

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 1715/2019

Date of Institution ... 09.12.2019

Date of Decision ... 16.03.2021

Atif Bangash S/O Farid Hussain Bangash Ex-S.I KDA Kohat. ... (Appellant)

VERSUSInspector General of Police, Khyber Pakhtunkhwa Peshawar and two others.
... (Respondents)Present.Syed Mudassir Pirzada,
Advocate.

... For appellant

Mr. Muhammad Rasheed,
Deputy District Attorney

... For respondents.

MR. HAMID FAROOQ DURRANI,
MR. MIAN MUHAMMAD... CHAIRMAN
... MEMBER(E)JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

1. On 02.10.2019, an order was passed by District Police Officer Kohat/respondent No. 3, whereby, a major punishment of dismissal from service was imposed upon the appellant with immediate effect. It was noted in the order that the appellant failed to register a case under section 302-PPC for the murder of Mst. Afroz Batool, and instead, initiated enquiry under section 174 Cr.PC, vide Daily Diary No. 11 dated 11.08.2019.

Departmental appeal was submitted against the order on 15.10.2019 which was rejected through order dated 14.11.2019. Aggrieved from both the orders, the appellant has preferred the appeal in hand on 09.12.2019.

2. We have heard learned counsel for the appellant, learned Deputy District Attorney on behalf of the respondents and have also perused the available record.

3. Learned counsel primarily contended that the departmental proceedings, taken up against the appellant, were not in accordance with the procedure provided under the law. The victim Mst. Afroz Batool died on 12.08.2019 while the appellant was suspended from service on 11.08.2019 and thereby was estopped to proceed with the investigation. He, therefore, could not anticipate the murder of victim beforehand. The departmental authority did not issue any show cause notice to the appellant while, reply to a notice in some other case, was made part of the record. Similarly, the opportunity of personal hearing was never extended to the appellant and he was proceeded against ex-parte without observing the rules. It was also the contention of learned counsel that complete postmortem examination of the body was not allowed by his relatives including her father and brother, therefore too, the cause of death could not be ascertained in time.

Learned DDA, while responding to the arguments from other side, contended that the appellant was duly issued charge sheet and statement of allegations on 04.09.2019, while the appellant also submitted reply to the show cause notice. The submission of the reply fully evidenced the participation of appellant in the departmental proceedings. It was further stated that the appellant deliberately and, in order to favour the accused, did not register the case under section 302-PPC at the proper time.

4. The allegations against the appellant have been recorded hereinabove which need not to be reproduced. The admitted and undeniable facts are that in the first instance the report, as agitated by the relatives of the

deceased, spoke of suicide by the victim and not her murder. The FIR u/s 302 PPC was recorded on 04.09.2019. It is also a fact that the victim breathed her last not on the day of occurrence but thereafter. It is claimed that the appellant was suspended from service on the relevant day, therefore, could not proceed with the supervision of case after the death of victim. It was also not denied by the respondents that the photographs of the dead body were not made part of the record, as alleged to have been taken at the time of "Ghusal" and funeral of the deceased.

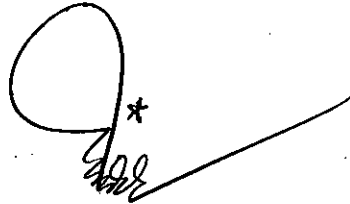
5. The record is also depictive of being a case of change of version to the murder of deceased after many days of occurrence through the statements of relatives recorded under section 164-Cr.P.C. The fixing of responsibility upon the appellant in that regard does not seem to have very firm foundation. It is to be remembered that the body of victim could not be subjected to complete/proper postmortem even after its exhumation after many days on 14.10.2019.

6. The respondents did not care to provide the enquiry report against the appellant while, on the other hand, his reply to show cause notice, submitted in another case was made part of the record for the reasons best known to the respondents.

7. As a conclusion to the above we are of the considered view that the appellant was put to major penalty without conducting departmental proceedings in accordance with law. The responsibility upon him was fixed without collecting and bringing on record sufficient material. Resultantly, the appeal in hand is allowed and the impugned orders are set aside. The appellant is reinstated into service, however, the respondents are at liberty to conduct denovo proceedings against him within ninety days from the

receipt of copy of instant judgment. Needless to note that he shall be extended full opportunity of defending his cause during the proceedings in accordance with law. The issue of back benefits shall be relatable to the outcome of denovo proceedings. Parties are left to bear their respective costs.

File be consigned to the record room.





(MIAN MUHAMMAD)
MEMBER(E)



(HAMID FAROOQ DURRANI)
CHAIRMAN

ANNOUNCED
16.03.2021

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	16.03.2021	<p><u>Present.</u></p> <p>Mr. Syed Mudassir Pirzada, ... For appellant Advocate</p> <p>Mr. Muhammad Rasheed, DDA with Arif Saleem, Steno ... For respondents.</p> <p>Vide our detailed judgment; the appeal in hand is allowed and the impugned orders are set aside. The appellant is reinstated into service, however, the respondents are at liberty to conduct denovo proceedings against him within ninety days from the receipt of copy of instant judgment. Needless to note that he shall be extended full opportunity of defending his cause during the proceedings in accordance with law. The issue of back benefits shall be relatable to the outcome of denovo proceedings. Parties are left to bear their respective costs.</p> <p>File be consigned to the record room.</p> <p style="text-align: center;">  (MIAN MUHAMMAD) Member(E) </p> <p style="text-align: right;">  CHAIRMAN </p> <p><u>ANNOUNCED</u> 16.03.2021</p>

27-12-2020


Due to summer vacation, case is adjourned to

16-03-2021 for the same as before.


Reader

24.06.2020

Clerk to counsel for the appellant present. Addl:AG alongwith Mr. M. Arif Saleem, Steno for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 11.08.2020 before S.B.



MEMBER

11.08.2020

Junior to counsel for the appellant and Addl. AG alongwith Arif Saleem, ASI for the respondents present.

Respondents have furnished parawise comments which are placed on record. The matter is assigned to D.B for arguments on 28.10.2020. The appellant may furnish rejoinder, within one month, if so advised.



Chairman

28.10.2020

Proper D.B is on Tour, therefore, the case is adjourned for the same on 29.12.2020 before D.B.



Reader

18.02.2020

Learned counsel for the appellant present.
Preliminary arguments heard.

The appellant (Ex-Sub Inspector) has filed the present service appeal against the order dated 02.20.2019 whereby major punishment of dismissal from service was imposed upon the appellant and against the order dated 14.11.2019 through which the departmental appeal of the appellant was rejected.

Submissions made by learned counsel for the appellant need consideration. The present service appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to the respondents for reply. To come up for written reply/comments on 01.04.2020 before S.B


Member

01.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 24.06.2020 for the same. To come up for the same as before S.B.


Reader


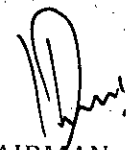

Deposited
Security & Process Fee
18/2/2020

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1715/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/12/2019	<p>The appeal of Mr. Atif Bangash presented today by Syed Mudassir Pirzada Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 09/12/19</p>
2-	10/12/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/01/20.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	08.01.2020	<p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel. To come up for preliminary hearing on 18.02.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 1715 2019

Atif Bangush S/o Farid Hussain Bangush.Ex-SI KDA Kohat

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

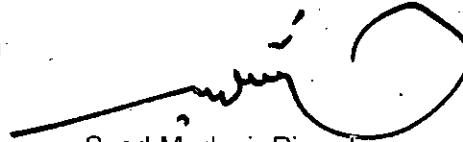
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Sr No	Description of Documents	Annexure	Page
1	Memo of Appeal		1-4
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4	Copy of impugned Order and charge sheet with reply and representation dated. <u>15-10-2019</u>	A	7-13
5	Copy of Rejection order dated:- <u>14-11-2019</u>	B	14
6	Copy of Affidavit of complainant & Medical Report	C	15-17
7	Copy of reply of DSP HQ Kohat .	D	18
	Wakalatnama		



Appellant

Through



Syed Mudasir Pirzada
Advocate HC
0345-9645854

Date 09 / 12 / 2019

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Atif Bangush S/o Farid Hussain Bangush Ex-SI KDA Kohat

Appeal No - 1715 / 2019

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1793

Dated 09/12/19

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 02-10-2019- VIDE OB-NO 1205 IN WHICH THE RESPONDENT NO:-3 WITHOUT THE AID OF ENQUIRY DIRECTLY AWARD THE MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WITH IMMEDIATE EFFECT THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION DATED 15-10-2019 BUT THE SAME WAS REJECTED ON 14-11-2019

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

1:- Briefly facts as per impugned order is that a murder of a women namely Mst. Afroz Batool took place and the appellant being SHO conducted enquiry u/s 174 CrPc vide DD No:- 11 dated 11.08.2019 instead of registration of case u/s 302 .

That the complainant (the father of the deceased were not authorizes to initiate any kind of criminal proceedings on the basis that the murder of the said women was of two-version case .

That the Husband and brother of the deceased women stated before registering the case that the deceased women committed suicide hence the legal representative / elders reduced all instance in writing that the suicide was committed but the complainant (the father of the deceased after burial of the deceased alleged that the daughter was murdered).

That the Zahoor IHC started enquiry u/s 157(i) on 11-08-2019 and the concern doctor refer the patient to LRH Peshawar for further medical assistant/treatment and on 12-08-2019 the patient was died and then return to KDA Hospital at 12:05AM and the appellant promptly reached to the hospital being a responsible officer and in case diary the said IHC entrusted enquiry to the appellant on 13-08-2019 and on the same day the appellant services was suspended and closed to line at 9:00am. and the department proceeded against the appellant without any cogent reason and blessed with the impugned order (Copy of Impugned order is annexed along with representation annexed as annexure A)

Registered
day

That the all matters were duly intimated to DSP HQ for further legal assistance and upon the guidelines of DSP HQ all the instance were reduced in writing on the spot but for unknown reason the appellant was dismissed.

That appellant was served with the charge sheet along with statement of allegation and the appellant had properly submitted his reply which was deliberately not consider nor discussed in impugned order and an ex-partly proceeding were conducted against the appellant.

That there is nothing is on the record which connect the appellant with the allegation nor proved and the appellant is blessed with impugned punishment which not warranted by law.

That an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation and ex-partly proceedings conducted against the appellant without probing held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).

