


FORM OF ORDER SHEET

Court of _____

Appeal No. 1075 /2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1.	2	3
1-	31/07/2024	<p>The appeal of Mr. Muhammad Shafiq resubmitted today by Mr. Ijaz Ahmad Malik Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 02.08.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Muhammad Shafiq received today i.e on 30.07.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days..

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos. 1,3,4&7 are unnecessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Annexure-B/I of the appeal is illegible be replaced by legible/better one.
- 3- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.

No. 487 /Inst./2024/KPST,

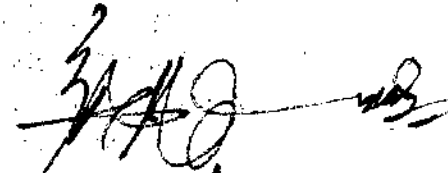
Dt. 30/7 /2024.



OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Ahmad Malik Adv.
High Court at Peshawar.

*Resubmitted after completion
all the objection is removed*


31/7/2024
Ijaz Ahmad Malik
Adv.

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

Service Appeal No. 1075 /2024

Muhammad Shafiq.....Appellant

VERSUS

Govt. of K.P through Secretary
Home & Tribal Affairs and othersRespondents

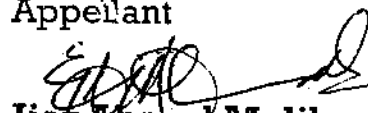
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Dated:


Appellant

Through


Ijaz Ahmad Malik 30/7/2024
Advocate
Supreme Court of Pakistan

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

Service Appeal No. 1075 /2024

Muhammad Shafiq,
Ex-Constable Driver No.6534, Peshawar.
S/o Muhammad Rafiq R/o Gharib Abad,
Dalazak Road, Peshawar.

.....Appellant

VERSUS

1. Inspector General of Police, Peshawar.
2. Chief Capital City Police (CCPO), Peshawar.
3. Superintendent of Police (H/O), Peshawar.

....Respondents

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED
05.07.2024 OF THE RESPONDENT NO.3,
WHEREBY, THE APPEAL OF THE
APPELLANT FROM THE IMPUGNED
ORDER DATED 24.06.2023 OF THE
RESPONDENT NO.5 WAS DISMISSED AND
THE IMPUGNED DISMISSAL ORDER**

(2)

**DATED 24.11.2022 OF THE RESPONDENT
NO.6 WAS UPHeld / MAINTAINED.**

PRAYER

On acceptance of this appeal, the impugned order dated 24.11.2022 of the respondent No.6 as well as the order dated 05.07.2024 passed in Appeal may very graciously be set-aside and the applicant be reinstated into service with all back benefits.

Respectfully Sheweth:

- 1) That the appellant has been appointed as Constable on 11.12.2012 on fixed pay and was assigned the duty as Driver Constable and was regularized vide order No.1186 dated 20.05.2020. (Copies of are enclosed as Annexure "A & A/1")
- 2) That the appellant has performed his duties to the best of his abilities and to the satisfaction of his superiors. The appellant has a blemish and spotless record in his entire career in the department.
- 3) That the appellant has malafidely and purposely been involved in a criminal case FIR No.193 dated 09.05.2022 u/s 9-D CNSA at Police Station Serai Shah District, Haripur at the behest of his appointments. The appellant remained in jail till his acquittal i.e. 29.11.2022 and after his acquittal the appellant submitted his arrival report. (Copies of FIR and

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acquittal order is enclosed as Annexure "B & B/1" and Arrival report is enclosed as Annexure "B/2")

- 3
- 4) That during his custody in jail, the respondents initiated departmental proceedings against the appellant. It is pertinent to mention that the respondents were informed by Serai Saleh Police/ Investigation Officer, and thus the appellant was suspended vide order dated 13.05.2022 and the respondent No.7 was appointed as Inquiry Officer. (Copies of suspension order dated 13.07.2022, appointment of Inquiry Officer order dated 13.05.2022 and charge sheet statement of allegations are enclosed as Annexure "C, C/1 & C/2")
 - 5) That the Inquiry Officer submitted his inquiry report by treating the appellant as guilty of misconduct. (Copy of the enquiry report is enclosed as Annexure "D")
 - 6) That after inquiry the appellant has issued final show cause notice vide order dated 01.11.2022. (Copy of the final show cause notice is enclosed as Annexure "E")
 - 7) That thereafter, the petitioner has been dismissed from service vide impugned order dated 24.11.2022. (Copy of the impugned order is enclosed as Annexure "F")
 - 8) That the appellant submitted a departmental appeal against the aforesaid dismissal order on 09.09.2023 to the CCPO, but the same was rejected/ filed vide order dated 26.04.2023. (Copies of the departmental appeal and order is enclosed as Annexure "G & G/1")
 - 9) That thereafter the appellant also submitted an application before the Inspector General of Police for

④

the reinstatement, but the same was also dismissed vide order dated 05.07.2024. (Copy of the order is enclosed as Annexure "H & H/1")

- 10) That the appellant being aggrieved and having no other remedy, therefore, files this appeal on the following amongst other grounds.

GROUND.

- A. That the impugned dismissal order of the respondent No.6 is illegal, against the law, facts and norms of natural justice, therefore, the same is not sustainable in the eyes of law and is liable to be set-aside.
- B. That the appellant has been involved in a fake and concocted case by the police with the connivance of his opponents/ enemies malafidely and purposely with ulterior motives, therefore, the prosecution could not prove the allegations against the appellant and the appellant was acquitted of the criminal charges, hence, on this score alone the appellant is liable to be reinstated.
- C. That the appellant has not received any document/ order to submit reply to the allegations leveled against the appellant as the appellant was in jail.
- D. That the Inquiry Officer has also not issued any notice nor the appellant was associated with any inquiry neither his statement is recorded, what to say the attestation of the statement from the jail authorities or the statement of the jail authorities.
- E. That thus in the circumstances, it can safely be held that no documents is served upon the appellant, no

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inquiry has been conducted in the matter and the appellant has been condemned unheard, which the violation of the golden principles of natural justice "*audit-altem-partem*".

- F. That the appellant has been dismissed from service on the sole ground of misconduct, but as and when the appellant has been acquitted by the competent Court of law from the charges of misconduct, the allegations become ceased, therefore, on this score too the appellant is liable to be reinstated.
- G. That the appellant has served the entire department for more than 10 years without any complaint and adverse entry into his credit and having spotless record, but the respondents have not taken into consideration the past record and dismissed from service hurriedly.
- H. That the appellant has not been treated according to law and have awarded major punishment for an offence not committed by the appellant, thus the impugned order having no legs to stand upon and is liable to be set-aside.

