

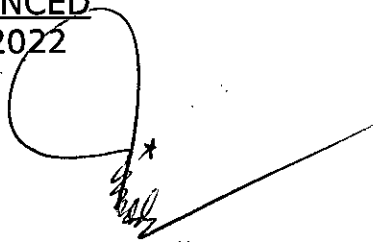
Service Appeal No. 97/2019 , Gul Muhammad vs Govt

ORDER
05.01.2022

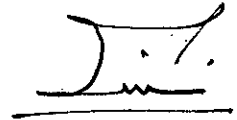
Appellant alongwith his counsel namely Mr. Imdad Ullah, Advocate, present. Mr. Ali Rehman, Sub-Inspector (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and submitted record of the inquiry proceedings consisting of 16 sheets, which are placed on file and copy of the same handed over to learned counsel for the appellant. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of Service Appeal bearing No. 96/2019 titled "Umar Hayat Versus The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and two others", the instant appeal is accepted and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
05.01.2022



(Mian Muhammad)
Member (Executive)
Camp Court Swat



(Salah-ud-Din)
Member (Judicial)
Camp Court Swat

07.10.2021

Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Khawas Khan Inspector (Legal) for respondents present

Learned Members of the DBA are observing Sogh over the demise of Qazi Imdadullah Advocate and in this regard request for adjournment was made; allowed. To come up for arguments before the D.B on 09.12.2021 at Camp Court, Swat.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, Swat



(Rozina Rehman)
Member (J)
Camp Court, Swat

09.12.2021


Counsel for appellant present.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

In order to prepare the brief, learned counsel for appellant requested for adjournment. Request is accorded and case is adjourned. To come up for arguments on ~~06.01~~ 06.01.2022 before D.B at Camp Court, Swat.



(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat

6.01.2021

Due to COVID 19, the case is adjourned to
3 .03.2021 for the same as before.


Reader

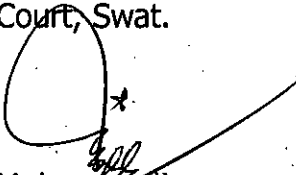
03.03.2021


Appellant present through counsel.

Riaz Khan Pindakheil learned Assistant Advocate General
alongwith Khawas Khan S.I for respondents present.

Counsel for appellant was ready for arguments but in the
meanwhile, it came to the notice of this Bench that complete
record in respect of inquiry proceedings is not available,
therefore, representative of respondents is directed to make
sure the availability of entire record before date.

Adjourned to 07/06/2021 for arguments, before D.B
at Camp Court, Swat.


(Mian Muhammad)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat

Due to covid, 19 the case is
adjourned to 7/10/21



Reader

04.11.2020

Appellant in person present.

Muhammad Jan learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 06.01.2021 for arguments, before D.B at Camp Court Swat.

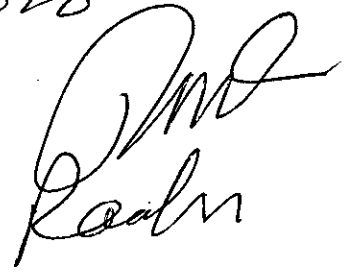


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat

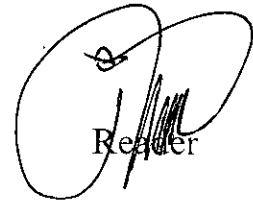


(Rozina Rehman)
Member (J)
Camp Court, Swat

Due to corona virus tour
to camp court Swat has been
cancelled. To come up for the
same on - 3-06-2020


Judge

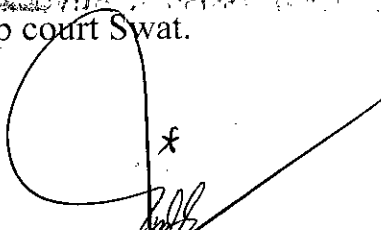
03.06.2020 Due to Covid-19, the case is adjourned. To come up for the
same on 06.08.2020, at camp court Swat.

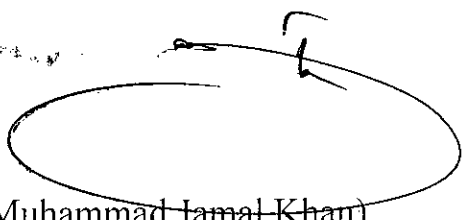

Judge

06.10.2020 Appellant is present in person. Mr. Usman Ghani,
District Attorney alongwith Mr. Khawas Khan, SI for
respondents present.

Arguments could not be heard due to strike of the District
Bar Association, Swat.

Adjourned to 04.11.2020 for arguments before D.B at
camp court Swat.

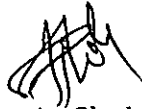

(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member
Camp Court Swat

Appeal No. 96/2019

08.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Ishaq, Head Constable for the respondents present. Appellant requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 03.03.2020 for further proceedings/arguments before D.B at Camp Court Swat.



(Hussain Shah)
Member
Camp Court Swat



(M. Amin Khan Kundi)
Member
Camp Court Swat

03.03.2020

Learned counsel for the appellant present. Mr. Riaz Paindakhel learned Assistant Advocate General alongwith Mr. Khawas Khan S.I for the respondents present. Learned Assistant Advocate General requested for adjournment. Adjourn. To come up for arguments on 04.03.2020 before D.B. at Camp Court Swat.



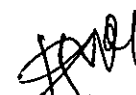
Member



Member
Camp Court Swat

04.03.2020

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Hussain Ali Litigation Officer ~~Mr. Riaz Paindakhel learned Assistant Advocate General present.~~ Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 08.04.2020 before D.B at Camp Court, Swat.




Member




Member
Camp Court, Swat.

08.10.2019

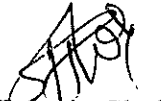
Counsel for the appellant and Mian Amir Qadir, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 05.11.2019 for arguments before D.B at Camp Court Swat.



(Hussain Shah)
Member
Camp Court Swat


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

05.11.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Sikandar Shah, Reader to DSP (Legal) for the respondents present. Learned Assistant Advocate General requested for requisition of record of case FIR No. 1123 dated 17.09.2018 and case FIR No. 1126 dated 19.09.2018 available with the respondent department. Representative of the department present in the court is directed to furnish the ^{copy of} said record on the next date positively. Case to come up for record and arguments on 04.12.2019 before D.B at Camp Court Swat.



(Hussain Shah)
Member
Camp Court Swat


(M. Amin Khan Kundi)
Member
Camp Court Swat

04.12.2019

Lawyers are on strike on the call of Bar Association. Adjourn. To come up for further proceedings/arguments on 08.01.2020 before D.B at Camp Court, Swat.


Member


Member
Camp Court, Swat

06.05.2019

Learned counsel for the appellant and Mr. Mian Amir Qadir learned District Attorney alongwith Khawas Khan S.I present. Written reply not submitted. Representative of the respondent department seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 01.07.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

01.07.2019

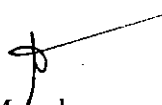
Appellant with counsel present. Mr. Mian Amir Qadir learned District Attorney alongwith Khawas Khan SI (Legal) present. Written reply submitted on behalf of respondents. Adjourn. To come up for rejoinder if any and arguments on 03.09.2019 before D.B at Camp Court, Swat.



Member
Camp Court, Swat.

03.09.2019

Counsel for the appellant present. Mian Amir Qadir, DDA alongwith Mr. Khawas Khan, SI for respondents present. Learned counsel for the appellant submitted rejoinder on behalf of the appellant which is placed on file. To come up for arguments on 08.10.2019 before D.B at camp court Swat.



Member



Member

07.02.2019

Learned counsel for the appellant present.
arguments heard.

Preliminary

The appellant (Ex-Head Constable) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 25.10.2018 whereby he was awarded major punishment of removal from service on the ground of gross misconduct. The appellant has also challenged the order dated 10.01.2019 through which his departmental appeal/application was rejected/filed.


Points raised need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter notice be issued to the respondents for written reply/comments. To come up for written reply/comments on 01.04.2019 before S.B at Camp Court Swat.

Appellant deposited
Security & Process Fee


Member
Camp Court Swat.

01.04.2019

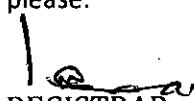
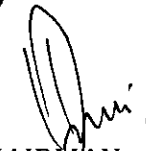
Learned counsel for the appellant present. Written reply not submitted. Khawas Khan SI legal representative of the respondent department present and seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 06.05.2019 before S.B at Camp Court Swat.


Member
Camp Court, Swat.

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 97/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/1/2019	<p style="text-align: center;">The appeal of Mr. Gul Muhammad presented today by Mr. Aziz-ur-Rehman 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 21/1/19</p>
2-	28/1/19	<p style="text-align: center;">This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>07-02-2019</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 97 of 2019

Gul Muhammad Ex-Head Constable District Swat Police.

...Appellant

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

INDEX

S #	Description of documents	Annexure	Pages
1.	Memo of Appeal	1-6
2.	Affidavit	7
3.	Addresses of the parties	8
4.	Copy of the Certificate	A	9
5.	Copy of the FIR No. 1123	B	10
6.	Copies of the Charge Sheet & Statement of allegations	C	11-12
7.	Copy of the Order dated 25-10-2018	D	13
8.	Copy of the Departmental Appeal	E	14
9.	Copy of the Order dated 10-01-2019	F	15
10.	Vakalat Nama	16

Appellant Through

Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chorok,

Mingora Swat, Cell 0333 929 7746

1

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 97 of 2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 86

Dated 21-1-2019

Gul Muhammad Ex-Head Constable District Swat Police.

...Appellant

VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Malakand at Saidu Sharif, District Swat.
3. The District Police Officer District Swat at Gulkada.

...Respondents

Filed to-day
Registrar
21/1/19

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER O.B. NO. 171 DATED 25-10-2018 WHEREBY MAJOR PENALTY OF ~~Removed~~^{cut} FROM SERVICE WAS IMPOSED UPON THE APPELLANT AGAINST THE LAW, RULES AND SHARIAH AND IS LIABLE TO BE SET ASIDE, THE APPELLANT FEELING AGGRIEVED OF THE SAME SUBMITTED A DEPARTMENTAL APPEAL BEFORE THE RESPONDENT NO. 2 BUT THE SAME WAS ALSO FILED IN A VERY SUMMARY MANNER VIDE ORDER NO. 524/E DATED 10-01-2019 AGAINST THE LAW, RULES AND

SHARIAH HENCE BOTH THE ORDERS
ARE LIABLE TO BE SET ASIDE.

