

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**APPEAL NO. 1236/2018**

Date of institution ... 25.09.2018

Date of judgment ... 11.02.2020

Attaullah, Ex-Constable No. 896,  
Investigation Wing, District Shangla

... (Appellant)

**VERSUS**

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif Swat.
3. The Superintendent of Police, Investigation Shangla.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 20.12.2017 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 24.08.2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.

Mr. Shahzullah Khan Yousafzai, Advocate.

... For appellant.

Mr. Kabirullah Khattak, Additional Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

**JUDGMENT**

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Abbas, Inspector for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present appeal are that the appellant was serving in Police Department. He was imposed major penalty of dismissal from service vide order dated 20.12.2017 on the allegation that vide FIR No. 158

*M. Amin*  
*11.2.2020*

dated 04.09.2017 under sections 419/420/468/471/34 PPC one motorcar was found in possession of driver Usman who could not produce registration/ownership document of the vehicle and on scrutiny the engine of the vehicle in question was also found suspicious. Later on the appellant was involved in the aforesaid criminal case. The appellant filed departmental appeal on 29.12.2017 but the same was rejected vide order dated 13.03.2018, thereafter, the appellant filed revision petition on 02.04.2018 but the same was also rejected vide order dated 08.08.2017<sup>m</sup>. The order dated 08.08.2017 was communicated to the appellant on 24.08.2018 hence, the present service appeal on 25.09.2018.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant was serving in Police Department. It was further contended that a case vide FIR No. 158 dated 04.09.2017 under sections 419/420/468/471/34 PPC Police Station Chanjal District Battagram was registered against one Usman for not producing ownership documents as well as tempering of engine of vehicle. It was further contended that later on the said Usman involved the appellant in statement recorded under section 161 Cr.PC, therefore, the appellant was also involved in the said criminal case. It was further contended that the competent court after recording statement of P.W have acquitted both the accused<sup>in e m</sup> the present appellant and Usman vide detailed judgment dated 28.09.2019 and the allegation leveled against them was not proved by the prosecution. It was further contended that the appellant was only charge sheeted by the competent authority during the departmental proceeding that he was found involved in the aforesaid criminal case and the competent court has acquitted

*M. Anwar*  
11.2.2020

the appellant vide aforesaid judgment, therefore, the charge against the appellant was ambiguous and was also not proved. It was further contended that the appellant had taken plea that he had purchased the aforesaid vehicle from Basher Ahmad S/o Fida Muhammad resident of Jaba Dargai in lieu of Rs. 1100000/-, therefore, it was contended that the appellant was having no malafide rather he had purchased the aforesaid vehicle bonafidely and the agreement was also executed by the said Basher Ahmed in favour of the appellant. It was further contended that the inquiry officer was required to record the statement of said Basher Ahmad. It was further contended that the inquiry officer has also recorded the statements of Jamshaid Khan OII/SI and Taimur Hassan MHC but the appellant was not provided opportunity of cross examination. It was further contended that the inquiry officer was also required to record the statement of Usman from whom possession the vehicle in question was recovered but he has also not recorded the statement of said Usman. It was also contended that the appellant was issued a show-cause notice but no copy of inquiry report was handed over to the appellant with the said show-cause notice by the respondent-department which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.

5. On the other hand, learned Additional Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that vide FIR No. 158 dated 04.09.2017 under sections 419/420/468/471/34 PPC P.S Chanjal District Battagram the vehicle in question was recovered from one Usman who could not produce ownership documents of the said vehicle and later on after scrutiny the engine of vehicle was also found suspicious. It was further contended that the said Uman disclosed in his

*M. Anwar*  
*11.2.2020*

statement recorded under section 161 Cr.PC that the vehicle in question belong to appellant, therefore, he was also involved in the aforesaid criminal case. It was further contended that all the codal formalities were fulfilled and after proper inquiry and issuance of show-cause notice, the defence of the appellant was found unsatisfactory, therefore, the appellant was rightly imposed major penalty of removal from service after conducting all the codal formalities and prayed for dismissal of appeal.

6. Perusal of the record reveals that one motorcar was recovered from one Usman in the aforesaid criminal case who could not produce ownership documents and later on the engine of vehicle was also found suspicious. The record further reveals that the said Usman disclosed in his statement recorded under section 161 Cr.PC that the vehicle in question belong to the appellant, therefore, the appellant was also involved in the aforesaid criminal case. The record further reveals that after recoding some evidence, the competent court acquitted both the accused i.e appellant and Usman in the aforesaid criminal case vide detailed judgment dated 28.09.2019 under section 249-A Cr.P.C, the copy of judgment has been furnished by the learned counsel for the appellant and the same is placed on record. The record further reveals that the appellant has been only charge sheeted that he was involved in the aforesaid criminal case. The record further reveals that the appellant has been acquitted by the competent court in the aforesaid criminal case meaning thereby that the charge leveled against the appellant was not proved by the prosecution against the appellant in the criminal trial. Moreover, the appellant has taken plea that he had purchased the aforesaid vehicle from one Basher Ahmad in lieu of Rs. 1100000/-and the said Basher Ahmad has also executed agreement in favour of the appellant, therefore, the inquiry officer was also required to

*M. Ahmad*  
11.2.2020

record the statement of said Basher Ahmad but he did not bother to record that statement of said Basher Ahmad. Moreover, the inquiry officer has also recorded the statement of Jamshaid Khan OII/SI and Taimur Hassan MHC but no opportunity of cross examination was provided to the appellant. Furthermore, the competent authority was also required to handover the copy of inquiry report with the show-cause notice but there is nothing on the record to show that the copy of inquiry was handed over to the appellant at the time of issuing of show-cause notice which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service with the direction to the respondent-department to conduct de-novo inquiry in the mode and manners prescribed under the law within a period of 90 days from the date of receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
11.02.2020

  
(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

07.11.2019

Learned counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 012.12.2019 before D.B.

  
Member

  
Member

12.12.2019

Due to general strike of Khyber Pakhtunkhwa Bar Council learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Abbas Khan, Inspector for the respondents present. Adjourned to 11.02.2020 for arguments before D.B.

  
(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

11.02.2020

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Abbas, Inspector for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed on file, we partially accept the appeal, set-aside the impugned order and reinstate the appellant into service with the direction to the respondent-department to conduct de-novo inquiry in the mode and manners prescribed under the law within a period of 90 days from the date of receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
11.02.2020

  
(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

13.09.2019

Counsel for the appellant present. Mr. Usman Ghani, District Attorney for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 02.10.2019 before D.B.


  
Member

Member

02.10.2019


Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Anees Khan, Inspector for the respondents present. Vide order sheet dated 10.07.2019 it was observed by this Tribunal that on previous three occasions respondents requested for adjournment for filing of written reply/comments but the same was not submitted therefore, the case was fixed for arguments before D.B for today. Today, representative of the department has brought written reply/comments. Learned counsel for the appellant was asked as to whether he has any objection on submission of written reply or not he stated that he has no objection on submission of written reply/comments. Accordingly, written reply is submitted. Case to come up for rejoinder and arguments on 07.11.2019 before D.B.

  
(AHMAD HASSAN)  
MEMBER

  
(M. AMIN KHAN KUNDI)  
MEMBER

24.04.2019

Counsel for the appellant and Addl: AG for respondents present. Written reply/comments not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 13.06.2019 before S.B.

  
(Ahmad Hassan)  
Member

13.06.2019

Appellant in person and Addl. AG for the respondents.

Learned AAG seeks time to contact the respondents and procure their written reply. Adjourned to 10.07.2019 on which date written reply/comments shall positively be submitted.

  
Chairman

10.07.2019

Counsel for the appellant and Addl:AG for respondents present.

On previous three occasions, the respondents requested for adjournment for submission of written reply/comments. Even today no representative is available to represent the respondents. The matter is, therefore, posted to 13.09.2019 for arguments before D.B.

  
Chairman




1236/2018

07.1.2019

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG requests for further time to submit the requisite reply. Adjourned to 21.02.2019 for written reply/comments before S.B.

  
Chairman

21.02.2019 Junior to counsel for the appellant present and requested for time to deposit security and process fee. Request accepted with direction to deposit security and process fee within 3 days. Thereafter notices be issued to the respondents for written reply/comments. Adjourn. To come up for written reply/comments on 25.03.2019 before S.B.

  
Appellant Deposited  
Security & Process Fee

  
Member

25.03.2019

Junior to counsel for the appellant present. Written reply not submitted. No one present on behalf of respondent department. Notice be issued to the respondent department with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 24.04.2019 before S.B

  
Member

19.11.2018

Counsel for the appellant Attaullah present. Preliminary arguments heard. It was contended by the learned counsel for the appellant that the appellant was serving in Police Department as Constable. It was further contended that the appellant was dismissed from service vide order dated 20.12.2017 on the allegation of his involvement in FIR No. 158 dated 04.09.2017 under sections 419/420/468/471 PPC P.S Chanjal district Battagram. It was further contended that the appellant filed departmental appeal on 29.12.2017 which was rejected on 13.03.2018. It was further contended that the appellant filed Revision Petition before the Inspector General of Police on 06.04.2018 which was rejected on 08.08.2018 and was communicated to the appellant on 24.08.2018 and thereafter, the present service appeal on 25.09.2018. It was further contended that neither the appellant was directly charged by name in the first information report nor the competent <sup>authority</sup> ~~authority~~ has concluded the trial but the appellant was later on involved in the said criminal case on the basis of statement recorded under section 161 <sup>UPL</sup> ~~UPL~~ of complainant. It was further contended that neither proper inquiry was conducted nor the appellant was given opportunity of personal hearing and defence therefore, the impugned order is illegal and liable to be set-aside.

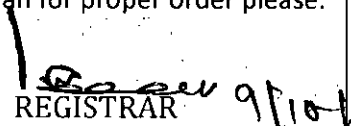

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 07.01.2019 before S.B.

  
Muhammad Amin Khan Kundi  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. \_\_\_\_\_ 1236/2018 \_\_\_\_\_


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/10/2018	The appeal of Mr. Attaullah resubmitted today by Mr. Shahzaullah Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.   REGISTRAR 9/10/18
2-	11-10-2018	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19-11-2018</u> .   CHAIRMAN

The appeal of Mr. Attaullah Ex-Constable No. 896 Investigation Wing District Shangla received today i.e. on 25.09.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Copy of order dated 24.08.2018 is illegible which may be replaced by legible/better one.
- 4- Copies of departmental appeal and review petition mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 5- Annexures of the appeal may be flagged.
- 6- Annexures of the appeal may be attested.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1924 /S.T,

Dt. 25/9 /2018.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Shahzullah Khan Yousafzai Adv.

*Notes:*

*All objections have been removed,  
hence re-submitted today dated 9/10/2018.*

*S. J. Khan*

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

Appeal NO. 1236 /2018

**ATTAULLAH VS POLICE DEPARTMENT**

**INDEX**

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5	Bail Order	<b>D</b>	8.
6	Impugned Order	<b>E</b>	9.
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9	Review/Revision	<b>H</b>	13-14.
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**Appellant**

**THROUGH:-**

*Shahzullah Khan*  
**SHAHZULLAH KHAN YOUSAFZAI**

**&**

*Kamran Khan*  
**KAMRAN KHAN**

**ADVOCATES**

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

**APPEAL NO. 1236 /2018**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1468

Dated 25/9/2018

Mr. Attaullah, Ex: Constable No. 896,  
Investigation Wing, District Shangla ..... **APPELLANT**

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Malakand at Saidu sharif Swat.
- 3- The Superintendent of Police, Investigation Shangla.

..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 20-12-2017 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM SERVICE AND AGAINST THE APPELLATE ORDER DATED 24-08-2018 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 20-12-2017 and 24-08-2018 may very kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

**Filed to-day**  
**Registrar**  
25/9/18

**R/SHEWETH:**

**ON FACTS:**

**Brief facts giving rise to the present appeal are as under:**

- 1- That appellant was the employee of the respondent Department and was performing his duties as constable No. 896 quite efficiently and up to the entire satisfaction of his superior.
- 2- That an FIR No.158 dated 04-9-2017 u/s 419/420/468/471 P.P.C, P.S Chanjal was lodged against the accused Usman S/O Abdul Fareeq, wherein, the said accused recorded his statement under section 164 Cr.P.C in which the appellant was also charged by the accused in the above mentioned case. Copy of the FIR is attached as annexure ..... **A.**

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

**APPEAL NO. \_\_\_\_\_/2018**

Mr. Attaullah, Ex: Constable No. 896,  
Investigation Wing, District Shangla ..... **APPELLANT**

**VERSUS**

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Malakand at Saidu sharif Swat.
- 3- The Superintendent of Police, Investigation Shangla.  
..... **RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974**  
**AGAINST THE IMPUGNED ORDER DATED 20-12-2017**  
**WHEREBY THE APPELLANT HAS BEEN DISMISSED**  
**FROM SERVICE AND AGAINST THE APPELLATE ORDER**  
**DATED 08-08-2018 COMMUNICATED TO APPELLANT ON**  
**24-08-2018 WHEREBY THE DEPARTMENTAL APPEAL OF**  
**THE APPELLANT HAS BEEN REJECTED ON NO GOOD**  
**GROUND**

**PRAYER:**

That on acceptance of this appeal the impugned orders dated 20-12-2017 and 08-08-2018 may very kindly be set aside and the respondents may be directed to reinstate the appellant 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:**

**Brief facts giving rise to the present appeal are as**  
**under:**

- 1- That appellant was the employee of the respondent Department and was performing his duties as constable No. 896 quite efficiently and up to the entire satisfaction of his superior.....**A.**
- 2- That an FIR No.158 dated 04-9-2017 u/s 419/420/468/471 P.P.C, P.S Chanjal was lodged against the accused Usman S/O Abdul Fareeq, wherein, the said accused recorded his statement under section 164 Cr.P.C in which the appellant was also charged by the accused in the above mentioned case. Copy of the FIR is attached as annexure ..... **B.**

- 3- That vide order dated 26-09-2017 the appellant was suspended from service on account of his involvement in the above mentioned criminal case. Copy of the suspension order is attached as annexure .....**C.**
- 4- That the appellant was arrested by the local police in the case FIR mentioned above and was sent to the judicial lock up. The appellant moved his bail petition before the competent court and was released on bail vide order dated 02-10-2017. Copy of the released order attached as annexure .....**D.**
- 5- That after release from the judicial lock up the appellant visited the concerned quarter for joining of his duty but the respondents by using delaying tactics not allowed the appellant for his duty and finally handed over the impugned order dated 20-12-2017 whereby the appellant was dismissed from his service. Copy of the impugned order dated 20-12-2017 is attached as annexure.....**E.**
- 6- That feeling aggrieved from the impugned order dated 20-12-2017 the appellant preferred Departmental appeal on 29-12-2017 before respondent No.2 which was rejected vide order dated 13-03-2018. Copy of the of departmental appeal and appellate order dated 13-03-2018 are attached as annexure.....**F&G.**
- 7- That the appellant once again feeling aggrieved from the order dated 13.03.2018 preferred a review petition before the respondent No.1, but the same was also rejected vide appellate order dated 08-08-2018 which was communicated to appellant on 24-08-2018. Copy of the review petition & order dated 08-08-2018 is attached as annexure .....**H&I.**
- 8- That appellant feeling aggrieved and having no other remedy but to file the instant service appeal before this august Tribunal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned orders dated 20-12-2017 and 08-08-2018 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4



and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That the impugned order dated 2012.2017 has been issued by the incompetent authority (Coram Non Judice), therefore the impugned order is void ab initio.
- D- That no charge sheet and statement of allegation has been issued to the appellant before issuing the impugned order dated 20-12-2017 and 08-08-2018.
- E- That no show cause notice has been served on the appellant by the respondent Department before issuing the impugned order dated 20-12-2017 and 08-08-2018 against the appellant.
- F- That no regular inquiry has been conducted before issuing the impugned order dated 20-12-2017 and 08-08-2018 which is as per Supreme Court judgments is necessary in punitive actions against the civil servant.
- G- That no chance of personnel hearing/personnel defense has been given to the appellant before issuing the impugned order dated 20-12-2017 and 08-08-2018.
- H- That no publication whatsoever has been published against the appellant which and as such the impugned order dated 20-12-2017 and 08-08-2018 is not tenable and liable to be set aside.
- I- That the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 20-12-2017 and 08-08-2018 against the appellant.
- J- That appellant is entitle for his re-instatement with all benefeits in light of FR-54 of the Fundamental Rules.
- K- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 24.9.2018

APPELLANT  
ATTAULLAH

*Attaullah*

THROUGH:

WAQAS KHAN CHAMKANI

*Waqas Khan Chamkani*

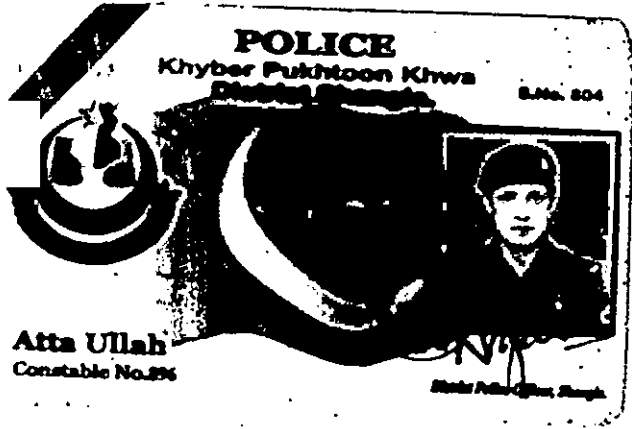
SHAHZULLAH KHAN YOUSAFZAI

&

*Kamran Khan*

KAMRAN KHAN  
ADVOCATES

**POLICE**  
Khyber Pakhtoon Khwa  
District Shangla S.No. 204



**Atta Ullah**  
Constable No. 896




Shangla District, Shangla

A-5

حکومت پاکستان  
قومی شناختی کارڈ  
15502-7123070-7

نام: عطاء اللہ  
جنس: مرد  
والد کا نام: سید اختر  
شناختی علاقہ: کوئی نہیں  
تاریخ پیدائش: 08/10/1989

عثمان یوسف مین  
دستخط میسرور منزل



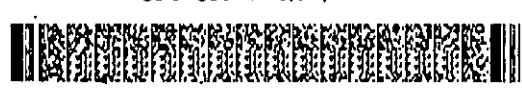
**File No:** Muzakir  
**NIC No:** 15502-7123070-7  
**Roll No:** 0300-2424821  
**D.O. Birth:** 08-10-1989  
**D.O. Appn:** 24-12-2010  
**Grade:** A+  
**Height:** 5' 8"  
**Complexion:** Black  
**D.O. Joining:** 11-08-2012 **D.O. Expn:** 10-06-2015

**Address:** Village Bar kazy Dandai  
Tehsil Besham Distt: Shangla.

شناختی نمبر: 15502-7123070-7 خانہ نمبر: TJ4S2P  
موجودہ پتہ: 18 کے، دہلی، کھیل پلاٹ، منٹو خانہ

مستقل پتہ: ایضاً

تاریخ اجراء: 18/04/2017  
تاریخ ختم: 18/04/2027  
گمشدہ کارڈ ہے پر قریبی لیٹرکس میں ڈال دیں

Attested

Signature

(A)

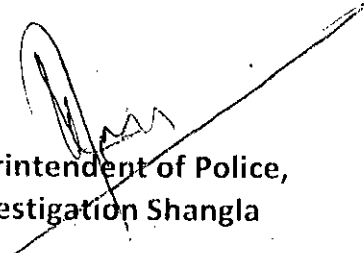
Signature  
NOTED



ORDER

C-7

FC Attaullah No. 896 is hereby suspended and closed to Police Line, due to involvement vide in case FIR No. 158 dated 04.09.2017 u/s 419-420-468-471-34 PPC PS Chanjal District Batagram with immediate effect.

