


FORM OF ORDER SHEET

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

**Appeal No. 1691/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01 /10/2024	<p>The appeal of Mr. Rehmat Ullah presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 04.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

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

**SERVICE APPEAL NO. 1691 /2024**

Rehmat Ullah

V/S

Police Department

**APPLICATION FOR FIXING THE INSTANT  
APPEAL AT PRINCIPLE SEAT AT PESHAWAR.**

**RESPECTFULLY SHEWETH:**

1. That the appellant has filed the instant appeal in this Honorable Service Tribunal against the order dated 15.05.2023, whereby major punishment of dismissal from service was imposed upon the appellant, against the order dated 06.09.2023, whereby the departmental appeal of the appellant was rejected for no good grounds and against the order dated 12.09.2024, whereby the revision petition of the of the appellant was also rejected for no good grounds.
2. That instant appeal is in the jurisdiction of Camp Court Bannu of this Honorable Tribunal, but the appellant engaged counsel who is doing legal practice at Peshawar and the appellant also wants to peruse his case at principle seat at Peshawar.
3. That it will be convenient for the appellant as well as for his counsel if the instant appeal fix at principle seat at Peshawar.

It is therefore most humbly prayed that on the acceptance of this application, the instant appeal may kindly be fixed at principle seat at Peshawar of this Honorable Tribunal.

THROUGH:

**APPELLANT**



**TAIMUR ALI KHAN  
ADVOCATE HIGH COURT**

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

SERVICE APPEAL NO. 1691 /2024

Rehmat Ullah

VS

Police Department

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APPELLANT

THROUGH:

(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT  
Cell No.03339390916

&   
(SHAKIR ULLAH TORANI)  
ADVOCATE

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

SERVICE APPEAL NO. 1691 /2024

Rehmat Ullah, Ex-Constable No.16937,  
FRP, Bannu Range Bannu.

(APPELLANT)

**VERSUS**

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police, Frontier Reserve Police, Bannu Range, Bannu.

(RESPONDENTS)

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 15.05.2023, WHEREBY MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT, AGAINST THE ORDER DATED 06.09.2023, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS AND AGAINST THE ORDER DATED 12.09.2024, WHEREBY THE REVISION PETITION OF THE OF THE APPELLANT WAS ALSO REJECTED FOR NO GOOD GROUNDS.**

**PRAYER:**

**THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 15.05.2023, ORDER DATED 06.09.2023 AND ORDER DATED 12.09.2024 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY PLEASE BE REINSTATED INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.**

**RESPECTFULLY SHEWTH:**

**FACTS:**

1. That the appellant was appointed as constable in the respondent department in the year 2013. The appellant since his appointed has performed his duty with great devotion and honesty, whatsoever assigned to him and no complaint has been filed against him regarding his performing.
2. That the appellant was going from Peshawar to Lakki Marwat in public transport (coaster) along with other passenger which was stopped by the police officials near Jarma Kohat and during searching of the vehicle, SHO of PS Jarma Kohat recovered contraband from the rare seat of the vehicle, but without investigating that who kept the contraband at rare seat, the concerned SHO falsely implicated the appellant in FIR No.110 dated 08.04.2023 u/s 9-D KP CNSA at PS Jarma, Kohat, but in FIR contraband was malafidely shown recovered from possession of the appellant and on the basis of that FIR the appellant was arrested on spot and was also suspended by the department on 10.04.2023. **(Copy of FIR is attached as Annexure-A)**
3. That the appellant applied for bail which was allowed by Honorable Addl; Session Judge-I/JSC, Kohat on 12.04.2023 and after release on bail, the appellant went to perform his duty but as he was suspended therefore, he was closed to police lines Bannu. **(Copy of bail order dated 12.04.2023 is attached as Annexure-B)**
4. That on the basis of above criminal case, charge sheet along with statement of allegations were served to the appellant, which was replied by the appellant in which he denied the allegation and mentioned in his reply that the allegation leveled against him was incorrect and concerned SHO has falsely implicated in above criminal case. **(Copies of charge sheet alongwith statement of allegations and reply are attached as Annexure-C&D)**
5. That inquiry was conducted against the appellant and the inquiry officer his finding /recommendation that the departmental proceeding against the appellant may be kept pending till the decision of criminal case pending against him in the competent court of law and he may be reinstated from his suspension. **(Copy of inquiry report is attached as Annexure-E)**
6. That without issuing show cause notice to the appellant and without giving reason with not agreeing with the finding /recommendation of the inquiry officer of kept pending departmental proceeding against the appellant till the decision of criminal case pending against him in the competent court of law, he was dismissed from service vide order 15.05.2023. The appellant filed departmental appeal on 05.06.2023

for his reinstatement into service, which was rejected on 06.09.2023 for no good grounds. The appellant then filed revision for his reinstatement into service, which was also rejected on 12.09.2024 for no good grounds. (Copies of order dated 15.05.2023, departmental appeal, order dated 06.09.2023, revision and order dated 12.09.2024 are attached as Annexure-F,G,H,I&J)

7. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

**GROUND:**

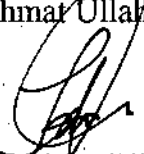
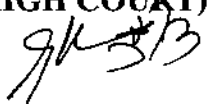
- A) That the impugned orders dated 15.05.2023, 06.09.2023 and 12.09.2024 are against the law, rules, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That inquiry was conducted against the appellant on the charge sheet issued on basis of criminal case and the inquiry officer gave his finding/recommendation that the departmental proceeding against the appellant may be kept pending till the decision of criminal case pending against him in the competent court of law and he may be reinstated from his suspension, but despite that he was dismissed from service which is against the rules, norms of justice and fair play and such the impugned orders are liable to be set aside on this ground alone.
- C) That as the appellant was charge sheeted on the basis of criminal case and in the inquiry officer gave his finding/recommendation that as the criminal case is pending against the appellant, therefore, departmental proceeding may be kept pending till the decision of criminal case pending against him the competent court of law and may be reinstated from his suspension, but the competent authority without giving reason with not agreeing with the finding /recommendation of the inquiry officer dismissed the appellant from service, which is against the rules and violation of superior courts judgments.
- D) The charge sheet was issued to the appellant on the basis of criminal case and was dismissed from service on the basis of that criminal case, but he acquitted by the competent court of law on 31.01.2024 in that criminal case, therefore, there remain no ground to penalize the appellant on the basis of that criminal case. (Copy of judgment date 31.01.2024 is attached as Annexure-K)

- E) That the appellant was suspended on the base of FIR No.110 dated 08.04.2023 u/s 9-D KP CNSA at PS Jarma, Kohat and under Police Rules 1934 and CSR 194, the department should continue his suspension till the conclusion of criminal case pending against the appellant, but he was dismissed from service without waiting to the conclusion of criminal case pending against him, which is clear violation of Police Rules 1934 and CSR-194 and as such the impugned orders are liable to be set aside.
- F) That the inquiry officer gave his finding/recommendation in the inquiry report that the departmental proceeding may be kept pending against the appellant till the decision of criminal case pending him and he may be reinstated from his suspension, but in the impugned dismissal order dated 15.05.2023 the respondent No.3 mentioned that inquiry officer disclosed that the defaulter official (appellant) has been found guilty of the charge leveled against him. Besides above the inquiry officer recommended him for imposition of major punishment which against the facts of the inquiry report and such the appellant has been punished for fault on his part on baseless allegation.
- G) That similarly in the impugned dismissal order dated 15.05.2023 it was mentioned that previously the appellant remained absent from duty for (68) days with award of certain punishment but he did not mend his way but the appellant was charge sheeted on the basis of criminal case and not on the base of the absence and on that absence he has already been punished, which means that the appellant has been punished for no fault on his part and as such the impugned orders are liable to be set aside.
- H) That the inquiry officer mentioned on his report that the appellant was remain absent from his duty for 08 days but he was arrested on 08.04.2023 in the basis of above baseless mentioned FIR and was behind the bar till his release on bail on 12.04.2023 and after release from the jail he went to join duty but as he was suspended on 10.04.2023 he was closed to Police Lines Bannu, which shows that the appellant has never remained from his duty.
- I) That show cause notice was not issued to the appellant before passing the dismissal order dated 15.05.2023, which is against the norms of justice and fair play.
- J) That the appellant has not been treated in accordance with law and rules and has been dismissed from service on the basis of lodging baseless FIR against the appellant in which he was also been acquitted by the competent court of law.
- K) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that on the acceptance of this appeal, the impugned order dated 15.05.2023, order dated 06.09.2023 and order dated 12.09.2024 may kindly be set aside and the appellant may please be reinstated into his service with all back and consequential benefits. Any other remedy, which this Honorable Tribunal deems fit and appropriate that, may also, be awarded in favour of appellant.

  
**APPELLANT**  
Rehmat Ullah

THROUGH:

  
**TAIMUR ALI KHAN**  
**(ADVOCATE HIGH COURT)**  
&   
**(SHAKIR ULLAH TORANI)**  
**ADVOCATE**



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

SERVICE APPEAL NO. \_\_\_\_\_/2024

Rehmat Ullah

VS

Police Department

**AFFIDAVIT**

I, Rehmat Ullah, Ex-Constable No.16937, FRP, Bannu Range Bannu, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

*Rehmat Ullah*  
**DEPONENT**





IN THE COURT OF HUSSAN BANO

Add: Sessions Judge-I/JSC, Kohat

BA No. 130 /2023

Rehmatullah..Vs..State

**ORDER:02**

12.04.2023 Case file received on transfer. Be registered.

Pattern of this order is as per MUHAMMAD SHAKEEL versus THE STATE and others case (PLD 2014 Supreme Court 458)

Mr.Kashif Hayat Advocate for petitioner present. Sr.PP Muhammad Muzafar Afridi for the State present.

