

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No 1128/2024

Riaz Ur Rahman Ex-HC No.536 District Buner

.....Appellant

Versus

1. The Regional Police Officer/DIG Malakand Division at Saidu Sharif Swat.
2. The District Police Officer Buner

.....Respondents

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Inspector Legal Buner

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1128/2024 1128/024

Riaz Ur Rahman Ex-Head Constable No.536 District Buner.

.....APPELLANT

Versus

1. Regional Police Officer/DIG Malakand Division at Saidu Sharif Swat.
2. District Police Officer Buner.

.....Respondents

**PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS**

**Respectfully sheweth:-**

**Preliminary objections:-**

1. That the service appeal of the appellant is badly time barred by law and limitation.
2. That the service appeal is not maintainable in its present form.
3. That the appellant has not come to this honorable Tribunal with clean hands.
4. That the appellant has concealed the material facts from this honorable Tribunal.
5. That the appellant has been estopped due to his own conduct.
6. That the Instant Service Appeal is bad due to miss-joinder and non-joinder of the necessary parties.
7. That the appellant has got no cause of action and locus-standi to file the instant appeal.

**FACTS**

1. Incorrect: The appellant service record is tainted two bad entry i.e. suspension in case FIR NO 601 U/S 324,337F(ii) /34 PPC PS Gagra in which he has been warned by the competent authority. The appellant also absented from his lawful duty in DD No 28 dated 30-12-2014 in which the competent authority awarded him Minor punishment i-e two days without pay. copies of DPO Office OB No.69 dated 25-08-2015 and DD NO 4 dated 01-01-2015 are attached as Annexure "A" and "B"
2. Incorrect:- The appellant which posted as reader to DSP Circle Daggar was found involved/charged in a murder case of his uncle namely Ziarat Shah s/o Said Kamal Shah vide case FIR No.824 dated 21.05.2007 u/s 302 PPC/15AA PS Gagra. Therefore, on account of misconduct being involvement in a criminal case, he was placed under suspension. (Copy of FIR is attached as Annexure "C").
3. That appellant being found involved ibid criminal case, he was processed against departmentally on account of involvement in murder case which is amount the gross misconduct. Appellant was properly charge sheeted and issued statement of allegations by deputing SDPO Totalai as inquiring officer. (Copy of departmental Enquiry as Annexure "D", charge sheet, "E" statement of allegation "F" final show cause notice "G"). However, during course of enquiry appellant intentionally avoided to join enquiry proceeding. As appellant was directly charge in murder case, therefore, he did not surrender himself before the Court and absconded. Investigation officer completed absconded proceeding under section 512CRPC and submitted the same before the competent court.
4. Correct to the extent, that the appellant was convicted under section 302(B) of PPC for committing Qatl-e-Amad and sentenced to imprisonment for life and further convicted under section 15AA and sentenced to one year simple imprisonment by additional session judge Buner vide judgement dated 27/01/2022 keeping in view the material facts/evidence on file. (Copies of Judgment dated 27.01.2022 is attached as Annexure "H").
5. Pertained to record.

Khyber Pakhtunkhwa  
Service Tribunal  
Diary No. 17347  
Date 30-10-24

6. Correct to the extent that, the appellant preferred departmental appeal after acquittal by the Honorable High Court Peshawar MBS but the same was filed being badly time barred.
7. That, the office order dated 05.07.2024 and 03.07.2017 are according to the facts and justice, therefore instant service appeal of the appellant as liable to be dismissed on the following grounds.

**GROUND:**

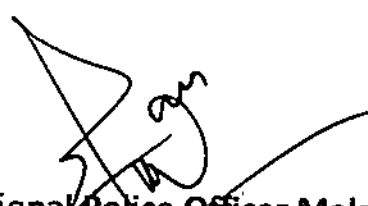
- a. Incorrect:- That both the orders passed by answering respondent's are quite legal and in accordance with law/rules
- b. Incorrect:- That the appellant has been rightly dealt in accordance with law and rules. No violation of constitution of Islamic Republic of Pakistan has been committed
- c. That the appellant was involved in a heinous case i.e. murder case. He absconded himself and also did not appeared before the Enquiry Officer to defend himself. Therefor, the competent authority passed order of his dismissal according to the relevant rules.
- d. As explained above
- e. Incorrect:- Proper charge sheet have been communicated but the same were not replied as the appellant/accused avoided in lawful arrest **Copy of Charge Sheet dated 22.05.2017 and FSN dated 20.06.2017 are attached as Annexure "D" & "E"**.
- f. Incorrect:- Proper proceeding was being conducted but he appellant did not appeared before the EO being absconder.
- g. Incorrect:- as mentioned above.
- h. There was material available on file against the appellant. After the arrest of appellant/accused weapon of offence was also recovered on his pointation on conclusion of trial, the appellant was convicted by the trail court.
- i. Incorrect:- Explained above the appellant was absconder and was avoiding to give his arrest to local police in order to defend himself for the charge level against him as per FIR.
- j. As explained above.in various paras.
- k. Pertained to record.
- l. That, others grounds will be advanced at the time of arguments.

**PRAYERS:**

In view of the above detailed para wise comments /reply to facts /grounds, it is most humbly prayed that the instant Service Appeal of the appellant may graciously be dismissed with costs.

  
District Police Officer Buner  
(Respondent No.2)

SHAH HASSAN, (PSP) Officer  
District Police Officer  
Buner

  
Regional Police Officer Malakand  
at Saidu Sharif, Swat  
(Respondent No.1)

IRFAN ULLAH KHAN (PSP)

INCUMBENT  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat.

5

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1128/2024**

Riaz Ur Rahman Ex-HC No. 536 District Buner.

.....APPELLANT


Versus

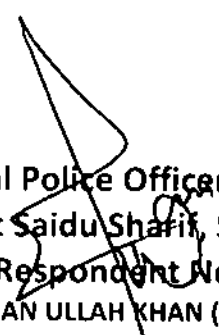
1. Regional Police Officer, Malakand at Saidu Sharif Swat.
2. District Police Officer, Buner

.....Respondents

**AUTHORITY LETTER**

We the above respondents do hereby authorize and allow Mr. Zahir Shah Inspector legal Buner to file the accompany para wise comments on our behalf in the Honorable Service Tribunal vide service appeal mentioned above and do whatever is needed in the court.

  
District Police Officer Buner  
(Respondent No.2)  
Dist. Police Officer  
SHAH HASSAN (PSP)  
INCUMBENT

  
Regional Police Officer, Malakand  
at Saidu Sharif, Swat  
(Respondent No.1)  
IRFAN ULLAH KHAN (PSP)  
INCUMBENT  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No.1128/2024**

Riaz Ur Rahman Ex-HC No.536 District Buner.