  
Superintendent of Police,  
Investigation Shangla

OB No. 248

Dated 26/08/2017

*Attested  
S. M. H.*

©

ATTESTED

FORM "A"

D-8

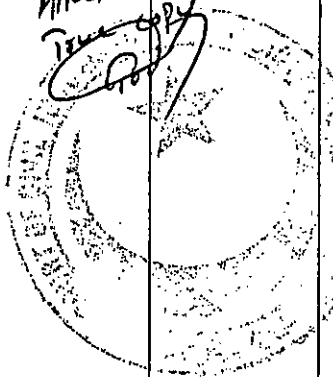
FORM OF ORDER SHEET

Court of MR. BADDAR MUNIR CJ/JMIC-III, BATTAGRAM

Case No. *158 of 2017*

Serial No. of Order or Proceeding	Date of Order or Proceeding	Order or other Proceedings with Signature of Judge or Magistrate and that of Parties or counsel where necessary.
1	2	3
Or 01	29-09-2017	<p>Instant bail application submitted through counsel be entered into relevant register.</p> <p>State/complainant be noticed, record also be requisitioned.</p> <p>File to come up on <u>02.10.2017</u></p> <p style="text-align: right;"><i>[Signature]</i> BADDAR MUNIR CJ/JMIC-III, Battagram</p>
Or 02 02-10-2017		<p>APP for the state present. Accused/petitioners through counsel present.</p> <p>Through this petition, accused/petitioners namely Atta Ullah s/o Muntazir Caste Akhunkhail r/o Bar Kalay Dandai Tehsil Besham District Shangla is seeking his post arrest bail in case FIR No. 158, dated: 04-09-2017, u/s 419/420/468/471-PPC, PS Chanjal.</p> <p>Record received and perused. Arguments heard from both sides.</p> <p>The vehicle which was driven by one Usman the co-accused charged in instant case was recovered from his possession and the said car was not recovered from the direct possession of the accused/petitioner. The present accused/petitioner is not directly charged for the commission of offence, moreover the charges leveled in the instant FIR does not falls within the prohibitory clause of section 497 Cr.P.C. Furthermore, the other alleged co-accused is already released on bail. The present accused/petitioner is no more required to local police for the purpose of further inquiry. Neither documents of vehicle nor vehicle <sup>itself</sup> etc were recovered from possession of accused/petitioner. Connection of the present accused/petitioner with the vehicle would be established during trail after recording of evidence. So, it is a case of further inquiry as well.</p> <p>For the reason mentioned above bail is granted. Accused/petitioner may be released on bail subject to furnishing bail bonds to the tune of Rs. 200,000/- (Rupees Two Lac Only) with two local and reliable sureties to the satisfaction of this court, if not required in any other offence.</p> <p style="text-align: right;"><i>Attended</i> <i>[Signature]</i></p>

*Attended to be*



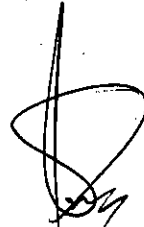
*[Signature]*

Baddar Munir  
For Magistrate  
Battagram

ATTENDED  
14/10/17

Requisitioned record may be returned. Copy of this order may be placed on police/judicial record, while file of this court may be consigned to Record Room after its necessary completion and compilation.

Announced  
02-10-2017



**BADDAR MUNIR**  
Judicial Magistrate -III,  
Battagram

ORDER

E-9 (9)

This order is hereby issued to dispose of Departmental Enquiry initiated against Constable Attaullah No.896 of Investigation Wing, Shangla vide this Office Charge Sheet No. 11 Dated 13.10.2017.

Constable Attaullah No.896 of Investigation Wing Shangla while posted to Police Station Dandai District Shangla found involved in Case FIR No. 158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force his this act of misconduct on his part which rendered him liable to be proceeded against departmentally under Police Disciplinary Rules, 1975. Constable Attaullah No.896 was therefore, proceeded against departmentally and hence served with Charge Sheet and Statement of Allegations under Police Disciplinary Rules 1975. Mr. Bashir Ahmad Khan, SDPO, Besham District Shangla was appointed as Inquiry Officer to conduct departmental proceedings against the defaulter official. The Enquiry Officer in its findings recommends the defaulter official for Major Punishment. Hence Final Show Cause Notice has been issued against the defaulter vide this Office No.10029/Enq; Dated 18.12.2017 and reply thereof received to the undersigned. His reply to the Show Cause Notice is received and perused but found unsatisfactory; therefore, he was called to appear before the undersigned on 20.12.2017 for hearing in person, he appeared but not produced any cogent reason/proof in his defense. Therefore I the undersigned reached the conclusion that the defaulter official having committed gross misconduct i.e found involved in criminal case.

Therefore, I, Muhammad Khalid, Superintendent of Police, Investigation, Shangla as a competent authority and in exercise of the powers vested to me under Police Disciplinary Rules 1975 award Constable Attaullah No.896, Major Punishment i.e Dismissal from Service with immediate effect.

**Order announced in the presence of defaulter**

*Attested*  
*Sy. Mirza*

(MUHAMMAD KHALID)  
Superintendent of Police,  
Investigation Shangla

OB NO 62

Dated 20/12 2017

Copies for information to:-

1. The District Police Officer, Shangla
2. The District Account Officer, Shangla
3. The Lines Officer, Shangla

**ATTESTED**



**BETTER COPY OF PAGE NO.10**

**BEFORE THE WORTHY PROVINCIAL POI, KHYBER PAKHTUNKHWA, PESHAWAR**

**SUBJECT: REVISION UNDER RULES 11-A OF POLICE DISCIPLINARY RULES, 1975**

Respected Sir,

- 1- That the applicant submit as under:
- 2- That the applicant has been initially appointed as Constable in Police Department District Shangla on 31.12.2010.
- 3- That during service he was posted to various Police Stations and performed my duties to the best satisfaction of my superiors.
- 4- That on 04.09.2017 a Case vide FIR No.158 dated 04.09.2017 u/s 419/420/486/471/34-PPC PS Chanjal District Battagram was registered against the driver Usman on the allegation that the car is NCP and later on the statement of Driver I was also charge in the same FIR being owner of the car.
- 5- That on involvement in the \case a proper inquiry was initiated against me and SDPO Besham was appointed as Enquiry Officer and on the recommendations of inquiry officer I was dismissed from service by the Superintendent of Police Investigation, Shangla on 20.12.2017.

Respected Sir,

The allegations leveled against me in the FIR are totally baseless, false, incorrect and based on malafide. Moreover I have been falsely implicated in the said FIR.

- That I have purchased the car from one Basher Ahmad s/o Fida Muhammad r/o Jaba Dargai on amount of Rs. 1100000/- and he handed over all the documents to me. Being a poor person and a big family head, I have handed over the same car to one Usman on Taxi.
- That the same car take into possession by the PS Chanjal Police and later the car was found NCP and a Case was registered against my driver and the driver shown my ownership to the Police and police also charged me as accused.
- That I have purchased the Car one Basher Ahmad on a proper deed wherein he has get all responsibilities.
- That the car found NCP and he seller give me on registered vehicle and handed over all the document i.e. Registration of the Car and other document.
- That the enquiry officer is recommended me for major punishment only basis of involvement in case.
- That on the recommendation the Enquiry Officer, the Superintendent of Police Investigation, awarded me Major Punishment i.e. Dismissal from Service which is injustice.
- That the case registered against me is subjudice in the concerned court.

In view of the above facts, it is humbly requested that the impugned order dated 20.12.2017 may kindly be set aside please.

It is also humbly requested that I may please be heard in person as well.

*Attested*  
*S. Z. in P. O.*

Your's Obediently

Attaullah No. 896  
Ex-Constable Investigation  
Wing Shangla

**ATTESTED**

*(Handwritten marks)*  
DIP F-10  
*(Handwritten marks)*

**SUBJECT: REVISION UNDER RULES 11-A OF POLICE DISCIPLINARY RULES 1975**

Respected Sir,

1. That the applicant submits as under
2. That the applicant has been initially appointed as Constable in Police Department District Shangla on 31.12.2010.
3. That during service he was posted to various Police Stations and performed my duties to the best satisfaction of my seniors.
4. That on 04.09.2017 a Case vide FIR No.158 dated 04.09.2017 was 419/420/486/471/34-PPC PS Chanjal District Battagram was registered against the driver Usman on the allegation that the car is NCP and later on the statement of Driver I was also charge in the same FIR being owner of the car.
5. That on involvement in the case a Proper inquiry was initiated against me and SDPO Besham was appointed as Enquiry Officer and on the recommendation of Inquiry Office I was dismissed from Service by the Superintendent of Police Investigation, Shangla on 20.12.2017.

Respected Sir,

The allegations leveled against me in the FIR are totally baseless, false, incorrect and based on mala fide. Moreover, I have been falsely implicated in the said FIR

- > That I have purchased the car from one Basar Ahmad s/o Fida Muhammad r/o Jaba Dargal on amount of Rs.1100000/- and I handed over all the documents to me. Being a poor person and a big family head, I have handed over the same car to one Usman on Taxi
- > That the same car take into possession by the PS Chanjal Police later the car was found NCP and a Case was registered against the driver and the driver shown my ownership to the Police and Police also charged me as accused
- > That I have purchased the Car one. Basar Ahmad on a proper manner wherein he has get all responsibilities.
- > That the car found NCP and he seller give me on registered vehicle and handed over all the document i.e Registration of the Car and other document.
- > That the enquiry officer is recommended me for major punishment only basis of involvement in case.
- > That on the recommendation the Enquiry Officer, the Superintendent of Police Investigation, awarded me Major Punishment i.e Dismissed from Service which is injustice.

*(Handwritten signature)*  
A. H. et al  
*(Handwritten signature)*

CS  
10/10

*(Handwritten marks)*

In view of the above facts, it is humbly requested that the impugned order dated 20.12.2017 may kindly be set aside, please.

It is also humbly requested that I may please be heard as a person as well.

Your's obediently,

*A. Hudaib*

Attaullah No. 896

Ex-Constable Investigation,  
Wing Shangla

no 14728 -

IST 29-12-17

SP Investigation

detail  
For Comments

Attested  
*[Signature]*

*[Signature]*

*[Signature]*

P.C.

51

17

*[Signature]*

11



OFFICE OF THE  
**REGIONAL POLICE OFFICER, MALAKAND**

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

G-12 (9)

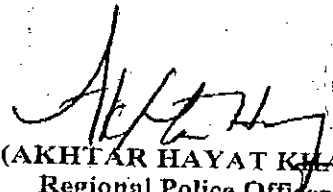
**ORDER:**

This order will dispose off appeal of Ex-Constable Attaullah No. 896 of Investigation Wing Shangla District for reinstatement in service.

Brief facts of the case are that Ex-Constable Attaullah No. 896 of Inv: Wing Shangla while posted to PS Dandai District Shangla found involved in Case FIR No. 158 dated 04/09/2017 U/S 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force his this act of misconduct on his part which rendered him liable to be proceeded against departmentally under Police Rules 1975. Constable Attaullah No. 896 was therefore proceeded against departmentally and hence served with Charge Sheet and Statement of allegation under Police disciplinary Rules 1975. Mr. Bashir Ahmad Khan, SDPO Besham District Shangla was appointed as Enquiry Officer. The Enquiry Officer in his findings recommended him for major punishment. Hence Final Show Cause Notice was issued to him vide SP Investigation Shangla No. 10029/Enquiry dated 18/12/2017 and reply thereof received to the SP Investigation Shangla, which was perused and found unsatisfactory. Therefore, he was called to appear before the SP Investigation Shangla on 20/12/2017 for personal hearing. He appeared but did not produce any cogent reason / proof in his defense. Therefore the SP Investigation Shangla reached the conclusion that the defaulter official having committed gross misconduct i.e found involved in criminal case. Therefore in exercise of powers vested to SP Investigation Shangla under Police disciplinary Rules 1975 awarded him major punishment of dismissal from Service vide OB No. 62 dated 20/12/2017.

He was called in Orderly Room on 06/03/2018 and heard him in person. The appellant could not produce any cogent reason in his defense. Therefore, his appeal for reinstatement in service is hereby filed.

Order announced.

  
(AKHTAR HAYAT KHAN)  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*\*Naqi\*\*  
206  
1403  
18

No. 2544 /E,

Dated 13-03- /2018.

Copy to SP Investigation Shangla for information and necessary action with reference to his office Memo: No. 54/E, dated 03/01/2018. His Service Roll and complete enquiry file are sent herewith for record in your office.

\*\*\*\*\*

Attested  
Sg. in ch

EC  
R02 20/19

SP/inv  
11.1.2018

ATTESTED

BETTER COPY OF PAGE NO.13

**BEFORE THE INSPECTOR GENERAL OF POLICE KHYBER  
PAKHTUNKHWA, PESHAWAR**

**THROUGH PROPER CHANNEL**

**SUBJECT: APPEAL AGAINST THE ORDER PASSED BY THE SUPDT:  
OF POLICE INVESTIGATION SHANGLA DATED  
20.12.2017**

Respected Sir,

- 1- That the applicant submit as under:
- 2- That the applicant has been initially appointed as Constable in Police Department District Shangla on 31.12.2010.
- 3- That during service he was posted to various Police Stations and performed my duties to the best satisfaction of my superiors.
- 4- That on 04.09.2017 a Case vide FIR No.158 dated 04.09.2017 u/s 419/420/486/471/34-PPC PS Chanjal District Battagram was registered against the driver Usman on the allegation that the car is NCP and later on the statement of Driver I was also charge in the same FIR being owner of the car.
- 5- That on involvement in the \case a proper inquiry was initiated against me and SDPO Besham was appointed as Enquiry Officer and on the recommendations of inquiry officer I was dismissed from service by the Superintendant of Police Investigation, Shangla on 20.12.2017.

Respected Sir,

The allegations leveled against me in the FIR are totally baseless, false, incorrect and based on malafide. Moreover I have been falsely implicated in the said FIR.

- That I have purchased the car from one Basher Ahmad s/o Fida Muhammad r/o Jaba Dargai on amount of Rs. 1100000/- and he handed over all the documents to me. Being a poor person and a big family head, I have handed over the same car to one Usman on Taxi.
- That the same car take into possession by the PS Chanjal Police and later the car was found NCP and a Case was registered against my driver and the driver shown my ownership to the Police and police also charged me as accused.
- That I have purchased the Car one Basher Ahmad on a proper deed wherein he has get all responsibilities.
- That the car found NCP and he seller give me on registered vehicle and handed over all the document i.e. Registration of the Car and other document.
- That the enquiry officer is recommended me for major punishment only basis of involvement in case.
- That on the recommendation the Enquiry Officer, the Superintendant of Police Investigation, awarded me Major Punishment i.e. Dismissal from Service which is injustice.

Attested  
Sd/-  
A. H.

ATTESTED

- That the case registered against me is subjudice in the concerned court.
- That against the order passed by the Superintendent of Police Investigation I have prepared an appeal before the Regional Police officer, Malakand on 11.03.2018.

In view of the above facts, it is humbly requested that the impugned order dated 20.12.2017 may kindly be set aside please.

It is also humbly requested that I may please be heard in person as well.

Attested  
S. M. Ali

Your's Obediently

Attaullah No. 896  
Ex-Constable Investigation,  
Wing Shangla  
6.04.2018

ATTESTED

SUBJECT:

APPEAL AGAINST THE ORDER PASSED BY THE  
SUPPLY OF POLICE INVESTIGATION  
SHANGLA DATED 20.12.2017

H - (13) Room (4)

Respected Sir,

1. That the applicant submits as under:
2. That the applicant has been initially appointed as Constable in Department District Shangla on 11.12.2010
3. That during service he was posted to various Police Stations performed my duties to the best satisfaction of my seniors.
4. That on 01.09.2017 a Case vide FIR No 158 dated 01.09.2017 against the driver Usman on the allegation that the car is NCP and the statement of Driver I was also charge in the same FIR in the car.
5. That on involvement in the case a Proper inquiry was initiated and SDPO Besham was appointed as Inquiry Officer and recommendation of Inquiry Officer was dismissed from Service Superintendent of Police Investigation, Shangla on 20.12.2017

Respected Sir,

The allegations leveled against me in the FIR are baseless, false, incorrect and based on mala fide. Moreover, I was falsely implicated in the said FIR.

- > That I have purchased the car from one Basher Ahmad Muhammad s/o Jaba Dargai on amount of Rs.110000/- and handed over all the documents to me. Being a poor person and family head, I have handed over the same car to one Usman on the same car take into possession by the PS Chagial. Later the car was found NCP and a Case was registered against driver and the driver shown my ownership to the Police and also charged me as accused.
- > That I have purchased the Car one Basher Ahmad on a ... where he has get all responsibilities.
- > That the car found NCP and he seller give me on registration and handed over all the document the Registration of ... document.
- > That the enquiry officer is recommended me for major punishment only basis of involvement in case.

Attested  
By: *[Signature]*

(D) (S) (M)

That the case captioned herein is to substitute in the

That against the order passed by the Superintendent of  
Investigation I have prepared an appeal before the Regional  
Offices, Madras, which has filed by the Regional Officer  
Madras on 20/11/58

In view of the above facts it is humbly requested  
that the appeal be allowed and order issued  
in the above case. My regards, please

Attended  
S. V. S. Pillai

21/11/58



Order No.34  
28-09-2019

Accused Attaullah and Usman along with counsel and APP for state present.

Arguments on application filed by accused for their acquittal u/s 249-A Cr.P.C heard. Record perused.

Record reveals that vehicle/car fielder No. ZA833 color Black was taken into possession by local police of P.S Chanjal, District Battagram on 23-08-2017 at 04:00 o'clock by SHO of the P.S namely Mir Afzal Khan from the place of occurrence. As per report accused Usman was driving the vehicle but he could not produce the documents to the police therefore, vehicle was taken into possession by local police u/s 523/550 Cr.P.C on suspicion to be stolen vehicle. Subsequently, FIR u/s 419, 420, 468 and 471 PPC was registered against present accused(s) on 04-09-2018 in P.S Chanjal District, Battagram.

After completion of investigation, complete challan submitted on 16-10-2017. Both accused denied to plead guilty and claimed trial. The accused were formally charged vide order dated 11-05-2019. Therefore, prosecution was invited to produce evidence to prove the allegations levelled against accused(s). Up till now prosecution produced 5 witnesses. The gist of prosecution evidence is as under for ready reference,

PW-1 is Jehanzeb ASI P.S Battagram. He stated that on receiving record of inquiry u/s 156 (3) on daily diary no. 15 dated 23-08-2017 vide report of SHO P.S Chanjal dated 04-09-2017, he chalked FIR which is placed on file as Ex.PW-1/1.

PW-2 is Brather Khan No. 91 PS Kuzabanda. He stated that during the days of occurrence he was posted in concerned

Senior Civil Judge (Admin)  
MMMC, Battagram

Certified U/A 87 of the  
Q-e-s order 1364

District & Sessions Judge  
Baty...

police station, on the date of occurrence 23-08-2017 he along with Zakir Rehman was present at barricade during gusht along with SHO P.S Chanjal. He is Marginal witness of recovery memo Ex.PW-2/1 through which SHO taken into possession the vehicle in question. SHO also prepared inventory of recovered vehicle which is Ex.PW-2/2.


PW-3 is Mir Afzal Special Branch Lower Kohistan stated that he was present along with other police officials on the spot at the day of occurrence at 04 o' clock when vehicle in question came from Battagram side. He intercepted the same and asked the driver to produce documents but driver Usman failed to do so. Therefore, vehicle in question was taken into possession u/s 523/550 Cr.P.C on the suspicion. The vehicle was brought to P.S concerned after codal formalities at the spot and copy of DD No. 15 rozmancha dated 23-08-2017 was sent to Judicial Magistrate Battagram to order for inquiry. The inquiry was marked to Abdul Sattar ASI and after completion of investigation he submitted complete challan for trial.

PW-4 is constable Jan Muhammad No. 156. He is marginal witness of recovery memo which is placed on file as Ex.PW-4/1 through which ASI Abdul Sattar taken into possession the registration copy of the vehicle allegedly produced by accused Usman.


PW-5 is constable Salahudin No. 184. He provided the print out of call data of accused Usman and Attaullah.

Learned counsel of accused raised the ground for acquittal in their application that the important witnesses of prosecution have already been recorded but nothing proved against the accused(s) therefore, further proceeding would be fruitless. Learned APP for state strongly contested the

  
Senior Civil Judge (Admin)  
MTMC, Battagram

  
Certified U/A 87 of the  
Q-e-s of 1988

5.

  
District & Sessions Judge  
Battagram

contents of application filed by accused(s) and the arguments raised by learned counsel for both accused .

This court consider the arguments of the counsel of both parties and perused the entire record and available evidence very carefully.