That nothing has been proved beyond any shadow of doubt that the appellant has committed any misconduct or tarnished the image of Police department.

That there are numerous good entries in the service record of the appellant which could be verified but this fact has not been taken in consideration while awarding the major punishment which is against to the canon of justice.

That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective. Furthermore the requirements of rules regarding enquiry have not been observed while awarding the impugned punishment.

That the appellant feeling aggrieved from the impugned order prefer departmental representation which was not consider and the same was rejected on dated 14-11-2019(Copy of rejection order annexed as annexure B)

That the appellant dragged unnecessarily into litigation which is clearly mentioned in 2008 SCMR 725.

That while awarding the impugned major punishment the enquiry report has not been given to the appellant which is very much necessary as per 1991 PLC CS 706 & PLC 1991 584.

Grounds:

- a. That no enquiry has been conducted none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.

- b. That the appellant was neither intimidated nor informed by any source of medium regarding enquiry proceedings for any disciplinary action which shows bias on the part of respondents above even though the statement of the complainant on affidavit which was tender by complainant was also not consider regarding the actual crux but in vain (Copy of statement on affidavit along with Medical Report is annexed as annexure C)
- c. That the appellant was not heard in person nor called in orderly room and falsely mentioned in the impugned order that the appellant was called because the when the expertly proceedings were conducted then how could it possible that the appellant was heard and called for orderly room which does not appeal to a prudent mind .
- d. That in the same matter of appellant the DSP HQ was also came under enquiry and in departmental proceedings the said DSP HQ statement is self explanatory regarding the allegation but that fact was also not consider (Copy of reply of DSP HQ is annexed as annexure D)
- e. That as per the contents of allegation in the charge sheet and the impugned order a different with each other.
- f. That it is not ascertainable that what element had promoted the competent authority to award punishment to the appellant in hasty manner.
- g. That as per the constitution of Islamic Republic Of Pakistan clearly speaks about the fundamental rights that the fair and transparent enquiry is the right of any employee.
- h. That the punishment is harsh in nature and the appellant is vexed for undone single offence which is against the constitution of Islamic republic of Pakistan 1973.
- i. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.
- j. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- k. That the Respondent No-3 has acted whimsically and arbitrary, which is apparent from the impugned order.
- l. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- m. That the departmental enquiry was not conducted according to the rules.
- n. That the impugned order is outcome of surmises and conjecture.

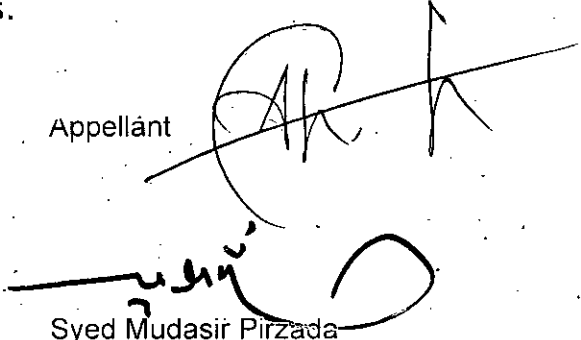
Pray:

In the view of above circumstances it is humbly prayed that the impugned order of Respondent No-3 dated 02-10-2019 Kohat may please be set aside for the end of justice and the appellatant may please be graciously re-instate in service with all back benefits.

Appellatant

Through

Date 09/12/2019


Syed Mudasiir Pirzada
Advocate HC
0345-9645854

Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client.

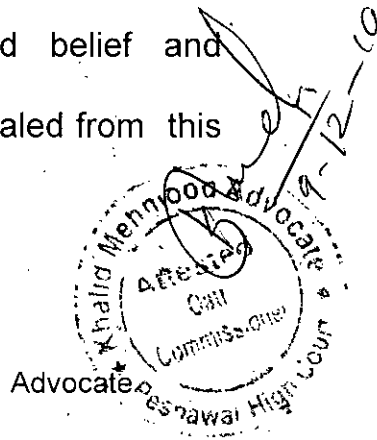
List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

Service Appeal _____ 2019

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Atif Bangush S/o Farid Hussain Bangush Ex-SI KDA Kohat

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

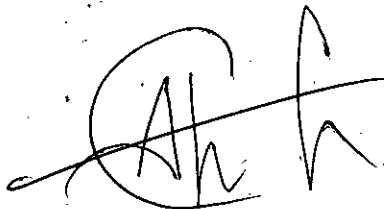
ADDRESS OF THE PARTIES

APPELLANT :-

Atif Bangush S/o Farid Hussain Bangush Ex-SI KDA Kohat

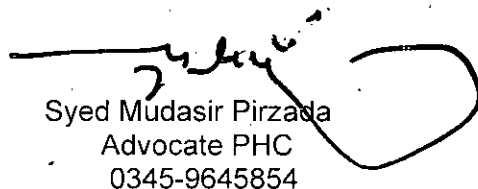
RESPONDENTS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.



Appellant

Through



Syed Mudasir Pirzada
Advocate PHC
0345-9645854

Date 09/12/2019



ORDER

This order will dispose of departmental proceedings conducted against ASI Atif Bangash, (hereinafter called **accused official**) of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts arising of the case are that murder of woman named Mst: Afroz Batool took place and the accused official being SHO responsible official initiated an enquiry u/s 174 CrPC vide DD No. 11 dated 11.09.2019 instead of registration of case u/s 302 PPC. Thus the accused official burked a heinous crime.

For the above, serious / professional misconduct of the accused official, charge sheet alongwith statement of allegations was served upon the accused official. SP Operations Kohat was appointed as enquiry officer to scrutinize the conduct of accused official. The accused official deliberately did not submit reply to the charge sheet to the enquiry officer within prescribed times. Hence ex-parte proceedings were conducted against him and the accused official was held guilty of the charges. ?

The accused official was heard in person in Orderly Room held on 01.10.2019 and afforded opportunity of defense but he failed to submit any plausible explanation.

Record gone through, which indicates that an incident of murder was taken place but the accused official instead of registration of case u/s 302 PPC, started an enquiry u/s 174 CrPC. From the above act of the appellant, murder of a woman was concealed deliberately by the accused official could injustice, embarrassment and gross professional misconduct, therefore, the charges leveled against the accused official have been established and held guilty of serious misconduct. |||

Therefore, in exercise of powers conferred upon me under the ibid rules I, Capt. @ Wahid Mehmood, District Police Officer, Kohat impose a major punishment of **dismissal** from service on accused ASI Atif Bangash with immediate effect. Kit etc issued be collected.

Announced
01.10.2019

DISTRICT POLICE OFFICER,
KOHAT *Wahid Mehmood*

Attested
[Signature]

OB No. 1205
Dated 02-10-2019

No. 27057-61 /PA dated Kohat the 02-10 2019.
Copy of above is submitted for favour of information to the:-
1. Regional Police Officer, Kohat please
2. SDPO HQrs /L.O for necessary action
3. Reader/Pay officer/SRC/OHC for necessary action.

DISTRICT POLICE OFFICER,
KOHAT *Wahid Mehmood*



Office of the
District Police Officer,
Kohat

Dated 04/09/2019

No 1707 S-76/P/A

8

CHARGE SHEET.

1. CAPT MO WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you ASI Atif Bangash the then SHO PS KDA rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. You while posted as SHO PS KDA has produced a video by a woman regarding the wounded marks on the dead body of deceased Mst: Afroz Batool before her funeral ceremony.
- ii. You started an enquiry U/S 174 CrPC vide DD No. 11 dated 11.08.2019 instead of registration of proper case U/S 302 PPC and also failed to send the dead body for postmortem.
- iii. You concealed the real facts from your seniors for your personal gain which is your inefficiency and professional gross misconduct on your part.

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

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

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

4. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER,
KOHAT

Attested
[Signature]

دستور العمل کی عملیت یا بددی سے متعلقہ



Office of the
District Police Officer,
Kohat

No. 17075-76/PA

Dated 04-9-2019

9

DISCIPLINARY ACTION

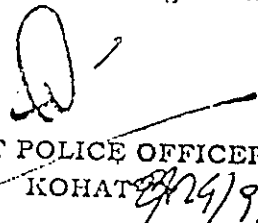
I, **CAPT (M) WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **ASI Atif Bangash the then SHO PS KDA** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. You while posted as SHO PS KDA has produced a video by a woman regarding the wounded marks on the dead body of deceased Mst. Afroz Batool before her funeral ceremony.
- ii. You started an enquiry U/S 174 CrPC vide DD No. 11 dated 11.08.2019 instead of registration of proper case U/S 302 PPC and also failed to send the dead body for postmortem.
- iii. You concealed the real facts from your seniors for your personal gain which is your inefficiency and professional gross misconduct on your part.

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

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

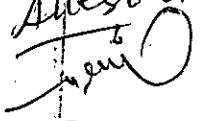

DISTRICT POLICE OFFICER,
KOHAT

No. 17075-76/PA, dated 04-9-2019.

Copy of above to:-

1. **SP Operations, Kohat**- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.

2. The **Accused Officer**- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

Attested


Handwritten notes at the bottom of the page.

