

note: that the BBA petition has been decided by the learned ASJ - V, CHD.

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 08 JUN 2024

Counsel for
[Signature]
[Signature]

Branch

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Revenue & Estate Department
Khyber Pakhtunkhwa

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IN THE COURT OF SHABANA MEHSOOD
Add: Sessions Judge/Judge Model Criminal Trial Court
(MCTC), Charsadda

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Sessions Case No : 36/SC/MCTC
Date of Institution : 23/12/2017
Date of Transfer to MCTC : 01/07/2020
Date of Decision : 09/09/2020

1. The State;
2. Syed Bakhtawar Shah son of Syed Feroz Shah resident of Parech Khel Utmanzai, District Charsadda.

.....(Complainant)

Versus

Syed Shorain Shah son of Syed Barkat Shah resident of Utmanzai Parech Khel, Utmanzai, District Charsadda.

.....(Accused facing trial)

Shabana
Sessions Judge
Charsadda
09-09-20

Case FIR No. 501 dated 17/08/2015
Offence w/s 302/34 PPC
Police Station Charsadda

Mr. Yousaf Shah Khan, Muhammad Sareer Khan, Saeed Ullah Khan, advocates (Counsel for the accused)
Mr. Imtiaz ur Rahman Khan, Mr. Waris Khan Muhammad Zai and Imtiaz Ali Khan, advocates (counsel for the complainant) and Mr. Muhammad Ayaz (APP for the State)

JUDGMENT:

1. This judgment relates to case FIR No. 501 dated 17/08/2015 under section 302/34PPC of Police Station Charsadda. As per FIR, three persons namely Shorain Bacha, Mujahid and Asim were charged for murder of deceased namely Syed Bakhtawar

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Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

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Shah son of Syed Feroz Shah. The reported occurrence belongs to that of 17/08/2015.

2. As per FIR, complainant/deceased then injured Syed Bakhtawar Shah reported this matter to the ASI on duty at Casualty District Hospital Charsadda that at about 16:10 hours, he was present at the spot of occurrence, when the accused facing trial along with the absconding accused came and immediately started firing upon him with the intention of killing. As a result of said firing, complainant/deceased then injured got hit and injured. Motive for the occurrence as reported by the complainant/deceased then injured was altercation between the parties.

Report of the complainant/deceased then injured was recorded by Lal Bacha Khan ASI/In-Charge Casualty DHQ, Hospital Charsadda in shape of Murasila Ex.PA/1 and sent to Police Station for registration of FIR, where upon the FIR Ex.PA was registered.

4. After registration of case, all the accused absconded. The accused Shorain Bacha was arrested on 14/12/2017 and after completion of necessary investigation, supplementary Challan was submitted against him. On completion of the investigation and submission of final/supplementary report accused has been summoned accordingly. On attendance, provisions of section 265-C Cr.P.C complied with and copies of the statements etc.

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Additional District & Sessions Judge-II
Charsadda
09/09/18

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Revenue & Estate Department
Khyber Pakhtunkhwa

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provided to the accused facing trial. On 18/01/2018, Charge was framed against the accused facing trial under section 302/34 PPC by the then Court while accused denied the allegations leveled against him and claimed trial. Prosecution was then directed to produce evidence against the accused and prove the Charge.

- 5. Statement of Lal Badshah Khan ASI was recorded as PW-1. On 17/08/2015 at 1650 hours deceased then injured was brought to the hospital in injured condition who was in complete senses, well oriented by his brother Mubarak Shah. PW-1 recorded the report of complainant/deceased then injured in shape of Murasila Ex.PA/1 and prepared the injury sheet of complainant/deceased then injured Bakhtawar Shah Ex.PW1/1. Statement of Khawaja Muhammad ASI was recorded as PW-2. He is well acquainted with the signature of Riaz Khan CIO who has obtained custody of accused facing trial vide application Ex.PW2/1. He has also prepared pointation memo Ex.PW2/2. Vide application Ex.PW2/3, he produced accused before the Court for his confessional statement, but accused refused and was remanded to judicial lockup. Vide application Ex.PW2/4, he applied for handing over 30 bore pistol which was recovered from possession of accused by local police of Tangi for which case FIR No. 852 dated 14/12/2017 under section 15AA was

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 Sessions Judge, II
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registered. Vide application ExPW2/5, he applied for obtaining warrants under section 204 Cr.PC against the accused facing trial, Mujahid and Asim which were handed over to DFC concerned for execution and was returned un-served. Vide application Ex.PW2/6 he applied for obtaining proclamation notices under section 87 Cr.PC which were provided to the DFC concerned for doing the needful. After completion of investigation he handed over case file to SHO concerned for onward proceedings. He has also recorded statement of accused under section 161 Cr.PC. He verified his signature on the above mentioned documents.