.....APPELLANT

Versus

1. Regional Police Officer, Malakand at Saidu Sharif, Swat.
2. District Police Officer, Buner.

.....Respondents

**Affidavit**

I, Shah Hassan PSP District Police Officer, Buner do hereby solemnly affirm on oath that the contents of Para-wise Comments are correct/true to the best of my knowledge/belief and nothing has been kept secret from the honorable Tribunal. *It is further stated on oath that in this appeal the answering neither has been placed ex parte respondent neither has been -*

(SHAH HASSAN PSP)

**District Police Officer Buner**

(Respondent No.2)

Mob: 03009000210

CNIC No. 16101-9831405-3

*placed ex. parte nor their defence has been struck off/cost.*



ORDER

The following Police Officer/Officials were found involved in case FIRs No.599 and 601 dated 27.06.2015 u/s 324 Police Station Gagra, District Buner, therefore, all of them have been served with Show Cause Notice under Rules 5(3) of KPK, Police Disciplinary Rules-1975. They submitted their replies to the Show Cause Notice which was perused and call them in Orderly Room on 18.08.2015. After their hearing in person, court order dated 15.07.2015; the undersigned dispose of the same and passed the following decision.

S.#	Name and Rank	Decision
1	SI Ibrahim Shah	Re-instated into Service from the date of his suspension i.e 30.06.2015 and Show Cause Notice filed without further action.
2	HC Showkat Ali No.537	-do-
3	Const: Akhtar Shah No.706	-do-
4	Const: Zaibul Zahideen No.383	-do-
5	HC Riaz ur Rehman No.536	Warned to be careful in future and re-instated into Service from the date of his suspension i.e 30.06.2015
6	Const: Nisaruddin No.630	-do-

*Khalid*  
(SYED KHALID HAMDANI)  
PSP  
District Police Officer,  
Buner

OB NO 19.

Dated 28/8/2015

*Attested*  
*[Signature]*  
Inspector legal  
Buner



Inspector legal  
Buner

Attested

AMHC. PL. Daggan  
30/9/24

*[Signature]*

30/9/24

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30/12/24  
28/12/24

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(7)

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7	قائمہ برائے تفتیشی
6	تفتیشی کے لیے تیار کی گئی
5	تفتیشی کے لیے تیار
4	تفتیشی کے لیے تیار
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1	تفتیشی کے لیے تیار

Actual should be  
 progress report  
 cooperation  
 23/11/2011  
 21-5-01  
 18-45-18  
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Inspector Legal  
Buner

*[Signature]*

Attested

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P.P.O

P.P.O

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A.S. P.S. Gaggoo  
21/5/10

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Accepted

18th Floor  
8th Floor  
11th Floor

Table

1	15-6-07	1	
2	56/RT	2	
3	3055-56/empty	2	
4	824/PR	1	
5	22-5-17	1	
6	204	2	
7	87	2	

3055-56/empty  
22-5-07

15/11/07





(15)

216/RT  
24-5-017

36


NO. 26 /Enquiry.

Dated 22/05/2017.

CHARGE SHEET

I Muhammad Irshad, District Police Officer, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, hereby charge you Head Constable Raiz ur Rahman No. 536 while posted as Reader to SDPO Daggar District Buner as follow:-

1. You Head Constable Raiz ur Rahman No. 536 while posted as Reader to SDPO Daggar District Buner it is alleged that you HC Raiz ur Rahman No. 536 has been found involved in Murder Case FIR No. 824, dated 21.05.2017 u/s 302 PPC PS Gagra District Buner. Being a Disciplinary Force your this act amount to gross misconduct on your part which rendered you liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
2. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Police Rules, 1975.
3. You are; therefore, require to submit your written reply within 07 days of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975
4. Your written reply, if any, should reach the Enquiry Committee 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 follow against you.
5. Intimate as to whether you desire to be heard in person or not?
6. A statement of allegations is enclosed

  
(Muhammad Irshad)  
District Police Officer,  
Buner

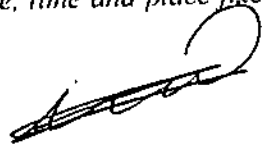
Attested  
Inspector  
Buner

DISCIPLINARY ACTION

1. Muhammad irshad District Police Officer, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, is of the opinion that Head Constable Raiz ur Rahman No. 536 while posted as Reader to SDPO Daggar have rendered himself liable to be proceeded against departmentally and committed the following acts/omission as defined in Rule-2 (iii) of Police Disciplinary Rules 1975.


STATEMENT OF ALLEGATIONS

1. He Head Constable Raiz ur Rahman No. 536 while posted as Reader to SDPO Daggar District Buner. It is alleged that he HC Raiz ur Rahman No. 536 has been found involved in Murder Case FIR No. 824, dated 21.05.2017 u/s 302 PPC PS Gagra District Buner. Being a Disciplinary Force his this act amount to gross misconduct on his part which rendered him liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
2. For the purpose of scrutinizing the conduct of said officer with reference to the Above allegations Mr. Muhammad Naeem Khan SDPO Totalai is appointed as Enquiry Officer under Rules 5 (4) of Police Disciplinary Rules 1975.
3. The Enquiry Officer shall conduct proceedings in accordance with provision of Police Disciplinary Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within ten (10) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer under Rules 6 (v) of Police Disciplinary Rules 1975.
4. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

  
 (Muhammad irshad)  
 District Police Officer,  
 Buner

OFFICE OF THE DISTRICT POLICE OFFICER, BUNER  
 No. 3055-56 /Enquiry, Dated Daggar the 22/05/2017  
 Copy of above is sent to:

1. The Enquiry Officer for initiating proceeding against the accused officer namely under Police Disciplinary Rules, 1975.
2. Concerned defaulter official through LO Police Lines Daggar.