یہ کہ جو الزامات من ASI پر بطریق خارج شیٹ لگانے کے ہیں
 بلکل کے بنیاد پر جس میں کوئی حقیقت نہ ہے۔

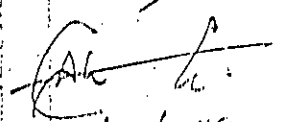
1 = یہ کہ متصفیت مقدمہ باء لہ نمبر 299 جو ریف 19/11/1999 لکھنؤ 202/2017
 تعانہ K.O.A جن کے بیان سے اس مقدمہ پر شیٹ لگانا واجب ہے۔
 جس میں متصفیت مقدمہ کا کہہ لیا گیا ہے جس میں اس امر کی
 وضاحت کرتا ہے کہ من اذکار ایڈمیشن (رہنوی) میں کسی قسم کی عفت
 نہیں لگتی

2 = یہ کہ من ASI ایک زعم دار اور ماتحت افسر ہے۔ اور مطابق حالات و واقعات
 قانون کے دائرے میں ریفکٹ جانوں کی منشا کے مطابق حسب ضابطہ کاروائی
 عمل میں لائی ہے۔ اور ناقابل طور پر حالت و واقعات کے تناظر میں مذکور
 مقدمہ درج کیا گیا ہے۔

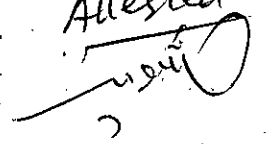
3 = یہ کہ من ASI نے جہ عتاق مقدمہ باذیادہ طور پر ایڈمیشن بالذلیعی
 DSP صدر ڈائریکٹری (تلم میں) لاکر حسب پدایت جہ کاروائی عمل میں لائے
 مندرکے حالات و واقعات کے تحت قانونی توجہ لے کر پورے لئے ہیں
 اور کسی قسم کے کوئی عمل متعلقہ نہیں ہے۔

4 = یہ کہ من ASI کا منصفیت مقدمہ اور رہنوی ملزمان مقدمہ کے کسی قسم کا
 کوئی اغراض مقاصد نہ ہے۔ جس سے پہلی بنیاد پر من ASI کو خارج شیٹ جاری
 کی گئی

لہذا اس پر عاھیکہ مذکورہ خارج شیٹ کو قابل کرنے کے حکامات صادر فرمائے جائے


 ASI/PP/SUC

محمد عارف احمد

Attested


(11)

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION
KOHAT.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER OF DPO KOHAT VIDE OB NO 1205 DATED 02-10-2019 IN WHICH THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM THE SERVICE WITH IMMEDIATE EFFECT WITHOUT FOLLOWING THE PRESCRIBE RULE AS WELL AS WITHOUT ANY LAW FUL JUSTIFICATION.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

1:-Briefly facts as per impugned order is that a murder of a women namely Mst. Afroz Batool took place and the appellant being SHO conducted enquiry u/s 174 CrPc vide DD No:- 11 dated 11.08.2019 instead of registration of case u/s 302 .

That the complainant (the father of the deceased were not authorizes to initiate any kind of criminal proceedings on the basis that the murder of the said women was of two version case .(Copy of statement along with affidavate is annexed)

That the Husband and brother of the deceased women stated before registering the case that the deceased women committed suicide hence the legal representative / elders reduced all instance in writing that the suicide was committed but the complainant (the father of the deceased after burial of the deceased alleged that the daughter was murdered).

That the Zahoor IHC started enquiry u/s 157(i) on 11-08-2019 and the concern doctor refer the patient to LRH Peshawar for further medical assistant/treatment and on 12-08-2019 the patient was died and then return to KDA Hospital at 12:05AM and the appellant promptly reached to the hospital being a responsible officer and in case diary the said IHC entrusted enquiry to the appellant on 13-08-2019 and on the same day the appellant services was suspended and closed to line at 9:00am.and the department proceeded against the appellant without any cogent reason and blessed with the impugned order (Copy of Impugned order is annexed.)

That the all matters were duly intimated to DSP HQ for further legal assistance and upon the guidelines of DSP HQ all the instance were reduced in writing on the spot but for unknown reason the appellant was dismissed.

That appellant was served with the charge sheet along with statement of allegation and the appellant had properly submitted his reply which was deliberately not consider nor discussed in impugned order and an ex-partly proceeding were conducted against the appellant.

Attested
[Signature]

That there is nothing is on the record which connect the appellant with the allegation nor proved and the appellant is blessed with impugned punishment which not warranted by law.

That an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation and ex-parte proceedings conducted against the appellant without probing held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).

That nothing has been proved beyond any shadow of doubt that the appellant has committed any misconduct or tarnished the image of Police department.

That there are numerous good entries in the service record of the appellant which could be verified but this fact has not been taken in consideration while awarding the major punishment which is against to the canon of justice.

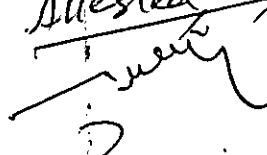
That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective. Furthermore the requirements of rules regarding enquiry have not been observed while awarding the impugned punishment.

That the appellant dragged unnecessarily into litigation which is clearly mentioned in 2008 SCMR 725.

That while awarding the impugned major punishment the enquiry report has not been given to the appellant which is very much necessary as per 1991 PLC CS 706 & PLC 1991 584.

Grounds:

- a. That no enquiry has been conducted none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.
- b. That the appellant was neither intimated nor informed by any source of medium regarding enquiry proceedings for any disciplinary action which shows bias on the part of quarter concern.
- c. That the appellant was not heard in person nor called in orderly room and falsely mentioned in the impugned order that the appellant was called because the when the expertly proceedings were conducted then how could it possible that the appellant was heard and called for orderly room which does not appeal to a prudent mind .
- d. That as per the contents of allegation in the show cause notice and the impugned order a different with each other.

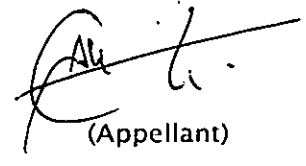
Attested


- e. That it is not ascertainable that what element had promoted the competent authority to award punishment to the appellant in hasty manner.
- f. That as per the constitution of Islamic Republic Of Pakistan clearly speaks about the fundamental rights that the fair and transparent enquiry is the right of any employee.
- g. That the punishment is harsh in nature and the appellant is vexed for undone single offence which is against the constitution of Islamic republic of Pakistan 1973.
- h. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.
- i. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- j. That the DPO Kohat has acted whimsically and arbitrary, which is apparent from the impugned order.
- k. That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- l. That the departmental enquiry was not conducted according to the rules.
- m. That the impugned order is outcome of surmises and conjecture.

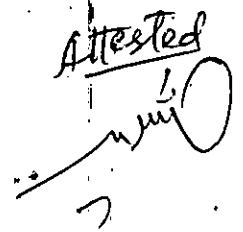
Pray:

In the view of above circumstances it is humbly prayed that the impugned order of DPO date 02-10-2019 Kohat may please be set aside for the end of justice and the appellant may please be graciously re-instate in service with all back benefits.

Date: 15/10/2019


(Appellant)

Muhammad Atif Bangush
(Ex- ASI Kohat.

Attested


F 660 - 16/19
13

Annexure B
P-14

POLICE DEPTT:

KOHAT REGION

ORDER:

This order will dispose of a departmental appeal, moved by Ex-ASI Atif Bangash of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1205, dated 02.10.2019 whereby he was awarded major punishment of dismissal from service.

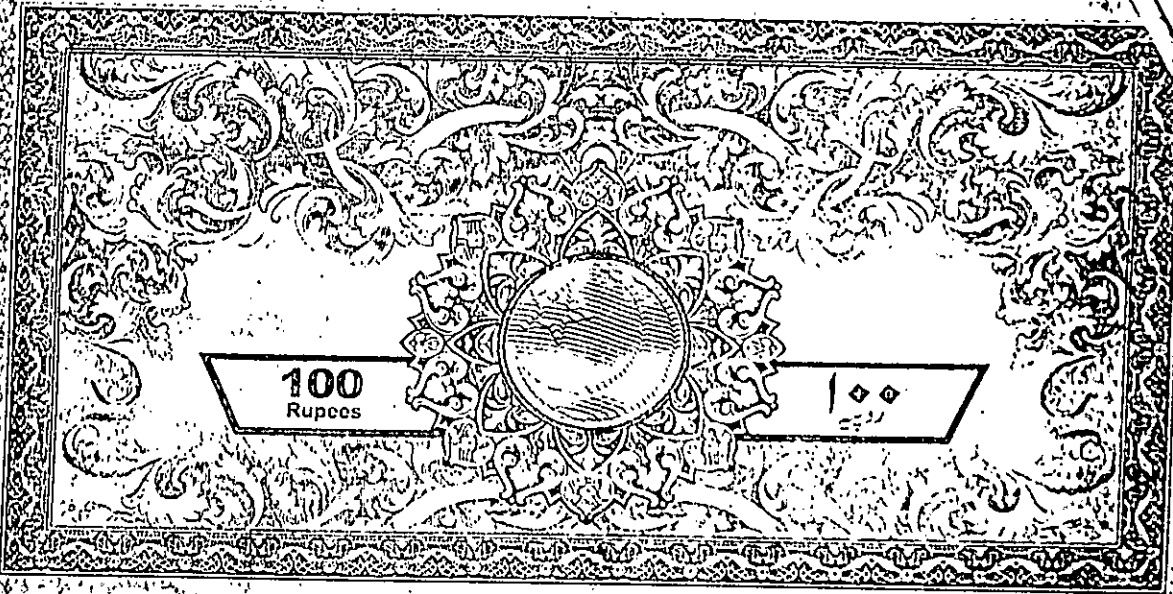
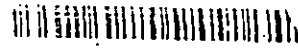
Facts are that on 11.08.2019 a deceased named Afroz Batool was brought at KDA Hospital Kohat wherein it was allegedly reported that the deceased Lady has committed suicide. The appellant just initiated an enquiry within the meaning of 174-CrPc while it was the case of murder. Subsequently, father and brother of the deceased lady recorded their statements and charged the alleged complainant named Nasir Hussain husband of the deceased and his father Syed Iftikhar Hussain Shah for murder of Mst: Afroz Batool. Hence, a case vide FIR No. 299, dated 04.09.2019 U/Ss 302, 201, 203 PPC was registered against the above named persons. On perusal of FIR, it was ascertained that the appellant being SHO had hidden the facts and did not lodge FIR instead of clear cut murder.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held on 14.11.2019. During hearing, he did not advance any plausible explanation in his defense to prove his innocence and just move forwarded lame excuses.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O in his findings. Therefore, his appeal being devoid of merits is hereby rejected.

