

NO SO (Legal-tl:)/Pros:/1-6/2019//<2/S*36
GOVERNMENT OF BALOCHISTAN
PROSECUTION DEPARTMENT
é (Section: Legel-I1)

OUR BGTH CORE), POON EREE PAKISTAN

Dated Quetta, teak? Sc ptember, 2023.

1. The Registrar Supreme Court of Pakistan Quetta Registry.
2. The Registrar High Court of Balochistan
3. The Principal Secretary to Goverrfor Balochistan, Quetta,
4. The Principal Secretary to Chief Minister Balochistan, Quetta.
5. _ The Senior Member, Board of Revenue Balochisten, Quetta.
6. The Chairman, Chief Minister's Inspection Team, Quetta
7. The Additional Chief Secretary (Dev:) GOB, P&D Department, Quetta.
8. The Additional Chief Secretary Home and Triba! Af'airs Deparment, Quetta,
9. — The Additional Secretary (Staff) to Chief Secretary Balochistan, Quetta.
10. The Inspector General of Police, Balochistan.

wr Ail the Adin irate Seoretanies. ts Government of Balochisn, (220-007 Dh:

All the Dis =.

ct and Sessions Judges in Balochistan. _

- 13, The Chairman, Balochistan Public Service Commission, Quetta.
14. 'The Advocate General Balochistan. Quetta.

15. 'The Prosceutor General Balochistan.

16. Allthe APGs in Balochistan.

17. All DPPs in Balochistan.

18. the Deputy Secretary Cabinet, S&GAD, Government of Balochistan.

Subject: BALOCHISTAN PROSECUTION DELEGATION OF POWERS RULES
2023. |

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The undersigned is directed to refer to the approved r:-notes of the meeting of

Balochistan Cabinet dated 12.09.2023 and enclose a copy of the Balochistan Prosecution
Delegation of Powers Rules, notified under section 15 cf the Baloc-
(Constitution, Functions and Powers) Act 2023, for the informatio

action, please,

Copy for information t f

- 1, The Director General, Public Relations, Balochistan, Quetta. rae 4 forcover

Awareness

2. The Chief Comptroller, Balochisthn Printing Press,with the request of printiig the Belochistan _ Prosecution Delegation of Powers. Rules, 20234 in next gazette of Baloc! i

3. P.S to Hon'ble Minister for Prosecution Department, Balochistan.

P.S to the Secretary, Prosecution Department, Quetta.

Master Vile.

(NAZEER AHMED)

Section Officer (Legal-II)

Tel:9202958 Fax 9202944

TO BE PUBLISHED IN THE NEXT GOVERNMENT OF BALUCHISTAN

for : PROSECUTION DEPARTMENT

— (SECTION LEGAL-II)_

' Dated Quetta the 21st September, 2023

NOTIFICATION

NO.SO(Legal-II)/Pros:/1-6/2019, 53 In exercise of powers vested under section 15 of Baluchistan Prosecution (constitution, functions and Powers Act 2003, the Government of Baluchistan is pleased to make the Delegation of Powers Rules of Prosecution Services of Baluchistan.
i; Short' title, application and commencement: (1) These Rules may be called the Baluchistan Prosecution Service, Delegation of Powers Rules 2003.

(2) The Rules shall apply to all the authorities who exercise powers or undertake lawful correspondence on subjects of under Pre-Trial, During Trial and Post-Trial Prosecutorial services in Baluchistan,

(3) These Rules come into force at once.

x Definitions. in these Rules unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:

(a) Appendix means the appendices attached with these Rules.

(d) Code means the Pakistan Criminal Procedure Code 1898.

(e) "Division" means a Division notified under the Baluchistan Revenue Act 1967 (W.P Act, XVII of 1967)

{f}" Inspection" Means.a systematic cross-checking of the record of criminal cases and record of office management, of a Public Prosecutor by an officer authorized under these Rules.

(g) "Pauper" means a poor accused person, determined and notified by a criminal court of competent jurisdiction and provided defense services of a Defense Counsel from amongst a list of Pauper counsels notified and maintain by the Prosecutor General in cases before the High Court, Federal Shariat Court and Supreme Court and by the concerned District Public Prosecutor, in case of lower judiciary.