Dr. Iraq Shah CMO DHQ, Hospital Charsadda was produced as PW-3. He said that on 17/08/2015, he had examined the deceased then injured Bakhtawar Shah and verified his report Ex.PW3/1 as correct.

8. Dr. Khalid (Rtd) Medical Officer, Khyber Teaching Hospital, Peshawar was produced as PW-4. He stated that on 17/08/2015, he had conducted autopsy of the deceased Bakhtawar Shah at 07:30 PM. He verified postmortem report Ex.PM and inquest report Ex.PM/1 as correct.
9. Statement of Kashif Jan recorded as PW-5, who is marginal witness to recovery memo Ex.PW5/1 vide which Investigation Officer took into possession blood stained earth from the place

Kashif Jan
 ADDITIONAL DISTRICT & SESSIONS JUDGE-II
 CHARSADDA

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Superintendent
 Board of Revenue
 Revenue & Estate Department
 Khyber Pakhtunkhwa

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of deceased then injured which is P-1. He verified his signature on recovery memo Ex.PW5/1.

10. Wilayat Khan SHO examined as PW-6 who on completion of investigation by the Investigation Officer had submitted supplementary Challan against the accused.

11. Statement of Wali Khan son of Jan Nisar recorded as PW-7 who had identified the dead body of deceased Bakhtawar Shah before the police at LRH, Peshawar at the time of preparation of his inquest documents. He has also identified dead body of Bakhtawar Shah before the doctor at the time of postmortem examination.

12. Mir Bahadur DFC No. 369 was examined as PW-8. He had executed warrants under section 204 Cr.PC and notices of proclamation under section 87 Cr.PC against the absconding accused.

13. Statement of Syed Mubarak Shah, brother of deceased then injured was recorded as PW-9. In his statement, he narrated the same story of occurrence as mentioned in FIR and charged the accused facing trial alongwith the absconding accused for murder of his brother

14. Munir Khan Inspector CTD Peshawar was examined as PW-10. He had conducted investigation in the instant case, soon after registration of FIR. He prepared the site plan ExPB at the

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Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

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instance and pointation of eyewitness, recovered blood stained earth and taken the garments of deceased person in possession, sent the said articles for FSL analysis and received back the FSL report Ex.PZ. He had also recorded statements of PWs under section 161 Cr.PC.

- 15. Statement of Jehangir Khan ASHO was recorded as PW-11 who has correctly incorporated contents of Murasila into FIR Ex.PA.
- 16. Statement of Tahir Hussain ASI was recorded as PW-12 who prepared the inquest report Ex.PW12/1 of deceased then injured and sent his dead body to the mortuary.
- 17. Gul Shed Khan SHO of police station Raheem Abad District Swat was examined as PW-13. He had arrested the accused Shorain Shah on 14/12/2017 and issued his arrest card Ex.PW13/1.
- 18. After the evidence of prosecution was closed, statement of accused facing trial was recorded under section 342 Cr.PC who pleaded that he was innocent and falsely charged by the complainant/deceased then injured. He, however denied to be examined on Oath or to produce any evidence in his defence.
- 19. Learned counsel for the complainant, APP for the State on behalf of the prosecution and learned counsel for the accused argued their respective case at length;

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 & Sessions Judge
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 Board of Revenue
 Revenue & Estate Department
 Khyber Pakhtunkhwa

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20. APP for the State and Counsel for Complainant submitted for conviction of the accused on the basis of statements of the PWs as well as the record. They submitted that the occurrence is of daytime, so there is no question of misidentification/non-identification of the accused and the motive part is also established by the prosecution. They argued that FIR promptly lodged so the question of delay is excluded. They further argued that all PWs and medico legal report support the case of prosecution. Lastly prayed for the conviction of accused facing trial. Contrary to this, the counsel for the accused submitted that it is a false case with no corroborative evidence. He argued that the ocular account was not supported by medical evidence and there are dishonest improvements in the statements of complainant and witnesses, so failed to prove the offence. He argued that the medico-legal report and postmortem report are contradictory to each other. He argued that there are several contradictions in the statements of PWs. With reference to relevant evidence in the case, he pointed out the discrepancies in the prosecution evidence and submitted for acquittal of the accused mainly on the ground of discrepancies/contradictions in the prosecution evidence, unproved motive and the interested witnesses to shatter the prosecution stance. Lastly prayed for acquittal of accused.