**Order Announced
14.11.2019**

Attested
[Signature]



بیانِ حلیہ

۱۔ خلفاً بیان کیا کہ سن ۱۹۹۹ء میں مدعیہ سید واحد علی شاہ واریدہ عظیم علی شاہ
سکاٹہ خاندان کی گورنری کا ریٹائرمنٹ ہوئی اور ایک دفعہ

عدالت ۲۹۹۹ء کی طرف سے ۱۹/۰۹/۱۹۹۹ء کی جرم ۳۵۲/۲۵۱/۲۵۹ سے کٹا کر KDA میں
منتقل ہوئی۔

۲۔ خلفاً بیان کیا کہ جنسٹریٹ سہ ماہی فیروز پورل جگوتیزاب پورل
مختل کیا گیا تھا اور موضع پر مقامی پولیس SHO بھی موجود تھے۔

جنہوں نے سن ۱۹۹۹ء میں اصل حقائق کی جانچ کیلئے نوٹس نام
کرائے کیلئے بار بار اسرار کیا کہ علوفہ کا پوسٹ مارٹم کروانا

ضروری ہے۔ لیکن بوجہ شرم سٹورٹ اور گھر پر واقعہ کی
بنیاد پر موضع پر مقامی پولیس SHO کو منع کیا اور اسی بات

سن ۱۹۹۹ء میں سید کناہت علی شاہ واریدہ واحد
علی شاہ اس ضمن میں جماعتوں کی طرف سے گورنری طور پر بیان ملینڈ کے

دیا۔ جو کہ سچ ہے۔ اور ڈاکٹری رپورٹ بھی موجود ہے کہ
اس بات کی تائید کرتا ہے کہ منتقلی عدلیہ، دیگر اداروں کی

قسم کا پوسٹ مارٹم نہیں کرنا چاہئے۔

۳۔ یہ کہ مقدمہ ہذا میں SHO کی غفلت یا بددیہتی شامل نہیں ہے

خلفاً بیان کیا کہ فیروز پورل جگوتیزاب پورل اور بیگم شاہ
۱۴۵۰۱۹۲۲۷۹۳-۵
۱۳۴۶-۵۵۶۶۸۸۳
واحد علی شاہ
Attested
[Signature]

MASOOD ALI BANGASH
STAMP VENDER
DISTT COURTS KOHAT

دستور العمل سے متعلقہ کارڈ اور صورت

110
13/09/2019

راہ دیکھائی



KOHAT TREASURY
03 SEP 2019
KOHAT

Date: 13 Aug 2019 Time: 12:36am
Victim name: Afroz Bibi Age: 28yrs
Case of suicide poisoning All death on

next day
Dead body were brought by Police and
Syed Fikhar Hussain (father in law)
They discuss (Relatives) i.e. Police SHO
Atif & also discuss a DSP Simsha Khan
that their relative refuse autopsy
& Police handed this report to
to write on it that their attendance
is not willing for this & their relative
write on it to refuse autopsy CMO
RHC

Zaid ad
P.S. D.D. -
IHC
استند و یادگار مستور
پولیس سٹیشن
14301-216 P 653-1
0311 2984585
14301-216 P 653-1
0312 4628008

Attested
[Signature]

مکتوبہ امروزہ کی زینت ہے۔ یہ سید صاحب نے لکھا ہے۔ اس میں
 ایک کراچی کی سیر کی ہے۔ یہ سید صاحب نے لکھا ہے۔ اس میں
 ایک کراچی کی سیر کی ہے۔ یہ سید صاحب نے لکھا ہے۔ اس میں
 ایک کراچی کی سیر کی ہے۔ یہ سید صاحب نے لکھا ہے۔ اس میں

7/11/13
 111e-PS-KDA
 13-68-19

سید صاحب نے لکھا ہے۔ اس میں ایک کراچی کی سیر کی ہے۔

14301-4878471-3
 14301-3235534-5
 0315-0530805

سید صاحب نے لکھا ہے۔ اس میں ایک کراچی کی سیر کی ہے۔

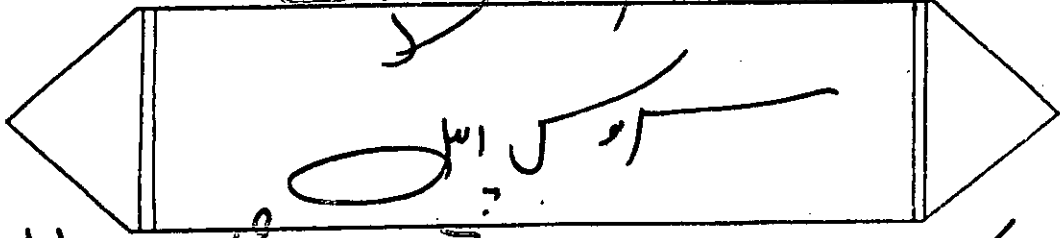
14301-3235534-5
 0346-9775661

سید صاحب نے لکھا ہے۔ اس میں ایک کراچی کی سیر کی ہے۔

14301-6369445-3
 0334 8819196

Attested
 [Signature]

بعدالت اس کو کہ رو بولے شہاد



2019ء منجانب اعلیٰ عدالت
بنام
P
etc

عاطفہ نیلسن
اعلیٰ عدالت

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام شہاد کیلئے سعدورت سے ادو لیس / ڈیو لیس / ڈیو لیس
مقرر 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 تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 9
ماہ دسمبر 2019ء

وہ العبد
بمقام شہاد
کے لئے منظور ہے

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No: 1715/2019
Atif Bangash Ex-SI

.....Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, & others

..... Respondents

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S #	Description of documents	Annexure	pages
1.	Parawise comments	-	1-3
2.	Copy of FIR No. 299/2019 PS KDA	A	4
3.	Copy of revision order	B	5
4.	Copy of DD No. 11 dated 11.08.2019	-	6
5.	Affidavit	-	7


Deponent

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

Service Appeal No. 1715/2019
Atif Bangash Ex-SI

.....Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, & others

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectively Sheweth:-

Parawise comments on behalf of Respondents are submitted as under:-

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. That the appellant has got no locus standi.
- iii. That the appeal is not maintainable in the present form.
- iv. That the appellant is estopped to file the present appeal for his own act.
- v. That the appellant has not come with clean hands to this Honorable Tribunal.
- vi. That the appellant was dismissed from the rank of Assistant Sub Inspector while, the appellant prayed for reinstatement in the rank of sub inspector, hence the appeal is bad in eyes of law.

On Facts:-

The appellant has admitted that a murder was taken place but instead of lodging of FIR, the appellant had initiated an inquiry u/s 174 CrPC vide daily diary No. 11 dated 11.08.2019. Thus the appellant had committed a gross professional misconduct.

The appellant had willfully exhibited non professionalism in a heinous / cognizable offence.

The appellant did not bother to lodge report from father of the deceased and an inquiry was initiated on the report of Syed Nasir Hussain husband of the deceased, who alongwith others was nominated as accused vide FIR No. 299 dated 04.09.2019 u/Ss 302, 201, 203, 34 PPC PS KDA, Kohat. Copy is **annexure A**.

The appellant being immediate supervisory officer of Police station was responsible to lodge FIR, but the appellant badly failed to register FIR and initiated an inquiry u/s 174 CrPC. The act of appellant amounts to professional misconduct. Therefore, departmental proceedings were initiated against the appellant under the relevant rules.

Incorrect, the appellant willfully concealed the facts from his seniors.

As submitted in para No. 4 of the facts, departmental proceedings were initiated against the appellant and the appellant was served with charge sheet along with statement of allegation, to which the appellant filed reply but found unsatisfactory by the respondent No. 3 (competent authority). Furthermore, all codal formalities were fulfilled during the course of departmental proceedings under the law.

Incorrect, the charge / allegation was established against the appellant beyond any shadow of doubt

Incorrect, the appellant was associated with departmental proceedings and afforded ample opportunity of defense but the appellant failed to submit any plausible explanation to the charge / allegation leveled against him. Furthermore, the proceedings were conducted against the appellant in accordance with the relevant rules.

Incorrect, the charge / allegations leveled against the appellant was established beyond any shadow of doubt.

Incorrect, the appellant was reverted from the rank of officiating sub inspector to the rank of Assistant sub inspector in another misconduct, against which the appellant had not filed any departmental or service appeal before the concerned forum. Copy of reversion order is **annexure B**.

Incorrect, reply is submitted in para No. 8 of the facts.

The departmental appeal / representation of the appellant was processed by respondent No. 2 and correctly rejected being devoid of merits.

Incorrect, the appellant was proceeded with departmentally / awarded punishment for his own act, regarding case law referred in this para, it is submitted that each case has its own facts and merits.

Incorrect, the requisite documents were provided to the appellant by respondent No. 3, reply to the remaining para is submitted in para No. 13.


On Grounds.

- a. Incorrect, the departmental inquiry was conducted against the appellant in accordance with the relevant rules and the charge / allegation leveled against the appellant was proved.
- b. Incorrect, the appellant was served with charge sheet / show cause notice to which the appellant submitted replies, joined the proceedings and heard in person by respondents No. 2 & 3.
- c. Incorrect, as submitted in above para, the appellant was heard in person by respondent No. 2 & 3, but the appellant failed to advance any plausible explanation / defense.
- d. Para No. d of the appeal is not relevant to the appeal of appellant, hence no comments.

- e. Incorrect, the impugned order passed by respondent No. 3 is a speaking one.
- f. Incorrect, the appellant was taken to task under the relevant law for his own conduct.
- g. Incorrect, the appellant was proceeded with departmentally under the relevant rules and no fundamental right of the appellant was violated.
- h. Incorrect, the appellant had committed a gross professional misconduct which was established against the appellant.
- i. Incorrect.
- j. Incorrect, the appellant was proceeded with departmentally in accordance with the relevant rules and all codal formalities were fulfilled during the course of proceedings.
- k. Incorrect, reply is submitted in the above paras.
- l. Incorrect, the respondent No. 3 had passed a legal and speaking order based on inquiry proceedings and evidence available on record.
- m. Incorrect, reply is submitted in the above paras.
- n. Incorrect, reply is submitted in the above paras.

In view of above, it is prayed that the appeal may graciously be dismissed.