*Attended*  
  
 Inspector legal  
 Buner









Navged Ahmad  
Civil Judge-III/High Court  
Buner at Dargah

Inspector legal  
Buner

Attested  
*[Signature]*

23-05-17

Forwarded to the court  
*[Signature]*

INSR/CIO PSQara  
23/5/2017

Mr. Ullah

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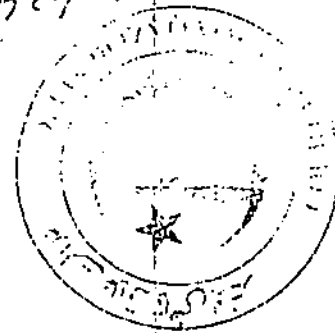
Inspector legal  
E 121

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Attested

Naved Ahmad  
Civil Judge-II Ilaga Qazi  
Buner at Daggat

*[Signature]*



INSPECTOR LEGAL  
23/5/017

*[Signature]*

4348  
*[Signature]*

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OHSHO

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درخواست دربار حقوق اشخاص از 27 فروردین 1396

ماده 824 - ماده 215 - 302 ماده 302 ماده 302

بنام این فی الحقیقت در رسیدن به این کلیات

1396

موردی در خصوص این ماده است که در این مورد باید از مراجع

قوانین آرا و رویه ها - که در صورت عدم صلاحیت وراثت از آن در

204 روز حاصل شده است و این مورد در این مورد است که در این

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از 27 فروردین 1396

MSP/CIO PS/Calgr  
27/5/2017

Sir,  
Forwarded  
27/5/17

Forwarded  
27/5/17  
APP

Be issued

27/5/17

Amran  
Civil Judge

Attested

Inspector legal  
Buner

27-05-017  
Dhule Dist. P.S. - Ga.  
M.S. Dist. P.S. - Ga.  
4348 P.M. (1/2)



27-05-017

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27-05-017 302  
27-05-017 824

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Inspected  
Buner  
Attested

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Inspector legal  
Buner

Attested

27-05-017  
25/5/17  
27-05-017  
25/5/17

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15/07-03/4/07-5

15/07-03/29/242-3

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Handwritten notes in Urdu script.

Handwritten signature or initials.

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23

NIC-155-20-PL-2  
24-5-2017

NO. 26 /Enquiry.

Dated 22/05 2017.

CHARGE SHEET

I Muhammad Irshad, District Police Officer, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, hereby charge you Head Constable Raiz ur Rahman No. 536 while posted as Reader to SDPO Daggar District Buner as follow:-

1. You Head Constable Raiz ur Rahman No. 536 while posted as Reader to SDPO Daggar District Buner it is alleged that you HC Raiz ur Rahman No. 536 has been found involved in Murder Case FIR No. 824, dated 21.05.2017 u/s 302 PPC PS Gagra District Buner. Being a Disciplinary Force your this act amount to gross misconduct on your part which rendered you liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
2. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Police Rules, 1975.
3. You are therefore, require to submit your written reply within 07 days of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975.
4. Your written reply, if any, should reach the Enquiry Committee 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 follow against you.
5. Intimate as to whether you desire to be heard in person or not?
6. A statement of allegations is enclosed

Affected  
Inspector  
Buner

*[Signature]*

*[Signature]*  
(Muhammad Irshad)  
District Police Officer,  
Buner

شرف خان دلبر ابراهيم مکنه  
NIC : 15102-0349924-3  
mob. 0336-9806633

صا-عادی  
ایہ خطہ جانے میں فرودہ  
دھماکا دھماکا کو حوالہ دینا  
والد ارسال خدمت سے

Lo - PL - P  
26-5-17









In the Court of  
**IHTESHAM UL HAQ DANISHMAND KHAN**  
ADDL; SESSIONS JUDGE-I/ZAFI ZILLA QAZI,  
BUNER (AT DAGGAR)

(27)

Sessions Case No. 58/7 of 2020

Date of Institution: 23.11.2020

Date of Decision: 27.01.2022

THE STATE

VERSUS

Riaz ur Rehman

son of Said Bakhtaj, Resident of Kalpani, District Buner.

**JUDGMENT**

1. Accused Riaz ur Rehman; faced trial in case FIR No. 824, dated 21.05.2017 U/s 302 PPC R/w 15-AA, PS Gagra.
2. According to the contents of FIR, accused facing trial is charged for committing the murder of Ziarat Shah S/o Said Kamal Shah.
3. Brief facts of the case are that on 21.05.2017, Muhammad Ali Inspector/SHO during patrolling duty on receiving information that murder has been committed in village Kalpani and the deceased has been shifted to hospital; came to emergency ward of DHQ Hospital Daggar and found the dead body of Ziarat Shah S/o Said Kamal Shah R/o Kalpani, aged about 50/55 years. One Amir Wahid S/o Ziarat Shah present with the dead body at about 18:45 hours reported to the effect that today his father (deceased) after offering Asr prayer, came out of the

عقل کا حکم ہے  
28-1-22

27.1.22  
IHTESHAM UL HAQ DANISHMAND KHAN  
ADDL. Sessions Judge  
Buner

Inspector Legal  
Buner

TRUE COPY  
EXAMINER  
District & Sessions Judge Buner  
Authorized Signatory of  
RO No. 10 of 1964  
28/1/22

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Masjid and was going on road towards village Kalpani, when reached *Bajkata Masjid Mandaw Maira*, in the meanwhile from the opposite side, Riaz S/o Said Bakhtaj R/o Kalpani came and when reached near his father, fired upon him through firearm, resultantly, his father got hit and died on the spot. The occurrence has been witnessed by him and his uncle Said Zamin Shah S/o Said Kamal Shah. The motive advanced behind the occurrence was that one week prior to the occurrence, a *Jirga* between the family members regarding the partition of *Shamilati* property had taken place, wherein altercation between father of accused (Said Bakhtaj) and father of complainant occurred and the accused Riaz had threatened his father to reconcile, otherwise made threats of dire consequences. The report of complainant was reduced in black and white in shape of Murasila, injury sheet was prepared and handed over to on duty doctor for Post Mortem examination. Hence instant FIR was registered against the accused.

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After the occurrence, accused absconded, therefore, he was proceeded U/s 204 and 87 Cr.PC. After completion of investigation, the IO handed over case file to SHO concerned for submission of *Challan* U/s 512 Cr.PC, who did the same, accordingly. The case was filed in the court for completion of proceedings U/s 512 Cr.P.C, which was completed by the court

HTESHAM ULLAH  
Sub-Divisional Magistrate  
& Sessions Judge  
District - Buner

TRUE COPY  
EXAMINER  
District & Sessions Judge Buner  
Authorized under 157 of  
RD No-16 of 1984  
28/1/22

of learned ASJ-II, Buner vide its order dated 23.02.2018 and accused was declared proclaimed offender.

5. On 31.10.2020, while trying to proceed abroad, accused facing trial was arrested by FIA immigration Peshawar and handed over to the local police of District Buner, to stand trial in the instant case.

