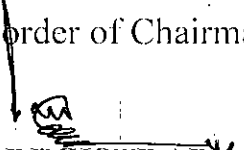


FORM OF ORDER SHEET

Court of _____

Case No. - 1861 / 2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/12/2022	<p>The appeal of Mr. Irfan Khan presented today by Mr. Saadullah Khan Marwat Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____.</p> <p>Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 1861 /2022

Irfan Khan

versus

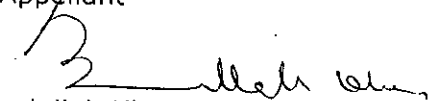
DPO & Others

INDEX

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7.	Show Cause Notice dated 26-01-2022	"F"	12
8.	Complaint by Badshah Khan to DPO dated 27-01-2022	"G"	13
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Appellant

Through


Saadullah Khan Marwat
Advocate
21-A, Nasir Mansion,
Shoba Bazaar, Peshawar
Ph: 0300-5872676

Dated 12-12-2022

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 1861 /2022

Irfan Khan S/O Jehangir Khan,
Ex Sub-Inspector / SHO,
Police Station Prang,
District Charsadda, Now
Assistant Sub-Inspector
FRP Hqrs: Peshawar Appellant

VERSUS

1. District Police Officer,
Charsadda.
2. Regional Police Officer,
Mardan, Region Mardan.
3. Provincial Police Officer,
KP, Peshawar Respondents

⊕ <=> ⊕ <=> ⊕ <=> ⊕ <=> ⊕

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OB. NO. 265 DATED 04-03-2022 OF R. NO.
01 WHEREBY MAJOR PUNISHMENT OF REVERSION
TO THE RANK OF ASSISTANT SUB-INSPECTOR FROM
THE RANK OF SUB-INSPECTOR WAS IMPOSED UPON
HIM OR OFFICE ORDER NO. 4389-92/ES DATED 23-
06-2022 OF R. NO. 02 WHEREBY DEPARTMENTAL
APPEAL OF APPELLANT WAS REJECTED OR OFFICE
ORDER NO. 2874-80/22 DATED 25-11-2022 OF R.
NO. 03 WHEREBY REVISION / MERCY PETITION OF
APPELLANT WAS REJECTED, YET PERIOD WAS
SPECIFIED FOR TWO YEARS FOR NO LEGAL
REASON.**

⊕ <=> ⊕ <=> ⊕ <=> ⊕ <=> ⊕

Respectfully Sheweth;

1. That on 05-01-2022, Mst. Fehmida wife of Wisal R/o Saeed Gul Quarters Charsadda submitted application to appellant, that Wasif S/O Mujahid R/O Gulabad Sardheri without permission entered in to her house started altercation, became annoyed, beated her and open pistol and threatened for killing. He be arrested and legal action against him be taken. The said application was marked to ASI Fazal Nabi for necessary action on the said date. (Copy as annex "A")
2. That on 17-01-2022, Murasla was scribed by ASI Wajid Khan at DHO Hospital Charsadda under section 302/34 PPC for killing the said Mst. Fehmida and Mst. Amina. Bacha Khan S/o Aslam Khan, Kashif S/o Mujahid Khan were charged for the commission of offence by Wisal Khan S/o Behramand Khan. (Copy as annex "B")
3. That the said Murasla was incorporated in to FIR No: 34, dated 17-01-2022, PS Praang, under section 302/34 PPC. Complainant Wisal Khan reported the matter to SHO as under:-

"He was present in village Hamid Gul, got information of the incident that his wife Mst. Fehmida and her sister-in-law, Mst. Amina are lying dead in his home. He, after completion of investigation and satisfaction, charged accused Bacha Khan S/o Aslam Khan and Kashif Khan S/o Mujahid Khan". (Copy as annex "C")
4. That on 21-01-2022, appellant was suspended from service for inefficiency and charge of corruption. (Copy as annex "D")
5. That on 26-01-2022, the legal heirs of Mst. Fehmida deceased patched up the matter with accused was Wasifullah S/o Mujahid Gul, Muhammad Khadim Ullah S/o Mehmood Khan and Izzat Ullah S/o Safdar Ali. It seemed that their names have become on surface in the matter during investigation of police. (Copy as annex "E")

6. That on 26-01-2022, appellant was served with Show Cause Notice by R. No. 01 with allegation that he while posted as SHO PS Praang charged accused Badshah Khan, etc, being irrelevant instead of accused Wasif in the said FIR and favored accused Wasif for the reason best known to him which act was contrary to the rules and discipline by indulging in gratification and unfair means. (Copy as annex "F")
7. That on 27-01-2022, after patching up the matter with accused party, the said Badshah Khan submitted application before R. No. 01 for initiating legal proceedings against appellant by misusing his power and facilitated real culprits, so he be proceeded legally for the same. (Copy as annex "G")
8. That on 03-02-2022, appellant submitted reply to the Show Cause Notice by denying the allegations relying upon the contents of the Murasla and FIR. (Copy as annex "H")
9. That on 11-02-2022, R. No. 01 served appellant with charged Sheet and Statement of Allegations on the same charges contained in the Show Cause Notice. (Copy as annex "I")
10. That the said charge sheet was replied by appellant in the aforesaid manner as of Show Cause Notice. (Copy as annex "J")
11. That inquiry in to the matter was initiated and after completing the same, the Inquiry Officer submitted enquiry report before the authority on 28-02-2022 and recommended appellant for suitable punishment under KP Police Rules, 1975. ASI Fazal Nabi was also found guilty for not taking prompt action on the written application/complaint of Mst. Fehmida. (Copy as annex "K")
12. That on 03-03-2022, appellant was served with Final Show Cause Notice on the aforesaid allegation which was replied by denying the same as was done in the Show Cause Notice and charge sheet. (Copies as annex "L" & "M")
13. That on 04-03-2022, major punishment of reversion from the rank of Sub-Inspector to the rank of Assistant Sub-Inspector was imposed upon the appellant by R. No. 01. (Copy as annex "N")

14. That on 16-03-2022, appellant submitted comprehensive representation before R. No. 02 for restoration to the original rank of Sub Inspector with all consequential benefits. (Copy as annex "O")
15. That on the representation of appellant, De-Novo enquiry was conducted by SP (Inv) Mardan on the direction of R. No. 02 and then he was recommended for minor punishment vide enquiry report dated 27-05-2022. (Copy as annex "P")
16. That representation of appellant was rejected on 23-06-2022 by R. No. 02 for no legal reason, despite the fact that he was recommended for minor punishment. (Copy as annex "Q")
17. That in the progress report, appellant has shown his efficiency as SHO of the PS since June, 2021 till January, 2022. (Copy as annex "R")
18. That on 05-07-2022, appellant submitted Revision / Mercy Petition before R. No. 03 which was rejected on 25-11-2022. (Copies as annex "S" & "T")

Hence this appeal, inter alia, on the following grounds:

GROUND S:

- a. That the matter was reported to the Police Station by complainant Wisal Khan, husband of deceased Mst. Fehmida and appellant was legally bound to register FIR as per his versions and not otherwise.
- b. That no favoritism was made to anyone by appellant in the matter.
- c. That very strange, in the Show Cause Notice and Charge Sheet, R. No. 01 leveled allegations of In-efficiency and corruption against appellant and not of influence of someone. In the statements recorded by Inquiry Officer, Iftikhar Ali, Kashaf, Wasifullah, Khadim Jan, etc. stated in categorical manner. That no gratification was ever made to appellant.

- d. That when none demanded any gratification, then how appellant was termed guilty.
- e. That recommendation of I.O In respect of appellant was In total disregard of the statements of both the parties recorded In the matter.
- f. That no opportunity of cross examination over the witnesses was ever provided to appellant, being mandatory. No major punishment was suggested by the Inquiry Officer for appellant.
- g. That appellant carried out all the proceedings according to law/rules and no negligence, in-efficiency or dishonesty was shown nor was pointed out by the I.O in the inquiry report.
- h. That Murasla was scribed by ASI Wajid Khan in DHQ Hospital Charsadda by complainant Wisal Khan duly verified by Khadim Jan. Appellant only converted Murasla in to FIR as per Law.
- i. That the authorities miserably failed to take the stance of appellant narrated in the Show Cause Notice and Charge Sheet but with closed eyes passed replies the impugned orders which are not only sustainable under the law but are against the rules.
- j. That former / first enquiry dated 28-02-2022 and subsequent enquiry dated 27-05-2022 created doubts in respect of punishments and then benefit of doubt shall go in favor of appellant and not to the department. He shall be exonerated from the base less charges.
- k. That no personal hearing was afforded to appellant so both the orders are not per the mandate of law rather based on malafide and discrimination while the impugned orders of the respondents are not per the mandate of law.