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Superintendent
 Board of Revenue
 Revenue & Estate Department
 Khyber Pakhtunkhwa

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21. In the instant case one person namely Bakhtawar Shah had died and three persons namely Shorain Shah, Mujahid and Asim were charged for the offence. As per FIR, on 17/08/2015 at 1610 hours, the occurrence took place at Utmanzai Bazaar near Jalal Bukhari Shah Bacha Mazar, deceased then injured namely Bakhtawar Shah son of Syed Feroz Shah alongwith his brother Mubarak Shah, deceased then injured is well oriented reported the matter that accused namely Shorain Shah, Mujahid and Asim armed with weapon and started firing at him, due to which he got injured. Motive as per FIR is verbal altercation. The story of the prosecution case shows that the star witness in the instant case was the deceased/complainant himself and this case mainly relies upon his dying declaration. Report was lodged at 1650 hours on 17/08/2015 while the deceased then injured died at 1810 hours as per inquest report(Ex.PW12/1). The time of death of the deceased of the complainant as 1610 hours, however was controverted by Wali Khan (PW-7), who identified the dead body at LRH, Peshawar. He stated in his cross examination that he received the information of the death of the deceased at about 04:30 PM or 05:00 PM. If so, the deceased might have died before 04:30/05:00 PM and in such circumstances, recording of his dying declaration at 1650 hours is highly doubtful. Similarly, Lal Badshah ASI (PW-1) in his statement stated that

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 Additional District Sessions Judge
 Peshawar

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 Board of Revenue
 Revenue & Estate Department
 Khyber Pakhtunkhwa

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when the injured was brought to the Hospital, he first recorded his report and then referred him for medical examination. Medical report of the injured now deceased however, shows that the doctor had examined at 04:45 PM, which time falls before the time of report mentioned in the Murasila.

22. Dying declaration of the deceased then injured is disputed due another reason. As per judgment of the Hon'ble Peshawar High Court, Peshawar reported in PLD 2012 Peshawar 1;

For believing a dying declaration and convicting a person on its basis, the following essential conditions must be established by the prosecution:-

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- i. *That the dying man was in full senses, conscious and alert to the surroundings, was fully oriented in space and time and was able to make a coherent speech.*
- ii. *That the dying declaration otherwise rings true and is sound in substance to be relied upon.*
- iii. *That it is free from promptness given by the outside quarter.*
- iv. *That the victim/dying man was in a position to identify his culprit, and*

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Superintendent
Board of Revenue
Revenue & Estate Department
Khayber Pakhtunkhwa

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v. That the doctor present at the occasion shall give a fitness certificate about the condition of the dying man.

In the instant case, the medical report of injured now deceased is silent about his orientation and fitness. The police officer as well as the doctor were duty bound to mention the physical condition, fitness and orientation of the injured now deceased before recording the statement. Further, the dying declaration is supposed to be recorded in the presence of either the Magistrate or two independent witnesses in case the Magistrate was not available. Reliance place on PLD 2015 Peshawar, 143. In the instant case, as per statement of Mubarak Shah/PW-9, people from the village had accompanied the injured to the Hospital but none from those person was associated as witness to the alleged dying declaration. In such circumstances, the alleged dying declaration of the deceased Bakhtawar Shah is not proved and cannot be relied upon.

Kabir
Additional District Sessions Judge
Jhelum

23. Mubarak Shah/PW-9 stated that he is an eyewitness of the occurrence. The Murasila (Ex.PA/1), however shows that his name is not specifically mentioned in the Murasila as eyewitness. Mubarak Shah/PW-9 is real brother of the deceased then injured and if he was present on the spot, his presence must have been noticed and mentioned by the deceased/complainant

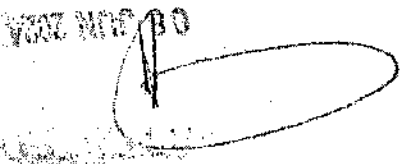
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Superintendent
Board of Revenue
Revenue & Estate Department
Khuzdar District

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03 JUN 2024

Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

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size.

of whole abdomen and lower chest 0.2 to 0.4 cm in

ii. Multiple (about 20 to 30) paler exit wounds, front

chest 7x7 cm in size, 16 cm below axilla.

i. A shotgun entry wound right outer and back of

While as per postmortem examination report Ex.PM.

measuring 1 x 1 cm.

iii. A firearm entry wound on right lower abdomen

organs out.

measuring 3 x 6 cm with gut and abdominal

ii. A firearm exit wound on right interior abdomen

measuring 1 x 1 cm.

i. A firearm entry wound on upper abdomen

per medico-legal report Ex.PW3/1;

deceased furnished by the doctors before and after the death. As

There is a huge contradiction in the medical reports of the

accused but there is no any such allegation.

common motive, he was also supposed to be targeted by the

spot. Furthermore, if he was present on the spot and there was a

(Maujiddan); This fact doubts the presence of eyewitness on the

occurrence has been witnessed by the people present on the spot

at the time of his report. He mentioned in the report that

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- iii. Firearm entry (1 x 1 cm) left outer mid-thigh with exit (2 x 2 cm) on left inner mid-thigh.