6. After completion of investigation challan against accused was submitted. Accused was formally charged sheeted on 07.12.2020 to which he pleaded not guilty and claimed trial. Resultantly, the prosecution was asked to produce its evidence. In order to prove its case, prosecution has produced as many as 14 witnesses and the following is the gist of their evidence.

i. **PW-1 SHAUKAT ALI SI:** Stated that on 21.05.2017, he received murasila from Muhammad Ali Inspector/SHC through Constable Anwar Ali 1248. He incorporated its contents to FIR Ex:PA. After lodging the report, he handed over the same to Investigation wing for onward proceedings. He endorsed his signature on the afore mentioned document.

ii. **PW-2 RAHMANULLAH DFC:** Stated that during the days of occurrence, he was posted in Police Station Gagra as DFC. He was entrusted with warrant U/S 204 Cr. PC (Ex. PW2/1) against accused facing trial, he served it accordingly and in this respect his report overleaf the warrant along with verification from elders is (Ex. PW2/2). Similarly, he was also entrusted with proclamation notice U/S 87 Cr. PC (Ex. PW2/3) against accused facing trial which he

27/12/20  
HAFIZ AHMED KHAN  
Additional District & Sessions Judge-120  
Buner

complied in accordance with law and after doing the needful his report overleaf warrant along with verification from elders is (Ex. PW2/4). His statement U/S 164 Cr. PC was recorded by the Judicial Magistrate.

20

iii. PW-3 BAKHT JEHAN HC: Stated that he is the marginal witness to the recovery memo Ex:Pw 3/1, vide which IO took into possession original Passport as well as original CNIC in the name of accused facing trial. The IO sealed the same into parcel No. 05, Ex:P-1. To this effect IO prepared the recovery memo which is signed by him and co marginal witnesses Mehmood Alam 307. Similarly, he also handed over the pistol .30 bore along with 02 empties recovered from the spot to FSL for analysis through constable Shams ur Rahman 38/LHC, through *Rahdari* receipt No.441/21, which is Ex:Pw 3/2. In this respect his statements were recorded. He endorsed his signatures on the afore mentioned documents.

iv. PW-4 SAID JAMIL ASI: Stated that he is the marginal witness to the recovery memo Ex:Pw 4/1, vide which IO took into possession blood stained earth from the place of deceased. The IO sealed the same into parcel. Similarly, vide Ex:Pw 4/2 IO took into possession 02 empties of .30 bore fresh discharge and sealed the same into parcel. Likewise, he is also marginal witness to recovery memo Ex:Pw 4/3, vide which IO took into possession one Qameez of cream colour having corresponding cut wounds and was blood stained which was produced by constable Khurshid and presented to the IO on the spot and sealed the same into the parcel. Regarding all the

27.1.22  
HTESHAM UL HAQ DANISHMAND KHAN  
Additional District & Sessions Judge-ITCO,  
Buner

TRUE COPY  
EXAMINER  
District & Sessions Judge Buner  
28/1/22



above recoveries the IO prepared the recovery memos, which are correctly signed by him and co-marginal witnesses constable Tilawat No. 4208. He endorsed his signatures on the afore mentioned documents.

v. **PW-5 RAHMAT ALI ASI:** Stated that he is the marginal witness to pointation memo Ex:Pw 5/1 vide which the accused in hand cuffs led the police party to the spot and explain the mode and manner of the commission of offence. In the respect IO prepared pointation memo which was signed by him and co-marginal witness. (STO: by defence, pointation proceedings are not admissible under article 40 of QSO). Likewise, the accused during interrogation wish to hand over the weapon of offence so he along with the IO and other police Napri were led by the accused to this hujra and on his pointation a pistol from the western room on a single form beneath the pillow one pistol .30 bore, as well as magazine having number mentioned in the recovery memo was recovered, which accused disclosed his owner ship and without license. The pistol was then sealed into parcel by the IO and prepared the recovery memo which is correctly signed by him as well as co-marginal witness. The recovery memo is Ex:Pw 5/2.

vi. **PW-6 AMIR NAWAB MHC:** Stated that IO Balizar Khan handed over 03 parcels along with applications to him for sending the same to FSL. On 23.05.2017, he prepared the transit receipt No. 535/21 and at 0810 hours handed over the same to constable Sajid Ali No.1243 along with the aforementioned 03 parcels and applications, which he submitted in the FSL on the same day who handed over back the said transit

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receipt to him, on his return, having the stamp of FSL in respect of the receipt of the said parcels. He placed the said transit receipt on relevant register. Attested copy of which is Ex:PW-6/1. He endorsed his signatures on the afore mentioned documents. In this respect IO recorded his statement u/s 161 Cr.P.C.

vii. **PW-7 SAJID ALI NO.1243:** Stated that on 23.05.2017, at 0810 hours Amir Nawab MHC handed over 03 parcels along with applications and transit receipt No. 535/21 to him, which on the same day he submitted in the FSL and handed over back the said transit receipt to Amir Nawab MHC, on his return, having the stamp of FSL in respect of the receipt of the said parcels. In this respect IO recorded his statement u/s 161 Cr.P.C.

viii. **PW-8 MUHAMMAD ALI SHO:** Stated that on 23.05.2017, he was on gusht and got information that a murder took place at village Kalpani and the dead body is shifted to DHQ Daggar hospital, at 1845 hours he reached emergency ward of Daggar hospital. Where he found the dead body of Zirat Shah s/o Sayeed Kamal Shah r/o Kalpani, aged about 50/55 years. In emergency room along with the dead body complainant Amir Wahid s/o Zirat Shah was present who reported the matter to him, which he recorded in shape of murasila Ex:PA/1, the contents whereof were read over and explain to the complainant who after admitting the same to be correct, thumb impressed the same. Thereafter, he prepared the injury sheet of deceased Ex:Pw 8/1 and inquest report Ex:Pw 8/2. The dead body was then shifted to the examination room for PM examination, while the murasila was handed to constable Anwar Ali 1248 for taking the

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same to the PS for registration of case. Through memo Ex:Pw 8/3, the dead body was handed over the LRs of the deceased.

ix. **PW-9 NOOR ZAMAN KHAN SI/SHO:** Stated that accused Raiz ur Rahman was arrested by the FIA immigration at Peshawar on 31.10.2020. He was informed about arrest of accused facing trial Riaz ur Rahman, which was handed over to him in immigration office vide receipt No. 126/2020 dated 31.10.2020 Ex:Pw 9/1, in this regard he issued his card of arrest which is Ex:Pw 9/2. He has also submitted supplementary challan Ex:Pw 9/3.

x. **PW-10 DR. KARIM UR REHMAN CMO DHQ HOSPITAL DAGGAR:** Stated that on 21.05.2017, at 06:30 PM, he examined Zarat Shah s/o Said Kamal Shah, who was presented in DHQ hospital of fire arm injury. We have received the dead body of this person in casualty. After proper examination in main OT, he was shoot at the following sites.