The facts which are outcome of the arguments and perusal of case file are as under;


As per site plan and contents of FIR police taken into possession the questioned vehicle from Darra Naranj KKH, Battagram. The site plan is Ex.PW-3/1. The witness PW-2 in cross examination admitted that Kurakuram Highway is a busy way where traffic is going around the clock. In spite of the fact that the alleged recovery was made at daytime and alleged place of occurrence is a main road but no one from public was associated in recovery proceedings nor there is any explanation on record that why local inhabitants were not associated. Needless to mention here when something is required to be done in a particular manner, it must be done in that way and not otherwise. Furthermore, as per contents of FIR there was only one person in a said car when it was intercepted by local police and the name of said person is mentioned as Usman but as per statement of Usman recorded before court u/s 164/364 Cr.P.C another one (name not disclosed in the statement) was present in the car, but unfortunately that person was not placed anywhere during investigation nor it is mentioned anywhere that why local police discharged/leave him from this criminal case. PW-3 admitted in cross-examination that I intercepted the vehicle at 04:00, there were two person boarding the car. I have not mentioned the other person who was traveling with Usman in that said vehicle. It is very strange that on the confessional statement of Usman (one of the accused who driving the car)

7  
 Senior Magistrate (Admin)  
 T.M.C. Battagram

Certified (13) 87  
 Q-2-S order 19

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 J. Smiley  
 District & Sessions Judge  
 Battagram

the co-accused namely Attaullah has nominated in this case and challaned but on the other hand despite the same statement that un-known person had exonerated without any explanation and without any order of court. More so, the SHO in cross examination of PW-3 admitted that vehicle in question is neither theft property nor tempered one then it was the duty of prosecution to ascertain the legal status of the vehicle during investigation, but prosecution is failed to do the needful. The facts cited above makes the whole story of prosecution doubtful. The accused are also charged u/s 419 and 420 PPC. It is important to mention that cheating by personation is defined in section 416 PPC that a person is said to cheat by personation if he cheats by pretending to be some other persons, or by knowingly substituting one person for another, or to representing that he or any other person is a person other than he or such other person really is, but in the instant case the ingredients of cheating by personation are not available. There is in fact no allegation that the accused received anyone else fraudulently or dishonestly that he/they are another persons. Similarly, there is not allegation that the accused induces the person so deceived to deliver any property to any person. Therefore, it is safely held that sections 419 PPC is not attracted here in this case while 468 and 471 PPC are fall within the ambit of non-cognizable offences hence local police not arrested the accused without warrant issued by competent court. Although it has now crystal clear that prosecution case is doubtful one but on the other hand it is also important to mention here that during all proceedings of inquiry u/s 156 Cr.P.C, investigation and even trial the accused pretend him as the owner of the vehicle but this court draw the inference from a question on PW-3 by joint cross examination of the counsel of accused that the present accused are not owners of the vehicle. It has appeared

  
Senior Civil Judge (Admin)  
MTMC, Battagram

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Certified U/A 87 of the  
Q-e-s order 1984

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District & Sessions Judge  
Battagram

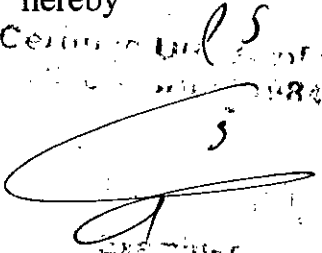
in a suggestion that it is incorrect to suggest that the person accompanying with the driver was the original owner of the vehicle. Meaning thereby that present accused are now denying the ownership over the vehicle and on the other hand the registration book with accused produced to local police has held to be bogus by the department concerned.

In view of aforementioned facts this court reached on conclusion that there is no probability of the accused being convicted of the offence and further proceeding would be fruitless, however, it has also established that accused is not owner of the vehicle and the registration book has found bogus.

The facts mentioned above leads this court to use the provision of 249-A Cr.P.C. The Magistrate under section 249-A Cr.P.C has been given power of acquitting an accused at any stage of the case if he considered that charge against accused was groundless or there was no probability of his conviction. It is established principle of law that trial court is only to see whether on the basis of evidence or material available with the prosecution any probability of the conviction of the accused exist; and it finds that there is no evidence or circumstances sufficient to prove the guilt of accused, and is trial would merely an abuse of process of law, it has to exercise the powers vested in it under section 249-A Cr.P.C to save accused from the agony of a useless trial. It is also now established principle that where court is reasonably convinced that a criminal charge cannot be sustained, going on trial is not necessary.

In view of reasons and facts above the application in hand is accepted. Resultantly both accused are hereby acquitted u/s 249 Cr.P.C.

  
Senior Civil Judge (Admin)  
MTMC, Battagram

  
Senior Civil Judge (Admin)  
MTMC, Battagram  
10/10/18

The vehicle in question is hereby confiscated in favour of state. The case property is not produce before court and accused submitted a report that the car was subjected an accident. The accused Attaullah (The superdar) isreluctant to produce the vehicle before This Court despite the order dated 26-08-2019, 03-09-2019, 19-07-2019, 19-08-2019, 09-07-2019, 04-07-2019, 18-05-2019 and the sureties of bonds were not appeared before court despite the notice issued vide order dated 26-08-2019 and their service vide report dated 03-09-2019 of notice no. 1704.5.B P.S Battagram, therefore, to procurement of state property the SHO concerned is directed to confiscate the vehicle in question wherever it is found under all enabling provisions of law in this regard. The surety bonds of superdari of the vehicle is hereby forfeited and proceedings u/s 514 Cr.P.C is hereby initiated. A separate file be open for the purpose. Notice to sureties be issued to produce the vehicle to this court or before SHO concerned immediately. Furthermore accused Attaullah is also handed over to SHO through Niab Court along with copy of this order so that to procurement of case property the bond u/s 106 Cr.P.C or any other enabling provision be obtained from the accused.

Accused are on bail. The sureties of accused are absolved from the liabilities of bail bonds. File be consigned to record room after its necessary completion and compilation.

*[Signature]*  
 Senior Counsel (Admin)  
 MTMC, Battagram

**Ejaz-Ur-Rehman Qazi,  
 SCJ (Admin)/MTMC,  
 Battagram**

C.D-1111	2687
Date of	1-10-19
Court	MT
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Date	1-10-19
Time	1-10-19

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 Certified U/A 87 of the  
 Q-e-s Order 1984  
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*[Signature]*  
 1-10-19  
 District & Sessions Jud  
 B-



INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. SI 3141

1883/18  
/18, dated Peshawar the 31/07/2018.

ORDER

I (15) (1)

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyt Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Atta Ullah No. 896. The petitioner was dismissed from service by SP/Investigation, Shangla vide OB No. 62, dated 20.12.2017 on the charge that while posted to Police Station Dandai District Shangla found involved in case FIR No. 158, dated 04.09.2017 u/s 419/420/468/471/34-PPC Police Station Chanjal District Battagram.

His appeal was filed by Regional Police Officer, Malakand vide order Endst: No. 2544, dated 13.03.2018.

Meeting of Appellate Board was held on 19.07.2018 wherein petitioner was heard in person. During hearing petitioner contended that he has purchased the car from one Bashir Ahmad s/o Pir Muhammad on amount of Rs. 1100000/-. Petitioner contended that his case is under trial in the court.

Perusal of record reveals that the above named Ex-Constable was dismissed from service on the charges of involvement in case FIR No. 158, dated 04.09.2017 u/s 419/420/468/471/34-PPC Police Station Chanjal District Battagram vide order dated 20.12.2017 passed by SP, Investigation, Shangla and his appeal was filed by RPO, Malakand vide order dated 13.03.2018.

Petitioner failed to advance any plausible explanation in rebuttal of the charges. His case is under trial in the court, therefore the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

EC

For info and inform the appellant.

*[Signature]*  
SP/Investigation  
24/08/2018

(IREAN ULLAH KHAN)  
AIG/Establishment  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. SI 3142-48 /18.

No. 6925 /11  
dt 08-08-18

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat. Service Roll and Fauji Missal containing departmental enquiry file of the above named Ex-Constable received vide your office Memo: No. 5675/11, dated 21.06.2018 is returned herewith for your office record.
2. Superintendent of Police, Investigation, Shangla.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

ECI DPO Shangla  
For info action. Service & Fauji Missal and departmental enquiry file is returned herewith for record of your office.

Attested  
SP in AP

ATTESTED

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**(PESHAWAR)**

Service Appeal No. 1236-2018

Mr. Atta Ullah Ex Police Constable Shangla Police (Inv Wing)..... (Appellant)

**VERSUS**

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
  2. The Deputy Inspector General of Police, Malakand at Saidu Sharif, Swat
  3. Superintended of Police Investigation Shangla .....(Respondents)
- 

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**Deponent**



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**(PESHAWAR)**

Service Appeal No. 1236-2018

Mr. Atta Ullah Ex Police Constable Shangla Police (Inv Wing)..... (Appellant)

**VERSUS**

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, Malakand at Saidu Sharif, Swat
3. Superintended of Police Investigation Shangla .....(Respondents)

**APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974**

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 01 TO 03**

Respectfully She with:

**I. PRELIMINARY OBJECTIONS.**

- 1) That the appellant has got no cause of action to file instant appeal.
- 2) That the appeal is badly time barred and liable to be dismissed on this score alone.
- 3) That the appellant is estopped by his conduct to file instant appeal.
- 4) That the appellant has not come to the honorable tribunal with clean hands.
- 5) That this appeal is not tenable in its present form.

**II. FACTUAL OBJECTIONS:**

1. Para No. 1 is correct to the extent that the appellant was working as constable in the Police Department Shangla (Investigation Wing).
2. Para No. 2 is also correct, that the appellant was nominated in case FIR No. 158, dated 04.09.2017 u/s 419-420-468-471 PPC PS Chanjal, District Batagram.
3. Para No. 3 is correct.
4. Para No. 4 pertains to record.
5. Para No. 5 is correct to extent that the appellant was dismissed from service on 20.12.2017 proper charge sheet/statement of allegation was issued to the appellant and matter was enquired through SDPO Besham. The E/O recommended the defaulter Official for punishment; final showcase notices was issued and finally vide Order No. 62, dated 20.12.2017 dismissed from service by the competent authority. (Total enquiry containing 08 pages are hereby enclosed).
6. Para No. 6 is also correct, that the departmental appeal of the appellant was rejected by the competent authority on 13.03.2018.

7. That Para No. 7 is also correct.

8. Para No. 8 needs no comments.

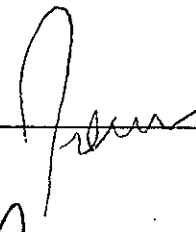
**III. ON GROUNDS:**

- A. That ground A is incorrect. The impound order is in accordance with the law and rules. Proper departmental proceedings have been initiated against the appellant who was declared guilty in light of findings enquiry officer.
- B. That ground B is also incorrect. The appellant has been treated in accordance with the constitution of the Islamic Republic of Pakistan.
- C. That ground C is also incorrect. The impugned order has been issued by the competent authority.
- D. That ground D is also incorrect. The proper charge sheet and statement of allegations have been issued to the appellant before the impugned order.
- E. That ground E is also incorrect. Proper show cause notice as provided in the rules has been issued to appellant before the final dismissal order.
- F. That ground F is incorrect. All proceedings against the appellant were conducted in accordance with the law of the land.
- G. That ground G is incorrect. The appellant has been dismissed from service in accordance with the rules thus not entitled for re-instatement.
- H. That grounds I, J are incorrect. The appellant has been treated according to law. He is not entitled for the relief claimed.
- K. The respondents seek permission to raise additional grounds at the time of arguments.

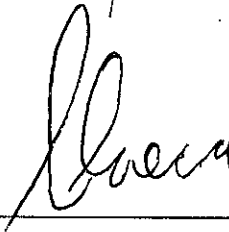
**PRAYER:**

It is therefore humbly prayed that on acceptance of these Para wise comments the service appeal may graciously be set aside along with costs.

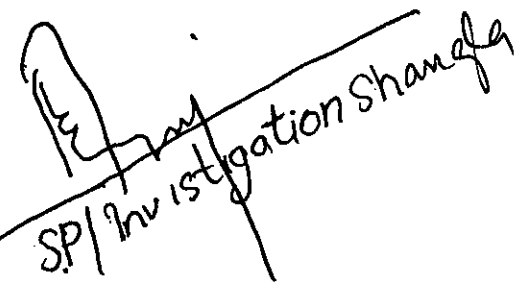
**Provincial Police Officer,**  
Khyber Pakhtunkhwa Peshawar  
(Respondent No. 1)

  
\_\_\_\_\_

**Regional Police Officer,**  
Malakand at Saidu Sharif, Swat  
(Respondent No. 2)

  
\_\_\_\_\_

**Superintended of Police,**  
Investigation, Shangha  
(Respondent No. 3)

  
SP/Investigation Shangha  
\_\_\_\_\_


NO. 11 /Enquiry.

Dated 13.10 /2017

**CHARGE SHEET**

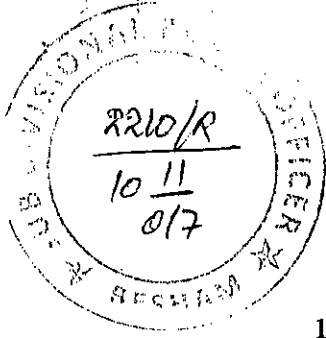
I **Muhammad Khalid**, Superintendent of Police, Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, hereby charge you **Constable Attullah No.896** while posted to Police Station Dandai, District Shangla as follows:-

1. You Constable Attullah No.896 while posted to Police Station Dandai, District Shangla found involved in Case FIR No.158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force your this act of misconduct on your part which rendered you liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
2. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Police Rules, 1975.
3. You are; therefore, require to submit your written reply within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975.
4. Your written reply, if any, should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
5. Intimate as to whether you desire to be heard in person or not?
6. A statement of allegations is enclosed

  
(MUHAMMAD KHALID)  
Superintendent of Police,  
Investigation, Shangla

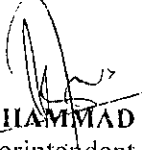
## DISCIPLINARY ACTION

I Muhammad Khalid, Superintendent of Police, Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, is of the opinion that Constable Attullah No.896 while posted to Police Station Dandai, District Shangla have rendered himself liable to be proceeded against departmentally and committed the following acts/omission as defined in Rule-2 (iii) of Police Disciplinary Rules 1975.



### STATEMENT OF ALLEGATIONS

1. He Constable Attullah No.896 while posted to Police Station Dandai, District Shangla found involved in Case FIR No.158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force his this act of misconduct on his part which rendered him liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Bashir Ahmad Khan, SDPO, Besham is appointed as Enquiry Officer under Rules 5 (4) of Police Disciplinary Rules 1975.
3. The Enquiry Officer shall conduct proceedings in accordance with provision of Police Disciplinary Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within ten (10) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer under Rules 6 (v) of Police Disciplinary Rules 1975.
4. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

  
(MULHAMMAD KHALID)  
Superintendent of Police,  
Investigation, Shangla

### OFFICE OF THE SUPDT: OF POLICE INVST: SHANGLA

No. 5992-94 /Enquiry, Dated Daggar the 13-10-2017  
Copy of above is sent to:

1. The Enquiry Officer for initiating proceeding against the accused officer namely under Police Disciplinary Rules, 1975.
2. The Sr: Superintendent of Police, Investigation, Battagram for information w/r to his office letter No.1247/Inv: Dated 03.10.2017, please
3. Concerned defaulter official through SHO Dandai.

خلاصہ الزامات:-

بحوالہ چارج شیٹ نمبر Enquiry / 11 مورخہ 13-10-2017 و انضباطی کارروائی نمبر 5992-94/Enquiry مورخہ 13-10-2017 برخلاف کنشیل عطاء اللہ نمبر 896 متعینہ تھانہ دندئی مجاریہ دفتر جناب ایس پی صاحب انوسٹی گیشن ضلع شانگلہ تحریر ہے کہ Attallah No. 896/FC while posted to Police Station Dandai, District Shangla found involved in case FIR No. 158 dated 04-09-2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force your this act of misconduct on your part which rendered you liable to be proceeded against departmentally under Police Disciplinary Rules 1975.

کارروائی تحقیقات:-

بعد ملاحظہ متذکرہ بالا انضباطی کارروائی و چارج شیٹ جارہ شدہ دفتر جناب ایس پی صاحب انوسٹی گیشن ضلع شانگلہ پرمیں ایس ڈی پی او نے انکوائری کا آغاز کر کے متعلقین کو طلب کر کے سے بیانات لئے گئے۔ جو کہ ذیل ہیں۔

1۔ بیان ازاں کنشیل عطاء اللہ نمبر 896 متعینہ تھانہ دندئی

کنشیل عطاء اللہ نمبر 896 متعینہ تھانہ دندئی نے بدریافت یوں بیان کیا کہ میری خلاف تھانہ چانجل ضلع بگرام میں مقدمہ علت نمبر 158 مورخہ 04-09-2017 جرم 419-420-468-34 ت پ درج رجسٹر ہو چکی ہے۔ الزام بالا میرے خلاف بالکل غلط اور بے بنیاد ہے۔ مجھے بے گناہ مقدمہ میں ملزم نامزد کیا گیا ہے۔ کیونکہ مقدمہ متذکرہ میں مقبوضہ موٹر کار نمبر ZA-833 میری ملکیت ہے۔ جو کہ میں نے مسجی بشیر احمد ولد فدا محمد ساکن جبہ درگئی حال پولیس سٹیڈیم مردان سے مبلغ گیارہ لاکھ روپیہ پر خریدی تھی۔ اور رقم یکمشت مذکورہ کو ادا کی۔ گاڑی کے نسبت ایک تحریری معاہدہ نامہ بھی ثبت کی۔ (جولف بیان ہذا ہے) میں نے گاڑی متذکرہ اور رجسٹریشن مذکورہ بشیر احمد سے حاصل کر کے گاڑی متذکرہ کو گاؤں خود لے آیا۔ غربت کی وجہ سے گاڑی متذکرہ ڈرائیور عثمان ساکن دندئی کو ٹیکسی کرنے کے خاطر حوالہ کی۔ ڈرائیور مذکورہ گاڑی متذکرہ پر ٹیکسی کرتا تھا۔ اور مختلف علاقوں میں چلاتا تھا۔ کہ روز وقوعہ بگرام سے واپسی پر چانجل پولیس نے اس سے گاڑی قبضہ کر کے بعد قانونی کارروائی مذکورہ کے خلاف مقدمہ درج رجسٹر کر کے ساتھ مجھے بھی ملکیت ہونے کے ناطے مقدمہ میں ملزم نامزد کیا گیا۔ حالانکہ اس وقت میں گاڑی میں موجود نہ تھا۔ اور نہ میرا اسمیں کوئی کردار تھا۔ میں ایک ایماندار اور دیانتدار پولیس افسر ہوتے ہوئے ایک شریف اور باعزت شہری ہوں۔ اس سے قبل کبھی بھی اس قسم کا وقوعہ میرے ساتھ رونما نہیں ہوا ہے۔ مگر بشیر احمد مذکورہ کے ہاتھوں مجھے پھنسا پڑا۔ میرے ساتھ دھوکہ دہی کر کے انتہائی ظلم کیا ہے۔ کیونکہ ایک دھوکہ باز شخص کے ساتھ واسطہ پڑا۔ ایندہ کیلئے سمجھدار ہوا۔ مگر وقت گزر گیا ہے۔ مزید انتہائی محتاط رہوں گا۔

بذریعہ بیان ہذا استدعا کرتا ہوں کہ میرے نا سبھی اور مذکورہ بشیر احمد کا میرے ساتھ فراڈ اور دھوکہ دہی کے پیش نظر میرے حال پر رحم فرما کر انکوائری ہذا بلا مزید کارروائی فائل کرنے کا حکم صادر فرمایا جائے۔ کیونکہ میرا نوکری میرے بچوں کی مستقبل ہے۔ یہ میرا بیان ہے۔

جو کہ درست ہے۔ (بیان لف مشمولہ ہے)