(h) "Public Prosecutor" means an officer appointed by Government of Baluchistan in the manner provided under section 6 of the Prosecution Service (Constitution Functions and Powers) Act 2003 and Service Rules _ thereof to provide victim-centered, pre-trial, during- trial and post-trial prosecutorial services on behalf of state of Islamic Republic of Pakistan to ensure sanctity of public life, honor and property.

{i) "Rules" means the Delegation of Powers Rules of Prosecution Services of Baluchistan.

(j) "Scrutiny" means the process of undertaking detailed analysis of the Police/Investigation report of section 173 and 174 of Pakistan Criminal Procedure Code, by a Public Prosecutor authorized under these rules, before submission to the court of competent jurisdiction.

3. Distribution of Prosecution work: (a) The District Public Prosecutor Shall distribute 'he Prosecution work in the district as provided under section 5 (5) of the Act in the manner described under the Job Description and appendix-1 of these Rules.

(b) The Prosecutor General Shall distribute the work of Prosecution appeals and supervision of other supervisory Prosecutorial services as per their Job Description, on the basis of one Revenue Division to one Additional Prosecutor General, except where S/he is required to appear in person as per her/his Job Description and appendix-1 of these Rules. .

4. Scrutiny of the Police/Levies/ Investigation Report: (a) The Scrutiny and pre-trial supervision of Police/Levies/ .0 Reports shall be undertaken by such Public prosecutors who are appointed on regular basis, and made responsible to Prosecute the case before competent criminal court as provided under the Job description and appendix-1 of these rules.

(b) The Public Prosecutor responsible for scrutiny of a Police/Levies/ Investigation Report, shall fill all the fields of the prescribed check list, attached with these Rules as Appendix-2 and communicate to the concerned Investigation officer within forty-eight hours.

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(b)" The Public Prosecutor ravonsed for scrutiny of a Police/Levies/ Investigation Report, shall fill all the fields of the prescribed check list, attached with these Rules as Appendix-2 and communicate to the concerned Investigation officer within forty-eight hours.

(c) In absence of a Public Prosecutor of the requisite rank due to leave or vacancy, the District Public Prosecutor may assign her/his duties to a public Prosecutor who is higher in rank but not below her/his status.

5. Withdrawal of a criminal case: All the cases for withdrawal of criminal cases/First information report shall be processed by the Home and Tribal Affairs and the concerned District Public Prosecutor shall approach the competent criminal court for withdrawal of the case with prior approval of the Chief Minster.

6. Communication of reasons of acquittals and less commensurate punishments: The Prosecutor General being the Head of Administration of Prosecution service, under section 5 (2) of the Act, shall gather and submit the consolidated statements of Acquittal and Less Commensurate punishments at the trial as well as at appeal level, to the Government on daily basis as required under section 11 (3) of the Act, on the prescribed format attached with these Rules as Apendices-3,4,5,6.

ra Inspection of Prosecution record: There shall be undertaken an annual inspection of criminal cases and Prosecution offices by the authorities mentioned in Appendix-1 of these rules at least once in a year, and tour notes with regard to issues, suggested solutions and responsibility shall be shared with Government of Balochistan, Prosecution Department and other stakeholders.

BY ORDERS OF
GOVERNER BALOCHISTAN

(GHULAM ALI BALOCH)
Secretary Prosecution.

The Chief Controller,

Printing and Stationary
Department, Balochistan, Quetta
For publication and provision of
20 copies of the Gazette.

No. Even. Dated. Even.

1. The Registrar Supreme Court of Pakistan huetta Registry.
2. The Registrar High Court of Balochistan. \
3. The Principal Secretary to Governor Balochistan, Quetta.
4. The Principal Secretary to Chief Minister Balochistan, Quetta.
5. The Senior Member, Board of Revenue Balochistan, Quetta.
6. The Chairman, Chief Minister's Inspection Team, Quetta.
7. The Additional Chief Secretary (Dev:) GOB, P&D Department, Quetta.
8. The Additional Secretary (Staff) to Chief Secretary Balochistan, Quetta.
9. All the Administrative Secretaries, to Government of Balochistan.
10. All District and Session Judges in Balochistan
11. The Chairman, Balochistan Public Service Commission, Quetta.
12. The Advocate General Balochistan, Quetta.
13. The Prosecutor General Balochistan.
14. All APG's in Balochistan

15. All DPP's in Balochistan

16. The Deputy Secretary Cabinet Government of Balochistan.

at the level of
Magistrate 1* class.

challans/Investigation
reports of an
Investigation Agency
and appear in the
criminal cases triable
by a Judicial
Magistrate of 1st
Class.