Regional Police Officer,
Kohat, Region
(Respondent No. 2)


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


District Police Officer,
Kohat
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1715/2019
Atif Bangash Ex-SI

.....Appellant

VERSUS

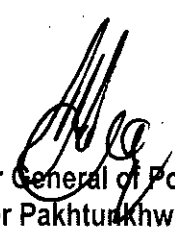
Inspector General of Police,
Khyber Pakhtunkhwa, & others

..... Respondents

COUNTER AFFIDAVIT

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


Regional Police Officer,
Kohat, Region
(Respondent No. 2)

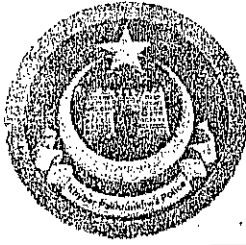

Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 3)

انچارج جھانگ حسب اطلاع MDA جھنگ ایئر اسٹیشن روم میں مہر مہر
ی بی نوکلر سیدنا سعید و عشرہ سید و اولاد علیہ السلام پھر 29/09/99 سال 1930
سینئر آفیسر 10 1999 سے بدوشی کے واقعات کے وقوع پزیر ہوا۔ فائدہ
سیدنا سعید اولاد سید اختر و کھنہ روم ششما فنی کارڈ نمبر 07171599
مرد باقیوں نمبر 24 59411 0333 وقوع پزیر۔ وقت مقدمہ فائدہ آئین سیدنا سعید
یوں دلچسپی لے کر اپنے اہل و عیال کو گھبرایا مسائل پر بیوی آدم کے
ساتھ شہزادی ملگرا سید اختر و سعید بیوی آدم کی بہنیں مہر مہر
نظامہ رختراں سید و اولاد علیہ السلام مکتبہ خلیفہ ترمذی پھارے پھر آئی اور نیا پیم
دینرو بہنیں مہر مہر سعید بیوی کو اپنے گھر اپنے ساتھ لے جاتے ہیں
بات پر بیوی آدم کی بہنوں کے ساتھ وقت و پھر بیوی آدم کے جانے
کے بعد بیوی آدم و دشمن روم چاکر گھبرایا۔ گلچنے کی آواز میں
آئی جب ہمیں دشمن روم آ رہا تھا بیوی آدم کی حالت تیرب تہی
اور اس کے ساتھ تیزوں کی توہین پھر تھی ہے مہر مہر عدولت
ہیں ہے 'سعید بیوی آدم نے تیزوں سے کہا کہ یا کوئی احد زہریلی تھی پی
ہے عدولت بیوی آدم کو روم چاکر مکتبہ خلیفہ ترمذی پھارے پھر بیوی آدم
تیزوں یا زہریلی تھی پی میں کسی دوسرے کا عمل نقل نہیں ہے اور
انہوں نے عدولت و عدولت کسی تیزوں کیوں جانتے اور شرط پھر تھی
کا روم میں جس کا گھر سائل روم چاکر پھر پھر سنا یا سنا یا
گنا و سنا گیا کہ زہریلی عدولت تیزوں کی تھی ہی جہد میں عدولت
آئی ہیں تیزوں کا گھر سنا گیا کہ زہریلی تیزوں تیزوں میں جہد میں عدولت
تیزی پھر سنا گیا ہے روم میں عدولت تیزوں کا گھر سنا گیا کہ زہریلی
روم شروع ہی جانی ہے عدولت تیزوں اندر روم روزانہ عدولت تیزوں
جہد عالی نقل مکتبہ خلیفہ ترمذی پھارے

MDA
IPSKDA
4-9-019

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حرف الف یا ب سرخ روشنائی سے بالحق
ایک ملزم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایسیا یا افغانستان جہاں موزوں ہوں لکھنا چاہئے۔



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

Annexure "B" 5

ORDER

This order is passed on the departmental enquiry against Offg: SI Muhammad Atif Bangash under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that the accused official was served with Show Cause Notice under the rules ibid as under:-

i. In wake of prevailing situation and foolproof security arrangements during events of Eid Ul Adha all officers/officials were directed to remain on duty and all kind of leaves were banned during the Eid days till further orders as per approved leave plan.

ii. That despite the lawful orders he willfully violated the lawful orders and on query / information he was not available in his area of responsibility, found in his house and called for duty.

iii. That his area of responsibility is most sensitive in view of location of vital installations / offices, posh residential area and residence of high dignitaries and there was apprehension of any untoward incident. Thus he has violated the lawful orders, exhibited disinterest in discharge of duty and seized inefficient.

Reply to the Show Cause Notice received, but found unsatisfactory. Therefore, the accused official was called for personal hearing on 16.08.2019. He was heard patiently, but failed to advance any plausible explanation to his misconduct. However, Offg: SI Muhammad Atif Bangash placed under suspension is hereby re-instated in service from the date of suspension dated 13.08.2019.

In view of above, I, reached to the conclusion that the accused official willfully violated the lawful orders and left his place of posting on a special occasion which could cause any untoward incident in his area of responsibility. The accused official having rank of Offg: Sub Inspector and found inefficient. Therefore, I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me dispensed with general proceedings and Offg: SI Muhammad Atif Bangash is reverted from the rank of Offg: SI to Substantive rank of ASI with immediate effect and he is found unfit for any independent task.

Announced
16.08.2019

DISTRICT POLICE OFFICER,
KOHAT

OB No. 1019
Date 16-08-2019

No 9978-82/PA dated Kohat the 16-8-2019.

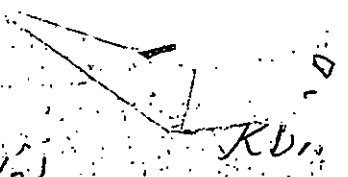
Copy of above to the Regional Police Officer, Kohat for favour of information please.

2. District Account Officer, Kohat
3. Reader/P.O/SRC/OHC for necessary action.

DISTRICT POLICE OFFICER,
KOHAT

گواہت

تعمیر ۱۱ روز مابقی قیام ۱۱/۸



۳۶

ریورٹ نمبر اندراج ۱۱/۸ فوراً ۱۵:۱۵ بجے اس وقت اس کی کاپی

ریورٹ نمبر اندراج روزنامہ قیام طلبہ اعلیٰ ۱۱/۸ فوٹو کٹر جو درج ذیل ہے۔

ریورٹ نمبر اندراج روزنامہ قیام قیام ۱۱/۸ وقت ۱۴:۲۵ بجے تاریخ وقت

ریورٹ ۱۱/۸ وقت ۱۴:۴۵ بجے قیام قیام واقعہ ۱۱/۸ سکٹر KDA ۱۰

انسپیکشن قیام قیام KDA ہسپتال آیا۔ ایئر کنٹریکٹ میں صماہ

اصول کی رو سے سید ناصر دھرم سید واہد علی شاہ بعد ۲۸ سال سکونہ خاں

میں سکٹر KDA ۱۰ کی موجودگی کے حالات میں موجود یا کٹر ہمراہ فاونڈیشن

ناصر ولد سید اشفاق سکونہ رسی آرم سفاقتی کارڈ نمبر ۱۴۳۰۶-۰۷۶۶۱۵۹۹

صوبائی نمبر ۵۸۶۱۱۲۴-۵۸۳۳ موجود یا کٹر کفایتی فاونڈیشن سکونہ ناصر ولد

کریا کے (کامل) فوراً ۱۰/۸ کو گورنر پو مسائل سے سوی آرم کے ساتھ لکھی گئی

ہوا تھا۔ آفسر سوی آرم کی ایئر کنٹریکٹ صماہ آفسر عظیمہ فاطمہ دفتر ان سکونہ

علی شاہ سکونہ خاں سکونہ خاں اور کھانا کھانے میں ایئر کنٹریکٹ صماہ اور

کے گورنر کے ساتھ کے ساتھ ہیں۔ اس بات سے سوی آرم کی ایئر کنٹریکٹ

تکرار ہوئی ان کے ساتھ کے ساتھ سوی آرم دائرہ حاکم کٹر کٹر دیر بعد صماہ

آئی۔ جس میں دائرہ حاکم آیا۔ کٹر سوی آرم کی حالت خراب تھی۔

ساتھ سکونہ کی ٹوٹل ہوئی تھی۔ جس سے وہ سب معلومات نہیں ہے۔

سوی آرم کی کاپی اور دیگر کاپی سے یہاں فوراً سوی آرم علیٰ معالجہ کی خاطر KDA

سوی آرم سکونہ یا سکونہ کی کاپی سے اس کے ساتھ کاپی کے ساتھ

سے کسی کے خلاف دعویٰ درج کرنا ہوگی۔ اوپر لکھی گئی صورتوں کے ساتھ

کارروائی ہوگی جس کے ساتھ سکونہ کے ساتھ سکونہ کے ساتھ سکونہ کے ساتھ

گیا درج سے سکونہ کے ساتھ سکونہ کے ساتھ سکونہ کے ساتھ سکونہ کے ساتھ

تعمیر کرنا ہے۔ اس کے ساتھ سکونہ کے ساتھ سکونہ کے ساتھ سکونہ کے ساتھ

حوالہ کمیٹی ڈائری صاحب کی جانب سے رپورٹ میں اصل صحافتی مضمون کے نام
انکوائری کا 157 شروع کی گئی ہے۔ رپورٹ میں اندراج اور نام ارسال
کئے ہیں۔ رپورٹ میں اندراج اور نام صرف درج کیا گیا ہے نقل
اور نام کے ساتھ نقل رپورٹ اصل اور نام کے ساتھ نقل کی گئی

صناعت عالی

نقل صحافتی اصل ہے

~~MMPSKDA~~

11-8-19

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1715/2019
Atif Bangash Ex-SI

.....Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, & others

..... Respondents

INDEX

S #	Description of documents	Annexure	pages
1.	Parawise comments	-	1-3
2.	Copy of FIR No. 299/2019 PS KDA	A	4
3.	Copy of revision order	B	5
4.	Copy of DD No. 11 dated 11.08.2019	-	6
5.	Affidavit	-	7


Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1715/2019

Atif Bangash Ex-SI

.....Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa, & others

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectively Sheweth:-

Parawise comments on behalf of Respondents are submitted as under:-

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. That the appellant has got no locus standi.
- iii. That the appeal is not maintainable in the present form.
- iv. That the appellant is estopped to file the present appeal for his own act.
- v. That the appellant has not come with clean hands to this Honorable Tribunal.
- vi. That the appellant was dismissed from the rank of Assistant Sub Inspector while, the appellant prayed for reinstatement in the rank of sub inspector, hence the appeal is bad in eyes of law.

On Facts:-

The appellant has admitted that a murder was taken place but instead of lodging of FIR, the appellant had initiated an inquiry u/s 174 CrPC vide daily diary No. 11 dated 11.08.2019. Thus the appellant had committed a gross professional misconduct.

The appellant had willfully exhibited non professionalism in a heinous / cognizable offence.

The appellant did not bother to lodge report from father of the deceased and an inquiry was initiated on the report of Syed Nasir Hussain husband of the deceased, who alongwith others was nominated as accused vide FIR No. 299 dated 04.09.2019 u/Ss 302, 201, 203, 34 PPC PS KDA, Kohat. Copy is **annexure A**.

The appellant being immediate supervisory officer of Police station was responsible to lodge FIR, but the appellant badly failed to register FIR and initiated an inquiry u/s 174 CrPC. The act of appellant amounts to professional misconduct. Therefore, departmental proceedings were initiated against the appellant under the relevant rules.