Record received.

Arguments heard and record perused.

Accused/petitioner Rehmatullah s/o Kabeer Khan r/o Kot Kashmir Tehsil Saraye Norang District Laki Marwat seeks post arrest bail in case FIR No.110 dated 8.4.2023 u/s 9-D KP CNSA, 2019 of PS Jarma, Kohat.

Gist of FIR is that accused/petitioner was found in possession of 1210 grams of Charas. Hence the instant case.

Tentative assessment of the record reveals that it is borderline case; the sentence expected coupled with conscious knowledge of accused/petitioner regarding narcotics would be determined at the stage of trial. FSL report is still awaited. Moreso, a mistaken relief of bail may be repaired by convincing the accused, if proved guilty, but no proper reparation can be offered for his unjustified incarceration, albeit, his acquittal in the long run. Similarly, accused/petitioner is no more required for further investigation. There is no history of accused/petitioner in such like cases.

Therefore, accused/petitioner is admitted to bail subject to furnish bail bonds to the tune of Rs.80,000/- (eighty thousand) with two sureties each, in the like amount, to the satisfaction of this Court.

File be consigned to the record room after its completion, whereas, record be returned to the quarter concerned. Order announced.

(HUSSAN BANO)

Add: Sessions Judge-I/JSC, Kohat

(Ms. Hussan Bano)

Add: District & Sessions Judge-I,  
Kohat

ATTESTED TO BE TRUE COPY

26 SEP 2023

EXAMINED  
[COPING BRANCHI KOHAT

(Ms. Hussan Bano)  
Add: District & Sessions Judge-I,  
Kohat

C 9

## CHARGE SHEET

I, Muhammad Tahir Shah, Superintendent of Police FRP, Bannu as competent authority, hereby charge you Constable Rehmat Ullah No.6937 for the purpose of departmental enquiry proceedings as follows.

- That you Constable Rehmat Ullah No.6937 FRP have been involved in case FIR No.110 dated 08-04-2023 u/s 9DCNSA PPC at Police Station Jarma District Kohat.
  - Such act on your part is against service discipline and amounts gross misconduct/ negligence in duty.
1. By reason of the above you appear to be guilty of misconduct under the Police Rules 1975 (As amended vide Khyber Pukhtunkhwa gazette Notification, No.27<sup>th</sup> of August 2014) and have rendered yourself liable to all or any of the penalties specified in the said rules
  2. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.
  3. Your written defense, if any, should reach to the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
  4. You are directed to intimate whether you desire to be heard in person.
  5. A statement of allegation is enclosed.

Total on Quarter Guard

0303-857750

EX A CB/

10

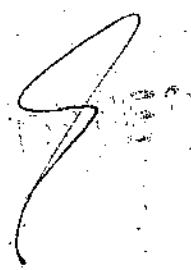
### STATEMENT OF ALLEGATIONS

I, Muhammad Tabir Shah Superintendent of Police FRP, Bannu as competent authority, to initiate departmental proceedings against Constable Rehmat Ullah No.6937 FRP who has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (As amended vide Khyber Pakhtunkhwa gazette Notification, No.27<sup>th</sup> of August 2014).

### SUMMARY OF ALLEGATIONS

- That you Constable Rehmat Ullah No.6937 FRP have been involved in case FIR No.110 dated 08-04-2023 w/s 9DCNSA PPC at Police Station Jarna District Kohat.
  - Such act on your part is against service discipline and amounts gross Misconduct / negligence in duty.
1. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations SI Qaza Khan is appointed as Enquiry Officer.
  2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc, and findings within the targeted days after the receipt of this order.
  3. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

10/04/23



13 - تاریخ 7 ستمبر 1935ء  
500  
11.10.23

نام میں نام نیشنل ریسٹوریشن  
6933  
PRD

میں سے بہت زیادہ نافرمانی ہے۔ یہ میں نے اپنے آپ کو محفوظ رکھنے کے لیے کیا ہے۔  
فائنل جہاز کو لا کر یہاں سے روانہ کر دیا ہے۔

میں نے اپنے آپ کو محفوظ رکھنے کے لیے یہ کیا ہے۔  
میں نے اپنے آپ کو محفوظ رکھنے کے لیے یہ کیا ہے۔  
میں نے اپنے آپ کو محفوظ رکھنے کے لیے یہ کیا ہے۔  
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میں نے اپنے آپ کو محفوظ رکھنے کے لیے یہ کیا ہے۔

5003 - 5386418

خواجہ شیخ شہزاد / سٹیٹس آف ایپ / سٹیٹس نمبر 85-484-85، 14.04.2023 فرم صاحب SI/FRP صاحب یوں