It is, therefore, most humbly prayed that on acceptance of the appeal, orders dated 04-03-2022, 23-06-2022 and 25-11-2022 of the respondents be set aside and appellant be restored to the rank of Sub-Inspector with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.

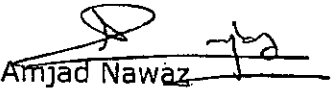
Appellant

Through


Saadullah Khan Marwat


Arbab Saiful Kamal

Dated: 12-12-2022


Amjad Nawaz

Advocates

CERTIFICATE:

As per instructions of my client, S. A. No. 1096/2022 has earlier been filed by the appellant before this Hon'ble Tribunal which was withdrawn as Revisional order came into force by modifying the impugned / former orders.


Advocate

AFFIDAVIT

I, Irfan Khan S/O Jehangir Khan, Ex Sub Inspector / SHO, Police Station Prang, District Charsadda, Now Assistant Sub-Inspector FRP Hqrs: Peshawar (appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief

DEPONENT

بجذبتہ چلا۔ 5810 نمبر پر پڑا۔

بذریعہ مساجد قسیدہ زوج و جمال مساجد سید اعلیٰ
کو اڑا کر تعلقہ مدرہ

پناہ دے۔ وہ صرف ولد حجابہ مساجد تھلہ آباد سید ذہیر الدین
چنا بہ عالی درہ

تہ ارشاد کیا ہے، ایک میں سائلا دینہ سید
علی کو اڑا کر تعلقہ مدرہ کو تعلقہ سید اعلیٰ میں
سید ذہیر الدین کو جوہ میں موجود تھی کہ ماسدہ دور درہ
مدرہ تہ میں لیتے ایفانت درہ تھلہ ہوا اور سید ذہیر الدین
میت شد مع سید اور یا لوند یا لوند میں آگم ہو کر
تیم ہو گئی وہ تہ شد مع سید اور اہل سید لوند تھلہ کر تھیں
جان سے مارے گی، وہ سبکی، وہ اللہ الام علیہ جو کہ سید اعلیٰ
ہو، اور یا وہ چین تھلہ کر تھیں، یہ ذہیر الدین تھلہ
استدعا علیہ الام علیہ کو اڑا کر تھلہ کر تھیں تھلہ
جان درانی تھلہ میں

مساجد قسیدہ زوج و جمال مساجد سید اعلیٰ
کو اڑا کر تعلقہ مدرہ

5-05-RSA-
مقلین کا نام ASI
05-01-022

Sher
Munir
[Signature]

0314 4010
17102 4398017-3
0345 1567731

S-12
0389608-1
17101 ملزم و اصغر

ابتدائی اطلاع رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پوئیس رپورٹ شدہ زیر لعدہ 154 مجموعہ ضابطہ ہداری

فائل نمبر	34	فائل نمبر	27
مذمت	مذمت	مذمت	مذمت
تاریخ	17-09-2022	تاریخ	13:30
وقت وقوع	17:50	وقت وقوع	17:40
مذمت کنندہ	صالح خان	مذمت کنندہ	صالح خان
مذمت کنندہ کی پتہ	302/34	مذمت کنندہ کی پتہ	302/34
مذمت کنندہ کی شناخت	صالح خان	مذمت کنندہ کی شناخت	صالح خان
مذمت کنندہ کی شناخت	صالح خان	مذمت کنندہ کی شناخت	صالح خان
مذمت کنندہ کی شناخت	صالح خان	مذمت کنندہ کی شناخت	صالح خان

ابتدائی اطلاع نیچے درج کرو اور درج ذیل پر عمل کر کے اطلاع حاصل کرو اور اس سے متعلقہ اداروں سے بھی اطلاع حاصل کرو۔

1894 سال میں میرٹھ میں شہریت ممبر 1145 کی شناخت ہوئی۔ ان کے والدین صاحبان نے ان کو تعلیم حاصل کروانے کے لئے حیدرآباد لے کر آئے۔ حیدرآباد میں ان کی تعلیم خیرپور کے گورنمنٹ کالج میں ہوئی۔ ان کے والدین صاحبان نے ان کو تعلیم حاصل کروانے کے لئے حیدرآباد لے کر آئے۔ حیدرآباد میں ان کی تعلیم خیرپور کے گورنمنٹ کالج میں ہوئی۔

ان کے والدین صاحبان نے ان کو تعلیم حاصل کروانے کے لئے حیدرآباد لے کر آئے۔ حیدرآباد میں ان کی تعلیم خیرپور کے گورنمنٹ کالج میں ہوئی۔ ان کے والدین صاحبان نے ان کو تعلیم حاصل کروانے کے لئے حیدرآباد لے کر آئے۔ حیدرآباد میں ان کی تعلیم خیرپور کے گورنمنٹ کالج میں ہوئی۔

ان کے والدین صاحبان نے ان کو تعلیم حاصل کروانے کے لئے حیدرآباد لے کر آئے۔ حیدرآباد میں ان کی تعلیم خیرپور کے گورنمنٹ کالج میں ہوئی۔ ان کے والدین صاحبان نے ان کو تعلیم حاصل کروانے کے لئے حیدرآباد لے کر آئے۔ حیدرآباد میں ان کی تعلیم خیرپور کے گورنمنٹ کالج میں ہوئی۔

ان کے والدین صاحبان نے ان کو تعلیم حاصل کروانے کے لئے حیدرآباد لے کر آئے۔ حیدرآباد میں ان کی تعلیم خیرپور کے گورنمنٹ کالج میں ہوئی۔ ان کے والدین صاحبان نے ان کو تعلیم حاصل کروانے کے لئے حیدرآباد لے کر آئے۔ حیدرآباد میں ان کی تعلیم خیرپور کے گورنمنٹ کالج میں ہوئی۔

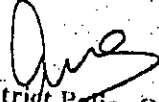
ASD
1-2-2022

ORDER

SI Irfan Khan SHO PS Prang is hereby placed under suspension for his inefficiency & charges of corruption and closed to Police Lines Charsadda with immediate effect.

Separate departmental enquiry is being initiated against him.

O.B No. 112
Dated 21-1/2022


District Police Officer,
Charsadda

No. 71-74/HC, dated Charsadda the 21/01/2022.

Copy for information & necessary action to the:

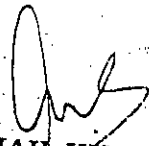
1. DSSP HQrs & Charsadda.
2. EC/PA.



SHOW CAUSE NOTICE

I, Sohail Khalid, District Police Officer, Charsadda as competent authority under Police Disciplinary Rules, 1975, do hereby serve you, SI Irfan Khan, Police Lines Charsadda (the then SHO PS Prang), as follow:

1. You SI Irfan Khan, while posted as SHO PS Prang, charged accused Bacha Khan etc being irrelevant accused instead of accused Wasif s/o Mujahid r/o Sheikhan Abad Sardheri as nominated by complainant in the case FIR No.34 dated 17.1.2022 u/s 302/34 PPC PS Prang and favoured accused Wasif for the reason best known to you. Your this act is not only contrary to the rules and discipline but also shows your indulgence in gratification and unfair means.
2. Being a responsible police officer, your act is highly objectionable. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty mentioned under the above mentioned rules.
3. You are therefore, required to show cause as to why the aforesaid penalty 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 in the normal course of circumstances, it shall be presumed that you have no defense to put in and in that case as ex-parte action shall be taken against you.