## ۲۔ بیان ازاں جمشید خان SI/OII متعینہ تھانہ دندئی

جمشید خان SI/OII تھانہ دندئی نے بدریافت یوں بیان کیا کہ میں بحیثیت OII تھانہ دندئی میں تعینات ہوں۔ کنسٹیبل عطاء اللہ کا تبادلہ تفتیشی سٹاف تھانہ کماچ سے مورخہ 21-08-2017 کو تھانہ دندئی ہو چکا تھا۔ اس دوران ملزم عثمان ولد فریق محمد ساکن کالونی دندئی کے خلاف تھانہ چانچل ضلع بنگرام میں بجرم 419-420-468-471 تپ تھانہ چانچل مقدمہ درج رجسٹر ہو کر دوران تفتیش ملزم بالا نے اپنا اقبالی بیان زیر دفعہ 164 ض ف ضلع بنگرام کے عدالت میں قلمبند کیا تھا۔ اس نے اپنے بیان میں گاڑی قبضہ شدہ کے متعلق تحریر کیا تھا۔ کہ موٹر کار زیر بحث کنسٹیبل عطاء اللہ کا ملکیت تھا۔ کہ اس دوران OII صاحب تھانہ چانچل نے محرر تھانہ دندئی تیمور حسن کو اطلاع دی تھی۔ محرر صاحب نے من OII کے نوٹس میں لایا تھا۔ من OII نے بروقت افسران بالا صاحبان کو اطلاع دی تھی۔ اور نقل مدت بروقت افسران بالا صاحبان کے خدمت میں بھجوائے گئے تھے۔ چونکہ ملزم عثمان بالا کے خلاف جس وقت مقدمہ درج رجسٹر ہوا تھا۔ اس وقت کنسٹیبل مذکورہ بالا تھانہ میں آن ڈیوٹی موجود تھا۔ تھانہ چانچل پولیس نے ملزم گردانا گیا تھا۔ اس دوران کنسٹیبل عطاء اللہ غیر حاضر ہوا تھا۔ یہ میرا بیان ہے جو کہ درست ہے۔ (بیان لف مشمولہ ہے)

## ۳۔ بیان ازاں تیمور حسن MHC تھانہ دندئی

تیمور حسن MHC تھانہ دندئی نے بدریافت یوں بیان کیا کہ میں بحیثیت محرر تھانہ دندئی میں تعینات ہوں۔ کنسٹیبل عطاء اللہ کا تبادلہ بحوالہ ارڈر بک 40 مورخہ 17-08-2017 تھانہ کماچ سے تھانہ دندئی انوسٹی گیشن سٹاف میں حاضری کی تھی۔ کہ اس دوران OII تھانہ چانچل نے اطلاع دی کہ ملزم عثمان ولد فریق محمد ساکن کالونی دندئی سے موٹر کار برآمد ہو کر ان کے خلاف مقدمہ علت نمبر 158 مورخہ 04-09-2017 بجرم 419-420-468-471 تپ تھانہ چانچل درج رجسٹر ہوا ہے۔ ملزم بالا نے عدالت بنگرام میں اپنا اقبالی بیان زیر دفعہ 164/364 ض ف میں تحریر کیا ہے۔ کہ گاڑی موٹر کار برآمد شدہ کنسٹیبل عطاء اللہ کا ملکیت تھا۔ دوران تفتیش کنسٹیبل عطاء اللہ تھانہ ہڈا میں موجود تھا۔ جب مقدمہ ہڈا میں ملزم گردانا گیا۔ تو کنسٹیبل عطاء اللہ غیر حاضر ہو کر مقدمہ ہڈا میں عدالت سیشن جج صاحب بنگرام سے BBA حاصل کر کے عدالت سیشن جج صاحب نے کنسٹیبل مذکورہ کا BBA منسوخ کر کے حوالہ مقامی پولیس کیا۔ اس دوران کنسٹیبل کا OII صاحب تھانہ دندئی نے غیر حاضری کی رپورٹ درج روزنامہ کی تھی۔ تمام نقولات بروقت افسران بالا صاحبان کی خدمت میں مرسل کئے تھے۔ جب مقدمہ ہڈا درج رجسٹر ہوا تھا۔ اس دوران کنسٹیبل عطاء اللہ تھانہ میں موجود تھا۔ یہ میرا بیان ہے جو کہ درست ہے۔ (بیان لف مشمولہ ہے)

۴۔ اسی طرح OII تھانہ چانچل کا تفصیلی رپورٹ بھی بحوالہ چھٹی انگریزی 1247/Inv مورخہ 03-10-2017 مجاریہ دفتر جناب ایس پی صاحب انوسٹی گیشن ضلع بنگرام بحوالہ ڈائری نمبر 1064 مورخہ 16-10-2017 دفتر جناب ایس پی صاحب انوسٹی گیشن ضلع شانگلہ موصول ہو کر (جو کہ لف مشمولہ ہے)۔

## خلاصہ تحقیقات:-

چارج شیٹ، انضباطی کارروائی کے ساتھ ساتھ موجودہ لئے گئے بیانات اور انکوائری کاغذات و بیانات سے ذیل حقائق

سامنے آئے:-

۱۔ مقدمہ ابتدائی طور پر ملزم عثمان ولد عبدالفریق ساکن دندئی کے خلاف درج رجسٹر ہوا تھا۔

۲۔ مقدمہ درج رجسٹر کرتے اور گاڑی کو قبضہ کرتے وقت مذکورہ کنسٹیبل جائے وقوعہ پر موجود نہیں تھا۔ کیونکہ مورخہ ۱۱/۱۱/۲۰۱۷ء کی رپورٹ میں مذکورہ کنسٹیبل کے ڈرائیور عثمان چلا رہا تھا۔ بعدہ ڈرائیور ملزم کے بیان زیر دفعہ 164/364 ض ف پر کنسٹیبل مذکورہ کو ملزم سمجھرایا گیا ہے۔

۳۔ کنسٹیبل مذکورہ نے اپنی بیان میں گاڑی متذکرہ کو اپنا ملکیت ظاہر کیا ہے۔ اور ایک تحریری بیان حلفی و بیعہ نامہ بھی پیش کیا ہے۔ کہ گاڑی متذکرہ کو بحوض / 1100000 روپیہ مسمی بشیر احمد ولد فدا محمد ساکن جبہ درگئی ضلع ملاکنڈ سے خریدا تھا۔

۴۔ کنسٹیبل مذکورہ نے موٹر کار متذکرہ کے فوٹو سٹیٹ رجسٹریشن پیش کر کے مگر ٹرانسفر لیٹر پیش کرنے میں ناکام رہا ہے۔

۵۔ تفتیشی افسر تھانہ چانچل نے کنسٹیبل مذکورہ کے خلاف تفصیلی بیان دیا ہے۔ اور ابتدائی تفتیش میں مذکورہ کو گنہگار ٹھہرا کر شریک واردات نامزد کیا ہے۔ جس نسبت مقدمہ عدالت میں زیر سماعت ہے۔

۶۔ کنسٹیبل مذکورہ کا ایک گواہ بمطابق اقرار نامہ ضلع دیر کارہانشی ہے۔ جو بھی گاڑیوں کی بارگینگ کر رہا ہے۔

۷۔ کنسٹیبل مذکورہ اس بندے کو پیش کرنے میں بھی ناکام رہا ہے۔ جس سے اس نے گاڑی خرید لی ہے۔

۸۔ کنسٹیبل مذکورہ کو معلوم تھا۔ کہ یہ گاڑی نان کسٹم پیڈ ہے۔ کیونکہ اگر مذکورہ نے گیارہ لاکھ روپیہ پر گاڑی لینا تھا۔ تو بجائے درگئی مردان کے ہزارہ ڈویژن میں کیوں نہیں لیا۔

۹۔ مذکورہ کے متعلق معلوم ہوا ہے۔ کہ مذکورہ کافی عرصہ سے کرایہ پر نان کسٹم پیڈ گاڑیاں براستہ بگلرام شانگلہ لے آتے تھے۔

۱۰۔ کنسٹیبل مذکورہ کو انکوآری ہڈا کے سلسلہ میں بار بار مطلع کیا جاتا رہا۔ مگر مذکورہ کبھی بھی رابطہ نہیں کرتا تھا۔ اور مثال مثول سے کام لے رہا تھا۔

۱۱۔ کنسٹیبل مذکورہ پولیس لائن سے بھی مورخہ 08-11-2017 کو غیر حاضر ہو کر بدستور غیر حاضر چلا آ رہا ہے۔ جس سے صاف واضح ہوتا ہے۔ کہ مذکورہ اپنی من مرضی کا مالک ہے۔ اور محکمہ پولیس اس کے سامنے بے بس اور نام کی کوئی چیز نظر نہیں آ رہا ہے۔

### سفارشات:-

مندرجہ بالا حقائق و انکوآری سے یہ نتیجہ اخذ کیا جاتا ہے کہ کنسٹیبل مذکورہ وقوعہ متذکرہ میں ملوث رہا ہے۔ لہذا مذکورہ کو میجر پنشنٹ (Major Punishment) دینے کی سفارش کی جاتی ہے۔ رپورٹ عرض ہے۔

نوٹ:- (کل 28 قطععات لف مشمولہ ہیں)

(بشیر احمد)  
ڈپٹی سپرنٹنڈنٹ آف پولیس  
سرکل بشام

نمبر 3385 آرڈر۔ مورخہ 05 دسمبر 2017ء

Issue final  
show cause.

**FINAL SHOW CAUSE NOTICE**

I **Muhammad Khalid**, Superintendent of Police Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, do hereby serve you, Constable **Attaullah No. 896** of Investigation Wing Shangla as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide communication No. 11 dated 13.10.2017; and  
(ii) on going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in Rule-3 of Police Disciplinary Rules 1975.

**You Constable Attaullah No 896 while posted to Police station Dandai District Shangla find involved in case FIR No. 158 dated 04.09.2017 u/s 419-420-468-471 PPC PS Chanjal District Batgram.**

2. As a result thereof, I, **Muhammad Khalid**, Superintendent of Police Investigation, Shangla as a competent authority, have tentatively decided to impose upon you one or more penalties including **Dismissal from Service** as specified in Rule-4 of the Ibid Rule.
3. You, are, thereof, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this Notice is received within seven (07) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry officer is enclosed.

(MUIHAMMAD KHALID)  
Superintendent of Police,  
Investigation Shangla

**Copy to the:**

1. SHO Police Station Dandai with the direction to serve the copy of this Show Cause Notice upon Constable **Attaullah No. 896** through DFC or Constable and copy thereof may be sent to this Office as token of receipt.

سینے کے لیے عدالت کو کارروائی کے لیے پیش کیا گیا

*(Signature)*  
18/12/17



جناب عالی!

بحوالہ مشمولہ چارج شیٹ نمبر 11 محررہ 13-10-2017 مجاریہ جناب ایس پی صاحب انوسٹی گیشن ضلع شانگلہ معروض خدمت ہوں کہ مجھ پر الزام ہے کہ میرے خلاف تھانہ چانجل ضلع بگلرام میں مقدمہ علت نمبر 158 مورخہ 04-09-2017 جرم 419-420-468-34 تپ درج رجسٹر ہو چکی ہے۔

جناب والا!

الزام بالا میرے خلاف بالکل غلط اور بے بنیاد ہے۔ مجھے بے گناہ مقدمہ میں ملزم نامزد کیا گیا ہے۔ کیونکہ مقدمہ متذکرہ میں مقبوضہ موٹر کار نمبر ZA-833 میری ملکیت ہے۔ جو کہ میں نے مسکمی بشیر احمد ولد فدا محمد ساکن جبہ درگئی سے مبلغ گیارہ لاکھ روپیہ پر خریدی تھی۔ اور رقم یکمشت مذکورہ کو ادا کی۔ گاڑی کے نسبت ایک تحریری معاہدہ نامہ بھی ثبت کی۔ جولف بیان ہذا ہے۔ میں نے گاڑی متذکرہ اور رجسٹریشن مذکورہ سے حاصل کر کے گاڑی متذکرہ کو گاؤں خود لے آیا۔ غربت کی وجہ سے گاڑی متذکرہ ڈرائیور عثمان ساکن دندئی کو ٹیکسی کرنے کے خاطر حوالہ کی۔ مذکورہ گاڑی متذکرہ پر ٹیکسی کرتا تھا۔ اور مختلف علاقوں میں چلاتا تھا۔ کہ روز وقوعہ بگلرام سے واپسی پر چانجل پولیس نے اس سے گاڑی قبضہ کر کے بعد قانونی کارروائی مذکورہ کے خلاف مقدمہ درج رجسٹر کر کے ساتھ مجھے بھی ملکیت ہونے کے ناطے مقدمہ میں ملزم نامزد کیا گیا۔ حالانکہ اس وقت میں گاڑی میں موجود نہ تھا۔ اور نہ میرا اسمیں کوئی کردار تھا۔

میں ایک ایماندار اور دیانتدار پولیس افسر ہوتے ہوئے ایک شریف اور باعزت شہری ہوں۔ اس سے قبل کبھی اس قسم کا وقوعہ میرے ساتھ رونما نہیں ہوا ہے۔ مگر بشیر احمد مذکورہ کے ہاتھوں مجھے پھنسا پڑا۔ میرے ساتھ دھوکہ دہی کر کے انتہائی ظلم کیا ہے۔ کیونکہ ایک دھوکہ باز شخص کے ساتھ واسطہ پڑا۔ ائیندہ کیلئے سمجھدار ہوا۔ مگر وقت گزر گیا ہے۔ مزید انتہائی محتاط رہوں گا۔

جناب والا!

بذریعہ بیان ہذا استدعا کرتا ہوں کہ میرے نام سچی اور مذکورہ بشیر احمد کی میرے ساتھ فراڈ اور دھوکہ دہی کے پیش نظر میرے حال پر رحم فرما کر انکو آری ہذا اہلا مزید کارروائی فائل کرنے کا حکم صادر فرمایا جائے۔ کیونکہ میرا نوکری میرے بچوں کی مستقبل ہے۔ یہ میرا بیان ہے۔ جو کہ درست ہے۔



بشیر احمد

سوال: کیا اس سے تھانہ چانجل ضلع بگلرام پولیس نے گاڑی کو موٹر کار قبضہ کیا تھا؟

جواب: نہیں۔

سوال: اس سے بگلرام پولیس نے گاڑی کو موٹر کار قبضہ کیا تھا؟

جواب: جی ہاں، اس نے نامزد کیا گیا۔ کہ گاڑی متذکرہ میرا ملکیت تھا۔ ڈرائیوری پر سہی عثمان کو دیا تھا۔

ان سے بگلرام پولیس کے بیان پر مجھے سزا سن نامزد کیا گیا۔ گاڑی متذکرہ کے کاغذات وغیرہ میں نے پیش کر دیے

مگر مجھ سے سزا سن میں سے خرید گیا تھا۔ اس نے دھوکہ دہی کی۔ جس میں کوئی قصور نہیں ہے۔

سوال: کیا اس کے پاس گاڑی کو موٹر کار کا ٹرانسفر گٹہ موجود ہے؟

جواب: جی ہاں۔



Not tested

Beshan Shingla

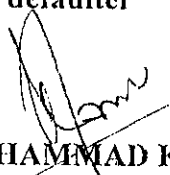
**ORDER**

This order is hereby issued to dispose of Departmental Enquiry initiated against Constable Attaullah No.896 of Investigation Wing, Shangla vide this Office Charge Sheet No.11 Dated 13.10.2017.

Constable Attaullah No.896 of Investigation Wing Shangla while posted to Police Station Dandai District Shangla found involved in Case FIR No. 158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force his this act of misconduct on his part which rendered him liable to be proceeded against departmentally under Police Disciplinary Rules, 1975. Constable Attaullah No.896 was therefore, proceeded against departmentally and hence served with Charge Sheet and Statement of Allegations under Police Disciplinary Rules 1975. Mr. Bashir Ahmad Khan, SDPO, Besham District Shangla was appointed as Inquiry Officer to conduct departmental proceedings against the defaulter official. The Enquiry Officer in its findings recommends the defaulter official for Major Punishment. Hence Final Show Cause Notice has been issued against the defaulter vide this Office No.10029/Enq; Dated 18.12.2017 and reply thereof received to the undersigned. His reply to the Show Cause Notice is received and perused but found unsatisfactory; therefore, he was called to appear before the undersigned on 20.12.2017 for hearing in person, he appeared but not produced any cogent reason/proof in his defense. Therefore I the undersigned reached the conclusion that the defaulter official having committed gross misconduct i.e found involved in criminal case.

Therefore, I, Muhammad Khalid, Superintendent of Police, Investigation, Shangla as a competent authority and in exercise of the powers vested to me under Police Disciplinary Rules 1975 award Constable Attaullah No.896, Major Punishment i.e Dismissal from Service with immediate effect.

**Order announced in the presence of defaulter**

  
(MUHAMMAD KHALID)  
Superintendent of Police,  
Investigation Shangla

OB NO 62

Dated 29/12 /2017

Copies for information to:-

1. The District Police Officer, Shangla
2. The District Account Officer, Shangla
3. The Lines Officer, Shangla

(11)  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**(PESHAWAR)**

Service Appeal No. 1236-2018.

Mr. Atta Ullah Ex Police Constable Shangla Police (Inv Wing)..... (Appellant)

**VERSUS**

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, Malakand at Saidu Sharif, Swat
3. Superintended of Police Investigation Shangla .....(Respondents)

**AFFIDAVIT**

I Raees Khan Inspector Legal Office of the District police officer  
**Shangla** do hereby solemnly affirm and state on oath that the whole contents of  
this service appeal are true and correct to the best of my knowledge and belief  
and nothing has been concealed from this Honorable Court.



**Raees Khan**  
Inspector Legal  
Shangla

Contact # 0996850015

(12)

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

Service Appeal No. 1236-2018.

Mr. Atta Ullah Ex Police Constable Shangla Police (Inv Wing)..... (Appellant)

**VERSUS**

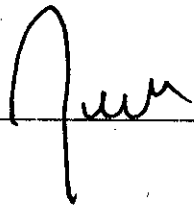
1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, Malakand at Saidu Sharif, Swat
3. Superintended of Police Investigation Shangla .....(Respondents)

**AUTHORITY LETTER**

Raees Khan Inspector Legal District Shangla is hereby authorized to appear on behalf of the respondents below, before the Honorable tribunal court. He is authorized to submit all the required documents and replies etc to the Honorable tribunal court.

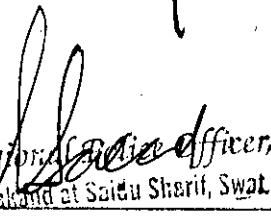
**Provincial Police Officer**

Khyber Pakhtunkhwa Peshawar  
(Respondent No. 1)

  
\_\_\_\_\_

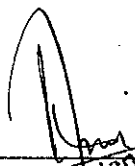
**Regional Police Officer**

Malakand at Saidu Sharif, Swat  
(Respondent No. 2)

  
Regional Police Officer,  
Malakand at Saidu Sharif, Swat  
\_\_\_\_\_

**Superintendent of Police,**

Investigation, Shangla  
(Respondent No. 3)

  
Superintendent Of Police  
Investigation Shangla  
\_\_\_\_\_

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	Criminal S. Deptt Proceedings 3
	28.10.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p>1. APPEAL NO.1493/13 Kaleem Ullah. 2. Appeal No. 1494/13, Wasim Javed. 3. Appeal No. 1495/13, Shehzad Rahim.</p> <p style="text-align: right;"><i>AAU</i></p> <p style="text-align: center;">.....(Mr. Arbab Aziz Ahmad, Advocate)</p> <p style="text-align: center;">Versus</p> <p style="text-align: center;">S.P Headquarter, Police Line, Peshawar and others.</p> <p style="text-align: center;">.....(Mr. Muhammad Jan, Government Pleader)</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>PIR BAKHSH SHAH, MEMBER:</u> Involved in a case vide FIR No. 1057 dated 24.10.20125 under Section 17(3) Haraba/412 PPC at P.S Pahari pura Peshawar, the above appellants were dismissed from service vide order dated 20.06.2013 and their departmental appeals also did not proved fruitful, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal act, 1974 is against the order of dismissal and for reinstatement with back benefits. We, therefore, propose to dispose of these appeals by this single judgment.</p> <p>2. Facts of the said criminal case are reproduced here below from the report of departmental enquiry conducted by DSP, Kiramat Sháh, copy of which is available on file:-</p> <p style="padding-left: 40px;">“Facts leading to the instant departmental enquiry against the police officers/officials named above are that on 24.10.2012 complainant Arshad Ali S/O Mumtaz Hussain r/o Mardan in</p>

accompany with Tajnur s/o Abdul Ghafoor and Zubair Shah s/o Amir Mohammad r/o Kass Koroona Mardan came to Police Station Pahari Pura and reported that they deal in money Exchange. They left Mardan for Peshawar in their Motor Car bearing No. 7583/IDJ Corolla Model 19698-99 white color in order to Change Foreigner Currency into Pakistani Currency, as they crossed Motorway Toll Plaza, they saw a pick up white color standing on road side at motor way wherein 07 persons out of some were in Police Uniform and some were in plain clothes, signaled them to stop, but they ignored the signal and continued crossing their way to Peshawar. They chased us and signaled us with lights and at last we were intercepted by them near Ring Road in the limits of Police Station Paharipura. They in aggressive mode asked us why they did not comply with the signal to stop and pull down us from our vehicle and took us towards Wapda colony at Nowshera. They searched us and snatched 03 lacs Saudi Riyal, One Lac Pakistani rupess and one Nokia SIM No.0300-5958076 from his (Complainant), 70,000 Saudi Riyal, 7250 UAE Darham, 509 Qatar Riyal and mobile cell No.0312-8028181 from Taimur and on mobile cell No.0301-8303324 from Zubair Shah. Beside they also snatched Motor Car No. 7583/IDJ, 30 bore pistol alongwith license copy lying in motor car. They threatened us of dire consequences in case of reporting the matter to any and went away. The complainant added that they can identify the accused on appearance. As such on the report of complainant a criminal case vide FIR No.1057 dated 24.10.2012 u/s 17(3)/412/13-AO/7-ATA was registered in Police Station Paharipura against unknown accused."