PAYER


It is therefore, humbly prayed that on acceptance of this appeal, the impugned order dated 24.11.2022 of the respondent No.6 as well as the order dated 05.07.2024 passed in Appeal may very graciously be set-aside and the applicant be reinstated into service with all back benefits.

Any other relief which this hon'ble court deems appropriate in the circumstances of the case though not specifically asked for may kindly also be granted.

Dated:


Appellant

Through

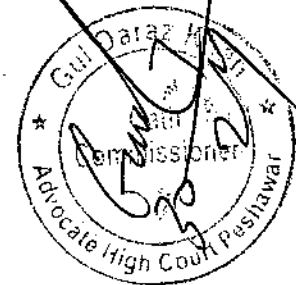

Ijaz Ahmad Malik
Advocate
Supreme Court of Pakistan

30/7/2024

AFFIDAVIT

I, Muhammad Shafiq (Appellant), do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.


Deponent



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

Service Appeal No. _____/2024

Muhammad Shafiq.....Appellant

VERSUS

Govt. of K.P through Secretary
Home & Tribal Affairs and othersRespondents

ADDRESSES OF PARTIES

APPELLANT

Muhammad Shafiq
Ex-Constable Driver No.6534, Peshawar.
S/o Muhammad Rafiq R/o Gharib Abad,
Dalazak Road, Peshawar.

RESPONDENTS

1. Inspector General of Police, Peshawar.
2. Chief Capital City Police (CCPO), Peshawar.
3. Superintendent of Police (H/Q), Peshawar.

Appellant

Through

Ijaz Ahmad Malik
Advocate
Supreme Court of Pakistan


Annexure "A"

(8)

SIC
SPC

ENLISTMENT ORDER

In the light of Govt: of NWFP Home & TAS Department Peshawar order No.SO (P-II)HD/5-8/KC-09 dated 12.02.2010 & Finance Department letter No.7/1/BO-III/FD/2009-2010 dated 04.02.2010, Mr. Muhammad Shafiq S/O Muhammad Rafiq R/O Gharib Abad Dlazak Raod PS Nasir Bagh is hereby appointed in Special Police Officer, on fixed pay of Rs.10000/-Per month for subject to the medical fitness and local verification. The post shall automatically stand abolished on expiry of the said post. His Service can be terminated any time without assigning any reason.


SUPERINTENDENT OF POLICE,
HQRS: PESHAWAR.

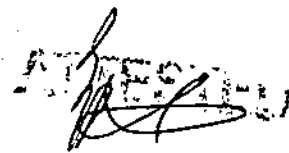
OB NO. 4376

DATED. 13-12-2012.

NO. 1593 / OASI, dated Peshawar the 13 / 12 / 2012.

Copy to the:-

1. Superintendent of Police, Cantt: Peshawar.
2. DSP/Town/SHO Nasir Bagh.
3. Pay Officer
4. CRC/FMC
5. Incharge Clothing Godown.





OFFICE OF THE CAPITAL CITY POLICE OFFICER,
PESHAWAR.



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Annexure "A/1"
(9)

ORDER

No.SO/Budget/HD/15-29/2016 Vol-II: In Pursuance of the provisions contained in Section 3 read with Section 5 of the Khyber Pakhtunkhwa Special Police Officer (Regularization of Services) Act, 2019 (Khyber Pakhtunkhwa Act No.XXVII of 2019) and on the recommendation of Provincial Police Officer, Khyber Pakhtunkhwa and approval of the Provincial Cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in CCP, Peshawar under DDO Code PR4093-Peshawar City Police as Constables (BPS-07) with effect from 01.03.2020.

Therefore, in the light of above notification the following Special Police Officers are hereby absorbed as Regular Constable (BPS-07) in Capital City Police, Peshawar. They are allotted Constabulary numbers noted against their names.

S.NO.	Name & SPO Belt No.	Father Name	Allotted No.
1.	KAMRAN KHAN 506	MAAZ ULLAH	
2.	QAZI YASIR ALI 507	TAMAS ALI	
3.	SAMAR ALI 508	KHAN AFZAL	
4.	MUKHTIYAR KHAN 509	ESSA KHAN	
5.	MUHAMMAD SHAFIQ 510 ✓	MUHAMMAD RAFIQ ✓	6534
6.	KASHIF ALI 511	MUHAMMAD RASHEED	
7.	ABOZAR GHAFARI 512	SALAH UD DIN	
8.	ABDUL FAHEEM KHAN 513	ABDUL QAYUM	
9.	SHAH ZAMAN 514	GUL KHAN SHAH	
10.	ASAD ZEB 515	JEHANZEB	
11.	GULZEB 516	ZAHIR GUL AFRIDI	
12.	GOHAR ALI 517	ABDUR RASHEED	
13.	SAQIB 518	ABDUL MALIK	
14.	MUSLIM KHAN 519	ESSA KHAN	
15.	NAEEM Jan 520	RAHEEM GUL	
16.	FAZAL RABI 521	FAZAL REHMAN	
17.	SARFARAZ AHMAD 522	GUL ZAMAN	
18.	IBRAHIM KHAN 523	ALI MUHAMMAD KHAN	
19.	ZAHOR KHAN 524	MISAL KHAN	
20.	MUHAMMAD NAWAB 525	JEHANZAIB	

SP/HQS:
FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

OB No. 1186.

Dated 20-03/2020.

No. 697-60/OSI, dated Peshawar the 21/03/2020.

Copy to all concerned.

ATTEST
A

Annex "B"

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IN THE COURT OF SYED HASSAN RAZA SHAH,
ADDITIONAL SESSIONS JUDGE-VI/JUDGE SPECIAL
COURT, HARIPUR

Criminal Case No. 17/3 of 2022

Date of submission of complete challan: 21.06.2022

Date of Decision: 29.11.2022

The State through Siddique Shah; S.H.O, Police Station
Sarai Saleh, Haripur. (Complainant)

Versus

Muhammad Shafique son of Muhammad Rafique caste
Pathan r/o Dilazak road Sultan Colony Peshawar.