SOHAIL KHALID (PSP)
DISTRICT POLICE OFFICER
CHARSADDA

No. 551 /PA Dated 26/01/2022

خدمت حساب و سٹریٹ بائیں آنسر صاحب چارسدہ

مذکورہ ذیل :- 1. صاحب دادستان صاحب اس مہمان مسکن گروہی شہباز خان پورہ

تیسرے - عریانی صاحب سابق 540 پورٹ کال پولیس اسٹیشن و سیدو سیدو

علیوں :- درخواست برادری کے قانونی کارروائی پر صرف مسول علیہ

جیسے مسول علیہ کے اپنے عہدے کا ناجائز نوکری

انکار اور بری نامی کدور پولیس کے درمی میں حکم کے ذریعے حاصل کیا

تقدیم عد 34 مزع 17/2021 جو 30/3/2022 میں پورٹ

مذکورہ RIR میں ملنے کا فریب ہے بلکہ اس کے نتیجے میں عالیہ پور

اپنے عہدے سے استعفیاء بھی رکھا ہے پورٹ کے ذریعے داد رسمی مطلوب ہے

جنا صاحب! اس بار حسب ذیل گزارش ہے

1. میرے سابقے 540 پورٹ کے اصل پورٹ میں کوئی تبدیلی نہیں کی گئی ہے

2. صاحب اور دادستان صاحب کے درمیان کوئی اختلاف نہیں ہے جو اس کے نتیجے میں

اور برادری پر نہیں ہوا ہے اور برادری نامی کا کوئی فریب نہیں ہے

3. میرے اس کے اصل پورٹ میں کوئی تبدیلی نہیں کی گئی ہے

4. میرے اس کے اصل پورٹ میں کوئی تبدیلی نہیں کی گئی ہے

5. میرے اس کے اصل پورٹ میں کوئی تبدیلی نہیں کی گئی ہے

6. میرے اس کے اصل پورٹ میں کوئی تبدیلی نہیں کی گئی ہے

7. میرے اس کے اصل پورٹ میں کوئی تبدیلی نہیں کی گئی ہے

8. میرے اس کے اصل پورٹ میں کوئی تبدیلی نہیں کی گئی ہے

27/01/2022

17101-0404154-1

سائل بادشاہ خان

HC
قسم
کراچی

365
3 | 2 | 22

8

جائگہ

551

DPo

والا شہزادہ گلشن بیوی 26-01-22

میں کم خون عرفان خان کی سالگرہ 10 سالگی پر ایک برتہ الاہم قسم کے حادثے

کا واقعہ 17/2/22ء کو 302-34 پیسے پر ایک مقتولین کا واقعہ آجتم دسترس

کا واقعہ 17/2/22ء کو 302-34 پیسے پر ایک مقتولین کا واقعہ آجتم دسترس

کا واقعہ 17/2/22ء کو 302-34 پیسے پر ایک مقتولین کا واقعہ آجتم دسترس

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کا واقعہ 17/2/22ء کو 302-34 پیسے پر ایک مقتولین کا واقعہ آجتم دسترس

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کا واقعہ 17/2/22ء کو 302-34 پیسے پر ایک مقتولین کا واقعہ آجتم دسترس

کا واقعہ 17/2/22ء کو 302-34 پیسے پر ایک مقتولین کا واقعہ آجتم دسترس

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کا واقعہ 17/2/22ء کو 302-34 پیسے پر ایک مقتولین کا واقعہ آجتم دسترس

انسانی اعزاز پر۔ بدیہی سے جان امر خاں سے ڈیڑھ جیل
دی ہے۔
امیر اعظم خذرا خاں کو واپس رکھنے کے لئے
گورنمنٹ بلا کیسی نظروں سے داخل دیکھا گیا
حالات دعا اور دیگر
عزیزانہ ایک ویمن گورنمنٹ میں طرہ
0836-8685582



16
11-2-22


OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-9220401
EMAIL: charsaddadpo@yahoo.com
CHARGE SHEET UNDER KPK POLICE RULES 1975

I, **Sohail Khalid**, District Police Officer Charsadda, as competent authority hereby charge you **SI Irfan Khan**, as follows.

That you **SI Irfan Khan**, while posted as SHO PS Prang, Charged accused **Bacha Khan** etc being irrelevant accused instead of accused **Wasif s/o Mujahid** r/o **Sheikhan Abad Sardheri** as nominated by Complainant in the case FIR No. 34 dated 17.01.2022 u/s 302/34 PPC PS Prang and favored accused **Wasif** for the reason best known to you. Your act is not only contrary to the rules and discipline but also shows your indulgence in gratification and unfair means. In this regard a show cause notice was issued to you but reply to the show cause notice was found unsatisfactory.

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

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


DISTRICT POLICE OFFICER
CHARSADDA



17

OFFICE OF THE
DISTRICT POLICE OFFICER, CHARSADDA
PHONE# 091-9220400 FAX#091-9220401
EMAIL: charsaddadpo@yahoo.com

DISCIPLINARY ACTION UNDER KPK POLICE RULES -1975

I, Sohail Khalid, District Police Officer Charsadda, as competent authority am of the opinion that SI Irfan Khan, has rendered himself liable to be proceeded against as he has committed the following acts/omissions within the meaning of section -02 (iii) of KPK Police Rules-1975.

STATEMENT OF ALLEGATIONS

That he SI Irfan Khan, while posted as SHO PS Prang, Charged accused Bacha Khan etc. being irrelevant accused instead of accused Wasif s/o Mujahid r/o Sheikhan Abad Sardheri as nominated by Complainant in the case FIR No. 34 dated 17.01.2022 u/s 302/34 PPC PS Prang and favored accused Wasif for the reason best known to him. His act is not only contrary to the rules and discipline but also shows his indulgence in gratification and unfair means. In this regard a show cause notice was issued to him but reply to the show cause notice was found unsatisfactory.

This amounts to grave misconduct on his part, warranting Departmental action against him.

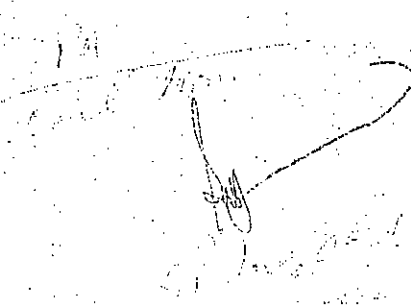
For the purpose scrutinizing the conduct of the said official, Mr. Sajjad Khan SP Investigation Charsadda, is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section -6 (f) (a) of the afore-mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within (10) days. SI Irfan Khan, is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer) a statement of charge sheet is attached herewith.


DISTRICT POLICE OFFICER
CHARSADDA

No. 1091/HC, dated Charsadda the 11.2/2022

CC:

1. Mr. Sajjad Khan SP Investigation Charsadda (Enquiry Officer)
2. SI Irfan Khan



K 19 28-2-22

DEPARTMENTAL ENQUIRY AGAINST SI IRFAN KHAN (THE THEN SHO PS PRANG),
PRESENTLY POLICE LINES CHARSAJDA.

The instant enquiry against SI Irfan Khan was ordered vide Endst: No. 191/HC dated 11-02-2022, with the allegation that he while posted as SHO PS Prang charged accused Bacha Khan etc being irrelevant accused instead of accused Wasif s/o Mujahid r/o Sheikhan Abad Sardheri as nominated by complainant in the case FIR No. 34 dated 17.01.2022 u/s 302/34 PPC PS Prang and favored accused Wasif for the reason best known to him. His act is not only contrary to rules and discipline but also shows his indulgence in gratification and unfair means. In this regard a show cause notice was issued to him but reply to the same was found un-satisfactory.

He was charge sheeted to-gather with statement of allegations and the undersigned was nominated as enquiry officer.

➤ PROCEEDINGS:-

During the course of enquiry, the alleged SI Irfan Khan was called to the office of the undersigned. He was heard in person and his statement was recorded.

➤ Statement of SI Irfan Khan (the then SHO PS Prang):

He stated that on the day of occurrence complainant Wisal s/o Behramand r/o Merzagan Prang (husband of deceased Mst: Fahmeeda) in the presence of Khadim Jan (brother of deceased ladies) and others close relatives, were present in Casualty DHQ Hospital Charsajda, made report to ASI Wajid Khan regarding murder against the accused Bacha Khan s/o Aslam and Kashif s/o Mujahid. Upon which ASI Wajid drafted Murasila, which was duly supported by Khadim Jan (brother of both the deceased). Beside it, the said Khadim Jan also narrated the said statement before the media group/representatives, already present there. (Video clipping available) which supported the version of FIR. Further stated that at the time of lodging FIR, the complainant neither disclosed the name of Wasif nor any other relative disclosed name of the said Wasif or other person while drafting murasila, as to mention his name as accused in the Murasila. As far as Investigation of the case is concerned, during 1st Zemni report, accused Wasif (nephew of both deceased) was associated in Investigation process and then he was properly charged/arrested in the case. Later-on the accused was released on bail by the Court on the basis of compromise.