To dig out facts of this criminal case an investigation team was constituted by authority who ultimately laid their hands on the appellants, traced out the Govt: Vehicle which was used in omission of the offence and also recovered the case property, hence the appellants were departmentally proceeded and dismissed.

3. Arguments heard and record perused.

4. Learned counsel for the appellants submitted that the appellants were dismissed from service on the basis of the above referred criminal case and which later on they were put to trial before the competent court they were acquitted vide order dated 27.01.2014 of the learned Additional Sessions Judge-IX. He further submitted that the appellants were falsely implicated in the said criminal case and the department without waiting for the outcome of the criminal proceedings, have unlawfully dismissed them from service. He submitted that impugned orders may be set aside and appellants may be reinstated into service with all back benefits.

5. Learned GP resisted the appeals by submitting that outcome of the criminal proceedings cannot be linked with departmental proceedings on the basis of misconduct of the appellants. He submitted that all codal formalities were duly fulfilled and it is evident from record that the appellants were found guilty in the departmental enquiry conducted against them. He also argued that the appellants were involved in a heinous offense and being the police officials the penalty awarded to them was not harsh. He submitted that the appeal may be dismissed.

6. We have carefully perused the record and have heard hearing pro and contra arguments of learned counsel for the parties. A careful perusal of the record would show that the appellants were not directly nominated in the FIR which aspect of the matter conveys that the complainant of FIR namely Arshad Ali had no ill will or malafide against the appellants. In view of heinous nature of

the offence, the department constituted investigation team and it is evident from the enquiry report of DSP, Karamat Shah that snatched amount was also recovered from possession of the appellants. While juxtaposing this factual aspect of case with the judgment of the learned Court dated 27.07.2014 it was noted that these facts were not highlighted before the learned Trial Court. It appears from the judgment of the learned trial Court that complainant, Arshad Ali has shown concession in his statement in the criminal trial and thus for the said technical reason the appellants were acquitted in the criminal case against them. So for departmental proceedings are concerned it is evident that full opportunity of defense and hearing has been provided to the appellants. The appellants have not shattered proceedings of the enquiry officer nor that the findings of the enquiry officer have been termed false. The enquiry report shows that the enquiry officer had conducted enquiry in their presence in the jail premises and they were given opportunity to cross examine the witness. The civil servant can be proceeded independent of the outcome of the criminal trial. The offense obviously is one of serious nature and the appellants are obviously that from the police department. We in the circumstances of the case are not persuaded to show leniency to interfere in the impugned orders. Resultantly, all the above appeals are dismissed. Parties are left to bear their own costs. File be consigned to the record room after its completion and compilation.



2007 S C M R 562

[Supreme Court of Pakistan]

Present: Abdul Hameed Dogar and Mian Shakirullah Jan, JJ

SUPERINTENDENT OF POLICE, D.I. KHAN and others----Petitioners

Versus

IHSANULLAH----Respondent

Civil Petition No.384-P of 2005, decided on 14th November, 2006.

(On appeal from the judgment, dated 10-5-2005 of the N.-W.F.P. Service Tribunal Peshawar in Appeal No.180 of 2004).

North-West Frontier Province Service Tribunals Act (I of 1974)---

---S. 4---Dismissal from service on account of his arrest in a criminal case---Acquittal from criminal charges---Time-barred appeal---Civil servant was dismissed from service, after he was arrested in criminal case---Civil servant during his arrest, filed departmental representation but did not avail remedy of appeal before Service Tribunal---Civil servant, after he was acquitted from criminal charge, filed appeal before Service Tribunal, which was accepted and he was reinstated in service---Validity---Appeal before Service Tribunal was filed belatedly from date of his dismissal and after five months from the date of his acquittal from criminal charges---Civil servant had lost his right and could not agitate for reinstatement---Acquittal of civil servant from criminal charges would have absolutely no bearing on merits of case as disciplinary proceedings were to be initiated according to service rules independently---Judgment passed by Service Tribunal, reinstating civil servant in service, after acquittal from the criminal charge was not sustainable in law---Supreme Court set aside the judgment passed by Service Tribunal and order of dismissal of civil servant from service was maintained---Appeal was allowed.

Executive Engineer and others v. Zahid Sharif 2005 SCMR 824 and Sami Ullah v. Inspector-General of Police and others 2006 SCMR 554 ref.

Khushdil Khan, Additional Advocate-General N.-W.F.P. and Altaf, S.-I. (Legal) for Petitioners.

Abdul Aziz Kundi, Advocate Supreme Court for Respondent.

## ORDER

**ABDUL HAMEED DOGAR, J.**--- This petition is directed against judgment, dated 10-5-2005 passed by learned N.-W.F.P. Service Tribunal, camp at D.I. Khan whereby Appeal No.180 of 2004 filed by respondent was allowed and he was reinstated into service without back-benefits.

2. Brief facts leading to the filing of instant petition are that respondent was dismissed from service on

The allegation that on 12-7-2001 he was found in possession of 225 grams of Charas. Case was registered against him in which he was arrested and sent up to face the trial. According to learned counsel for the respondent he made representation to the competent authority but did avail the remedy of filing appeal before the learned Tribunal challenging his dismissal. According to him after his acquittal from the criminal case which took place on 9-10-2003 he filed instant appeal before Tribunal on 18-3-2004 mainly on the ground that he was acquitted from criminal charges as such be reinstated in service. The appeal before the Tribunal was filed belatedly from date of his dismissal and after five months from the date of his acquittal from the criminal charges. This being so, respondent has lost his right and cannot agitate for reinstatement. By now it is the settled principle of law that acquittal of civil servant from criminal charges would have absolutely no bearing on the merits of the case as the disciplinary proceedings are to be initiated according to service rules independently. Reliance can be made to the cases of Executive Engineer and others v. Zahid Sharif 2005 SCMR 824 wherein it has been held that acquittal of civil servant from Court would not impose any bar for initiation of disciplinary proceedings as his acquittal would have no bearing on disciplinary proceedings at all. In case of Sami Ullah v. Inspector-General of Police and others 2006 SCMR 554 it has been held that acquittal of petitioner from criminal case would have absolutely no bearing on the merits of the case and in the case of N.E.D. University of Engineering and Technology v. Syed Ashfaq Hussain Shah 2006 SCMR 453 it has been held that departmental representation of civil servant was barred by limitation and on the basis of such representation Service Tribunal could not reinstate him in service.

3. In view of what has been discussed hereinabove and the case-law referred (supra) the impugned judgment reinstating the respondent in service after acquittal from the criminal charge is not sustainable in law hence the same is set aside. The petition is converted into appeal and allowed. The order of dismissal from service of respondent is maintained.

M.H/S-81/SC

Appeal allowed.

2001 SCMR 2018

[Supreme Court of Pakistan]

Present: Iftikhar Muhammad Chaudhry, Qazi Muhammad Farooq and Hamid Ali Mirza, JJ

Messrs HABIB BANK LTD.----Petitioner

versus

SHAHID MASUD MALIK and others-- --Respondents

Civil Petitions Nos.564 and 565 of 2001, decided on 8th May, 2001.

(On appeal from the judgment dated 9-12-2000 passed by the Federal Service Tribunal, Islamabad in Appeals Nos. I17(R)C/E of 2000 and 1886(R) of 1999).

(a) Civil Servants Act (LXXI of 1973)---

---S.16---Departmental proceedings and criminal proceedings---Difference and distinction---Departmental proceedings are different and distinct from criminal charge which if has been levelled simultaneously against civil servant.

(b) Service Tribunals Act (LXX of 1973)---

----Ss. 2-A & 4---Constitution of Pakistan (1973), Art. 185(3)---Dismissal from service---Findings of Service Tribunal based upon findings recorded by other forums---Validity---Acquittal from criminal charge---Effect--Employee of Banking Company was dismissed from service---Labour Court reinstated the employee and Criminal Court acquitted him of the charge--After insertion of S.2-A, in Service Tribunals Act, 1973 matter was transferred to Service Tribunal and the Tribunal on the basis of findings recorded by Labour Court as well as by the Criminal Court allowed appeal of the employee and he was reinstated in service---Legality---Instead of basing its decision on finding of a forum which had no jurisdiction to decide the case, the Service Tribunal should have examined the case independently on the basis of material collected during departmental inquiry including show cause notice and inquiry report---Conclusion drawn by Criminal Court would have no bearing on the departmental proceedings as the latter had to be decided independently ---Where the Tribunal had not applied its independent mind, such findings of the Tribunal were not sustainable---Petition for leave to appeal was converted into appeal, and judgment passed by Service Tribunal was set aside---Case was remanded to Service Tribunal for decision afresh.

Ajmal Kamal Mirza, Advocate Supreme Court and Ejaz Muhammad Khan, Advocate-on-Record for Appellants.

Respondents in person.

Date of hearing: 8<sup>th</sup> May, 2001.

## ORDER

We have heard learned counsel for the appellants and have also gone through the impugned judgment, dated 9-12-2000 passed by the Federal Service Tribunal, Islamabad. It is noteworthy that the Service Tribunal had based its judgment on the findings of Presiding Officer Labour Court recorded while disposing of application under section 25-A of the I.R.O., 1969 filed by the respondent, the order of the Criminal Court acquitting the respondent-employee from the criminal charge has also been considered as one of the factor for his reinstatement. It is well-settled that the departmental proceedings are different and distinct from the criminal charge which if has been levelled simultaneously against an employee. Likewise the Tribunal may have not taken into consideration the findings recorded in favour of the respondent by the Labour Court because after the amendment in the Civil Servants Act by means of section 2-A for the purpose of the Service Tribunal the respondent employee had been treated to be a civil servant with a right to approach Service Tribunal for his redressal of grievance. Therefore, the Service Tribunal will examine his case independently on the basis of material collected during the departmental inquiry including show cause notice and Inquiry Report etc., instead of basing its decision on the finding of a forum which firstly had no jurisdiction to decide the case secondly any finding recorded by the criminal Court regarding criminal charges against an employee arising out of the same transaction because no conclusion drawn in this behalf by a Criminal Court will have any bearing on the departmental proceedings which ought to have decided independently. It may be noted that in fact impugned orders have not been passed by the Service Tribunal by applying its judicial mind and had disposed of the appeals in a mechanical manner just observing that as Presiding Officer of Labour Court had recorded finding in favour of the respondent and the Criminal Court has also acquitted him of the charge, therefore, he is ordered to be reinstated. Such findings, however, are not sustainable in law thus deserves interference by this Court.

As a result of above discussion, these petitions are converted into appeals and allowed. Both the cases are remanded to the Federal Service for decision of the appeals expeditiously as far as possible within a period of three months preferably. No order as to costs.

Q.M.H./M.A.K./H-38/S

Case remanded.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 982 /ST

Dated 20-03 / 2020


To

The Superintendent of Police Investigation,  
Government of Khyber Pakhtunkhwa,  
Shangla.

Subject: - JUDGMENT IN APPEAL NO. 1236/2018, MR. ATTAULLAH.

I am directed to forward herewith a certified copy of Judgement dated 11.02.2020 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

		68268
ایڈووکیٹ / دستخط بار کونسل ابار ایسوسی ایشن پشاور رابطہ نمبر: 0202-8578851	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	

بعدالت جناب: سروسز ٹریبونل پنجاب لاہور

منجانب: <i>سائل</i> Appellant / <i>سائل</i> 	دعویٰ: <i>سائل</i> علت: <i>سائل</i> مورخہ: <i>سائل</i> جرم: <i>سائل</i> تھانہ: <i>سائل</i> 
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**باعت تحریر آگے**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
 آگے مقام *سائل* کے قیام کے لئے *سائل* کے لئے *سائل* کو دیکھ کر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریریں لگانے و فیصلہ برحق دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں مدد مختل کرنے کا اختیار ہوگا، نیز ضرورت سے پیروی و تاؤ لگانی یا طرفہ یا اہل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اہل نگرانی و نظربانی و پیروی کرنے کا مختار ہوگا اور ضرورت سے مقدمہ مذکورہ کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب  
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساتھ ہی ہر ذمہ دار منظور قبول ہوگا دوران مقدمہ  
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے حساب سے ہوگا وہ وکیل موصوف و سائل کے لئے کا مختار ہوگا کوئی تاریخ پیشی مقام  
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ لاپرواہی سے لاپرواہی ہوگا، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔  
 المرقوم:

الع بد ————— واہ شد ————— الع بد

مقام کے لئے منظور ہے۔

Attached and Accepted.

Shahzullah Yousofzai

عطا اللہ خان ولد منیر ظفر  
 سید  
 برکے دینی  
 شہزاد شایب شاہ

نقید 48 روزنامہ 08/11/017

د 48 گئی ملازمین / رپورٹ غیر حاضری 50 وقت 20:00 08/11/017 اس وقت  
گئی ملازمین کیلئے گئی میں کینٹین عطا اللہ 896 صطل مردم جو جو رہا کر فوری  
کے خلاف رپورٹ ہے حاضر عا ذریعہ روزنامہ پورٹ

حنا عالی

نقل بھائی پل

M.M. P.L. Shingla

Attested  
SOPO  
Besham Distt: Shangla



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 3141

/18, dated Peshawar the 31<sup>st</sup> 7/2018.

1883/e  
e 2/8/18

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Atta Ullah No. 896. The petitioner was dismissed from service by SP/Investigation, Shangla vide OR No. 62, dated 20.12.2017 on the charge that he while posted to Police Station Dandai District Shangla found involved in case FIR No. 158, dated 04.09.2017 u/s 419/420/468/471/34-PPC Police Station Chanjal District Battagram.

His appeal was filed by Regional Police Officer, Malakand vide order Endst: No. 2544/E, dated 13.03.2018.

Meeting of Appellate Board was held on 19.07.2018 wherein petitioner was heard in person. During hearing petitioner contended that he has purchased the car from one Bashir Ahmad s/o Fida Muhammad on amount of Rs. 1100000/-. Petitioner contended that his case is under trial in the court.

Perusal of record reveals that the above named Ex-Constable was dismissed from service on the charges of involvement in case FIR No. 158, dated 04.09.2017 u/s 419/420/468/471/34-PPC Police Station Chanjal District Battagram vide order dated 20.12.2017 passed by SP, Investigation, Shangla and his appeal was filed by RPO, Malakand vide order dated 13.03.2018.

Petitioner failed to advance any plausible explanation in rebuttal of the charges. His case is under trial in the court, therefore the Board decided that his petition is hereby rejected.

This order is issued with the approval by the Competent Authority.

EC  
For n/a and inform the appellant.

*[Signature]*  
SP/Investigation  
24/08/2018



(IRFAN ULLAH KHAN)  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar.

No. S/ 3142-48 /18.

NO 6925 IE  
dt 08.08 11

Copy of the above is forwarded to the:

1. Regional Police Officer, Malakand at Swat. Service Roll and Fauji Missal containing departmental enquiry file of the above named Ex-Constable received vide your office Memo: No. 5675/E, dated 21.06.2018 is returned herewith for your office record.
2. Superintendent of Police, Investigation, Shangla.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

*ECI DPO Shangla*  
*For information Service so*  
*Fauji Missal and depart*  
*mental enquiry file is*  
*returned herewith for*  
*record in your office*

*[Signature]*  
Regional Police Officer,  
Malakand at Swat, Swat.





OFFICE OF THE  
**REGIONAL POLICE OFFICER, MALAKAND**

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

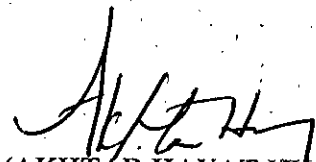
**ORDER:**

This order will dispose off appeal of Ex-Constable Attaullah No. 896 of Investigation Wing Shangla District for reinstatement in service.

Brief facts of the case are that Ex-Constable Attaullah No. 896 of Inv: Wing Shangla while posted to PS Dandai District Shangla found involved in Case FIR No. 158 dated 04/09/2017 U/S 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force his this act of misconduct on his part which rendered him liable to be proceeded against departmentally under Police Rules 1975. Constable Attaullah No. 896 was therefore proceeded against departmentally and hence served with Charge Sheet and Statement of allegation under Police disciplinary Rules 1975. Mr. Bashir Ahmad Khan, SDPO Besham District Shangla was appointed as Enquiry Officer. The Enquiry Officer in his findings recommended him for major punishment. Hence Final Show Cause Notice was issued to him vide SP Investigation Shangla No. 10029/Enquiry dated 18/12/2017 and reply thereof received to the SP Investigation Shangla, which was perused and found unsatisfactory. Therefore, he was called to appear before the SP Investigation Shangla on 20/12/2017 for personal hearing. He appeared but did not produce any cogent reason / proof in his defense. Therefor the SP Investigation Shangla reached the conclusion that the defaulter official having committed gross misconduct i.e found involved in criminal case. Therefore in exercise of powers vested to SP Investigation Shangla under Police disciplinary Rules 1975 awarded him major punishment of dismissal from Service vide OB No. 62 dated 20/12/2017.

He was called in Orderly Room on 06/03/2018 and heard him in person. The appellant could not produce any cogent reason in his defense. Therefore, his appeal for reinstatement in service is hereby filed.

Order announced.

  
(AKHTAR HAYAT KHAN)  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*\*Naqi\*\*

No. 2544 /E,

Dated 13-03- /2018.

Copy to SP Investigation Shangla for information and necessary action with reference to his office Memo: No. 54/E, dated 03/01/2018. His Service Roll and complete enquiry file are sent herewith for record in your office.

(encls: S-Roll + enquiry file)

\*\*\*\*\*

EC  
in form him

- sd -  
SP/Inv Shangla  
26/03/18



OFFICE OF THE  
**REGIONAL POLICE OFFICER, MALAKAND**

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-83 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

**ORDER:**

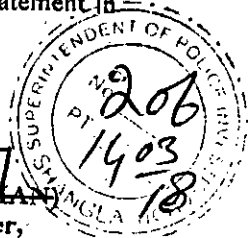
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Order announced.

(AKHTAR HAYAT KHAN)  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*\*Naqi\*\*



No. 2544 /E,

Dated 13-03- /2018.

Copy to SP Investigation Shangla for information and necessary action with reference to his office Memo: No. 54/E, dated 03/01/2018. His Service Roll and complete enquiry file are sent herewith for record in your office.

\*\*\*\*\*

Ec  
13/03

SP/2018/54  
14/03/2018

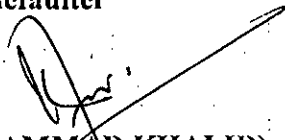
ORDER

This order is hereby issued to dispose of Departmental Enquiry initiated against Constable Attaullah No.896 of Investigation Wing, Shangla vide this Office Charge Sheet No. 11 Dated 13.10.2017.