- 1) The first entry wound was present was on the upper left chest area above the nipple with no exit wound.
- 2) The 2nd wound was present on the left chest region just lateral to the first wound near the left axillary region with exit wound on the top of left shoulder between the neck and left shoulder joint.
- 3) The third entry wound was present on the back of neck and an exit wound was present on the skull in partial bone. There was profuse bleeding through both ears. There was also bleeding from the skull

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wounds and brain matter coming out through skull exit wound.

- 4) After examination there was a lacerated wound just above the nasal bone most probably one to history of fall. Skull and chest digital x-ray are done. A bullet was found on chest. X-ray near the left shoulder joint just below the left clavicle.

The Skull bones are also fractured. The dead body is properly dressed and hand over to the relatives.

Cause of death:

- (1) Head injury with massive bleeding.
- (2) Injury to vital organs that is left lung, heart and aorta with massive bleeding.

OPD slip is Ex:Pw 10/1, his report on injury sheet is Ex:Pw 10/2 and his endorsement on injury sheet Ex:Pw 10/3, pictorial is Ex:Pw 10/4. He endorsed his signatures on the afore mentioned documents.

xi. **PW-11 GHULAM KHAN INSPECTOR:** Stated that after the arrest of the accused by the SHO concerned he was handed over to him for interrogation. Vide his application Ex:Pw 11/1, he produce the accused before the illaqa magistrate for obtaining his custody, wherein 02 days custody was granted. During the interrogation the accused got ready to hand over the case property i.e pistol, therefore, he while in handcuffs was seated in official vehicle, who led the police party to his hujra wherein the official vehicle was parked on road side and the accused after de-boarding led the police party to a room situated in west of the hujra wherein from beneath of pillow of single bed a pistol .30 bore along with charge and 02 live rounds were concealed handed over to him which

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he examined and having a number H82842 on the grip. While the magazine containing number 2455 which was disclosed by the accused as his ownership however the pistol was without license which is Ex:P-2 while the charge is Ex:P-3. He made his signature on the pistol as well as on the magazine by pointed article and were sealed into parcel No. 04 by affixing the insignia of the MG. To this effect he prepared the recovery memo which is exhibited as 5/2, correctly signed by the marginal witnesses. He also prepared the sketch of the room of the hujra of the accused where from the recovery of pistol is effected, which is Ex:PB/1. Vide his application Ex:Pw 11/2, he made addition of section 15AA in the case in hand. Vide pointation memo Ex:Pw 5/1 during the course of investigation accused opted to pointed out the place of occurrence, therefore, while in the handcuffs led the police to the place of occurrence wherein he disclosed the mode and manner of the offence and verified the site plan already prepared. To this effect he prepared place of pointation memo in presence of marginal witnesses (STO by defence: that pointation is statement before police which is inadmissible in evidence u article 40 of QSO. During the course of investigation accused admitted his guilt, therefore, vide application Ex:Pw 11/3, he produce the accused before the magistrate for recording his confessional statement. But the accused decline to confess his guilt and was committed to lock up. Vide application Ex:Pw 11/4, he requested to the in-charge of Malkhana for handing over 02 empties lying there for FSL purpose, which were handed over to him accordingly. Vide recovery memo Ex:Pw 3/1, he took

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into possession passport bearing number mentioned in memo along with CNIC which were taking into possession by the FIA authorities at Peshawar Airport were then handed over to Noor Zaman Khan SHO which were then produce before him by Anwar Shah Baharrir and he took into possession the same and were sealed into parcel No,05 Ex:P-1. He prepared recovery memo which is correctly signed by the marginal witness. vide application Ex:Pw 11/5, he sent the recovered pistol along with the 02 empties to FSL for comprising and also received the report which is Ex:PZ. He also recorded the statement of PWs and that of accused. He placed on file copies of DDs pertaining to investigation. After completion of investigation, he handed over the case file to SDO for submission of challan. He endorsed his signatures on the afore mentioned documents.

xii. **PW-12 AMIR WAHID S/O ZIARAT SHAH:** Stated that on day of occurrence after offering congregational Asar prayer, he along with his deceased father Ziarat Shah and uncle Said Zamin Shah were going towards village Kalpani when reached half way near the house of Said Klam Shah, there the accused facing trial Riaz ur Rahman was coming toward them from opposite side and when he reach near his father, accused made firing on his father with fire arm weapon due to which he got hit and died on the spot. The occurrence was also witnessed by his uncle Said Zamin Shah. Motive for the occurrence was that around a weak before the occurrence, a Jirga was convened over the amount of Sanmilat mountains in which his deceased father and father of accused facing trial Riaz namely Said

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Bakhtaj exchange hard words on which the accused facing trial was annoyed and had threatened his father to reconcile otherwise, he made threats of dire consequences to his father. After of occurrence, they took the deceased to the hospital in a vehicle where he report the matter to police, which was recorded in the shape of murasila Ex:PA/I. the contents whereof read over to him which is then thumb impressed by him. The site plan was also prepared at his instance and pointation. He charged the accused for commission of offence.

xiii. **EW-13 SAID ZAMIN SHAH S/O SAID KAMAL SHAH:** Stated that on day of occurrence he along with deceased Zairat Shah and his nephew after offering congregational Asar prayer were proceedings towards village Kalpani, as his deceased brother Zairat Shah told to the complainant for purchasing some house hold articles. He was also proceeded behind them. When we reached near the house of Said Klam Shah, accused facing trial Riaz was coming from the opposite side and when he reached near his brother, the accused facing trial made firing on his deceased brother through fire arm due which he was hit and died on the spot and accused fled away. The deceased was then boarded in vehicle and was taken to hospital, where Amir wahid reported the matter to police. Motive for the occurrence was that around a weak before the occurrence, a Jirga was convened over the amount of Sahmilat mountains in which his deceased brother and father of accused facing trial Riaz namely Said Bakhtaj exchange hard words on which the accused facing trial was annoyed and had threatened his brother to reconcile otherwise, he made

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threats of dire consequences to his brother. He informed Said Wali Shah and Muslim who came to the hospital and made identification of the deceased. He also pointed out the spot to the investigating officer.

