

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

Service Appeal No. 1329/2018

Date of Institution ... 22.10.2018

Date of Decision ... 17.12.2021

Fawad Khan Ex-Constable No. 2717 District Police Mardan.

... (Appellant)

VERSUS

Regional Police Officer Mardan and two others.

... (Respondents)

MR. FAZAL SHAH MOHMAND,
Advocate

--- For appellant.

MR. MUHAMMAD RASHEED,
Deputy District Attorney

--- For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

--- MEMBER (JUDICIAL)
--- MEMBER ()

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts forming the background of the instant service appeal are that the appellant was enlisted as Police Constable in District Police Mardan in the year 2009. During the course of his service, the appellant was charged in case FIR No. 1184 dated 26.07.2017 under sections 392/148/149/411 PPC read with Section 15AA Police Station Takht Bhai, case FIR No. 415 dated 28.08.2017 under sections 392/24 PPC Police Station Saro Shah as well as case FIR No. 416 dated 28.08.217 under section 392 PPC Police Station



Saro Shah, therefore, departmental action was initiated against the appellant. On conclusion of the inquiry, the appellant was dismissed from service vide order dated 20.06.2018. The departmental appeal of the appellant was also rejected vide order dated 01.10.2018, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant was falsely charged and he has been discharged in all the criminal cases registered against him. He next argued that the mandatory provisions of Police Rules 1975 were not complied with and the appellant was not afforded opportunity of proper defense and personal hearing. He further argued that not a single witness was examined in the inquiry proceedings against the appellant but even then the competent Authority dismissed the appellant from service through a wrong and illegal order, which is not tenable in the eye of law. He next contended that after discharge of the appellant in the criminal cases, the competent Authority was not justified in awarding him major penalty. He also argued that the appellate Authority has rejected the departmental appeal of the appellant without considering the points agitated by him in his departmental appeal, therefore, the order passed by the appellate Authority is also liable to be set-aside. Reliance was placed on 2017 PLC (C.S) 1073, 2007 PLC (C.S) 247, 2012 SCMR 165 and PLD 2010 Supreme Court 695.

4. On the other hand, learned Deputy District Attorney for the respondents has contended that the appellant being member of a disciplined force has tarnished the image of police department by committing robberies and was charged in three criminal cases of robbery. He next argued that a regular inquiry was conducted against the appellant, who admitted his

guilt in his statement recorded during the inquiry proceedings. He further argued that the appellant has been discharged in the criminal cases due to compromise with the complainants and even otherwise too, mere discharge in criminal cases cannot be considered as a ground for exoneration of the appellant in departmental proceedings. Reliance was placed on 2006 SCMR 1653, 2007 SCMR 563, 2008 SCMR 1151 and 2019 SCMR 113.

5. We have heard the arguments of learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and have perused the record.

6. A perusal of the record would show that the inquiry officer recorded the statement of the appellant during the inquiry proceedings on 29.05.2018, which is available on the record. In his statement so recorded during the inquiry, the appellant has categorically admitted his guilt by stating that he was correctly charged in the cases registered against him and had received an amount of Rs. 5000/- as his share in the snatched amount. The appellant has not alleged either in his departmental appeal or in the instant appeal that his statement recorded during the inquiry was obtained under duress or pressure. The appellant has remained involved in cases of moral turpitude and has admitted his guilt during the inquiry. The appellant being a member of Police Force was supposed to protect public from crime but he himself remained involved in cases of robbery. The appellant has tarnished the image of police department and he does not deserve any leniency.

7. The appellant has been discharged in the criminal cases registered against him, however it is by now well settled that departmental and criminal proceedings can run simultaneously and outcome of one proceeding has got no effect on the other. This principle has been approved by august Supreme Court of Pakistan in its judgments reported as 2013 SCMR 714 as well

as the judgment relied upon by learned Deputy District Attorney.

8. Consequently, the appeal in hand is having no force, which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
17.12.2021



(SALAH-UD-DIN)
MEMBER (JUDICIAL)



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)

Service Appeal No. 1329/2018

ORDER
17.12.2021

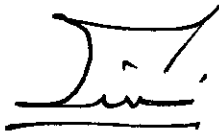
Learned counsel for the appellant present. Mr. Khalid Mehmood, Head Constable alongwith Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is having no force, which is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
17.12.2021



(Atiq-ur-Rehman Wazir)
Member (E)

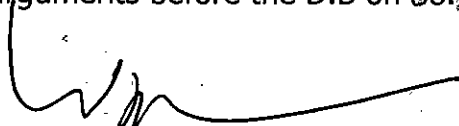


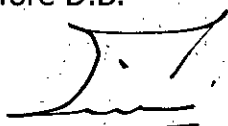
(Salah-Ud-Din)
Member (J)

17.06.2021

Clerk of counsel for the appellant present. Mr. Javed Ullah, learned Assistant Advocate General alongwith Khial Roz Inspector (Legal) for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of lawyers. Adjourned. To come up for arguments before the D.B on 08.10.2021 before D.B.

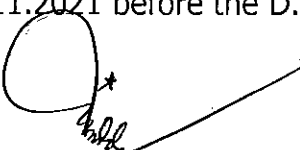

(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIARY)

08.10.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Add. AG for the respondents present.

Learned AAG seeks adjournment on the ground that he has not prepared the brief. To come up for arguments on 29.11.2021 before the D.B.


(Mian Muhammad)
Member(Executive)


Chairman

29-11-2021

Due to unavailability of the DB, the case is adjourned to 17.12.2021

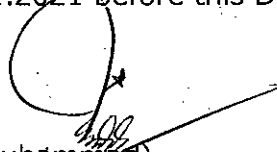

Reader

1329/2018

20.01.2021

Counsel for the appellant and Mr. Asif Masood, DDA alongwith Kial Roz, Inspector (Legal) for the respondents present.

Learned counsel for the appellant as well as learned DDA almost concluded their respective arguments. The former, however, requests for time to provide copy of documents including the judgment, whereby, the appellant was acquitted from the criminal charges. The appellant as well as respondents may produce the referred documents, or any other record relevant with the case, on 26.01.2021 before this D.B.



(Mian Muhammad)
Member(E)

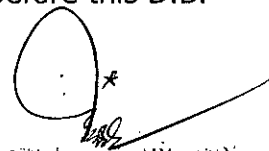


Chairman

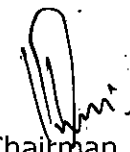
26.01.2021

Appellant with counsel and Mr. Asif Masood Ali Shah, DDA alongwith Khial Roz, Inspector (Legal) for the respondents present.

Former has provided certified copies of orders pertaining to criminal cases against the appellant. Placed on record. To come up for further proceedings on 10.03.2021 before this D.B.



((Mian Muhammad) azim)
Member(E)



Chairman

10.3.2021

The Worthy Chairman is on leave, therefore, the bench is incomplete. To come up for hearing on 17.06.2021 before the D.B.




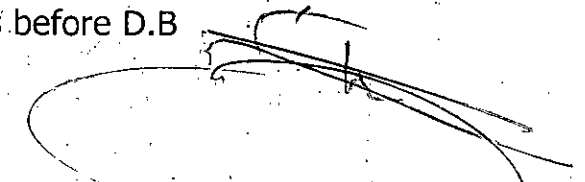
Reader

30.09.2020

Mr. Zia-ud-din, Advocate, for appellant is present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Atta-ur-Rehman Inspector (Legal) representative of department are also present.

According to the junior counsel his senior is engaged/busy in the Hon'ble Peshawar High Court, Peshawar, he requested for adjournment as they have not prepared the brief on the highlighted point. The request is acceded to. Adjourned to 11.11.2020 on which to come up for arguments before D.B


(Atiq-ur-Rehman Wazir)
Member(E)

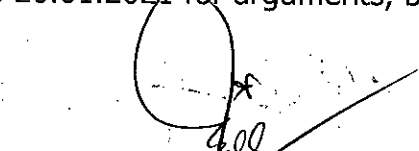

(Muhammad Jamal Khan)
Member (J)

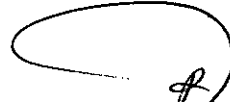
11.11.2020

Appellant in person. present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Zaheer PASI for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 20.01.2021 for arguments, before D.B.

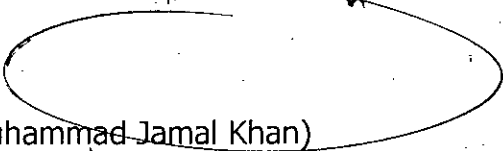

(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

14.07.2020

Counsel for the appellant and Mr. Ziaullah, DDA alongwith Attaur Rahman, S.I for the respondents present.

Learned counsel for the appellant as well as learned Asstt. AG have concluded their respective arguments. To come up for order on 23.07.2020 before this D.B.


(Muhammad Jamal Khan)
Member(Judicial)


Chairman


18.09.2020

Appellant present through counsel.

Mr. Muhammad Jan learned Deputy District Attorney alongwith Atta-ur-Rehman Inspector for respondents present.

In the instant matter partial arguments were heard by the Hon'ble Chairman and Muhammad Jamal Member (J) and further assistance was sought on two points, therefore, this case is respectively sent to the Hon'ble Chairman for appropriate orders. Counsel is directed to attend the said court on 30.09.2020 before D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

29.07.2020

Appellant in person and Asstt. AG alongwith Attaur Rehman, Inspector (Legal) for the respondents present.

In the instant matter, the main argument of learned counsel for the appellant was regarding non-issuance of show cause notice to the appellant before imposition of impugned penalty. Reply to the argument by learned AAG was with reference to Rule 5 of the Khyber Pakhtunkhwa Police Rules, 1975, in terms that show cause notice was not necessary in cases where regular enquiry was held against the police officials.

We feel that further assistance in the case is required from both sides in order to resolve the following propositions:-

- (i) Whether the issuance of show cause notice to a police official, proceeded against under rule ibid, is mandatory?
- (ii) Whether by virtue of being a civil servant any beneficial legislation, not in conflict/contradiction to the Rules ibid, can be invoked in the case of police officials?

To come up for further arguments on 18.09.2020 before this D.B.



(Muhammad Jamal Khan)
Member



Chairman

30.04.2020

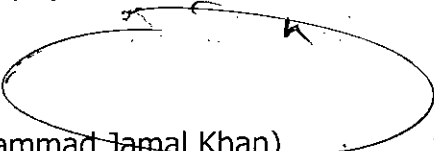
Due to COVID 19, the case is adjourned to 14.07.2020 for the same as before.


Reader

14.07.2020

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Attaur Rahman, S.I for the respondents present.

Learned counsel for the appellant as well as learned Asstt. A.G have concluded their respective arguments. To come up for order on 23.07.2020 before this D.B.

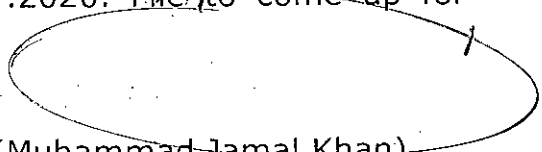

(Muhammad Jamal Khan)
Member(Judicial)


Chairman

23.07.2020

Appellant himself is present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents is also present.

Arguments in the ~~instant~~ case ~~heard~~ heard by the D.B, however, the judgment was reserved and the case was fixed for order but today Hon'ble Chairman Khyber Pakhtunkhwa Services Tribunal, is on leave therefore, order could not be announced. Adjourned to 29.07.2020. File to come up for order before D.B.


(Muhammad Jamal Khan)
Member

14.11.2019

Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Atta ur Rehman, Inspector (Legal) for respondents present. Representative of the respondents submitted copy of enquiry report mentioned in the order sheet dated 12.09.2019 which is placed on file. A copy was also handed over to the learned counsel for the appellant. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.01.2020 before D.B.


Member


Member

13.01.2020

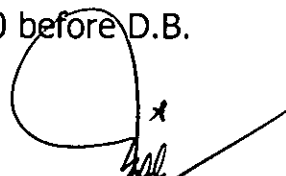
Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 03.03.2020 before D.B.


Member


Member

3.03.2020

Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Atta Ur Rehman, SI for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 30.04.2020 before D.B.


Member


Member

15.07.2019

Appellant alongwith his counsel present. Mr. Usman Ghani, District Attorney alongwith Mr. Atta-ur-Rehman, Inspector (Legal) for the respondents present. Learned counsel for the appellant submitted application for requisitioning of record of Adnan (Constable) S/o Fazal Dayan, serving in Platoon No. 15 at Peshawar of Elite Force Khyber Pakhtunkhwa. Representative of the department is directed to produce the same on the next date. Adjourned to 12.09.2019 for record and arguments before D.B.



(HUSSAIN SHAH)
MEMBER


(M. AMIN/KHAN KUNDI)
MEMBER

12.09.2019

Appellant alongwith his counsel and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Atta-ur-Rehman, Inspector (Legal) for the respondents present. Learned counsel for the appellant stated at the bar that another inquiry on the similar charges was also conducted by DSP Shaikh Maltoon Town, Mardan which was not available on the case file and the same be requisitioned. Respondents are directed to provide a copy of said inquiry report alongwith connected documents on the next date of hearing. Adjourned to 14.11.2019 for record and arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

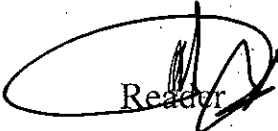
27.02.2019

Counsel for the appellant present. Mr. Kabirullah Khattak,
Addl: AG alongwith Mr. Attaullah, SI for respondents present.
Written reply on behalf of respondents submitted which is placed
on file. To come up for rejoinder and arguments on 01.05.2019
before D.B-II.


Member
(Ahmad Hassan)

01.05.2019

Since 1st May has been declared as Public Holiday,
therefore the case is adjourned. To come up on 20.5.19 before
D.B.


Reador

20.05.2019

Appellant in person, Mr. Riaz Paindakhel learned Asst.
AG alongwith Mr. Atta Ur Rehman SI for the respondents
present.

Rejoinder to the reply of respondents has been submitted
which is placed on file. To come up for arguments on
15.07.2019 before D.B.


Member


Chairman

26.11.2018


Counsel for the appellant present.

Contends that appellant was dismissed from service on 20.06.2018 on the ground that various FIRs were lodged against him at different Police Stations. His departmental appeal was also rejected on 01.10.2018.

It was the contention of learned counsel for appellant that mandatory proceedings of enquiry were not undertaken by the respondents which fact is evident from the impugned order also. That no charge sheet/statement of allegations was served upon the appellant, thereby, he was deprived of fair opportunity of hearing.