Constable Attaullah No.896 of Investigation Wing Shangla while posted to Police Station Dandai District Shangla found involved in Case FIR No. 158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force his this act of misconduct on his part which rendered him liable to be proceeded against departmentally under Police Disciplinary Rules, 1975. Constable Attaullah No.896 was therefore, proceeded against departmentally and hence served with Charge Sheet and Statement of Allegations under Police Disciplinary Rules 1975. Mr. Bashir Ahmad Khan, SDPO, Besham District Shangla was appointed as Inquiry Officer to conduct departmental proceedings against the defaulter official. The Enquiry Officer in its findings recommends the defaulter official for Major Punishment. Hence Final Show Cause Notice has been issued against the defaulter vide this Office No.10029/Enq; Dated 18.12.2017 and reply thereof received to the undersigned. His reply to the Show Cause Notice is received and perused but found unsatisfactory; therefore, he was called to appear before the undersigned on 20.12.2017 for hearing in person, he appeared but not produced any cogent reason/proof in his defense. Therefore I the undersigned reached the conclusion that the defaulter official having committed gross misconduct i.e found involved in criminal case.

Therefore, I, Muhammad Khalid, Superintendent of Police, Investigation, Shangla as a competent authority and in exercise of the powers vested to me under Police Disciplinary Rules 1975 award Constable Attaullah No.896, Major Punishment i.e Dismissal from Service with immediate effect.

**Order announced in the presence of defaulter**

  
(MUHAMMAD KHALID)  
Superintendent of Police,  
Investigation Shangla

OB NO 62

Dated 20/12 /2017

Copies for information to:-

1. The District Police Officer, Shangla
2. The District Account Officer, Shangla
3. The Lines Officer, Shangla


**ORDER**

This order is hereby issued to dispose of Departmental Enquiry initiated against Constable Attaullah No.896 of Investigation Wing, Shangla vide this Office Charge Sheet No. 11 Dated 13.10.2017.

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**Order announced in the presence of defaulter**

  
(MUHAMMAD KHALID)  
Superintendent of Police,  
Investigation Shangla

OB NO 62  
Dated 29/12 /2017

Copies for information to:-

1. The District Police Officer, Shangla
2. The District Account Officer, Shangla
3. The Lines Officer, Shangla

جناب عالی!

بحوالہ مشمولہ چارج شیٹ نمبر 11 محررہ 13-10-2017 مجاریہ جناب ایس پی صاحب انوسٹی گیشن ضلع شانگلہ معروض خدمت ہوں کہ مجھ پر الزام ہے کہ میرے خلاف تھانہ چانجل ضلع بگلرام میں مقدمہ علت نمبر 158 مورخہ 04-09-2017 ج 704-34 ت پ درج رجسٹر ہو چکی ہے۔

جناب والا!

الزام بالا میرے خلاف بالکل غلط اور بے بنیاد ہے۔ مجھے بے گناہ مقدمہ میں ملزم نامزد کیا گیا ہے۔ کیونکہ مقدمہ متذکرہ میں مقبوضہ موٹر کار نمبر ZA-833 میری ملکیت ہے۔ جو کہ میں نے مسمی بشیر احمد ولد فدا احمد ساکن جبہ درگئی سے مبلغ گیارہ لاکھ روپیہ پر خریدی تھی۔ اور رقم یکمشت مذکورہ کو ادا کی۔ گاڑی کے نسبت ایک تحریری معاہدہ نامہ بھی ثبت کی۔ جولف بیان ہذا ہے۔ میں نے گاڑی متذکرہ اور رجسٹریشن مذکورہ سے حاصل کر کے گاڑی متذکرہ کو گاؤں خود لے آیا۔ غربت کی وجہ سے گاڑی متذکرہ ڈرائیور عثمان ساکن دندئی کو ٹیکسی کرنے کے خاطر حوالہ کی۔ مذکورہ گاڑی متذکرہ پر ٹیکسی کرتا تھا۔ اور مختلف علاقوں میں چلاتا تھا۔ کہ روز وقوعہ بگلرام سے واپسی پر چانجل پولیس نے اس سے گاڑی قبضہ کر کے بعد قانونی کارروائی مذکورہ کے خلاف مقدمہ درج رجسٹر کر کے ساتھ مجھے بھی ملکیت ہونے کے ناطے مقدمہ میں ملزم نامزد کیا گیا۔ حالانکہ اس وقت میں گاڑی میں موجود نہ تھا۔ اور نہ میرا اسم کوئی کردار تھا۔

میں ایک ایماندار اور دیانتدار پولیس افسر ہوتے ہوئے ایک شریف اور باعزت شہری ہوں۔ اس سے قبل کبھی اس قسم کا وقوعہ میرے ساتھ رونما نہیں ہوا ہے۔ مگر بشیر احمد مذکورہ کے ہاتھوں مجھے پھنسا پڑا۔ میرے ساتھ دھوکہ دہی کر کے انتہائی ظلم کیا ہے۔ کیونکہ ایک دھوکہ باز شخص کے ساتھ واسطہ پڑا۔ ایندہ کیلئے سمجھدار ہوا۔ مگر وقت گزر گیا ہے۔ مزید انتہائی محتاط رہوں گا۔

جناب والا!

بذریعہ بیان ہذا استدعا کرتا ہوں کہ میرے ناجبھی اور مذکورہ بشیر احمد کی میرے ساتھ فراڈ اور دھوکہ دہی کے پیش نظر میرے حال پر رحم فرما کر انکو آری ہذا ابلا مزید کارروائی فائل کرنے کا حکم صادر فرمایا جائے۔ کیونکہ میرا نوکری میرے بچوں کی مستقبل ہے۔ یہ میرا بیان ہے۔ جو کہ درست ہے۔



ج 704-34

1۔ کیا اس سے تھانہ چانجل ضلع بگلرام پولیس نے ہمارا موٹر کار قبضہ کیا تھا؟

2۔ جہاں! نہیں۔

3۔ اس سے بگلرام پولیس نے گاڑی موٹر کار قبضہ نہیں کیا تھا۔ تو اس کے خلاف سندھ کن ٹریک درجہ اول کیا گیا؟

4۔ جی ہاں اس سے نامزد کیا گیا۔ کہ گاڑی متذکرہ میرا ملکیت تھا۔ ڈرائیوری پر مسمی عثمان کو دیا تھا۔

ان سے بگلرام کے بیان پر جی سلسلہ نامزد کیا گیا۔ گاڑی متذکرہ کے کاغذات وغیرہ میں نے پیش کیے تھے۔

مگر مجھ سے بگلرام میں سے میں نے خریدی تھا۔ اس نے دھوکہ دہی کی۔ جس میں کوئی قصور نہیں ہے۔

5۔ کیا اس کے پاس گاڑی موٹر کار کا ٹرانسفر گیسٹر موجود ہے؟

6۔ جی نہیں۔



Attested


SDPO  
Besham Distt. Shangla

48

No 10029 /Enq:

Dated 18/12 /2017

**FINAL SHOW CAUSE NOTICE**

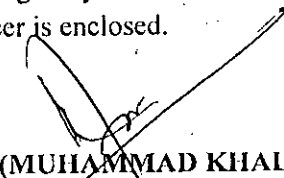
I **Muhammad Khalid**, Superintendent of Police Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, do hereby serve you, Constable **Attaullah No. 896** of Investigation Wing Shangla as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide communication No. 11 dated 13.10.2017; and  
(ii) on going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer.

I am satisfied that you have committed the following acts/omissions specified in Rule-3 of Police Disciplinary Rules 1975.

**You Constable Attaullah No 896 while posted to Police station Dandai District Shangla find involved in case FIR No. 158 dated 04.09.2017 u/s 419-420-468-471 PPC PS Chanjal District Batgram.**

2. As a result thereof, I, **Muhammad Khalid**, Superintendent of Police Investigation, Shangla as a competent authority, have tentatively decided to impose upon you one or more penalties including **Dismissal from Service** as specified in Rule-4 of the Ibid Rule.
3. You, are, thereof, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this Notice is received within seven (07) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry officer is enclosed.

  
(MUHAMMAD KHALID)  
Superintendent of Police,  
Investigation Shangla

Copy to the:

1. SHO Police Station Dandai with the direction to serve the copy of this Show Cause Notice upon Constable **Attaullah No. 896** through DFC or Constable and copy thereof may be sent to this Office as token of receipt.

من ۲ این عدد کو رٹرنس دیا گیا ہے

  
18/12/07

49  
No 10029 /Enq:

Dated 18/11 /2017

**FINAL SHOW CAUSE NOTICE**

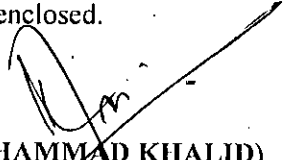
I **Muhammad Khalid**, Superintendent of Police Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, do hereby serve you, Constable **Attaullah No. 896** of Investigation Wing Shangla as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide communication No. 11 dated 13.10.2017; and  
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5. A copy of the findings of the inquiry officer is enclosed.

  
(**MUHAMMAD KHALID**)  
Superintendent of Police,  
Investigation Shangla

**Copy to the:**

1. SHO Police Station Dandai with the direction to serve the copy of this Show Cause Notice upon Constable **Attaullah No. 896** through DFC or Constable and copy thereof may be sent to this Office as token of receipt.

حذف شدہ کیلئے ۸۹۶ ایجنسیوں کی تفصیل حال میں

کیفیت

تعداد  
قطعات

تفصیل کاغذات

نمبر

6	انڈس پیزا + انڈس ڈیزل کارڈز + فائنڈنگ رورٹ	1
8	طرح اسٹیٹ نمبر 11 + قسط نمبر 1247 نمبر ایجنسیوں کی تفصیل	2
2	بیان ازرائل عطاء اللہ کے ساتھ طرح اسٹیٹ	3
2	بیان اسٹیٹ نمبر 832 + اجیر شیٹ نمبر 7-2-017	4
2	کاغذات BBA + منٹل FIR عد 158 نمبر ایجنسیوں	5
1	تفصیلی نمبر کارڈز 5992-94	6
2	بیان ازرائل عطاء اللہ کے ساتھ طرح اسٹیٹ	7
2	منٹل عد 7 اور نمبر 8-21 + منٹل عد 24 اور نمبر 8-25/017	8
1	منٹل عد 24 اور نمبر 8-25/017 نمبر ایجنسیوں	9
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قطعات

نمبران





انکوائری برخلاف کنسٹیبل عطاء اللہ نمبر 896 متعینہ پولیس سٹیشن دندئی

خلاصہ الزامات :-

بحوالہ چارج شیٹ نمبر 11/Enquiry مورخہ 10-10-2017 و انضباطی کارروائی نمبر 5992-94/Enquiry مورخہ 13-10-2017 برخلاف کنسٹیبل عطاء اللہ نمبر 896 متعینہ تھانہ دندئی مجاریہ دفتر جناب ایس پی صاحب انوسٹی گیشن ضلع شانگلہ تحریر ہے کہ Attallah No. 896/FC while posted to Police Station Dandai, District Shangla found involved in case FIR No. 158 dated 04-09-2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force your this act of misconduct on your part which rendered you liable to be proceeded against departmentally under Police Disciplinary Rules 1975.

کارروائی تحقیقات :-

بعد ملاحظہ متذکرہ بالا انضباطی کارروائی و چارج شیٹ جارہ شدہ دفتر جناب ایس پی صاحب انوسٹی گیشن ضلع شانگلہ پر من ایس ڈی پی او نے انکوائری کا آغاز کر کے متعلقین کو طلب کر کے سے بیانات لئے گئے۔ جو کہ ذیل ہیں۔

1- بیان ازاں کنسٹیبل عطاء اللہ نمبر 896 متعینہ تھانہ دندئی

کنسٹیبل عطاء اللہ نمبر 896 متعینہ تھانہ دندئی نے بدریافت یوں بیان کیا کہ میری خلاف تھانہ چانجل ضلع بگرام میں مقدمہ علت نمبر 158 مورخہ 04-09-2017 جرم 419-420-468-34 ت پ درج رجسٹر ہو چکی ہے۔ الزام بالا میرے خلاف بالکل غلط اور بے بنیاد ہے۔ مجھے بے گناہ مقدمہ میں ملزم نامزد کیا گیا ہے۔ کیونکہ مقدمہ متذکرہ میں مقبوضہ موٹر کار نمبر ZA-833 میری ملکیت ہے۔ جو کہ میں نے مسیٰ بشیر احمد ولد فدا محمد ساکن جبہ درگئی حال پولیس سٹیڈیم مردان سے مبلغ گیارہ لاکھ روپیہ پر خریدی تھی۔ اور رقم یکمشت مذکورہ کو ادا کی۔ گاڑی کے نسبت ایک تحریری معاہدہ نامہ بھی ثبت کی۔ (جولف بیان ہذا ہے) میں نے گاڑی متذکرہ اور رجسٹریشن مذکورہ بشیر احمد سے حاصل کر کے گاڑی متذکرہ کو گاؤں خود لے آیا۔ غربت کی وجہ سے گاڑی متذکرہ ڈرائیور عثمان ساکن دندئی کو ٹیکسی کرنے کے خاطر حوالہ کی۔ ڈرائیور مذکورہ گاڑی متذکرہ پر ٹیکسی کرتا تھا۔ اور مختلف علاقوں میں چلاتا تھا۔ کہ روز وقوعہ بگرام سے واپسی پر چانجل پولیس نے اس سے گاڑی قبضہ کر کے بعد قانونی کارروائی مذکورہ کے خلاف مقدمہ درج رجسٹر کر کے ساتھ مجھے بھی ملکیت ہونے کے ناطے مقدمہ میں ملزم نامزد کیا گیا۔ حالانکہ اس وقت میں گاڑی میں موجود نہ تھا۔ اور نہ میرا کہیں کوئی کردار تھا۔ میں ایک ایماندار اور دیا نندار پولیس افسر ہوتے ہوئے ایک شریف اور باعزت شہری ہوں۔ اس سے قبل کبھی بھی اس قسم کا وقوعہ میرے ساتھ رونما نہیں ہوا ہے۔ مگر بشیر احمد مذکورہ کے ہاتھوں مجھے پھنسا پڑا۔ میرے ساتھ دھوکہ دہی کر کے انتہائی ظلم کیا ہے۔ کیونکہ ایک دھوکہ باز شخص کے ساتھ واسطہ پڑا۔ اب بندہ کیلئے سمجھدار ہوا۔ مگر وقت گزر گیا ہے۔ مزید انتہائی محتاط رہوں گا۔ بذریعہ بیان ہذا استدعا کرتا ہوں کہ میرے نام سچی اور مذکورہ بشیر احمد کا میرے ساتھ فراڈ اور دھوکہ دہی کے پیش نظر میرے حال پر رحم فرما کر انکوائری ہذا بلا مزید کارروائی فائل کرنے کا حکم صادر فرمایا جائے۔ کیونکہ میرا نوکری میرے بچوں کی مستقبل ہے۔ یہ میرا بیان ہے۔

جو کہ درست ہے۔ (بیان لف مشمولہ ہے)

## ۲۔ بیان ازاں جشیہ خان SI/OII متعینہ تھانہ دندئی

جشیہ خان SI/OII تھانہ دندئی نے بدریافت یوں بیان کیا کہ میں بحیثیت OII تھانہ دندئی میں تعینات ہوں۔ کنسٹیبل عطاء اللہ کا تبادلہ تفتیشی شاف تھانہ کماچ سے مورخہ 21-08-2017 کو تھانہ دندئی ہو چکا تھا۔ اس دوران ملزم عثمان ولد فریق محمد ساکن کالونی دندئی کے خلاف تھانہ چانجل ضلع بگرام میں مجرم 419-420-468-471 تپ تھانہ چانجل مقدمہ درج رجسٹر ہو کر دوران تفتیش ملزم بالانے اپنا اقبالی بیان زیر دفعہ 164 ض ف ضلع بگرام کے عدالت میں قلمبند کیا تھا۔ اس نے اپنے بیان میں گاڑی قبضہ شدہ کے متعلق تحریر کیا تھا۔ کہ موٹر کار زیر بحث کنسٹیبل عطاء اللہ کا ملکیت تھا۔ کہ اس دوران OII صاحب تھانہ چانجل نے محرر تھانہ دندئی تیمور حسن کو اطلاع دی تھی۔ محرر صاحب نے من OII کے نوٹس میں لایا تھا۔ من OII نے بروقت افسران بالا صاحبان کو اطلاع دی تھی۔ اور نقل مدت بروقت افسران بالا صاحبان کے خدمت میں بھجوائے گئے تھے۔ چونکہ ملزم عثمان بالا کے خلاف جس وقت مقدمہ درج رجسٹر ہوا تھا۔ اس وقت کنسٹیبل مذکورہ بالا تھانہ میں آن ڈیوٹی موجود تھا۔ تھانہ چانجل پولیس نے ملزم گردانا گیا تھا۔ اس دوران کنسٹیبل عطاء اللہ غیر حاضر ہوا تھا۔ یہ میرا بیان ہے جو کہ درست ہے۔ (بیان لف مشمولہ ہے)

## ۳۔ بیان ازاں تیمور حسن MHC تھانہ دندئی

تیمور حسن MHC تھانہ دندئی نے بدریافت یوں بیان کیا کہ میں بحیثیت محرر تھانہ دندئی میں تعینات ہوں۔ کنسٹیبل عطاء اللہ کا تبادلہ بحوالہ ارڈر بک 40 مورخہ 17-08-2017 تھانہ کماچ سے تھانہ دندئی انوسٹی گیشن شاف میں حاضری کی تھی۔ کہ اس دوران OII تھانہ چانجل نے اطلاع دی کہ ملزم عثمان ولد فریق محمد ساکن کالونی دندئی سے موٹر کار برآمد ہو کر ان کے خلاف مقدمہ علت نمبر 158 مورخہ 04-09-2017 جرم 419-420-468-471 تپ تھانہ چانجل درج رجسٹر ہوا ہے۔ ملزم بالانے عدالت بگرام میں اپنا اقبالی بیان زیر دفعہ 164/364 ض ف میں تحریر کیا ہے۔ کہ گاڑی موٹر کار برآمد شدہ کنسٹیبل عطاء اللہ کا ملکیت تھا۔ دوران تفتیش کنسٹیبل عطاء اللہ تھانہ ہڈا میں موجود تھا۔ جب مقدمہ ہڈا میں ملزم گردانا گیا۔ تو کنسٹیبل عطاء اللہ غیر حاضر ہو کر مقدمہ ہڈا میں عدالت سیشن جج صاحب بگرام سے BBA حاصل کر کے عدالت سیشن جج صاحب نے کنسٹیبل مذکورہ کا BBA منسوخ کر کے حوالہ مقامی پولیس کیا۔ اس دوران کنسٹیبل OII صاحب تھانہ دندئی نے غیر حاضری کی رپورٹ درج روزنامہ کی تھی۔ تمام نقولات بروقت افسران بالا صاحبان کی خدمت میں مرسل کئے تھے۔ جب مقدمہ ہڈا درج رجسٹر ہوا تھا۔ اس دوران کنسٹیبل عطاء اللہ تھانہ میں موجود تھا۔ یہ میرا بیان ہے جو کہ درست ہے۔ (بیان لف مشمولہ ہے)

۴۔ اسی طرح OII تھانہ چانجل کا تفصیلی رپورٹ بھی بحوالہ چھٹی انگریزی 1247/Inv مورخہ 03-10-2017 مجاریہ دفتر جناب ایس پی صاحب انوسٹی گیشن ضلع بگرام بحوالہ ڈائری نمبر 1064 مورخہ 16-10-2017 دفتر جناب ایس پی صاحب انوسٹی گیشن ضلع شانگلہ موصول ہو کر (جو کہ لف مشمولہ ہے)۔

## خلاصہ تحقیقات :-

چارج شیٹ، انضباطی کارروائی کے ساتھ ساتھ موجودہ لئے گئے بیانات اور انکوائری کاغذات و بیانات سے ذیل حقائق

سامنے آئے :-

۱۔ مقدمہ ابتدائی طور پر ملزم عثمان ولد عبدالفریق ساکن دندئی کے خلاف درج رجسٹر ہوا تھا۔

عطا

۲- مقدمہ درج رجسٹر کرتے اور گاڑی کو قبضہ کرتے وقت مذکورہ کنسٹیبل جائے وقوعہ پر موجود نہیں تھا۔ کیونکہ موٹر کار ایجنٹ کنسٹیبل مذکورہ اس کے ڈرائیور عثمان چلا رہا تھا۔ بعدہ ڈرائیور ملزم کے بیان زیر دفعہ 164/364 ض ف پر کنسٹیبل مذکورہ کو ملزم کے پاس لایا گیا ہے۔