He further stated that being posted as SHO PS Prang, he performed all the proceeding according to the Law/Rules and no negligence or dishonesty is involved on his part and further requested that the instant charge sheet may kindly be filed please, (statement at annexure-A).

➤ During the course of enquiry the following Police official, complainant and accused parties were also summoned to the office, they were heard in person and their statements were recorded:-

- i. ASI Wajid Khan PS Prang.
- ii. ASI Fazal Nabi PS Prang.
- iii. IHC Habib Ullah Moharrar PS Prang.
- iv. FC Jehanzeb No. 1824.
- v. FC Kifayat No. 436.
- vi. FC Naeem No. 1673.
- vii. FC Arshad No. 602. (Casualty)

- viii. FC Fayaz No. 743: (Casualty)
- ix. FC Fawad No. 485.
- x. FC Farman No. 443.
- xi. FC Habib No. 1835.
- xii. FC Khan Muhammad.(DSB)
- xiii. Wisal Khan (complainant).
- xiv. Badshah Khan s/o Aslam Khan (accused).
- xv. Kashif s/o Mujahid Gul (accused).
- xvi. Wasif Ullah (accused)
- xvii. Khadim Ullah Jan (brother of deceased)
- xviii. Iftikhar Ali (Jirga Leader)

➤ **Statement of Wisal Khan (complainant)**

He stated that on 05.01.2022 we were present in his house, Wasif alongwith other person came to his house for killing his wife Mst: Fahmeeda and sister-in-law Mst: Amina. In this regard he informed the local Police, they reached and taken to Police station, where lodged the report. Then they sifted to from village to Bhosa khel. On 17.01.2022 he was present at village Ghari Hameed Gul Mian in connection with the laboring, was informed that his wife and sister-in-law were killed by someone and their dead bodies are lying in the house. He immediately reached home and found Mst: Fahmeeda and Amina were killed. The local Police were also present on the spot, he told the SHO that Wasif, Izaz and Khadim Jan are his accused. The dead bodies were brought to Hospital where he also reported to the local Police against the accused Wasif, Izaz and Khadim Jan and fixed his finger on the report. After postmortem, he takes the dead bodies to the house Badshah Khan my (wife-brother-in-law/humzulf). After 03 days the Police nominated Badshah Khan for the offence and later-on the elder of the locality namely Iftikhar etc came and agreed him for compromise, he patched up the matter on the following condition.

1. That the opposite party i.e Wasif will arrange 2nd marriage for Wisal (complainant) and bound for given a house, then compromise was affected by him. The stamp paper is available in the court.

Further stated that accused Kashif and Izaz were arrested by the Police while Wasif and Khadim Jan have got their BBA. The Jirga elders have assured him that they shall arrange 2nd marriage as well as a house. (Statement at annexure-B).

➤ **Statement of Badshah Khan(Accused/applicant).**

He has repeated his stance. (Statement at annexure-C).

- **Statements of ASI Wajid Khan, ASI Fazal Nabl and others Police officials,** reveals that on the day of occurrence, complainant Wisal, Khadim Jan, (brother of both the deceased) and all others close relatives of the deceased were present in the Casualty Hospital DHQ Charsadda. The complainant Wisal after proper discussion/consultation with Khadim Ullah Jan has nominated/charged accused Badshah Khan and Kashif for the commission of offence. Hence ASI Wajid Khan drafted the Murasila, also read out in Pashto to the complainant and then sent to Police station through Constable Jehanzeb No. 1824. Upon which a proper case vide FIR No. 34 dated 17.01.2022 u/s 302/34-PPC PS Prang was registered against the above named nominated accused.

> During enquiry, it was found that deceased Mst: Fahmeeda, has already produced an application against the said Wasif etc. to the SHO PS Prang on 05.01.2022, which was marked to ASI Fazal Nabi of PS Prang on same day, but the said ASI did not take any legal action in-time upon her complaint. Later-on the said applicant (Mst: Fahmeeda) was killed, (statement at annexure-D).

> Detail of family relation between the deceased, complainant and accused party is as under:-

S. No.	Name of deceased ladies	Relation with the complainant	Relation with the accused
1	Mst: Fahmeeda	Wife	i. (Sister-in-law of accused Badshah Khan) ii. (Sister of Khadim Jan) iii. (maternal Aunty of Kashif) iv. (maternal Aunty of Wasif)
2	Mst: Amina (un-married)	Sister-in-law	i. (Sister-in-law of accused Badshah Khan) ii. (Sister of Khadim Jan) iii. (maternal Aunty of Kashif) iv. (maternal Aunty of Wasif)

During the course of investigation, accused Wasif s/o Mujahid and Khadim Ullah Jan was also charged/arrested in the case by the local Police; they later-on released on bail by the Court on the basis of compromise (Copy of Court order attached vide Annex: E).

As per statements of Iftikhar Ali, Kashif, Wasif Ullah, Khadim Jan, that neither any Police Officers/official had demanded nor they have given any illegal gratification to Police personnel. (Copy attached vide Annexure-F)

Furthermore, Iftikhar Ali being elder of the area/Jirga member, disclosed that he was also present with both the parties from the day of occurrence until the Jirga process; SI Irfan Khan suggested both the complainant Wisal and Khadim Ullah for the registration of the case. Then complainant Wisal after discussion/consultation with Khadim Jan (brother of deceased), charged accused Badshah Khan and Kashif for the murder of his wife Mst: Fahmeeda and his sister-in-law Mst: Amina. After 3 days accused Wasif and Izaz were charged. Later-on the matter was patched-up between the parties on compromise basis. He being Jirga elder paid an amount of Rs. 200,000/- (two lac) to accused Badshah Khan with one Sheep as "Ozar".

It is worth to mention here that on 23.02.2022 both the complainant and accused parties were called through telephone operator to appear before the undersigned for cross examination, but except the complainant Wisal and accused Badshah Khan, the rest appeared, while Izaz and Wasif (accused party), shows their presence in district Mansehra.

On 24.02.2022, they were again contacted, Badshah Khan disclosed that he has shifted to Michni area, while phone number of complainant Wisal was coming off.

Accused Kashif and Iftikhar Ali "Jirga elder" stated on Oath that neither any Police officer has demanded any illegal gratification from them nor they given.

During the course of cross examination, ASI Wajid Khan disclosed that he was present at Casualty; when Khadim Jan (brother of deceased) reached there, started crying that he will report regarding the occurrence against accused Badshah Khan. In that time the said Khadam Jan also narrated the said story before the media group/representatives, present at Casualty DHQ Hospital. While complainant Wisal insisted that he will charge accused Kashif. Then they separated from the people and made discussion with each other, and after discussion complainant Wisal charged both the accused i.e Kashif and Badshah Khan for the commission of crime.

FINDINGS.

- i. That there was already an ill-will exist between the deceased Mst: Fahmeeda with her nephew accused Wasif, as earlier on 05.01.2022, she submitted an application to the SHO PS Prang against the said accused (Wasif).
- ii. That no legal action was taken in-time by the local Police upon the said application/complaint, resultantly incident took place, (copy attached at Annexure-G)
- iii. That application dated 05.01.2022 moved by deceased Mst: Fahmeeda, also supports the stance of complainant Wisal, as the complainant told the SHO that Wasif, Izaz and Khadim Jan are his accused but the SHO did not charged them.
- iv. That the SI Irfan Khan influenced/convincing the complainant for not charging the accused Wasif.
- v. That SI Irfan Khan took advantage of his official position and provided undue favour to the accused Wasif etc.
- vi. That SI Irfan Khan was found guilty of the allegations levelled against him.

RECOMMENDATION:

Keeping in view the above facts/circumstance and statements recorded reveals that: -

- i. The allegations levelled against SI Irfan Khan (the then SHO PS Prang) has been proved/established. Therefore, he is recommended for suitable punishment under KPK Police Rules-1975.