xiv. **PW-14 BALIZAR KHAN INSPECTOR/CIO:**

Stated that investigation in the instant case was entrusted to him after the registration of FIR. On 21.05.2017, he visited the spot and prepared the site plan Ex:Pw14/1 at the instance of complainant and eyewitnesses. Vide recovery memo exhibited as Ex:Pw4/1, he took into possession blood stained earth from the place of deceased and sealed the same into parcel No. 1. Likewise, vide recovery memo already exhibited as Ex:Pw4/2, during spot inspection he took into possession 2 empty shells Ex:P1 of 30 bore emitting smell of fresh discharge and sealed the same into parcel No. 2. Vide recovery memo exhibited as Ex:Pw4/3, he also took into possession blood stained Qamees Ex:P2, having bullet cut marks and sealed the same into parcel No. 3. Vide memo Ex:Pw14/2, he corrected the name of accused facing trial as Riaz-ur-Rehman from the Police Station record. The accused facing trial was a police constable so vide his application Ex:Pw14/3, he informed the concerned quarters regarding his abscondance in the instant case for departmental proceedings. Vide his application Ex:Pw14/5, he applied for sending the recovered article for FSL analysis, report whereof received which is Ex:Pw14/6. He had also captured the photos consisting of 8 in numbers, of the spot proceedings. He had prepared and placed on file the list of legal

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heirs Ex:Pw14/8. After the occurrence as the accused was absconding so vide his applications Ex:Pw14/9 & Ex:Pw14/10, he obtained warrant u/s 204 Cr. PC and proclamation u/s 87 Cr. PC which were handed over to DFC concerned for onward proceedings. Vide his application Ex:Pw14/11, he applied to DG FIA for blocking the CNIC of the accused facing trial to curtail his charges for immigration to another country. He also applied for obtaining the CDR data of accused facing trial vide his application Ex:Pw14/12 and was accordingly provided which is placed on file as Ex:Pw14/13 consisting of 5 sheets. Vide his application Ex:Pw14/14, he applied for obtaining the particular of license of accused facing trial which was accordingly asked by SP investigation vide letter Ex:Pw14/15 and obtained the report which is Ex:Pw14/16. He also placed on file the copy of FIR Ex:Pw14/17 wherein the accused facing trial was charged by one Nisar-ur-din for effective firing. He have also recorded the daily diaries in respect of investigation of the present case which are placed on file. He perused challan u/s 512 Cr. PC which is in handwriting of Muhammad Riaz khan SHO which correctly bears his signature and is Ex:Pw14/18. He have also recorded the statement u/s 161 Cr. PC of all the witnesses. He had placed on file the medical documents of deceased. He endorsed his signatures on the afore mentioned documents.

xv.

SW-I LIAQAT ALI DFC: Stated that he was entrusted with summon (Ex. SW1/1) against witnesses Bakht Farin Shah SI and Sher Wali Khan constable for service. He served the same accordingly wherein it was disclosed to him by son of PWs Bakht

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Farin Shah SI, that he was retired and now abroad in connection with Tableg in South Africa. In this respect he has obtained verification from their relatives duly signed by them (Ex. SW1/2) & his report overleaf summon is (Ex. SW1/3).

7. Prosecution abandoned remaining PWs being unnecessary. After closing of the prosecution's evidence, accused facing trial was examined U/s 342 Cr.P.C, wherein, accused facing trial denied the allegation of the prosecution case and has refused to give statement on oath or to produce evidence in defence. Thereafter, arguments of learned counsel for the parties were heard.

8. Learned counsel for complainant party opening the arguments said that prosecution has proved its case beyond any shadow of doubt; complainant has charged the real culprit in promptly lodged report, therefore, no room for consultation and deliberation exists; single accused has been charged for broad day light occurrence. He further argued that the deposition of eyewitnesses has not been shattered on material points, therefore, prosecution has relieved its burden to bring home the guilt of accused facing trial through consistent and confidence inspiring ocular account; it was also argued that parties are the residents of same village and related with each other, therefore, there is no chance of mistaken identity; that motive has also been proved by the prosecution, as the testimony of PWs, in

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 this respect has not been denied, hence, strong motive existed behind the crime; the presence of deceased and witnesses at the spot was natural as they were going to the market after offering prayers. Medico-legal evidence brought on record fully proves that the deceased was fired at with murderous intention, therefore, strongly corroborates the version of prosecution; that the recovery of crime empties, weapon of offence, blood, blood stained garments of the deceased and the positive results of FSL also corroborates the version of prosecution of venue of occurrence and presence of deceased and accused at the spot; In the end the learned counsel for complainant party prayed for awarding appropriate punishment to the accused.

9. Learned counsel for accused facing trial resisted the contention of learned counsel for complainant and argued that prosecution has badly failed to substantiate the charge contained in the FIR; that the case of prosecution is full of doubts and a doubtful case cannot culminate in conviction. That eyewitnesses are planted one and were not available at the spot, one of them being constable in the police and working far away from the place of occurrence, while the other brother of accused. He next argued that the conduct of police officials is also very strange so because in the casualty of DHQ, police officials are available and empowered to register criminal cases, but the FIR was registered by the concerned police of PS Gagra who came all

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the way to lodge report on behalf of complainant(constable). It shows that they were waiting for the complainant to arrive and later to register the case. He also relied on certain FIRs registered against the deceased and stated that he had many enmities in the locality and occurrence might have been committed by any of them but for ulterior motives present accused has been charged, further that there are glaring contradictions in between the statements of PWs on material points, which renders the case of prosecution highly doubtful. He disputed the Site Plan and argued that it does not corroborate the version of prosecution, as has been prepared on the pointation of incompetent PWs. He prayed for the acquittal of accused facing trial.

10. Record transpires that the case of prosecution is based upon direct evidence/ocular account supported by corroborative pieces of evidence.

11. As per site plan Ex: PW-14/1, the occurrence took place on Nehar Road Kalpani to Bajkata. The deceased at the time was accompanied by his son (complainant Amir Wahid) and brother Said Zamin Shah (PW-13) and were proceeding from East side towards the west of the road after offering Asar prayers when reached near the spot accused who was coming from the opposite side suddenly pulled the gun and fired upon the deceased which resulted in severe injury and death of the


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deceased. After registration of FIR and subsequent visit of police officials to the place of occurrence; blood (Ex. P1) was recovered by the Investigating Officer from the place of deceased Ziarat Shah, vide recovery memo (Ex. PW-4/2), in the presence of Said Jamal ASI (PW-4). This witness testified that Investigating Officer had taken into possession the blood from the point of deceased, and had sealed the same into parcel in his presence. He further deposed that the blood stained clothes, taken into possession by the Investigating Officer were taken into possession vide recovery memo Ex Pw 4/3 and sealed into parcel, and sent to Serologist for examination and opinion. The Serologist reported vide (Ex:PW-14/6) that the blood stained clothes and earth were containing human blood of the same group. Then from the place of occurrence in the presence of marginal witness two empties of .30 bore pistol giving fresh discharge were also recovered. The testimony of marginal witness of the recovery memo and Investigating Officer remained consistent and unbiased on material points of recovery and sealing and sending to FSL. Defence could not create any dent in the depositions of the PWs. Thus, venue of occurrence i.e. the spot of death of deceased stand proved and admitted.