In the light of the above, the appeal in hand merits admission for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents for submission of written reply/comments on 10.01.2019 before S.B.

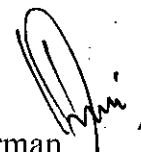
Appellant Deposited
Security Process Fee


Chairman

10.1.2019

Counsel for the appellant and Addl. AG alongwith Attaur Rahman, S.I (Legal) for the respondents present.



Representative of the respondents states that the requisite reply/comments are in process of preparation and will positively be submitted on the next date of hearing. Adjourned to 27.02.2019 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1329/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/10/2018	<p>The appeal of Mr. Fawad Khan presented today by Mr. Fazal Shah Mohmand ^{Adm} may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 22-10-18</p>
2-	17-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26-11-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1329 /2018

Fawad Khan.....Appellant

V E R S U S

RPO and others.....Respondents


I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-3
2.	Copies of FIRs and orders	A	4-12
3.	Copy of Charge Sheet	B	13-14
4.	Copy of order dated 20-06-2018	C	15
5.	Copy of departmental appeal and order dated 01-10-2018	D & E	16-19
6.	Wakalat Nama		20

فواد خان
Appellant

Dated:-19-10-2018.

Through


Fazal Shah Mohmand
Advocate, Peshawar

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

- 1 -

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1329 /2018

Fawad Khan Ex Constable No 2717 District Police Mardan.

.....Appellant

V E R S U S

1. Regional Police Officer Mardan.
2. District Police Officer Mardan.
3. Provincial Police Officer KPK Peshawar.

.....Respondents

Khyber Pakhtukhwa
Service Tribunal

Diary No. 1548

Dated 22/10/2018

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 01-10-2018 PASSED BY
RESPONDENT NO 1 WHERE BY DEPARTMENTAL APPEAL OF THE
APPELLANT FILED AGAINST THE ORDER DATED 20-06-2018 HAS
BEEN REJECTED.**

PRAYER:-

On acceptance of this appeal the impugned orders dated 10-10-2018 of respondent No 1 and order dated 20-06-2018 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable in District Police Mardan on 07-05-2009 and since then he performed his duties with honesty and full devotion with spotless service career and to the entire satisfaction of his high ups.

Filed to-day

Registrar

22/10/18

2. That the appellant while lastly posted as Guard Khazana Session Court Mardan was involved in three false cases vide FIRs No 1184 dated 26-07-2017 U/Ss 392/148/149/411PPC/15AA PS Takht-Bhai, FIR-No 415 dated 28-08-2017 U/Ss 392/34PPC PS Saroshah and FIR No 416 dated 28-08-2017 U/S 392PPC of PS Saroshah. **(Copies of FIRs are enclosed as Annexure A).**

3. That the appellant was released on bail in all the mentioned cases by the Court of Competent jurisdiction, was acquitted and was issue Charge Sheet on 08-06-2018, which was replied in detail explaining the true facts and circumstances regarding his innocence where after an illegal inquiry was

conducted. **(Copy of charge sheet and reply is enclosed as Annexure B).**

4. That finally the appellant was dismissed from service by respondent No 2 vide order dated 20-06-2018. **(Copy of order dated 20-06-2018 is enclosed as Annexure C).**
5. That the appellant preferred departmental appeal before respondent No 1 which was rejected vide order dated 01-10-2018. **(Copy of departmental appeal and order dated 01-10-2018 is enclosed as Annexure D & E).**
6. That the impugned Order dated 01-10-2018 of respondent No 1 and order dated 20-06-2018 of respondent No 2 is against the law, facts and principles of justice on grounds interalia as follows:-

GROUND:-

- A. That the impugned orders are illegal and void ab-initio.
- B. That mandatory provisions of law have been violated while taking action against the appellant.
- C. That no proper inquiry has been conducted, no evidence was collected in support of the allegations, no one was examined in presence of the appellant nor was the appellant afforded proper opportunity of cross examination.
- D. That Show cause was not issued to the appellant, thus condemned unheard.
- E. That the appellant has been acquitted of the charges by the Court of competent jurisdiction and the complainants have stated that the appellant is innocent.
- F. That the appellant did nothing that could amount to misconduct.

G. That the impugned orders are defective and not speaking orders and as such not maintainable in the eyes of law.

H. That the appellant was not afforded the opportunity of meaningful personal hearing.

I. That the appellant has about 9 years of service with unblemished service record.

J. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

فواد خان

Appellant

Dated:-19-10-2018.

Through

[Handwritten Signature]

**Fazal Shah Mohmand
Advocate, Peshawar**

AFFIDAVIT

I, Fawad Khan Ex Constable No 2717 District Police Mardan, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

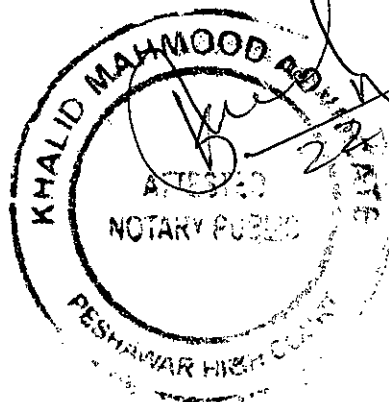
فواد خان

DEPONENT

Identified by

[Handwritten Signature]
Fazal Shah Mohmand

Advocate Peshawar



0315-0876386 مدعی

03409406386 مدعیہ

فارم نمبر ۲۳-۱۵ (۱)

فارم نمبر ۳۷

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ فوجداری

ضلع: حیدرآباد، تعلقہ: سید پور، تاریخ: 10/11/2018، وقت: 21:00 بجے

Table with 6 rows and 2 columns. Row 1: تاریخ وقت رپورٹ 10/11/2018 22:00. Row 2: نام و سکونت اطلاع دہندہ مستفیض حضرت بلال ولد فضل سبحان قوم انجمن لبرڈس سالہ 22. Row 3: شناختی کارڈ نمبر / سوبائل نمبر: 397/34. Row 4: مختصر کیفیت جرم (معدہ دفعہ): حال اگر کچھ لیا گیا ہو۔ Row 5: نام و سکونت ملزم: 1. خواجہ خان ولد شیر افضل (2) جمیل ولد حروف خان. Row 6: شناختی کارڈ نمبر / سوبائل نمبر: 3. سلمان گل محمد دوانی. Row 7: کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو۔ Row 8: تھانہ سے روانگی کی تاریخ و وقت: 28/11/2018 16:30 بجے.

ابتدائی اطلاع نیچے درج کروں مستفیض خمد رجہ خانیز 2 مجاہد تھانہ آکر رپورٹ کرتا ہے کہ خورجہ 10/11/2018 کو میں اور میرا بی ام جسی آصف ولد امیر محمد سید دینہ کے گھارے میں روز ناچ 10/11/2018 کو با معلوم ملازم زمان کے خلاف رقم مبلغ 25000 روپے نقدے خورد معیوبی مارتڈ اور 4500 روپے نقدے اور ایک سوڑولہ جو بائیل بنور حقیقے جی رپورٹ کی تھی جمعہ کلکہ تسلی اور صلوات ہوئی کہ مجھ سے کہہ رہا ہے ام سے مجھ رقم اور جو بائیل اور معیوبی مارتڈ سبحان 1. خواجہ خان ولد شیر افضل (2) جمیل ولد حروف خان (3) سلمان گل محمد دوانی سلمان گل محمد دوانی نے بنور حقیقے کرنے میں میں قید کرہ والا سلمان کے خلاف دعویدار کرنا بیلا H. Billa لکھنا میں نے رپورٹ آصف خان ولد امیر محمد خان قوم انسان کچھ 19 سالہ شدہ شایعات بشمول دوست حضرت بلال ولد فضل سبحان سید دینہ کو وقت 22:00 بجے خورجہ 10/11/2018 کا تھانہ آکر رپورٹ کرتا ہے کہ میں پشاور حیات آباد میں بیوٹل میں کام کرتا ہوں اور بیوٹل سے تقریباً ایک مہینہ کبھی کبھی پیرا مانیوں آج بیوٹل سے گھر خود چھٹی پیرا مانیوں کے لئے کے وہ چوک میں آ کر گیا تو اسی دوران دوست اور ملکا وال جسی حضرت بلال میرا ساتھ ملتا تھا تو دوست نے مجھے کہا کہ فقوڑی دیر مہر کرو میں ویسے بھی دینہ جا رہا ہوں اپنے جاننے درست کے ساتھ اس کے مکان بار برشاہ واقع رہے وہ میں 15/11/2018 کو گزرا کرتا تھا وہ راستہ سے ساتھ جوڑ سائیل پر جانے کا ارادہ لیا لیکن بدقسمتی سے جوڑ سائیل تھا لہذا وہ راستہ سے ہم سے ہم دونوں دیر میں پیرک دو آنہ پیرک 200 روپے تقریباً 200 روپے نامہ ملا معلوم ہوا کہ وہ حق میں سے ہیں جوڑ سائیل کے نامہ ملا اور تیار کردہ بریدن والے تھے اور چھڑ ڈھائے ہوئے تھے نے ہم سے جوڑ سائیل آگے تھا وہ پیرک کے لسی ہم بالکل قریب پہنچ گئے اس دوران آسٹری کوں کے ہم دونوں ساتھیوں سے اسلحہ جی فوڈ لبر نقدے رقم مبلغ 25000 روپے جو میری تھا وہ حق میں اور بیوٹل میں آ کر لکھنا کارڈ 2 خورد معیوبی مارتڈ اور ایک نامہ ملا

Handwritten signature and initials.

copying in
the record
only

میرزا محمد علی صاحب

نمبر 77 0341-7342 اور دوست حضرت بلال سے آئیہ دو بائیل از قسم خوشنورہ
 0345-0876388 تھا اور نوندر قسم 4/5 ہزار سے لگ بھگ تھے لے کر بسطرف بائی جا
 ہا بیل خینڈا پر فرار ہوئے ہیں یہ سہ کسان اسم سٹن نامعلوم ہے ایسے آپ سے
 دوست بلال سے حملہ سامان لے جانے کی دعویدار میوا الود خط اندر فری العود خط اس
 کار دانی جتانہ حسب گفتہ سائل دلپورٹ در 2 بالا ایو کر دیہ لکھنؤ یا سہا یا گیا دست لیا
 کرتے زیر دلپورٹ خود اور میرا ہی دوست نے الہدات ثبت کی جہاں میں لکھنؤ
 کرنا یہ دلپورٹ کنڈہ طالبشاور سے آنا اور دوست کے ساتھ فقیر نا اور میرا ایک ریش
 والا روڈ ہے اور اس روڈ پر 24 گھنٹے ٹریفک اور ریش جو بود سوئی ہے ان تمام
 پیر نامتوں میں نہیں اور دوست سے اجازت خود سائیکل کی جاہاں انجم میونا سہرا
 ہی پیرا نہیں لیتا ہے یہ جہد یہ معاملہ جہاں میں جا محتسار 2 ہے اہلہ تعالیا
 منظر عام میرا لے اور قالوئی کار دانی کرنے کیلئے نقلد علیحدہ مرتب کرتے بلحاظ
 حوالہ میٹا امیر لیا جا رہے۔ خات عالی نقل بطریق اہل ہے۔

Alh
 51-125.55
 28-8-17

دستخط

عہدہ

اطلاع کے لیے دہندہ کا دستخط ہو گا اس کی مہر نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف یا ب سرخ روشنائی سے بالقابل نام پر
 ایک موزم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھتا چاہئے۔

Page No. _____
Date _____

نمبر 0341-7543777 اور دوست حضرت بلال سے آبیہ درمیل از قسم خودنوشت

0345.08763566 تھا اور لغز قسم 4/5 برابر سے تہہ جب جسے کر سلف بائی ہو

سائیکل جینڈا پر فرار ہوئے میں یہ سہ کسان اسم مسلن نامعلوم ہے ایسے آپ سے

دوست بلال سے حملہ سمان نے خانے کی دعویدار میوں الودستخط اندریزی العدستخط اسرا

ماددائی ضمانت حسب لفظہ سائل دلچورٹ در 2 بالا یو کر مرید بھکر سنا یا سفیا یا کیا درست کیا

کرتے ذیر دلچورٹ خود اور ہمیں ہی دوست نے الجہات ثبت کی جلی میں لغز لویا

کرتا یو دلچورٹ کنڈہ مالیشا اور سکا نا اور دوست کے ساتھ تعمیر نا اور پھر ایک ریش

والا دود ہے اور اس روڈ پر 24 گھنٹے ٹریفک اور ریش خود دیونی ہے ان تمام کما

بیر ناقصی میں نہیں اور دوست سے اچانک خوش سائیکل کی چابیاں گم ہو نا سورا

یہی پیرا نہیں لیتا ہے یہ جہد ہے معاملہ چھان بین ناممکن 2 ہے اہل کسالت

منظر عام میرا نے اور مالونی ماددائی کرتے کیلئے نکتہ علیحدہ مرتب کرتے بلحاظ میٹ

حوالہ میٹ ایفیر کیا جاتا ہے۔ خطاب عالی نقل مطابق اہل ہے۔

APh
51-75.55
28.8-17

دستخط

مہدہ

اطلاع کے لیے دہندہ کا دستخط ہوگا یا اس کی مہر نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف ب سرخ روشنائی سے بالقائل نام پر
یک مزم یا مشہور علی الترتیب واسطے ہندکان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھتا جائے۔

09/10/18 Statement of Hazrat Bilal son of Fazal Subhan resident of Naray Wala, Shameelat, Tehsil Takht Bhai, on oath.(complainant)


Stated that I lodged FIR No.415 dated 28.8.2017 under sections 392/411/34 PPC at police Sarho Shah against the accused namely Fawad Khan, Jameel Khan and Nak Muhammad. Now I have affected compromise with all the accused and pardoned them in the name of Allah Almighty as they have satisfied me regarding their innocence. I submit my CNIC copy of the same is Ex PA.

If the accused mentioned above are acquitted/discharged under section 4-C-II of Prosecution Act in the instant case, I will have got no objection on the same. RO & AC.