(Accused Facing Trial)

CHARGE UNDER SECTION 9-D OF KHYBER
PAKHTUNKNWA CNSA 2019, REGISTERED VIDE
CASE F.I.R No. 193 DATED 09.05.2022 OF POLICE
STATION SARAI SALEH, HARIPUR

29.11.2022

JUDGMENT
29.11.2022

1. Prosecution case, concisely as alleged in the F.I.R, is that on
09.05.2022, Siddique Shah, S.H.O, Police Station Sarai
Saleh, Haripur along with other police contingents were
present on *nakabandi* at Bypass road near village Garr. In
the meanwhile, a motorcar Hundai bearing registration No.
2002/IDH Islamabad having golden color signaled to stop.

Assessed to be true copy
Authorized U/A 87 of
Constitution of Pakistan

15 DEC 2022

Examiner
District & Session Judge
Haripur

P-T-0

16/11/2022

ASIA
09-05-2022

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The driver of the motorcar disclosed his name Muhammad Shafique s/o Muhammad Rafique r/o Dilzak Road Sultan colony No.12 Peshawar. Being suspicious, search of the motorcar was made which led to the recovery of two packet charas beneath the driver seat wrapped in yellow color solution tape and two packets beneath the front seat adjacent to the driver seat wrapped in yellow color solution tape. On weighment through digital scale, the contraband in the first packet turned out 795 gram and from the second packet as 970 gram while the recovered charas from third packet was found 955 grams and the fourth packet was containing 980 grams, total 3700 grams was recovered. 5/5 grams charas was separated from each parcel and were packed and sealed into parcel No.1 to 4 for FSL while rest of the charas weighing 3680 grams was packed and sealed into parcel No.5 as case property. SHO affixed 3/3 seals over the parcels containing the monogram of MS. On personal search of accused SHO recovered one mobile model Vivo and Nokia. Accused was arrested and Murasila was drafted which was sent to the police station through constable Tasawar No.408., hence, the instant F.I.R was registered.

29.11.2022

P-T-8

Accepted to be true copy
Authorized U/A 87 of
Qanun-e-Shahadat order: 19

15 DEC 2022

Examiner
District & Session Judge
Haripur

ASHO 17/3/2022
09-05-2022

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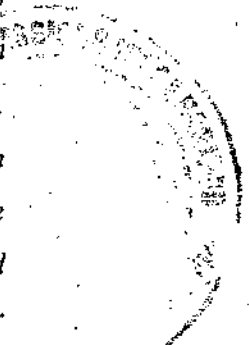
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2. On submission of complete challan, the accused being on bail was summoned who appeared before the Court; copies were delivered to him as required under section 265-C Cr.P.C on 14.07.2022. The charge was framed on 21.07.2022 under section 9 (C) of Khyber Pakhtunkhwa CNSA, 2019 to which he pleaded not guilty and claimed trial.

29.11.2022

3. The prosecution in order to establish the guilt of the Accused produced as many as Six (06) witnesses. A gist of prosecution evidence is as under:

I. *Statement of Afsar Khan MM PS KTS was recorded as PW-01 who stated that during the days of occurrence, he was posted in PS Sarai Saleh. On 09.05.2022, complainant handed over to him case property of the instant case i.e. parcel No.1 to 4 containing five/five grams charas for FSL and parcel No.5 containing 3680 grams charas for keeping the same in safe custody in malkhana after making entries in register No.19. On 11.05.2022, he took out parcel No. 1 to 4 from the malkhana and handed over to constable Mehraj No.946 along with other parcels and necessary documents vide receipt No.95/21 for onward transmission to FSL who on the same day deposited the samples in FSL Peshawar and after getting acknowledgment on receipt on his return to PS, handed over to him the receipt the attested*



P-T-0

One witness

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Qanoon-e-Sishadat order, 19

15 DEC 2022

Examiner
District & Sessions Judge
Mardan

6 to 10/11/2022

ASJ-VI Peshawar
09-11-2022

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copy of which is Ex.PW 1/1 (STO. by defence counsel that being photocopy same is not admissible in evidence). Attested copies of register No.19 is Ex.Pw 1/2. He was examined by the IO u/s 161 Cr.P.C.

II. Statement of Nawab Khan, ASI Haripur, was recorded as PW-02 who stated that during the days of occurrence, he was posted in police station Sarai Saleh. On receipt of the Murasila sent by Siddique Shah SHO through constable Tasawar No.408, he incorporated its contents into FIR which is Ex.PA. said witness verified the FIR which is in his hand writing and is correct.

III. Statement of Tasawar Hussain Shah No. 408, PS Sarai Saleh was recorded as PW-03 who stated that on 09.05.2022, he along with complainant and other police officials were present at bypass road near Garrh where they have made picket. Meanwhile, a motorcar Honda No. IDG 2002 Islamabad golden color came and stopped by us. The driver of which disclosed his name Muhammad Shafique r/o Dilazak Road Peshawar. Complainant searched the vehicle and recovered two packets charas wrapped in blue color scotch tape from beneath of driving seat. Likewise, we recovered two packet charas wrapped in yellow scotch tape from beneath of front seat. Complainant weighed four packets separately one packet came out 795 grams, second packet of 970 grams, third packet 955 and fourth packet 980, total 3700 grams. Complainant

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Crimes - Sessions order: 8/

15 DEC 2022

Examiner
District & Sessions Judge
Peshawar

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separated five/five grams charas from each packet and sealed the same into parcel No.1 to 4 for FSL while he sealed remaining 3680 grams into parcel No.5. Complainant put 1/1 seals inside he parcel while affixed 3/3 seals with monogram of MS seals upon the parcels. Upon personal search of the accused complainant further recovered one smart phone of vivo and one simple Nokia mobile. Complainant also took into possession the motorcar and prepared the recovery memo in respect of all above recoveries in his presence as well as in presence of co-marginal witnesses and obtained our signatures. Thereafter, complainant issued card of arrest and drafted Murasila and handed over to him for transmission to PS and he transmitted the same to PS upon which the FIR was registered. He was examined by the IO u/s 161 Cr.P.C. Recovery memo is Ex.PW 3/1.

IV. Statement of Siddique Shah, SHO PS Kotnajibullah was recorded as PW-04 who stated during the days of occurrence, he was posted in PS Sarai Saleh as SHO. On 09.05.2022, he alongwith Tariq Mahmood and constable Ali Raza and Tassawar were reached on bypass road near village Gari for the purpose of picket. Meanwhile, a motorcar Honda No. IDG 2002 Islamabad golden color came and stopped by them. The driver of which disclosed his name Muhammad Shafique r/o Dilazak Road Peshawar. He searched the vehicle and recovered two packets charas wrapped in blue color scotch tape from beneath of driving seat.

