

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No: 981/2018

Date of Institution ... 04.08.2018

Date of Decision ... 27.07.2021

Syed Mohammad Abdullah ASI R/O Usterzai Payan, Kohat City, District Kohat.  
... (Appellant)

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and two others.  
... (Respondents)

MISS NAILA JAN  
Advocate

... For Appellant

MUHAMMAD RIAZ AHMED PAINDAKHEIL  
Assistant Advocate General

... For Respondents

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

**MEMBER (JUDICIAL)**  
**MEMBER (EXECUTIVE)**

**JUDGMENT**

**ATIQ-UR-REHMAN WAZIR MEMBER (E)**:- This judgment shall dispose of the instant Service Appeal as well as connected Service Appeal bearing No.982/2018 titled "Akhtar Abbas Versus Inspector General of Police Khyber Pakhtunkhwa, Peshawar and two others" and Service Appeal bearing No. 1016/2018 titled "Zeeshan Hussain Versus Inspector General of Police Khyber Pakhtunkhwa, Peshawar and two others" as common question of law and facts are involved therein.

2. Brief facts of the case are that the appellant, while serving in Police Department, was proceeded against on the allegations of recording wrong statements before the trial court in case FIR No. 1220 dated 18-11-2013, which

allegedly resulted into acquittal of the accused. As a result of disciplinary proceedings, major penalty of dismissal from service was imposed upon appellants vide order dated 07-01-2016. After availing departmental remedy, the appellant filed Service Appeal No. 259/2016 in this Tribunal, which was accepted vide judgment dated 04-12-2017 with directions to the respondents to conduct de-novo inquiry into the matter. On conclusion of de-novo inquiry, the appellant was re-instated in service, however with imposition of minor penalty of forfeiture of approved service of up to 2 years as well as treating the intervening period as leave without pay vide order dated 04-05-2018. Feeling aggrieved, the appellant filed departmental appeal dated 11-05-2018, which was rejected vide order dated 13-07-2018, hence the instant service appeal with prayers that the impugned order dated 04-05-2018 may be set aside and the appellant may be restored to his original position with all back benefits.

03. Written reply/comments were submitted by respondents.

04. Learned counsel for the appellant has contended that the de-novo proceedings has been conducted in total violation of the judgment of this Tribunal, as the appellant was neither issued any charge sheet/statement of allegation nor he was provided appropriate opportunity of defense. Learned counsel for the appellant further contended that no chance of personal hearing has been afforded nor provided fair opportunity of trial as is guaranteed by Article 10-A of the Constitution; that no pro and contra evidence has been collected by the inquiry officer nor did opportunity of cross-examination has been provided which is mandatory as per rule and law. Learned counsel for the appellant argued that the appellant was not provided copy of the inquiry report, hence the appellant was unable to furnish proper reply to the show cause notice. Learned counsel for the appellant further argued that the appellant has been condemned unheard and the penalty so imposed upon the appellant is not sustainable in the eye of law. Learned counsel for the appellant

prayed that on acceptance of the instant appeal, the impugned order dated 04-05-2018 may be set aside to the extent of imposition of minor penalty and the appellant may be restored to his original position with all back benefits.

05. Learned Assistant Advocate General appearing on behalf of official respondents has contended that the appellant while posted as Moharrar was a marginal witness in a heinous crime. Learned Assistant Advocate General further contended that the appellant deliberately recorded wrong statement in Trial court, extending favor to the accused, which resulted in their acquittal. He further argued that the charges against the appellant were proved during the inquiry and the authority has already taken lenient view by imposing minor penalty upon the appellant. He further argued that the appellant was associated with the inquiry proceedings and was afforded ample opportunity of defense but he failed to produce any cogent evidence so as to prove his innocence. In the last he requested that the instant appeal being devoid of merit may be dismissed.

06. We have heard learned counsel for the parties and have perused the record.

07. Disciplinary action was taken against the appellant on the allegations that while recording statement before the Trial Court, he willfully resiled from his earlier statement recorded U/S 161 Cr.Pc, which resulted in acquittal of the accused. It is settled law that statement recorded under section 161 Cr.Pc is having no evidentiary value. No evidence has been produced during the inquiry, which could substantiate the charges leveled against the accused. While recording his statement during the trial, no request was made by the prosecution for declaring the appellant as hostile witness, which fact negates the stance of the departmental authority that the appellant had willfully extended concessions to the accused in his testimony recorded during the trial. In Paras 27 and 28 of the judgment, the learned judge anti-terrorism

court has observed that the statements of prosecution witnesses namely Mazhar Jahan Inspector and Lal Farid, DSP were full of contradictions and improvements. The authority has however not taken any action against the said officers of police and has held the appellant responsible for acquittal of the accused. In view of material available on the record, it appears that the authority, while sparing the senior police officers has made the appellant a scapegoat.

08. The appellant, after availing the remedy of Service Appeal was again subjected to de-novo proceedings and charge sheet/statement of allegation were served upon the appellant with the same allegations, upon which the appellant was removed from service earlier and to which the appellant responded in the same description, which he had furnished in an earlier proceedings, but this time, his major penalty of dismissal was converted into minor penalty of forfeiture of approved service for two years as well as the intervening period was treated as leave without pay. We are unable to understand as to what yardstick was accustomed for de-escalating his penalty, inspite of the fact that allegations were the same and reply was also the same. Placed on record is an epitomic inquiry report, which does not contain any such information to determine as to whether the allegations were proved otherwise or the earlier proceedings had overrated such allegations. The inquiry report also does not contain any solid evidence or statements of witnesses to corroborate that sole reason for acquittal of the accused was statement of the appellant nor we found that the appellant was afforded opportunity to cross-examine witnesses. To us it was an eye wash and fulfillment of a codal formality, wherein the proceedings so conducted were alter ego of the earlier proceedings. Besides, statement recorded u/s 161 CrPc has no evidentiary value in the eye of law, hence deviation if any, from such statement would carry no meaning before the court of law and penalizing the appellant for such an allegation would amount to miscarriage of justice. We are of the considered opinion that the appellant was not treated in

accordance with law, rather he was discriminated. The de-novo proceedings were also replete with deficiencies, as the proceedings were only confined to the extent of the appellant and ignored other important actors, who were mainly responsible for such failure.

09. In view of the fore-going discussion, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

**ANNOUNCED**  
**27.07.2021**



**(SALAH-U-DIN)**  
**MEMBER (JUDICIAL)**



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

ORDER

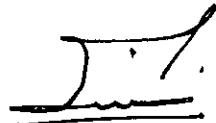
27.07.2021

Appellant alongwith Miss Naila Jan, Advocate, present. Mr. Arif Saleem, Steno alongwith Mr. Muhammad Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

**ANNOUNCED**

**27.07.2021**



**(SALAH-U-DIN)  
MEMBER (JUDICIAL)**



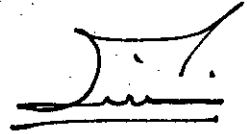
**(ATIQ UR REHMAN WAZIR)  
MEMBER (EXECUTIVE)**

15.07.2021

Appellant alongwith Miss. Naila Jan, Advocate, present. Mr. Arif Saleem, Steno alongwith Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard, however order could not announced due to rush of work. To come up for order before the D.B on 27.07.2021.



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



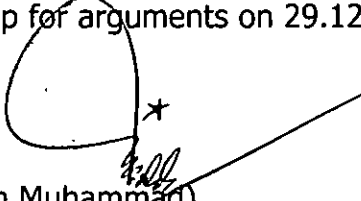
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)


16.10.2020

Counsel for appellant present.

Riaz Paindakheil learned Assistant Advocate General for respondents present.

Former made a request for adjournment. Adjourned. To come up for arguments on 29.12.2020 before D.B.

  
(Mian Muhammad)  
Member (E)

  
(Rozina Rehman)  
Member (J)

29.12.2020

Due to summer vacation, case is adjourned to 31.03.2021 for the same as before.


  
Reader


31.03.2021

Appellant in person present.

Mr. Kabirullah Khattak, Addl. A.G for respondents present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, case is adjourned to 15.07.2021 for arguments before the D.B.

  
(Atiqur Rehman Wazir)  
Member(E)

  
(Rozina Rehman)  
Member(J)



14.01.2020

Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. 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 11.03.2020 before D.B. Appellant be put to notice for the date fixed,

  
Member

  
Member

11.03.2020

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 29.04.2020 before D.B.

  
Member

  
Member

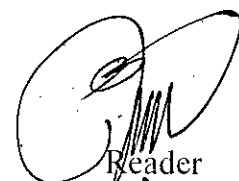
29.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 05.08.2020 before D.B.

  
Reader

05.08.2020

Due to summer vacation case to come up for the same on 16.10.2020 before D.B.