یام من سٹیٹس نمبر 6952FRP

الزام عام ہے کہ من سٹیٹس نمبر 110 مورخہ 04.2023، 208.04.2023 D CNSA، 9 دھندہ نمبر میں ایک فرم

ہوں۔ ہر فرم کے لئے ایک فرم نمبر ہے جس میں فرم نمبر لکھا گیا ہے اور اس کے مطابق فرم نمبر لکھ کر

جما ہے ہر فرم کے لئے ایک فرم نمبر ہے جس میں فرم نمبر لکھا گیا ہے اور اس کے مطابق فرم نمبر لکھ کر

مستحق فرم کے لئے ایک فرم نمبر ہے جس میں فرم نمبر لکھا گیا ہے اور اس کے مطابق فرم نمبر لکھ کر

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نظم نمبر: 03033386418

سٹیٹس نمبر 6937

بہتر فرم کے لئے ایک فرم نمبر ہے جس میں فرم نمبر لکھا گیا ہے اور اس کے مطابق فرم نمبر لکھ کر

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Superintendent of Police  
FBI/DOJ

15-05-025  
0870-302

*Handwritten signature*

11-05-025  
FBI/DOJ  
*Handwritten signature*

*Handwritten notes in Urdu script, including a date 10-4-22 and a signature.*

ORDER

F (14)

My this order will dispose off the departmental proceedings so initiated against Constabl Rahmat Ullah No.6937/FRP as the official was charged for commission of the following miss-conduct.

Reported to have found involved in Case vide FIR No.110 dated 08-04-2023 U/S 9DCNS, PPC at Police Station Jarma District kohat, being custodian of Law and discipline force member.

On the above charges he was properly charge sheeted & appointed as Enquiry Officer with th directions to conduct enquiry into the matter within stipulated period.

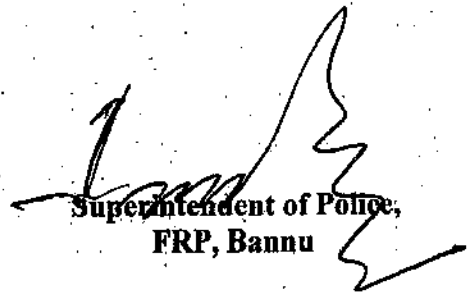
The Enquiry Officer deeply probed into the facts and conducted thorough enquiry wit submission of his findings report wherein the Enquiry Officer reported that the charge cheet was properl served upon him on 17-04-2023. but the defaulter official replied to the charge sheet within stipulated period Finally Enquiry Officer further disclosed that the defaulter official has been found to be guilty of the charge leveled against him. Besides above the Enquiry Officer recommended him for imposition of Majc Punishment. Moreover, previously he also remained absent from duty for (68) days with award of certai punishments but he did not mend his way.

Therefore I, Muhammad Tahir Shah Superintendent of Police FRP Bannu Range Bannu, being competent authority in exercise of the powers conferred to me under the Police Rules 1975 do hereby impose upon him the Major punishment of Dismissal from Service with immediate effect.

OB No. 302

Dated: 15/05/2023.

Copy to: PO, SRC & OHC for necessary action.

  
Superintendent of Police,  
FRP, Bannu



CIE  
16-05-2023

Q (15)  
476a  
2/2/20

Before the worthy Commandant Frontier  
Reserve Police Khyber Pakhtunkhwa

**Subject:-** Petition / Request for re-instatement into service  
till the decision / Judgment of competent court.

It is humbly submitted before your kind honor that I (the petitioner) was  
employed in FRP establishment in Bannu Range in the year 2011. Since then the petitioner performed his  
official duty with full dedication to the entire satisfaction of my superiors, not a single complaint was  
ever registered / made against me by any quarter.

The petitioner remained posted at different FRP posts on different occasions at Range level and no  
complaint regarding my absence of duties was registered to any corner.

In the present case in concerned the same was registered against the petitioner merely on base  
less with no cogent proof as the alleged (packet of contraband (chairs) was found recovered from the  
rear seat of the bus which further suggests that some vested interest and professional paddlers would  
have staged the whole drama and the petitioner being idle / CO scoper made a scope for many to  
presumptions.

Further the SHO of the concerned Police station has reported that the chair was recovered  
from a passenger in the said jurisdiction without mentioning the particular passenger. Bus which  
further confirms and clarifies that the petitioner was falsely implicated in fake and concocted case just on  
presumption.

Through the petitioner also introduced himself to the police party but they gave a deaf ear to the  
petitioner just to show police performance without making any probe / verification before registration  
of the instant case. The SHO is supposed to be the custodian of the society and not to implicate  
some one in such like cases.

In view of the above facts and circumstances the petitioner humbly put a request to kindly re-instate  
him into service till the decision / judgment of the competent court.

The petitioner shall remain thankful for your this act of kindness.