Hazrat Bilal _____ (Complainant)

CNIC No.16102-7145127-1

Dated:04.10.2018


(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

ATTESTED

Session Court, Jailing Branch
Session Court, Warden
at Takht Bhai



STATE.....VS..... Neik Muhammad and Others

Subject:

APPLICATION FOR THE DISCHARGE OF THE ACCUSED U/S 4 C (II) PROSECUTION ACT
2005, IN CASE FIR NO. 415 DATED 28/8/07 U/S
392/24 PC PS Saro Shah

Brief Facts of the Case:-

Instant Case was registered
at the behest of Complainant.
During scouting the case not
found fit for trial.

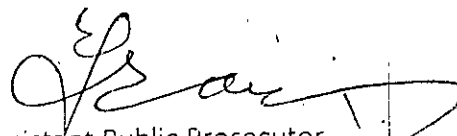
Grounds for Discharge.

- 1: That accused were charged with
delay of about eighteen (18) days.
- 2: That no source of satisfaction
has been shown.
- 3: That no confidence inspiring evidence
were brought on record to connect
the accused with the offence.
- 4: That accused have not confessed
their guilt.
- 5: That complainant and other affected patched up
the matter with the accused and no more interested
in their prosecution, as is evident from court order
dated 29/11/07.

So, keeping in view the above facts and circumstances the trial of the accused would be a futile exercise, wastage of precious time of the court.

It is, therefore, requested that the accused charged in the aforementioned case, may kindly be discharged of the charges leveled against him for deficient, weak evidence and for non-prosecution by the Prosecution Agency U/s 4 c (ii) prosecution act 2005.

cr
45

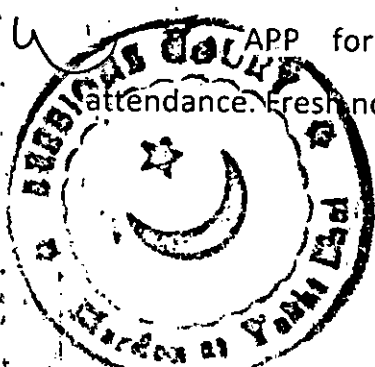

Assistant Public Prosecutor
Takht Bhai

Order-4
22.6.2018.

SPP for the state present. Complainant not in attendance. Due to General Election of Pakistan 2018 proceedings are not possible, hence adjourned. Notice be issued against complainant for 05/9/18

(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

Order-5
05.9.2018



APP for the state present. Complainant not in attendance. Fresh notice be issued to complainant for 04/10/18

(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

ORDER-4
04.10.2018

APP for the state present. Notice to complainant received with report that

Perusal of file shows that the accused has been charged for committing dacoity vide FIR No.415 dated 28.8.2017 under section 392/411PPC of P.S Sarho Shah, but on Challan form the APP has requested that the accused be discharged under section 4-C(II) of Prosecution Act on the grounds that accused were charged with delay of 18 days and no source of satisfaction has been shown. That no confidence inspiring evidence were brought on record to connect the accused with the commission of offence. That the accused have not confessed the guilt. That complaint and affectee are not interested to prosecute against the accused.

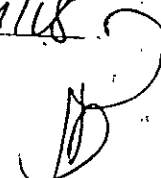
That in such like circumstances the trial of accused would be futile exercise, wastage of precious time of court and the ultimate result would be the acquittal of accused. Hence in the above mentioned circumstances coupled with statement of complainant and facts there are sufficient reasons for non-prosecution of the case under section 4-C(II) of Prosecution Act 2005.

ATTESTED

Branch
Sess Court, Takht Bhai


Order-1
04.4.2018

Complete Challan received from prosecution. The same be registered. On Challan form the prosecution through APP requested for discharge of the accused, but in absence of complainant consent coupled with section of law attributed to accused it seems feasible to notice the complainant, hence notice be issued to complainant for 20/4/18



(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

سپ ڈیو سٹیٹ کاؤنٹے - 2-10
20/2/18
مہینہ کی سٹیٹ ڈیو 05/06/18
کوٹا، لاہور

Order-3
05.6.2018


MUHAMMAD HAROON
JM/CJ-IV, TAKHT BHAI

SPP for the state present. Complainant not in attendance. Due General Election of Pakistan 2018 proceedings are not possible, hence adjourned. File be put up for proceedings already fixed on 22/06/18
Notice to complainant also be issued.



(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

/ P70

ATTESTED
Session Copying Branch
Session Court Mardan
at Takht Bhai

Order-1
04.4.2018


Complete Challan received from prosecution. The same be registered. On Challan form the prosecution through APP requested for discharge of the accused, but in absence of complainant consent coupled with section of law attributed to accused it seems feasible to notice the complainant, hence notice be issued to complainant for 20/4/18


(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

Handwritten notes in Urdu: "SPP کو سناؤ اور سناؤ" (SPP ko sunao aur sunao), "2-10", "20/2/18", "05/06/18", "کریمنل عدالت" (Criminal Court), "کراچی" (Karachi).

Order-3
05.6.2018

SPP for the state present. Complainant not in attendance. Due General Election of Pakistan 2018 proceedings are not possible, hence adjourned. File be put up for proceedings already fixed on 22/06/18. Notice to complainant also be issued.


(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

Handwritten initials "PFO" with a checkmark.

ATTESTED
Session Copying Branch
Session Court, Mardan
at Takht Bhai

04/10/18 Confd.

Keeping in view the request of prosecution coupled with record and grounds taken and founded thereof this court is agreed with prosecution. Hence, all accused namely fawad Khan, Jameel including absconder accused are discharged from the charge leveled against them. Their sureties are also discharged. Case property, if any, be dealt/returned to its lawful owner as per law. Copy of this order also be sent to office of DPP/prosecution as well SHO concerned to do the needful in respect of absconding accused as per law.

8

File be consigned to the RR after its necessary completion.

ANNOUNCED
04.10.2018

M
Muhammad Haroon,
Judicial Magistrate, Takht Bhai

MUHAMMAD HAROON
JUDICIAL MAGISTRATE, TAKHT BHAI

ATTESTED

[Signature]
Deputy Copying Branch
District Court, Mardan
Takht Bhai

رخصہ لینے کاغذات 2 عدد موہا بل سائٹ A-9 اور نوپا ساہ 3

نوید ولد شاہ لیزہ سنگھ حارسہ سے مبلغ 3000 روپے، موہا بل سائٹ 3-3

تقدیر علیہ

شمارہ

سوار سائٹوں کا تصدیق سے میں اپنے اور دیگر سائٹوں سے رقم لے کر
موہا بل سائٹ، متفرق سائٹ اسلک کے نوٹ پر چھین رہے جانے کا برخلاف
یہ سائٹ کسی نامعلوم دعویدار بیوں انیسٹریٹ ڈرائیو نوید
مار فادری نوید ولد مہار خان سنگھ حارسہ نے دیورن بالائی نامزدی کے
مادہ ان تھا لیکن جسے لفظ موہا بل دیورن صرف صرف یہاں صدر دیورن
یہ زمان اسٹریٹ فکس سٹیشن، سکھائیے فی جیسے صدر دیورن
دیورن سٹیشن کے صدر دیورن اینا و خط سبب کیا جسٹس نامزدی
نے تانہیں د عطا ہیں رہا حالات واقعات، صفوں دیورن سے صورت
صدم بالائی مائل حاکم پیدیم مجیم فوق جانی کوئی استیصال
بیلوا لکھنیش خوالہ شہد لکھنیش لکھنیش لکھنیش لکھنیش لکھنیش

دیورن خان
AS1-PS-7B1
26-7-2017

Handwritten notes and signatures in the middle section of the document, including the word 'دستخط' (Signature).

بمطالعہ کے نیچے درجہ کا دستخط ہوگا یا اس کی مہر نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف یا ب سرخ روشنائی سے بالقابل نام پر
ایک ٹیڑھ یا شہر علی الترتیب داخلے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھنا چاہئے۔

رکشن کا عدت 2 عدد موبائل سائٹ A-7 اور نو یا ساہ 3

نوید ولد شاہ لکنہ چار بڑے سے مطلع 3000 روپے موبائل سٹ 3-5 کا

سوار سائٹوں کا مستعد ہونے میں آئے اور دیکھ کر سائٹوں سے رقم لقمہ

ماریفان اور والدہ امداد خان لکنہ چار بڑے نے زور لگایا ہے

بہ زمان اشرف لکنہ چار بڑے کے خلاف

بے نامہ دیکھ کر حالات واقعات صفوں اور زور سے صورت

ضمیمہ والا کی طرف جا کر یہ سب سب کے حق میں لکھ کر

PS-7BI
2017-7-26

اطلاع کے لئے درج ذیل کا خط ہو گا اس کی نشان لگنا ہے گا اور آخر کر لکھنا ابتدائی اطلاع کا خط بطور تصدیق ہو گا حروف الف یاب سرخ روشنائی سے بالقابل نام پر

Handwritten notes at the top of the page, including a signature and the number "10-".

Order-9
27.9.2017

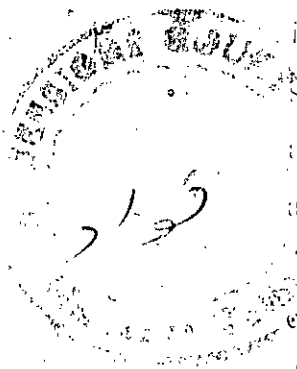
SPP for state present. Accused/petitioners through counsel present. Record received.

Handwritten notes on the left margin: "me" and "27/9/17".

Accused/petitioners namely Fawad, Adnan, Fazal Dyan, Jameel, Farhad seek their post arrest bail in case registered vide FIR No.1184 dated 26.7.2017 u/s 392/411 PPC at Police Station Takht Bhai by contending that they are innocent and falsely implicated in the instant case.

Handwritten note on the left margin: "16/9".

Complainant namely Habib Gul and affectee Anir Zohaib, Shah Saood, Aman Ullah, Ikram Ullah appeared and submitted an affidavits by stating that they all have got no objection if the accused/petitioners are released on bail, in support of affidavits statements of complainant and affectees recorded, wherein they affirmed the contents of affidavits to be true and without any force and coercion.



Though section attributed to accused/petitioners is non-compoundable in nature, but as per verdicts of superior courts when the complainant of the case is not interested to prosecute against person particularly at the bail stage then in such like situation release of accused on bail is always feasible course of practice.

Hence bail petition of the accused is accepted on sole ground of private compromise and he be released on bail, subject to furnishing bail bonds worth Rs.300,000/- in two sureties each in like amount to satisfaction of this court. Requisitioned record be returned to quarter concerned. File of this court be consigned to RR after due completion and compilation.

Announced
27.9.2017

(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

ATTESTED
Session Judge Branch
Sessio...
2017

Handwritten initials and signature at the bottom of the page.



فائل نمبر ۲۳-۵ (۱)

03465425777

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

تھانہ سائڈ شاہ ضلع حیدرآباد
 نمبر 32 / 416
 تاریخ وقوع 6/17 وقت 23:00

1-	تاریخ و وقت رپورٹ	چاکہ ۱۱۱/۱۷/۲۸ وقت ۱۷:۰۰
2-	نام و سکونت اطلاع دہندہ مستفیض شناختی کارڈ نمبر / موبائل نمبر	عابد علی ولد عبد الرحمان ۳۱ سالہ۔ ہمیشہ علی
3-	مختصر کیفیت جرم (معدہ دفعہ) حال اگر کچھ لیا گیا ہو	۳۹۲/۳۴
4-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	راستہ بوندہ ہمیشہ علی
5-	نام و سکونت ملزم شناختی کارڈ نمبر / موبائل نمبر	۱. عباس ولد شیر افضل (۲) قواد ولد شیر افضل ۳. جمیل ولد معروف خان سائمان ٹکر
6-	کارروائی جو تفتیش کے متعلق ناگئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	مدعی کے دلچسپی پر حتمی درجہ رکھنے پر تیار کیا گیا
7-	تھانہ سے روانگی کی تاریخ و وقت	بہ سید اللہ

ابتدائی اطلاع نیچے درج کرو۔ شہیت مہرز جی خانہ نمبر ۲ بجائے تھانہ
 آکر رپورٹ کرتا ہے کہ مورخہ ۱۷/۶/۲۳ کو بوقت دو بجے بالا گھر سے تیرہ دو بائیل خون ارجم
 سلام سنگ ۵۰۰ جس میں میرا ز پر استعمال سم۔ 311.9915266 تھا جوڑ ساہیل پر تین
 کسان اسم سنگ، سنگ، ناسلوم نے آکر اسلحہ کی ٹوک پر زور دھمکین کر فرار ہوئے تھے
 میں نے ان کی معلومات اور تیرہ برادری کر دیا تھا۔ اب نیچے لوری تھانہ اور المینان ہے
 کہ مجھ سے میرا دو بائیل سیمان (۱) عباس ولد شیر افضل (۲) قواد ولد شیر افضل
 (۳) جمیل ولد معروف خان سائمان ٹکر نے زور اسلحہ کی ٹوک پر پھینک کر لے لئے
 تھے رپورٹ میں میری معلومات اور تیرہ برادری سے بیوی ہے میں متہ کرن بالا کسان
 کے خلاف دو بائیل خون پھینکے جا رہے ہیں اور میری بیوی کے خلاف دو بائیل کسان
 گنتہ سائل رپورٹ درج بالا ہو کر پڑھتی ہے۔ سید اللہ اللہ اللہ اللہ اللہ اللہ اللہ
 نہ پور رپورٹ خود دستخط کرنا چاہتا ہوں۔ میں نے تھانہ میں لوری کرنا ہوگی۔ خون رپورٹ
 سے ہمدردی ہم بالا تھا یا کر خود ہم بالا درج رکھ کر لوری کرنا ہوگی۔ خون رپورٹ
 حوالہ ایڈ ۲ شعبہ تفتیش لے جانے کے لئے رپورٹ کرنا چاہتا ہوں۔

(Signature)
 51-175.55
 28.8-17

۲۱۲
 ۵۱

Order-1

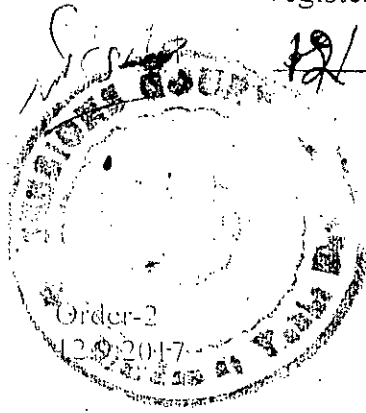
09/09/17

12/9/17 15/9/17

740/4

12

Instant bail petition submitted through counsel. Be registered. Notice be issued to SHO concerned for



(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

MAROON
JUDGE IV

SPP for state present. Accused/petitioner through counsel present. Record received. Complainant in person present.