Public Prosecutor

APPENDIX-1

S.NO | POWERS NATURE OF POWERS | AUTHORITY EXTENT AND
and CONDITION IF ANY

| DELEGATED :

Prosecution services | To pass | Assistant District | With prior approval of

the concerned District
Public Prosecutor.

Additional Sessions
Judge.

=|

Reports of criminal
cases from above the
jurisdiction of a first
class magistrate and
up to punishments of
10 years
imprisonment before
the Additional
Sessions Judge - of
competent

jurisdiction.

Prosecution services | To pass | Deputy District Judge | With prior approval of
at 'the level of | challans/Police Prosecutor : the concerned District

Public Prosecutor.

Prosecution services

To pass challans of an

District Judge

'With prior intimation

application, appeal,

Review or Revision
against the order of a
criminal Court.

at the level of [investigation Agency, | Prosecutor of the concerned
Sessions Judge. file appeals and Additional Prosecutor
appear in the criminal General and
cases carrying Prosecutor General.
punishment beyond
10 years
imprisonment before
the Sessions
Judge/Additional
Sessions Judge of
competent
jurisdiction .

Bail cancellation | Prosecution sanction | Administrative [On the basis of
application to file bail | Secretary Prosecution | reasons conveyed
cancellation Department. under section 11/3 of

prosecution Act 2003,
legal and factual
grounds to assess the
fitness of case for
filing such Appeal,”
Revision and Review,
by. the concerned
DPP/Additional!

Prosecutor General
through Prosecutor
General, well! before
the time limit
stipulated by the law
for filing such
appeal/Review or
Revision.

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[s Prosecut at | Prosecutor General in | Prosecution —° of|a. With the prior
Supreme Court High | cases fixed before | Appeals/Revisionsand | sanction to file
Court Supreme Court and | Review at the stage of | appeals, review and

nch-L of | at the stege of High | revision against
distin High | Court and Supreme | acquittals or less
urt and the | Court commensurate

deadenated Addict al | punishments, where
Prosecutor Generels | state is the appe lant.
for all other benches | b.'In case of apoeals,
of Balochistan High | reviews and revision
Court. | against the
convictions, the
designatec Additional
| Prosecutor shall
| effectively defend the
| contention of
prosecution cn behalf
of the state, under
intimation to the

| Prosecutor General.

6 Withdrawal of | Power. to withdraw | Administrative On the request of the
Prosecution/criminal | the prosecution of a | Secretary Prosecution | concerned
case riminal case from | Department. Investigation Agency

ny court carrying any through Home end

mount of fine. Tribal Affairs
department and with
prior approval of the
Chief Minister.

vi Payment of Pauper | Appointment and | District Pubiic | With prior orde's of a
Counseils at | sanction of payment | Prosecutor. court of competent
Magistrate Level of fee to counsels jurisdiction, shall be

engaged to defend selected by the
pauper accused concerned accused
persons facing pauper from amongst
criminal charges at 2 Aftre list of Pauper
the level of 1* class Counsels maintained
Magistrate in Lower by the District Public
Judiciary. See Prosecutor, having at

least three years,

experience of active

ee : i legal practice.

8 Appcintment and | Appointment end With prior orders of a
Payment of Pauper | sanction of peyment Sessions cout of

Counsels at the Level | f fee to counsels competent
of Sessions Judge engaged to defend jurisdiction, shall be,

pauper accused selected by the
persons facing concerned accused
criminal charges at pauper from amongst
the level of Sessions the list of Pauper
Judge. Counsels maintained
by the District Public
Prosecutor, having at
least five years,
experience of active
legal practice of the
Sessions Court and
by the High Court.

Appointment Appointment and | Prosecutor General With prior orders of
* | Payment of Pauper | sanction of payment High Court. of
Counsels at Level | of fee to counsels competent
of High Court engaged to defend jurisdiction, shall be
pauper accused | selected by the

|
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|

of High Court

|

|

engaged to defend
pauper accused
persons facing
criminal charges at
the level of Supreme
Court.