Your Most Obedient servant.

(The Relevant Documents  
enclosed herewith)

  
EK- Constable Rehmat Ullah NO.6937/FRP  
Bannu Range Bannu.



BEFORE THE WORTHY COMMANDANT FRONTIER  
RESERVE POLICE KHYBER PAKHTUNKHWA

Subject: **Petition / Request for re-instate ment into service till the decision / judgment of the competent court.**

R/Sir

It is humbly submitted before your kind honor that I (the petitioner) was posted in FRP Establishment in Bannu Range in the year 2013. Since that the petitioner performed his official duty with full dedication to the entire satisfaction of my superior not a single complaint was reported made against me by any quarter.

The petitioner remained posted at different FRP Posts on different occasions at Range level and no complaint regarding my absence or other activities was reported to any corner.

So the present case in concerned the same was registered against the petitioner merely on bear say with no cogent proof as the alleged packet of contraband (chars) was found recovered from the seat of the bus which further suggest that same vested interest and professional peddlers would have staged the whole drama and petitioner being side / CD seater made a scope Goat merely on presumption.

Furthermore the SHO of the concerned Police station has reported that the chars was recovered from a pedestrian in the said Jurisdiction without mentioning the particular passenger Bus which further confirm and clearly that the petitioner was falsely implicated in fake and concocted notices case just on presumption.

Through the petitioner also introduced himself to the Police party but they gave a deaf ear to the petitioner just to show police performance without making any probe/ verification before registration of the instant case. The SHO ps is supposed to be the custodian of the society and not to implicate some one as such like cases.

In view of the above facts and circumstances the petitioner humbly put a request to kindly reinstate him into service till the decision / judgment of the competent court.

The petitioner shall remain thankful for your this act of kindness.

Your most obeident Servant

(The Relevant documents)

Enclosed herewith

ORDER

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This order will dispose of the departmental appeal preferred by ex-constable Rehmat Ullah No. 6937 of FRP Bannu Range, against the order of SP FRP Bannu Range, Bannu issued vide OB No. 302, dated 15.05.2023, wherein he was awarded major punishment of dismissal from service.

Brief facts of the case are that the applicant being a member of discipline force found involved in a criminal case via FIR No. 110, dated 08.04.2023 U/S 9DCNSA PPC, at Police Station Jarma, District Kohat and also remained absent from lawful duty with effect from 06.04.2023 to 14.04.2023 for total period of 08 days, without any leave or prior permission of the competent authority.

In this regard, he was placed under suspension and closed to Police Line II, FRP Bannu vide OB No. 232, dated 10.04.2023 and proper departmental proceedings were initiated against him as he was issued Charge Sheet alongwith Summary of Allegations and an Enquiry Officer was nominated to conducted proper enquiry into the matter. After completion of enquiry, the Enquiry Officer submitted his finding report, wherein he recommended that the departmental enquiry against the applicant may be kept pending till the final decision of court.

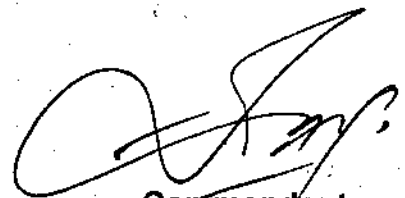
However, the competent authority was not agreed with the recommendation of Enquiry Officer, hence he was awarded major punishment of dismissal from service vide OB No. 302, dated 15.05.2023.

Feeling aggrieved against the impugned order of SP FRP Bannu Range, Bannu, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 05.09.2023.

During the course of personal hearing, the applicant failed to present any justification regarding to his innocence with regard to his involvement in the above criminal case, which still sub judice in the concerned trial court of law. Perusal of enquiry file reveals that the allegations leveled against the appellant were fully established by the Enquiry Officer during the course of enquiry. Thus the applicant has been found to be an irresponsible person in utter disregard the discipline of the force. Therefore any leniency or complacency would further embolden the accused officer and impinge upon adversely on the overall discipline and conduct of the force. There doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

Based on the findings narrated above, I, **Commandant FRP Khyber Pakhtunkhwa, Peshawar**, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being meritless.

Order Announced.

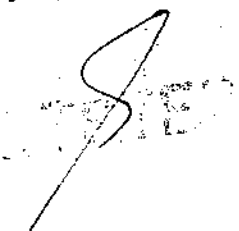


**Commandant**  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

No 8669-70/SI Legal, dated Peshawar the 6/9 2023.

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

1. SP FRP Bannu Range, Bannu. His Service record alongwith D-file sent herewith.
2. Ex-constable Rehmat Ullah No. 6937 FRP Bannu S/o Kabir Khan R/o Village Kot Kashmir, Police Station Tijori, District Lakki Marwat.