Accused/petitioners namely and Jameel alias Maroof Khan seek their post arrest bail in case registered vide FIR No.416 dated 28.8.2017 u/s 392//34 PPC at Police Station Sarho Shah by contending that he is innocent and falsely implicated in the instant case.

Complainant namely Abid Ali appeared and submitted an affidavit by stating that he has got no objection if the accused/petitioners are released on bail. In support of affidavit his statement recorded, wherein he affirmed the contents of affidavit to be true and without any force and coercion.

Though section attributed to accused/petitioner is non-compoundable in nature, but as per verdicts of superior courts when the complainant of the case is not interested to prosecute against person particularly at the bail stage then in such like situation release of accused on bail is always feasible course of practice.

Hence bail petition of the accused/petitioners is accepted on sole ground of private compromise and they be released on bail, subject to furnishing bail bonds worth Rs.200,000/- in two sureties each in like amount to satisfaction of this court. Requisitioned record be returned to quarter concerned. File of this court be consigned to RR after due completion and compilation.

Announced
12.9.2017.

ATTESTED

(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

Session Judge Branch
Session Judge
Takht Bhai

16
17
415
411
392

200

Handwritten signature/initials

Handwritten signature/initials

CHARGE SHEET UNDER KPK POLICE RULES 1975

I, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent hereby charge you Constable Fawad Khan No. 2717, as follows.

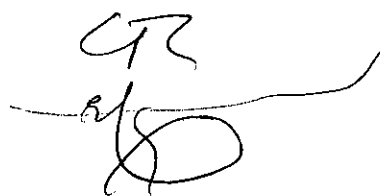
That you Constable, while posted at Guard Khazana Session Court, was charged in case vide FIR No. 1184 dated 26.07.2017 u/s 392/148/149/411/15AA PS Bhai, case FIR No. 415 dated 28.08.2017 u/s 392/34 PPC PS Saro Shah and case FIR No. dated 28.08.2017 u/s 392 PPC PS Saro Shah. You were recommended for departmental proceedings by SP/ Investigation, Mardan vide his office Memo: No. 1772/GB/Inv: dated 11.09.2017 and Memo: No. 1774/GB/Inv: dated 11.09.2017, due to which you were suspended vide OB No. 2125, dated 13.09.2017 and is liable to proceed departmentally.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.



(Dr. Mian Saeed Ahmed, PSP)
District Police Officer,
Mardan



OFFICE OF THE
DISTRICT POLICE OFFICER - 14 -
MARDAN

Tel: 0937-9230100
Fax: 0937-9230111
Email: dpomardan650@gmail.com
Facebook: District Police Mardan
Twitter: @dpomardan

12 /R/D.A-P.R-1975.
Dated 18-9-2017.

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975

I, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent authority am of the opinion that Constable Fawad Khan No. 2717, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules 1975.

STATEMENT OF ALLEGATIONS

That Constable Fawad Khan No. 2717, while posted at Guard Khazana Session Court, Mardan was charged in case vide FIR No. 1184 dated 26.07.2017 u/s 392/148/149/411/15AA PS Fakht Bhai, case FIR No. 415 dated 28.08.2017 u/s 392/34 PPC PS Saro Shah and case FIR No. 416 dated 28.08.2017 u/s 392 PPC PS Saro Shah. He was recommended for departmental proceedings by SP/Investigation, Mardan vide his office Memo: No. 1772/GB/Inv: dated 11.09.2017 and Memo: No. 1774/GB/Inv: dated 11.09.2017, due to which he was suspended vide OB No. 2125, dated 13.09.2017 and is liable to proceed departmentally.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations DSP SMT [Signature] is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(Dr. Mian Saeed Ahmed, DSP)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

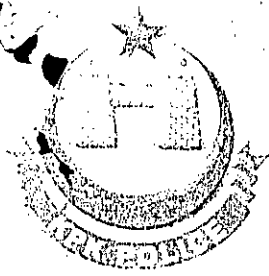
No. _____ /R, dated Mardan the _____ /2017.

Copy of above is forwarded to the:

1. _____ for initiating proceedings against the accused official / Officer namely Constable Fawad Khan No. 2717, under Police Rules, 1975.
2. Constable Fawad Khan No. 2717, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.
3. SP/Investigation, Mardan w.r.t his office Memo: No. 1772 & 1774/GB/Inv: dated 11.09.2017.

***** !!! *****





OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpomardan650@gmail.com
Facebook: District Police Mardan
Twitter: @dpomardan

ORDER

This order will dispose-off the departmental inquiry, which has been conducted against Constable Fawad No. 2717, on the allegation that he while posted at Guard Khazana Session Court, Mardan was charged in case vide FIR No. 1184 dated 26.07.2017 u/s 392/148/149/411/15AA PS Takht Bhai, case FIR No. 415 dated 28.08.2017 u/s 392/34 PPC PS Saro Shah and case FIR No. 416 dated 28.08.2017 u/s 392 PPC PS Saro Shah. He was recommended for departmental proceedings by SP/ Investigation, Mardan vide his office Memo: No. 1772/GB/Inv: dated 11.09.2017 and Memo: No. 1774/GB/Inv: dated 11.09.2017, due to which he was suspended vide OB No. 2125, dated 13.09.2017 and is liable to proceed departmentally. This attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975.

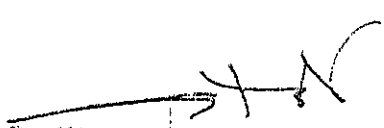
In this connection, Constable Fawad No. 2717, was charge sheeted vide this office No. 12/R, dated 18.09.2017, and also proceeded against departmentally through Mr. Usman Tipu, ASP / Takht Bhai, Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office Memo: No. 1317/ST, dated 08.06.2018. The enquiry officer recommended him for major Punishment.

The undersigned agreed with the recommendation of the enquiry officer, and also heard him in OR held on 20.06.2018, hence the alleged Constable Fawad No. 2717, is hereby awarded major punishment Dismissal from Service, with immediate effect in exercise of the power vested in me under the above quoted rules.

Order announced

O.B. No. 1241

Dated 20/06/2018


Dr. Khurram Rasheed (PSP)
District Police Officer,
Mardan.

No. 5738-43/R, dated Mardan the 21-06/2018.

Copy for information and necessary action to the:

1. Deputy Inspector General of Police, Mardan Region-I, Mardan.
2. S.P Investigation, Mardan.
3. S.P Operations, Mardan
4. E.C (DPO) Mardan
5. Pay Officer (DPO) Mardan.
6. OSI (DPO) Mardan.



Subject: APPEAL AGAINST THE ORDER OF DISTRICT POLICE OFFICER MARDAN ISSUED VIDE O.B NO.1241 DATED 20-06-2018, WHERE BY THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF "DISMISSAL FROM SERVICE".

Respected Sir

- 16 -

The appellatant submits as under:-

1. That DPO Mardan had issued charge sheet cum Statement of allegation No 12/R dated 18-09-2017 to the appellatant with the following allegations

"That you constable Fawad Khan No.2717 while posted at Guard Khazana Session Court Mardan was charged in the following cases:

- a) FIR No 1184 dated 26-07-2017 u/s 392 PPC PS TBhai.
- b) FIR No.415 dated 28-08-2017 u/s 392/34 PPC PS Saro Shah
- c) FIR No.416 dated 28-08-2017 u/s 392 PPC PS Saro Shah

He was recommended for departmental proceedings by SP/Investigation vide his office Memo No.1772/GB/Inv dated 11-09-2017, Memo No.1774 GB/Inv dated 11-09-2017 due to which he was suspended vide OB No.2125 dated 13-09-2017 and is liable to proceed departmentally."

2. In the light of above charge sheet, a departmental enquiry was initiated against the appellatant and **ASP/Takhat Bhai, Mardan 'Mr. Usman Tipu'** was appointed as EO. During the course of enquiry, the appellatant produced a detailed and comprehensive reply along with relevant documents before the Enquiry Officer but the version of the appellatant was not considered. The E.O after fulfilling necessary process, submitted his enquiry findings to DPO Mardan vide his office Memo No.1317/ST dated 08-06-2018. The Enquiry Officer recommended the appellatant to be awarded Major Punishment. (**Charge sheet cum statement of allegations + Written reply are enclosed**)
3. That in the light of enquiry findings, the DPO Mardan agreed with the recommendations of the Enquiry Officer and awarded Major Punishment "Dismissal From Service" to the appellatant vide OB No.1241 dated 20-06-2018. Hence the present appeal. (**Copy of OB No.1241 dated 20-06-2018 is enclosed**)
4. The facts behind the allegations leveled against the appellatant are as under.

- a). Case FIR No. 1184 dated 26-07-2017 u/s 392 PS TBhai:

In this case, appellatant has not been charged in the FIR by the complainant and was later on falsely implicated in the instant case. Similarly no recovery has been effected at the instance of the appellatant. Moreover, there is no evidence against the appellatant to connect him with the commission of offence. The appellatant is innocent in the instant case. The complainant of the case "**Habib Gul**" and their other relatives have produced written "**AFFIDAVIT**" before the court, mentioning therein that appellatant is innocent in the case and they have pardoned him. They have further stated before the court, that they are not interested to pursue the case and the appellatant be acquitted in the case. In the light of these

CR
25

documents. the learned Judicial Magistrate Takhat Bhai released the appellant on bail. The case is not fit for further trial in the competent court of law. (Affidavit + Copy of FIR + Court order are enclosed)

- 17 -

b). Case FIR No.415 dated 28-08-2017 u/s 392 PPC PS Saro Shah:

In this case, the appellant was also not charged directly in the FIR by the complainant. Infact, the report of the complainant regarding the alleged occurrence was initially entered in the daily diary vide DD No.05 dated 10-08-2017 PS Saro Shah. After the lapse of complete 20 days on 28-08-2017 the present case was registered against the appellant. The appellant is innocent and has been falsely implicated in the case. Complainant "Hazrat Bilal" has declared the appellant to be innocent in the case and has pardoned him. The Complainant has produced a written "Affidavit" before the court in this regard and stated that he is not interested to pursue the instant case against the appellant. The learned JM/T. Bhai has released the appellant on bail in the light of these documents. The case is not fit for further trial in the competent court of law.

(Affidavit+Copy of FIR+Court order are enclosed)

c). Case FIR No.416 dated 28-08-2017 u/s 392 PPC PS Saro Shah:

According to the complainant Abid Ali the alleged occurrence has taken place on 23-06-2017 at late night hours. The complainant reported the matter to police on 28-08-2017 with the delay of about two months. As per the contents of the FIR the complainant remained silent for about 02 months and later on charged the appellant in the case. All these facts clearly indicates the malafidty of the complainant. In this case the appellant is innocent. Complainant "Abid, Ali" has declared the appellant to be innocent and has pardoned him. The Complainant has produced a written affidavit before the court mentioning therein that he is no more interested to pursue the instant case against the appellant. In the light of these documents the appellant has been released on bail by the learned JM/T. Bhai. This case is also not fit for further trial in a competent court of law.

(Affidavit+Copy of FIR+Court order are enclosed)

✓ GROUPS OF APPEAL:

- a. That in all three cases mentioned in the charge sheet the appellant is not directly charged in the FIR. The appellant was later on implicated in the cases.
- b. That in all the three cases mentioned above no recovery has been effected at the instance of the appellant. Similarly no confession has been made by the appellant in the court
- c. That in all the three cases there is not a single iota of evidence to connect the appellant with the commission of offence.
- d. That in all three cases, the concerned complainant have categorically declared the appellant to be innocent and no more interested to pursue the case against the appellant in the court. In the light of written affidavits produced by the complainants in the courts, all the three cases are not fit for further trial
- e. That the appellant was enlisted as constable in Police department on 07-05-2009 The appellant performed his duty with zeal and efficiency and never dealt departmentally prior to this. Similarly the appellant has never been punished throughout the whole period of service. This fact is evident from the shining service record of the appellant.
- f. That during course of enquiry not a single witness has supported the allegations leveled against the appellant.

CR
y/s

- g. That the allegations leveled against the appellant are superficial in nature and the enquiry officer has not properly appreciated the facts and circumstances of the case.
- h. That the enquiry and impugned order of the DPO Mardan is partially based on presumptions, hypothesis and conjectures.
- i. That no "Final Show Cause Notice" was issued to the appellant before awarding the major punishment "Dismissal from Service" which is necessary requirement as per Police Rules and also against the prevalent norms of natural justice. Hence, an illegal impugned order was passed.
- j. That the facts /details regarding the innocence of the appellant were brought into the notice of worthy DPO Mardan during personal hearing on 20-06-2018 but unfortunately, were not considered by the worth DPO Mardan.
- k. That in addition to the above facts, the E.O has not made the enquiry above board and committed certain irregularities and has dashed the rules and regulations to the ground. The Enquiry so far conducted is just an eye wash and fill in the blanks.
- l. The appellant is married with 01 kid. Father of the appellant has since been died and the appellant is the only male member of the family. The sole livelihood of the entire family is dependent upon the police service of the appellant.

Keeping in view the above mentioned facts and circumstances, it is humbly prayed in your honour that the Appeal of Appellant may kindly be accepted on humanitarian grounds and the impugned Order passed by DPO Mardan may please be set aside by re-instatement in service from the date of dismissal with all back benefits, please.

Your's obediently.

Dated: 04-07-2018

(Ex. Constable Fawad Khan NO.2717)
Police Lines, Mardan

CR
EY

ORDER.

-19- 'E'

This order will dispose-off the departmental appeal preferred by **Ex-Constable Fawad No. 2717** of Mardan District Police against the order of District Police Officer, Mardan, wherein he was awarded Major punishment of dismissal from service vide OB No. 1241 dated 20.06.2018.

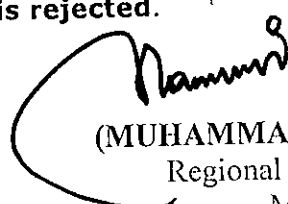
Brief facts of the case are that the appellant while posted at Guard Khazana Session Court, Mardan was charged in the following criminal cases:-

- 1) FIR No. 1184 dated 26.07.2017 u/s 392/148/149/411/15AA PS Takht Bhai.
- 2) FIR No. 415 dated 28.08.2017 u/s 392/34 PPC PS Saro Shah
- 3) FIR No. 416 dated 28.08.2017 u/s 392 PPC PS Saro Shah.