Incorrect, the appellant willfully concealed the facts from his seniors.

As submitted in para No. 4 of the facts, departmental proceedings were initiated against the appellant and the appellant was served with charge sheet alongwith statement of allegation, to which the appellant filed reply but found unsatisfactory by the respondent No. 3 (competent authority). Furthermore, all codal formalities were fulfilled during the course of departmental proceedings under the law.

Incorrect, the charge / allegation was established against the appellant beyond any shadow of doubt

Incorrect, the appellant was associated with departmental proceedings and afforded ample opportunity of defense but the appellant failed to submit any plausible explanation to the charge / allegation leveled against him. Furthermore, the proceedings were conducted against the appellant in accordance with the relevant rules.

Incorrect, the charge / allegations leveled against the appellant was established beyond any shadow of doubt.

Incorrect, the appellant was reverted from the rank of officiating sub inspector to the rank of Assistant sub inspector in another misconduct, against which the appellant had not filed any departmental or service appeal before the concerned forum. Copy of reversion order is **annexure B**.

Incorrect, reply is submitted in para No. 8 of the facts.

The departmental appeal / representation of the appellant was processed by respondent No. 2 and correctly rejected being devoid of merits.

Incorrect, the appellant was proceeded with departmentally / awarded punishment for his own act, regarding case law referred in this para, it is submitted that each case has its own facts and merits.

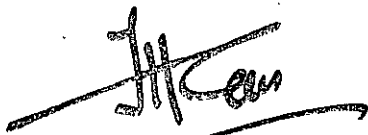
Incorrect, the requisite documents were provided to the appellant by respondent No. 3, reply to the remaining para is submitted in para No. 13.

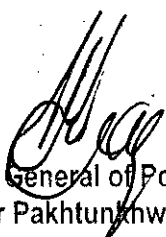
On Grounds.

- a. Incorrect, the departmental inquiry was conducted against the appellant in accordance with the relevant rules and the charge / allegation leveled against the appellant was proved.
- b. Incorrect, the appellant was served with charge sheet / show cause notice to which the appellant submitted replies, joined the proceedings and heard in person by respondents No. 2 & 3.
- c. Incorrect, as submitted in above para, the appellant was heard in person by respondent No, 2 & 3, but the appellant failed to advance any plausible explanation / defense.
- d. Para No. d of the appeal is not relevant to the appeal of appellant, hence no comments.

- e. Incorrect, the impugned order passed by respondent No. 3 is a speaking one.
- f. Incorrect, the appellant was taken to task under the relevant law for his own conduct.
- g. Incorrect, the appellant was proceeded with departmentally under the relevant rules and no fundamental right of the appellant was violated.
- h. Incorrect, the appellant had committed a gross professional misconduct which was established against the appellant.
- i. Incorrect.
- j. Incorrect, the appellant was proceeded with departmentally in accordance with the relevant rules and all codal formalities were fulfilled during the course of proceedings.
- k. Incorrect, reply is submitted in the above paras.
- l. Incorrect, the respondent No. 3 had passed a legal and speaking order based on inquiry proceedings and evidence available on record.
- m. Incorrect, reply is submitted in the above paras.
- n. Incorrect, reply is submitted in the above paras.

In view of above, it is prayed that the appeal may graciously be dismissed.


Regional Police Officer,
Kohat, Region
(Respondent No. 2)


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


District Police Officer,
Kohat
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1715/2019
Atif Bangash Ex-SI

.....Appellant

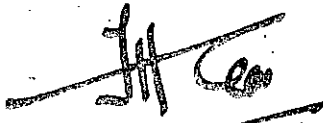
VERSUS


Inspector General of Police,
Khyber Pakhtunkhwa, & others

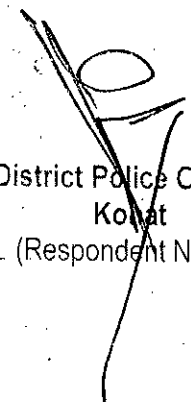
..... Respondents

COUNTER AFFIDAVIT

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


Regional Police Officer,
Kohat, Region
(Respondent No. 2)


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


District Police Officer,
Kohat
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1715/2019
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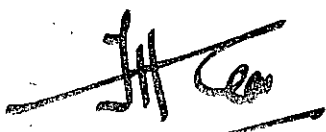
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(Respondent No. 2)


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Khyber Pakhtunkhwa,
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 3)



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

Annexure "B"

ORDER

This order is passed on the departmental enquiry against Offg: SI Muhammad Atif Bangash under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that the accused official was served with Show Cause Notice under the rules ibid as under:-

i. In wake of prevailing situation and foolproof security arrangements during events of Eid Ul Adha all officers/officials were directed to remain on duty and all kind of leaves were banned during the Eid days till further orders as per approved leave plan.

ii. That despite the lawful orders he willfully violated the lawful orders and on query / information he was not available in his area of responsibility, found in his house and called for duty.

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In view of above, I, reached to the conclusion that the accused official willfully violated the lawful orders and left his place of posting on a special occasion which could cause any untoward incident in his area of responsibility. The accused official having rank of Offg: Sub Inspector and found inefficient. Therefore, I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me dispensed with general proceedings and Offg: SI Muhammad Atif Bangash is reverted from the rank of Offg: SI to Substantive rank of ASI with immediate effect and he is found unfit for any independent task.

Announced
16.08.2019

DISTRICT POLICE OFFICER,
KOHAT

OB No. 1019
Date 16-08-2019
No. 9978-82/PA dated Kohat the 16-8-2019.

Copy of above to the Regional Police Officer, Kohat for favour of information please.

2. District Account Officer, Kohat
3. Reader/P.O/SRC/OHC for necessary action.

DISTRICT POLICE OFFICER,
KOHAT

خواجہ کبیر صاحب کی جانی ہے۔ رپورٹ میں اصل حقائق معلوم کر کے
رنگو اٹھریں، 157 شروع کی جانی ہے۔ رپورٹ میں اندراج اور ناچر ارسال
تھکانے ہے۔ رپورٹ میں اندراج اور ناچر صرف درج الاپیور نقل
رہز ناچر کے ساتھ نقل رپورٹ اصل اصل اور ناچر کے ساتھ نقل کی جانی

صنات عالی

نقل مطلق اصل ہے

~~MMPSKDA~~

11-8-13

Before The Honorable KPK Service Tribunal
Peshawar.

Put up to the court
with relevant appⁿ service Appeal 1715-12019

~~Atif Bangush~~ 13/11/2021 v/s IGP etc.
Respd^t.

~~Reader~~
(Appellant)

Be laid before DB
along with the appeal on
the date already fixed.
13/11/21

Application for Correction/Amendment in
above subject Service appeal.

R/sheweth,

The appellant states as Under.

- i) That the instant service appeal of appellant is pending adjudication before the honorable tribunal.
- ii) That in the head note of the appeal due to clerical mistakes SI has been mentioned instead of ASI-
- iii) That the above clerical mistake is not deliberate but due to computer typing clerical mistake.
- iv) That the appellant's beg to correct the clerical mistakes and if the correction is not allowed the appellant version for justice shall be badly suffered.

Therefore the application may graciously be allowed to submit the amended appeal.

Dt:-

Appellant
through S. Mudasir Pizada AWE.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 578 /ST Dated 25/03/2021


To

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

Subject: **JUDGMENT IN APPEAL NO. 1715/2019, MR. ATIF BANGASH.
MUHAMMAD.**

I am directed to forward herewith a certified copy of Judgement dated 16.03.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

ممبرانہ نمبر 153

15/6/11
ممبرانہ نمبر 153
آر آر بلاک
سی ایم

فارم نمبر 23-15

ابتدائی اطلاعی رپورٹ

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

ضلع		10
تاریخ		KDA
1-	تاریخ و وقت رپورٹ	299
2-	نام و سکونت اطلاع دہندہ	8 519 11 عقیقت 20:14:20
3-	مشرک کیفیت جرم (موردہ واقعہ)	9 14:14:20 ع حالہ بندی 19:04 وقت 14:20:14
4-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	سید وارث شاہ شاہ جیل سید محمود شاہ سہ ماہی فادرزئی
5-	نام و سکونت ملزم	253, 251, 352
6-	کارروائی جو تحقیق کے متعلق کی گئی اگر اطلاع درج کرنے میں تاخیر ہو تو وجہ بیان کریں	کمزور ممبرانہ جانف کلوب از مٹھانہ ساکنان نما
7-	تھانہ سے روانگی کی تاریخ و وقت	سید وارث شاہ شاہ جیل سید محمود شاہ سہ ماہی فادرزئی

ابتدائی اطلاع نیچے درج کرو۔
گورنمنٹ پولیس ایڈوائزنگ آفس، لاہور

خیابان عالی - محلہ مدینہ 11 روز نامہ (8)
KDA عین ملزم سید ناصر حسین شاہ ولد سید افتخار حسین سہ ماہی فادرزئی حالی محلہ آرا
نے زمین زدوم آتش مساجد آنروز شوال آخر سردوار گلر شاہ سہ ماہی فادرزئی کی بائیں
ایورٹ درج کی تھا کہ زوجہ آتش نے زہر میں تینروں بی آر خود کشی سے جو
ایورٹ پر ایملوانی 176 اسی وقت شروع کر کے دوران ایملوانی حثوقہ ایملروز سندھ
والد آتش شفقت بالا اور تھائی حسین شاہ نے زبردفعہ 152، 153، 154 اور 155 کی
سنگری سبان حسب ضابطہ ایملوانی کی کہ مسلمان سید افتخار حسین ولد سید
شاہ علی آقا م ولد ناصر حسین ولد سید افتخار حسین نے قتل و سہ ماہی فادرزئی سہ ماہی
سردوار زہریلی تیز زب اور کشتہ گردی میں سے کسی ایورٹ میں خود کشی
کی ہے اور ملزم نجیبانہ کو مستحق ہے جسے سزاوت کی رویت میں مقدمہ
دریادہ کیسٹ فادرزئی ایملوانی کے قتل کے ایملوانی میں اور گورنمنٹ ایملوانی کے ایملوانی
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OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry against Offg: SI Muhammad Atif Bangash under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that the accused official was served with Show Cause Notice under the rules ibid as under:-

i. In wake of prevailing situation and foolproof security arrangements during events of Eid Ul Adha all officers/officials were directed to remain on duty and all kind of leaves were banned during the Eid days till further orders as per approved leave plan.

ii. That despite the lawful orders he willfully violated the lawful orders and on query / information he was not available in his area of responsibility, found in his house and called for duty.

iii. That his area of responsibility is most sensitive in view of location of vital installations / offices, posh residential area and residence of high dignitaries and there was apprehension of any untoward incident. Thus he has violated the lawful orders, exhibited disinterest in discharge of duty and seized inefficient.