۳- کنسٹیبل مذکورہ نے اپنی بیان میں گاڑی منڈکرہ کو اپنا ملکیت ظاہر کیا ہے۔ اور ایک تحریری بیان حلفی وسیعہ نامہ بھی پیش کیا ہے۔ کہ گاڑی منڈکرہ کو بعوض 1100000/- روپیہ مسکی بشیر احمد ولد فدا محمد ساکن جبہ درگی ضلع ملاکنڈ سے خریدا تھا۔

۴- کنسٹیبل مذکورہ نے موٹر کار منڈکرہ کے فوٹو اسٹیٹ رجسٹریشن پیش کر کے مگر ٹرانسفر لیٹر پیش کرنے میں ناکام رہا ہے۔

۵- تفتیشی افسر تھانہ چانگل نے کنسٹیبل مذکورہ کے خلاف تفصیلی بیان دیا ہے۔ اور ابتدائی تفتیش میں مذکورہ کو گنہگار ٹھہرا کر شریک واردات نامزد کیا ہے۔ جس نسبت مقدمہ عدالت میں زیر سماعت ہے۔

۶- کنسٹیبل مذکورہ کا ایک گواہ بمطابق اقرار نامہ ضلع دیر کارہاشی ہے۔ جو بھی گاڑیوں کی بارگیننگ کر رہا ہے۔

۷- کنسٹیبل مذکورہ اس بندے کو پیش کرنے میں بھی ناکام رہا ہے۔ جس سے اس نے گاڑی خرید لی ہے۔

۸- کنسٹیبل مذکورہ کو معلوم تھا۔ کہ یہ گاڑی نان کسٹم پیڈ ہے۔ کیونکہ اگر مذکورہ نے گیارہ لاکھ روپیہ پر گاڑی لینا تھا۔ تو بجائے درگی مردان کے ہزارہ ڈویژن میں کیوں نہیں لیا۔

۹- مذکورہ کے متعلق معلوم ہوا ہے۔ کہ مذکورہ کافی عرصہ سے کراہیہ پر نان کسٹم پیڈ گاڑیاں براستہ بنگرام شانگلہ لے آتے تھے۔

۱۰- کنسٹیبل مذکورہ کو انکوائری ہذا کے سلسلہ میں بار بار مطلع کیا جاتا رہا۔ مگر مذکورہ کبھی بھی رابطہ نہیں کرتا تھا۔ اور ٹال مٹول سے کام لے رہا تھا۔

۱۱- کنسٹیبل مذکورہ پولیس لائن سے بھی مورخہ 08-11-2017 کو غیر حاضر ہو کر بدستور غیر حاضر چلا آ رہا ہے۔ جس سے صاف واضح ہوتا ہے۔ کہ مذکورہ اپنی من مرضی کا مالک ہے۔ اور محکمہ پولیس اس کے سامنے بے بس اور نام کی کوئی چیز نظر نہیں آ رہا ہے۔

### سفارشات:-

مندرجہ بالا حقائق و انکوائری سے یہ نتیجہ اخذ کیا جاتا ہے کہ کنسٹیبل مذکورہ وقوعہ متذکرہ میں ملوث رہا ہے۔ لہذا مذکورہ کو میجر پنشنٹ (Major Punishment) دینے کی سفارش کی جاتی ہے۔ رپورٹ عرض ہے۔

نوٹ:- (کل 28 قطعہ لف مشمولہ ہیں)

(بشیر احمد)

ڈپٹی سپرنٹنڈنٹ آف پولیس

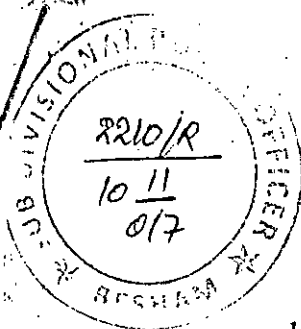
سرکل بشام

نمبر 3385 آرڈر۔ مورخہ 05 دسمبر 2017ء

Issue final  
show cause.



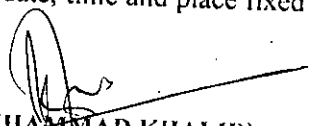
DISCIPLINARY ACTION



I Muhammad Khalid, Superintendent of Police, Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, is of the opinion that Constable Attullah No.896 while posted to Police Station Dandai, District Shangla have rendered himself liable to be proceeded against departmentally and committed the following acts/omission as defined in Rule-2 (iii) of Police Disciplinary Rules 1975.

STATEMENT OF ALLEGATIONS

1. He Constable Attullah No.896 while posted to Police Station Dandai, District Shangla found involved in Case FIR No.158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force his this act of misconduct on his part which rendered him liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Bashir Ahmad Khan, SDPO, Besham is appointed as Enquiry Officer under Rules 5 (4) of Police Disciplinary Rules 1975.
3. The Enquiry Officer shall conduct proceedings in accordance with provision of Police Disciplinary Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within ten (10) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer under Rules 6 (v) of Police Disciplinary Rules 1975.
4. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

  
(MUHAMMAD KHALID)  
Superintendent of Police,  
Investigation, Shangla

OFFICE OF THE SUPDT: OF POLICE INVST: SHANGLA

No. 5992-94 /Enquiry, Dated Daggar the 13/10/2017  
Copy of above is sent to:

1. The Enquiry Officer for initiating proceeding against the accused officer namely under Police Disciplinary Rules, 1975.
2. The Sr: Superintendent of Police, Investigation, Battagram for information w/r to his office letter No.1247/Inv: Dated 03.10.2017, please
3. Concerned defaulter official through SHO Dandai.

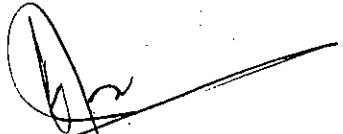
NO. 11 /Enquiry,

Dated 13.10 /2017

**CHARGE SHEET**

I **Muhammad Khalid**, Superintendent of Police, Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, hereby charge you, **Constable Attullah No.896** while posted to Police Station Dandai, District Shangla as follows:-

1. You Constable Attullah No.896 while posted to Police Station Dandai, District Shangla found involved in Case FIR No.158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force your this act of misconduct on your part which rendered you liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
1. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Police Rules, 1975.
2. You are; therefore, require to submit your written reply within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975.
3. Your written reply, if any, should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
4. Intimate as to whether you desire to be heard in person or not?
5. A statement of allegations is enclosed

  
(**MUHAMMAD KHALID**)  
Superintendent of Police,  
Investigation, Shangla

فارم نمبر 23

# ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ فوجداری

بشدام

یا عمل

ضلع	04/05/05	تاریخ	23/8/07
وقت	04:00	وقت	05:30
تاریخ و وقت رپورٹ	23/8/07	تاریخ و وقت رپورٹ	23/8/07
نام و سکونت اطلاع دہندہ مستغیث	13403 0160363-9	نام و سکونت اطلاع دہندہ مستغیث	0346-9236303
تفصیل جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	23/8/07	تفصیل جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	23/8/07
جائے وقوعہ فاصلہ تھانہ سے اور سمت	23/8/07	جائے وقوعہ فاصلہ تھانہ سے اور سمت	23/8/07
نام و سکونت ملزم	23/8/07	نام و سکونت ملزم	23/8/07
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	23/8/07	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	23/8/07
تھانہ سے روانگی کی تاریخ و وقت	23/8/07	تھانہ سے روانگی کی تاریخ و وقت	23/8/07

ابتدائی اطلاع نیچے دی گئی ہے کہ ایک شخص نے 23/8/07 کو 05:30 بجے اپنے مکان پر گولی چلائی اور اس سے زخمی ہو گیا۔ اس شخص کا نام محمد علی ہے اور وہ 13403 0160363-9 کے تحت رجسٹرڈ ہے۔ اس شخص نے اطلاع دہندہ کو بتایا کہ اسے ایک شخص نے گولی چلائی اور اس سے زخمی ہو گیا۔ اس شخص کا نام محمد علی ہے اور وہ 13403 0160363-9 کے تحت رجسٹرڈ ہے۔ اس شخص نے اطلاع دہندہ کو بتایا کہ اسے ایک شخص نے گولی چلائی اور اس سے زخمی ہو گیا۔ اس شخص کا نام محمد علی ہے اور وہ 13403 0160363-9 کے تحت رجسٹرڈ ہے۔

اس شخص نے اطلاع دہندہ کو بتایا کہ اسے ایک شخص نے گولی چلائی اور اس سے زخمی ہو گیا۔ اس شخص کا نام محمد علی ہے اور وہ 13403 0160363-9 کے تحت رجسٹرڈ ہے۔ اس شخص نے اطلاع دہندہ کو بتایا کہ اسے ایک شخص نے گولی چلائی اور اس سے زخمی ہو گیا۔ اس شخص کا نام محمد علی ہے اور وہ 13403 0160363-9 کے تحت رجسٹرڈ ہے۔

اس شخص نے اطلاع دہندہ کو بتایا کہ اسے ایک شخص نے گولی چلائی اور اس سے زخمی ہو گیا۔ اس شخص کا نام محمد علی ہے اور وہ 13403 0160363-9 کے تحت رجسٹرڈ ہے۔ اس شخص نے اطلاع دہندہ کو بتایا کہ اسے ایک شخص نے گولی چلائی اور اس سے زخمی ہو گیا۔ اس شخص کا نام محمد علی ہے اور وہ 13403 0160363-9 کے تحت رجسٹرڈ ہے۔

اس شخص نے اطلاع دہندہ کو بتایا کہ اسے ایک شخص نے گولی چلائی اور اس سے زخمی ہو گیا۔ اس شخص کا نام محمد علی ہے اور وہ 13403 0160363-9 کے تحت رجسٹرڈ ہے۔ اس شخص نے اطلاع دہندہ کو بتایا کہ اسے ایک شخص نے گولی چلائی اور اس سے زخمی ہو گیا۔ اس شخص کا نام محمد علی ہے اور وہ 13403 0160363-9 کے تحت رجسٹرڈ ہے۔

Attested

Office of the  
Sr:Superintendent of Police, Investigation, Battagram



Phone & Fax No: 0997-312223

Email invbtrn@yahoo.com

To:- The Senior Superintendent of Police  
Shangla.

No 1247 Dated Battagram the 03 / 10 / 2017.



Subject: - CASE FIR NO.158 DATED 04.09.2017 U/S 419/420/468/471/34 PPC PS  
CHANJAL DISTRICT BATTAGRAM

Memorandum:

It is stated that during investigation in the above subject-cited case and in the light of the statement 164/364 of accused Usman Constable Attaullah No. 896 PS Dandai District Shangla is found nominative accused. On 18.09.2017 Constable Attaullah No.896 appeared before the court but his BBA has cancelled by the court and sent to judicial lockup. During investigation Constable Attaullah No. 896 is also found involved with accused Usman and other in Fallacy and Fraud. The investigation is also started against the other people involved in the above subject cited case.

It is, therefore, requested that in the above circumstances departmental action at your end is required against the above named accused under intimation to this office for completion of investigation, Please.

Sr:Superintendent of Police,  
Investigation, Battagram.

No 1248 /

Copy to I.O PS Chanjal for information.

EC

*filed for m/a.*

*Dep. Priskhan*  
*...*



ساز جاجیل

طریقہ کیلکولیشن

تخلیہ کیلکولیشن 158 حصے  $\frac{49}{11}$  قیدم 419/420 11 مقامات جاجیل

468 | 471 | 34

بزرگوار مراد علی خان 5110 مقامات جاجیل

یام پڑا = عمال اولیٰ عبدالغفور صاحب کمار سواتی سیکرٹری جاجیل

عطا اللہ ولد عبدالغفور صاحب افواجی سیکرٹری جاجیل  
لوٹننٹ کینیا 896 مقامات جاجیل 187

جناوب عمال 23  $\frac{8}{17}$  حصے کو ماہانہ لگا جائے گا سے کارکنوں کی طرف

کالا ریشم لائن پر 28833 کو جمع تقریباً 5400 جاجیل لوٹ

تذقیہ جاجیل کے کارکنوں کا جو آ رہا ہے۔ لوٹ جاجیل مقامات

جاجیل کے کارکنوں کا لگاؤ اور حوصلہ بڑھانے کے لیے جاجیل کے کارکنوں کو

پیشکش کی جا رہی ہے 5110 جب مقامات جاجیل کے کارکنوں کو

جو لوٹ 15 حصے 23  $\frac{8}{17}$  حصے 523 وقت سید

لوٹ لگا - 24  $\frac{8}{17}$  حصے سے اجازت حاصل کر کے جاجیل

تذقیہ 156 (1) وقت میرا خان آج سے شروع کیا۔ حصے  $\frac{8}{17}$

کو کارکنوں کے حوالہ عطا اللہ ولد عبدالغفور صاحب جاجیل

جاجیل آ کر انکو بھی اسٹیشن لیس کیا۔ عطا اللہ ولد عبدالغفور

کو کارکنوں کے حوالہ عطا اللہ ولد عبدالغفور صاحب جاجیل

کے حسب ضابطہ ETO اسلام آباد سے لکھنے کا جو لوٹ لکھنے

سورجی جاجیل میں منوران اللہ ولد عبدالغفور صاحب جاجیل

حصے  $\frac{9}{17}$  کا کہ اسلام آباد کے عدالت 755

پیرام سے BBA کو لگا جو  $\frac{14}{17}$  کو حصے سے جاجیل کے عدالت

عدالت کے احکامات کو لکھنے کا جو لوٹ لکھنے کے عدالت

علاوہ مولر منسٹر سٹیج کے ذریعہ لائسنس کنڈیشن 896 عظام دہلی

کو بھی اپنے ساتھ سٹیج کے ذریعہ کارکنوں کے اسکی ملاکت ہلا  
علم کے بیان 164 قاف کا روٹی میں حسب ہدایت حساب  
364  
DSB کے پاس سٹیج گرام علاوہ مولر منسٹر سٹیج کے ذریعہ لائسنس کنڈیشن  
کنڈیشن 896 عظام دہلی کو جس میں صفحہ 17 کا کر سٹیج  
تازہ کیلنگ - ہر وہ سٹیج - برائے المبرک مشورہ دہلی تحریک

صفحہ 17 کا عظام دہلی لائسنس کنڈیشن علاوہ  
کا معلومات سٹیج کے جو سٹیج حاکم بنا - عظام دہلی لائسنس کنڈیشن  
پورٹ پورٹ 10 سٹیج 17 کا حوزہ سٹیج کے علاوہ  
کا ملاحظہ سٹیج کے سٹیج کا ہر بارہ 545 کا سٹیج جو سٹیج کے  
کے سٹیج کے سٹیج کے عظام دہلی لائسنس کنڈیشن

صفحہ 17 کا عظام دہلی لائسنس کنڈیشن  
خوشگام کا بیان 184 قاف سٹیج کے سٹیج کے سٹیج کے  
364  
DSB کے پاس سٹیج گرام علاوہ مولر منسٹر سٹیج کے ذریعہ لائسنس کنڈیشن  
کنڈیشن 896 عظام دہلی کو جس میں صفحہ 17 کا کر سٹیج  
تازہ کیلنگ - ہر وہ سٹیج - برائے المبرک مشورہ دہلی تحریک

صفحہ 18 کا عظام دہلی لائسنس کنڈیشن  
الائسنس کنڈیشن 896 عظام دہلی لائسنس کنڈیشن  
BBA کے سٹیج کے سٹیج کے سٹیج کے  
BBA کے سٹیج کے سٹیج کے سٹیج کے  
عظام دہلی لائسنس کنڈیشن 896 عظام دہلی لائسنس کنڈیشن  
عظام دہلی لائسنس کنڈیشن 896 عظام دہلی لائسنس کنڈیشن



فارم نمبر (1)

# ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردفعہ 158 مجموعہ ضابطہ فوجداری

یا عمل

تاریخ وقت رپورٹ	23/8/2017 وقت 05:30 بجے	جایان وقوع	23/8/2017 وقت 04:00 بجے
تاریخ وقت رپورٹ	23/8/2017 وقت 05:30 بجے	جایان وقوع	23/8/2017 وقت 04:00 بجے
نام و سکونت اطلاع دہندہ مستغنیث	13403 080363-9	پتہ ایف ایچ جی خان	5500 شاہہ جیاجیل
تفصیلات جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	0346-9236303	سیکرٹری جنرل	4118/420/468/477
جائے وقوع فاصلہ تھانہ سے اور سمت	KKRI روڈ نزد منانہ جابر سٹائل منانہ	سیکرٹری جنرل	4118/420/468/477
نام و سکونت ملزم		سیکرٹری جنرل	4118/420/468/477
کارروائی جو پیش کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو		سیکرٹری جنرل	4118/420/468/477
تھانہ سے روانگی کی تاریخ و وقت		سیکرٹری جنرل	4118/420/468/477

ابتدائی اطلاع 23/8/2017 م 05:30 بجے سے 04:00 بجے تک  
 [Detailed handwritten report text in Urdu, including case details, location information, and officer notes. The text is dense and contains many handwritten corrections and details.]

تاریخ

فہرست کارروائی

تاریخ کارروائی

پر

امروز تین عطا اللہ سامراجی اور دفتر حسب طلبہ اگر سنا جا کر  
بقیہ فہرست کی بنیاد رکھی جائے گی۔ مزید کارروائی جاری رہے گی۔

29-11-2017

9

امروز انواری ندیم صاحبہ نے فہرست کی رپورٹ پیش کی ہے۔ اس کے بارے میں  
پتہ SP اور حکم نزد دفتر صواب SP میں انوسٹیا گن  
میں سے نقل حاصل کیا جائے گا۔

05-12-2017

10





سید احمد دہلوی صاحب کے لئے جوئے کی خریداری  
 اور انعام جوئے کی خریداری کے لئے  
 سید ذفری بشام شاہ صاحب

فوراً  
 دیکھو

232  
 02/07/17

DISTRICT AIGS OFFICER  
 25 MAY 2017



M. IQBAL  
 Senior Vendor Tehsil Courts  
 Cargil, Alak and  
 02/07/17



**GOVERNMENT OF PAKISTAN  
EXCISE & TAXATION DEPARTMENT No. 0094612  
MOTOR REGISTRATION AUTHORITY  
ISLAMABAD**

CERTIFICATE OF REGISTRATION & CERTIFICATE OF  
FITNESS OF TRANSPORT VEHICLE

*Handwritten:* 2A-833  
CPD-101

DC:0 RC:0

1. Registration Number: ZA-833
2. Date of Registration : 15-06-2013
3. Name of Owner : MUHAMMAD IQBAL [CNIC:6110223111911]
4. Father/Husband Name: SULTAN AHMAD
5. Present Address : BARA KAHU ISLAMABAD
6. HPA :
7. Description of Vehicle

**ISLAMABAD CAPITAL TERRITORY**

Token Tax	1000	1000
Professional Tax	201	
Vide Chapter No.	904	187
CG No.	P6056	17
Paid upto	30/6/2016	

- i. Class of Vehicle : MOTOR / CAR
- ii. Type of Body and Colour SALOON / BLACK
- iii. Maker's Name: TOYOTA / FIELDER
- iv. Year of Manufacture: 2002
- v. Number of Cylinder: 04
- vi. Horse Power /CC 1496 CC
- Vii. Maker's Classification or if not known wheel base:
- Viii. Chassis No: NZE121-0167311
- ix. Engine No: A537266
- x. Seating Capacity 04
- xi. Particular of previous registration and registration
- xii. Unladen Weight:
- xiii. Registered Laden Weight:
- xiv. No of Size and Description
  - a). Front Axle:
  - b). Rear Axle:
  - c). Other Axle:

*Handwritten signature:* Excise & Taxation Officer  
Motor Registration Authority  
Islamabad

- I. Assesed Annual Tax Rs: 384
- ii. Quarterly Tax Rs: 96
- iii. Tax to be recoverd w.e.f 01-07-2013

8. Fitness Allowed by Motor Vehicle Examination upto :

Printed By: MUMDRASHID  
Print Date: 10/06/2013  
*Handwritten:* CPD 30/6/2013

P.T.-24 36-6-2013  
Receipt No 105  
P.O. No 18043  
Reg.No ZA-833  
Amount in figures 384  
Total in words Three hundred and eighty four  
Signature of Issuing Officer  
BOOK NO. 14-A  
TOTAL 384