Therefore, he was recommended for departmental proceedings by Superintendent of Police Investigation, Mardan vide his office Memo: Nos. 1772 & 1774/GB/Inv: dated 11.09.2017 due to which he was suspended by the District Police Officer, Mardan OB No. 2125, dated 13.09.2017 and is liable to proceed departmentally. In this connection he was charge sheeted vide and also proceeded against departmentally through ASP / Takht Bhai, Mardan. The Enquiry Officer who after fulfilling necessary process, submitted his findings to the District Police Officer, Mardan and recommended him for major Punishment. The District Police Officer, Mardan agreed with the recommendation of the Enquiry Officer. He was called in Orderly Room held on 20.06.2018 and heard him in person by the District Police Officer, Mardan but he failed in his defence, hence the alleged Constable was awarded major punishment Dismissal from Service.

He was called by the Undersigned in orderly room held in this office on **26.09.2018** and heard in person. The appellant was being involved in 03 cases of robbery. Therefore, I find no grounds to intervene into the order passed by the then District Police Officer, Mardan, hence **appeal is rejected.**

ORDER ANNOUNCED.


(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 6015 /ES,

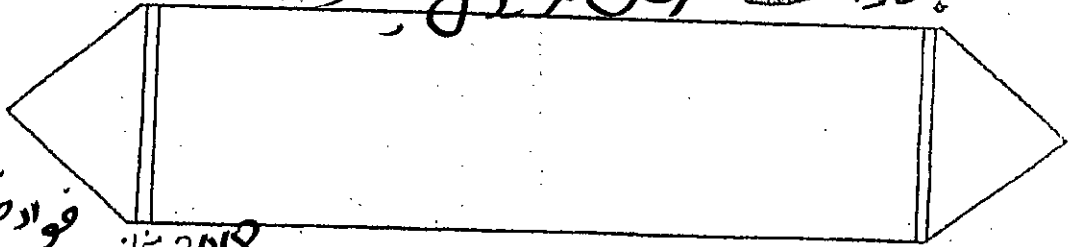
Dated Mardan the 01/10 /2018.

Copy to District Police Officer, Mardan for information and necessary action w/r to his office Memo: No. 702/LB dated 06.09.2018: The Service Record is returned herewith.

(*****)

CR
R/S

بعد التسمیٰ فی بیرون لہوہ



فواد خان
2018ء بجانب
فواد خان بنام RPO وغیرہ

-----	موزخہ
-----	مقدمہ
-----	دعویٰ
-----	جرم

باعث تحریر آئینکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیردی وجواب دی رکل کاروائی متعلقہ سب سے لے کر
لیجسلیٹو کیلئے **صنعت شاہ محمد اللہ** کے سب سے لے کر
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 رکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلاف دیئے جواب دی اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور وصولی چیک در و پیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری کیلئے یا ایپل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیردی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور رکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو کسی دی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو رکیل صاحب پابند ہوں گے۔ کہ پیردی
 مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

Attested, Accepted

20 _____ ماہ _____ المرقوم

_____ گواہ _____
 _____ کے لئے منظور ہے۔
 (ناظر)

فواد خان

فواد خان

بمقام

بعدالت سسرودن لٹریچرل KP لٹراور

S.A 1329 / 20 18

2 جناب فواد خان

فواد خان بنام RPO وغیرہ

موزخ
مقدمہ
دعویٰ
پریم

باعث تحریر آنکہ

مقدمہ بندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کار سبلی متعلقہ
آئین مقام سسرود کیلئے رابعہ مظفر آباد وکیت لٹراور
مقررہ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا۔ نیز
ڈیکلور صاحب کو راجسٹی نامہ کرنے و تقرر ثالثہ فیصلہ پر سلف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صوبلی چیک در و پیرا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائس پر دستخط کرنے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری ٹیکٹرنہ یا اپیل کی برآمدگی اور منسوخی
نیز دائرہ کرنے اپیل ٹرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہایت
پر اخذہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جاڈالتوائے مقدمہ کے سبب سے ہوگا۔
کوئی تارخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا ادکالت نامہ لکھدیا کہ سند ہے۔

المرقوم _____ ماہ جنوری 20 18

Accepted
Accepted

Rajin

واہ العیاد
کے لئے مختصر ہے۔
سسرود
بمقام

C

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR.

Service Appeal No. 1329/2018.

Fawad KhanAppellant.

VERSUS.

District Police Officer, Mardan
& others Respondents.

INDEX

S. No.	Description of Documents	Annexure	Pages.
1.	Written Reply.	----	1-2
2.	Affidavit.	----	3
3.	Copies of FIRs	A, B & C	4-6
4.	Copies Charge Sheet, Statement of allegation and inquiry	D, E & F	7-9
5.	Copy of Authority Letter.	----	10

C

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA.
PESHAWAR.

Service Appeal No. 1329/2018.

Fawad KhanAppellant.

VERSUS.

District Police Officer, Mardan
& others.....Respondents.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:-

1. That the appellant has not come to this Honourable Tribunal with clean hands.
2. That the appellant has got no cause of action.
3. That the appellant has concealed material facts from this Honourable Tribunal.
4. That the appellant is estopped by his own conduct, by law to bring the instant appeal.
5. That the present appeal is bad in its present form hence not maintainable and liable to be dismissed.
6. That the appeal is bad due to non-joinder of necessary parties and mis-joinder of unnecessary parties.
7. That the instant appeal is barred by law & limitation.

REPLY ON FACTS.

1. Correct to the extent of his enlistment in the year 2009, however, to the rest of the Para the service record of the appellant speaks otherwise. His conduct carries a series of heinous crimes, hence, does not deserve to be retained the Police Department.
(Copies of FIRs are attached as Annexure-A, B & C)
2. Incorrect. The appellant was found involved in a number of heinous crimes and was proceeded against departmentally by carrying a proper inquiry and found him indulged therein, hence, recommended for major penalty under rules/law.
(Copies of Charge Sheet, Statement of allegations & inquiry are attached as Annexure-D, E & F)
3. Incorrect. The appellant has not been acquitted in the above reference criminal cases. Besides, release on bail provides no basis for innocence to an accused in a criminal case. Hence, denied.
4. Correct, hence, no comment.
5. Correct, hence, no comment.
6. Incorrect. The impugned orders are legal, in accordance with facts and norms of justice. Hence, not liable to be entertained in this Honourable Tribunal.


REPLY ON GROUNDS:-

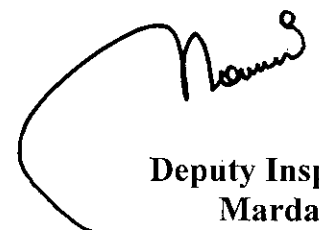
- A. Incorrect. The impugned orders are legal and in accordance with rules/law.
- B. Incorrect. The appellant is treated as per rules/law and all codal formalities has been complied with.
- C. Incorrect. Proper inquiry has been conducted by complying with codal formalities, hence, denied.
- D. Incorrect. All codal formalities has been done with.


- E. Incorrect as the cases are still pending trial in the competent court of law. Besides, he has been found guilty of misconduct during departmental inquiry, hence, deserved of the impugned penalty.
- F. Incorrect. The appellant has done misconduct under Police rules/law and therefore, could not be retained in Police Force anymore.
- G. Incorrect. The impugned order are correct speaking ones and maintainable in the eyes of law.
- H. Incorrect. The appellant is provided all opportunities of defence at all fora, hence, sustained his guilt/misconduct.
- I. Incorrect. Appellant has in a short span of his service which is filled with a series of red/bad entries. **(Copies of red/bad entries are attached as Annexure-G).**
- J. The respondents also seek permission to raise additional grounds at the time of arguments.

PRAYER:-

It is, therefore, requested that the prayer of the appellant, being baseless & devoid of merits, is liable to be dismissed with costs.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 03)


**Deputy Inspector General of Police,
Mardan Region-I, Mardan**
(Respondent No. 01)


**District Police Officer,
Mardan**
(Respondent No. 02)

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

Service Appeal No. 1329/2018.

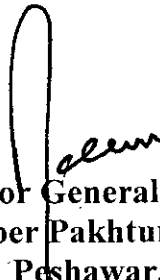
Fawad KhanAppellant.

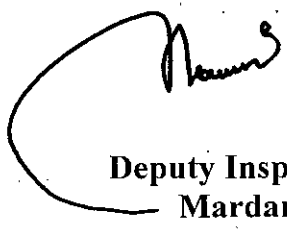
VERSUS.


District Police Officer, Mardan
& others.....Respondents.

COUNTER AFFIDAVIT.

We, the respondents do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honourable Tribunal.


**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.**
(Respondent No. 03)


**Deputy Inspector General of Police,
Mardan Region-I, Mardan**
(Respondent No. 01)


**District Police Officer,
Mardan**
(Respondent No. 03)

65425777

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قاتل دستاویزی پکٹس پر پیش شدہ قریباً 152 مجموعہ ضابطہ نوعداری

قائمہ	سازش گاہ	تاریخ و وقت رپورٹ
نمبر	416 32	23:00
1-	تاریخ و وقت رپورٹ	جائیداد پرچہ 23:00
2-	نام و سکونت اطلاع دہندہ مستغیث	عابد علی اولہ علیہ السلام
3-	شناختی کارڈ نمبر / موبائل نمبر	392/34
4-	مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	راستہ پر چاندی کی کھوپڑی
5-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	راستہ پر چاندی کی کھوپڑی
6-	نام و سکونت ملزم	عباس ولد شیر افضل (2) خواجہ ولد شیر افضل
7-	شناختی کارڈ نمبر / موبائل نمبر	حمیل ولد معروف خان مسلمان ٹکڑ
8-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	مدعی کے دلچسپی پر چاندی کی کھوپڑی
9-	تھانہ سے روانگی کی تاریخ و وقت	بہ سبیل ڈال

ابتدائی اطلاع نیچے درج کرو۔ مستحیث مہرز جہ خانہ نمبر 2 جھانڈہ
 آئی آر پورٹ کرتا ہے کہ وہ 23/6 کو بوقت وقوعہ بالا جھانڈہ سے تیار ہو بائیل خون اڑھ
 مقام سبک 5.6 حسین میرا ز پر استیصال سم - 9915266-0311 تھا جوڑ ساہیل پر تیار
 مسلمان اسم سکون نامعلوم نے آرا سالی کی کوٹ پر تیار تھیں کر فرار ہو گئے
 دیوالتہ تک معلومات دہیہ برادری سر دیا تھا اب نیچے پوری تمہا اور اطمینان یہ
 کہ کچھ سے "بیرا نو بائیل مسلمان (1) عباس ولد شیر افضل (2) خواجہ ولد شیر افضل
 (3) حمیل ولد معروف خان مسلمان ٹکڑ نے بزور اسالی کی کوٹ پر تھیں کر کے
 آئی آر پورٹ میں دہریہ معلومات اور بیہ برادری سے بیوی کے بیٹے متاثر کر کے بالائے
 کے خلاف دو بائیل خون چھینے کا دعویٰ کر رہی ہیں والدی جانوائی کے مطابق
 گذشتہ مسائل رپورٹ درج بالا ایسٹریٹ پر چھینا گیا ہے یا کیا درست تسلیم کر کے
 آئی آر پورٹ خود دستاویز ثابت کی جا سکتی ہے لہذا یہاں لکھنا ہے کہ اسوی خون رپورٹ
 سے حدود ختم بالا جا پا کر خدج کم بالا درجے رہتے ہو کر لٹولے F12 لکھی گئی
 تیار کیا گیا 2 مشہور تھیں لکھے جاتے ہیں۔ ایسٹریٹ کر رہی ہے

محمد علی
 51-173-55
 28-8-17

**OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN**

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpomardan650@gmail.com
Facebook: District Police Mardan
Twitter: @dpomardan

12 /R/D.A-P.R-1975.
18-9- /2017.

DISCIPLINARY ACTION UNDER KPK POLICE RULES - 1975

1, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent authority am of the opinion that **Constable Fawad Khan No. 2717**, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules 1975.

STATEMENT OF ALLEGATIONS

That **Constable Fawad Khan No. 2717**, while posted at Guard Khazana Session Court, Mardan was charged in case vide FIR No. 1184 dated 26.07.2017 u/s 392/148/149/411/15AA PS Takht Bhai, case FIR No. 415 dated 28.08.2017 u/s 392/34 PPC PS Saro Shah and case FIR No. 416 dated 28.08.2017 u/s 392 PPC PS Saro Shah. He was recommended for departmental proceedings by SP Investigation, Mardan vide his office Memo: No. 1772/GB/Inv: dated 11.09.2017 and Memo: No. 1774/GB/Inv: dated 11.09.2017, due to which he was suspended vide OB No. 2125, dated 13.09.2017 and is liable to proceed departmentally.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations DSP SMT is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(Dr. Mian Saeed Ahmed DSP)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. _____ /R. dated Mardan the _____ /2017.

Copy of above is forwarded to the:

1. _____ for initiating proceedings against the accused official / Officer namely **Constable Fawad Khan No. 2717**, under Police Rules, 1975.
2. **Constable Fawad Khan No. 2717**, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.
3. SP/Investigation, Mardan w.r.t his office Memo: No. 1772 & 1774/GB/Inv: dated 11.09.2017.

***** 11 *****

CHARGE SHEET UNDER KPK POLICE RULES 1975

I, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent authority hereby charge you **Constable Fawad Khan No. 2717**, as follows.

That you **Constable**, while posted at Guard Khazana Session Court, Mardan was charged in case vide FIR No. 1184 dated 26.07.2017 u/s 392/148/149/411/15AA PS Fakht Bhai, case FIR No. 415 dated 28.08.2017 u/s 392/34 PPC PS Saro Shah and case FIR No. 416 dated 28.08.2017 u/s 392 PPC PS Saro Shah. You were recommended for departmental proceedings by SP/ Investigation, Mardan vide his office Memo: No. 1772/GB/Inv: dated 11.09.2017 and Memo: No. 1774/GB/Inv: dated 11.09.2017, due to which you were suspended vide OB No. 2125, dated 13.09.2017 and is liable to proceed departmentally.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (iii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties, as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense **within seven days** of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(Dr. Mian Saeed Ahmed, PSP)
District Police Officer,
Mardan



**OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICER,
TAKHT BHAI CIRCLE**

Tel. & Fax: 0937552211, E-Mail: dsp.tbi@gmail.com

No. 1317 /ST, Dated: 08/06/2018.