Pe.

persons facing concerned accused

criminal charges at pauper from amongst:

the level of High the list of Pauper

Court. Counsels maintained

by the Prosecutor

General, having at

least five years,

experience of active

legal practice of the

= take a High Court. a

10 Appointment and | Appointment and | Prosecutor General With prior orders of

Payment of Pauper | sanction of payment High Court of
Counsels at the Level | of fee to counsels competent

jurisdiction, shall be
selected by the.
concerned accused

er from amongst
the list of Pauper
Counsels maintained

"Jt. | by the Prosecutor
of NY | General, having at
least five — years,

'experience of active
legal practice of the

of criminal cases and
office record District
public Prosecutors

of criminal cases and
office of ~ District
Public Prosecutors

General/ Prosecu'
General/ Secret
Prosecution

'tor
ary

7 AS EA Supreme Court.
11 | Payment to state | Payment of @ State Disa OPE Appointed by
Counsels Counsel on daily | Prosecuto?'*8f the | Secretary

wages up to Rs.2000 | concerned district. Prosecution, with
'/Day or as revised prior approval of such'
from time to time vacancy and its time
before the Additional! period by
or Sessions Judge. Government of

Balochistan, Finance

ss Department.

12 Payment to state | Payment of State | Additional Prosecutor | Appointment by
Counsels at the level | Counsels on daily | General _ with | Secretary
of Supreme Court 'eh Se at the rate of | concurrence of | Prosecution, with
and High Court more than 2000 anc | Prosecutor General prior approval of such

up to Rs.3500 or as vacancy and its time
revised from time to period by
time for Prosecution Government of
of criminal appeal Balochistan Finance:
Review and Revision Department.
before High Court,
Federal Shariat Court:

. and supreme Court of

=k = Pakistan.

13 Inspection of record | Inspection of record | The District Public | With prior int mation
of criminal cases and | of criminal cases and | Prosecutor/Additcnal | to the prosecutors,
office recor) ADPP | office of Assistant | prosecutor Geheral/ | with date and time of
and DDFP offices Public Prosecutors | Prosecutor General/ | inspectcn, followed

and Deputy District | Secretary Prosecution | by a precise report on

Public Prosecutors observations, actions

to be taken and

=s ae 2 tesponsidilityfixed.

14 Inspection of record | Inspection of record | Additional prosecutor | With prior intimation

to the District Public
Prosecutor

mentioning date and
time of Inspection
followed by a precise
report on
observations, aciions

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15

Inspection of record
of criminal cases and
office record of
Additional

prosecutor Generals

Inspection of offices
and criminal cases
record of Additi
Prosecutor

Generals/Deputy
Prosecutor Generals

|

16

Inspection of record
of criminal cases and
office record of
Prosecutor Geferal

apeeon of criminal
cases and office
record of the cffices
of Prosecutor
Generals/Deputy
Prosecutor Generals

|

Prosecutor
Secretary Prosecution | of the

Chairman Chief
Minister's Inspection
| team,

Prosecution,

to. be taken end
responsibility fixed. |
With prior intimation
concerned
office of prosecutor
with date and time of
Inspection followed
by a precise report on
observations, actions

to be taken end
responsibility fixed. |
With prior intimation
of the concerned
office of prosecutor
Secretary | with date and time of
Inspection followed
by a precise report on
observations, actions
to be taken and

Genera/

Secretary,

responsibility fixed.
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APPENDIX-2
(See Rule 4(b))

CHECKLIST FOR SCRUTINY OF CHALLAN

{To be filled with pen and attached with file/record of all criminal cases and copy supplied to Investigation Agency as well as the government with the report under section 14 (3) of the Act to

accord approval for filing appeals)

NAME AND DESIGNATION OF SCRUTINIZING PROSECUTOR

Whether the report u/s 173 is duly signed / verified by the concerned Station House Officer.

SH & Checklist Question Yes No Remarks

1.

2. | Whether all required papers/documents are attached to the police and judicial files?

3. | Whether all the columns of the report u/s 173 of the code are duly filled and correctly filled in?