  
Reader

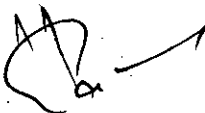
02.07.2019 Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourned. To come up for further proceeding on 28.08.2019 before D.B

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

28.08.2019 Appellant in person present. Asst: AG for respondents present. Appellant submitted an application for adjournment. Adjourn. Case to come up for arguments on 12.11.2019 before D.B.

  
Member

  
Member

12.11.2019 Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Mr. Inayat Ullah Head Constable for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 14.01.2020 before D.B.

  
Member

  
Member

18.03.2019

Appellant in person and Addl:AG alongwith Mr. Ishaq Gul, DSP (Legal) for respondents present.

Learned counsel for the appellant required time for placing on record copy of judgment passed by learned Judge Anti Terrorism Court, Kohat in case No. 61/ATC-1/2014 decided on 07.10.2015.

Learned Addl: AG, on the other hand, is required to bring on record the controversial statement of appellant recorded during the investigation and also before the Trial Court.


Adjourned to 09.05.2019 before D.B. The requisite record shall positively be make available on the next date.

  
Member

  
Chairman


09.05.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Mr. Bilal Ahmed H.C. for the respondents present. The learned Member (Executive) Mr. Hussain Shah is on leave, therefore, the bench is incomplete. Adjourned to 02.07.2019 for arguments before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

17.10.2018


Counsel for the appellant present. Mr. Arif Saleem, Steno  
alongwith Mr. Kabirulalh Khattak, Addl: AG for respondents  
present. Written reply not submitted. Requested for adjournment.  
Granted. Case to come up for written reply/comments on  
03.12.2018 before S.B.

  
(Ahmad Hassan)  
Member

03.12.2018


Counsel for the appellant present. Mr. Bilal Ahmad, LHC  
alongwith Mr. Kabirullah Khattak, Addl: AG for respondents  
present.

Representative of the respondents has ~~been~~ submitted  
written reply/comments. To come up for arguments on  
28.01.2019 before D.B.

  
Chairman

28.01.2019

Counsel for the appellant present. Mr. Muhammad Jan,  
alongwith Mr. Muhammad Farooq, Inspector (Legal) for  
respondents present. Rejoinder on behalf of the appellant submitted  
which is placed on file. Case to come up for arguments on  
18.03.2019 before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Hamid Mughal)  
Member

31.08.2018

Counsel for the appellant Syed Mohammad Abdullah present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department as ASI. It was further contended that during service the appellant was dismissed from service on the allegation that he had not conducted investigation in a criminal case honestly. It was further contended that the appellant filed service appeal which was partially accepted and the respondents were directed to conduct de-novo inquiry. It was further contended that de-novo inquiry was conducted and the appellant was imposed major penalty of forfeiture of approved service of two years and the intervening period was treated as leave without pay vide order dated 07.05.2018. The appellant filed departmental appeal on 11.05.2018 which was rejected on 11.07.2018 hence, the instant service appeal on 04.08.2018. It was further contended that the de-novo inquiry was not conducted according to law therefore, the impugned order is illegal and liable to be set-aside.

Appellant Deposited  
Security & Process Fee

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to deposit of security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 17.10.2018.

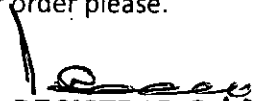



(Muhammad Amin Khan Kundi)  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 981/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/08/2018  10-8-2018	The appeal of Syed Muhammad Abdullah resubmitted today by Naila Jan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.   REGISTRAR 9/8/18
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>30-8-2018</u>   CHAIRMAN

31.08.2013

Control for the quantity of the ...  
present. Preliminary ...  
learned counsel for the ...  
served in ...  
continued ...  
from ...  
over ...  
concerning ...

The appeal of Syed Muhammad Abdullah ASI r/o Usterzai Payan Kohat City Distt. Kohat received today i.e. on 04.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓1- Annexures of the appeal may be attested.
- ✓2- Memorandum of appeal may be got signed by the appellant.
- ✓3- Copy of show cause notice and its reply mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- ✓4- Wakalat nama is left blank which may be filled up.

No. 1535 /S.T,

Dt. 4/8 /2018.

*4/8/18*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Naila Jan Adv. Pesh.

*Remove all  
the objections  
resubmitted by  
Naila Jan  
8/18/2018*





**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A 981 /2018

Syed Muhammad Abdullah

**VERSUS**

The Inspector General of Police Khyber Pakhtunkhwa  
Peshawar and others

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Dated: /08//2018

Through

Appellant *Naila Jan*  
*Naila Jan*  
Naila Jan  
Advocate High Court  
Peshawar.

D

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

In Re S.A. 981 /2018

Diary No. 1228

Dated 04-8-2018

Mr. Syed Mohammad Abdullah ASI R/O Usterzai Payan,  
Kohat City, District Kohat.

-----(*Appellant*)

**VERSUS**

1. The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. The Deputy Inspector General of Police Kohat Region Kohat.
3. The District Police Officer, District Kohat.

-----(*Respondents*).

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT 1974 AGAINST THE  
IMPUGNED ORDER NO4500-05/PA DATED KOHAT  
DATED 07/05/2018, WHEREBY THE PUNISHMENT  
OF FORFEITURE OF APPROVED SERVICE UPTO 2  
YEARS AND THE INTERVENING PERIOD WAS  
TREATED AS LEAVE WITHOUT PAY**

Filed to-day

Registrar

**PRAYER:**

**ON ACCEPTANCE OF THIS APPEAL THE  
IMPUGNED ORDER NO4500-05/PA DATED  
07/05/2018 MAY GRACIOUSLY BE SET ASIDE  
AND THE APPELLANT MAY KINDLY BE**

NOT SUBMITTED TO  
AND FILED

2/12/18

RESTORE TO HIS ORIGINAL POSITION IN TO  
SERVICE WITH ALL BACK BENEFITS

Respectfully Sheweth

1. That the appellant was appointed as constable in the Respondent department in the year 1994 and after appointment the appellant performed his duty with great zeal, zeast, and to the entire satisfaction of the Respondents.
2. That the appellant was promoted as Assistant sub Inspector on the basis of seniority cum fitness and posted as ASI/Moharar Thana in Police Station Kohat. The appellant was proceeded departmental which was ended on the dismissal of the appellant. After availing departmental remedy the appellant approached to service Tribunal by filling service appeal NO. 219/16 which was finally decided vide order judgment dated 04/12/2017 and the dismissal order was set aside the appellant was reinstated into service however the department was directed for conducting denovo inquiry within 90 days. (Copy of the judgment is annexed as annexure "A")

3. That a slip shod inquiry was conducted by the inquiry officer no charge sheet alongwith statement of allegation was served and the whole proceedings were conducted at the back of the appellant the appellant was issued show cause notice which was replied. (Copy of the show cause notice and reply are annexed as annexure "B & C")
4. That the appellant was awarded minor punishment of forfeiture of approved service upto two years while the intervening period was treated as leave without pay vide the impugned order dated 04/05/2018 by Respondent No.3. (Copy of the impugned order dated 04/05/2018 is annexed as annexure "D")
5. That feeling aggrieved from the above order the appellant filed a departmental appeal on 11/05/2018 before Respondent No.2. however the same were rejected vide order 11/07/2018. (Copy of the departmental appeal and appellate order are annexed as annexure "E & F")
6. That feeling aggrieved from both the impugned orders the appellant having no other remedy hence filling this appeal on the following grounds inter alia:-

4

**GROUND:**

A. That the impugned orders dated 07/05/2018 and 11/07/2018 are against the law facts and principle of natural justice hence liable to be set aside.

B. That the appellant has not been treated in accordance with law and Rules and was subjected to discrimination hence violation of Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.

C. That the denovo proceeding has been conducted in total violation of the judgment of this Hon'ble tribunal.

D. That the Hon'ble Tribunal directed the Respondents for conducting proper proceedings but the appellant was neither issued/served with any charge sheet, statement of allegation nor did provided any opportunity of defense. which is mandatory under E & D rules 2011.

E. That no chance of personal hearing/defense has been provided to the appellant further the appellant has not been provided opportunity of fair trial as guaranteed by Article 10-A of the

Constitution of Islamic Republic of Pakistan  
1973.

F. That no pro and contra evidence has been collected by the inquiry officer nor did opportunity of cross examination has been provided which is mandatory under E&D rules 2011.

G. That the appellant has been made escape goat hence the Respondents violated the principle of Natural Justice.

H. That the appellant has never been provided the inquiry report.

I. That thought public prosecutor was held responsible to defend the Respondents but the inquiry officer failed to discuss his role.

J. That serious reservations raised by the anti terrorism court in Para 27,28 of its judgment dated 07/10/2015 on the dubious role of the DSP, SHO and ASHO, but no action was taken against them and the appellant was made escape goat which was indorsed by the tribunal in Para No.6 of its judgment dated 04/12/2017. However the appellant was again subject to discrimination by issuing the impugned orders.