27/11/2022

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Special order: 2022

15 DEC 2022

Examiner
District & Sessions Judge
Peshawar

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Likewise, he recovered two packet charas wrapped in yellow scotch tape from beneath of front seat. He weighed four packets separately one packet came out 795 grams, second packet of 970 grams, third packet 955 and fourth packet 980, total 3700 grams. He separated 5/5 grams charas from each packet and sealed the same into parcel No.1 to 4 for FSL while he sealed remaining 3680 grams into parcel No.5. He put 1/1 seals inside the parcel while affixed 3/3 seals with monogram of MS seals upon the parcels. Upon personal search of the accused, he further recovered one smart phone of vivo and one simple Nokia mobile. He also took into possession the motorcar and prepared the recovery memo in respect of all above recoveries in the presence marginal witnesses and obtained their signatures which is already exhibited as Ex.PW 3/1. Thereafter, he issued card of arrest Ex.Pw 4/1 and drafted Murasila which is Ex.PB and handed over to constable Tasawar for registration of FIR. IO prepared the recovery sketch on 'his pointation Ex.PW 4/2. Case property is Ex.P1. Daily diary regarding his arrival in PS is Ex.PW 4/3. He transmitted the case property to the PS and handed over to Moharrir staff. After completion of investigation, he submitted the complete challan against the accused which is Ex.PW 4/4. Said witness verified the all the exhibits which are correct.

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V. Statement of Tanveer Khan, inspector police line Haripur was recorded as PW-05 who during the days of occurrence, he was posted as



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Ganjan-4-Shahadat order: 12

15 DEC 2022

Examiner
District & Session Judge
Muzaffargarh

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OII PS Sarai Saleh. On 09.05.2022, on receipt of copy of FIR Ex.PA along with Murasila, the investigation of instant case was conducted by him. He proceeded to the place of occurrence and where he prepared the site plan on the pointation of SHO and eye witnesses in the headlights of vehicle. Site plan is already Ex.PW 4/2. He recorded the statement of the PW Tasawar Shah and Tariq Mahmood IHC on the spot. On his return to the PS he checked the parcels No.1 and 5 from the moharrir malkhana and he drafted the application Ex.PW 5/1 for sending the parcel No.1 to 4 to FSL. He also placed on file the copy of DD regarding his departure and arrival which is Ex.PW 5/2 (STO that in absence of original photocopies are inadmissible in evidence). He vide his application Ex.PW 5/3 produced the accused before learned JM for police custody and two days police custody was granted. He interrogated the accused and after expiry of the police custody he produce the accused before JM for recording his confessional statement vide application Ex.PW 5/4 however he refused to confess and sent to judicial lock up. He also recorded the statement of the moharrir malkhana and constable regarding safe custody and transmission the parcel to FSL. On receipt of the FSL Ex.PW 5/5, he placed the same with file. After completion of investigation he handed over the case file to SHO for submission of challan against the accused.

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VI. Statement of Mehraj, constable PS Khanpur Haripur was recorded as PW-06 who stated

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Ganone-Shahadat order: 80

17.05.2022

Examiner
District & Sessions Judge
Haripur

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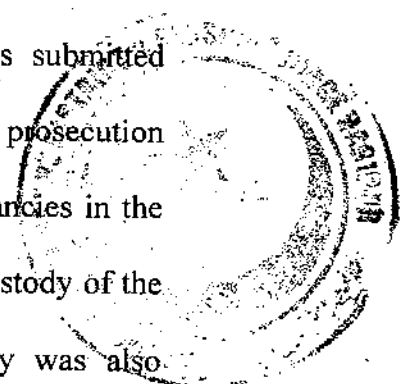
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that on 11.05.2022, Afsar Khan Maddad Moharir handed over to him sealed parcel No.1 to 4 of the instant case along with parcels of other cases for onward submission the same to FSL through road certificate No.95/21. He accordingly took the parcel to FSL and deposited there. On his return to PS he handed over the receiving certificate duly stamped and signed by the FSL authorities to the maddad moharrir, which he placed the same with file. His statement was recorded in this regard by the IO.

Handwritten signature and date: 19.11.2022

- 4. Thereafter, the prosecution abandoned remaining PWs being unnecessary and closed the prosecution evidence.
- 5. After the closure of Prosecution evidence, the statement of accused was recorded on 19.11.2022 u/s 342 Cr.P.C, wherein he negated the story of Prosecution and claimed false implication, however, neither the accused choose to be examined on oath under Section 340 (2) Cr.P.C. nor opted to produce evidence in Defence.
- 6. The APP for the State during his arguments submitted application for withdrawal of the case by the prosecution u/s 494 Cr.PC on the ground of major discrepancies in the statements of the prosecution witnesses, safe custody of the Contraband is not proved while the recovery was also

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Authorized U/A 87 of
General Statute order: 198

15 DEC 2022

Examiner
District & Session Judge
Haryana

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doubtful for the seal on the parcel of recovered charas was not of the complainant/SHO.

7. Standing on the other side of the aisle, the learned counsel for the defence was of the view that the Prosecution has failed to prove its case beyond the shadow of doubt against the accused facing trial and there are major discrepancies in the Prosecution evidence qua the mode and manner, date, time and place of the occurrence; that the abbreviation of the seals used on the parcels does not pertains to the complainant, that the entire recovery proceedings become doubtful. He further stated that no independent witness was associated with the recovery proceedings. That the Prosecution case is full of doubts and dishonest improvements made during the course of trial, hence, the benefit of the same may be extended to the accused facing trial and he may be acquitted of the charge leveled against him.

8. I have heard the arguments advanced by learned APP for the State and counsel for the accused and have gone through the record in minute details with their able assistance.

9. The first and foremost question for determination before the Court is to ascertain as to whether the prosecution has discharged its burden of proof qua the mode and manner of

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Authorized U/A 87 of
Personnel (Orders) Order: 11

2022

Examiner
& Session Judge

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the recovery, date, time and place of occurrence as narrated in FIR. Additionally, it is to be seen from the record whether the safe custody of the contraband as per law has been ensured or otherwise. The allegations against the accused as per prosecution version is that he was found in possession of 3700 grams Charas, the prosecution was bound to establish each and every alleged fact without any shadow of doubt. Per record there are major discrepancies in the statements of prosecution witnesses.

27.11.2022

10. PW-03 is the marginal witness to recovery memo who on his cross examination stated that SHO prepared four parcels at the spot while the complainant of the case as PW-04 deposed that he prepared five parcels of the contraband at the spot. This stark discrepancy between two most important witnesses regarding the alleged recovery have raised serious qualms as to the entire narration of the FIR.