To,

The Worthy District Police Officer,
Mardan.

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE FAWAD KHAN NO. 2717

Memo:

Kindly refer to your office Diary No. 12/R/D.A-P.R-1975, dated 18.09.2017.

This enquiry report is the outcome of an elaborate enquiry into a statement of allegation against Constable Fawad Khan No. 2717 that he, while posted at Guard Khazana Session Court, Mardan was charged in case vide FIR No. 1184, dated 26.07.2017, u/s 392/148/149/411/15AA PS Takht Bhai, case FIR No. 415, dated 28.08.2017, u/s 392/34 PPC PS Saro Shah and case FIR No. 416, dated 28.08.2017, u/s 392 PPC PS Saro Shah. The competent authority designated the DSP Sheikh Maltoon as enquiry office but later on the undersigned was appointed as enquiry officer.

FINDING OF THE ENQUIRY:

In this connection enquiry proceedings were initiated and available records / papers were deeply perused and the alleged Fawad was summoned and heard in person. During in person appearance before the undersigned he confessed the crimes and stated the FIRs have rightly been registered against him. he also admitted that he received Rupees 5,000/- in robbery share. In this connection his statement was recorded which is herewith attached. The defaulter constable was questioned and counter questioned at length wherein it was found that he being member of discipline force commits heinous crime instead prevention of crime. He requested for filing the enquiry proceedings against him and also committed to be careful in future.

RECOMMENDATION:

From the perusal of above facts, it is crystal clear that the alleged Constable Fawad Khan No. 2717 is found guilty in the above mentioned cases as he confessed. He commits heinous crimes instead prevention of crimes.

Therefore, it is recommended that, the alleged Constable Fawad Khan No. 2717 may be awarded Major Punishment (Dismissal from Service) if agreed.

(Signature)
Sub-Divisional Police Officer,
Takht Bhai

and Enging
8/6/2018

OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpomardan650@gmail.com
Facebook: District Police Mardan
Twitter: @dpomardan

ORDER

This order will dispose-off the departmental inquiry, which has been conducted against Constable Fawad No. 2717, on the allegation that he while posted at Guard Khazana Session Court, Mardan was charged in case vide FIR No. 1184 dated 26.07.2017 u/s 392/148/149/411/15AA PS Takht Bhai, case FIR No. 415 dated 28.08.2017 u/s 392/34 PPC PS Saro Shah and case FIR No. 416 dated 28.08.2017 u/s 392 PPC PS Saro Shah. He was recommended for departmental proceedings by SP/ Investigation, Mardan vide his office Memo: No. 1772/GB/Inv: dated 11.09.2017 and Memo: No. 1774/GB/Inv: dated 11.09.2017, due to which he was suspended vide OB No. 2125, dated 13.09.2017 and is liable to proceed departmentally. This attitude adversely reflected on his performance which is an indiscipline act and gross misconduct on his part as defined in rule 2(iii) of Police Rules 1975.

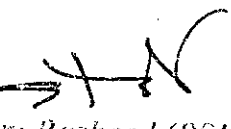
In this connection, Constable Fawad No. 2717, was charge sheeted vide this office No. 12/R, dated 18.09.2017, and also proceeded against departmentally through Mr. Usman Tipu, ASP / Takht Bhai, Mardan, who after fulfilling necessary process, submitted his findings to the undersigned vide his office Memo: No. 1317/ST, dated 08.06.2018. The enquiry officer recommended him for major Punishment.

The undersigned agreed with the recommendation of the enquiry officer, and also heard him in OR held on 20.06.2018, hence the alleged Constable Fawad No. 2717, is hereby awarded major punishment Dismissal from Service, with immediate effect in exercise of the power vested in me under the above quoted rules.

Order announced

O B No. 1241

Dated 20 / 06 / 2018.


Dr. Khurram Rasheed (PST)
District Police Officer,
Mardan.

No 5738-43/R, dated Mardan the 21-06 /2018.

Copy for information and necessary action to the:

1. Deputy Inspector General of Police, Mardan Region-I, Mardan.
2. S.P Investigation, Mardan.
3. S.P Operations, Mardan.
4. E.C (DPO) Mardan
5. Pay Officer (DPO) Mardan.
6. OSI (DPO) Mardan.

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

Service Appeal No. 1329/2018.

Fawad KhanAppellant.

VERSUS.

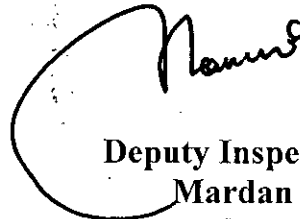
District Police Officer, Mardan
& others.....Respondents:

AUTHORITY LETTER.

Mr. Atta-ur-Rahman Inspector Legal, (Police) Mardan is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



**Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 03)**



**Deputy Inspector General of Police,
Mardan Region-I, Mardan
(Respondent No. 01)**



**District Police Officer,
Mardan
(Respondent No. 02)**

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

Service Appeal No 1329 /2018.

Fawad Khan.....Appellant.

V E R S U S

RPO & Others.....Respondents

REPLICATION ON BEHALF OF THE APPELLANT.

REPLY TO PRELIMINARY OBJECTIONS.

All the objections raised by the respondents are incorrect and as such denied. The appellant has got a valid cause of action and locus standi to bring the present appeal, the appellant has come to this honorable tribunal with clean hands and the appellant has concealed nothing from this honorable Tribunal. All necessary parties have been impleaded and instant appeal is competent in its present form.

REPLY TO FACTS/GROUNDS:

Comments of the respondents are full of contradictions, rather amounts to admissions and are based on malafide. Respondents have failed to show that the version of the appellant is incorrect. Even respondents have failed to show and substantiate their version referring to any law and rules. In the circumstances the appellant has been deprived of his rights without any omission or commission on his part and he has been deprived of his rights guaranteed by the Constitution and law of the land. The appellant was falsely involved in the mentioned cases from which he has been acquitted by the Court of competent jurisdiction, as such there is nothing left against the appellant, and the appellant is as such entitled to be reinstated in service with all benefits.

In the circumstances the appellant has not been treated according to law and rules being his fundamental right. The impugned orders are in total disregard of the law and rules. Ex-parte action has been taken against the appellant. The impugned orders are void being passed in total disregard of law and rules. The appellant as such is entitled to be reinstated in service.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.

Dated:-20-05-2019.

فواد خان

Appellant

Through

Fazal Shah Mohmand

Advocate Peshawar

AFFIDAVIT

I, Fawad Khan Ex Constable No 2717, District Police Mardan, (the appellant), do hereby solemnly affirm and declare on oath that the contents of this **Replication** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Identified by

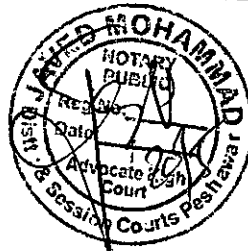
Fazal Shah Mohmand

Advocate Peshawar.

فواد خان

DEPONENT

ATTESTED



ATTESTED



IN THE COURT OF MUHAMMAD HAROON JUDICIAL MAGISTRATE,
TAKHT BHAI.

ORDER-1



Challan put in court. Be registered.
The file shows that the accused has been charged for committing dacoity vide FIR No.1184 dated 26.7.2017 under section 392/411/148/149 PPC/15 AA of P.S Takht Bhai, but on Challan form the APP has requested that the accused be discharged under section 4-C(II) of Prosecution Act on the grounds that initially no one was charged for commission of offence and present accused were charged on the statement recorded under section 161 of Cr.P.C. No source of satisfaction has been shown and no eye witness is available on record. Likewise no solid evidence was brought on record to connect accused with commission of offence. That the complainant and other effectee have patched up the matter with the accused and pardoned them.

That in such like circumstances the trial of accused would be futile exercise, wastage of precious time of court and the ultimate result would be would be the acquittal of accused. Hence in the above mentioned circumstances and facts there are sufficient reasons for non-prosecution of the case under section 4-C(II) of Prosecution Act 2005.

Keeping in view the request of prosecution coupled with record and grounds taken and founded thereof this court is agreed with prosecution. Hence, accused namely Nake Muhammad son of Dost Muhammad, Atal Dyaz, Fawad Khan son of Sher Afzal, Jameel Khan Maroof Khan and Farhad Ali son of Shamsheer Khan resident of Mohallah Rawani, Takkar are discharged from the charge leveled against them. Their sureties are also discharged. Case property, if any, be dealt/returned to its lawful owner as per law.

File be consigned to the RR after its necessary

completion.
ANNOUNCED
27.9.2018

Muhammad Haroon,
Judicial Magistrate, Takht Bhai

ATTESTED

27/9/18

me

27/9/18

16/9/18

Handwritten signature

RY REPORT AGAINST CONSTABLE FAWAD KHAN NO.2717

Kindly refer to your office diary No.12 /R, dated 18.09.2017.

ALLEGATION:-

Constable Fawad Khan No. 2717 while posted at guard khazan session court, mardan was charged in case vide FIR No.1184 dated 26.07.2017 u/s 392/148/149/411/15AA PS Takht Bhair, case FIR No.415 dated 28.08.2017 u/s 392/34 PPC PS Saro Shah and case FIR No.416 dated 28.08.2017 u/s 392 PPC PS Saro Shah. He was recommended for departmental proceedings by SP/Investigation, Mardan vide his office memo: No.1772/GB/Inv dated 11.09.2017 and memo: No. 1774/GB/Inv dated 11.09.2017, due to which he was suspended vide OB No.2125, dated 13.09.2017 and is liable to proceed departmentally.

PROCEEDINGS:-

Inquiry proceedings were initiated. The accused constable was summoned and copy of the charge sheet and statement of allegation were delivered to him.

The official was heard in person and was given opportunity of self defense. The defaulter constable submitted his reply to the charge sheet in the stipulated time and disclosed in his written statement, which are as under with detail.

Case FIR No.1184 dated 26.07.2017 u/s 392 PPC PS Takht Bhai.

The alleged constable stated that in this case he has not been charged in the FIR. Similarly no recovery has been obtained at the instance of the alleged constable. There is no evidence against him. The alleged constable said that he is innocent in this case. The complainant of the case have produce written affidavit before the court about innocent of the alleged constable. He was released on bail by the learnt court. (Affidavit +copy of FIR + court order attached)

Case FIR No.415dated 28.08.2017 u/s 392 PPC PS Saro Shah.

The alleged constable stated that in this case he is innocent and has been falsely charged. The complainant of the case FIR namely Hazrat Bilal has declaimed the alleged constable to be innocent and produced Affidavit before the court about his innocent. (Affidavit+ copy of FIR+ Court order attached)

Case FIR No.416 dated 28.08.2017 u/s 392 PPC PS Saro Shah.

The alleged constable stated that in this case he is innocent and has been falsely charged. The complainant of the case FIR namely Abid Ali has declaimed the alleged constable to be innocent and produced Affidavit before the court about his innocent. (Affidavit+ copy of FIR+ Court order attached)

Conclusion

From the above facts and circumstances and according to the relevant statements and court documents presented to the undersigned it is concluded that in all the three cases mentioned above the alleged constable has been falsely charged. Similarly no confession of the alleged constable has been recorded. In all the three cases the complainants of the case FIRs have give affidavits before the court about the innocent of constable Fawad.

NO 213-R
15-5-18


PREVIOUS RECORD.

Besides previous service record of the alleged constable was obtained from establishment clerk (enclosed in original) which revealed that the official was enlisted in police department on 08.05.2009, and during his 08/09 years service he has remained absent only for 14 days which was also counted as leave without pay, except that 13 bad entries and No good entry were found in favor of him on service record.

FINDINGS:-

Keeping in view the above facts and circumstances, it is stated that the alleged constable is recommended to warned in future, to stay away from such type of litigation of court, if agreed.

SP Inv.
To comment
No. 164 /SMT
Dated: 02/04/2018


Deputy Superintendent of Police,
S.M.T-Circle.

Expiring
2/11/2018

بیان آڈٹل کنسٹبل فواد علی عمر 2717

میں آڈٹل فواد علی اس بیان کی رو سے اقرار کرتے ہوئے دیتا ہوں کہ میں اور میرے
ساتھ ساتھیوں نے فریاد اور نیک محمد نے جو کہ میرے پاس ہے، رات
میں چھوڑی کو کھنڈا کیا تھا اور چھوڑی میں سے اشیاء سے
رقم / سے لے کر رقم۔ جس میں کمانہ سائبر سٹیشن اور کمانہ کھنڈا
میں FIR کیا گیا تھا۔ انڈیا میں درج شدہ FIR
میں بالکل درست چارج ہوا ہے۔ اور چھوڑی والوں سے جو
میں سے لے کر رقم اس میں مجھے پانچ ہزار روپے ملے ہیں۔
میں قصور وار ہوں، غلط ہو چکی ہے اور سزا ہوں۔
لیکن اس بار صاف دی جائے کہ سزا کیے گئے تھے
گا۔ یہی میرا بیان ہے جو حقیقت پر مبنی ہے۔

فواد علی

آڈٹل فواد علی 2717
29-5-2018

OFFICE OF THE
SUB-DIVISIONAL POLICE OFFICE
TAKHT BHAI CIRCLE

Tel. & Fax: 0937552211, E-Mail: dsp.tbi@gmail.com

No. 13/7 /ST, Dated: 08/06/2018.

To,

The Worthy District Police Officer,
Mardan.

Subject: DISCIPLINARY ACTION AGAINST CONSTABLE FAWAD
KHAN NO. 2717

Memo:

Kindly refer to your office Diary No. 12/R/D.A-P.R-1975, dated
18.09.2017.

This enquiry report is the outcome of an elaborate enquiry into a
statement of allegation against Constable Fawad Khan No. 2717 that he, while
posted at Guard Khazana Session Court, Mardan was charged in case vide FIR No.
1184, dated 26.07.2017, u/s 392/148/149/411/15AA PS Takht Bhai, case FIR No.
415, dated 28.08.2017, u/s 392/34 PPC PS Saro Shah and case FIR No. 416, dated
28.08.2017, u/s 392 PPC PS Saro Shah. The competent authority designated the
DSP Sheikh Maltoon as enquiry office but later on the undersigned was appointed
as enquiry officer.