129

PRAYER:

That on acceptance of this service appeal both the orders impugned may very kindly be set aside and the appellant reinstated back into service with all back / consequential benefits.

Respectfully Sheweth:

Facts:

- i. *That the appellant joined the Police Force in the year 2007 and since performed his duties with utmost devotion, regularity and bravely without any complaints either by the authorities or the general public.*
- ii. *That the appellant while posted at Casualty Matta Hospital a person was brought who, as per the statement of the brother, ate some poisonous drug in an attempt of suicide.*
- iii. *That becoming stable a certificate of being stable was got from the doctor on duty and initial questions were asked so as to ascertain the statement of the brother i.e. attempt to suicide, to which the patient answered in affirmative. The appellant then and there recorded the statements of both the patient and his brother.*

Copy of the certificate is enclosed as Annexure "A".

21

- iv. That while completing the process the patient expired in the mean while. The brother of the deceased asked for the body to be handed over to him, but the Incharge Umar Hayat refused and asked to call for the father of the deceased.
- v. That upon the arrival of the father the Incharge in presence of the appellant asked in a clear manner the cause of the death and also that if he has any doubt about the death of his deceased son i.e. something else than the alleged suicide and if he doubted any foul play.
- vi. That the father answered in negative and confirmed that his son has killed himself on a domestic issue of marriage. The Incharge even asked the father to let them perform the autopsy, but they insisted not to do so and that to handover the corpse without the said procedure.
- vii. That thereafter a "Morasal" was sent to the Incharge Police Station Matta for registration of FIR under section 325 PPC, hence FIR 1123 dated 17-09-2018 under section 325 PPC was registered. Copy of the FIR is enclosed as Annexure "B".
- viii. That to the utmost astonishment of the appellant he was issued a charge sheet coupled with statement of allegations relating to not observing the SOPs as autopsy has not been done

and that this has created problems for the Police Force. Copies of the Charge Sheet and Statement of allegations are enclosed as Annexure "C".

4

- ix. That the appellant submitted a detailed reply to the same clearly narrating while of the true story, but the same was not considered bald of any reasons.
- x. That without issuing any Show Cause Notice the appellant was issued the order of ^{Gen.} removal from service vide order O.B. No. 171 dated 25-10-2018 as bolt from the blue, as the same is against the law, rules and Shariah. Copy of the order dated 25-10-2018 is enclosed as Annexure "D".
- xi. That feeling aggrieved of the same the appellant filed a departmental appeal on 30-10-2018, but the same was also not considered and was filed against the law, rules and Shariah vide order No. 524/E dated 10-01-2019. Copy of the appeal is enclosed as Annexure "E" and that of the order dated 10-01-2019 is enclosed as Annexure "F", respectively.
- xii. That still feeling aggrieved and having no other option left this honourable tribunal is approached for the redressal of the grievances on the following grounds.

Grounds:

21

- a. That neither have been the codal formalities observed nor due course of law adopted before the imposition of major penalty of ~~removal~~^{let} from service, which is very much against the laws emanating from the commands of the constitution, thus the appellant has not been treated in accordance with the law.
- b. That the appellant has never associated with the farce inquiry, moreover the appellant was neither afforded the opportunity of personal hearing nor any chance of self defence given.
- c. That the respondents have exercised the authority in a colourful, fanciful and arbitrary manner to the utter detriment of the appellant, which the never approves of.
- d. That the appellant has not committed any act of commission or omission which may constitute any offence under any law.
- e. That the appellant still jobless and there is no source of earning the bread and butter for his family.

It is, therefore, very respectfully prayed that on acceptance of this service appeal both the orders impugned may very kindly be set aside and reinstate the appellant back into service with all back / consequential benefits.

Any other relief deemed appropriate in the
circumstances and not specifically prayed for may
also very kindly be granted.

6

Appellant



Gul Muhammad
Through Counsels,



Aziz-ur-Rahman



Imdad Ullah

Advocates Swat

7

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2019

Gul Muhammad Ex-Head Constable District Swat Police.

...Appellant

VERSUS

*The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar and Others.*

...Respondents

AFFIDAVIT

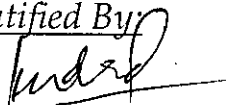
*It is solemnly stated on Oath that all the contents of
this service appeal are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this Honourable
Tribunal.*

Deponent



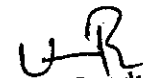
Gul Muhammad

Identified By:



Imdad Ullah
Advocate Swat

ATTESTED


UMAR SADIO Advocate.
OATH COMMISSIONER
Distt: Courts Swat.
No. 411 ... 21/11/19

8

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2019

Gul Muhammad Ex-Head Constable District Swat Police.

...Appellant

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar and Others.

...Respondents


ADDRESSES OF THE PARTIES

Appellant:

Gul Muhammad Ex-Head Constable District Swat Police.

Respondents:

1. The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar.
2. The Regional Police Officer Malakand at Saidu
Sharif, District Swat.
3. The District Police Officer District Swat at
Gulkada.

Appellant
Through Counsel,

Imdad Ullah
Advocate Swat

بیشتر پیش خاص

17/11/15

در صورت اعتراض های بعدی


ip 1

Annexure A 9

در صورت اعتراض های بعدی در مورد پرونده های فوق الذکر
تقاضای بررسی صلاحیت و صلاحیت های مربوطه
از طرف این دادگاه خود را میسر نگردد و در این خصوص
خواهی در صورتی که بیان در این خصوص قابل توجه است

Annexure
Att. Ch. Mulla
17-09-018

Particulars of this Place & Paris
17/11/15

Attested

Advocate

CHARGE SHEET

(8) 11
Annexure C

I, Syed Ashfaq Anwar, FSP District Police Officer, Swat being competent authority, hereby charge you, IHC Gul Muhammad No. 967 while posted to Police Station Matta as follows:-

You committed the following act/acts, which is/are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules 1975 with amendments 2014 vide Notification No.3859/Legal, dated 27-08-2014 of the General of Police, Khyber Pakhtunhwa, Peshawar.

A report of SP Investigation, Swat regarding case FIR No. 1126, dated 17-09-2018 u/s 302/202/109/147/149-PPC Police Station Matta revealed that you while investigating the instant case failed to collect the deceased's clothes as evidence. You also failed to get the dead body examined rather handed over the same to legal heirs without carrying out autopsy. Your this act amounts to sheer negligence and disinterest in official duty which warrants strict departmental action. You are therefore issued this charge sheet and statement allegations.

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

3. You are, therefore, required to submit your written reply within seven (07) days of the receipt of this Charge Sheet to the Enquiry officer.

4. Your written reply, 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 in that case ex-parte action shall follow against you.

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.



District Police Officer
Swat

No. 89 /PA,

Dated: 01-10 /2018.

Attested
[Signature]
Advocate

DOA
20-07

DISCIPLINARY ACTION

12

1, Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, is of opinion that he IHC Gul Muhammad No. 967 while posted to Police Station Matta has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule 2 (iii) of Police Rules 1975 with amendments 2014 vide Notification No.3859/Legal, dated 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/ Bills/ 2011/44905 dated 16/09/2011 and C.P.O, K.P.K Peshawar Memo: No. 3037-62/Legal, dated 15/11/2011.

STATEMENT OF ALLEGATIONS

It has been reported that he while posted at Police Station Matta committed the following act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

A report of SP Investigation, Swat regarding case FIR No. 1126, dated 17-09-2018 w/s 302/202/109/147/149-PPC Police Station Matta revealed that he while investigating the instant case failed to collect the deceased's clothes as evidence. He also failed to get the dead body examined rather handed over the same to legal heirs without carrying out autopsy. His this act amounts to sheer negligence and disinterest in official duty which warrants strict departmental action.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, Add: SP Swat is appointed as Enquiry Officer

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record its findings and make within ten (10) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.

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

Attested

[Signature]
Advocate

[Signature]
District Police Officer
Swat
[Signature]

No. 89 /PA, Dated Gulkada the, 01-10 2018.

Copy of above to:-

1. Add: SP Swat for initiating proceeding against the accused Officer/Official namely IHC Gul Muhammad No. 967 under Police Rules, 1975.
2. IHC Gul Muhammad No. 967 Police Station Matta With the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

ORDER

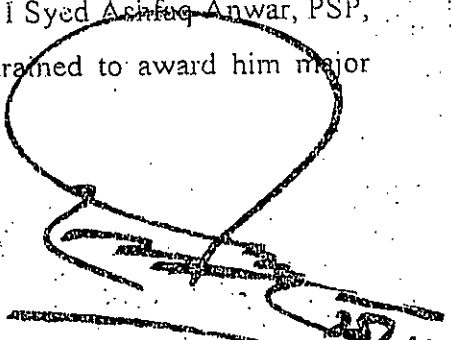
ER
Annexure D 13

This order will dispose of Departmental Enquiry against Head Constable Gul Muhammad No. 967 of this District Police. He while posted to Police Station Matta was alleged of gross misconduct as he while investigating the case registered vide FIR No. 1126 dated 17-09-2018 u/s 302-202-109-147-149 PPC Police Station Matta failed to collect the deceased's clothes as evidence. He also failed to get the dead body examined rather handed over the same to legal heirs without carrying out autopsy.

He was issued a charge sheet and statement of allegations vide this office No. 89/PA. dated 01-10-2018 and Addl. SP, Swat was appointed as Enquiry Officer to conduct proper departmental enquiry against the delinquent Police Officer. The Enquiry Officer reported that the Head Constable under enquiry had failed to follow SOP in the abovementioned case which created problems for Police.

The Police Officer under enquiry had failed to collect the deceased's clothes for evidence. He has also failed to get the dead body examined which made the case complicated and created problems for Police. His this act is against discipline and unbecoming of a Police Officer. This warrants punishment. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules - 1975, I Syed Ashfaq Anwar, PSP, District Police Officer, Swat being competent authority, am constrained to award him major punishment of removal from service.

Order announced.


District Police Officer
Swat
25/10/18


216 No. 177

Dated 25-10-2018

Copies to:-

1. Addl. SP Swat
2. Establishment Clerk

For necessary action, please.

Attested

Advocate

Signature _____

جناب عالی!