6

K. That during all their period with effect from 07/01/2016 till reinstatement order dated 04/05/2018. The appellant was jobless and faced starvation.

L. That the appellant has been condemned unheard.

M. That any other ground not raised here may graciously be allowed to raise at the time of arguments.

It is, therefore, requested that the appeal may kindly be accepted as prayed for.

Dated: /08/2018

Through

Appellant *[Signature]*  
*Naila Jan*  
Advocate High Court  
Peshawar.

NOTE:-

No such like appeal for the same appellant, upon the same subject matter has earlier been filed by me, prior to the instant one, before this Hon'ble Tribunal.

*[Signature]*  
Advocate.



D

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2018

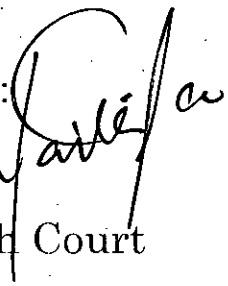
Syed Muhammad Abdullah

**VERSUS**

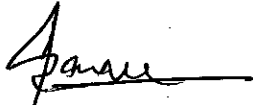
The Inspector General of Police Khyber Pakhtunkhwa  
Peshawar and others

**AFFIDAVIT**

I, Mr. Syed Mohammad Abdullah ASI R/O Usterzai Payan, Kohat City, District Kohat, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

Identified By :   
Naila Jan  
Advocate High Court  
Peshawar.



  
**DEPONENT**

D

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2018

Syed Muhammad Abdullah

**VERSUS**

The Inspector General of Police Khyber Pakhtunkhwa  
Peshawar and others

**ADDRESSES OF PARTIES**

**APPELLANT.**

Mr. Syed Mohammad Abdullah ASI R/O Usterzai Payan,  
Kohat City, District Kohat.

**RESPONDENTS:**

1. The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. The Deputy Inspector general of Police Kohat Region Kohat.
3. The District Police Officer District Kohat.

Dated: /08/2018

Through

  
Appellant

  
Naila Jan

Advocate High Court  
Peshawar.

9 Amrta SA

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

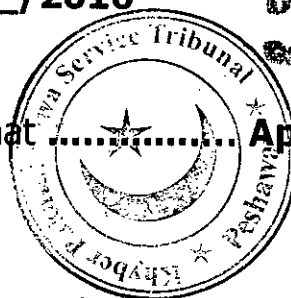
APPEAL NO. 219 /2016

K.W.F. Province  
Service Tribunal

Diary No. 198

Dated 10-3-2016

Mr. Syed Mohammad Abdullah, Ex: ASI,  
R/O Usterzai Payan, Kohat City, District Kohat ..... **Appellant**



**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Inspector General of Police, Kohat Region Kohat.
- 3- The District Police Officer, District Kohat.

..... **Respondents**

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974  
AGAINST THE IMPUGNED ORDER DATED 7-1-2016  
WHEREBY THE APPELLANT WAS DISMISSED FROM  
SERVICE WITHOUT CONDUCTING REGULAR INQUIRY  
IN THE MATTER AND AGAINST THE APPELLATE ORDER  
DATED 26-02-2016 WHEREBY THE APPEAL OF THE  
APPELLANT HAS BEEN REJECTED ON NO GOOD  
GROUNDS**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 7-01-2016 and 26-02-2016 may very kindly be set aside and the appellant may kindly be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**R/SHEWETH:**

**ON FACTS:**

- 1- That appellant was appointed as Constable in the respondent Department in the year 1994. That after appointment the appellant started performing his duty quite efficiently and up to the entire satisfaction of his superiors.

**ATTESTED**

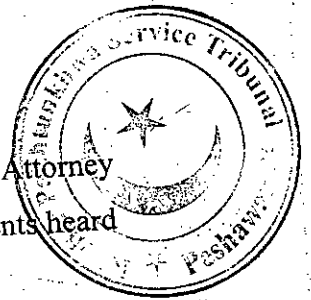
**CHIEF CLERK**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

That during service the appellant was promoted to the Rank of Assistant Sub Inspector on the basis of seniority cum fitness. That appellant while serving as ASI/ Thana Moharrir in police station Kohat City a charge sheet along with statement of allegation were served on the appellant on the allegation that appellant has recorded contradictory statements in high profile sectarian case before learned Anti

Order

04.12.2017

(u)



Counsel for the appellant and Mr. Usman Ghani, District Attorney  
alongwith Mr. Arif Saleem, ASI for respondents present. Arguments heard  
and record perused

This appeal is also accepted as per detailed judgment of today  
placed on file in connected service appeal No. 259/2016 entitled "Akhtar  
Abbas-vs- The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar  
and 2 others". Parties are left to bear their own cost. File be consigned to  
the record room.

Announced *sd/- Ahmad Hassan*  
*Member*  
04.12.2017

*sd/- M. Arif Khan Kundi,*  
*Member*

Certified to be true copy  
*[Signature]*  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 07-12-17  
Number of Words 800  
Copying Fee 6  
Urgent -  
Total 6  
Name of Copyist [Signature]  
Date of Completion of Copy 12-12-17  
Date of Delivery of Copy 12-12-17

*[Signature]*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 259/2016

Date of Institution ... 17.03.2016

Date of Decision ... 04.12.2017



Akhtar Abbas, Ex-LHC No.32,  
S/O Abbas Ghulam,  
R/O Alizai, Police Station Usterzai, Kohat

... (Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and 2 others.  
... (Respondents)

-----  
MR. MUHAMMAD ASIF YOUSAFZAI,  
Advocate

--- For appellant.

MR. USMAN GHANI,  
District Attorney

--- For official respondents.

MR. AHMAD HASSAN,  
MR. MUHAMMAD AMIN KHAN KUNDI

... MEMBER (Executive)  
... MEMBER (Judicial)

JUDGMENTAHMAD HASSAN, MEMBER.-

This judgment shall dispose of the instant service appeal as well as connected service appeals no. 269/2016 titled Zeeshan Haider and no. 219/2016 titled Syed Muhammad Abdullah as similar question of law and facts are involved therein.

2. Arguments of the learned counsel for the parties heard and record perused.

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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12

FACTS

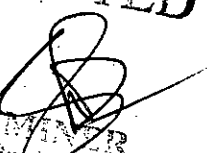
3. Brief facts of the case are that the appellant was serving as Head Constable when subjected to inquiry on the allegations of giving a wrong statement before Trial Court in case FIR no. 1220 dated 18.11.2013 registered regarding terrorism incident relating to Imam Bargah, Kohat where-against he preferred departmental appeal on 18.01.2016 which was rejected on 26.02.2016, hence, the instant service appeal on 17.03.2016.

ARGUMENTS

4. Learned counsel for the appellant argued that Khyber Pakhtunkhwa Police is divided into two wings i.e Operation and Investigation. Once FIR is lodged then it is the duty of the investigation wing to investigate the case and as such the appellant was least concerned with investigation. That proper departmental enquiry was not conducted before imposition of major penalty of dismissal from service on the appellant. Opportunity of cross examination and personal hearing were denied to him. Though show case notice was served on the appellant but copy of the enquiry report was not attached with the same which is a serious irregularity on the part of respondents. The enquiry officer miserably failed to discuss the role of Public Prosecutor, who was solely responsible to defend the respondents in the court of law. The respondents should have referred the matter to the concerned agencies to initiate the disciplinary proceedings against the Public Prosecutor concerned. Statement recorded under Section 161 of CRPC has not evidentiary value in the court of law. The inquiry officer acted as a prosecutor by serving questioner on the appellant and others. He further argued that the respondents should have filed appeal against the judgment of Anti Terrorism Court in Peshawar High Court. Reliance was placed on 2011 PLC(C.S) 1111, 2008 SCMR 1369, 2003 SCMR 215 and 2005 SCMR 1617.

5. On the other hand learned District Attorney assailed the arguments of the learned counsel for the appellant and stated that proper departmental enquiry in accordance with

**ATTESTED**

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

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rules was conducted and all legal formalities were observed and the appellant was found guilty. Impugned order was passed according to law and rules.

CONCLUSION.

6. Careful perusal of record would reveal that proper departmental enquiry strictly according to invogue rules was not conducted before imposition of major penalty of dismissal from service on the appellant. It is a well settled principle that in case major penalty is to be imposed on a civil servant proper enquiry should be conducted and full opportunity of defense and personal hearing should be provided to the accused official. Opportunity of cross examination and personal hearing were denied to him. Though show cause notice was served on the appellant but copy of the enquiry report was not attached with the same which is a serious departure from the laid down procedure and raises doubts on the fair and transparent inquiry proceedings. We are of the considered view that in the case in hand Article 4, 10-A and 25 of the constitution were violated and appellant was condemned unheard. It is strange that despite serious reservations raised by the ~~Accountability~~ <sup>Anti-Corruption</sup> Court in para 27-28 of the judgment dated 07.10.2015 on the dubious role of DSP, SHO and ASHO no action was taken against them. Needless to add that appellant was not only made scapegoat but also meted out discriminatory treatment.