12. The occurrence has taken place at ASAR time after the prayers, whereas, report was lodged at 1845 hours. Distance between

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the place of occurrence and the DHQ Hospital, Daggar has not been given but the occurrence is on the 21<sup>st</sup> day in the month of May 2017 when Asar prayer is offered after about 1730 hours. Hence, the report can safely be considered to have been lodged with reasonable promptitude. Then keeping in view the distance between the place of occurrence and the Hospital and the attending circumstances confronted with by the complainant in shifting the body to the Hospital, who at the time of occurrence were on foot and may have consumed time in arranging a vehicle, it can safely be held that it would have taken at least reasonable time to have reached to the Hospital and to lodge the report. Moreover a single accused is charged for the commission of offence and in such circumstances replacement of real accused with someone else is a rare phenomenon. The promptitude of the report has diminished the chances of consultation, deliberation and concoction.

13. Medico-legal evidence brought on file in the shape of Injury Sheet (Ex:PW-10/2), Inquest report (Ex:PW-8/2) and Postmortem Examination Report of the deceased, provides that injuries at the body of deceased were three in number all caused by Firearm. PW-10 (Doctor Karim ur Rehman CMO) recorded his statement before the court and stated that cause of death was firearm injury which caused massive bleeding and injury to vital organs. Thus death of the deceased was not

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natural and was reason of external factors. The Medico-legal evidence brought on file, therefore, is adjudged to be providing full support and corroboration to the case of prosecution.

14. Soon after the occurrence, Accused facing trail remained willful absconder. He was searched in his house, but was not found, therefore, the Investigating Officer prepared applications Ex:PW-14/9 and Ex:PW-14/10 and obtained warrants U/s 204 and 87 Cr.PC and were handed over to DFC concerned for onward proceedings. It is also on the case file that accused was not arrested in the case by the local police and on 09.06.2017 final Challan U/s 512 Cr.P.C against accused was submitted before the court. The court of learned ASJ-II, Buner recorded statements of prosecution witnesses in absentia of accused and vide order sheet No.8 dated 23.02.2018, accused was declared as proclaimed offender and perpetual non-bailable warrants were issued against him. On 31.10.2020, vide Ex:PW-9/1, while trying to leave the country accused was arrested by FIA immigration authorities at Peshawar and handed over to the local police of Police station Gagra. The accused was a police constable which is clear from the statement of investigating officer (PW-14) and he had informed the concerned quarters through Ex:PW-14/3 regarding the absconding of the accused. Thus, the factum of abscondance remained proved. After the arrest of accused, the deposition of

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witnesses regarding execution of warrants and arrest of the accused from Peshawar Airport: proved that accused did not surrender voluntarily and had he not been arrested by the immigration authorities, he would still be at large. Therefore, it can safely be held that accused facing trial had gone into hiding soon after the occurrence, which is a strong corroborating factor.

15. The ocular account of the case is based on the testimony of complainant Amir Wahid (PW-12) and eye witness Said Zamin Shah (PW-13). PW-12 is the son of deceased Ziarat Shah, while PW-13 is brother of deceased. During deposition before the court, PW-12 stated that after offering Asar Prayer, they were going to village Kalpani and when reached half way near the house of Said Qalam Shah; the accused Riaz ur Rehman was coming towards them from the opposite side and when he reached near his father, made firing on him, because of which he got hit and died on the spot. Later, the body of the deceased was taken to the hospital, where he made the report to the local police in shape of Murasila Ex:PA. He further revealed that pointation of the place of occurrence was also made by him. PW-13 also recorded similar type of statement and stated that at the time of occurrence, he was behind the deceased and his son, when accused emerged from the opposite side and fired upon his brother which resulted into his death. Both these

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witnesses were lengthy cross examined by the defence counsel, however nothing favorable to the case of defence could be extracted from their mouths or their testimonies ~~were~~ shattered in such a manner that could lead the court to disbelieve the version of prosecution witnesses. It rather comes out that deceased and accused are closely related with each other. It is a daylight occurrence and two witnesses have deposed against a single accused for the commission of offence. They have with exactitude given the mode and manner of the occurrence which in the opinion of the court connect the accused with the commission of the offence beyond doubt. During arguments stage, learned counsel for the accused argued that against the deceased, murder charges were brought in shape of FIR No.139 dated 10.04.1989. Then he was accused of destruction of property vide FIR No.97 dated 06.05.1989 U/s 436/27 PPC and vide FIR No.149 dated 26.02.1994, he was accused of murder attempt U/s 307 PPC (now 324 PPC) and 148/149 PPC. The learned counsel for defence argued that the conduct and activities of the deceased unfortunately were not forthright and possibility of him being killed by some other culprit/culprits cannot be ruled out. He further argued that PW-13 during cross examination had stated that he had only made statement in the court and his statement was not recorded by the local police in the hospital, which shows that he was not present at the spot.

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The learned counsel for the complainant rebutted the above mentioned plea of the defence counsel by stating that when the witnesses had seen the present accused committing the crime, why they should have involved innocent person/persons for the commission of offence. As far as statement of PW-13 regarding statement in the court is concerned, it is clear from record that the occurrence took place in the month of May, 2017 while accused was arrested in the year 2020 and prior to his arrest, this witness had recorded statement before the court of learned ASJ-II, Buner on 28.09.2017. Therefore, he confused the question of the learned counsel and referred to the statement of the court. When he recorded his fresh statement before this court on 13.11.2021, almost four years had elapsed and he could not be expected to provide clear narration of what happened during that particular day. After evaluating the contention of both the learned counsel, the arguments put forth on behalf of prosecution have more weightage, as two eye witnesses had seen accused committing the crime in broad day light, whose deposition remained consistent on each and every material point. In case of malafide intention, complainant side always strives to spread a wider net and from their rivals try to array as many persons accused as possible. But here a single accused is charged for committing the crime, which excludes possibility of replacement of real accused with an innocent

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person. As far as minor discrepancies in the statement of PW-13 are concerned, he was in fact earlier examined in the court and seems to have confused that statement to be the only statement recorded by him. Hence, it is not fatal to the case of prosecution. Even there are other minor discrepancies but these do not seem fatal to the case of prosecution and can be ignored due to lapse of time. The ocular evidence thus brought on file against the accused connecting him with the commission of offence is adjudged confidence inspiring, reliable and trust worthy.

