

ELECTION COMMISSION OF PAKISTAN

MR. SIKANDAR SULTAN RAJA, CHAIRMAN
MR. JUSTICE (R) IKRAM ULLAH KHAN, MEMBER

CASE No.F.7(87)/2024-Law-III

Subject: PETITION UNDER ARTICLE 218 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN READ
WITH SECTION 8 & 9 OF THE ELECTIONS ACT, 2017

Shah Jee Gul Afridi, Contesting Candidate NA-27, District Khyber, Khyber
Pakhtunkhwa, R/o Koki Khel, P.O Jamrood, Hajiano Kaly Godar, Tehsil Jamrood,
District Khyber, Cell No. 0335-5111222

.....Applicant(s)

VERSUS

1. Muhammad Iqbal Khan, Contesting Candidate of NA-27, C/o District Election
Commissioner, Khyber District, Khyber Pakhtunkhwa
2. Returning Officer, District Khyber C/o District Election Commissioner, Khyber
District, Khyber Pakhtunkhwa
3. Presiding Officers of the Constituency C/o District Election Commissioner,
Khyber District, Khyber Pakhtunkhwa

.....Respondent(s)

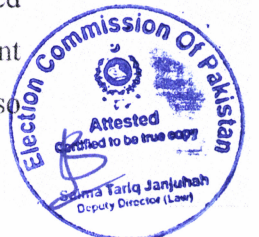
For the applicant : Ghulam Muhammad Khan, AHC.

Date of hearing : 13-02-2024

ORDER

Sikandar Sultan Raja, Chairman- Brief facts of the matter is that petitioner namely Shah Jee Gul Afridi contested the General Election 2024 for the seat of National Assembly from constituency NA-27, Khyber. As per Form-47 uploaded on the website of the Commission, the Petitioner has obtained 18832 votes and the returned candidate has obtained 85514. Petitioner being aggrieved with the result issued by the Returning Officer has filed instant application.

2. Learned counsel for the applicant appeared and at the very outset submitted seven books of original ballot papers stamped at symbol "bowl" and argued that respondent No.1 Muhammad Iqbal Khan contesting candidate of NA-27 with the collusion of Returning Officer and Presiding Officers has committed large scale rigging, fabrication, forgery and manipulation of result of count. He argued that they have committed corrupt and illegal practices in order to rig the election. He further contended that the Presiding Officers himself stamped the ballot papers in favour of Respondent No.1 and prepared forged result. He also mentioned that the forgery was committed in so



hurry that the Presiding Officers left complete ballot paper books No. 6474 and 6476 containing serial No. 0647301 to 06477400 and 0647501 to 0647600. He also argued that these books were collected from the polling stations by the polling agents of the petitioner. He further submitted Form-45 prepared just to complete the formality. The counsel highlighted that an application was also given to the District Returning Officer against the illegalities but no action has been taken by him. He concluded his arguments while praying that election may be declared void and fresh poll may be ordered in the constituency. He further prayed that notification of the returned may not be issued.

3. Arguments heard and record perused.

4. From the perusal of the ballot papers it is observed that seven books have been given to the Commission with numbers i.e (Book No.1): 6499 from serial No. 649801 to 649900, (Book No. 02): 6474 with serial no. 647301 to 647400, (Book No.3): 6498 with serial no. 649701 to 649800, (Book No 4): 6500 from serial no. 649901 to 650000, (Book No. 5) 6496 with serial No. 649501 to 649600, (Book No.6): 6497 with serial No. 649601 to 649700 & (Book No7) 6476 Serial No. 647501 to 647600. All the books of the ballot papers are original and stamped at symbol "bowl" which is an offence under chapter X of the Elections Act, 2017 and also attracts the consequences of criminal cases along with disqualification of the contesting candidates. Therefore, an inquiry committee is constituted which shall be headed by Mr. Nadeem Haider, ADG Elections, Mr. Ibrar Ahmed Jatoi, Director, Elections (Member) and Mr. Nasir Khan, DD Coord, (Member). The inquiry committee shall submit its report within seven days before the Commission after recording the statements of concerned Returning Officer, Assistant Returning Officer, Presiding Officers and Assistant Presiding Officers.

05. The matter will be fixed for hearing on 21-02-2024. In the meanwhile notification of the returned candidate in the constituency NA-27, Khyber shall remain suspended.

Sikandar Sultan Raja

Sikandar Sultan Raja
Chairman

Justice (R) Ikram Ullah Khan

Justice (R) Ikram Ullah Khan
Member