Reply to the Show Cause Notice received, but found unsatisfactory. Therefore, the accused official was called for personal hearing on 16.08.2019. He was heard patiently, but failed to advance any plausible explanation to his misconduct. However, Offg: SI Muhammad Atif Bangash placed under suspension is hereby re-instated in service from the date of suspension dated 13.08.2019.

In view of above, I, reached to the conclusion that the accused official willfully violated the lawful orders and left his place of posting on a special occasion which could cause any untoward incident in his area of responsibility. The accused official having rank of Offg: Sub Inspector and found inefficient. Therefore, I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me dispensed with general proceedings and Offg: SI Muhammad Atif Bangash is reverted from the rank of Offg: SI to Substantive rank of ASI with immediate effect and he is found unfit for any independent task.

Announced
16.08.2019

DISTRICT POLICE OFFICER,
KOHAT

OB No. 1019
Date 16-08-2019
No 9978-82/PA dated Kohat the 16-8-2019.

Copy of above to the Regional Police Officer, Kohat for favour of information please.

2. District Account Officer, Kohat
3. Reader/P.O/SRC/OHC for necessary action.

DISTRICT POLICE OFFICER,
KOHAT

گواہت

تعداد روز فارغ ہوئے 8/11

KDA

ریپورٹ نمبر اندراج MHC مورف 8/11 وقت 15:15 بجے اس وقت اس کی کاپی

ریپورٹ نمبر اندراج روزنامہ خانب ظہو اعلیٰ 14 موصول ہو کر جو درج ذیل ہے۔

ریپورٹ نمبر اندراج روزنامہ کجا مورف وقت وقوع 8/11 وقت 20:14 بجے تاریخ وقت

ریپورٹ 8/11 وقت 14:45 بجے واقع وقوع خان قلع واقع سکٹر 10 KDA

اسے انجارج تھا جسے اطلاع KDA ہسپتال آیا۔ اسے کسی نام سے سما

اسے روح لی جا رہی تھی ناصرو دھتر سید و احمد علی شاہ بعد 28 سال سکونہ خان

سکٹر 1 سکٹر 10 KDA کے موشی کے حالت میں موجود یا کمر ہمراہ فاونڈیشن

ناصر ولد سید اشکار سکونہ رہی آج سفارشی کارڈ نمبر 143040771599

سوائل نمبر 5941124-5333 موجود یا کمر تھا فونڈیشن فاونڈیشن ناصرو دھتر

کریا کے (لاکھ) مورف 8/11 کو گورنر یو مسائل سے سوئی آج کے ساٹھ گھنٹے

ہوا تھا۔ آفسر سے سوئی آج کی نہیں سما آفسر عظیم دفتر ان سید

علی شاہ سکونہ خان بزرگ ہماری گھر آئی اور کہا آج ہی نہیں سما آف

کے گورنر سے ساٹھ کے خان ہیں۔ اس بات سے سوئی آج کی نہیں

تکرار ہوئی ان کے خان کے بعد سوئی آج دائیں روح جا کر کچھ دیر بعد

آئی۔ جس میں دائیں روح آیا۔ دیکھا سوئی آج کی حالت خراب تھی۔

ساتھ تھیران کی ہوٹل بٹری تھی۔ جس سے دست معلومات نہیں ہے۔ سوئی آ

جیسا کہ گواہ اور دیگر بھی ہے یہاں سے سوئی آج علی معالج کی خاطر KDA

سوئی آج تھیران یا زہر بھی ہے جس سے کسی دوسرے کا عمل دخل نہیں ہے

سے کسی کے خلاف دعویٰ درج کرنا نہیں۔ اوپر نکلے حادثے کے ساتھ انگریز

کارروائی ہوئی جس کے ساتھ اوپر درج ہوا ہے سب سے

گیا درست قسم کے اوپر اوپر خود دستخط انگریز تھیران کی جس کو

تعداد کرنا نہیں۔ کا نقشہ ضرور تھیران کے دستخط کے ساتھ

حوالہ کیٹیڈی ڈاکٹر صاحب کی جاتی ہے۔ رپورٹ میں اصل حقائق معلوم کر عام
انکو ایشیہ لانا 15.7 شروع کی جاتی ہے۔ رپورٹ میں اندراج اور تاجر ارسال
تھان ہے۔ رپورٹ میں اندراج اور تاجر خرف برضف درج الا ہو کر نقل
اور تاجر کے ساتھ نقل رپورٹ اصل اصل اور تاجر کے ساتھ نقل کی جاتی
ہے۔

صنعت عالی

نقل حقائق اصل ہے

~~MMPSKDA~~

MMPSKDA

11-8-12

بیان فیہ رقم CRPc164 اور آف سید واجد علیہ السلام ولد سید محمد حسین

حفاظت کے ناموں کے تحت ام فوئیہ افروز بتوں کے نام سے ناچہ سید ولد سید افکار حسین سکنہ علی زئی طالع KDA برصاری

جو کہ گھوٹو ناچاقی کی بنا پر معافیات سید افکار حسین ولد سید شاہ گلہ افکار سید ناچہ حسین ولد سید افکار حسین سکنہ علی زئی طالع KDA

میں مکمل تسلی فیصلے ہوئی ہے۔ کہ معافیات مذکورہ بالا کے تحت ام پر زبردستی تسد اور زبردستی تسد اور زبردستی تسد

م کی طرف واقع ہوئی ہے۔ جس سے دختہ ام پر زبردستی تسد اور زبردستی تسد اور زبردستی تسد

سُن کہ درست تسلیم کیا

Mohammad Rehan Samad
Judicial Magistrate - 1, Kohat

MOD - JMI - KOHAT

سید واجد علیہ السلام ولد سید محمد حسین خان زئی

14301 1922 743-5
0315 4472272

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بیانہ از طرف سید حسن علی شاہ ولد سید واجد علی شاہ زبردست
CRPC 164

حفاظت کے لئے کہنا سہولت کہ پیشہ ام غنویہ افروز بیگم کے
مصری سیدنا حسین ولد سید افتخار حسین مکانہ علوانی حال KDA پر
سنا دیا گیا تھا۔ چونکہ سیدنا خواجہ ام شمس KDA کو صحت سے
بے بس پڑ گیا تھا کہ گھبرایا نا چاہی کہ بناء پر حفاظت سے افتخار
حسین ولد سید شاہ گل ام رسنا حسین ولد سید افتخار حسین مکانہ
علوانی حال KDA کے پیشہ ام پڑ گئے کہ زبردستی زبردستی
تبدیل پلائی ہے۔ اور اب جو مکمل لیبلی تبدیل ہوئی ہے کہ
حفاظت مذکورہ بالا کے پیشہ ام پڑ گئے زبردستی لیبلی کے
زبردستی تبدیلی پلائی ہے۔ حیت سے پیشہ ام کی موت واقع
ہوئی ہے۔ حیت سے پیشہ ام پڑ گئے اور زبردستی زبردستی تبدیلی
پلائی اور مکمل کرنے کا درخواستوں پر حیدرآباد کے

سزا کے درست تسلیم کیا
16

Muhammad Khan Samad
Judicial Magistrate - 1, Kohat
MOD - JMI - KOHAT

امام سید حسن علی شاہ ولد واجد علی شاہ کے خادین
14301 - 3235439-5
0346 5566683-

رپورٹ مرگ غیر طبعی بذریعہ تشدد

KDA تقاضہ

موزنہ 12-8-19

رپورٹ مرگ نمبر

<p>سکر 18 KDA</p>	<p>(۱) نام مقام جہاں مرگ واقع ہوئی یا نعش برآمد ہوئی۔ (کھول کے بیان کرو)</p>
	<p>(۲) فاصلہ و سمیت اس مقام سے جس کے علاقہ میں مرگ وقوع میں آئی یا نعش برآمد ہوئی۔</p>
	<p>(۳) وقوع موت کے معلوم ہونے کی تاریخ اور وقت۔</p>
<p>① سید سجاد علی ولد سید شمس الدین گڑھی حادری 14301-3-889-889 ② سید کاظمی ولد سید اولیٰ گڑھی حادری 14301-2169653-1</p>	<p>(۴) نام و ولایت و سکونت و زیادہ اشخاص کی جو نعش کی شناخت کریں کہ نعش مذکور شخص متذکرہ رپورٹ کی ہے۔ ذوٹ رشتہ داران متوفی یا دو معزز گواہان شناخت اگر ممکن ہوتو حاصل کرنے چاہئیں۔</p>
<p>احمد علی بی بی زوجہ سید نام دھڑ سید علی بی بی گڑھی حادری</p>	<p>(۵) نام و ولایت و قومیت و سکونت و حیثیت متوفی۔</p>
<p>28/29 سال</p>	<p>(۶) عمر - مرد یا عورت -</p>
<p>18</p>	<p>(۷) حالات پارچہ جات پر شنیدنی و زیورات وغیرہ اور نشانات اس امر کے کہ آیا اشتیاق مذکورہ کو زبردستی سے اتاری گئی ہیں۔ یا خون یا کسی اور چیز سے آلودہ ہونے کے نشانات۔ نوٹ:- اگر صاحب سول سرجن یا دیگر طبی نعش کے امتحان کیلئے انتظار ہو تو کیفیت مذکورہ بالا جہاں تک معائنہ ہو سکے گا۔ بلا چوبیسے تاریخ دے کسی کپڑے کے درج کر دی جائے اور اس صورت میں کیفیت مذکورہ کو صاحب موصوف کے امتحان نعش کے بعد مکمل کر دینا چاہیے۔</p>
<p>نہیں</p>	<p>(۸) وضع اعضاء و چشم و دہن</p>
<p>رود</p>	<p>(۹) چہرہ کا لہو -</p>
<p>Nil</p>	<p>(۱۰) مزیات نشانات تشدد جو نعش پر موجود ہوں زخم و خراشیں ان کا موقع و طول و عرض تحریر کرنا چاہیے۔ نوٹ:- گہرائی درج کرو زخموں میں کوئی چیز چھونا منع ہے۔ اگر صاحب سول سرجن یا دیگر افسر طبی کے نعش کے امتحان کے لیے آنے کا انتظام ہو تو کیفیت مذکورہ صاحب موصوف کے امتحان کے بعد ہی کھائے</p>
<p>Nil</p>	<p>(۱۱) خون رقیق ہے یا منجمد کس جگہ سے نکلا اور کس قدر نکلا۔</p>
	<p>(۱۲) کس طریق پر مذکورہ اسلحہ یا آلت سے نشانات ضرب یا تشدد مذکور لگائے ہوئے ہیں۔</p>
	<p>(۱۳) کیا کوئی رشی یا دیگر شے گردن میں بندھی ہوئی تھی یا گردن پر کسی شے کے باندھے کا نشان ہے؟</p>