16. Motive for the offence was stated to be, prior to the occurrence, altercation between father of accused and deceased over Shamilat property. In this behalf, PW-12 and PW-13 (both eye witnesses) had reiterated their stance given in Murasila. Learned counsel for the complainant/prosecution stated that these two witnesses were not cross examined over this fact and hence motive part of the case remained proved. Learned counsel for the defence on the other hand stated that PW-14 (investigating officer) during cross examination was asked this question and he stated that about oral altercation, he had not recorded the statement of any Jirga member. Likewise, statement of someone having heard accused giving threats was also not recorded. In such a situation, the statement of these two eye witnesses alone is not sufficient to prove the motive.

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investigation a dagger had allegedly been recovered from the custody of the appellant but it is admitted at all hands that the recovered dagger was not stained with blood and, hence, the same did not stand connected with the alleged murder. It has been held by this Court in many cases that if the prosecution asserts a motive but fails to prove the same then such failure on the part of the prosecution may react against a sentence of death passed against a convict on a capital charge and a reference in this respect may be made to the cases of Ahmad Nawaz v. The State (2011 SCMR 593), Iftikhar Mehmood and another v. Qaiser Iftikhar and others (2011 SCMR 1165), Muhammad Muntaz v. The State and another (2012 SCMR 267), Muhammad Imran alias Asif v. The State (2013 SCMR 782), Sabir Hussain alias Sabri v. The State (2013 SCMR 1554), Zeeshan Afzal alias Shani and another v. The State and another (2013 SCMR 1602), Naveed alias Needu and others v. The State and others (2014 SCMR 1464), Muhammad Nadeem Waqas and another v. The State (2014 SCMR 1658), Muhammad Asif v. Muhammad Akhtar and others (2016 SCMR 2035) and Qaddan and others v. The State (2017 SCMR 148). In the case in hand we find that in the absence of proof of the asserted motive the real cause of occurrence had remained shrouded in mystery and this factor has put us to caution in the matter of the appellant's sentence of death.

The submission made by the learned counsel along with case law on the subject is convincing. In the circumstances, when complainant side did not provide sufficient material to prove the motive, the same does not seem to be established. It is, however, by now established that weakness of motive or absence thereof would hardly benefit an accused person, in case the prosecution succeeds in bringing home the guilt of the accused which

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the prosecution version which got support from other material brought on record. It is therefore held that incompatibility of crime empties with the recovered weapon of offence does not weaken the case of prosecution.

18. To wrap-up the whole case, it is held that prosecution through evidence has proved its case against accused beyond any shadow of doubt. The place of occurrence remained proved and defence could not make out a case that either present accused is not involved in the commission of offence or the mode and manner of the offence is different from the one advanced in the Murasila and FIR. The occurrence had been witnessed by two eye witnesses, whose deposition got support from Site Plan, recovery of empties from the spot, recovery of blood etc. Soon after the occurrence, accused absconded and till the day of his arrest, he was in hiding despite the fact that he was a police constable and required to be on his duty. The medico legal evidence and other materials collected from the spot also pointed towards foul play, leading this court to the irresistible conclusion that accused committed the offence and no one else. The charge is thus proved against accused. It is however clear that motive for the offence could not be established. In the absence of proof of the asserted motive the real cause of occurrence had remained shrouded in mystery and this factor has

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put this court to caution, therefore, I would abstain from awarding death punishment.

19. Hence, accused facing trial Riaz ur Rehman S/o Said Bakhtaj is found guilty for causing the death of Ziarat Shah S/o Said Kamal Shah, by way of firing. Charge is established/proved against him by prosecution. The accused is therefore, convicted under section 302(b) of Pakistan Penal Code for committing qatl-i-amd of Ziarat Shah, and upon conviction, accused is sentenced to **IMPRISONMENT FOR LIFE**. He is further sentenced to pay compensation to the tune of Rs. 2,00,000/- (Two lac) to the legal heirs of deceased or in default to suffer imprisonment for six months. The entire amount of compensation, if realized, be paid to the legal heirs of deceased in terms of section 544-A of the Cr.PC. The accused is further convicted U/s 15-AA and sentenced to one year Simple imprisonment along with fine of Rs.5000/-. In default of payment of fine, he shall further undergo for one month SI. All the sentences awarded to the accused/convict shall run concurrently. Benefit of section 382-B Cr.PC is extended to the convict.

The convict/accused is in custody, therefore, be sent to jail to serve the imprisonment awarded to him through conviction warrant.

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- 21. Case property be disposed of in accordance with law, but after expiry of period of limitation prescribed for appeal/revision.
- 22. Attested copy of this judgment is provided to the convict free of cost, and to this effect, his acknowledging thumb impression/signature is obtained on the margin of order sheet of this file. Another copy be sent to District Public Prosecutor, Buner, within the meaning of section 373 Cr. PC.
- 23. File be consigned to the record room after necessary completion and compilation.

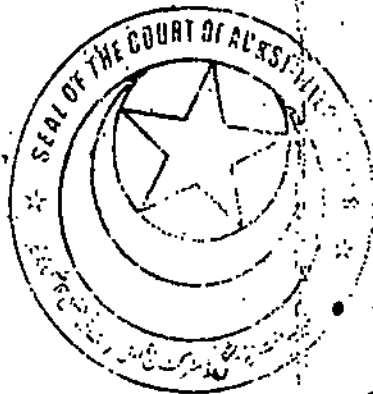
Announced  
27.01.2022

Ihtesham Ul Haq Danishmand Khan  
Additional Sessions Judge/IZQ-1

Buner  
IHTESHAM UL HAQ DANISHMAND KHAN  
Additional Sessions Judge-IZQ-1

CERTIFICATE

Certified that this judgment consists of twenty nine (29) Pages and each page has been signed by me after reading and correction.



Ihtesham Ul Haq Danishmand Khan  
Additional Sessions Judge/IZQ-1  
Buner

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28/1/22

CD No. 536  
Date of Application 28-01-22  
Date of Receipt of File 01/01/22  
Date of Preparation 28-01-22  
Date of Notice -  
Words 220  
Fees Free  
Urgent Fees -  
Date of Delivery 28-01-22  
Signature [Signature]