11. There is another contradiction between the statement of two witnesses i.e. PW-03 and PW-04 which makes the mode and manner of the recovery proceedings as alleged in the FIR seriously doubtful. PW-03 Tasawar Hussain stated that local police left the spot on official vehicle being driven by the official driver. On the contrary, complainant of the case on his cross examination stated that there was no official

Submitted to the trial court
Authorised Signatory
Criminal Justice Department, 15

27.11.2022

Secretary
Criminal Justice Department

PW

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vehicle on spot with the police party nor any official driver accompanied them for spot proceedings.

12. There is another major contradiction in the statement of witness of recovery memo PW-03 and SHO as the witness of the recovery memo (PW-03) has stated that two packets containing contraband were wrapped in yellow while two in blue solution tape. The SHO however stated on his cross examination that all the packets having contraband were wrapped with yellow solution tape which contradiction as to the case property is serious one and cannot be ignored.

13. The SHO as PW-04 also admitted in his evidence that he neither recovered any license in respect of the vehicle nor placed on record documents of the vehicle wherefrom the alleged recovery was conducted. The non availability of the said documents available on the record would definitely not favour the case of prosecution, either.

14. There is another significant discrepancy regarding kind of the contraband in the evidence of the prosecution witnesses. PW-03 on his cross examination mentioned that contraband was in black color while PW-4 SHO of the case stated in his cross examination that contraband was in brown color. The contradiction with regard to the color of the allegedly recovered contraband in two most important witnesses will

29.11.2022

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WITNESSES to do true copy
Authorized UA 57 of
Sessions Court, District Court, F

15 DEC 2022

Registrar
Sessions & District Court
F

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ASJ-VI P.S. Shafique
09-11-2022

certainly raised doubts as to the alleged recovery, the benefit of which will go in favour of the accused.

15. IO of the case as PW-05 during his cross examination stated that when he reached on spot at 10:00 p.m., he called SHO who thereafter came to spot within 15 to 20 minutes after his arrival and neither the case property nor the accused were available at the spot and he examined the case property at the table of Moharir. The SHO however deposed on his cross examination that the IO arrived at spot at 09:45 p.m. in his presence when the accused and case property and PWs were all present on the spot and IO checked the case property at the spot and returned the same to him. The contradiction in the statements of SHO and complainant regarding presence of the accused and case property and its examination are very vital and significant and have cast major dent as to the entire prosecution version of alleged recovery. In the same manner mode and manner of the alleged occurrence could not have been substantiated through consistent and inspiring evidence and safe and secure chain of custody of the recovered contraband has also become doubtful.

16. The SHO Siddique Shah in his statement as PW-04 stated that parcels of the alleged contraband were sealed with

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AND INDEXED LMA 87 of
Date: 29/11/2022

Signature

ASJ-VI/Judge Special Court

Handwritten signature and date: 29/11/2022

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monogram of MS abbreviation and it is evident that abbreviation of the monogram i.e. MS does not correspond the name of complainant of the case SHO Siddique Shah or the any other witness of the recovery memo. Honorable Peshawar High Court in its reported case State versus Javed Iqbal 2021 YLR 662 held that a Monogram which is neither the abbreviation of the name of seizing officer/recovery officer nor investigating officer compounds the doubts and raises a big question mark upon the veracity of the prosecution's case against the accused.

17. As we further look at the record, it reveals that admittedly no private witness was associated during the recovery proceedings despite the occurrence has taken place at public place. The alleged recovery in the view of above has thus become highly doubtful and it can be safely held that prosecution has failed to prove the recovery of contraband from the accused beyond any shadow of doubt.

18. In order to warrant the conviction of an accused in such like offences, cogent, direct, trustworthy, credible, straight forward evidence of high quality is required. However, in the instant case the evidence led during the course of trial is quite to the contrary as the same is discrepant, mutually inconsistent and not convincing at all. It is held by the

Authorized U/A 87 of
Criminal Procedure Code

15/11/2022

Magistrate
District & Sessions Judge
Muzaffargarh

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29/11/2022

Honorable Supreme Court of Pakistan in reported case 2022 SCMR 1567 Tajamal Hussain Shah Vs. The State that single circumstance create reasonable doubt in prudent mind about the guilt of the accused makes him entitled to its benefit not as matter of grace and concession but as matter of right. The prosecution in view of such lapses and discrepancies has also submitted an application for withdrawal from prosecution and discharge of accused facing trial under section 494 Cr.P.C read with section 5 (B) KPK Prosecution Act, 2005.

19. In the above backdrop, since the prosecution has failed to prove its case against the accused therefore, the benefit of doubt is extended in favour of the accused facing trial namely, **Muhammad Shafique** s/o Muhammad Rafique caste Pathan, r/o Dilazak, Sultan colony Peshawar, he is acquitted of the charge leveled against her in the instant case. He is in custody, be released forthwith if not required in any other case.

20. Case property be disposed of according to law after the expiry of period of limitation provided for an appeal/revision. All personal belongings of accused, if any, be returned forthwith.

Authorised Signatory of
Sessions Judge

2022

District & Sessions Judge
Peshawar

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ضلع لیون

انٹرنیشنل ایئر لائنز "B" قسم 7 اگست 2022
تعداد 17
Amex

(25)

مدرسہ کا قریبی ایئر لائنز وقت 9:00 بجے مورخہ 17/12/2022 اس وقت ڈرائیور

کنسٹبل محمد شفیع 6534/CEB جو کہ ٹیبر کافر سڈن کوالہ مد 9 اور لارڈ کالج
09/05/2022 بتاوا جعفری دفتر امر جوتل ڈی وائیڈر کنسٹبل متذکرہ

2 طرف مقدمہ عدالت 193 مورخہ 9/05/2022 جی بی 99 DCSA بتاوا
سڑکے صالح ضلع لیون لارڈ کالج ریسٹریٹ پیو کفر مزید حسب نظام

ایئر لائن مالہ صاحبان کوالہ 1722/08 مطلق شدہ 13-05-2022

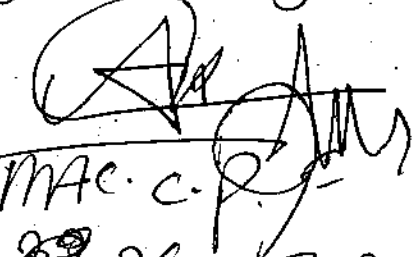
حالات DSP صاحب علی پور پورٹس کے نوٹس میں لورڈ
متذکرہ ڈی وائیڈر کنسٹبل جی کافر ایئر لائنز اور لارڈ کالج کے

تفصیلات پر مبنی مناسب کارروائی ایئر لائن مالہ صاحبان کے ذریعہ
میں ارسال ہو کر اب ڈی وائیڈر کنسٹبل متذکرہ لارڈ کالج کے مطلق

راہزنہ لیا گیا اور اس کے بارے میں رابطہ کی اطلاع حاصل ہو گی کو مزید
سرکار کی ٹیلی فون رسائی

صاحب عالی!