عربی ۱۔ درخواست ہمارا بجائی ہو رہی

گزارش ہمکے من مسائل  
FRP بقول شیخ میں کہہ  
ایم وہ رہا تھا کہ دوران ڈیوٹی مسائل پر ایک من بھڑک رہے ہیں اور  
دیے کی گئی جسکا حقیقت یہ وہ وہ دن کوئی واسطہ بھی نہیں ہے  
خلاف ہوجے FIR حکمانہ آٹھواٹری شروع ہوئی اور دو سے اٹھواٹری  
FRP مسائل کو ذری سے ہوالہ OB نمبر 352 عدد 25/5/54

حکمانہ ہذا سے برخاست زدیا گیا

جو تہ مسائل نے جناب کیس تازیل صاحب FRP کو بجائی ہو رہی  
آئیے ایسا ہے لڑی لیکن برقی سے مسائل کی ایسہ بجالہ آرڈر ہو رہی

۲۵/۵/۵۴ ۲۵/۵/۵۶

جو تہ من مسائل ہے آٹھ سے اور طوسی و سیم کی پھر قانونی مسائل  
علی میں سلوٹ سے مسائل میں ایسے ایسے گھرانے سے لہذا کے گھرانے اور ایسے  
فول بائیکل کا تصور بھی اس کر سکتا ہے۔ مسائل ایسے آٹھواٹری ہو رہی ہیں  
سے تعلق رکھتا ہے ذری کے علاوہ دیگر کوئی وہاں سے نہیں کہہ سکتا۔ مسائل کوئی  
لاعلم اور ہے آٹھ سے۔

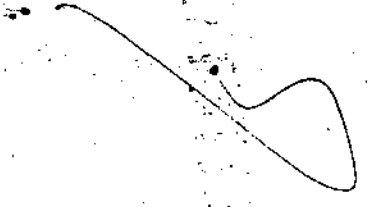
لہذا آپ صاحبان سے پرریم درحق اسکا اندیشہ معلوم ہوا ہے

خلاف ہے FIR فیصلہ تن مسائل کو ایسے ذری پرورد ہوا ہے  
کرنے اور جملہ مرعات دینے کا جملہ ہمار فرما کر مشورہ فرمایا۔ مسائل کو  
اسکا خاندان آپ صاحبان کا بلکہ ایسے کیلئے دیے گئے ہیں

الکراچی

الہ آباد

آپکا تابع الم صاحبہ کنستبل دست اڈف نمبر ۶۲۳۶  
FRP/Booni ۹381624



بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختونخوا پشاور

عنوان: درخواست برآمد بحالی سروس

جناب عالی:

گزارش ہے کہ من سائل FRP نون ریج میں دیوٹی انجام دے رہا تھا کہ دوران ڈیوٹی سائیکل پر ایک من گھڑت بے بنیاد ایف آئی آر درج کی گئی۔ جس کا حقیقت سے دور دور تک کوئی واسطہ بھی نہیں۔ سائل کے خلاف بوجہ ایف آئی آر سائل کو نوکری سے بحوالہ OB نمبر 302 مورخہ 15.05.2013 محکمہ ہذا سے درخواست کیا گیا۔ چونکہ سائل نے جناب کمانڈنٹ صاحب FRP کو بحالی سروس کے لیے اپیل جمع کرائی لیکن بد قسمتی سے سائل کی اپیل بحوالہ آرڈر نمبر SI Legal / 70 / 8669 مورخہ 06.09.2023 کو خارج کر دی گئی۔

چونکہ من سائل بے گناہ ہے اور کسی قسم کی غیر قانونی فعل و عمل میں ملوث نہیں ہے سائل ایک اچھے گھرانے سے تعلق رکھتا ہے اور اسی فعل یا عمل کا تصور بھی نہیں کر سکتا ہے۔ سائل ایک انتہائی غریب گھرانے سے تعلق رکھتا ہے نوکری کے علاوہ دیگر کوئی معاش نہیں رکھتا۔ سائل لاعلم اور بے گناہ ہے۔

لہذا آپ صاحبان سے بذریعہ درخواست استدعا ہے کہ سائل کے خلاف جمع شدہ ایف آئی آر کے فیصلے تک سائل کو اپنی نوکری پر دوبارہ بحال کرنے اور جملہ مراعات دینے کا حکم صادر فرما کر مشکور فرمائیں۔ سائل اور اس کا خاندان آپ صاحبان کی بلندی کے لیے دعا گو رہینگے۔

عین نوازش ہوگی

العارض

رحمت اللہ

آپ کا تابع الحکم کنشیل رحمت اللہ 6737 Bannu / FRP ریج

0315-9331624



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

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-FC Rahmat Ullah No. 6937. The applicant was dismissed from service by SP FRP Bannu Range vide OB No. 302, dated 15.05.2023, on the allegation that he was involved in a criminal case vide FIR No. 110, dated 08.04.2023 U/S 9D. CNSA PPC, at Police Station Jarma, District Kohat and also remained absent from lawful duty with effect from 06.04.2023 to 14.04.2023 (for total period of 08 days) without any leave or prior permission of the competent authority.