—

4. | Does the list of case property entered in the report u/s 173 of the code tally with the list given in the Road Certificate?

5. | Whether there was any delay in lodging of FIR? If so, what was the reason? ;

6. | Whether the plan of scene of crime has been prepared according to Police Rules instructions?

7. | Whether the list of stolen /snatched property bears the signature of the complainant and the officer who prepared the list? ok

8. | Whether the medico legal reports, post mortem reports, inquests

reports statements of injuries, chemical examiners report, serologist report, DNA/RNA report are attached?

9. | Is the documentary evidence part of public record? If so, have certified copies been obtained.

10. | Has all the documentary evidence part of public record? If so, have certified copies been obtained.

11. | Whether search and seizure was conducted in accordance with law.

12. [in murder and hurt cases, whether the investigation Officer

inspected the: place of occurrence and entered all details in his |
inspection ncte? i

13.°| In case of Abduction / Kidnapping whether the statements of
recovered abtductee recorded under section 161 and 164 of the |
code of crimiyal procedure.

44. | In rape cases V.hether the victim has been medically examined with |
final opinion of the Docgor?

45. | In rape cases whether any DNA/RNA tests got conducted, if
required for eiidence?|

16. | In rage cases whether potency test of the eccused person been |
conducted by the Medical Officer? |

17. | Are the marginal witnesses to a document cr those familiar with |
the handwriting of the executants of the document are prosecution

witnesses and with they be available to testify?

18. | Whether the 'ist of property recovered, produced or seized in the
case has been correctly prepared, dated and signed by witnesses
and the officer(s) preparing them?

19. | Ifrecovery of weapons of offense has been effected, has the place,
wherefrom recovery effected, given in recovery memo? And the
date on whicti same has been sent to FSL for expert opinion .

20. | Has the weight of recovered
explosivesutstance/drugs/contrabond entered in recover memo?

21. | Has the sketch of recovered weapon drawn and attached to the
| Chalan?

22. | Have the recovered articles properly sealed?

23. | Whether all recovered weapons anc ell other cases property been
entered in Register Np.19 of the concerned Police Station and
corraspendiiz conte is mentioned in the relevant Memo in red
ink?

24. | Whether the identification certification certificates of the accused

have been attached to the challan?

25. | Which of the accused are previous convicts and whether evidence in regard to the same has been attached? |

26. | Has Police explained final outcomes with regard to every important accused in the report? or |

27. | Whether the accused confessed before the Magistrate and his statement recorded U/S 164 of the Code?

28. | Whether copies of statements (legible and duly verified by the Investigating Officer) for delivery to the accused as required u/s 265-C of the Code, attached to the Challan? |

29. | Whether search slips of the accused was sent to the Bureau and | has any reply received?

30. | Were remands — taken and was the challan prepared in time?

31. | If there is delay in submission of challan whether reasons given? S

Mention the delay in number of days beyond statutory period of 14 days.

| a

32. | Is the police brief complete according to Government instructions? |

Note defects

33.

Whether all necessary witnesses have been listed and the connection with the complainant noted?

In case where there is apprehension of resiling of witnesses, have the case in the manner provided under the law?

their statements got recorded u/s 164 of the Code at early stage of

35.

Whether a prima facie motive for commission of alleged offence been established by Investigation Officer?

36.

Whether all the bail bonds and personal bonds of the accused persons and addresses of the accused and witnesses have been attached to the challan or not

=

37.

Whether proceedings under section 87/88 have been properly

initiated? If yes, then is full description of the absconder/s, list of property owned by him, original warrants of arrest and proclamation report of the process server and proceedings taken by the 1.0. u/s 87/88 of the Code attached with the Challan?

Whether age of the {charged accused implicated, has been ascertained in appropriate cases?

39,

Whether statements of prosecution witnesses were properly recorded?

aa.

[be evidence of witnesses corroborated by the medical evidence and recoveries?

41.

Whether in #1 cases registered under Anti-Terrorism Act, 1997 investigation been conducted by Joint Investigation Team as required u/s:19(1) of the Act?

42.

Whether information regarding the police officer who prepared a report U/S 172 of the code is available.

43.

Whether more than one person / agency has investigated the case and if so are all the investigation results available?