نقل بحالیت اصل


M.A.C. P.

26-07-2024



از دفتر محمد اوس

تعمیرات ۱۱ روزنامه ۱۷ $\frac{12}{22}$

تعمیرات

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سقف خان ۱۲۵۰ وقت ۱۰:۱۳ تا ۱۲:۱۷ اس وقت در دستگیر

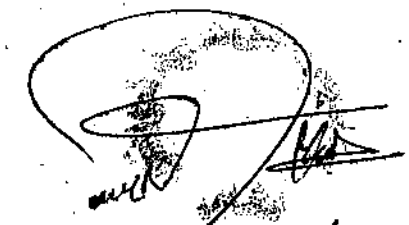
کاری

مقدار سقف ۶۵۳۴ کیلوگرم است که در اول اس وقت در دستگیر است. کاری در روزنامه ۱۱

Annex B/2

محمد اوس

تعمیرات



m-m pl

26-07-24



Annex "C"
(15) (27)

ORDER

Driver Constable Shafiq-ur-Rahman No.6534 of Capital City Police Peshawar while posted at City Patrol Peshawar, Peshawar is hereby placed under suspension & closed to Police Lines Peshawar with immediate effect due to involvement in a criminal case vide FIR No.193 dated 09.05.2022 u/s 9DCNSA PS Sarai Salih District Haripur & also absented from lawful duty w.e.f 09.05.2022 till date.

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

[Signature]
SUPERINTENDENT OF POLICE
HEADQUARTER PESHAWAR.

O.B No 1222
Dated 13/5/2022

No. 1544-52 /PA/SP/H.Qrs: dated Peshawar, the 13/05/2022

Copy to:

1. The Capital City Police Officer, Peshawar
2. The SSP Operations, Peshawar
3. DSP H.Qrs: Peshawar,
4. DSP City Patrol, Peshawar
5. Pay Officer & CRC
6. FMC & OASI

[Signature]
ARRESTED

[Signature]
Peshawar

15

Annex "C" / 1

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DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that Driver Constable Shafiq-ur-Rahman No.6534 has rendered himself liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION

"That Driver Constable Shafiq-ur-Rahman No.6534 while posted at City Patrol, Peshawar was involved in a criminal case vide FIR No.193 dated 09.05.2022 u/s 9DCNSA PS Sarai Salih District Haripur & also absented from lawful duty w.e.f 09.05.2022 till date. This amounts to gross misconduct on his part and is against the discipline of the force."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and Dsl-Complaints is appointed as Enquiry Officer.

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

[Signature]
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 80 /E/PA, dated Peshawar the 13/5 /2022

1. Dsl-Complaints is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official concerned

[Signature]
ATTESTED

Attested
SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR

Annex C/2

(14)

(29)

CHARGE SHEET

I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that Driver Constable Shafiq-ur-Rahman No.6534 of Capital City Police Peshawar with the following irregularities.

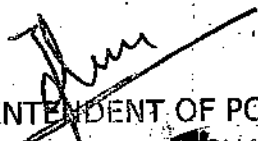
"That you Driver Constable Shafiq-ur-Rahman No.6534 while posted at City Patrol, Peshawar were involved in a criminal case vide FIR No.193 dated 09.05.2022 u/s 9DCNSA PS Sarai Salih District Haripur & also absented from lawful duty w.e.f 09.05.2022 till date. This amounts to gross misconduct on your part and is against the discipline of the force."

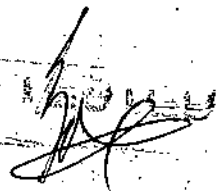
You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

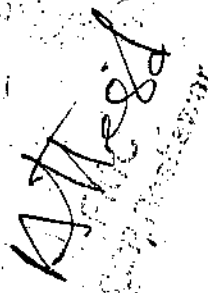
Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR




ATTENDED

Annex "D"

OFFICE OF THE
DEPUTY SUPERINTENDANT OF POLICE
COMPLAINTS & ENQUIRY
CCP, PESHAWAR

11



30

NO. 9881 /PA,

DATE: 27/10/2022

To: The Superintendent of Police HQrs.,
Peshawar.

Subject:- **ENQUIRY AGAINST DRIVER CONSTABLE SHAFIQ UR REHMAN
NO. 6534**

Memo:

Kindly refer to your office Dy: No. 80/E/PA, dated 13.05.2022 on the subject cited above.

ALLEGATIONS:-

"That Driver Constable Shafiq Ur Rehman No. 6534 while posted at City Patrol, Peshawar was involved in a criminal case vide FIR No. 193 dated 09.05.2022 u/s 9DCNSA PS Sarai Salih District Haripur and also absented from lawful duty w.e.f **9.05.2022 till date**. This amounts to gross misconduct on his part and is against the discipline of the force".

PROCEEDINGS:-

To dig out the real facts, the undersigned has visited to central jail Haripur and recorded the statement of alleged Driver Constable Shafiq Ur Rehman No. 6534, in which he stated that on 09.05.2022 he was on Shabasi and demanded a motor car No IDH 2002 from his friend namely Javed and set aside in and went to Kaghan to meet his friends there, when reached to Haripur in the jurisdiction of PS Sarai salih, where they had blockade, stop his car and start searching and recovered narcotics and registered case vide FIR No. 193 dated 09.05.2022 u/s 9DCNSA PS Sarai Salih. He doesn't know that who have kept these narcotics in the car.

As per report of Moharrar City Patrol Peshawar that on 09.05.2022 Driver Constable Shafiq Ur Rehman No. 6534 was on shabasi 02 days and today his arrival was expected but didn't made arrival report and marked as absent vide DD No. 03 dated 09.05.2022 (copy attached). Furthermore, on 12.05.2022 Inspector Tanveer PS Sarai Salih District Haripur has telephonically informed that Driver Constable Shafiq Ur Rehman No. 6534 posted at City Patrol has been arrested in narcotics there and registered case vide FIR No. 193 dated 09.05.2022 u/s 9DCNSA PS Sarai Salih District Haripur.