The Appellate Authority i.e. Commandant FRP rejected his appeal vide order Endst: No. 8669-70/SI Legal, dated 06.09.2023.

Meeting of Appellate Board was held on 08.08.2024 wherein petitioner was heard in person. The petitioner Contended that the FIR was frivolous and that he is innocent.

Perusal of enquiry papers revealed that the allegations leveled against the petitioner has been proved. The petitioner failed to submit any cogent reason in his self-defense. The Board sees no ground and 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. SI 2344-48 /24, dated Peshawar, the 12-09- /2024.

Copy of the above is forwarded to the:

1. Commandant Frontier Reserve Police. Service Record alongwith D-File of the above named Ex-FC received vide your office Memo: No. 10265/SI Legal, dated 20.10.2023 is returned herewith for your office record.
2. SP FRP Bannu Range Khyber Pakhtunkhwa.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.

  
(SONIA SHAMROZ KHAN)  
PSP

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



K / 19

IN THE COURT OF INAM KHAN  
ADDITIONAL SESSIONS JUDGE-I/ JUDGE  
SPECIAL COURT, KOHAT

SPL No.298/2023

The State

VERSUS

Rehmatullah

(Accused Facing Trial)

Case FIR No. 110 dated 08.04.2022 u/s 9-D KP CNSA of PS Jarra, Kohat

ORDER: 10

31.01.2024

5 Accused Rehmatullah aged about 29/30 years s/o Kabeer Khan, r/o Kot Kashmir Tehsil Saray Noring is facing trial in above-mentioned case FIR being in possession of 1210 grams of Chars. Hence the instant case.

Pursuant to completion of investigation, final report was submitted by the prosecution for the purpose of trial against the accused. Accused was summoned, who appeared before the court. Provisions of section 265-c Cr.PC complied with and accused was charge sheeted on 24.08.2023 to which he pleaded not guilty and claimed trial. Thus, prosecution was invited to adduce evidence in support of their case. The prosecution produced and examined as many as -02- witnesses when at this stage, learned defence counsel submitted an application u/s 265-k Cr.PC for acquittal of the accused. Notice of the same extended to State/complainant.

Arguments heard and record scanned.

It is pertinent to mention here that Sohail Shah SI PW.02 and Sajid Ali No.1113 PW.01 are the star prosecution witnesses, therefore, I will scan and scrutinize their testimonies with great care and caution.

Firstly, Sohail Shah SI PW.02 in his cross examination stated that,

"It is correct that I weighed contraband with shopper."

While, Sajid Ali No.1113 PW.01 in his cross examination stated that,

"The contraband was weighed without shopper."

Thus, both these star prosecution witnesses contradicted each other on material point which puts question in a prudent mind that whether the contraband was weighed with or without shopper which casts first reasonable doubt in mode and manner of the occurrence as well as upon credibility of Sohail Shah SI PW.02 and Sajid Ali No.1113 PW.01.

Secondly, Sohail Shah SI PW.02 in initial report Ex.PW.2/3 stated that,

INAM KHAN  
Addl. Distt & Sessions Judge-I  
SPL Court, Kohat

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رویش موہ، ساجد ایل۔ ایچ۔ سی، قادر ایل۔ ایچ۔ سی، عالیپشان 354، صدر دیگر نفری پولیس کے بسواری گاڑی سرکاری نمبر  
 اے اے 1187 ہاتھوں ڈرائیور مجب نور 412 علاقہ گشت پر تھا۔"

This stance of Sohail Shah SI PW.02 is not supported by the site on the ground that Investigating Officer has not mentioned the name of the driver. Apart from this infirmity in the site plan, the Investigating Officer has also not assigned any specific point to "دیگر نفری" in the site plan. These aspects of the case puts further serious doubt in mode and manner of the occurrence besides the credibility of Sohail Shah SI PW.02 and Sajid Ali No.1113 PW.01 also comes under the cloud of doubt.

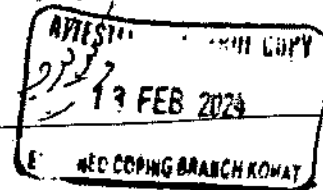
Thirdly, though, section 31 KP CNSA, 2019 excluded the applicability of section 103 Cr.PC, however, it does not completely absolve the police from not mentioning reason for non-association of private witness, when the place of occurrence is public place like in the present case i.e. village Surgul Chowk Kohat which is a populated area. Reliance is placed on 2018 MLD 1917.