FINDING OF THE ENQUIRY:

In this connection, enquiry proceedings were initiated and available
records / papers were deeply perused and the alleged Fawad was summoned and
heard in person. During in person appearance before the undersigned he confessed
the crimes and stated the FIRs have rightly been registered against him. he also
admitted that he received Rupees 5,000/- in robbery share. In this connection his
statement was recorded which is herewith attached. The defaulter constable was
questioned and counter questioned at length wherein it was found that he being
member of discipline force commits heinous crime instead prevention of crime. He
requested for filing the enquiry proceedings against him and also committed to be
careful in future.

RECOMMENDATION:

From the perusal of above facts, it is crystal clear that the alleged
Constable Fawad Khan No. 2717 is found guilty in the above mentioned cases as
he confessed. He commits heinous crimes instead prevention of crimes.

Therefore, it is recommended that, the alleged Constable Fawad Khan
No. 2717 may be awarded *Major Punishment (Dismissal from Service)*
agreed.

OR

Dismissed from Service
Susman
Sub-Divisional Police Officer
Takht Bhai

Sir,

The constable recently
found whom No. 2217
was involved/charged in
03 criminal cases of
decoity, robbery of PSC
Tahht Bai and Ganshah
wherein he along with other
accused was arrested
investigated and after
having been found accused
challenged to the court of
law where he managed
his bail and got released
himself by winning over the
complainant, affected who
already charged him for the
offences. The alleged constable
has not released on merit
by the court. The enquiry officer

ASP TKB

For enquiry

PA Investigation
No 359
Date 18-05-018

also did not consider this
fact of the matter and exoner-
ated him from the charges
which is not based on facts.
Therefore, it is suggested
that the enquiry already conducted
may be remanded back to
any other officer who keeping
in view the facts and circumstances
may conclude the same on
merit, if approved please.

[Signature]
D/Inl
2-18

From : The Superintendent of Police,
Investigation, Mardan.

To : The District Police Officer,
Mardan.

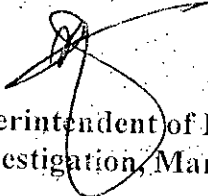
No. 1774/GB/Inv: dated Mardan, the 11 109 /2017.

Subject : DEPARTMENTAL ACTION.

Memo:

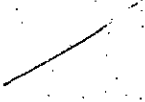
Accused Fawad s/o Sher Afzal r/o Takkar, Mohalla Rawani has been charged and arrested in two cases FIR No.415 dated 28.08.2017 u/s 392/34 PPC & FIR No. 416 dated 28.08.2017 u/s 392 PPC Police Station Saro Shah. During the course of investigation it has transpired that the accused is serving under your kind command as Constable No.2717/FC Police Lines, Mardan.

It is, therefore, requested that the accused may please be proceeded against departmentally under intimation to this office.

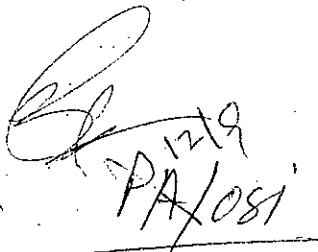

Superintendent of Police,
Investigation, Mardan.


No. /GB/Inv:-

Copy to the O.I.I, Saro Shah for information to his application dated 06.09.2017.


Superintendent of Police,
Investigation, Mardan.

8381
12.9.17


PA/OSI
For 21/action


DPO Mardan
11/9/17



OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

Tel: 0937-9230109
Fax: 0937-9230111
Email: dpo_mardan@yahoo.com
Facebook: District Police Mardan
Twitter: @dpomardan

ORDER

Constable Fawad Khan No. 2717, while posted at Guard Khazana Session Court Mardan is charged in Case FIR No. 415 dated 28.08.2017 u/s 392/34 PPC, FIR No. 416 dated 28.08.2017 u/s 392 PPC Police Station Saro Shah District Mardan & FIR No. 1184 dated 26.07.2017 u/s 392/148/149/411/15AA PPC Police Station Takht Bhai District Mardan is hereby placed under suspension with immediate effect.

OB No. 2125 /OSI

Dated 13. 9. /2017.

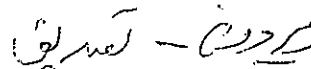

District Police Officer
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER MARDAN.

No. 7873-77/OSI, dated Mardan the 14-9 /2017

Copies are forwarded to the:-

1. SP Operation Mardan.
2. DSP/HQrs: Mardan..
3. Reader to DPO issue Charge Sheet & summary allegation.
4. Pay officer Mardan with direction to stop his pay.
5. EC.



CHARGE SHEET UNDER KPK POLICE RULES 1975

I, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent authority hereby charge you Constable Fawad Khan No. 2717, as follows.

That you Constable, while posted at Guard Khazana Session Court, Mardan was charged in case vide FIR No. 1184 dated 26.07.2017 u/s 392/148/149/411/15AA PS Takht Bhai, case FIR No. 415 dated 28.08.2017 u/s 392/34 PPC PS Saro Shah and case FIR No. 416 dated 28.08.2017 u/s 392 PPC PS Saro Shah. You were recommended for departmental proceedings by SP/ Investigation, Mardan vide his office Memo: No. 1772/GB/Inv: dated 11.09.2017 and Memo: No. 1774/GB/Inv: dated:11.09.2017, due to which you were suspended vide OB No. 2125, dated 13.09.2017 and is liable to proceed departmentally.

This amounts to grave misconduct on your part, warranting departmental action against you, as defined in section - 6 (1) (a) of the KPK Police Rules 1975.

1. By reason of the above, you appear to be guilty of misconduct under section - 02 (ii) of the KPK Police Rules 1975 and has rendered yourself liable to all or any of the penalties as specified in section - 04 (i) a & b of the said Rules.
2. You are therefore, directed to submit your written defense within seven days of the receipt of this charge sheet to the enquiry officer.
3. Your written defence if any, should reach to the enquiry officer within the specified period, failing which, it shall be presumed that you have no defense to put-in and in that case, an ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.


(Dr. Mian Saeed Ahmed, PSP)
District Police Officer,
Mardan

OFFICE OF THE
DISTRICT POLICE OFFICER
MARDAN

TEL: 0937-9230109
FAX: 0937-9230111
Email: dpo-mardan650@gmail.com
Facebook: District Police Mardan
Twitter: @dpomardan

No. 12 /R/D.A-P.R-1975.
Dated 18-9- /2017.

DISCIPLINARY ACTION UNDER KPK POLICE RULES – 1975

I, Dr. Mian Saeed Ahmed District Police Officer, Mardan as competent authority am of the opinion that Constable Fawad Khan No. 2717, rendered himself liable to be proceeded against as he committed the following acts/omission within the meaning of section-02 (iii) of KPK Police Rules 1975.

STATEMENT OF ALLEGATIONS:

That Constable Fawad Khan No. 2717, while posted at Guard Khazana Session Court, Mardan was charged in case vide FIR No. 1184 dated 26.07.2017 u/s 392/148/149/411/15AA PS Fakhr Bhai, case FIR No. 415 dated 28.08.2017 u/s 392/34 PPC PS Saro Shah and case FIR No. 416 dated 28.08.2017 u/s 392 PPC PS Saro Shah. He was recommended for departmental proceedings by SP Investigation, Mardan vide his office Memo No. 1772/GB/Inv: dated 11.09.2017 and Memo No. 1774/GB/Inv: dated 11.09.2017, due to which he was suspended vide OP No. 2125, dated 13.09.2017 and is liable to proceed departmentally.

2. For the purpose of scrutinizing the conduct of the said official with reference to the above allegations DSP SMT is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused official, record his findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

4. The accused officer shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(Dr. Mian Saeed Ahmed, DPO)
District Police Officer,
Mardan

OFFICE OF THE DISTRICT POLICE OFFICER, MARDAN

No. R, dated Mardan the 2017

Copy of above is forwarded to the:

1. for initiating proceedings against the accused official / Officer namely Constable Fawad Khan No. 2717, under Police Rules, 1975.
2. Constable Fawad Khan No. 2717, with the directions to appear before the Enquiry Officer on the date, time and place fixed by the enquiry officer for the purpose of enquiry proceedings.
3. SP Investigation, Mardan w.r.t his office Memo: No. 1772 & 1774/GB/Inv: dated 11.09.2017.

***** (1) *****

ORDER-6
23.10.2018

APP for the state present. complainant also present.

Perusal of file shows that the accused have been charged for committing dacoity vide FIR No.416 dated 28.8.2017 under section 392/411/34 of P.S Sarho Shah, but on Challan form the APP has requested that the accused be discharged under section 4-C(II) of Prosecution Act on the grounds that the accused were charged with delay of about two months. That no source of satisfaction has been disclosed. No cogent and reliable evidence was brought on record to connect the accused with commission of offence. That the accused have not confessed the guilt. That the complainant and other effectee have patched up the matter with the accused and pardoned them. The complainant namely Abid son of Ali Rahman appeared and recorded his statement in the court wherein he stated that he does not want to charge the accused.

That in such like circumstances the trial of accused would be futile exercise, wastage of precious time of court and the ultimate result would be would be the acquittal of accused. Hence in the above mentioned circumstances and facts there are sufficient reasons for non-prosecution of the case under section 4-C(II) of Prosecution Act 2005.

Keeping in view the request of prosecution coupled with record and statement of complainant recorded in court this court is agreed with prosecution. Hence, accused are discharged from the charges leveled against them. Their sureties are also discharged. Case property, if any, be dealt as per law. File be consigned to the RR after its necessary completion.

ANNOUNCED
23.10.2018

ATTESTED

Session Copying Branch
Session Court Mardan
at Takht Bhai

Muhammad Haroon,
Judicial Magistrate, Takht Bhai

MUHAMMAD HAROON
JUDICIAL MAGISTRATE, TAKHT BHAI

416

Handwritten notes and signatures on the left margin, including the number '23' and '10'.



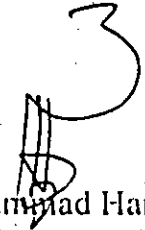
Statement of Abid son of Ali Rahman resident of Hamish Killi,
Tehsil Takht Bhai, on oath.

Stated that I have lodged instant FIR bearing No.416 dated
28.7.2017 under section 392 411 34 PPC at P.S Sarho Shah against accused
Fawad Khan son of Shr Afzal and Jameel son of Maroof Khan resident of
Takkar. Now the accused have satisfied me regarding their innocence. If the
accused is acquitted discharged in the instant case I would have got no objection. I
produce my CNIC; copy of the same is Ex PA.

Abid _____ (Complainant)

CNIC No.16102-5157397-7

Dated: 22.10.2018

3

(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

MUHAMMAD HAROON
JUDICIAL MAGISTRATE, TAKHT BHAI

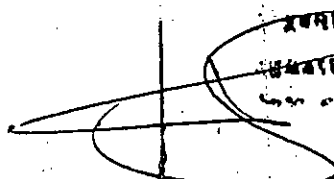
ATTESTED


Session Copying Branch
Session Court Mardān
at Takht Bhai


CERTIFIED TO BE TRUE COPY

SESSION COPY
Copying Department
Mardān

3383
Date of presentation of copy 28/10/18 ✓
Date of advance deposit 28/10/18 ✓
Date on which copy prepared 28/10/18 ✓
Date on which copy received 28/10/18 ✓
Date of withdrawal 28/10/18 ✓
Date of return 28/10/18 ✓
Date of disposal 28/10/18 ✓
Signature of official 28/10/18 ✓
Date of withdrawal



IN THE COURT OF MUHAMMAD HAROON JUDICIAL MAGISTRATE,
TAKHT BHAI.

ORDER-1

Complete Challan put in court. Be registered.
Perusal of file shows that the accused has been charged for committing dacoity vide FIR No.1184 dated 26.7.2017 under section 392/411/148/149 PPC/15 AA of P.S Takht Bhai, but on Challan form the APP has requested that the accused be discharged under section 4-C(II) of Prosecution Act on the grounds that initially no one was charged for commission of offence and present accused were charged on the statement recorded under section 148 PPC. That no source of satisfaction has been disclosed. Similarly no eye witness is available on record. Likewise no solid evidence was brought on record to connect accused with commission of offence. That the complainant and other effectee have patched up the matter with the accused and pardoned them.

That in such like circumstances the trial of accused would be futile exercise, wastage of precious time of court and the ultimate result would be would be the acquittal of accused. Hence in the above mentioned circumstances and facts there are sufficient reasons for non-prosecution of the case under section 4-C(II) of Prosecution Act 2005.

Keeping in view the request of prosecution coupled with record and grounds taken and founded thereof this court is agreed with prosecution. Hence, accused namely Nake Muhammad son of Dost Muhammad, Aman son of Alzal Dyaz, Fawad Khan son of Sher Afzal, Jameel Khan Maroof Khan and Farhad Ali son of Shamsheer Khan resident of Mohallah Rawani, Takkar are discharged from the charge leveled against them. Their sureties are also discharged. Case property, if any, be dealt/returned to its lawful owner as per law.

File be consigned to the RR after its necessary

completion.
ANNOUNCED
27.9.2018

3
Muhammad Haroon,
Judicial Magistrate, Takht Bhai

ATTESTED



226
222
27/9/18

me

27/9/18

16/9/18

26/9/18

بیان آراء کنسٹبل فواد علی عمر 2717

میں آئی سی فوڈز اس بیان کی رو سے اقرار کرتے ہوئے دیتا ہوں کہ میں اور میرے
ساتھ ساتھیوں نے فریاد اور نیک محمد نے جو کہ میرے پٹروسی ہے، رائے
میں گاڑی کو تھپا گیا تھا اور گاڑی میں بیٹے ہوئے اسٹیشن سے
رقم / سے لے کر رقم - جس میں تمام سارو شاہ اور محنت نکالی
میں FIR ہے، علاقہ ہوا۔ انوائس کا ہذا میں درج شدہ FIR
میں مال کی درست جانچ ہوا ہو۔ اور گاڑی والوں سے جو
میں نے لے کر رقم اس میں مجھے پانچ ہزار روپے ملے ہے۔
میں قصور وار ہوں، غلط ہو چکی ہے اور پشیمان ہوں۔
لہذا اس بار صاف دی جائے آئندہ کیسے احتیاط رہوں
گا۔ یہی میرا بیان ہے جو حقیقت پر مبنی ہے۔

فواد علی

کنسٹبل فواد علی 2717

29-5-2018

Conceded to have
been given to E.O

Order-4
22.6.2018.