7. As a nutshell of the above discussion, the appeal is accepted. Impugned order is set aside and the respondents are directed to conduct *de-novo* enquiry within a period of 90 days after receipt of this Judgment. Enquiry should be conducted in accordance with law and rules. The issue of back benefits shall be subject to the final outcome of the *de-novo* enquiry. Parties are left to bear their own costs. File be consigned to the record room.

Announced *Self - Ahmad Hassan, Member*  
04.12.2017

*Self - M. Amin Khan Kundt, Member*

Date of Presentation of Application 07-12-17  
Number of Words 1200  
Copying Fee 8  
Urgent -  
Total 8  
Name of Copyist [Signature]  
Date of Completion of Copy 12-12-17  
Date of Delivery of Copy 12-12-17

Certified to be true copy

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Signature]*

Sial ~~Muhammad~~ Ad Abdulkher





Amir "B" (14)

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

No. 3321 /PA dated Kohat the 4/4/2018

**FINAL SHOW CAUSE NOTICE**

1. I, Abbas Majeed Khan Marwat, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, ASI Syed Muhammad Abdullah as fallow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 438-39/PA dated 17.01.2018.
- ii. On-going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.  
I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.  
You have intentionally and deliberately recorded contradictory statement in high profile sectarian case before learned AT Court in case vide FIR No.1220, dated 18.11.2013, u/s 302,324,353,34 PPC,13 AO, 7 ATA, in which three persons including gunman of DSP City Kohat were killed and two civilians sustained severe injuries.  
You openly supported/favored the accused charged for above mention offences by stating the following:-
  - a. In cross examination you have willfully resiled from your earlier statement recorded u/s 161 CrPC during course of investigation by stating that case property recovered in this case was received to you in an un-sealed condition, kept the same in the Mall Khana of the PS and openly supported/favored the charged accused.
  - b. You have willfully concealed the fact that weapons of offence recovered from the charged accused were sealed by the SHO on spot.
  - c. Due to your statement all the accused charged in the above case were acquitted by extending benefit of doubt by the court.
  - d. Being an experienced police personnel, you have provided an extra ordinary benefit to the accused in this high-profile sectarian case which led to their acquittal. This amounts to gross professional misconduct, willful joining hands with accused and irresponsibility on your part.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules *ibid*.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

14/8

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

  
~~DISTRICT POLICE OFFICER,~~  
KOHAT 2/2 4/4

ضابطہ نمبری 1

مجاہد نیشنل شوکار ٹریڈنگ کمپنی / PA 3320/PA مورخہ 2018-4-4

چارم ضابطہ DP صلیب کو صفاٹ معروف ضابطہ نمبری - کم

مدرستہ نمبری 122 مورخہ 11/13/18 جم 353-324-302  
34-13A0-7ATA

نفاذ ٹیٹو کو صفاٹ مجسٹریٹ ٹریڈنگ کمپنی کے دوران سماعت عداوت قسم

ATC سے جانکاری FIR مہمات دی -

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

مجاہد نیشنل شوکار ٹریڈنگ کمپنی کے دوران اصل ضابطہ نمبری DP صلیب کی

عدالتی بیان ایک جیسے ہیں۔ جو کہ ریکارڈنگ اور ریکورڈنگ کے طور پر ہیں۔

یہ تو کہ غلط بیان سے کام نہیں لیا جاتا۔ اگر غلط بیان سے کام

لیا جاتا تو وہ وقت سرکاری وکیل فیضان صاحب پر موجود رہتا۔

میرے خلاف کوئی ایکشن نہیں لیا گیا۔ پورا فیصلہ AFC کورٹ کو

اگر منظور دیا جائے تو اسٹیٹ غلطیاں میرا پورا ہی گواہان لائن

افسر کے خلاف فیضان صاحب ہیں۔ ہمارے بیان کے ٹائٹل میں

کورٹ AFC صاحب نے اپنے فیصلے میں میرے خلاف کوئی غلطی نہیں

کئی ہے۔ کورٹ AFC صاحب کے فیصلے میں جو کہ ہمارے لئے اہم

گواہ بنا وہ بنا درخان ASHA صاحب کو صاحب تھا۔ اس نے میرا اسلام اور

ملتان اور بہاولپور اس کے گواہ لیا تھا۔ اور فیضان درخان

ASHA صاحب نے حوالہ دیا تھا۔ وہ عدالتی بیان ریکارڈ میں کیا گیا

اس سے Abadani کتاب ہے۔ کورٹ AFC صاحب نے <sup>فیضان</sup> 28 ستمبر

صفحہ نمبر 41 پر لکھا ہے۔

عدالت سروس ٹریننگ کورس اور میں نے صاحب نے اپنے فیصلے میں

فیضان صاحب کو گواہان کے ہاتھ لگا کر ریکارڈ میں لیا گیا۔ جبکہ میرا عدالتی بیان

کا پورا پورا بیان ہے۔ چونکہ قربانی کا پورا پورا بیان ہے۔

جو ذمہ صحیحہ آئینہ کی ہے۔ - یہ سب اہل حق سے جو بیان کیا گیا

کے ساتھ تھا وہ فرمان صاف PP کے لیے ہے اور یہ بیان ہے۔

یہ کہ کوئی غلط بیان سے کام نہیں لے گا۔ اور نہ ہی صرف

طرف کوئی الزام آتا ہے۔ اور نہ ہی ثابت ہوا ہے کہ صرف

تعمیرات جو کہ آج کے ہیں بلکہ بنیادیں ہیں۔ جو کہ

قسم کا داغ ہیں۔ یہ نہیں آتا اور آئینہ ہے۔

من مسائل کہ جس طرح آئینہ کار نہیں ہے، مسائل کے لیے جو

ہے، - (2) صبح شروع ہے۔ کہ میرا شمارہ ہے۔

اس کا مسئلہ مسائل کی انکو آئینہ ہے، یہ سب دردانہ امور فرما کر خالی

کروانے کے اوقات صادر فرمائیں۔ مسائل تصانیف دیا گورنمنٹ

انکا فرمانبردار / مالدار

سید محمد عبدالرشید آسی منٹو

فرم = 2018 - 4 - 9

خدمت جناب ڈپٹی انسپکٹر جنرل اف پولیس رینج کوہاٹ

جناب عالی!

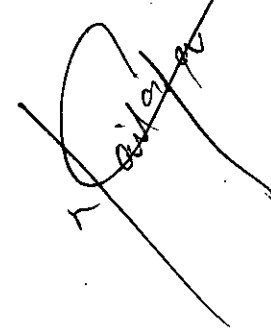
گزارش پانہ کوالہ آرڈر 4376-86/PA مورفہ 4-5-2018 کوالہ OB نمبر

461 مورفہ 3-5-2018 جناب DPo صاحب کوہاٹ معروض خدمت

ٹیفون - مقدمہ علت 1225 مورفہ 18/11/13 جر 3  
302-324-353  
34-1340-7AIA

مقامہ سٹی کوہاٹ کجیت محرم بلوران سماعت عدالت ATC میں چالیدی  
FIR شہادت دی۔ بلوران عدالتی شہادت جناب فرمان صاحب PP  
ATC کوہاٹ کی موجودگی میں سینٹ ریکارڈ کیا گیا۔ بیان 161 کی تائید میں  
ریکارڈ کیا گیا۔ میرے دونوں بیانات آید جیسے ہے۔ میں نے کوئی غلط بیانی  
سے کام نہیں لیا ہے۔ یورا منضیلہ جناب محرم صاحب ATC کو اتر لنگور رکھا  
جائے میرے خلاف اس فیصلے میں کوئی غلطی تحریر نہیں کی ہے۔

عدالت سروس ٹریبونل ایشاور محرم صاحب نے اپنے فیصلے میں مجھے  
بے گناہ تصور تحریر فرمایا ہے محرم صاحب نے اپنے فیصلے میں یہ بھی تحریر  
فرمایا ہے کہ میں نے اپنی درخواست منظور کرنے ڈینوائنٹری کرنا کا حکم  
تحریر فرمایا ہے بھی تحریر فرمایا۔ کہ بعد ڈینوائنٹری کر کے مسائل کو  
تما اس رعایت لیں (Back BENEFITS) کے ساتھ بحال کرنا کا حکم  
تحریر فرمایا ہے چونکہ محرم صاحب نے اپنے فیصلے میں مجھے بے گناہ تصور  
کیا ہے۔