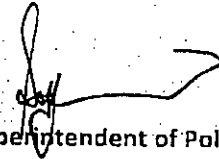
ii. ASI Fazal Nabi PS Prang is found guilty for not taking immediate action upon the written application/complaint of Mst: Fahmeeda, as he also admitted in his reply that he takes the same as light. Due to his such gross negligence, 02-precious lives were expired. Thus he is recommended for strict departmental action,

Submitted, please.

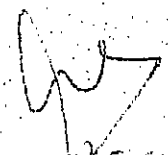
Encl (03 pages)

No. 2117 /PA

Dated 22/02 /2022


Superintendent of Police,
Investigation, Charsadda.

1/c
Issue report from case
relate to 17/02/22 when
and charge sheet to
be sent.


28.2.2022



FINAL SHOW CAUSE NOTICE

Whereas, the charge of negligence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommending you for suitable action.

AND


Whereas, I am satisfied with the recommendation of the enquiry officer that you SI Irfan Khan, while posted as SHO PS Prang, Charged accused Bacha Khan etc being irrelevant accused instead of accused Wasif s/o Mujahid r/o Sheikhan Abad Sardheri as nominated by Complainant in the case FIR No. 34 dated 17.01.2022 u/s 302/34 PPC PS Prang and favored accused Wasif for the reason best known to you. Your act is not only contrary to the rules and discipline but also shows your indulgence in gratification and unfair means. In this regard a show cause notice was issued to you but reply to the show cause notice was found unsatisfactory.

2. Thus the act amounts to gross misconduct and renders you liable for punishment, under Police Rules 1975.

3. Therefore, I, Sohail Khalid, District Police Officer, Charsadda in exercise of the powers vested in me under rules 5(3) (a) (b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

4. Your reply should reach the undersigned within 07-days of receipt of this notice, failing which disciplinary action pertaining to your dismissal from service will be taken ex-parte.

5. You are at liberty to appear in person before the undersigned for personal hearing.


DISTRICT POLICE OFFICER
CHARSADDA

No. 319 /HC

Dated 17/01/2022

بیان اہل عرفان ظن کا

طاہر علی!

حوالہ شوکانہ نوٹس بری 238/4C مورخ ۳۰/۰۳/۲۰۲۲ء از چارج

ماب ۵۲۵/۵۲۵ ہا رہندہ جسمی حروف قدرت ہوں۔ ۲۰۲۲ عرفان خان کا

سابقہ SItھ ۵۲۵/۵۲۵ ہا رہندہ جسمی حروف قدرت ۳۴ مورخ ۳۰/۰۳/۲۰۲۲ء

302-34 ہا رہندہ جسمی حروف قدرت ۳۴ مورخ ۳۰/۰۳/۲۰۲۲ء

وصال دفتر محمود زمان گڑھی شہباز پرائنگ کی کسٹل کی دعویداری غلط تلمیح

کی گئی ہے۔ تو اس سلسلے میں حقیقت یہ ہے کہ روز بروز معائنہ کھولنے کی ضرورت

جسمی وصال ولد بہرہ مند سکتہ خراگان پرائنگ جو کہ معائنہ سماعت نمبر ۵۲۵/۵۲۵

شعبہ ہے۔ مجبورگی برادر فتولین نسبی خادم خان ولد محمود ساکن گڑھی شہباز پرائنگ

و دیگر بے شمار رشتہ داران میں واجد نسلی ASI خانہ پرائنگ کو کسٹل کی دعویداری

پر خلاف باج خان ولد اسلام یکاشف ولد چاند کر کے واجد نسلی ASI نے آئینی رپورٹ

پر شکل مراسلہ ضبط فرمیں لاکر جسکی باقاعدہ فتولین کی فحاشی خادم مذکورہ

نے تائید کی ہے۔ اسکے علاوہ بوقت رپورٹ معائنہ میں موجود میڈیا گروپ کو بھی فتولین

کے وارث حقیقی فحاشی خادم مذکورہ نے واضح طور پر وہ بیان دیا ہے۔ جسکی باقاعدہ ویدیا کی

موجود ہے۔ جسکی جاک شدہ FIR کی تائید کرتا ہے بوقت رپورٹ نہ حد عیاں نے واضح وغیرہ کا

ذکر کیا ہے۔ اور نہ ہی دیگر موجودگان میں سے کسی نے بوقت تائید مراسلہ کوئی ایسی بات کہی تھی

جیسا سے واضح مذکورہ کا حتمی حتمت مراسلہ میں تحریر کیا جاتا جہاں تک فتولین کی بات

ہے۔ تو ایسے ہی ہمیں میں SItھ کے کارٹونوں سے واضح ولد چاند سکتہ کل آباد سرگرمی جو کہ

فتولین کا حقیقی بھائی ہے۔ کو شامل تفتیش کیا تاکہ باقاعدہ طور پر حتم میں خارج کی گئی ہے

جو کہ بروقت گرفتار ہو کر عدالت سے نمائندہ رہے۔ من سابقہ SItھ نے بحیثیت SItھ جو کہ کاروان کی

وہ کاروان کے مطابق ہے۔ اس تمام کاروان میں من سابقہ SItھ کی کوئی غلط یا بد نہیں متعلق نہیں ہے

اس سلسلے میں میں نے گناہ ہوں۔

استدعا حکیم مندرج بالا حقائق کو مدنظر رکھتے ہوئے مسائل کی شوکانہ نوٹس کو بلا کسی کاروان دافعہ

دفتر کیا ہے۔ جسکی جاک شدہ FIR کی تائید کرتا ہے بوقت رپورٹ نہ حد عیاں نے واضح وغیرہ کا

عرفان خان ایک سیکشن پولیس لاٹن چارج ۵۲۵/۵۲۵

ORDER

This order will dispose of the departmental enquiry against SI Irfan Khan, while posted as SHO PS Prang. Charged accused Bacha Khan etc being irrelevant accused instead of accused Wasif s/o Mujahid r/o Sheikhan Abad Sardheri as nominated by Complainant in the case FIR No. 34 dated 17.01.2022 u/s 302/34 PPC PS Prang and favored accused Wasif for the reason best known to him. His act is not only contrary to the rules and discipline but also shows his indulgence in gratification and unfair means. In this regard a show cause notice was issued to him but reply to the show cause notice was found unsatisfactory. On the above allegation he was issued Charge Sheet together with statement of allegations under Sub Section 3, Section 5 of Police Rules 1975. Mr. Sajjad Khan SP Investigation Charsadda was nominated as inquiry officer for probing into the matter by conducting departmental inquiry against him and he after fulfillment of copal formalities has submitted his findings.

Subsequently, SI Irfan Khan, was issued Final Show Cause Notice U/S 5(3) Police Rules 1975 reply to which was received but found unsatisfactory.

After going through the enquiry papers and recommendation of the enquiry officer, wherein the officer has been found guilty hence he is hereby awarded the major punishment of reversion to the substantive rank of Assistant Sub-Inspector with immediate effect.


DISTRICT POLICE OFFICER
CHARSADDA

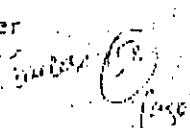
O.B No. 265

Date 4/03/2022

No. 274-76-11C, dated Charsadda the 04/03 /2022

CC.

Pay Officer
EC/FMC



27 16-3-22

Before the Hon'ble Regional Police Officer Mardan, Region 1 Mardan

Through: Proper Channel

Subject: Departmental Appeal u/r 11(2) of Police Rules 1975 (Amended 2014), against the Impugned order, Passed by Worthy DPO Charsadda vide order No.274-76/HC dated 04.03.2022.

Respected Sir,

The appellant respectfully prefers this appeal against the impugned order of Worthy DPO Charsadda, inter-alia on the following grounds, amongst others. (Order is enclosed as Annexure-A).