Fourthly, extract of register No.19 reveals that the column of "Kafiyar" is left blank, which shows the same was prepared by the local police in haste besides the same does not bear the official emboss of the concerned PS. Moreover, the said extract was neither prepared by IO/OH and/or SHO nor endorsed by them. Here, I shall take wisdom from 2021 P.Cr.LJ 1334, the relevant portion is reproduced as under,

*"Possession of narcotics - Store Room Register - Certified copies of public documents---Scope---Accused was alleged to have been found in possession of 16 kilograms of heroin---Examination of entry in Register No. XIX (Store-Room Register as prescribed in R. 22.70 of the Police Rules, 1934) showed that name of police station and district was not mentioned in the page brought on record---Public documents could be proved through production of certified copies yet they should be in the form as required under Art. 87 of the Qanun-e-Shahadat, 1984---Register No. XIX was not duly proved; therefore, any page/part of register brought on record without formal proof amounted to improper admission of evidence---If such practice was allowed to continue then every junior ranked police official while bringing on record any register while claiming it as genuine, real and true without the knowledge of senior officers in the hierarchy of police station or the department could thwart the sanctuary of prosecution case---Entry of Register No. XIX produced in evidence, being not certified through process of law, was rejected.*

Fifthly, recovery memo and card of arrest carried the FIR number. According to prosecution's case these documents were prepared at spot, when no FIR

AWAZ KHAN  
 Addl. Distt. & Sessions Judge  
 CNS Court, Kohat



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was yet registered at police station, however, the mentioning of FIR number and the aforementioned documents, suggest that the same were prepared after registration of the FIR, which negates the mode and manner of the search/recovery as alleged in the prosecution case. In this regard reliance is placed on 1996 P.Cr.LJ 706.

Lastly, application for FSL is missing, which cuts the prosecution case from its roots in respect of safe custody and subsequent safe transit of parcel sample to FSL. Reliance is placed upon 2018 SCMR Page-2039

Apart from these aspects of the case, protocols followed by the FSL examiner are not in accordance with directions of the Superior Courts. In this respect, reliance is placed upon the cases of Khalid Mehmood reported in 2020 P.Cr.LJ P-462 and Nishat Ahmad reported in 2020 YLR P-2010.

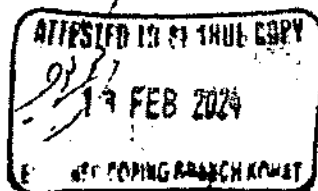
Similarly, there is no judicial confession on part of accused facing trial. Thus, in light of above discussion, I am of the opinion that there exists reasonable doubt in prosecution case and held that there is no probability of conviction of the accused facing trial in the instant case.

Prosecution is always duty bound of full proof and failure thereof would always benefit accused facing trial. Benefit of even a single reasonable doubt, appeared from evidence of prosecution should be extended to the accused, is always golden principle of Administration of Criminal Justice. In this respect, reliance is placed upon the cases of "Muhammad Akram" reported in 2009 SCMR P-250, "Tariq Parvez" reported in 1995 SCMR P-1345, "Hashim Qasim" reported in 2017 SCMR P-986, "Nasarullah alias Nasaro" reported in 2017 SCMR P-724 and "Muhammad Mansha" reported in 2018 SCMR P-772, Abdul Jabbar 2019 SCMR-129, Mst.Asia Bibi PLD 2019 SC Page-64, Khurshed Ahmad vs the State reported in 2020 MLD P-649, Mst.Asia Bibi vs The State and another reported in PLD 2019 SC P-64 and Abdul Jabbar and another vs the State reported in 2019 SCMR P-129.

As sequel to my above detailed discussion coupled with wisdom taken from verdicts of the Hon'ble Superior Court, the accused facing trial is acquitted U/S 265-k Cr.PC 1898.

Accused is in on bail, his sureties are discharged from the liability of bail bonds. Case property be kept intact till expiry of period of appeal/revision and thereafter be dealt with an accordance with law.

File be consigned to Record Room after its necessary completion and compilation. Order announced.



(INAM KHAN)  
Additional Sessions Judge-I, Kohat

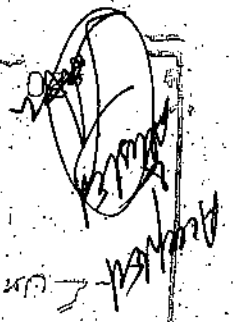
(INAM KHAN)  
Addl. Distt. & Sessions Judge-I  
CHS Court, Kohat

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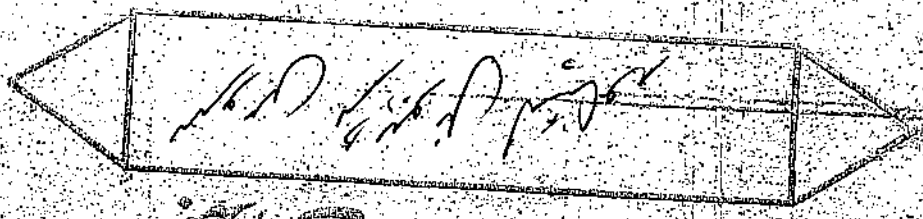
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