As per report of Inspector Tanveer Khan OII of PS Sarai Salih District Haripur that on 09.05.2022 SHO Sadiq Shah has recovered 3700 gram narcotics from the accused Muhammad Shafiq ur Rehman s/o Muhammad Rafiq r/o Peshawar from his car No. IDH 2002 and arrested the accused and sent murasila to police station registered case vide FIR No.193 dated 09.05.2022 u/s 9DCNSA PS Sarai Salih and during interrogation he was found that accused was serving in Police Department. The accused was challaned to court and sent to central Jail Haripur.

CONCLUSIONS:-

Keeping in view of the above facts, the undersigned reached to the conclusions that accused Driver Constable Shafiq Ur Rehman No. 6534 was posted at City Patrol Peshawar as Driver in the official vehicle No. AB 1312 in sector Town. He was on Shabasi on 07,08 05.2022 and his arrival was expected on 09.05.2022. Moharrar City Patrol Peshawar has absented him due to non arrival of report vide DD No. 03 dated 09.05.2022. On 12.05.2022, Inspector Tanveer OII PS Sarai Salih has telephonically informed his concern unit City Patrol and told that accused Driver Shafiq ur Rehman No. 6534 has been arrested in narcotics and registered case vide FIR No. 193 dated 09.05.2022 u/s 9DCNSA PS Sarai Salih District Haripur. As per statement of

FMC
CCP Peshawar

ATTES
[Signature]

accused Driver Shafiq UR Rehman No. 6534 that he went to Kaghan to meet his friends there and hire a car from his friend namely Javed. It is therefore, the undersigned is of the opinion that alleged driver constable Shafiq Ur Rehman No. 6534 is found guilty, if agreed please.

Submitted Please.

31

INSPECTOR
COMPLAINT & ENQUIRY
CAPITAL CITY POLICE PESHAWAR

27/10/2022

Issue Final
Show Complaincia

~~Inspector~~
Police

~~Inspector~~
Police

CCPC
Capital City Police Peshawar

FINAL SHOW CAUSE NOTICE

Annex "E"

(TD)

(32)

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Driver Constable Shafiq-ur-Rahman No.6534 the final show cause notice.

The Enquiry Officer, Inspector Complaint and Enquiry, after completion of departmental proceedings, has declared you guilty of misconduct.

And whereas, the undersigned is satisfied that you Driver Constable Shafiq-ur-Rahman No.6534 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

2. If no reply to this notice is received within 7 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

[Signature]
SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 80-E-PA, SP/HQrs dated Peshawar the 01/11/2022.

Copy to official concerned

ATTESTED
[Signature]

Attested
CPD Peshawar

Annex "F"

33

ORDER

This office order relates to the disposal of formal departmental enquiry against **Driver Constable Shafiq-ur-Rehman No.6534** on the allegations/charges that he while posted at City Patrol, Peshawar was involved in criminal case vide FIR No.193 dated 09.05.2022 u/s 9DCNA PS Sarai Salih District Haripur and also absented from lawful duty w.e.f 09.05.2022 till date.

In this regard, he was placed under suspension & issued charge sheet & summary of allegation. Inspector Complaints was appointed as E.O. He conducted the enquiry & submitted his report/findings that the alleged official found guilty of the charges.

Upon the finding of E.O, he was issued final show cause notice & delivered to him on home address through local Police of PS Faqirabad to which he replied but his explanation found un-satisfactory.

In this regard, the opinion of DSP Legal has been obtained. He opined that criminal and departmental proceedings are two different entities and there is no legal Bar over the award of punishment even if criminal proceedings are pending adjudication before the control of Law. Hence enquiry may be disposed off in light of recommendation of the E.C.

From perusal of enquiry papers, & other material available on record, the undersigned came to the conclusion that the alleged official found guilty being involved in criminal case & deliberate absence. Therefore, Driver Constable Shafiq-ur-Rehman No.6534 is hereby dismissed from service under Police & Disciplinary Rules-1975 with immediate effect. Hence, the period he remained absent from duty w.e.f 09.05.2022 till date be treated as without pay.

**SUPERINTENDENT OF POLICE
HEADQUARTERS, PESHAWAR**

OB. NO. 3118 / Dated 24/11/2022

No. 3585-99 /PA/SP/datec Peshawar the 25/11/2022

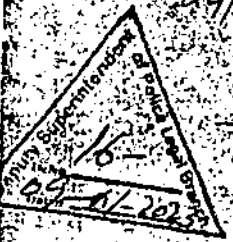
Copy of above is forwarded for information & n/action to:

1. The Capital City Police Officer, Peshawar.
2. DSP/HQrs, Peshawar.
3. PA to W/CCPO, Peshawar
4. Pay Office, OASI,
5. CRC & FMC along-with complete departmental file.

ATTORNEY
[Signature]

34

PA/CCPO
No. 50
09/01/2023



مذمت خانہ کی پیشین گوئی پولیس اسٹیشن پر

مذمت خانہ اسلین پر خلاف آرڈر کی کمی 31/8/2022

حکومتی ملازمت پر درخواست لگانا

FMC
For year
S. H. Jull
Supt: Police
Legal, CCP/Peshawar

سائل حسب ذیل عرض گزار ہے

1۔ سائل سال 2012ء کو قلم پولیس میں جوتی ہو کر 24/11/2022

2۔ داغ ملازمت (نیا) ہو اور کبھی غیر دستیاب نہ ہو

3۔ سائل نے خلاف ریک سائزنگ کی بنا پر مقدمہ عدالت 19/5/2022

4۔ CNSA 9-D خانہ سپرائز جہاں پہلے ہی پور ریج رجسٹر ہو کر حکمتی بنا کر

5۔ سائل نے 29/11/2022 تک پور پولیس میں نام نہ ملد سلسلے میں رہا اور میں

6۔ سائل نے مذکورہ بالا مقدمے میں عدالت جاریہ ڈسٹریکٹ کورٹ لنگر سہیلہ

7۔ سائل نے گناہ اور باقصور یا دیگر جرائم سے متعلق کوئی بھی مقدمہ

8۔ مذکورہ بالا مقدمے سے بری کر دیا گیا۔ نقل مقدمے عدالت ہمراہ لف ہر ایک مقدمہ

9۔ سائل نے نام نہ ملد سلسلے میں اس دوران سائل نے خلاف حکمتی کارروائی ہو کر

10۔ سائل کی کوئی شہزائی نہ ہو اور سائل نے خلاف حکمتی کارروائی ہو کر

11۔ درخواست عطا ہے

12۔ دوران انکو اس سائل کو سماعت کا موقع نہیں دیا گیا

13۔ سائل نے مکمل طور پر حضور ہے اور ایک طرف سے گھومتی ہو رہی ہے

14۔ سائل نے عدالت میں درخواست سائل کو ملازمت سے درخواست لگانا

15۔ سائل نے حضور کو سائل سے اور اس میں گناہی کے دوران میں (اسی ملازمت)