PRELIMINARIES:

1. The worthy inquiry officer did not follow prescribed procedure as per rule 6 of KP Police Rules 1975 (Amended 2014) as no cross opportunity was provided to the appellant, therefore contains legal infirmity and the finding report is void abinitio and Coram non judge, thus not tenable. (Reliance is placed on reported judgment 2005 PLC (CS) page 1544)
2. As per rule 6 of police rule 1975, the inquiry officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of accused as may considered necessary and the witnesses against him" no evidence in support of charge except witness Wisal Khan (interested one and not eye witness) has been recorded as well no opportunity of cross examination provided to appellant, nor hearing on day to day base was held and prescribed time limitation for conclusion of inquiry was also violated hence the finding report is void-ab-initio rather not sustainable.
3. The worthy inquiry officer with in the meaning of Rule 6(v) of rule 1975 had only to submit cogent grounds to connect the appellant with alleged charge but no ground has so far been collected and brought on record, therefore; recommendation of inquiry officer is without jurisdiction and that too not provided under the Police Rules 1975. Competent authority is not bound to follow report of Inquiry officer, was of recommendatory nature, as per reported judgement 2005 SCMR, page 1610.
4. Personal hearing is mandatory as per reported judgments 2005 PLC(CS) 1982 and 1987 PLC (CS) 810 but the appellant was not provided the opportunity of personal hearing to explain the circumstances behind the alleged charge, hence condemned unheard, therefore whole proceedings involve much more irregularities / illegalities and impugned order is not sustainable, under the eyes of law, reliance is placed on reported judgement 1987 PLC(CS), page 870.
5. The impugned order is very much harsh and not reasonable. Quantum of punishment must appropriate, compatible and reasonable, having been

observed by learned superior court in reported judgment 1988 PLC (CS), page 179.

6. The appellant has been treated discriminately, involving infringement of rights, therefore, the awarded punishment in principle violates Pakistan Constitution 1973 and prevailed laws.
7. Reliance is placed on 2005 PLC (CS)1559: Fault of appellant at the most could be turned as negligence (the appellant though do not accede/admit) for which a minor penalty would suffice.....Appellant had more than 10 years with clean record of service as low paid subordinate which also deserves due consideration before imposition of major penalty under given circumstances.
8. The recorded evidence before worthy inquiry officers, if nakedly examined there is nothing to establish the charges i.e favor to Wasif and receiving of illegal gratification. The worthy inquiry officer only condemned the appellant for not taking action on the application, submitted on 05.01.2022 by deceased party against Wasif, it is sworn that the same application was not in notice and knowledge of appellant, rather brought in notice by PS staff.

ON FACTS:

- i. Short facts are that accused, Bacha Khan etc were booked vide FIR No.34 dated 17.01.2022 u/s 302/34 PPC by PS Prang instead of accused Wasif, thereby favored him (Wasif) through gratification and unfair means.
- ii. The appellant was issued charge sheet for act of misconduct which was properly answered but not considered by worthy inquiry officer as well worthy authority DPO Charsadda. (Copy attached as Annexure-B)
- iii. On submission of finding report by worthy inquiry officer SP (Investigation Charsadda), the authority without going into the merits of the case, passed the impugned order dated 04.03.2022 and awarded major punishment of reversion to the substantive rank of ASI.

GROUND OF APPEAL:

The impugned order of DPO Charsadda, is assailable on the following grounds.

1. The impugned orders are unjust, unlawful and without authority hence coram non iudice and void abenelio.
2. The inquiry proceedings have not been conducted as per law, within the meaning of police rules 1975 and due to procedural lapses, irregularities/illegallities, the finding report is not tenable.
3. The alleged charge is not justifiable and is considerable on the following few stances:-
 - i. As per record, the double murder occurrence was reported to ASI wajid khan in DHQ hospital Charsadda by complainant Wasif Khan, duly verified by khadim jan which was incorporated in the shape of murasilla and dispatched to police station Prang for registration of case and FIR was registered

accordingly. What does law on the subject speak/provide, which could be ignored or otherwise. section 154 CrPC reads as under;

"Every Information relating to commission of a cognizable offence, if given orally to an officer in charge of police station, shall be reduced to writing by him or under his direction and be read over to the Informant and every such Information whether given in writing or reduced to writing as aforesaid shall be signed by the person giving it" Report was lodged to ASI wajid khan and as per legal process case was registered against nominated accused, which did not contain any mala fide or favor to any body else. The appellant as such is not involved in the process from report of the complainant up to registration of case hence is innocent. (Murasilla is attached as annexure-C)

- ii. Total 18 witnesses have been examined wherein only Wisal, not present on the spot have charged the complainant namely Wasif, Izaz, Khadim Jan who were arrested in the case without delay but none of the witness in the statement brought eye witness account, supporting the act of illegal gratification, having been received by the appellant or any favor accorded. What does police rules 1934 speak about the act of illegal gratification. Needless to say that corruption charge / persistent corruption requires solid materials but here on record, nothing in support is available. Rules regarding proceedings against Police Officers reported to be corrupt or involved in corrupt practices, attract rules 16.39 r/w 16.16 PR 1934 wherein corruption record is required to be maintained on personal file, character role or fauji missal and attested copy thereof shall be furnished to the Police Officer concerned, but such record has not been maintained or is not available against me hence the act of gratification/bribe does not carry legal footings.
- iii. Findings of worthy inquiry officer is based on hearsay as no direct or indirect evidence has been collected or brought on record to connect the appellant with alleged misconduct (2005 PLC (C.S) page 559)
- iv. Worth to clarify that worthy inquiry officer in his finding report has observed that accused Kashif and jirga elder Iflikhar Ali stated on oath that neither any police officer has demanded illegal gratification from them nor they given so what a surprising situation that he (inquiry officer) in recommendation stance that allegation against appellant has been proved/ established and recommended suitable punishment.
- v. Since the appellant has joined this august force, he performed dedicatedly, honestly, efficiently and to the entire satisfaction of superiors. The awarded penalty shall cause irreparable loss to the appellant and his family.

- vi. The appellant belongs to middle class family, the service is his only source of earning and the awarded penalty in reduction of rank shall be huge financial loss to him, his carrier as well family repute, for no good reasons, hence requires sympathetic consideration.
4. There is not an iota of evidence, recorded by worthy inquiry officer who could link or connect the appellant with the alleged charges i.e. receipt of gratification and favor to accused Wasif, the finding report is based on surmises and conjectures.
5. The whole inquiry proceedings and the report based thereupon are based on malafide, partiality and the impugned order dated 04.03.2022 has been passed in clandestine manner, total disregard to the available record, the law and rules on the subject, the norms of justice and fair play.

PRAYER

Apropos, it is humbly prayed that by accepting this appeal, the impugned order dated 04.03.2022 (reduction in rank to the post of ASI) may very kindly be set aside and restore to previous status to the rank of SI, to meet the ends of justice.

Sincerely yours



Ex-SI Irfan Khan

(Appellant)

16-3-22

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27-5-22

OFFICE OF THE SUPERINTENDENT
OF POLICE INVESTIGATION
MARDAN.

Phone No. 0917-9230121

Fax No. 0917-9230121

Email. -----

Dated: 27-05-2022

No. 303/PA/Inv:

To: The Regional Police Officer,
Mardan.

Subject: **DEPARTMENTAL ENQUIRY AGAINST SI IRFAN KHAN
(NOW ASI) THEN SHO PS PARANG DISTRICT
CHARSADDA.**

Memo:

Kindly refer to your office diary No. 2690/ES dated 04-04-2022, on the subject cited above.

The enquiry in hand was entrusted to undersigned by the worthy Regional Police Officer, Mardan vide his office diary No. 2690/ES dated 04-04-2022 for conducting De-Novo enquiry proceedings against delinquent officer ASI Irfan Khan the then SHO PS Prang district Charsadda Facts leading to the issues in question are as under:-

BRIEF HISTORY:-

Whereas, SI Irfan Khan while posted as then SHO Prang District Charsadda charged accused Bahkan being irrelevant accused instead of accused Wasif s/o Mujahid r/o Sheikhan Abad Serdheri as nominated by complainant in case vide FIR No. 34 dated 17-01-2022 u/s 302/34 PPC PS Prang and favored accused Wasif for the reason best known to him. His act is not only contrary to rules and discipline but also shows his indulgence in gratification and unfair means. In this regard a Show Cause Notice was issued to him but reply to the same was found unsatisfactory.

He was served Charge Sheet and the enquiry was marked to SP/Inv: Charsadda wherein in the light of enquiry proceedings he was found guilty and punished with the reversion of rank. (SI to ASI)

In this connection the alleged officer submitted an appeal for lenience to the worthy Regional Police Officers, Mardan.

PROCEEDINGS:-

To ascertain the facts enquiry was conducted into the matter against ASI Irfan Khan the then SHO PS Prang, on account of the above allegations leveled against him and the following relevant officers/officials & personnel were summoned and heard in the Office of undersigned and their statement and cross examinations were recorded.

