

IN THE COURT OF ASSISTANT POLITICAL AGENT/A.D.M.  
BARA, KHYBER AGENCY

State

Versus

Dr. Shakeel s/o Mewa Khan, Malikdin KHel of  
Bara, Khyber Agency

CHARGED UNDER SECTION 121-A/123/123-A/124-A PPC/11-FCR

ORDER

The accused produced before me for further proceedings under the provision of Section-11 of FCR 1901 (Amended) 2011 as the investigation have been completed.

Brief facts of the case are that the accused was arrested for his involvement in anti-state activities on 23.5.2011 by the Political Administration Khyber Agency. There were reports that the accused is in league in anti-state activities with the defunct organization, Lashkar-e-Islam. Various Intelligence Agencies and the people in general had complained against the activities of the accused. He was referred to Joint Interrogation Team for further interrogation on 24.5.2011 for (05) days. On 29.5.2011 he was handed over to an Intelligence Agency under proper receipt for further probe. On the direction of Ministry of Interior letter N6/3/22/2011(OPS)-2752 dated 08.5.2012 (Ex-A). The accused was handed back to this court for further trial on 11.5.2012.

Issues were framed in the order of reference (Ex-A-1) against the accused and the case was referred to counsel of elders for inquiry on 12.5.2012. The elders thoroughly went through the record of the case and

A993 Mohmand Advocate

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also contacted the people in general in order to find out and ascertain the involvement of the accused in charges framed against him. They gave ample opportunity to the accused to defend himself which is on record (Ex - B). Hence the inquiry completed and the accused is produced before me on 23.5.2012 where he was given a chance to explain his position (Ex -C)

While going through the record, there are reports of different Intelligence Agencies that the accused had close links with defunct Lashkar-e-Islam and his love for Mangal Bagh, Amir of defunct Lashkar-e-Islam and his association with him was an open secret. This fact has been referred to in the report of JIT wherein it mentions that the accused provided financial assistance of rupees (02) million to the defunct organization when he was serving at Tehsil Headquarter Hospital Dogra, Bara Khyber Agency (Ex -D). The accused provided medical assistance to militant Commanders like Said Noor Malikdin Khel, Hazrat Sepah, Wahid Shalober Qamber Khel and others while being incharge of the above mentioned Hospital. The jirga members also confirmed this fact that the accused was providing assistance to the defunct organization because of his deep affiliation with it. Some people of the area gave statements to the jirga members (Ex- E, F and G) which substantiate the charge leveled against the accused in issue No.1. These statements reveal that all these militants Commanders used to visit the Hospital at their will and held meetings with the accused in his office in isolation while all the other people were forced to leave the premises of the facility. These meetings were usually of longer duration and most often these meeting were followed by the attacks by the militants on security forces check posts and other places at night time. This fact can be determined from the intelligence reports at that time which were followed by incidents (Ex- H,I,J,K). Keeping in view the material available on the record and jirga

members award, the charge leveled against the accused in issue No.1 is confirmed and he is found guilty u/s 121-A/11-FCR.

The defunct L.I. design to wage war against the state of Pakistan is a reality known to every one. They have slaughtered Govt. officials/supporters in public. Their attacks on LEAs convoys and checkpoints is every day feature in Khyber Agency. They have demolished Govt. facilities and installation such as schools numbering 67 in Bara Khyber Agency (Ex-L,M,N). These attacks were planned in the office of the accused as mentioned in the statements of the elders and the intelligence reports as (Ex - E,F,G,H,I,J,K) Being a Govt. servant, his involvement in subversive activities and his role in facilitating the waging of war and attacks upon the security forces makes him liable to be proceeded against u/s 123 PPC/11-FCR.

It is a fact which is recognized beyond doubt that the defunct organization L.I. condemn the State of Pakistan publicly and advocates the abolition of its sovereignty by challenging its writ in Khyber Agency where it tries to establish its own sway in Tirah area and in Bara plain especially and wherein for the above purpose it has sought the support of across the border Intelligence Agencies to achieve this nefarious design and its members refers to hoist black flags on 14<sup>th</sup> of August which is visible representation of their hatred against the State of Pakistan (Ex- M,O,P) and the involvement of the accused with such organization and his close association with it proves his involvement in condemnation of the state of Pakistan which thus make him liable to be proceeded u/s 123-A of PPC/11-FCR.

The accused being a Govt. servant was preaching the ideology of the defunct organization publicly; an ideology based on hatred,

arousing the contempt of the general public against the Govt. of Pakistan. These statements of the people (Ex- E,F,G,Q,R) delineate the involvement of the accused wherein he preferred to serve under Mangal Bagh rather than the Govt. of Pakistan such kind of actions were inciting other public servants to side with defunct L.I. His this de-meaner as a Govt. servant proves his disloyalty and feeling of enmity towards the State/Govt. of Pakistan which makes him liable to be proceeded against u/s 124-A PPC/11-FCR.

The accused is found guilty u/s 121-A/123/123-A(1) and 124 A PPC read with 11 FCR of 1901 (Amended) 2011. Thus;

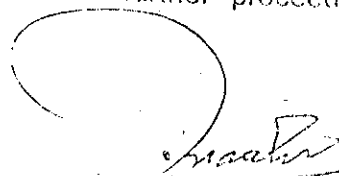
1. The accused Dr. Shakeel is convicted and sentenced to undergo 10 years R.I. and a fine of Rs.100,000/- or in default of payment of fine to undergo further 01 year S.I. u/s 121-A PPC/11-FCR>
2. The accused is convicted and sentenced to undergo 10 years R.I and a fine of Rs.100,000/- or in default of payment of fine to undergo further 01 year S.I. u/s 123 PPC/11-FCR.
3. The accused is convicted and sentenced to undergo 10 years R.I and a fine of Rs.100,000/- or in default of payment of fine to undergo further 01 year S.I. u/s 123-A(1) PPC/11-FCR
4. The accused is convicted and sentenced to undergo 03 years R.I. and a fine of Rs.20000/- or in default of payment of fine to undergo further 06 months S.I. u/s 124-A PPC/11-FCR.

All the sentences shall run consecutively. The benefit under section 332 (B) Cr.Pc is granted to the accused & his conviction shall commence from the date of his arrest i.e.23.5.2011.

Though the JIT contains evidence of the involvement of accused in activities wherein he has been shown acting with other foreign Intelligence Agencies but all this evidence could not be taken into account for the lack of jurisdiction and with the recommendation that it may be produced before the relevant concerned court for further proceedings under the law.

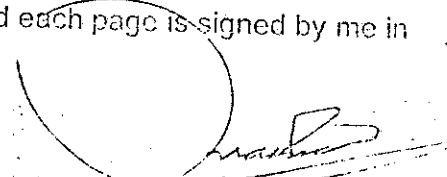
Order announced

23.5.2012



Assistant Political Agent/  
Additional District Magistrate,  
Bara Sub Division, Khyber Agency

Note: This order consist of five pages and each page is signed by me in token of its correctness.



Assistant Political Agent/  
Additional District Magistrate,  
Bara Sub Division, Khyber Agency