The numbers, dimensions and sizes of the entries in both the reports are totally different from each other, which means that either the doctor at DHQ, Charsadda has not examined the deceased then injured properly or the PM report is inaccurate. Whichever the case may be, two contradictory reports make the story of prosecution highly suspicious.

25. As per site plan (Ex.PB), same was prepared by the Investigation Officer on the pointation of eyewitness Muharak Shah. The I.O/PW-10 has stated that he prepared the site plan at 1755 hours at the day of occurrence, which means that same was prepared before the reported time of death of the deceased, but in the site plan he has very clearly mentioned at point No.1 as presence of deceased (میتا) and this leads to a presumption that either the time of death is incorrectly mentioned and the deceased was dead before 1755 hours or that the site plan and all the proceedings on the spot were not conducted at the reported time. In such case, the record prepared by the I.O is not genuine. If it is admitted that deceased died before 1755 hours, it would support the statement of Wali Khan/PW-7 who said that he received information of death at about 04:30 PM or 05:00 PM. If it is presumed that the time of spot inspection is

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 Additional District Judge
 Sessions Judge
 Charsadda

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 Superintendent
 Board of Revenue
 Revenue & Excise Department
 Khuzdar District, Baluchistan

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rightly mentioned as 1735 hours, presence of the eyewitness Mubarak Shah is highly unreasonable and not appealing to a prudent mind. As per record of the prosecution the deceased then injured was brought to the hospital by Mubarak Shah and when he was referred to LRI, Peshawar, how is it possible that his real brother would not accompanied him particularly when he was reported in danger and in critical condition. As per record, there is no evidence of presence of any other brother or closed relative of the deceased then injured with him and eventually it disputes the presence of Mubarak Shah at the alleged time of spot inspection.

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During arguments, counsel for the complainant raised again and again the point of absence. As, occurrence of 2015 while accused facing trial was arrested on 14/12/2017. It is pertinent to note that absence alone could not be a substitute for real evidence. Mere absence of an accused would not be enough for conviction. Reliance placed on PLD 1980 SC 201, 1986 SCMR 823 and 2015 YLR 2413 Peshawar (c). Absence no doubt is a relevant fact but it can be used as a corroborative piece of evidence, it cannot be read in isolation as has to be read along with a substantive piece of evidence.

27. As per the judgment of august Supreme Court of Pakistan reported in 2008 SCMR 1103, "All pieces of evidence of the

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Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

08 JUN 2024

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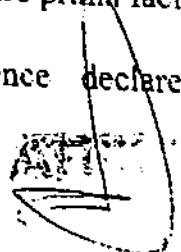
prosecution should be linked like a chain. One corner of the neck of the deceased and the other, the neck of the deceased if one link is missing the entire chain would be destroyed." For the purpose of conviction of the accused, the prosecution is duty bound to prove its case beyond any shadow of doubt. As per August Supreme Court of Pakistan in a judgment reported as PLD 1995 Supreme Court, 1345 and Hon'ble Peshawar High Court Peshawar in judgment reported 2013 YLR 196, even a single suspicious circumstance creating reasonable doubt and prudent mind would entitle the accused to the benefit of doubt not as a matter of grace or concession, but as a matter of right. In the instant case, there are serious doubts in the mode and manner of the occurrence as reported by the prosecution. Motive is not proved. In view of the available ocular and circumstantial evidence, since the story narrated in the FIR is not duly corroborated by the evidence produced before the Court. Eventually, benefit of doubt is extended to the accused facing trial and he is acquitted from the charges leveled against him. He be released from custody if not required in any other case.

10/10/20
 09-9-20

28. So far as the absconding accused namely Mujahid and Asim are concerned, they being willful fugitives from law, are prima facie connected with the reported occurrence, hence declared

Attested

Superintendent
 Board of Revenue
 Revenue & Estate Department
 Khwaja Bahadur Shah



08 JUN 2024

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Proclaimed Offenders (PO's) and their perpetual warrants of arrest are issued. Case property be kept intact till arrest and trial of the Proclaimed Offenders. Record of the Case shall also be persevered.

29. File be consigned to the Record Room after necessary completion and compilation.

"Pronounced in open Court at Charsadda and given under my handwriting and seal of the Court on this 09th day of September, 2020".

Shabana Mehsood

(SHABANA MEHSOOD)
Addl. Sessions Judge/Judge MCTC,
Charsadda
Judge MCTC Charsadda

CERTIFICATE

Certified that this judgment of mine are consists of Fifteen (15) pages. Each page has been read, signed and corrected by me wherever necessary.

Shabana Mehsood

Addl. Sessions Judge/Judge MCTC,
Charsadda

(SHABANA MEHSOOD)
Additional District & Sessions Judge-II
Judge MCTC Charsadda

Attested

Superintendent
Board of Revenue
Revenue & Estate Department
Khyber Pakhtunkhwa

09/09/2020