(2)  
انٹوائری افسرنے اپنے ڈیپٹی انٹوائری میں (minor Punishment) تحریر  
کیا ہے جبکہ عدالت سروس ڈیپارٹمنٹ لپڈنا ورٹ مجھے بے گناہ تحریر  
قرما کر بحال کرنے کا حکم فرمایا ہے۔

جناب VPDPO کوہاٹ نے بعد ڈیپٹی انٹوائری مجھے دو سال  
سروس اور ان کے متعلق ہیں کی سزا دی ہے۔ چونکہ میں نے دو سال  
بہر خاستگی کی سزا کاٹی ہے۔ اس دو سال کی بہر خاستگی میں مجھ پر  
اتنے قرضے اچلے ہیں 10 اس سے ادا کرنا لمبائی ضروری ہے۔

میں سائل کسی بھی طرح گنہگار نہیں ہوں۔ سائل کے چھوٹے چھوٹے  
بچے ہیں۔

استدعا ہے کہ سائل پچھلے 2 سال سروس اور ان کے (Back benefits)  
لیں تمام فراہمات اور سنٹیٹی بحال کرنے کا حکم صادر فرماری جاوے۔  
سائل تاحیات دعا گو رہے گا۔

کاظم  
4/11/2018

اپ کا تابددار / ذرا بشردار  
سید حمزہ عبداللہ ASI ضلع ہنگو

مورخہ 11-5-2018

21

*Muhammad F*

POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by ASI Syed Muhammad Abdullah of Kohat district Police, against the punishment order, passed by DPO Kohat vide OB No. 461, dated 03.05.2018 whereby he was awarded minor punishment of forfeiture of two years approved service and leave without pay for the allegations of producing contradictory statement before the Anti-Terrorism Court Kohat and facilitation of accused with undue favour.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Kohat and perused. He was also heard in person in Orderly Room, held in this office on 11.07.2018. He did not advance any plausible explanation in his defense.

Record indicates that the appellant has willfully contradicted his statement before ATC, which resulted into acquittal of nominated accused and the same has been established by Enquiry Officer in his findings. The punishment order of DPO Kohat is justified. His appeal is hereby rejected.

Order Announced:  
11.07.2018

(MUHAMMAD IJAZ KHAN) PSP  
Region Police Officer,  
Kohat Region.

No. 7725 /EC, dated Kohat the 13/7 /2018.

<sup>UB</sup> Copy for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 12667/LB, dated 11.06.2018. His Enquiry File / Fauji Missal is returned herewith.

*ORE*  
*For information*

(MUHAMMAD IJAZ KHAN) PSP  
Region Police Officer,  
Kohat Region.

*Handwritten notes and signatures in the bottom left corner.*

*Signature of District Police Officer, Kohat*  
District Police Officer,  
Kohat  
*17/7/18*

*Stamp: 77256, 18/7/18*





50 روپے



ایڈوکیٹ: Naila Jan  
بار کونسل ایسوسی ایشن نمبر:  
رابطہ نمبر: 93129215471

43907

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب KCP Service Tribunal Peshawar

مخارج: <u>appellant</u>	دعوی: <u>Service appeal</u>
<u>Syed muhammad Abdullah</u> بنام <u>Police</u>	علت نمبر: <u>Appeal No. 981/18</u>
	مورخہ:
	جرم:
	تھانہ:

### باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ  
 آن مقام Peshawar کیلئے Naila Jan and Humra کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب منصف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

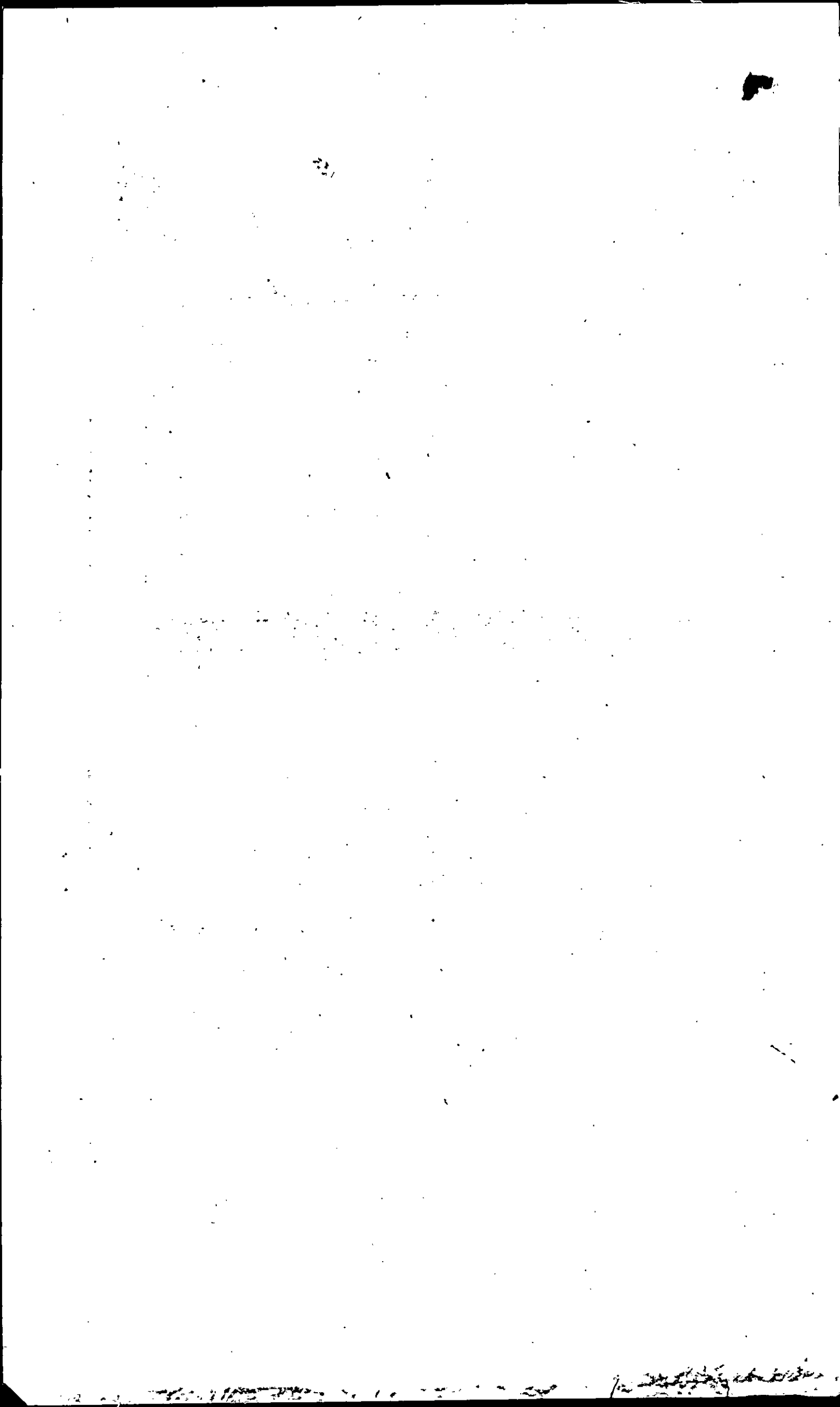
المرقوم: 9/8/2018

مقام Peshawar کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Naila Jan  
 Attest and Accepted  
 by Naila Jan

Syed Muhammad Abdullah  
 Counsel





17  
Amir D

OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

No 4376-81/PA dated Kohat the 04/15/2018

**ORDER**

This order will dispose of de-novo departmental proceedings initiated against ASI Syed Muhammad Abdullah under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

The essential facts arising of the case are that ASI Syed Muhammad Abdullah (**hereinafter called accused**) while posted at PS City was dismissed from service vide order dated 07.01.2016. The accused officer has intentionally and deliberately recorded contradictory statement in high profile sectarian case before learned AT Court in case vide FIR No.1220, dated 18.11.2013, u/s 302,324,353,34 PPC,13 AO, 7 ATA, in which three persons including gunman of DSP City Kohat were killed and two civilians sustained severe injuries. He has openly supported/favored the accused charged for above mention offences by stating the following:-

i. In cross examination he has willfully resiled from his earlier statement recorded u/s 161 CrPC during course of investigation by stating that case property recovered in this case was received to in an un-sealed condition, kept the same in the Mall Khana of the PS and openly supported/favored the charged accused.

ii. He has willfully concealed the fact that weapons of offence recovered from the charged accused were sealed by the SHO on spot.

iii. Due to his statement all the accused charged in the above case were acquitted by extending benefit of doubt by the court.

iv. Being an experienced police personnel, he has provided an extra ordinary benefit to the accused in this high profile sectarian case which led to their acquittal. This amounts to gross professional misconduct, willful joining hands with accused and irresponsibility on his part.