SPP for the state present. Complainant not in attendance. Due to General Election of Pakistan 2018 proceedings are not possible, hence adjourned. Notice be issued against complainant for 05/9/18

(Handwritten signature)

(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

415

Order-5
05.9.2018

APP for the state present. Complainant not in attendance. Fresh notice be issued to complainant for 04/10/18



ORDER-4
04.10.2018

(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

APP for the state present. Notice to complainant received with report that

Perusal of file shows that the accused has been charged for committing dacoity vide FIR No.415 dated 28.8.2017 under section 392/411PPC of P.S Sarho Shah, but on Challan form the APP has requested that the accused be discharged under section 4-C(II) of Prosecution Act on the grounds that accused were charged with delay of 18 days and no source of satisfaction has been shown. That no confidence inspiring evidence were brought on record to connect the accused with the commission of offence. That the accused have not confessed the guilt. That complainant and affectee are not interested to prosecute against the accused.

That in such like circumstances the trial of accused would be futile exercise, wastage of precious time of court and the ultimate result would be the acquittal of accused. Hence in the above mentioned circumstances coupled with statement of complainant and facts there are sufficient reasons for non-prosecution of the case under section 4-C(II) of Prosecution Act 2005.

(Handwritten signature)
04/10/18

MUHAMMAD HAROON
JUDICIAL MAGISTRATE TAKHT BHAI

ATTESTED

Session Judge Branch
Takht Bhai

Order-1
04.4.2018

Complete. Challan received from prosecution. The same be registered. On Challan form the prosecution through APP requested for discharge of the accused, but in absence of complainant consent coupled with section of law attributed to accused it seems feasible to notice the complainant, hence notice be issued to complainant for 20/04/18

(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

Handwritten notes in Urdu: "SPP 2-10 20/2/18" and "20/06/18".

Order-3
05.6.2018

(Muhammad Haroon)
J.M. (CJ)-IV, TAKHT BHAI

SPP for the state present. Complainant not in attendance. Due General Election of Pakistan 2018 proceedings are not possible, hence adjourned. File be put up for proceedings already fixed on 20/06/18. Notice to complainant also be issued.

(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

ATTESTED

Session Judge
Takht Bhai

Handwritten number: 70

Handwritten notes at top right: "04/10/18" and "coup. thereof accu ac".

04/10/18 Confd.

Keeping in view the request of prosecution coupled with record and grounds taken and founded thereof this court is agreed with prosecution. Hence, all accused namely fawad Khan, Jameel including absconder accused are discharged from the charge leveled against them. Their sureties are also discharged. Case property, if any, be dealt/returned to its lawful owner as per law. Copy of this order also be sent to office of DPP/prosecution as well SHO concerned to do the needful in respect of absconding accused as per law.

File be consigned to the RR after its necessary completion.

ANNOUNCED
04-10-2018

3
Muhammad Haroon,
Judicial Magistrate, Takht Bhai

MUHAMMAD HAROON
JUDICIAL MAGISTRATE TAKHT BHAI

ATTESTED

Session Copying Branch
Session Court Mardan
at Takht Bhai

RECEIVED TO THE COURT COPY

BEARER
Copying Department
Session Court Mardan

3250
8/10/18
8/10/18
8/10/18

Prosecution. The
tion through
absence of
ted to
ice

09/10/18 Statement of Hazrat Bilal son of Fazal Subhan resident of Naray Wala, Shameelat, Tehsil Takht Bhai, on oath.(complainant)


Stated that I lodged FIR No.415 dated 28.8.2017 under sections 392/411/34 PPC at police Sarho Shah against the accused namely Fawad Khan, Jameel Khan and Nak Muhammad. Now I have affected compromise with all the accused and pardoned them in the name of Allah Almighty as they have satisfied me regarding their innocence. I submit my CNIC copy of the same is Ex PA.

If the accused mentioned above are acquitted/discharged under section 4-C-II of Prosecution Act in the instant case, I will have got no objection on the same. RO & AC.

Hazrat Bilal _____ (Complainant)

CNIC No.16102-7145127-1

Dated:04.10.2018


(Muhammad Haroon)
Judicial Magistrate, Takht Bhai.

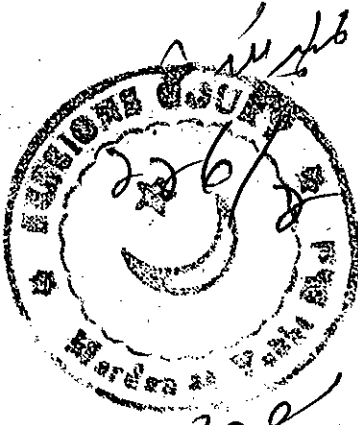
if
ed
for

Handwritten Urdu text at the top of the page.

**IN THE COURT OF MUHAMMAD HAROON JUDICIAL MAGISTRATE,
TAKHT BHAI.**

ORDER-1

27.9.2018



Handwritten notes: '27/18' and '27/18'.

Handwritten signature or initials.

Handwritten notes: '27/18'.

Handwritten notes: '16/18'.

Handwritten signature or initials.

Complete Challan put in court. Be registered.
Perusal of file shows that the accused has been charged for committing dacoity vide FIR No.1184 dated 26.7.2017 under section 392/411/148/149 PPC/15 AA of P.S.Takht Bhai, but on Challan form the APP has requested that the accused be discharged under section 4-C(II) of Prosecution Act on the grounds that initially no one was charged for commission of offence and present accused were charged on the statement recorded under section 164 Cr.P.C. That no source of satisfaction has been disclosed. Similarly no eye witness is available on record. Likewise no solid evidence was brought on record to connect accused with commission of offence. That the complainant and other effectee have patched up the matter with the accused and pardoned them.

1184
Handwritten number.

That in such like circumstances the trial of accused would be futile exercise, wastage of precious time of court and the ultimate result would be the acquittal of accused. Hence in the above mentioned circumstances and facts there are sufficient reasons for non-prosecution of the case under section 4-C(II) of Prosecution Act 2005.

Keeping in view the request of prosecution coupled with record and grounds taken and founded thereof this court is agreed with prosecution. Hence, accused namely Nake Muhammad son of Dost Muhammad, Adnan. so of Afzal Dyaz, Fawad Khan son of Sher Afzal, Jameel Khan Maroof Khan and Farhad Ali son of Shamsheer Khan resident of Mohallah Rawani, Takkar are discharged from the charge leveled against them. Their sureties are also discharged. Case property, if any, be dealt/returned to its lawful owner as per law.

File be consigned to the RR after its necessary completion.

ANNOUNCED
27.9.2018

Muhammad Haroon,
Judicial Magistrate, Takht Bhai

MUHAMMAD HAROON
JUDICIAL MAGISTRATE, TAKHT BHAI

ATTESTED

Session Copying Branch
Session Court, Takht Bhai

STATE VS. Nei

APPLICATION FOR THE DISCHARGE
2005 IN CASE FIR NO

Facts of the Case:- ons

Regis
of Co
7 Sen
found

Grounds for Discharge:

- 1: That
- 2: but
- 3: The

[Signature]
 Copying Department,
 Sessions Court, Madras

3787
5/10/10
5/10/10
5/10/10
5/10/10

Handwritten notes in Urdu/Arabic script on the right margin.

STATE.....VS..... Neik Muhammad etc

Subject: APPLICATION FOR THE DISCHARGE OF THE ACCUSED U/S 4 C (II) PROSECUTION ACT
2005, IN CASE FIR NO. 1184 DATED 26/7/017 U/S
PS

Brief Facts of the Case:-

instant case was registered at the behest of complainant - During (sentiment) the case was not found fit for trial -

Grounds for Discharge.

- 1: That initially no one was charged for the offences but the accused were charged later on in 164 emp statement.
 - 2: That no source of sale's factum have been shown.
 - 3: There is no eye-witness of the occurrence.
 - 4: That no solid evidence were brought on record to connect the accused with offence.
 - 5: That accused have not confessed their guilt.
 - 6: That the complainant and other effectees have patched up the matter with the accused and are not interested to prosecute the accused as is evident from court orders dated 27/9/017 and 15/12/017.
- So, keeping in view the above facts and circumstances the trial of the accused would be a futile exercise, wastage of precious time of the court.

It is, therefore, requested that the accused charged in the aforementioned case, may kindly be discharged of the charges leveled against him for deficient, weak evidence and for non-prosecution by the Prosecution Agency U/s 4 c (ii) prosecution act 2005.

Signature
Assistant Public Prosecutor,
Takht Bhai

ATTESTED
Signature
Session Judge
Session Court
at Takht Bhai

مدرک نمبر 03401925901

فارم نمبر (1) 5-21

03456226681

شہری ڈیوٹی والا
فلوئنگ کوٹ

فارم نمبر 2

03476816048

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 152 مجموعہ ضابطہ فوجداری

تاریخ و وقت رپورٹ	مختص بہانے	مختص
27 11 84	26 7/17	26 7/17
تاریخ و وقت رپورٹ	27 11 84	26 7/17
نام و سکونت اطلاع دہندہ مستغیث	حسب مل ولد محمد مل قوم اطفال نمبر 24 سال آئندہ حث علی کوٹ	26 7/17
شناختی کارڈ نمبر / موبائل نمبر		
مختصر کیفیت جرم (معدہ دفعہ) حال اگر کچھ لیا گیا ہو۔	17-392	17-392
جائے وقوعہ فاصلہ تھانہ سے اور سمت	بہ ایچ ضلع آباد درود بھٹک 3-D ہوٹل	15586
نام و سکونت ملزم		
شناختی کارڈ نمبر / موبائل نمبر		
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو		
تھانہ سے روانگی کی تاریخ و وقت		

ابتدائی اطلاع نیچے درج کرو۔ ٹومٹ سرد بچہ مستغیث مندرجہ خانہ عہدہ
 بشمول ڈپٹی سوار پولیس سیمیان عمر امیر نصیب ولد محمد خان سکندریہ خانہ عہدہ شاہ
 مسعود ولد مسعود خان سکندریہ بانیان لونڈ خور عمر 3 اکرام اللہ ولد یاشم خان سکندریہ
 عمر 4 مقرب خان ولد میرداد خان عمر 1 عین رحمان ولد مقرب خان عمر 1 محمدی شاہ ولد
 روحان شاہ ساکنان بٹ ضلع بھنگی نائی آر ریلوین کرنا ہے کہ آج تقریباً بوقت 20:40
 میں میرا ڈپٹی سوار پولیس نے پشاور سے فلائٹ کوچ نمبر 6186 ڈیف سے جلی ڈرائیوٹ
 اسان اللہ ولد باجا خان سکندریہ ضلع رحمان سوار پور گھیر خود واقعہ شہر زہ آریا قائم
 خانہ وقوعہ والا یعنی ٹوڈی اسان اسی سٹیشن نامعلوم بہ مع فلائٹ کوچ کے ساتھ پور ٹھاری لو
 کھڑا آئے متذکرہ بلا اسان نے محمد برادر ڈپٹی سوار پولیس سے اسٹیشن تان رجھ سے مبلغ
 5000 روپے نقد موبائل سیمینٹ 3-S و قومی شناختی کارڈ جہم اسپرڈ ہیں
 سے مبلغ 4000 روپے قومی شناختی کارڈ شاہ مسعود سے مبلغ 500 روپے، موبائل سیمینٹ
 LENOVO، آرام اللہ سے مبلغ 600 روپے اور والد قاتوی شناختی کارڈ، مقرب خان سے
 موبائل نوٹ بک، عین رحمان سے رقم مبلغ 900 روپے موبائل سیمینٹ، قومی شناختی کارڈ
 سرس لکھنؤ ATM کارڈ بینک ملی، محمدی شان سے مبلغ 500 روپے جینز، اسی دوران مجھے
 فٹ سے ایک نوٹ کارڈ BAS200 لکھنؤ بینک سے اور جس میں سوار اسان نے لکھا ہے
 ولد شاہ زین سکندریہ سے مبلغ 3450 روپے نقد، عدد موبائل سیمینٹ نوٹ بک یعنی
 11 عدد بینک جس میں بٹری سے جلی لکھی ہوئی ہیں ATM کارڈ 404، مسٹری بینک اور
 دستاویزات لکھنؤ، منقرن، موڈ کارڈ ڈرائیوٹ، فاروق اللہ ولد مبارک خان سکندریہ
 سے مبلغ 3800 روپے قومی شناختی کارڈ اور ڈرائیوٹ لکھنؤ، موڈ کارڈ متذکرہ سے

PTO

رقم 3 اور نو یا سا 5 A-7 سائٹ 2 عدد مو بائل سائٹ
 نوید ولد شاہ لہند سنگھ جارسرہ سے مبلغ 3000 روپے، مو بائل سائٹ 3-3
 سائٹ بذور چین کر راہ خزار اختیار سے وقوعہ ہذا امیری علاقہ 2017
 سوار سالقوں کا جنم یو سے میں اپنے اور دیگر سائٹوں سے رقم نقد
 مو بائل سائٹ، متفرق سائٹ اسلک کے نوٹ پر چین کرے جانے کا خلاف
 یہ آگیا کہ انہی، سلسلے نامعلوم دعویٰ دیوار سول اسٹریٹ ڈر اسٹریٹ
 مار فادریں انور ولد ملا رخاں سنگھ تیسرہ نے دیوارن بالائی کے نام سے
 مارواں لقا میں حصے نقد حاصل دیوارن صرف عرفہ، راجہ صدیق پور
 بہ زمان اسٹریٹ قلم سائٹ، دیوارن کے جسے جس نے صدیق پور
 دیوارن سلسلے کے ذریعہ دیوارن ایسا خط سبب بنا جسے نام لہند
 نے تانہوں د عطا میں رہا حالات واقعات، صفوں دیوارن سے صورت
 صدم بالائی میں حاکم پدم پدم فوق جان سونز لستول 12-1-17
 سیراد لکھنیش خوانہ شہد لکھنیش لکھنیش اور حاکم زار
 س

دیوارن 2017

441-PS-781
 26-7-2017

اطلاع کے نیچے دہندہ کا دستخط ہو گا یا اس کی مہر نشان لگایا جائے گا۔ اور اگر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہو گا۔ حرف الف یا ب سرخ روشنائی سے بالمقابل نام پر
 ایک عزیز یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھتا ہے۔