گزارش کی جاتی ہے کہ سائل تھانہ منہ میں بحیثیت IHC تعینات تھا مورخہ 17-09-2018 کو سائل کو مقدمہ علت 1123 سال 2018ء جرم PPC 325 تھانہ منہ کی تفتیش سپرد کی گئی۔ سائل کو نقل FIR شام ویلہ حوالہ کیا گیا مقدمہ معمولی نوعیت کا تھا سائل نے صبح تفتیش کا آغاز کر کے خاک متونی محمد کیل جا کر لواحقین سے گفت و شنید کی گئی۔ لواحقین متونی سابقہ بیانات دیا ہے۔ جسے جن کے موقف تھا کہ محمد کیل نے خود زہریلی گولی کھا کر زندگی کا خاتمہ کیا ہے لواحقین کے ساتھ پارچات کے اسبت بھی ڈسکس کی گئی جنہوں نے واضح کیا کہ وہ فاتحہ خوانی میں مصروف ہیں فارغ ہونے پر پارچات حوالہ کریں گے۔ فارغ ہونے پر بوائے تھانہ آکر معلوم ہوا کہ مسماۃ معظمہ نے زہریلی دوائی کھا کر جان بحق ہوئی ہے یہ بھی معلوم ہوا کہ محمد کیل اور مسماۃ معظمہ کا ایس ایس ناجائز تعلقات استوار تھے۔ جس کے بناء ان کے لواحقین نے انہیں زہریلی دوا دیکر موت کے گھاٹ اتار دئے ہیں اس سلسلہ میں مقدمہ علت 1126 سال 2018ء جرم PPC 109-202-201-302 تھانہ منہ قائم ہوا ہے۔ سائل کے ساتھ زہریلی تفتیش مقدمہ جرم PPC 325 انسراں بالا کے ساتھ ڈسکس ہو کر حسب رائے پراسیکیوشن برائے رپورٹ لیٹریج اخراج مرتب کیا جا کر جو کہ خارج شدہ مثل مقدمہ علت 1126 سال 2018ء کا حصہ بن گیا ہے۔

جناب DPO صاحب سوات نے من سائل کو پابند شیٹ جاری کر کے جناب ایڈیشنل SP صاحب سوات نے انکو ایگری کر کے جنہوں نے من سائل کو انکو ایگری میں بے گناہ تحریر کیا ہے جناب DPO صاحب سوات نے بحوالہ آرڈر نمبر 171 مورخہ 25-10-2018 محکمہ پولیس سے ڈسکس کر کے حکم صادر کیا ہے سائل کے ساتھ ظلم اور نا انصافی ہوئی ہے۔

بہت فانی ہے کہ سائل کو اپنے عہدہ پر دوبارہ بحال کرنے کا حکم صادر فرمائیں سائل مشکور رہے گا۔

العارض

گل محمد ولد فردوس ساکن دارمئی بحریں سابقہ HC محکمہ پولیس

20/09/2018

رابطہ نمبر 0346-7705072

Attested


Advocate



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240381-88 & Fax No. 0946-9240390

Email: digmalakand@yahoo.com

Annexure

15
F

ORDER:

This order will dispose off application of Ex-HC Gul Muhammad No. 967 of Swat District for reinstatement in service.

Brief facts of the case are that HC Gul Muhammad No. 967 while posted to PS Matta was alleged of gross misconduct in case FIR No. 1126 dated 17/09/2018 u/s 302/202/109/147/149-PPC PS Matta as he failed to collect cloths of deceased as evidence. He also failed to get the dead body examined rather handed over the same to legal heirs without carrying out autopsy. Consequently he was issued charge sheet coupled with statement of allegations and Addl: SP Swat was deputed as enquiry officer. The enquiry officer conducted proper departmental enquiry against the delinquent Head Constable and submitted his finding that the delinquent Head Constable had failed to follow the SOP.

He was called in Orderly Room on 02/01/2019 and heard him in person. The applicant could not produce any cogent reason in his defense. Therefore, his application for reinstatement in service is hereby filed.

Order announced.

[Signature]
(MUSAMMAD SAEED) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
"Salun"

No. 524 /E,

Dated 10-01 /2019.

Copy to District Police Officer, Swat for information and necessary action with reference to his office Memo: No. 20530/E, dated 14/11/2018. The service record of the above named Ex-HC is returned herewith for record in your office.

REC/1081

Not in action pl.

*AEC
Take 25% of his
S. Recrd and also
Inform HC's office accordingly.
11/11/19*

[Signature]
District Police Officer
SWAT.

Attested
[Signature]
Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-

Eml Muhammed

Appellant

16

VERSUS

The PPO K.P. & Others

Respondents

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 19 day of 01 2019.



(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees



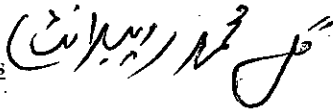
(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671





(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 97/2019

Gul Muhammad Ex-Head Constable, District Swat.

..... Appellant

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer Swat.

..... Respondents

INDEX

S.No:	Description of Documents	Annexure	Page
1	Para-wise Comments	-	1-3
2	Affidavit	-	4
3	Authority Letter	-	5
4	Copy of previous minor punishment	"A"	6
5	Copy of Confessional statement accused	"B"	7 - 14
6	Copy of preliminary information report	"C"	15 - 16



District Police Officer, Swat
(Respondent No.03)

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 97/2019

Gul Muhammad Ex-Head Constable, District Swat Police,

..... Appellant

VERSUS

1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer Swat.

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS

Respectfully Shewith,

Preliminary Objections.

1. That the appellant has got no Cause of action and locus standi to file the present appeal.
2. That the appeal is bad due to misjoinder and nonjoinder of necessary parties.
3. That the appeal is barred by Law & limitation.
4. That the appellant has not come to the Tribunal with clean hands.
5. That the instant appeal is not maintainable in its present form.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.

FACTS:

- i. Correct to the extent that appellant was enlisted in the year 2007 and he was awarded 03 minor punishments for willful absence from official duty during entire service. List enclosed as annexure "A"
- ii. Correct to the extent that one Muhammad Kumail had consumed poison, committed suicide and his dead body was handed over to the legal heirs without conducting postmortem through doctor by the appellant.
- iii. Incorrect. Muhammad Kumail and lady Muazima were given poisons by the accused due to fear of Muhammad Pervez etc. Investigations of case FIR No.1126 dated 19/9/2018 u/s 302-202-109-147-149 PPC P.S Matta revealed that the thumb impression of deceased Muhammad Kumail was taken on the report of attempt to commit suicide, as dying declaration statement. Investigation of case FIR No:1123 was conducted by the appellant but he did not take into possession the clothes of deceased Muhammad Kumail nor conducted autopsy.

*Checked by
28/11/19*

- iv. Incorrect. During treatment at hospital, Muhammad Kumail passed away and the dead body was handed over to legal heirs without conducting autopsy which constitutes malafide and gross misconduct on part of the appellant.
- v. Incorrect. Sohail Khan (brother of deceased) has clearly narrated the whole episode in his confessional statement recorded under section 164-364 Cr.P.C. copy enclosed as annexure "B".
- vi. Incorrect. The appellant was duty bound to conduct autopsy through doctor and then hand over the corpse to legal heirs.
- vii. Correct to the extent that report of attempt to commit suicide of Muhammad Kumail was recorded with the connivance of Sohail Khan (brother of deceased and accused in FIR No.1123) and thumb impression of unconscious Kumail was impressed on the said report. Investigation of the said case was carried out by the appellant but he neither took into possession the cloths of deceased nor conducted autopsy through doctor.
- viii. Correct to the extent that charge sheet coupled with statement of allegation was issued to the appellant after preliminary information report of SP Investigation, wherein concealing actual facts of the murder and misconduct on part of the appellant has been categorically explained. Copy enclosed as annexure "C".
- ix. Incorrect. The reply of the appellant was not based on facts and found unsatisfactory.
- x. Incorrect. All opportunities of defence and personal hearing as required under KP Police Disciplinary Rules-1975, were provided to the appellant but he failed to disprove the charges and appropriate punishment was awarded to him.
- xi. Incorrect. Departmental appeal of appellant was examined in the light of facts and circumstances of inquiry and rejected in accordance with rules and facts of the case.
- xii. The appellant has wrongly challenged the legal and valid orders of the respondents before the honorable tribunal through unsound reasons/grounds.


GROUNDS:


- a. Incorrect. The appellant has been treated in accordance with law/rule i.e KP Police Disciplinary Rules-1975 and facts. All the codal formalities under the rules were observed before imposition of punishment against the appellant.
- b. Incorrect. All the opportunities of self defence and personal hearing were provided to the appellant under the rules.

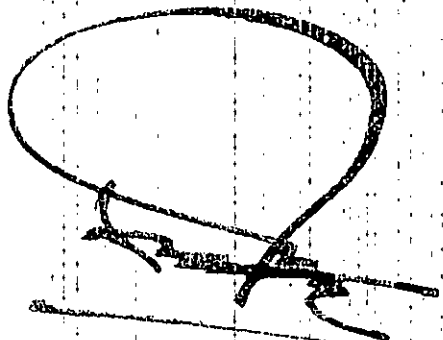
- c. Incorrect. The respondents have exercised their lawful powers under the relevant rules and facts while dealing the appellant departmentally. Furthermore, the appellant has committed gross misconduct while attending the deceased Kumail in his place of posting i.e Causality Hospital Matta.
- d. Incorrect. As stated above, the appellant did not took into possession the clothes of deceased nor conducted autopsy through doctor during course of investigation of case FIR No.1123 and willfully concealed the actual facts of murder with the convince of accused Sohail etc.
- e. The appellant was required to think about his job/earning of bread while committing gross misconduct and concealing the actual facts of murder during performance of his official duty.

PRAYER:

Keeping in views the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force, may kindly be dismissed with costs.


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


 Regional Police Officer,
 Malakand Region, Swat
 Regional Police Officer
 Malakand Region
 (Respondent No. 2)


 District Police Officer Swat
 (Respondent No. 3)

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 97/2019

Gul Muhammad Ex-Head Constable, District Swat.

..... Appellant

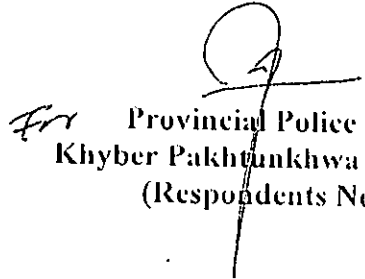
VERSUS

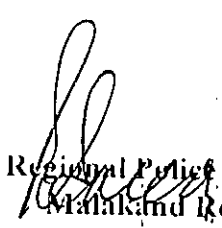
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer Swat.