1. ASI Irfan Khan the then SHO Prang.
2. ASI Fazal Nahi Khan PS Prang.
3. ASI Wajid PS Prang.
4. LHC Habib Ullah Moharrir PS Prang.
5. LHC Irshad MM PS Prang.
6. LHC Arshad No. 602 (Casualty)
7. Iftikhar Ali (Jirga Leader)
8. Kashif ullah s/o Mujahid Gul (accused)

While Khadim Ullah, Badshah Khan and Wasif Khan were time and again contacted but failed to appear before the undersigned (DD reports are attached)

FACTS AND FINDING:-

During the course of enquiry it was found that the deceased Mst. Fahmeeda has already produced an application against the said Wasif etc to the SHO PS Prang on 05-01-2022 which was marked to ASI Fazal Nabi of PS Prang on the same day but the said ASI did not take any legal action in time upon her complaint. Later on the said applicant (Mst. Fahmeeda) was killed.

During the course of Investigation accused Wasif s/o Mujahid and Khadim Ullah Jaan were also charged /arrested in the said case by the Police. Later on they were released on bail by the court on the basis of compromise copy of court orders are attached. As per statements neither any Police Officer/ Official had demanded nor any body have given any illegal gratification to Police Personnel.

Furthermore, Iftikhar Ali being elder of the area / Jirga member disclosed that he was also present with both the parties from the day of occurrence until the jirga process SI Irfan Khan suggested both the

complaint Wisal and Khadimullah for the registration of case. Then complainant Wisal after discussion/consultation with Khadim Jaan (Brother of deceased) charged accused Badshah Khan and Kashif for the murder of his wife Mst. Fahmeeda and his sister in law Mst: Amina. After 3/4 days accused Wasif and Izaz were also charged. Later on the matter was patched up between the parties on compromise basis. He being Jirga elder paid an amount of Rs. 200,000/- (Two Lac) to accused Badshah Khan with one sheep as "Ozar".

During the course of cross examination ASI Wajid Khan and LHC Arshid No. 602, disclosed that they were present at casualty, when Khadim Jaan brother of deceased reached there and started crying that he will report the occurrence against accused Badshah Khan, at that time they said Khadim Jaan also narrated the said story before the media group / representatives, present at casualty DHQ Hospital Charsadda. While complainant Wisal insisted that he will charge accused Kashif and Badshah Khan for the offence.

RECOMMENDATION:-

Keeping in view the statement of all concerned, facts circumstances and materials available on record the undersigned came to the conclusion that the allegation leveled against the defaulter officer ASI Irfan Khan are not proved as nothing could come to surface to substantiate the involvement of the said officer in charging an irrelevant person. However, being posted as SHO he was under obligation to take legal action on the application submitted by Mst. Fahmeeda deceased as his stance regarding unawareness of the said application is not plausible rather bereft of any substance. As it is the foremost duty of SHO to do take into consideration all applications filed directed to him are marked to his subordinate for proceeding; Hence, on this count the appellant is recommended for awarding Minor Punishment if agreed please.

Sd/-

SP (Inv) MARDAN.

Q 34 23-6-22

ORDER.

This order will dispose-off the departmental appeal preferred by ASI Irfan Khan No. P/462 of Charsadda District against the order of District Police Officer, Charsadda, whereby he was awarded major punishment of reduction in rank from Sub Inspector to his substantive rank of ASI vide OB: No. 265 dated 04.03.2022. The appellant was proceeded against departmentally on the allegations that he while posted as SHO Police Station Prang, District Charsadda, charged accused Bacha Khan etc being irrelevant accused instead of accused Wasif s/o Mujahid resident of Sheikhhan Abad Sardheri as nominated by complainant in case FIR No. 34 dated 17.01.2022 u/s 302/34-PPC Police Station, Prang District Charsadda and favored accused Wasif for the reason best known to him.

In this regard a Show Cause Notice was issued to him but his reply was received perused and found unsatisfactory.

Therefore, proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Superintendent of Police Investigation, Charsadda was nominated as Enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his findings wherein he found the delinquent Officer guilty for the misconduct and recommended him for suitable punishment. The deceased Mst. Fahmeeda had submitted an application to SHO Prang (present appellant) in which she had mentioned two names who wanted to kill her. However, no legal action was taken as a result the said tragic incident took place.

He was issued Final Show Cause Notice. His reply to the Final Show Cause Notice was received, perused and found unsatisfactory. Therefore, the District Police Officer, Charsadda awarded him major punishment of reduction in rank from Sub Inspector to his substantive rank of ASI vide office OB: No. 265 dated 04.03.2022.

Feeling aggrieved from the order of District Police Officer, Charsadda, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 01.04.2022.

Hence, in order to make thorough probe into the issue, de-novo enquiry proceedings were entrusted to the Superintendent of Police Investigation, Mardan vide this office endorsement No. 2690/ES dated 04.04.2022. The enquiry Officer after conducting thorough probe submitted his report vide his office letter No. 303/PA/Inv: dated 27.05.2022 stated therein that the delinquent Officer being posted as SHO was under obligation to take legal action on the application submitted by deceased Mst. Fahmeeda, and his stance regarding unawareness of the said application is not plausible rather bereft

of any substance. The enquiry Officer further recommended that it is the foremost duty of SHO to take action on all applications filed directly to him or marked to his subordinates for proceeding. Hence, on this count the appellant is recommended for punishment.

The appellant was again summoned and heard in person in orderly room held in this office on 07.06.2022 but this time too he failed to advance any cogent reason to justify his innocence.

It is worth mentioning that an application was filed by Mst: Fahmeeda (deceased) wherein she had requested the appellant being SHO of the Police Station, for taking legal action against accused Wasif as she feared that he would kill her but he did not bother to take any action and resultantly the murder took place and 02 precious lives were lost. The appellant cannot be exempted on this score that his subordinate i.e Head Constable Fazal Nabi No. 698 had not taken the action on the application of aforementioned deceased lady, as being SHO Police Station Prang, he was responsible for each and every affair pertaining to his Police Station.

It is further added that when the incident of murder took place, an application was already filed by the above named deceased lady against accused Wasif and it was in full knowledge of the SHO and it was his duty to take into consideration that application also and discuss the involvement of accused Wasif with the complainant party and also to include that application in the FIR but he did not bother to do so therefore, ignoring a very important piece of evidence as given by the murdered lady herself. Resultantly the accused Wasif was given a huge favor.

Based on the above, I, Yaseen Farooq, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being bereft of any substance.

Order Announced.


Regional Police Officer,
Mardan.

No. 4389-82 /ES, Dated Mardan the 23 /06 /2022.

- Copy forwarded for information and necessary action to the:-
1. Capital City Police Officer, Peshawar.
 2. Commandant FRP Khyber Pakhtunkhwa, Peshawar.
 3. District Police Officer, Charsadda
 4. Superintendent E-III CPO/Peshawar.

(*****)

تاریخ	مبلغ	بیل	بیل	بیل	بیل	بیل	بیل	بیل	بیل
-	1860	85	-	01	-	05	-	-	جون
-	125	915	-	01	-	32	02	-	جولائی
-	-	10788	-	03	-	21	02	-	اگست
-	800	215	01	02	-	30	03	-	ستمبر
-	-	291	-	01	01	19	04	-	اکتوبر
990	4500	162	01	-	01	12	01	-	نومبر
-	-	45	-	-	-	05	01	-	دسمبر
-	-	101	01	01	-	07	-	-	جنوری
990	125	12602	03	09	02	131	13	-	فبروری

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S 37

To,

The Provincial Police Officer,
Kyber Pukhtoonkhwa,
Peshawar.

Subject:

REVISION / MERCY PETITION AGAINST OB. NO. 265 DATED 04-03-2022 OF DPO CHARSADEA WHEREBY MAJOR PUNISHMENT OF REVERSION TO THE RANK OF ASSISTANT SUB-INSPECTOR FROM THE RANK OF SUB-INSPECTOR WAS IMPOSED UPON APPELLANT OR OFFICE ORDER NO. 4389-92/ES DATED 23-06-2022 REGIONAL POLICE OFFICER MARDAN WHEREBY DEPARTMENTAL APPEAL OF APPELLANT WAS REJECTED FOR NO LEGAL REASON.