16۔ سائل نے درخواست میں درجہ ملازمت میں

17۔ سائل نے درخواست میں درجہ ملازمت میں

18۔ سائل نے درخواست میں درجہ ملازمت میں

USP/L
For comments
9/1/23

Annexure "G/1"

35

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Driver Constable Muhammad Shafiq No. 6534, who was awarded the major punishment of "Dismissal from service" under KP PR-1975 by SP/HQr: Peshawar vide OB No. 3118, dated 24.11.2022.

2- Short facts leading to the instant appeal are that the defaulter Constable while posted at City Patrol Peshawar was proceeded against departmentally on the charges of his involvement in a criminal case vide FIR No. 193, dated 09.05.2022, u/s 9-DCNSA PS Sarai Salih District Haripur as well as absence from his lawful duty w.e from 09.05.2022 to 24.11.2022 (06 months & 15 days) without permission/leave of the competent authority.

3- He was issued proper Charge Sheet and Summary of Allegations by SP/HQr: Peshawar, Inspector Complaints & Inquiry Peshawar was appointed as inquiry officer to scrutinize the conduct of the accused official. The inquiry officer after conducting proper inquiry submitted his findings in which the defaulter Constable was found guilty. The competent authority in light of the findings of the inquiry officer issued him Final Show Cause Notice, which was delivered to him at his home address through local police of Police Station Faqirabad. He replied but the same was found unsatisfactory, hence awarded the above major punishment.


4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. He was given ample opportunity to prove his innocence but he could not defend himself. Therefore, his appeal for setting aside the punishment awarded to him by SP/HQr: Peshawar is hereby **rejected/filed**.

(MUHAMMAD IJAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 1840-46 /PA dated Peshawar the 06/04/2023

Copies for information and necessary action to the:-

1. SP/HQr: Peshawar
2. AD-IT CCP Peshawar
3. OASI, PO, CRC.
4. FMC along with complete fouji missal.
5. Official Concerned

ATTESTED


جواب "بی" جی بی بی کے پاس
درخواست نمبر 6534 بجالی وزارت

جواب عالی
Annexure "H"

11782/53

36

گزارشیں ہیں، مسائل جو کہ پیسے سے متعلق ہیں، جو کہ
درپیش ہوئے ہیں وہاں سے برخواست ہو چکا ہے۔ اس کے خلاف چارج کرنا
تمام الزامات کے بنیاد ہے۔ مسائل کے لئے ایک ڈیپارٹمنٹ کے لئے ایک ادارہ ہو چکا
کہ اس ادارے کی ایک ڈیویژن ہے

مسائل کا حل نہ ہو رہا ہے، اس لئے اس ادارے کو پیسے والے ادارے اور ادارے
مسائل بنیاد کے لئے اس ادارے کو پیسے والے ادارے میں دوبارہ بحال
کرنے کا حکم صادر فرمادیں

عین خواہش ہے

التوفیق
27/04/23

الاعلیٰ
ایٹا لیکچرر D/FX
ایٹا لیکچرر 6534 بجالی وزارت
0346-9061188
0313-7696927

ATTA
27/4

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

37
Annexure "H/1"

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Ex-Driver FC Muhammad Shafiq No. 6534**. The petitioner was awarded major punishment of dismissal from service by SP/HQR: vide OB No. 3118 dated, 24.11.2022 on the allegations that he while posted at City Patrol Peshawar was proceeded departmentally on the charges of his involvement in a criminal case vide FIR No. 193, dated 09.05.2022, u/s 9-DCNSA PS Sarai Salih District Haripur as well as absence from his lawful duty w.e.f 09.05.2022 to 24.11.2022 (06 months & 15 days).

He was acquitted of the case FIR No. 193 by Addl: Session Judge-VI/Judge Special Court, Haripur vide judgment dated 29.11.2022 by extending him benefit of doubt.

His appeal was rejected by CCP Peshawar vide order Endst: No. 1840-46/PA, dated 26.04.2023.

Meeting of Appellate Board was held on 27.06.2024 wherein petitioner was heard in person. The petitioner denied the allegations leveled against him.

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

Sd/-

AWAL KHAN, PSP

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

No. S/ 1708-12 /24, dated Peshawar, the 05-07- /2024.




Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. Service Roll (24 pages) and Fuji Missal (Complete Enquiry File: 49 pages) of the above named Ex-IC received vide your office Memo: No. 11642/CRC, dated 23.06.2023 is returned herewith for your office record.
2. SP Headquarters, CCP Peshawar.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.

ATTESTED

(SONIA SHAMROZ KHAN)
PSP

AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

قیمت 50 روپے	48687	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈویکٹ: <u>ایچ اے اے</u>	  	
بار کونسل ایسوسی ایشن نمبر: <u>11-1663</u>		
دراپٹ نمبر: <u>0.3005951730</u>		

بعدالت جناب: محترم سر ایچ اے اے

منجانب: <u>ایچ اے اے</u>	دعویٰ:
<u>محمد منصف</u>	علت نمبر:
بنام	مورخہ:
<u>گورنمنٹ</u>	جرم:
	تھانہ:

بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
 آن مقام سیکرٹری کیلئے ایچ اے اے کے ذریعے ایچ اے اے کو ارسال مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کال اختتام ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر نمائندگی فیصلہ برحلف دینے جو اب دعویٰ اقبال دعویٰ اور درجہ خواہش از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا ٹریفک یا اپیل کی برائگی اور منسوخی، نیز
 دائر کرنے اپیل ٹرانسفر کی و پیروی ٹریفک کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختارین کو اپنے سربراہ یا اپنے ہیجانے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور وہ اس کا سوا ختم پر داخست منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانباً اتوار کے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیش مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب یا بندہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سندر ہے
 المرقوم: 17/20/24

العواذ العباد العباد

مقام accepted کے لئے منظور ہے۔

jazahmad20@gmail.com

Jaz Ahmad Malik
 A.S.C.