<p>(۱۳) کیا یہ رتس یا رنگتے گلا گھونٹنے کے واسطے استعمال کی گئی تھی۔ یا اگر بدن کو اس سے لٹکا یا گیا تھا تو اس قدر مضبوط ہے کہ اسے سہاڑ سکی ہوگی۔ اس کا دروازہ یا سر اوپر سے ہلکے کیساتھ اور کسی طرح بندھا گیا تھا۔</p>	
<p>(۱۵) کیا کوئی شے خارجی مثلاً گھاس بھوس وغیرہ بالوں میں تھی یا ستونی کی مٹی میں پکڑی ہوئی تھی یا نقش کے کسی جز میں لگی ہوئی تھی۔</p>	
<p>(۱۶) کیا نقش کسی موٹے تار سے اور کاتورت سے نہیں کی ہے یا اور ضعیف۔</p>	<p>گاہرہ -</p>
<p>(۱۷) کیا وہ مضبوط ہے یا لاغر ہے یا سٹری ہوئی ہے۔</p>	
<p>(۱۸) طول سے پانچ تک۔</p>	<p>55</p>
<p>(۱۹) نشانہ شہادت خط و حال و زمانا ہائے زخم و ضرب و غیرہ کا موقع و شکل صورت</p>	
<p>(۲۰) ماسبری باعث مرگ۔</p>	<p>گہرا سے ہے۔</p>
<p>(۲۱) کیا کوئی ایسے حالات موجود ہیں یا افراد ماری ہے جس سے معلوم ہو کہ ستونی سے خود کشی کی۔</p>	

تشریح ہر ایک شے جو نقش یا اس کے نزدیک دستیاب ہو۔

<p>(۲۲) جو نقش پر واقع دستیاب ہوں ہر ایک شے پر پرچی لگا کر مہر لگائی جائیگی جو نقش کے ساتھ لگی ہوئی چھپی گئی۔ جو علیحدہ پولندہ میں چھپی گئی۔</p>	<p>(۲۳) جو نقش کے نزدیک دستیاب ہو ہر ایک شے پر پرچی لگا کر مہر لگائی جائیگی۔</p>
--	--

الفاظ کتندہ مہر جو اوپر لگائی گئی۔

(۲۴) نقشہ خسرو اس مقام کا جہاں نقش دستیاب ہوئی۔

منقصر حالات مُقدمه

لغنه قفوي

سكنى كسبى دنگر 3000 KDA حصيدال
 ونداء افروج جى زولم سدا نام دفتر سدا و جده اعلى 28/2
 سكه حال نبرا سكه 10 KDA كوحاط جوك بندو كيم بنگر اسه
 حالت بنگر بون بر حصيدال 1000 كسدا و من زير علاج جى - جو
 بدوراه علاج و دنگر قوج بنگر جن كالفنه قفوي سدا كوك سدا كوك
 سدا حفاظت كسبى كسبى 1133 حوالم كسبى دنگر سدا كسبى

19

Zama
 1100 (PS) KDA
 12-8-04

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11430-6369445-3
 03418841196

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1572

Date: 13 Aug 2019 Time: 12:36am
 Victim name: Afroz Bibi Age: 28yrs
 Case of suicide poisoning All death on
 next day
 Dead body were brought by police and
 syed iftikhar hussain (father in law)
 They discuss (Relatives) & Police SHO
 Atif & also discuss & DSP Sanobar Khan
 that their relative refuse autopsy
 & police handed this report to me
 to write on it that their attended
 is not willing for that & their relative
 write on it to refuse autopsy CMO
 SHO

Zail 09
 PSKDA
 IHC

دستخط اور تفتیش
 دستخط دو یا زیادہ معزز سائبان
 14301-2169653-1
 0312 9628088
 14301-2169653-1
 0312 9628088

4

V - MUSCLES, BONES, JOINTS.

Injury	Disease or Deformity.	Fracture.	
Duties of body			

26

VI REMARKS BY MEDICAL OFFICER.

Exhumation done. Samples taken from body :-

- 1- Soil from grave yard
- 2- Soil along grave
- 3- Soil inside grave
- 4- Hair Sample
- 5- Nail Sample - last digit
- 6- Sample from stomach
- 7- Sample from intestine
- 8- Liver Sample
- 9- Sample from lung + used of milk
- 10 - vaginal Swab

Samples handed over to police for forensic + chemical examination. No obvious fracture on naked eye & clinical examination. The body could not be transported to hospital for X-rays as it was disallowed by Magistrate Rehan.

Report of F.S. Lab shows no spermatozoa & Hcg detected. Probable time that elapsed -

(a) between injury and death;

(b) Between death and Post-Mortem.

Between death and Exhumation: 18 days

Signature: 29/8/19

Station: KANAI

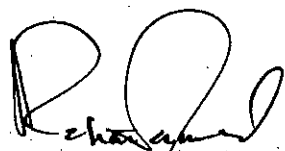
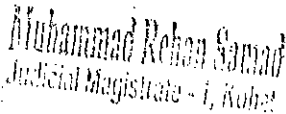
Date: 29/8/19

Signature & Designation of Medical Officer.

Signature: 29/8/19
 WHO
 DHA
 KDA
 Kohat

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF JUDICIAL MAGISTRATE-I, KOHAT

Serial No. of Order of Proceedings	Date of order or Proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties or counsel where necessary
ORDER # 01	28.08.2019	<p>MAD # 11 Dated: 11.08.2019</p> <p>Instant application submitted by the investigation officer namely Zahoor IIC for exhumation of the deceased Afroz Batool before the court of Hon'ble Additional District & Sessions Judge-I, Kohat, which was entrusted to this court for disposal as per law.</p> <p>The instant application being genuine stands allowed. The exhumation is to be conducted on Thursday i.e. 29.08.2019 at 01:00 O'clock at Khadezai graveyard. The MS DHQ KDA Kohat is directed to form a medical team including a lady doctor for the purpose to be present on the spot at the relevant date and time. The I/O concerned alongwith the SHO of PS KDA are directed to make the necessary arrangements on the spot. Furthermore, father of deceased is directed to be present on the spot for the purpose of identification.</p> <p>A copy of this order be sent to MS DHQ KDA, TMA Kohat and SHO concerned for compliance and a copy also sent to Hon'ble the District & Sessions Judge, Kohat for information.</p> <p>ANNOUNCED: 28.08.2019</p> <p> (Muhammad Rehan Samad) Judicial Magistrate-I, Kohat</p> <p></p>

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وَلَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَتَكْتُمُوا الْحَقَّ وَأَنْتُمْ تَعْلَمُونَ
اور صحیح کو بھٹ کے ساتھ گمراہ نہ کرو۔ اور جان بوجھ کر حق بات کو چھپاؤ (القرآن)

DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY
KHYBER MEDICAL COLLEGE, PESHAWAR

(Admissible as evidence under section 510 of the Code of Criminal Procedure)

In the case of Afroz Balool

- I hereby certify that I received by hand a packet from SHO of P.S KDA Kohat alleged to have been dispatched by him/her on the 22nd of Sep 2019 referred to in his office No Mad # 11 Dated 11-8-2019 and received by me on the 2-9-2019
- The packet consisted of two parcels was sealed with a seal bearing the impression of the invoice here on to attached. And reached me with 03 seals intact. each

The contents of the packet were as follows:-

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- (a) Soil from Grave
 - (b) Hair, Nail, Stomach contents
 - (c) Stomach Piece
 - (d) Intestine Piece
 - (e) Liver Piece
 - (f) Tongue Piece, vaginal swabs

- The above seals were opened in my presence and the contents of the packet were duly examined by me remaining under my immediate custody until the examination was completed.
- The material / samples I was led to examine for were Chemical / Semen analysis

ASSISTANT CHEMICAL EXAMINER
(BIOCHEMIST)

- The result was as follows:-

(1) Swabs are negative for semen / Spermatozoa
 (2) The above mentioned specimens are negative for poisons / drugs listed below.

5. Note:-

- (i) This report is being issued without any cutting/eraser or over writings.
- (ii) For the tests performed to reach the above mentioned results kindly see overleaf.
- (iii) Any report without embossing mark is not genuine.

No. 1164 /FM/KMC/2019
KMC, Peshawar.
Chemical examiner office:

The 14-10-2019 200
Enclosures:-

THE EVIDENCE WILL BE DISCARDED
AFTER SIX (06) MONTHS UNLESS
COLLECTED BY SUBMITTING AUTHORITY

1. GENERAL ALKALOIDS:-

Heroin _____
 Morphine _____
 Cannabinol _____
 Atropine _____
 Hyoscine _____
 Strychnine _____
 Brucine _____

2. VOLATILE POISONS:-

Ethyl Alcohol _____
 Methyl alcohol _____
 Hydrocyanic acid _____
 Formaldehyde _____
 Phenols _____
 Organophosphates _____
 Chlorinated hydrocarbons _____

ALCOHOL ANALYSIS REPORT:

Potassiumdichromate Test _____
 Sulphomolybdate Test _____
 Ethylbenzoate Test _____

SEMEN ANALYSIS:-

Berberio's Test. _____
 Florence's Test _____
 Of Spermatozoa. Negative

3. METALLIC POISONS:-

Arsenic _____
 Mercury _____
 Lead _____
 Copper _____
 Silver _____
 Tranquillizer _____
 Barbiturates _____
 Hypnotics _____
 Sedatives _____
 Chloral Hydrates _____