In compliance with the Judgment of Service Tribunal dated 04.12.2017, denovo departmental proceedings initiated after approval. The SP Operations, Kohat was appointed as enquiry officer by the competent authorities. Charge Sheet alongwith statement of allegations issued to the accused officer. The accused officer was associated with the proceedings and afforded ample opportunity of defense by E.O. The said ASI was held guilty of the

*[Handwritten signature]*

charges vide finding of the enquiry officer and recommended for minor punishment.

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Final Show Cause Notice alongwith copy of enquiry finding was served upon the accused officer. Reply received unsatisfactory, without any plausible explanation.

Therefore, the accused official was called in Orderly Room, held on 03.05.2018 and heard in person, but he failed to submit any explanation to his gross professional misconduct.

In view of the above and available record, I agreed with the finding of enquiry officer, therefore, in exercise of powers conferred upon me under the rules **ibid I**, Abbas Majeed Khan Marwat, District Police Officer, Kohat impose a minor punishment of **of forfeiture of approved service up to 02 years** on accused ASI Syed Muhammad Abdullah. He is reinstated in service with immediate effect. The **intervening period is treated as leave without pay on the principle "no work, no pay"** and pay is hereby released.

Announced  
03.05.2018

  
DISTRICT POLICE OFFICER,  
KOHAT 20/3/5

OB No. 461  
Date 3-5-2018  
No 4376-811

PA dated Kohat the 04-5-2018.

Copy of above is submitted for favour of information to the:-

1. Deputy Inspector General of Police, Enquiry & Inspections w/r to his letter No. 517/E&I. dated 02.04.2018.
2. Regional Police Officer, Kohat w/r to his office Endst: No. 639/EC dated 18.01.2018.
3. AIG Legal Peshawar w/r to his letter No. 2806/Legal dated 21.12.2017.
4. District Police Officer, Hangu.
5. District Account Officers Kohat & Hangu.
6. Reader, Pay officer, SRC and OHC for necessary action.

  
DISTRICT POLICE OFFICER,  
KOHAT 20/3/5



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
**SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 981/2018  
Syed Muhammad Abdullah

.....Appellant

**VERSUS**

Inspector General of Police  
Khyber Pakhtunkhwa & others

..... Respondents

**INDEX**

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2.	Counter Affidavit	-	03
3.	Charge sheet and statement of allegations	<b>A &amp; B</b>	04-05
4.	Reply to the charge sheet in de-novo inquiry	-	06-07
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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
**SERVICE TRIBUNAL, PESHAWAR**

---

Service appeal No. 981/2018  
Syed Muhammad Abdullah

.....Appellant

**VERSUS**

Inspector General of Police  
Khyber Pakhtunkhwa & others

..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.**

**Respectively Sheweth:-**

Parawise comments are submitted as under:-

**Preliminary Objections:-**

- i. That the appellant has got no cause of action.
- ii. That the appellant has got no locus standi.
- iii. That the appeal is not maintainable in the present form.
- iv. That the appellant is estopped to file the instant appeal for his own act.
- v. That the appellant has not come to this Hon: Tribunal with clean hands.
- vi. That the appeal is not maintainable for misjoinder and non-joinder of necessary parties.

**FACTS:-**


1. Pertains to record, hence no comments.
2. The appellant while posted as ASI Muharrir Police station City Kohat was a marginal witness in a heinous case vide FIR No. 1220 dated 18.11.2013 U/Ss 302, 324, 353, 34 PPC, 13 AO, 7ATA PS City Kohat. The appellant deliberately recorded wrong statement in Anti-Terrorism Court Peshawar. The benefit of this statement was extended to the accused who were acquitted. Therefore, the appellant was proceeded departmentally which culminated into his dismissal from service. However, in compliance with the judgment of this Honorable Tribunal in service appeal No. 219/2016, the appellant was proceeded with de-novo inquiry.
3. As submitted above, de-novo departmental proceedings were initiated against the appellant on the misconduct, submitted in para No. 2.
4. Correct.
5. Correct.
6. The appellant is estopped to file the instant appeal for his own conduct.

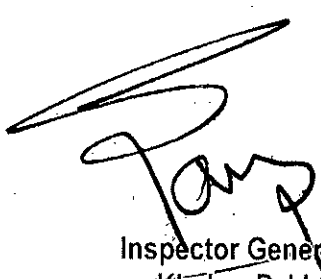
**Grounds:-**


- A. Incorrect, the orders passed by the respondent No. 2 & 3 are based on facts, charges levelled against the appellant have been established beyond any shadow of doubt. Hence, the respondents 2 & 3 passed legal and speaking orders in accordance with law & rules.
- B. Incorrect, the appellant was proceeded with departmentally in accordance with law & rules.

- C. Incorrect, the judgment of this Honorable Tribunal was honored / implemented in letter & spirit.
- D. Incorrect, the appellant was served with charge sheet alongwith statement of allegations to which the appellant submitted reply to the charge sheet. Copies are **annexure A & B**.
- E. Incorrect, the appellant was associated with in inquiry proceedings, he was heard by the inquiry officer, competent authorities and the departmental appellate authority.
- F. Incorrect, cogent evidence against the appellant has been brought on record.
- G. Incorrect, the appellant was proceeded on the misconduct committed /established against the appellant.
- H. Incorrect, the appellant was provided ample opportunity of defense but failed to defend himself.
- I. Irrelevant, the appellant was responsible for his own act, due to which the accused was acquitted.
- J. The appellant was posted as Muharrir ASI and he was marginal witness of a heinous case. During course of trial, the appellant willfully contradicted his statement, which resultant into acquittal of accused.
- K. Irrelevant.
- L. Incorrect, the appellant was heard in person, associated with inquiry proceedings, but failed to defend himself during the inquiry proceedings.
- M. The respondents may also be allowed to advance other grounds at the time hearing.

Keeping in view of the above, it is submitted that the appeal is without merit and not substantiated. It is, therefore, prayed that the appeal may kindly be dismissed with cost please.

  
Deputy Inspector General of Police,  
Kohat Region, Kohat  
(Respondent No. 2)

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

  
District Police Officer,  
Kohat  
(Respondent No. 3)



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
**SERVICE TRIBUNAL, PESHAWAR**

---

Service appeal No. 981/2018  
Syed Muhammad Abdullah

.....Appellant

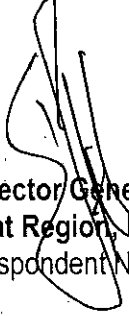
**VERSUS**


Inspector General of Police  
Khyber Pakhtunkhwa & others

..... Respondents

**COUNTER AFFIDAVIT**

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

  
Deputy Inspector General of Police,  
Kohat Region, Kohat  
(Respondent No. 2)

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

  
District Police Officer,  
Kohat  
(Respondent No. 3)



No. 438-32/PA

Office of the  
District Police Officer,  
Kohat

Dated 17-1-2018

(41)

**CHARGE SHEET.**

I, **ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT,** as competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amendments 2014) am of the opinion that you **Ex-ASI Syed Muhammad Abdullah** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

*You have intentionally and deliberately recorded contradictory statement in high profile sectarian case before learned AT Court in case vide FIR No.1220, dated 18.11.2013, u/s 302,324,353,34 PPC,13 AO, 7 ATA, in which three persons including gunman of DSP City Kohat were killed and two civilians sustained severe injuries.*

*You openly supported/favored the accused charged for above mention offences by stating the following:-*

- i. *In cross examination you have willfully resiled from your earlier statement recorded u/s 161 CrPC during course of investigation by stating that case property recovered in this case was received to you in an un-sealed condition, kept the same in the Mall Khana of the PS and openly supported/favored the charged accused.*
- ii. *You have willfully concealed the fact that weapons of offence recovered from the charged accused were sealed by the SHO on spot.*
- iii. *Due to your statement all the accused charged in the above case were acquitted by extending benefit of doubt by the court.*
- iv. *Being an experienced police personnel, you have provided an extra ordinary benefit to the accused in this high profile sectarian case which led to their acquittal. This amounts to gross professional misconduct, willful joining hands with accused and irresponsibility on your part.*
- v. *On acceptance of appeal, a de-nove enquiry was ordered to be initiated by DIG Enquiry & Inspections vide his letter No. 52/E&I dated 10.01.2018.*

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of Police Rules 1975.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

  
DISTRICT POLICE OFFICER,  
KOHAT 16/1



Office of the  
District Police Officer,  
Kohat

No. \_\_\_\_\_/PA

Dated \_\_\_\_\_/2018

**DISCIPLINARY ACTION**

I, **ABBAS MAJEED KHAN MARWAT, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Ex-ASI Syed Muhammad Abdullah** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

**STATEMENT OF ALLEGATIONS**

You have intentionally and deliberately recorded contradictory statement in high profile sectarian case before learned AT Court in case vide FIR No.1220, dated 18.11.2013, u/s 302,324,353,34 PPC,13 AO, 7 ATA, in which three persons including gunman of DSP City Kohat were killed and two civilians sustained severe injuries.