Whether the Challan was thoroughly scrutinized, before submitting to the Trial Court, keeping particularly in view the deficiencies/omissions/lacunas pointed out in different

judgements of Hon'ble Apex Courts from time to time.

45.

Whether audio, video evidence /digital/ cyber, modern device evidences, collected by investigating officer and sent to the FSL for authentication as per laid down procedure..

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SIGNATURE OF SCRUTINIZING PROSECUTOR,

Deputy Prosecution Officer (Le,
Phone No. 081-9202058 F]

(APPENDIX-3)

PERFORMA FOR DAILY STATEMENT OF ACQUITTAL CASES AT TRIAL STAGE, UNDER SECTION 11 {3} OF PROSECUTION (CONSTITUTION FUNCTIONS AND POWERS) ACT 2003, DISTRICT.

ASSESSMENT ABOUT | ANY OTHER | 1. NAME AND

S.NO. NAME OF | NAME OF | CASE NO/ | OFFENCE DATE OF | DATE AND | REASONS FOR

DISTRICT | THE UNDER SUBMISSION = GF | VERDICT OF | ACQUITTAL/ Lids- | THE FITNESS OF CASE | RECOMMENDATION
COURT SECTIONS POLICE/LEVIES THE COMMENSURATE | FOR FILING OF AN | 1. WEAKNESSES OF | PROSECUTOR
OF LAW REPORT/CHALLAN | JUDGEMENT | PUNISHMENT APPEAL/REVIEW OR | INVESTIGATION, WHO PASSED THE
REVISION AGAINST | 2. OMISSION TO GET | CHALLAN OF THE
THE JUDGEMENT RECTIFIED THE | CASE
'WEAKNESSES OF/2. NAME AND

INVESTIGATION, DURING | DESIGNATION OF
SCRUTINY OF POLICE | THE OFFICER
CHALLAN, WHO
3. INEFFECTIVE PURSUIT | PROSECUTED THE
OF CASE BY PUBLIC; CASE IN THE
PROSECUTOR COURT

can Eas
NAME AND SIGNATURE GF.THE DISTRICT PUBL for

&/ &

SIGNATURE. | [Si

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PERFORMA FOR DAILY STATEMENT OF LESS COMMENS

(APPENDIX-4)

- (See Rule 6)

PROSECUTION SERVICE (CONSTITUTION FUNCTIONS AND POWERS) ACT 2003, DISTRICT.

S.NO | FIR | POLICE/LEVIES | OFFENCE | TITLE | DATE OF
No | STATION UNDER | OF THE | ANNOUNCEME
ts SECTION | TRIAL | NTOF :

cA
SE
NO

URATE PUNISHMENTS AT TRIAL STAGE, UNDER SECTION 11 (3) OF

_ | SENTENCE | PRESCRIBED

AWARDED | PUNISHMENT
UNDER THE LAW

REASONS FOR ASSESSMENT

AWARDING OF FOR FILING A

| LESS REVIEW/REVISION
COMMENSURATE
PUNISHMENT

1. NAME OF THE
PROSECUTOR WHO PASSED
THE CHALLAN OF THE CASE
2. NAME OF THE OFFICER
WHO PROSECUTED THE
CASE

NAME AND SIGNATURE OF THE DISTRICT PUBLIC PROSECUTOR

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(APPENDIX-5)

(See Rule 6) , =.

PERFORMA FOR DAILY STATEMENT OF ACQUITTAL CASES AT APPEAL STAGE, UNDER SECTION 11 (3) OF PROSECUTION
(CONSTITUTION FUNCTIONS AND POWERS) ACT 2003, DISTRICT

S.NO | NAME OF | CASE FIR NO | APPEAL CASE | OFFENCE UNDER | TITLE OF THE DATE OF REASONS FOR RECOMMENDATION
POLICE AND DATE NO SECTIONS OF APPEAL ANNOUNCEMENT | ACQUITTAL FURTHER OFFICER WHO
LEVIES LAW + | COURT/BENCH | OF JUDGEMENT ~ - APPEAL/REVIEW/REVISION PROSECUTED THE.

STATION 5 CASE BEFORE THE

APPEAL COURT

| |

el

NAME AND SIGNATURE OF THE DISTRICT PUBLIC PROSECUTOR

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