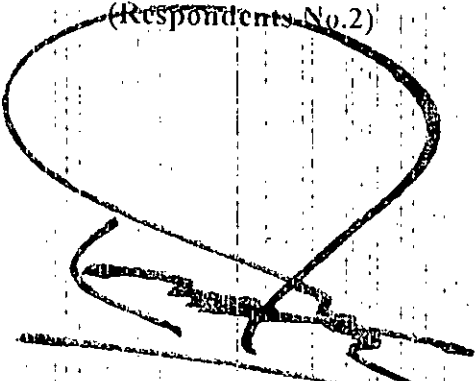
..... Respondents

AFFIDAVIT

We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the honorable Tribunal.


Provincial Police Officer
Khyber Pakhtunkhwa Peshawar
(Respondents No.1)


Regional Police Officer
Malakand Region
(Respondents No.2)


District Police Officer, Swat
(Respondents No.3)

Service Appeal No. 97/2019

Gul Muhammad Ex-Head Constable, District Swat.

..... Appellant

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer Swat.

..... Respondents

AUTHORITY LETTER

We, the above respondents do hereby authorize Mr. Mir Faraz Khan DSP/Legal & Mr. Khawas Khan SI Legal to appear before the Tribunal on our behalf and submit reply etc in connection with titled Service Appeal.

Fro Provincial Police officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)

Regional Police Officer,
Malakand Region, Swat.
Regional Police Officer
Malakand Region
(Respondent No. 2)

District Police Officer Swat
(Respondent No. 3)

9 Annex A
- 13 of

15-CENSURES AND PUNISHMENTS.

Charge: absented from duty with effect from
7⁹/₀₃ to 17¹¹/₀₃

Punishment: absence period counted as leave w/o pay
vide order no. 236 dt. 29/12/02.

237
2005 3/11/02

(Signature)
DPO/Secy.

Charge: Absented m.e.f. 29-4-09 to 5-9-09

Punish. ① Counted as leave w/o pay

② Stoppage of leave increased with accumulative effect.

237
dt 25/1/10

(Signature)
DPO/Secy.

Charge: Absent from duty m.e.f. 29-4-2010 to 5-8-2009
and loss of Govt. Rifle with Ammunition

Punish. ① Absence period Counted as leave w/o pay.

② The amount of Rs= 29360/- should be recovered from the Cont. in 5 installments.

Attested to true copy

237
dt 22-6-2010

(Signature)
DPO/Secy.

مہمند سول جج اول / علاقہ قاضی / جوڈیشل مجسٹریٹ مٹہ ضلع سوات

سرکار بنام شاہ روم باچا وغیرہ

مورخہ: 19.09.2018

تاریخ: 1126

302, 202, 147, 149, 109 PPC: تھانہ: مٹہ، سوات

مذکورہ آصف خان ولد شاہ روم باچا ساکن سین پوڑہ، تحصیل مٹہ، سوات۔

شناختی علامت: ندارد۔ شناختی کارڈ نمبر 9-15601-2291871

کوہراے قلمبندی اقبال جرم آج مورخہ 24 ستمبر، 2018 بوقت 08:30 بجے پیش عدالت کیا گیا۔

یادداشت تحقیقات:

- سوال نمبر 1:- کیا تم جانتے ہو کہ تم عدالت میں لائے گئے ہو اور میں جوڈیشل مجسٹریٹ ہوں؟
جواب: جی ہاں۔
- سوال نمبر 2:- تم اقبال جرم قلمبند کرنے کیلئے مجبور اور پابند نہیں ہو۔ کیا تم یہ سمجھتے ہو؟
جواب: جی ہاں! مجھے علم ہے۔
- سوال نمبر 3:- کیا تم اس حقیقت کو جانتے ہو کہ اگر تم اقبال جرم کرتے ہو تو اسے تمہارے خلاف بطور شہادت استعمال کیا جاسکتا ہے؟
جواب: جی ہاں، میں جانتا ہوں۔
- سوال نمبر 4:- کیا تم جانتے ہو کہ اگر تم اقبال جرم کرتے ہو یا نہیں تو تمہیں کسی صورت حوالہ پولیس نہیں کیا جائے گا۔ اور تمہیں جوڈیشل حوالات بھیج دیا جائیگا؟
جواب: جی ہاں۔ میں جانتا ہوں۔
- سوال نمبر 5:- کیا تم بیان اقبال جرم دینے، پولیس نے کسی قسم کا تشدد کیا ہے یا تمہیں کوئی دباؤ، دھمکی یا لالچ دیا گیا ہے یا اقبال جرم کیلئے ورغلائے گئے ہو؟
جواب: نہیں۔ میں اپنی مرضی سے اقبال جرم کر رہا ہوں۔
- سوال نمبر 6:- کیا تمہارے ساتھ یہ وعدہ تو نہیں کیا گیا کہ اگر تم یہ بیان اقبال جرم دو تو تمہیں وعدہ معاف گواہ بنایا جائیگا؟
جواب: جی نہیں۔
- سوال نمبر 7:- تم کتنے دن زیر حراست پولیس رہے ہو؟
جواب: میں دو یوم پولیس حراست میں رہا ہوں۔
- سوال نمبر 8:- کیا تم اقبالی بیان اپنی مرضی اور بغیر کسی مجبوری کے دے رہے ہو؟
جواب: جی ہاں۔ میں اپنی مرضی اور بغیر کسی مجبوری کے اقبالی بیان دے رہا ہوں۔
- سوال نمبر 9:- کیا تم اپنے کسی رشتہ دار یا وکیل سے اپنا بیان دینے سے قائل مشورہ کرنا چاہتے ہو؟
جواب: جی نہیں۔

Mohd Hassan Mohm
Judicial Magistrate
Matta Swat

Annex B

بیان اقبال جرم دینے سے قبل سوچنے کیلئے وقت چاہتے ہو؟

جی ہاں۔

تم بیان، اقبال جرم کیوں دینا چاہتے ہو؟

میں نے جرم کیا ہے اور اب اپنی ضمیر کو مطمئن کرنے کے لئے اقبال جرم کرتا ہوں۔

(نوٹ: ملزم آصف خان کو 10:15 بجے سے 10:45 بجے تک سوچنے کا وقت دیا گیا)

کیا تم قلمبندی بیان اقبال جرم سے قبل دوبارہ سوچنے کیلئے وقت چاہتے ہو؟

جی نہیں۔

کیا میں اب تمہارا بیان قلمبند کروں؟

جی ہاں۔



آصف خان ولد شاہ روم باچا۔۔۔۔۔

قومی شناختی کارڈ: 15601-2291871-9

مورخہ: 24.09.2018

(عبدالحسن مہمند)

سول جج / جوڈیشل مجسٹریٹ، مٹہ ضلع سوات
Abdul Hassan Memon
Judicial Magistrate/ C.J.I
Matta Swat

بیان قلمبند کرنے سے قبل ایک مرتبہ پھر ملزم کو ہدایت کی گئی کہ اگر وہ بیان اقبال جرم قلمبند نہیں کرنا چاہتا

نوٹ:

ہے تو اسے واپس حوالہ پولیس نہیں کیا جائیگا۔ مگر پھر بھی ملزم کے اصرار پر ملزم کا بیان بوقت 10:50 بجے قلمبند

کرنا شروع کیا۔

(عبدالحسن مہمند)

سول جج / جوڈیشل مجسٹریٹ، مٹہ ضلع سوات

Abdul Hassan Memon
Judicial Magistrate/ C.J.I
Matta Swat

Amended

(بیان ملزم)

میں نے 17.09.2018 کو میں گھر خود میں موجود تھا کہ بوقت بعد از ظہر
میں ایک چور گھس آیا ہے۔ اس دوران میرا بھائی عبدالعزیز بھی آیا، کمرہ رہائشی بھابی مسماة معظمہ
میں ایک نوجوان لڑکا چھپا تھا جسکو ہم نے نکال کر دریافت کرنے پر اس نے اپنا نام کیسل بتایا۔
اس کی وضاحت کی کہ اس کے مسماة معظمہ کے ساتھ کچھ دن قبل بہ رابطہ اثنائی تعلق استوار ہوا تھا اور بروز وقوعہ
میں اپنے رشتے سے چھت پر چڑھ کر سیڑھیوں کے ذریعہ کمرہ رہائشی مسماة معظمہ میں آیا ہو۔ مسی کیسل کو میں نے
میں عبدالعزیز نے مارا پیٹا اور رسیوں سے باندھ کر میں نے اس کے بھائی مسی اسپہیل اور والد محمد پرویز کو فون
کر کے اپنے گھر آنے کو کہہ کر کچھ دیر بعد والد اور برادران مسیمان اسپہیل اور طفیل نے آکر ان کو کمرہ رہائشی معظمہ لیجا کر
اس کا بیٹا کیسل دکھایا اور ساتھ ہی ہم نے معظمہ کے والدین کو بھی فون پر طلب کر کے ان کو بھی مسماة معظمہ کے کمرہ میں
لیجا کر مسی کیسل اور معظمہ دکھلا کر محمد پرویز اور پسران محمد پرویز، نادر خان والد معظمہ نے اپنے بیٹے اور بیٹی سے
حالات و واقعات دریافت کی، بعد میں محمد پرویز اور اسکے بیٹوں اور نادر خان نے مشورہ کیا کہ محمد پرویز اور اس کے بیٹے کیسل
کو قتل کرینگے جبکہ نادر خان اپنی بیٹی کو قتل کریگا۔ یہ سن کر نادر خان کی بیوی مسماة نسیم شاہین بے ہوش ہو گئی، جس کو نادر
خان ہسپتال لے گیا، جبکہ عبدالعزیز برادر نے پستول مسی اسپہیل کو حوالہ کر کے ہدایت کی کہ اپنے بھائی کو گولی مارو، اس
نے انکار کیا تو میں نے گندم والی زہریلی گولی لا کر عبدالعزیز کو حوالہ کر کے اس نے پانی میں حل کر کے مسی اسپہیل کو حوالہ
کر کے اس کو پلاتے وقت میں نے مذکورہ کیسل کو پکڑ کر اسپہیل اور عبدالعزیز نے زبردستی اسے تھوڑا تھوڑا پیلا یا اس کے بعد
اسپہیل اپنے بھائی کو علاج معالجہ کے لئے ہسپتال لے گیا۔ بعد پتہ چلا کہ مسی کیسل ہسپتال میں فوت ہوا ہے۔ اگلے روز میں
کیسل کے فاتحہ خانے میں گیا تو انہوں نے مجھے بتایا کہ کیسل تو مر گیا اب تم لوگ معظمہ کو قتل کرنا ہوگا۔ اس کے بعد میں
عبدالعزیز اور حیدر علی، نادر خان کے گھر گئے اور اس کو محمد پرویز اور اس کے بیٹیوں کی اطلاع پہنچا کر اپنے ساتھ لیکر گھر
آئے اور گندم والی گولی نادر خان اور عبدالعزیز نے پانی میں ڈال کر دونوں نے زبردستی معظمہ کو پلائی، جس سے کچھ دیر بعد
وہ فوت ہو گئی۔ میں نے جرم کیا اب میں اپنے کئے پر شرمندہ ہوں۔ بس یہی میرا بیان ہے۔