*Handwritten signature:*  
EXCISE & TAXATION OFFICER  
MOTOR REGISTRATION AUTHORITY  
ISLAMABAD

Attested

SPO  
Besham Distt: Shangla



بیان آذان محمد صالح سیوئی نے بیان کیا کہ میں جس وقت آئی تھی وہاں دندئی بھی  
 لہذا یہ پول کیٹیل عطا اللہ کا تہا دلہ نفسی سٹاٹ تھا وہ دندئی تھا کہ آج سے  
 مرض 8/017 پر ہو گیا تھا کہ اس دوران ملزم عثمان ولد فریق محمد ساکن مالوئی دندئی  
 کے خلاف تھا جاگل سٹگرام میں ٹرم 468/20/4/19/4 PP عطا جاگل مقام رحیم پور  
 دوران نفس ملزم یہاں نے ایسا ایسا کیا تھا کہ اس دن 164 صاف ضلع سٹگرام عدالت  
 میں قلمبند کیا گیا تھا انھوں نے اپنے بیان میں گاڑی کٹھن سڈہ کے متعلق تحریر کیا تھا  
 کہ موٹر کار زیر کٹ کیٹیل عطا اللہ کا ملکیت تھا کہ اس دوران آئی تھا  
 جاگل نے فریڈمور جس حال کو اطلاع دی تھی فریڈمور نے اس کے نوکس میں  
 لایا تھا وہ اس نے بروقت آذان بالا صاحبان کو اطلاع دی اور نقلدات  
 بروقت آذان بالا صاحبان کے خدمت میں بھیجوائے گئے تھے چونکہ ملزم عثمان بال  
 کے خلاف جس وقت مقدمہ پڑا درج رحیم پور تھا اس وقت نیٹیل مذکورہ بالا تھا  
 تھی ان ڈیوٹی موجود تھا جاگل پولیس نے ملزم گروانا لیا تھا اس دوران نیٹیل  
 عطا اللہ غیر حاضر ہوا تھا یہ میرا بیان ہے جو کہ درست ہے

Si Toii P.S. Dandai  
 21-11-2017

Attester  
 SOPO  
 Besham Distt: Shangla


ضلع شانگلہ

نقل نمبر ۹ اعز نامیخ 18/9/017

ٹھکانہ دندلی

م ۹۔ اطلاع کارپورٹ غیر ڈسپلن ۴۴۴ وقت ۰۸.۵۰ بج مورخ 18/9/017 اس وقت پر  
 سمن نے بزرگ موہانی خون اطلاع دیا کہ آپ کے ٹھکانے کا ڈرائیو آیا ہے، دست  
 عدالتی کاغذات ہم نے وصول کیے۔ مگر وارنٹ نمبر 153/DP/017 پر کاربنڈا (م) کے ذریعے  
 موہانی نہیں ہوئے۔ جب میں تاریخ مورخ 19/9/017 پر، اس میں وضاحت  
 کریں۔ میں آج وہ اطلاع کی سٹیٹس منظر اسکا ڈرائیو (B) نہیں وارنٹ  
 کی ضمانت کرنے یا یا یا کہ گنڈراہ وارنٹ مورخ 24/9/017 کو عدالت سے موہول  
 پر کڑ تیار زر صبر (B) میں درج کرتے ہیں کہ 349/58 کا نمبر دیا جاوے  
 عطا نمبر DP/INV کو تھیل کے لیے حوالے کیا گیا تھا۔ مذکورہ DP سے اس میں  
 خواہاں رہا البتہ کہ دریافت پر مذکورہ DP سے بیان صحیح میں عدالت پر تمام  
 میں ہوں مگر کو ٹھکانے حاصل میں FIR میں ملزم نامہ لکھا گیا ہے، ایک کے  
 ایسا BBA کرنے یا ہوں۔ وارنٹ گنڈراہ میں باس ہے، میں خود  
 اٹھتا ہوں دست کر ہوں مذکورہ کے میں عطا نمبر 896/DP/INV میں  
 منکار اور کاربنڈا میں عدم طبیسی رکھنے والے ہیں۔ وہ ٹھکانے دنگ  
 سے لوکل بائندہ ہے اگر لوگ ٹھکانے میں عدم موجود ہوا ہے، اور ایک  
 ڈیڈ راولو سٹ DP/INV کے تھیل سے جبکہ غفلت اور لاچارا میں کی ہو  
 سے 940 کل اور میں بزرگی کے ذریعے کو اکثر لوگ عدالت کے اٹھانے  
 کو اور ٹھکانے میں دستواری ہوتے ہیں۔ مذکورہ کے عدالتی رپورٹ غیر ڈسپلن  
 م ۹ پر کڑ تھیل مناسب حکم اٹھانے لفظان باہر کے عدالت میں  
 ارسال کی جائے گی۔

نقل نمبر اصل ۱۵/11/2017  
 15/11/2017  
 DP/Bechan  
 101-PS. Dandai  
 30-9-017

ATTESTED  
  
 S.H.O Police Station  
 Dandai Distt. Shangla  
 30-9-017  
 SP/INV Shangla  
 For collection  
 DP/SHANGLA

بیان اذانی ترمیم شد MHC قہارہ دندئی نے بیان کیا کہ یہی کیفیت قہارہ دندئی سے  
 لجنات یوں کٹیل عطا اللہ کا باا ملہ حوالہ آرڈر نمبر 40 فورم 017/017/17 قہارہ  
 کماج سے قہارہ دندئی الفوسٹی گینز سٹاف ہی حاضری کی تھی کہ اس دوران 017 قہارہ  
 جائیل نے اطلاع دی کہ ولزم عثمان ولد فریق محمد ساکن کالونی دندئی سے موٹر کار برآمد کر  
 آنے خلاف قہارہ عدالت 158 ، فورم 9/017/4 حرم 468/471/419/420/468/471

قہارہ جائیل سے رجسٹر سوا ہے ولزم مالانے عدالت سیکرٹری میں اپنا اقبالی بیان زیر  
 دخی 164/364 میں تحریر کیا ہے کہ گاڑی موٹر کار برآمد شدہ کٹیل عطا اللہ کا ملکہ  
 قہارہ دوران قہارہ کٹیل عطا اللہ قہارہ نڈا میں موجود تھا جب قہارہ نڈا میں ولزم گروانا گیا  
 تو کٹیل عطا اللہ غیر حاضر ہو کر قہارہ نڈا میں عدالت سے سیشن جج سیکرٹری میں  
 BBA حاصل کر کے عدالت سیشن جج نے کٹیل کا BBA منسوخ کر کے حوالہ قہارہ پولیس  
 کی اس دوران مذکورہ کٹیل کو 017 میں نے آنٹی غیر حاضری کا رپورٹ دیج روزنامہ  
 کی تھی تمام نقولات بر وقت افسان پالا صاحبان کی خدمت میں ارسال کی تھی جب  
 قہارہ نڈا دیج رجسٹر سوا تھا اس دوران کٹیل عطا اللہ قہارہ میں موجود تھا یہ

ہر بیان ہے جو درست ہے  
 MHC/PS/Amalhi  
 21/11/2017

Attested  
 SDPO  
 Besham Distt: Shangla

مقتل 7 مئی 2017ء کو  
21/17

مقتل

7 مئی 2017ء کو/ کالہری 10:45 بجے وقت 9:08:45 صبح 21/17 کو  
انسپیکشن شفا داد خانہ 88/100  
سے ہم سامان سرکاری و نجی کنکریٹ ڈھلوان تھانہ ونڈری  
کا صدر ای. ڈیٹر صدران سے مندرجہ بیان ہے۔

صاف کاری

mm B Dandai  
21-11-17

ATTESTED

S.H.O Police Station  
Dandai Distt: Shangla  
21-11-17

Attested

SDPO  
Besham Distt: Shangla

گمانہ دہری

نقل و حرکت 24 اور 25 8/17

1

25 8/17 5:00:50 وقت اور

اس وقت میں سے فقیرانہ رقم 1400 عمارت 896 میں سے نقل  
تسمیہ 780 باسٹیک لکھنؤ (مستاریا) میں ہمارے معلومات

کوڈ نمبر 315 مورخہ 24 8/17 (24 8/17) 496/494

گمانہ دہری اور انہ ضلع گانپورہ و شہرہ گانپور

صاف علی

نقل و حرکت اور

محمد ب. دانستان

21-11-17

ATTESTED

[Signature]

S.H.O Police Station  
Dandai Distt: Shangla

21-11-17

Attested

[Signature]

SDPO  
Besham Distt: Shangla

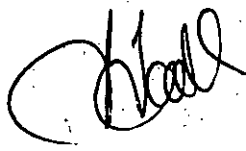
تھانہ ونڈی


طرح سائننگ  
-x-

نقل صدر 24 روزنامہ 25/11/17

24/11/17 والی خانہ قرضہ A31 مورخہ 25/11/17 وقت 8:50 بجے اس وقت میں سے  
 مع لڑکی لولین رفیقہ کھوان 24 روزنامہ لیسٹریٹڈ سے صدر اسٹیشن  
 بندہ برائی، نفس علی ماہرہ سے والین اور مندرجہ بالا کھوان علی 31/11/17 مورخہ  
 24/11/17 مورخہ 484-488 PPC کی بندہ برائی وقت ریکارڈس وہاں جا کر وہاں  
 بر حوالہ معوا کہ مندرجہ بالا اطلاع پر مقامی لولین مندرجہ بالا ڈاکٹر و دیگر  
 اہل حق اسیان نائیک دفتر محل زمان سائنڈ ونڈی کو مقامی لولین  
 نے دفعہ 55 ضان میں گرفتار کیے تھے۔ مزید معلومات پر دونوں  
 مندرجہ بالا فورڈس حلان علی ماہرہ نقل کیے تھے۔ میں سے  
 لولین لولین والین تھا، ایسوں ہی حالات، واقعات سے نتیجہ ایسے  
 کو مطلع کروں گا۔ تاکہ مندرجہ بالا مندرجہ کی بندہ برائی نیا جائے  
 سے ایسے ایسے درست طور پر داخل کونہ صورتی

صہ علی  
 نسر عطا لوف امر  
 M.P.S Dandau  
 20-11-17

ATTESTED  
  
 S.H.O Police Station  
 Dandau Dist: Shangla  
 21-11-17

Attested  
  
 SDPO  
 Besham Distt: Shangla

بیان ازاں محمد حسین نیران اللہ 934  
MHC

بیانیہ حقیقت کشمیل عطاء اللہ 896  
FC محفل شدہ نے بحوالہ مد 40 روزانہ 27/10/17

کولیا لہین ہذا میں حاضر کر کے مذکورہ کشمیل دعویٰ 08/17 کو بحوالہ مد 48  
کولیا لہین سے غیر حاضر ہو کر تاحال بدستور چلا آ رہا ہے۔ مذکورہ کشمیل کیس کا  
بذالہ موبائل فون نمبر 0300 2426621 رابطہ کر کے غیر حاضری کے نسبت بروقت مطلع کیا  
گیا مگر تاحال حاضر نہیں آیا ہے۔ مذکورہ کشمیل کی تنخواہ بندش درخواست مورخ  
14/17 صبح درخواست چھان لاروانی صبح 11/17 کو انہیں باہر کی خدمت سے ارسال کیا گیا

الستاد محمد

نیران اللہ 934  
MHC محمد حسین نیران

صبح 27/17

Attested

SDPO

Besham Distt: Shangla

IN THE COURT OF SESSIONS JUDGE, BATTAGRAM.

Attaullah Vs. State  
BBA No. /4 of 2017

ORDER NO.1  
18-09-2017

Accused/petitioner Attaullah s/o Muntazir, with Ziaullah Khan, Advocate present and filed the instant BBA application. It be registered. Accused/petitioner apprehends his arrest in case FIR No. 158 dated 04-09-2017 u/s 419/420/468/471 PPC PS Chanjal.

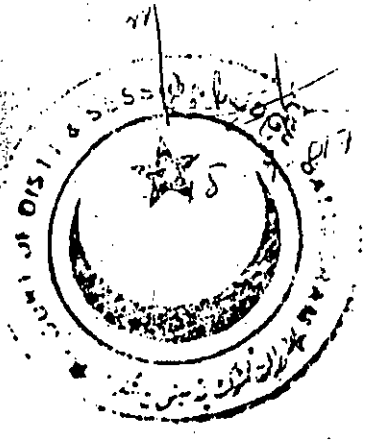
Contend malafide and false implication of the accused/petitioner. The petition is duly supported by an affidavit. In the absence of any record before me the petitioner is admitted to interim pre-arrest bail in the sum of Rs 1,00,000/- (Rupees One Lac Only) with two sureties each in the like amount to the satisfaction of this court. The petitioner is directed to join investigation as and when required by the I. He is further directed to appear before this court on 21-09-2017.

Notice to State, complainant and record for the date fixed.

Announced  
18-09-2017

- sd -  
Muhammad Asif,  
Sessions Judge, Battagram.

*Attested to be true copy*






ub

## DISCIPLINARY ACTION

I Muhammad Khalid, Superintendent of Police, Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, is of the opinion that Constable Attullah No.896 while posted to Police Station Dandai, District Shangla have rendered himself liable to be proceeded against departmentally and committed the following acts/omission as defined in Rule-2 (iii) of Police Disciplinary Rules 1975.

### STATEMENT OF ALLEGATIONS

1. He Constable Attullah No.896 while posted to Police Station Dandai, District Shangla found involved in Case FIR No.158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force his this act of misconduct on his part which rendered him liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Bashir Ahmad Khan, SDPO, Besham is appointed as Enquiry Officer under Rules 5 (4) of Police Disciplinary Rules 1975.
3. The Enquiry Officer shall conduct proceedings in accordance with provision of Police Disciplinary Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within ten (10)-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer under Rules 6 (v) of Police Disciplinary Rules 1975.
4. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

  
(MUHAMMAD KHALID)  
Superintendent of Police,  
Investigation, Shangla

### OFFICE OF THE SUPDT: OF POLICE INVST: SHANGLA

No. 5992-94 /Enquiry, Dated Daggar the 13/10/2017  
Copy of above is sent to:

1. The Enquiry Officer for initiating proceeding against the accused officer namely under Police Disciplinary Rules, 1975.
2. The Sr: Superintendent of Police, Investigation, Battagram for information w/r to his office letter No.1247/Inv: Dated 03.10.2017, please
3. Concerned defaulter official through SHO Dandai.

S HO - PS - Panclai

سید زمر قادی چارہ سبب وصول سے

Attd.

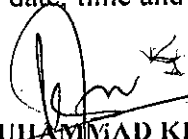
896  
FL  
25/10  
017

**DISCIPLINARY ACTION**

I **Muhammad Khalid**, Superintendent of Police, Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, is of the opinion that **Constable Attullah No.896** while posted to Police Station Dandai, District Shangla have rendered himself liable to be proceeded against departmentally and committed the following acts/omission as defined in Rule-2 (iii) of Police Disciplinary Rules 1975.

**STATEMENT OF ALLEGATIONS**

1. He Constable Attullah No.896 while posted to Police Station Dandai, District Shangla found involved in Case FIR No.158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force his this act of misconduct on his part which rendered him liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
2. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations **Mr. Bashir Ahmad Khan, SDPO, Besham** is appointed as Enquiry Officer under Rules 5 (4) of Police Disciplinary Rules 1975.
3. The Enquiry Officer shall conduct proceedings in accordance with provision of Police Disciplinary Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within ten (10) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer under Rules 6 (v) of Police Disciplinary Rules 1975.
4. The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry Officer.

  
**(MULHAMMAD KHALID)**  
 Superintendent of Police,  
 Investigation, Shangla

**OFFICE OF THE SUPDT: OF POLICE INVST: SHANGLA**

No. **5992-94** /Enquiry, Dated Daggar the **13-10** /2017  
Copy of above is sent to:

1. The Enquiry Officer for initiating proceeding against the accused officer namely under Police Disciplinary Rules, 1975.
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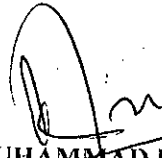
NO. 11 /Enquiry,

Dated 13/10 /2017

**CHARGE SHEET**

I **Muhammad Khalid**, Superintendent of Police, Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, hereby charge you **Constable Attullah No.896** while posted to Police Station Dandai, District Shangla as follows:-

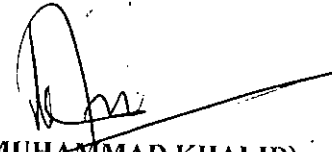
1. You Constable Attullah No.896 while posted to Police Station Dandai, District Shangla found involved in Case FIR No.158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force your this act of misconduct on your part which rendered you liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
1. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Police Rules, 1975.
2. You are; therefore, require to submit your written reply within **07 days** of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975.
3. Your written reply, if any, should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
4. Intimate as to whether you desire to be heard in-person or not?
5. A statement of allegations is enclosed

  
(MUHAMMAD KHALID)  
Superintendent of Police,  
Investigation, Shangla

**CHARGE SHEET**


I Muhammad Khalid, Superintendent of Police, Investigation, Shangla as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, hereby charge you Constable Attullah No.896 while posted to Police Station Dandai, District Shangla as follows:-

1. You Constable Attullah No.896 while posted to Police Station Dandai, District Shangla found involved in Case FIR No.158 dated 04.09.2017 u/s 419/420/468/471/34-PPC PS Chanjal District Battagram. Being a disciplinary force your this act of misconduct on your part which rendered you liable to be proceeded against departmentally under Police Disciplinary Rules-1975.
1. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Disciplinary Police Rules, 1975.
2. You are; therefore, require to submit your written reply within 07 days of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975.
3. Your written reply, if any, should reach the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
4. Intimate as to whether you desire to be heard in person or not?
5. A statement of allegations is enclosed

  
(MUHAMMAD KHALID)  
Superintendent of Police,  
Investigation, Shangla

ORDER

FC Attaullah No. 896 is hereby suspended and closed to Police Line, due to involvement vide in case FIR No. 158 dated 04.09.2017 u/s 419-420-468-471-34 PPC PS Chanjal District Batagram with immediate effect.

  
Superintendent of Police,  
Investigation Shangla

OB No. 48

Dated 26/08/2017



44

**Office of the  
Sr:Superintendent of Police, Investigation, Battagram**



Phone & Fax No: 0997-312223

Email invbtrm@yahoo.com

To:- The Senior Superintendent of Police  
Shangla.

No 1247 /Inv: dated Battagram thc, 03 / 10 /2017.


Subject: - **CASE FIR NO.158 DATED 04.09.2017 U/S 419/420/468/471/34 PPC PS  
CHANJAL DISTRICT BATTAGRAM**

Memorandum:

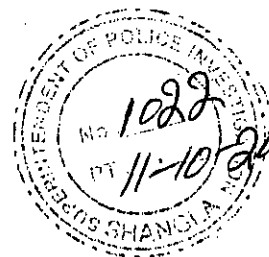
It is stated that during investigation in the above subject cited case and in the light of the statement 164/364 of accused Usman Constable Attaullah No. 896 PS Dandai District Shangla is found nominative accused. On 18.09.2017 Constable Attaullah No.896 appeared before the court but his BBA has cancelled by the court and sent to judicial lockup. During investigation Constable Attaullah No. 896 is also found involved with accused Usman and other in Fallacy and Fraud. The investigation is also started against the other people involved in the above subject cited case.

It is, therefore, requested that in the above circumstances departmental action at your end is required against the above named accused, under intimation to this office for completion of investigation, Please.

No 1248 /

  
Sr:Superintendent of Police,  
Investigation, Battagram.

Copy to I.O PS Chanjal for information.



Issue charge for proper  
departmental enquiry.

  
\_\_\_\_\_

10/10

10/10



Office of the  
Sr:Superintendent of Police, Investigation, Battagram

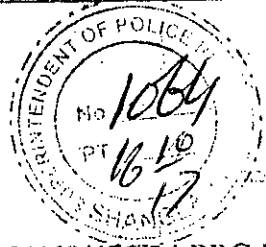


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Sr:Superintendent of Police  
Investigation, Battagram.

No. 1248 /

Copy to I.O PS Chanjal for information.

EC

Place for m/a.

  
S/Insp.

DSP Btsham

Make these papers  
as part of original  
already been intimated.  