You openly supported/favored the accused charged for above mention offences by stating the following:-

- i. In cross examination you have willfully resiled from your earlier statement recorded u/s 161 CrPC during course of investigation by stating that case property recovered in this case was received to you in an un-sealed condition, kept the same in the Mall Khana of the PS and openly supported/favored the charged accused.
- ii. You have willfully concealed the fact that weapons of offence recovered from the charged accused were sealed by the SHO on spot.
- iii. Due to your statement all the accused charged in the above case were acquitted by extending benefit of doubt by the court.
- iv. Being an experienced police personnel, you have provided an extra ordinary benefit to the accused in this high profile sectarian case which led to their acquittal. This amounts to gross professional misconduct, willful joining hands with accused and irresponsibility on your part.
- v. On acceptance of appeal, a de-nove enquiry was ordered to be initiated by DIG Enquiry & Inspections vide his letter No. 52/E&I dated 10.01.2018.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **Mr. Jamil Akhtar SP Operations Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,  
KOHAT**

No. 438-39/PA, dated 17-1-/2018.

- Copy of above to:-
1. **Mr. Jamil Akhtar SP Operations Kohat:-** The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
  2. **The Accused Official:-** with the directions to appear before the Enquiry Officer on the date, time and place fixed by him, for the purpose of enquiry proceedings.

ضابطہ نمبر 1

محکمہ خارج عدالت 438-39 محرم 1385ھ کو  
17-01-2018

تقریباً 1220 فیصد 11/18 محرم 1385ھ  
7AIA

کودانہ سٹی ضلع کوٹوال مجسٹریٹ محرم برادران سماعت عدالت محرم ATC میں  
جاکسٹری FIR، وہ سولی فالٹڈ سے شکایت دی۔

برادران اور سٹی ضلع کوٹوال اصل میں ضابطہ نمبر 1385ھ کو موجود  
میں صرف ایک رڈ تھا جس میں ٹرکوں کی آمد و رفت کی جا رہی تھی۔

ATC

بیان دیگر سوال میں وکیل مخالف نے جاکسٹری کو دیا تھا جس پر  
ضابطہ نمبر 1385ھ کو سٹی ضلع کوٹوال میں ایک آئی آر جاکسٹری کا  
معلق سوال لڑا گیا تھا جس پر سوال لڑا گیا تھا۔

غیر متعلقہ سوال لڑا گیا تھا جو بیان دیا گیا۔ میں نے بار بار  
واپس کو دیا کہ میں محرم تھا۔ لہذا صرف متعلقہ سوال لڑا گیا تھا۔

میں نے ایک فالٹڈ سے شکایت کی تھی جس پر بیان کا اعلان ہے  
تو میں نے بیان دیا کہ وہ ایک فالٹڈ سے شکایت لڑا گیا تھا۔ وہ بار بار لڑا گیا

میں نے سوال لڑا تھا جس پر بیان دیا گیا۔ جبکہ بیان دیا گیا کہ وہ ایک فالٹڈ سے شکایت لڑا گیا تھا  
میں نے تمام بارگاہ سے برادران کو دیکھا تھا۔ وہ ایک آئی آر سے

استعمال نہیں کیا تھا وہ سولی تھا۔ جو ایک آئی آر سے شکایت لڑا گیا تھا  
میں نے سوال لڑا تھا کہ اس کے "Weapons of offense" سے شکایت لڑا گیا تھا

میں نے بیان دیا تھا۔

بیان مالدار کا تیز سے سروس ٹری سینورل کوٹنگ یاد رہنا یہ ہر روز

سہولت درست حکم کی۔ لاہور دوران سہولت کسی لورائن ATC منسلک

میرے کسی غلطی کو Reused نہیں کیا گیا۔ جبکہ منسلک بریٹ فلٹران کو لفظ

جائے تو انہیں کسی میرا ذکر نہیں ہے، یہ وہی کوئی غلط بیانی سے کام

نہیں کیا گیا۔ نہ ہی آج تک دوران سہولت منسلک میں میرے خلاف کوئی

الیا الزام آ رہا ہے ثابت ہوا۔ لاہور میں تمام ٹری فلٹرنٹ میں فوجی اس قسم

کا داغ نہیں ہے، یہ ہے انہیں انٹرا انٹرا انٹرا ہو گا۔

میں Asi کے خلاف تمام ٹری فلٹران بے بنیاد ہیں۔

قریب 25/1/2018

فرمانیہ نمبر دار

سید محمد عبدالرشید Asi ضلع صفیلو

Inspector of Police  
Operation  
Kohat

بحوالہ فائل شوکاز نوٹس نمبر 15317/PA مورخہ 08-12-2015 مجاریہ جناب DPO صاحب کوہاٹ  
معروض خدمت ہوں۔ کہ اس سے پہلے میں تفصیل جواب دیا ہے۔ اس کے علاوہ من سائل نے جو مقدمہ  
آلہ قتل جو موقع سے برآمد ہوا تھا 4 عدد پارسل بند سربمہر تھے میں نے وصول کیا تھا اور جو مقدمہ بجرم 13AO  
ریگوری ہوئی تھی وہ بعد امرری رائے کے بند پارسل کیا ہوا تھا۔ جسکی وضاحت میں پہلے بھی کر چکا ہوں۔ میں  
اللہ کو حاضر ناظر جان کر کہتا ہوں۔ میں نے صرف سرکاری کام کے سرانجام دی ہے میں نے جو بھی کی ہے نیک  
نیتی کہ بنیاد پر کی ہے۔ نہ کہ کسی کیس کو کمزور کرنے اور نہ ملزمان رہایا بری کرنے کو۔ چونکہ میں 2/3 سال ATC  
عدالت میں نائب کورٹ رہا چکا ہوں۔ دہشت گردی کی مقدمات اکثر اوقات تفتیشی افسر اور مدعی مقدمہ پر  
انحصار ہوتا ہے۔ کبھی بھی کوئی ملزم 7ATA عدالت میں سزایاب نہیں ہو چکا ہے۔ میں پولیس فورس کو اپنا روزی  
روٹی کا زریعہ مانتے ہوئے کسی قسم کی غداری نہیں ہے خالہ نکلے اس میں پولیس کنسٹیبل بھی شہید ہوا تھا۔ میں نے جو  
بیان دیا ہے۔ وہ نیک نیتی سے دیا ہے۔ نہ کہ کسی شخص چاہے جو بھی ہو۔ کی خاطر نہیں کی ہے بلکہ پولیس فورس میں  
نو کر می عبادت سمجھ کر انجام دی ہے۔

لہذا من سائل کسی بھی طرح گنہگار نہیں ہے۔ سائل کے چھوٹے چھوٹے بچے ہیں۔ استدعا ہے کہ سائل کی انکورر  
ی پر ہمدردانہ غور فرما کر فائل کروانے کے احکامات صادر فرمائیں۔ سائل تاحیات دُعا گورہیگا۔

العبد

فرمانبردار / تابعدار

عبداللہ خان ASI ضلع ہنگو

مورخہ 10-12-2015

DE-NOVE DEPARTMENTAL ENQUIRY AGAINST ASI SYED MUHAMMAD ABDULLAH

23

No. 81 /PA dated Kohat the 27.1.2018

FINDING

This is in response of your office charge sheet NO.442-43/PA Dated 17.01.2018.

ASI Muhammad Abdullah was charge sheeted with the allegation that while he was posted at PS Ustarzai, intentionally and deliberately recorded contradictory statement in high profile sectarian case before learned AT Court in case vide FIR No.1220, dated 18.11.2013 u/s 302, 324, 353, 34 PPC, 13 AO, 7ATA, in which three persons including gunnam of DSP-City Kohat were killed and two civilians sustained severe injuries. He openly supported / favored the accused charged for above mention offence.

On acceptance of appeal, a de-nove enquiry was ordered to be initiated by Dig Enquiry & Inspection vide his letter No. 52 Dated 10.01.2018.

STATEMENT OF ALLEGATIONS

- (i) In cross examination he has willfully resiled from his earlier statement recorded u/s 161 CrPC during course of investigation by stating that case property recovered in this case was received to him in an un-sealed condition, kept the same in the Mall Khana of the PS and openly supported / favored the charged accused.
- (ii) He has willfully concealed the fact that weapons of offence recovered from the charged accused were sealed by the SHO on spot.
- (iii) Due to his statement all the accused charged in the above case were acquitted by extending benefit of doubt by the court.
- (iv) Being an experienced police personnel, he has provided an extra ordinary benefit to the accused in this high profile sectarian case which led to their acquittal. This amounts to gross professional misconduct, willful joining hands with accused and irresponsibility on his part. For scrutinizing the conduct of ASI Muhammad Abdullah, he was summoned for personal hearing, recorded his statement and relevant record requisitioned from concerned police station and examined thoroughly. In his written reply of charge sheet and summary of allegations, he defended himself pleading his innocence.