سن کر درست تسلیم کیا



(عبدالحسن مہمند)

جج/جوڈیشل مجسٹریٹ، منہ ضلع سوات
Abdul Hassan Memon
Judicial Magistrate/ C.J.I
Matta Swat

اصف خان دلمشاہ راج
نادر خان ولد نوشیروان

قومی شناختی کارڈ: 9-9237378-15601
15601-2291871-9
مورخہ: 24.09.2018

سرٹیفیکیٹ:

تصدیق کی جاتی ہے کہ ملزم آصف خان ولد شاہ روم باچا ساکن سینپوڑہ، تحصیل مٹہ برائے بیان اقبال جرم پیش عدالت کیا ملزم کی ہتھکڑی کو ہٹایا گیا اور اس دوران تمام پولس اہلکار بمعہ نائب کورٹ جو اس وقت عدالت میں موجود تھے کو ہدایت ہوئی کہ عدالت سے باہر چلے جائیں۔ میں نے ملزم سے اپنا تعارف کیا اور سمجھایا کہ میں مجسٹریٹ ہوں اور اُسے برائے قلمبند کرانے بیان اقبال جرم عدالت لایا گیا ہے اور اسے مزید سمجھایا کہ وہ اقبالی بیان دینے کا پابند نہیں ہے اور اگر وہ اقبالی بیان دیگا۔ تو اسے بطور شہادت اسکے خلاف استعمال ہوگا۔ ملزم کو یہ بھی سمجھایا گیا کہ اگر اس نے اقبالی بیان دیا یا نہ دیا تو دونوں صورتوں میں اسے جیل بھجوا یا جائیگا نہ کہ پولیس ریمانڈ پر۔ ملزم سے منسلکہ پرچہ پر سوالات پوچھے گئے۔ جن کے جوابات باقاعدہ قلمبند کئے گئے۔

ملزم بالانے اقبالی بیان پشتوزبان میں دیا اور میں نے وہی پشتوزبان رو برو ملزم اردو میں قلمبند کیا۔ جس کا پشتوزبان میں ترجمہ کر کے میں نے ملزم کو سنایا اور سمجھایا۔ اور اس کے درست تسلیم کرنے کے بعد اس پر اسکے دستخط و نشان انگشت لیا گیا۔

ملزم کا اقبالی بیان بوقت 10:50 بجے شروع کیا گیا، جبکہ اسکی تکمیل بوقت 11:05 بجے بدوران وقت عدالت ہوئی۔ بعد از قلمبندی اقبالی بیان ملزم کو نائب کورٹ کے ذریعے حوالات جوڈیشل بھجوا یا گیا۔



(عبدالحسن مہمند)

سول جج / جوڈیشل مجسٹریٹ، مٹہ ضلع سوات
Abdul Hassan Mohmand
Judicial Magistrate / C.J.I
Matta Swat

بیان زیر دفعہ 364 ض ف تصدیق شد۔

مورخہ: 24.09.2018



(عبدالحسن مہمند)

سول جج / جوڈیشل مجسٹریٹ، مٹہ ضلع سوات

Abdul Hassan Mohmand
Judicial Magistrate / C.J.I
Matta Swat

سول جج اول / علاقہ قاضی / جوڈیشل مجسٹریٹ مٹہ ضلع سوات

سرکار بنام شاہ روم باچا وغیرہ

مورخہ: 19.09.2018

1126

302, 202, 147, 149, 109 PPC: تھانہ: مٹہ، سوات

مہیڈ العزیز ولد شاہ روم باچا ساکن سین پوڑہ، تحصیل مٹہ، سوات۔

شناختی عدالت: ندارد۔ شناختی کارڈ نمبر 1-15601-0251017

کوہڑائے قلمبندی اقبال جرم آج مورخہ 24 ستمبر، 2018 بوقت 08:30 بجے صبح عدالت میں پیش کیا گیا۔

یادداشت تحقیقات:

- سوال نمبر 1:- کیا تم جانتے ہو کہ تم عدالت میں لائے گئے ہو اور میں جوڈیشل مجسٹریٹ ہوں؟
جواب: جی ہاں۔
- سوال نمبر 2:- تم اقبال جرم قلمبند کرنے کیلئے مجبور اور پابند نہیں ہو۔ کیا تم یہ سمجھتے ہو؟
جواب: جی ہاں! مجھے علم ہے۔
- سوال نمبر 3:- کیا تم اس حقیقت کو جانتے ہو کہ اگر تم اقبال جرم کرتے ہو تو اسے تمہارے خلاف بطور شہادت استعمال کیا جاسکتا ہے؟
جواب: جی ہاں، میں جانتا ہوں۔
- سوال نمبر 4:- کیا تم جانتے ہو کہ اگر تم اقبال جرم کرتے ہو یا نہیں تو تمہیں کسی صورت حوالہ پولیس نہیں کیا جائے گا۔ اور تمہیں جوڈیشل حوالات بھیج دیا جائیگا؟
جواب: جی ہاں۔ میں جانتا ہوں۔
- سوال نمبر 5:- کیا تم پر بیان اقبال جرم دینے، پولیس نے کسی قسم کا تشدد کیا ہے یا تمہیں کوئی دباؤ، دھمکی یا لالچ دیا گیا ہے یا اقبال جرم کیلئے ورغلانے گئے ہو؟
جواب: نہیں۔ میں اپنی مرضی سے اقبال جرم کر رہا ہوں۔
- سوال نمبر 6:- کیا تمہارے ساتھ یہ وعدہ تو نہیں کیا گیا کہ اگر تم یہ بیان اقبال جرم دو تو تمہیں وعدہ معاف گواہ بنایا جائیگا؟
جواب: جی نہیں۔
- سوال نمبر 7:- تم کتنے دن زیر حراست پولیس رہے ہو؟
جواب: میں دو یوم پولیس حراست میں رہا ہوں۔
- سوال نمبر 8:- کیا تم اقبالی بیان اپنی مرضی اور بغیر کسی مجبوری کے دے رہے ہو؟
جواب: جی ہاں۔ میں اپنی مرضی اور بغیر کسی مجبوری کے اقبالی بیان دے رہا ہوں۔
- سوال نمبر 9:- کیا تم اپنے کسی رشتہ دار یا وکیل سے اپنا بیان دینے سے قبل مشورہ کرنا چاہتے ہو؟
جواب: جی نہیں۔

Abdul Hassan Mohi
Judicial Magistrate
Matta Swat

Amex 2B

12

بیان اقبال جرم دینے سے قبل سوچنے کیلئے وقت چاہتے ہو؟
جی ہاں۔

بیان اقبال جرم کیوں دینا چاہتے ہو؟
میں نے جرم کیا ہے اور اب اپنی ضمیر کو مطمئن کرنے کے لئے اقبال جرم کرتا ہوں۔
(نوٹ: ملازم عبدالعزیز کو 10:15 بجے سے 10:45 بجے تک سوچنے کا وقت دیا گیا)

کیا تم قلمبندی بیان اقبال جرم سے قبل دوبارہ سوچنے کیلئے وقت چاہتے ہو؟
جی نہیں۔

کیا میں اب تمہارا بیان قلمبند کروں؟
جی ہاں۔

عبدالعزیز ولد شاہ روم باچا

قومی شناختی کارڈ: 1-15601-0251017

مورخہ: 24.09.2018

(عبدالحسن مہمند)

سول جج / جوڈیشل مجسٹریٹ، مٹہ ضلع سوات

Abdul Hassan Memon
Judicial Magistrate C.J.I
Mata Sotai

نوٹ: بیان قلمبند کرنے سے قبل ایک مرتبہ پھر ملازم کو ہدایت کی گئی کہ اگر وہ بیان اقبال جرم قلمبند نہیں کرنا چاہتا ہے تو اسے واپس حوالہ پولیس نہیں کیا جائیگا۔ مگر پھر بھی ملازم کے اصرار پر ملازم کا بیان بوقت 09:35 بجے قلمبند کرنا شروع کیا۔

(عبدالحسن مہمند)

سول جج / جوڈیشل مجسٹریٹ، مٹہ ضلع سوات

Abdul Hassan Memon
Judicial Magistrate C.J.I
Mata Sotai

(بیان ملزم)