Respectfully sir,

1. That on 05-01-2022, Mst. Fehmida wife of Wisal R/o Saeed Gul Quarters Charsadda submitted application to appellant, that Wasif S/O Mujahid R/O Gulabad Sardheri without permission entered in to her house started altercation, became annoyed, beat her and open pistol and threatened for killing. He be arrested and legal action against him be taken. The said application was marked to ASI Fazal Nabi for necessary action on the said date.
2. That on 17-01-2022, Murasla was scribed by ASI Wajid Khan at DHO Hospital Charsadda under section 302/34 PPC for killing the said Mst. Fehmida and Mst. Amina. Bacha Khan S/o Aslam Khan, Kashif S/o Mujahid Khan were charged for the commission of offence by Wisal Khan S/o Behramand Khan.
3. That the said Murasla was incorporated in to FIR No. 34, dated 17-01-2022, PS Praang, under section 302/34 PPC. Complainant Wisal Khan reported the matter to SHO as under:-
 "He was present in village Hamid Gul, got information of the incident that his wife Mst. Fehmida and her sister-in-law, Mst. Amina are lying dead in his home. He, after completion of investigation and satisfaction, charged accused Bacha Khan S/o Aslam Khan and Kashif Khan S/o Mujahid Khan".

4. That on 21-01-2022, appellant was suspended from service for inefficiency and charge of corruption.
5. That on 26-01-2022, the legal heirs of Mst. Fehmida deceased patched up the matter with accused was Wasifullah S/o Mujahid Gul, Muhammad Khadim Ullah S/o Mehmood Khan and Izzat Ullah S/o Safdar Ali. It seemed that their names have become on surface in the matter during investigation of police.
6. That on 26-01-2022, appellant was served with Show Cause Notice by R. No. 01 with allegation that he while posted as SHO PS Praang charged accused Badshah Khan, etc, being irrelevant instead of accused Wasif in the said FIR and favored accused Wasif for the reason best known to him which act was contrary to the rules and discipline by indulging in gratification and unfair means.
7. That on 27-01-2022, after patching up the matter with accused party, the said Badshah Khan submitted application before DPO Charsadda for initiating legal proceedings against appellant by misusing his power and facilitated real culprits, so he be proceeded legally for the same.
8. That on 03-02-2022, appellant submitted reply to the Show Cause Notice by denying the allegations relying upon the contents of the Murasla and FIR.
9. That on 11-02-2022, DPO Charsadda served appellant with charged Sheet and Statement of Allegations on the same charges contained in the Show Cause Notice.
10. That the said charge sheet was replied by appellant in the aforesaid manner as of Show Cause Notice.
11. That inquiry in to the matter was initiated and after completing the same, the Inquiry Officer submitted enquiry report before the authority on 28-02-2022 and recommended appellant for suitable punishment under KP Police Rules, 1975. ASI Fazal Nabi was also found guilty for not taking prompt action on the written application/complaint of Mst. Fehmida. The said ASI was also reverted to the post of Constable.

12. That on 03-03-2022, appellant was served with Final Show Cause Notice on the aforesaid allegation which was replied by denying the same as was done in the Show Cause Notice and charge sheet.
13. That on 04-03-2022, major punishment of reversion from the rank of Sub-Inspector to the rank of Assistant Sub-Inspector was imposed upon the appellant by DPO Charsadda.
14. That on 16-03-2022, appellant submitted comprehensive representation before RPO Mardan for restoration to the original rank of SI with all consequential benefits.
15. That on the representation of appellant, De-Novo enquiry was conducted by SP (Inv) Mardan on the direction of Regional Police Officer Mardan and then he was recommended for minor punishment vide enquiry report dated 27-05-2022.
16. That representation of appellant was rejected on 23-06-2022 by Regional Police Officer Mardan for no legal reason, despite the fact that he was recommended for minor punishment.
17. That in the progress report, appellant has shown his efficiency as SHO of the PS since June, 2021 till January, 2022. (Copy attached)

Hence this appeal, inter alia, on the following grounds:

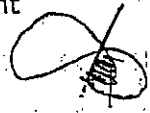
GROUND S:

- a. That the matter was reported to the Police Station by complainant Wisal Khan, husband of deceased Mst. Fehmida and appellant was legally bound to register FIR as per his versions and not otherwise.
- b. That no favoritism was made to anyone by appellant in the matter.
- c. That very strange, in the Show Cause Notice and Charge Sheet, DPO Charsadda leveled allegations of in-efficiency and corruption against appellant and not of influence of someone. In the statements recorded by Inquiry Officer, Iftikhar Ali, Kashaf, Wasifullah, Khadim Jan, etc. stated in categorical manner. That no gratification was ever made to appellant.
- d. That when none demanded any gratification, then how appellant was termed guilty.

- e. That recommendation of I.O in respect of appellant was in total disregard of the statements of both the parties recorded in the matter.
- f. That no opportunity of cross examination over the witnesses was ever provided to appellant, being mandatory. No major punishment was suggested by the Inquiry Officer for appellant.
- g. That appellant carried out all the proceedings according to law/rules and no negligence, in-efficiency or dishonesty was shown nor was pointed out by the I.O in the inquiry report.
- h. That Murasla was scribed by ASI -Wajid Khan in DHQ Hospital Charsadda by complainant Wisal Khan duly verified by Khadim Jan. Appellant only converted Murasla in to FIR as per Law.
- i. That the authorities miserably failed to take the stance of appellant narrated in the Show Cause Notice and Charge Sheet but with closed eyes passed replies the impugned orders which are not only sustainable under the law but are against the rules.
- j. That former / first enquiry dated 28-02-2022 and subsequent enquiry dated 27-05-2022 created doubts in respect of punishments and then benefit of doubt shall go in favor of appellant and not to the department. He shall be exonerated from the base less charges.
- k. That no personal hearing was afforded to appellant so both the orders are not per the mandate of law rather based on mala fide and discrimination.

It is, therefore, most humbly prayed that on acceptance of the Revision / Mercy Petition, order dated 04-03-2022 and 23-06-2022 of the respondents be set aside and appellant be restored to the rank of Sub-Inspector with all consequential benefits.

Appellant


Irfan Khan S/O Jehangir Khan,
Ex Sub-Inspector / SHO,
Police Station Prang,
District Charsadda, Now
Assistant Sub-Inspector
FRP Hqrs: Peshawar
Cell No. 0336-8685582

Dated 05-07-2022



T 41

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.**

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by ASI Irfan Khan No. P/462 (the then SI).

The petitioner was awarded punishment of reduction in rank from SI to substantive rank of ASI by District Police Officer, Charsadda vide OB No. 265, dated 04.03.2022 on the allegations that he while posted as SHO Police Station Prang, Charsadda charged accused Racha Khan etc being irrelevant accused instead of accused Wasif s/o Mujahid r/o Sheikhan Abad Sardheri as nominated by complainant in case FIR No. 34, dated 17.01.2022 u/s 302/34-PPC Police Station Prang, Charsadda and favored accused Wasif for the reason best known to him. The deceased Mst: Fahmeeda submitted an application to the applicant wherein she had requested for taking legal action against accused Wasif as she feared that he would kill her but he did not bother to take any action and resultantly the murder took place and two (02) precious lives were lost. His appeal was rejected by Regional Police Officer, Mardan vide order Endst: No. 4389-92/ES, dated 23.06.2022.

Meeting of the Appellate Board was held on 10.11.2022, wherein the petitioner was present and heard in detail. During hearing, the officer admits that an application was submitted by the deceased against the accused however no action was taken. This fact was also overlooked during the registration of the case.

The appeal therefore is without merit and therefore rejected. However, as no period is specified, therefore, the Board decided that time period is hereby specified for two years in accordance to FR 29.

Sd/-

**MUHAMMAD ALI BABAKHEL, PSP
(UNPM, NSWC)**

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/ 2874-80 /22, dated Peshawar, the 25-11 /2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. Two service books, one Nauji Missal and one enquiry file of the above named appellant received vide your office Memo: No. 5783/ES, dated 30.08.2022 is returned herewith for your office record.
2. District Police Officer, Charsadda.
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. Office Supdt: E-III, CPO Peshawar.
7. Officer concerned.

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