During the inquiry process, to determine facts and validity of the statement of the accused ASI Muhammad Abdullah was summoned again for cross examination, question answers which were also placed in file after duly signed and attestation. (Attached herewith for ready reference please). He was given full opportunity to defend himself. He was also asked whether he likes to cross examine any person or officer or otherwise.

Conclusion

From the de-nove enquiry so far conducted, it is concluded that statement of the defaulter ASI Muhammad Abdullah is found not satisfactory and he is found guilty of the charges leveled against him.

(Therefore, he is recommended for suitable punishment as admissible under the rule.)

SUPERINTENDENT OF POLICE,  
OPERATIONS KOHAT

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

S.A No. \_\_\_\_/2019

Syed Muhammad Abdullah

**V**ersus

Inspector General of Police Khyber Pakhtunkhwa and others

**REJOINDER ON BEHALF OF APPELLANT**

**Respectfully Sheweth**  
**Preliminary Objection:-**

All the preliminary objections raised by the Respondent are incorrect.

**FACTS:-**

1. Para No. 1 of the appeal has not been properly replied by the Respondents hence admitted by the Respondents.
2. Para No.2 of the appeal is correct and that of the reply is incorrect.
3. Para No.3 of the appeal has not been properly replied hence admitted by the Respondents though the denovo inquiry was conducted but in utter violation of the Judgment of this



Hon'ble Tribunal so the whole proceeding is null and void.

4. Para No.4 of the appeal has been admitted by the Respondents.
5. Para No.5 of the appeal has been admitted by the Respondents
6. Para No.6 of the appeal is correct and that of the reply is incorrect.

**GROUNDS:-**

- A. Ground A of the reply is incorrect and that of the appeal is correct.
- B. Ground B of the appeal is correct and that of the reply is incorrect.
- C. Ground C of the appeal is correct and that of the reply is incorrect.
- D. Ground D of the appeal is correct and that of the reply is incorrect.
- E. Ground E of the appeal is correct and that of the reply is incorrect.
- F. Ground F of the appeal is correct and that of the reply is incorrect.

G. Ground G of the appeal is correct and that of the reply is incorrect.

H. Ground H of the appeal is correct and that of the reply is incorrect.

I. Ground I of the appeal is correct and that of the reply is incorrect.

J. Ground J of the appeal has not been properly replied despite declaring the role of the DSP, SHO and A-SHO as dubious by the Hon'ble court but only the appellant was made escape goat thus subjected to discrimination.

K. Ground K of the appeal is not properly replied hence admitted by the Respondents.

L. Ground L of the appeal is correct and that of the reply is incorrect.

M. Ground M of the appeal is correct and that of the reply is incorrect

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

Petitioner

Through

  
Naila Jan

Advocate, High Court  
Peshawar.

Dated 28/01/2019

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

S.A No. \_\_\_\_/2019

Syed Muhammad Abdullah

**V**ersus

Inspector General of Police Khyber Pakhtunkhwa and others

**REJOINDER ON BEHALF OF APPELLANT**

**Respectfully Sheweth  
Preliminary Objection:-**

All the preliminary objections raised by the Respondent are incorrect.

**FACTS:-**

1. Para No. 1 of the appeal has not been properly replied by the Respondents hence admitted by the Respondents.
2. Para No.2 of the appeal is correct and that of the reply is incorrect.
3. Para No.3 of the appeal has not been properly replied hence admitted by the Respondents though the denovo inquiry was conducted but in utter violation of the Judgment of this

Hon'ble Tribunal so the whole proceeding is null and void.

4. Para No.4 of the appeal has been admitted by the Respondents.
5. Para No.5 of the appeal has been admitted by the Respondents
6. Para No.6 of the appeal is correct and that of the reply is incorrect.

**GROUNDS:-**

- A. Ground A of the reply is incorrect and that of the appeal is correct.
- B. Ground B of the appeal is correct and that of the reply is incorrect.
- C. Ground C of the appeal is correct and that of the reply is incorrect.
- D. Ground D of the appeal is correct and that of the reply is incorrect.
- E. Ground E of the appeal is correct and that of the reply is incorrect.
- F. Ground F of the appeal is correct and that of the reply is incorrect.

G. Ground G of the appeal is correct and that of the reply is incorrect.

H. Ground H of the appeal is correct and that of the reply is incorrect.

I. Ground I of the appeal is correct and that of the reply is incorrect.

J. Ground J of the appeal has not been properly replied despite declaring the role of the DSP, SHO and A-SHO as dubious by the Hon'ble court but only the appellant was made escape goat thus subjected to discrimination.

K. Ground K of the appeal is not properly replied hence admitted by the Respondents.

L. Ground L of the appeal is correct and that of the reply is incorrect.

M. Ground M of the appeal is correct and that of the reply is incorrect

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

Petitioner

Through

*Naila Jan*

Advocate, High Court  
Peshawar.

Dated 28/0

جدالت جناب D.B II سرویس ٹریڈنگ نل KPK پشاور

ASi عبداللہ بنا 19 اکتوبر

درخواست برادر تدریسی

گزارش کی جاتی ہے مقدمہ عدوان بالا میں اسروز تاریخ

عقرتھی جو میرا وکیل سے مدانت آنے سے کام میں لیا گیا ہے

درخواست استرخا کی جاتی ہے تاریخ میں تدریس ہونے کا حکم

صدر فرما دیا جاوے گا

Date 28-08-2019

الطریقا

زیادہ جناب

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Second section of handwritten text, appearing as a separate paragraph or entry. The characters are very light and sparse.

Third section of handwritten text, continuing the cursive script. The ink is very light, making the words nearly invisible.

Final section of handwritten text at the bottom of the page, including what might be a signature or a closing line. The text is extremely faint.





**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 1529 /ST  
Dated: 05/08 /2021

All communications should be  
addressed to the Registrar KPK Service  
Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262


To

The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Kohat.

Subject: JUDGMENT IN APPEAL NO. 981/2018, SYED MUHAMMAD ABDULLAH & OTHERS.

I am directed to forward herewith a certified copy of Judgement dated  
27.07.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

In the Court of Judge A.T.C. Kohat.

Case No. 24/ATC-KT of 2014.

State vs. Syed Muhiarrah Ali Shahi et al

FIR No. 1220 DC: 18.11.2013 u/s: 302/324/353 PS City Kohat  
13A0/34/7ATA

Statement of Syed Muhammad Abdullah ASI PS City Hangu (On Oath)

During the days of occurrence I was posted as Muharrir ASI at PS City Kohat.

I received murassila sent by Mazhar Jehan SHO PS City, Kohat through Peshawar Khan ASHO PS City Kohat on 18.11.2013. On the basis of which I chalked out FIR which is Ex. PA.

Today I have seen the contents of FIR which is correct and correctly bears my signature.

XXX... The occurrence took place at 12.00 noon. While the murassila was received at 14.15 hours. It is correct that distance between place of occurrence and PS is about one furlong. It is correct that when the murasila was produced before me by Peshawar Khan ASHO who also brought the case property and arrested the accused to the PS. It is correct that the case property mentioned in the murasila as well as in the FIR were not sealed rather it was in unsealed condition. I kept the case property in unsealed condition in the mall khana of the PS which was required to be examined. I have not annexed the entry made in the register No. 19 in the PS however, I have made the entry of the case property (arms & ammunition) in the relevant register. I have recorded my statement to the IO to the extend of entries regarding register No. 19. Confronted with statement made u/s 161 Cr.P.C not so recorded. It is correct that after examination of armourer the case property may have been sealed by IO but I don't know who may. It is correct that the case property was in my possession as I was incharge of register No. 19. The IO took the case property on 22.11.2013 and returned it to me after sealing it and I kept it in the safe custody of the PS mall khana. To this effect I have not recorded any thing in writing. I consumed 45 mins in chalking of the FIR. It is correct that I have not sent the FIR by anyone to the IO to the spot. I have handed over the case property to the IO and the SHO who was present at that time got the case property checked from the IO and got it examined from the armourer in my presence. Most of the case property were licensed one however, I do not remember exactly. It is incorrect to suggest that the FIR was registered very late and none was charged till 10:00 pm. Further it is incorrect to suggest that the FIR was lodged after receipt of PM report. It is also further incorrect to suggest that nothing was recovered from the possession of the accused while they were arrested. All the suggestions are incorrect. It is also incorrect to suggest that all the four accused was taken from the Imam Bargah by

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11/11/13  
05/11/2014

the SHO for meeting with the DCO however, instead of taking them to DCO office they took them to the PS Saddar.

RO & AC  
Dated: 27.8.2014

Judge, Anti-Terrorism Court,  
Kohat Division, Kohat,  
Camp Court at Central Jail,  
Peshawar.