میرا والد شاہ روم باچا بیان کرتا ہے کہ میں گھر میں موجود تھا کہ میرا بھتیجا میرے گھر آیا اور کہا کہ ہمارے گھر میں
 ایک لڑکا / لڑکی آئی ہے۔ میں فوری طور پر اپنے بھائی کے گھر آیا، تو میں نے دیکھا کہ مسماۃ معظمہ کے کمرے میں ایک لڑکا
 موجود تھا اس نے اپنا نام کیمل بتایا۔ مذکورہ کیمل معظمہ کے بیڈ کے نیچے چھپا ہوا تھا۔ جس کو میں نے اور میرے بھائی اصف
 خان نے نکال کر مارا بیٹا، رسی سے باندھا اور معظمہ کو بھی میں نے پانپ سے مارا اور آصف خان نے بھی مارا بیٹا تھا۔ پوچھنے پر
 مسماۃ معظمہ اس نے بتایا مسمیٰ کیمل کو میں نے بلایا ہے اور لڑکے نے بھی پوچھنے پر بتایا کہ اسے معظمہ نے بذریعہ فون راستہ دکھا
 کر آنے کا کہا، پھر ہم نے لڑکی معظمہ کے والدین اور لڑکے کیمل کے والد اور بھائیوں سے بزریعہ فون رابطہ کر کے وقوعہ کے
 نسبت بتایا اور ہمارے گھر آنے کو کہا۔ باتوں باتوں میں معظمہ کی ماں مسماۃ نسیم شاہین بے ہوش ہوئی، جسے اس کے شوہر نادر
 خان ہسپتال لے گئے۔ اپنی بیوی کو لے جاتے ہوئے معظمہ کے والد نے بتایا تم لوگ کیمل اور معظمہ کے بارے میں جو بھی
 فیصلہ کرو گے تو اسے منظور ہو گا۔ اسی دوران کیمل کے والد محمد پرویز اور اسکے دو بیٹوں سہیل خان اور طفیل خان بھی آئیں، محمد
 پرویز نے اپنے بیٹے کیمل سے پوچھا کہ تم ادھر کیوں آئے ہو، تو اس نے بتایا کہ معظمہ کے ساتھ کچھ دن قبل اس کے تعلقات
 استوار ہوئے اور اسی کے کہنے پر میں اس کے لئے موبائل سیٹ لایا ہوں۔ میں نے اور آصف خان نے کیمل کے بھائیوں اور
 والد کو ہسپتال دیکھا کہ قتل کرنے کا کہا۔ لیکن انہوں نے مشورہ کر کے کیمل کو ہسپتال سے مارنے سے انکاری ہوئے اور کہا کہ ہم
 اسے زہریلی دوائی سے مار دیں گے۔ میرے بھائی اصف خان نے گھر میں پہلے سے موجود زہریلی دوائی اٹھا کر مجھے دی اور میں نے
 پانی کی گلاس میں ڈال کر سہیل کو دے دی کہ یہ کیمل کو پلائیے۔ جس نے کیمل کو وہی زہر کا پیالہ پلایا، دوائی پیتے وقت آصف
 ویڈیو بناتا رہا، زہر پلانے کے بعد ہم نے سہیل کو کیمل حوالہ کیا، انہوں نے اپنے چچا سنگین کو بلا کر گاڑی میں ڈال کر لے گئے۔
 شام کے بعد ہمیں پتہ چلا کہ کیمل ہسپتال میں مر چکا ہے۔ اگلے روز میں، آصف نادر خان کے گھر جاتے ہوئے، راستے میں حیدر
 علی بھی ہم سے ملا اور ہم تینوں نادر خان کے گھر گئے اور اس کو کیمل کی موت کی خبر دی اور اسے وعدہ یاد دلایا، جو کہ یہ تھا کہ
 اگر کیمل مر گیا تو لڑکی کو بھی مار دیں گے۔ وہ متفق ہو کر ہمارے ساتھ ہمارے گھر آیا اور میں نے زہریلی دوائی بنا کر ہم یعنی میں اور
 نادر خان نے معظمہ کو پلائی اور اس دوران حیدر علی ویڈیو بناتا رہا۔ میں نے جرم کیا اب میں اپنے کئے پر شرمندہ ہوں۔ بس یہی
 میرا بیان ہے۔

سن کر درست تسلیم کیا



عبدالعزیز ولد شاہ روم باچا

قومی شناختی کارڈ: 1-0251017-15601

مورخہ: 24.09.2018

(عبدالحسن مہمند)

جج / جوڈیشل مجسٹریٹ، مٹہ ضلع سوات
 Abul Hasan Memon
 Judicial Magistrate C.J.I
 Matta Swat

سرٹیفیکیٹ:

مذکورہ بیان کی جاتی ہے کہ ملزم عبدالعزیز ولد شاہ روم باچا ساکن سینپوڑہ، تحصیل مٹہ برائے بیان اقبال
 کو ہٹھکڑی کو ہٹھایا گیا اور اس دوران تمام پولس اہلکار بمعہ نائب کورٹ جو اس وقت
 عدالت میں موجود تھے کو ہدایت ہوئی کہ عدالت سے باہر چلے جائیں۔ میں نے ملزم سے اپنا تعارف کیا اور سمجھایا
 کہ میں جسٹریٹ ہوں اور اُسے برائے قلمبند کرانے بیان اقبال جرم عدالت لایا گیا ہے اور اسے مزید سمجھایا کہ
 اقبالی بیان دینے کا پابند نہیں ہے اور اگر وہ اقبالی بیان دیگا۔ تو اسے بطور شہادت اسکے خلاف استعمال ہوگا۔ ملزم
 کو یہ بھی سمجھایا گیا، کہ اگر اس نے اقبالی بیان دیا یا نہ دیا تو دونوں صورتوں میں اسے جیل بھجوا یا جائیگا نہ کہ پولیس
 ریمانڈر۔ ملزم سے منسلکہ پرچہ پر سوالات پوچھے گئے۔ جن کے جوابات باقاعدہ قلمبند کئے گئے۔

ملزم بالانے اقبالی بیان پشتو زبان میں دیا اور میں نے وہی پشتو بیان روبرو ملزم اردو میں قلمبند کیا۔ جس کا
 پشتو زبان میں ترجمہ کر کے میں نے ملزم کو سنایا اور سمجھایا۔ اور اس کے درست تسلیم کرنے کے بعد اس پر اسکے
 دستخط و نشان انگشت لیا گیا۔

ملزم کا اقبالی بیان بوقت 09:40 بجے شروع کیا گیا، جبکہ اسکی تکمیل بوقت 10:10 بجے بدوران وقت
 عدالت ہوئی۔ بعد از قلمبندی اقبالی بیان ملزم کو نائب کورٹ کے ذریعے حوالات جوڈیشل بھجوا یا گیا۔

۱۹/۱۱/۱۸

(عبدالحسن مہمند)

سول جج / جوڈیشل مجسٹریٹ، مٹہ ضلع سوات
 Abdul Hassan Mohmand
 Judicial Magistrate/ C.J.I
 Matia Swat

بیان زیر دفعہ 364 ض ف تصدیق شد۔

مورخہ: 24.09.2018

۱۹/۱۱/۱۸

(عبدالحسن مہمند)

سول جج / جوڈیشل مجسٹریٹ، مٹہ ضلع سوات

Abdul Hassan Mohmand
 Judicial Magistrate/ C.J.I
 Matia Swat



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**OFFICE OF THE
HEAD OF INVESTIGATION
DISTRICT SWAT**

Ph# 0946-9240319 & Fax # 0946-9240396
Email Address: spinvswat@yahoo.com

No. 8307 /A/Inv: dated Saidu Sharif the: 24/09/2018.

To: The District Police Officer, Swat.

Subject: **INFORMATION REPORT.**
1. **CASE FIR NO.1123 DATED 17/09/2018 U/S 325-PPC**
2. **CASE FIR NO.1123 DATED 17/09/2018 U/S 302/202**
/109/147/149-PPC P.S MATTA, DISTRICT SWAT.

Respected Sir,

It is submitted for kind perusal that as evident from Case FIR No. 1123 dated 17/09/2018 u/s 325-PPC PS Matta on 17/09/2018 complainant Muhammad Kumail S/O Muhammad Parvez R/O Kwaray Kharerai Matta in victim condition reported to ASI Umar Hayat at Casualty Hospital Matta to the effect that he on the heartless discouragement to his life has attempted to commit suicide by taking poisonous tablet drug at his home on his own sweet will. The report in shape of murasila having the impression of the complainant / victim duly supported by his brother namely Sohail Khan was sent to Police Station Matta by ASI Umar Hayat showing consciousness. The victim was incorporated into FIR cited as subject. Similarly, the injury sheet prepared by the said ASI was accordingly handed over to the Doctor Anwar of Civil Hospital Matta for medico legal opinion.

Later on the whole episode of the suicide was transpired during the course of Enquiry initiated U/S 174-CrPC vide Daily Diary No.54 dated 18/09/2018 Police Station Matta by SI Rahim Khan regarding similar sudden death of Mst: Muazzama D/O Muhammad Khan R/O Sinpora Matta by taking poisons as per report lodged by complainant Noshirwan Khan s/o Noshirawan. The actual facts ascertained during the course of Enquiry revealed that on the doubt of illicit relations between both the deceased Mst: Muazzama and Muhammad Kumail, they have been gone to death by giving poisons to deceased Muhammad Kumail by his brother Sohail Khan (accused) due to fear of Muhammad Parvez etc, while the deceased lady through violence as well as electric shots by accused (1) Shah Room (2) Abdul Aziz (3) Asaf Khan (4) Nadar Khan (5) Saifulah Rs/O Sinpora Matta and instead of to report real facts to the Police, have concealed the offence. In the light of the facts so surfaced proper case vide FIR No.1126 dated 19/09/2018 PS Matta has been registered.

Furthermore, confessional statement of Sohail Khan (accused) recorded u/s 164/364 CrPC in the court of Illaqa Qazi / Judicial Magistrate Matta District Swat revealed that his brother (deceased) was unconscious or died but the Police have placed his thumb impression under the suicide statement as dying declaration which was given to ASI Umar Hayat.

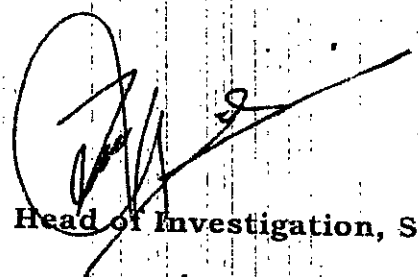
Amir C

It is worth mentioning here that after dispatching the murasila to the Police Station Matta, ASI Umar Hayat was aware of the death of de Muhammad Kumail as he had been handed over the dead body as evident from doctor's report but he did not bother to collect his clothes or to request the doctor Postmortem and handed over the dead body of the deceased to the legal heirs without Postmortem examination. Similarly, IHC Gul Muhammad of PS Matta while investigating the instant case did not bother himself to collect the clothes of the deceased Muhammad Kumail and to request the doctor for the autopsy.

As the act of both the ASI Umar Hayat and IHC Gul Muhammad shows disinterest in official duties and slackness on their part, therefore, they should kindly be suspended and proceed departmental action against them, please.

As far as the role of Doctor Anwar Ali of Civil Hospital Matta concerning his medical legal opinion arises great contradiction of the offence and the facts and has rather destroyed the prosecution case, hence necessary correspondence in this regard is being made with the concerned authorities, please.

Submitted please.


Head of Investigation, Swat

Already received & RA. Firmed with...

27/9
Office Head
DPO/Swat

87/10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 97/2019

Gul Muhammad Ex-Head Constable.

...Appellant

VERSU

The Provincial Police Officer Khyber Pakhtunkhwa and
Others.

...Respondents

REJOINDER ON BEHALF OF THE APPELLANT

Respectfully Sheweth:

Preliminary Objections:

That all the preliminary objections are incorrect, baseless and against the law, rules and Shariah, hence are specifically denied. Moreover the appellant the has got the prima facie case in his favour and has Honourable Tribunal well within time with clean hands and this honourable Tribunal has got the jurisdiction to adjudicate upon the same.

On Facts:

- i. Para 1 of the comments as drafted is irrelevant to the extent that the appellant has got bad entries as the same has got no nexus with the case in hand.
- ii. Para 2 of the comments being admission, hence needs no reply.
- iii. Para 3 of the comments as drafted is incorrect, baseless and against the facts, moreover the same is

based on misstatements, hence the para is denied specifically.

- iv. Para 4 of the comments as drafted is also incorrect, baseless and against the facts. The body was handed over due to the insistence of the legal heirs and their denial to conduct any autopsy, thus the para is denied.
- v. Para 5 of the comments as drafted is irrelevant as the statement / report given to the police at hospital was that of suicide and nothing else, thus the para is denied.
- vi. Para 6 of the comments as drafted is incorrect and devoid of merits, hence denied, as the cause of death was certain.
- vii. Para 7 of the comments as drafted is incorrect, maneuvered and against the facts. The report of the suicide was made by the legal heirs and the thumb impression was got while the deceased was conscious and that too after the approval of the doctor, the factum of the murder was subsequent much latter to the incident, thus the para is denied.
- viii. Para 8 of the comments as drafted also is incorrect and devoid of merits as the factum of murder was the result of another report lodged much latter and the incident at the hospital has got no nexus with the same as the first report was of a suicide only. Moreover the charge sheet and statement of allegations never find any mention of the alleged murder, thus the para is denied.

- ix. *Para 9 of the comments as drafted is vague, evasive and devoid of merits, hence the same is denied.*
- x. *Para 10 of the comments as drafted is incorrect, baseless and against the facts, thus the same is denied specifically.*
- xi. *Para 11 of the comments as drafted is vague, evasive and against the facts, thus the same is denied as well.*
- xii. *Para 12 of the comments as drafted is against the law and rules on the subject, hence is specifically denied.*

On Grounds:

- a. *Ground A of the comments as drafted is incorrect, devoid of merits and against the facts and record, thus the same is denied specifically.*
- b. *Ground B of the comments as drafted is also incorrect, baseless and based on misstatements and concealments of facts, thus the same is denied specifically.*
- c. *Ground C of the comments as drafted is baseless, incorrect, devoid of merits and based on misstatements. The appellant has never been treated in accordance with the law and rules on the subject and has been made to suffer on account of colourful and arbitrary use of authority to the utter detriment of the appellant, thus the para is denied specifically as well.*
- d. *Ground D of the comments as drafted also is incorrect and devoid of merits as the appellant has never concealed any of the materials relating to the issue, as is clear from the record, thus the para is denied as well.*

e. Ground E of the comments as drafted also is incorrect, baseless and reflecting the colourful and arbitrary use of the authority as well, thus the para is denied.

It is, therefore, very respectfully prayed that on acceptance of this rejoinder the appeal of the appellant may very kindly be decided as prayed for originally.

Appellant



Gul Muhammad
Through Counsel,



Imdad Ullah
Advocate Swat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL, PESHAWAR

Service Appeal No. 97/2019

Gul Muhammad Ex-Head Constable.

...Appellant

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa and
Others.

...Respondents

AFFIDAVIT

It is solemnly stated on Oath that all the contents of this
rejoinder are true and correct to the best of my knowledge and
belief and nothing has either been misstated or kept concealed
before this Honourable Tribunal.

Deponent

Gul Muhammad

Gul Muhammad

ATTESTED

U R

UMAR SADIQ Advocate,
OATH COMMISSIONER

Distt: Courts Swat.

No. 312 Date: 3/9/19

CHARGE SHEET

I, **Syed Ashfaq Anwar, PSP District Police Officer, Swat** being competent authority hereby charge you, **IHC Gul Muhammad No. 967** while posted to **Police Station Matta** as follows:-

You committed the following act/acts, which is/are gross misconduct on your part as defined in Rules 2 (iii) of Police Disciplinary Rules, 1975 with amendments 2014 vide Notification No.3859/Leg dated 27-08-2014 of the General of Police, Khyber Pakhtunkhwa, Peshawar.

A report of SP Investigation, Swat regarding case FIR No. 1126, dated 17-09-2018 302/202/109/147/149-PPC Police Station Matta revealed that you while investigating the instant case failed to collect the deceased's clothes as evidence. You also failed to get the dead body examined rather handed over the same to legal heirs without carrying out autopsy. Your this act amounts to show negligence and disinterest in official duty which warrants strict departmental action. You are therefore issued this charge sheet and statement allegations.

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

3. You are, therefore, required to submit your written reply within seven (07) days of receipt of this Charge Sheet to the Enquiry officer.

4. Your written reply, 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 in that case ex-parte action shall follow against you.

5. Intimate as to whether you desire to be heard in person or not.

6. A statement of allegations is enclosed.

Handwritten signature and initials

Large handwritten signature

District Police Officer
Swat

No. 89 /PA,

Dated: 01-10 /2018.

Q.B.N 2171
25/10/18

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DISCIPLINARY ACTION

I, Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, is of the opinion that he IHC Gul Muhammad No. 967 while posted to Police Station Matta has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions defined in Rule 2 (iii) of Police Rules 1975 with amendments 2014 vide Notification No.3859/Legal, dated 27-08-2014 of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, as per Provincial Assembly of Khyber Pakhtunkhwa Notification No. PA/Khyber Pakhtunkhwa/ Bills/ 2011/44905 dated 16/09/2011. C.P.O, K.P.K Peshawar Memo: No. 3037-62/Legal, dated 19/11/2011.

STATEMENT OF ALLEGATIONS

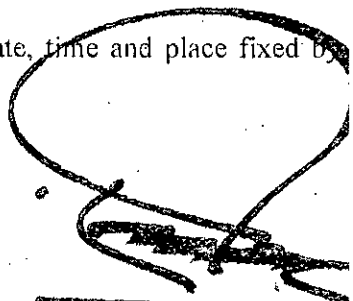
It has been reported that he while posted at Police Station Matta committed the following act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

A report of SP Investigation, Swat regarding case FIR No. 1126, dated 17-09-2018 302/202/109/147/149-PPC Police Station Matta revealed that he while investigating the instant case failed to collect the deceased's clothes as evidence. He also failed to get the dead body examined and handed over the same to legal heirs without carrying out autopsy. His this act amounts to show negligence and disinterest in official duty which warrants strict departmental action.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, Addl: SP Swat is appointed as Enquiry Officer.

3. The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defense and hearing to the accused officer, record findings and make within ten (10) days of the receipt of this order, recommendation as to punishment or of appropriate action against the accused officer.

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



District Police Officer
Swat

No. 89 /PA, Dated Gulkada the, 01 - 10 2018.

Copies of above to:-

1. Addl: SP Swat for initiating proceeding against the accused Officer/Official named IHC Gul Muhammad No. 967 under Police Rules, 1975.

2. IHC Gul Muhammad No. 967 Police Station Matta

With the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of enquiry proceeding.

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ازدقت ایڈیشنل سپرنٹنڈنٹ آف پولیس
ضلع سوات

فون نمبر 0946-9240253

Email: additionalspswat@gmail.com

فائینڈنگ رپورٹ

برخلاف گل محمد HC / 967 تھانہ منہ

الزامات: بسلسلہ تفتیش مقدمہ علت 1123 مورخہ 17-09-2018 جرم PPC 325 تھانہ منہ SP صاحب شعبہ تفتیش کے سفارشات پر جناب DPO صاحب نے گل محمد IHC کو چارج شیٹ نمبری PA / 89 محرہ 01-10-2018 جاری کر کے من ایڈیشنل SP کو انکوائری افسر مقرر کرنے کا حکم صادر کیا۔

تحقیقات: انکوائری ہذا میں گل محمد IHC تھانہ منہ طلب کیا کر جس کا بیان قلم بند ہو کر شامل انکوائری ہے نقل FIR ملاحظہ کیا گیا۔ مقدمہ کی رجسٹریشن مورخہ 17-09-2018 کو بوقت 18:25 بجے تھانہ منہ میں ہوئی ہے جو گل محمد IHC کو بغرض تفتیش مارک کی گئی ہے۔ IHC نے صبح مورخہ 18-09-2018 کو خانہ متونی محمد کبیل جا کر لواحقین متونی برادر سہیل خان چچا، والد آتش کے ساتھ گفت و شنید اور پارچات کے نسبت معلومات کی۔ لواحقین نے فاتحہ خوانی کا بہانہ بنا کر اسے بتایا کہ بعد فاتحہ خوانی کے پارچات حوالہ کئے جائیں گے۔ IHC نے بیانات لئے جا کر جنہوں نے متونی کے شدہ رپورٹ کی تصدیق کی۔ کل مورخہ 18-09-2018 کو مسماہ معظمہ کی زہر خورانی کا معاملہ پیش ہو کر جس میں تحقیقات کے بعد مقدمہ علت 1126 مورخہ 18-09-2018 جرم PPC 109-149-147-202-302 تھانہ منہ قائم کیا جا کر جس میں علت 1123 جرم PPC 325 کی مدعی (متونی) محمد کبیل اور مسماہ معظمہ کا ایس میں ناجائز تعلقات اور ان کے لواحقین کو انہیں قتل کرنے کی غرض ان کو زہر پلانے کی پاداش میں نذرمان گردانے گئے۔ IHC گل محمد نے مثل مقدمہ حسب ہدایات افسران بالا پراسیکیوشن برانچ لے جا کر پراسیکیوشن برانچ نے تحریری رائے دیکر کہ مقدمہ میں بےینہ اخراج رپورٹ مرتب کیا جا کر مقدمہ علت 1126 مورخہ 18-09-2018 جرم PPC 109-149-147-202-302 تھانہ منہ کا حصہ ہو گا۔

نتیجہ تحقیق: گل محمد IHC کو نقل FIR بغرض تفتیش حوالہ ہو کر جس نے حسب ضابطہ تفتیش کے غرض کافی تنگ و دو کی ہے جو کہ قصور وار نہیں پایا جاتا ہے۔ انکوائری فائل کرنے کی سفارش کی جاتی ہے۔

خان خیل

ایڈیشنل ایس پی سوات

108 ستمبر 2018ء

صبا علی

تحوال مشہورہ چار شہداء 89 قدرہ 10/18 اور حجاز صبا

سورۃ صروض حضرت صوفی صاحب 17/18 کو مستحبت عتقی حمد کو میل اولہ حمد

کوئٹہ کے ایجنٹ پر غرضت خان ASI حجاز کی جوائی صتیال علیہن صوامع الہم

ارمان فقہ کرک صلا پر مقدمہ حضرت قائم ہو کر من 114 کو حادثہ صوکر عتقی حمد کو میل کو بصرہ

ارتھ کے دنیا گیا تھا تو عرصہ 8/9 اور صحابہ عظیم زور رصاگان کی فحش صتیال

شوق فارخان نے ایجنٹ کی تم اسکی بیٹی نے لہی زہر کھا کر فوت ہوئی ہے جس میں رابع خان

رافق 174 صوفی سربرک کے آئے اللہ اللہ کی مہم عظیم الجاہلی کو زہر دستہ سے ندرت

بہرگی دوا پڑائی گئی ہے تو صحابہ متذکرہ کی بوسٹ فارٹھ کی بوسٹ مدارٹھ ایجنٹ

19/18 کو حاصل صوفی پر پایا گیا تم صحابہ عظیم پر تشدد کیا ہے اور ہزار ہا ڈاکٹر قتل

کی ہے قوالی خان زکی نے صوامع الہم 149-147-109-202-302 114 پر صوکر و نڈرمان اسکا

پرسون خان نے عبد العزیز 3 ایجنٹ پاران 34 برس باجم 9 ہزار ہا الہم صوفی

ر محمد ہرگز کی نارو خان الہم نوسیراں 7 سیف اللہ ولہ فارخان ارمان قائم کرکے

بے ملزبان 50 نے اپنے گھروں پر ڈاکٹر آرمی سے باہر حکم ہزار ہا ڈاکٹر قتل کیا ہے

زمانہ 3-6 نے زہر دستہ سے صحابہ عظیم الجاہلی کو زہر ڈاکٹر قتل کیا ہے اور عرصہ

سورٹ سند بھگائے اپنے صہم کی اقبال صہم آتے ہاں ڈاکٹر قتل کی تھی زہر عام فخر زمان

کہ کوئٹہ کو زہر ڈاکٹر وہ دوران علانیہ صلیح حوت جو ارامی تمام انکو ایجنٹ کے نسبت سے

صوفی خانہ صوفی جاکر صوفی کے والد الہم بچا وعینہ سے ملاقی صوکر عتقی حمد کو میل کے

من بکترہ کے نسبت کتنے دستہ ہو کر صنفوں نے متلاشی ہوئی رہی زیادہ ہے اور کوشا کی

وشی و عی علی ہم ڈھونڈ لیتے ہیں صوفی کے صوفی سے پتہ کریں گے۔ متلاشی بار بار کیے گا جو

ہم نے صوامع الہم کے ایجنٹ عدلیہ ہے

114 PS Malia
05-10-18

اور لوہے میں رحم خان کے زکر کیا تھا مقدمہ 1126 جمع 325
 اور لوہے میں ارسال کرنے دونوں ایک ہی کڑی ہے۔ مٹوئی فرمیں
 اور سکاہ اعظم کے اسم میں نا جائز تعلقات ہے۔ اس وجہ سے

انکے لواحقین نے اپنے اپنے بندوں کو زہر دیا ہے۔
 کہ صاحب نے مزید تحقیقات جاری رکھ کر تحقیقات مندرجہ بالا
 مقدمہ 1126 جمع 18 جمع 18 جمع 18 جمع 18 جمع 18
 302 201 202 147 149 109
 عالم کے لئے لفظوں کو حوالہ کی۔ مٹوئی فرمیں مقدمہ
 جمع 325 میں ہے آواز باہر کے پابند برائے لوہے
 اس میں لفظوں کو حوالہ دیا ہے تاکہ سچ صاحب سے لفظ
 مقدمہ کی افراہگی اور دوہوں میں مقدمہ 1126 جمع 18
 شامل ہے کہ توڑی ہے۔

میں حسب ضابطہ کارروائی کی ہے۔ پارچہ کے لئے لواحقین سے
 استفسار کر چکا ہوں۔ جو کہ انہوں نے نہیں نہیں کے ہیں
 میں کوئی کوئی نہیں ہے۔ یہی ہے بیان ہے۔ جمع درجہ

الم
 مل 3 مل 967
 1126

کراس صاحب EO

میں ہے۔ کیا انکو یہ علم تھا کہ جمع فرمیں اور سکاہ اعظم کے مابین
 نا جائز تعلقات انہوں نے؟
 ہے۔ یہ نہیں، بلکہ علم میں تھا۔ رحم خان کے ارسال کرنے اور لوہے
 کے لئے علم ہوا۔

2/3 ۱ ۱/۲ کپڑے ۱۱۲ کپڑے 325 قسطوں کی قسطوں کی

۱۱۲ ایک عدد ہر ایک قسطوں کی

3/3 کپڑے کے لئے 325 میں پارٹ مٹوفی قسطوں کی

۱۱۲

4 ایک ماہور قسطوں کی قسطوں کی

۱۱۲

۱۱۲ جی میں اجراء کیے گئے کو قسطوں کی

Am
Addy Sp. Swat
04.11.18

OS (8) 2 ER

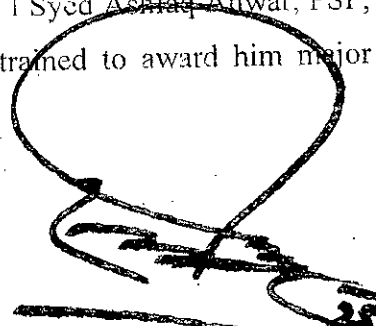
ORDER

This order will dispose of Departmental Enquiry against Head Constable Gul Muhammad No. 967 of this District Police. He while posted to Police Station Matta was alleged of gross misconduct as he while investigating the case registered vide FIR No. 1126 dated 17-09-2018 vs 302-202-109-147-149 PPC Police Station Matta failed to collect the deceased's clothes as evidence. He also failed to get the dead body examined rather handed over the same to legal heirs without carrying out autopsy.

He was issued a charge sheet and statement of allegations vide this office No. 89/PA. dated 01-10-2018 and Addl: SP. Swat was appointed as Enquiry Officer to conduct proper departmental enquiry against the delinquent Police Officer. The Enquiry Officer reported that the Head Constable under enquiry had failed to follow SOP in the abovementioned case which created problems for Police.

The Police Officer under enquiry had failed to collect the deceased's clothes for evidence. He has also failed to get the dead body examined which made the case complicated and created problems for Police. His this act is against discipline and unbecoming of a Police Officer. This warrants punishment. Hence, in exercise of the powers vested in the undersigned under Rules 2 (iii) of Police Disciplinary Rules - 1975, I Syed Ashfaq Anwar, PSP, District Police Officer Swat being competent authority, am constrained to award him major punishment of removal from service.

Order announced.



District Police Officer
Swat.

G.B. No. 177

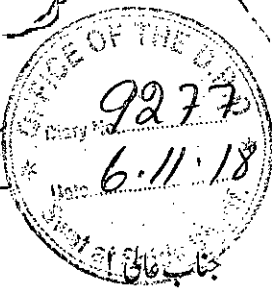
Dated: 25-10-2018

Copies to:-

1. Addl: SP Swat
2. Establishment Clerk

For necessary action, please.

حضرت جناب ریجنل پولیس آفیسر صاحب ملاکنڈ ریجن بمقام سید و شریف سوات



گزارش کی جاتی ہے کہ سائل تھانہ منہ میں بحیثیت IHC تعینات تھا مورخہ 17-09-2018 کو سائل کو مقدمہ علت 1123 سال 2018ء جرم PPC 325 تھانہ منہ کی تفتیش سپرد کی گئی۔ سائل کو نقل FIR شام ویلہ حوالہ کیا گیا مقدمہ معمولی نوعیت کا تھا سائل نے صبح تفتیش کا آغاز کر کے خانہ متونی محمد کیل جا کر لواحقین سے گفت و شنید کی گئی۔ لواحقین متونی سابقہ بیانات دہرا رہے تھے جن کے موافق تھا کہ محمد کیل نے خود زہریلی گولی کھا کر زندگی کا خاتمہ کیا ہے لواحقین کے ساتھ پارچات کے نسبت بھی ڈسکس کی گئی جنہوں نے واضح کیا کہ وہ فاتحہ خوانی میں مصروف ہیں فارغ ہونے پر پارچات حوالہ کریں گے۔ فارغ ہونے پر بواہی تھانہ آکر معلوم ہوا کہ مسماہ معظمہ نے زہریلی دوائی کھا کر جان بحق ہوئی ہے یہ بھی معلوم ہوا کہ محمد کیل اور مسماہ معظمہ کا آپس میں ناجائز تعلقات استوار تھے۔ جس کے بناء ان کے لواحقین نے انہیں زہریلی دوا دیکر موت کے گھاٹ اتار دئے ہیں اس سلسلہ میں مقدمہ علت 1126 سال 2018ء جرم PPC 109-202-201-302 تھانہ منہ قائم ہوا ہے۔ سائل کے ساتھ زیر تفتیش مقدمہ جرم PPC 325 افسران بالا کے ساتھ ڈسکس ہو کر حسب رائے پراسیکیوشن برانچ رپورٹ بصیغہ اخراج مرتب کیا جا کر جو کہ خارج شدہ مثل مقدمہ علت 1126 سال 2018ء کا حصہ بن گیا ہے۔

جناب DPO صاحب سوات نے من سائل کو چارج شیٹ جاری کر کے جناب ایڈیشنل SP صاحب سوات نے انکوائری کر کے جنہوں نے من سائل کو انکوائری میں بے گناہ تحریر کیا ہے جناب DPO صاحب سوات نے بحوالہ آرڈر نمبر 171 محررہ 25-10-2018 محکمہ پولیس سے ڈسکس کر کے حکم صادر کیا ہے سائل کے ساتھ ظلم اور نا انصافی ہوئی ہے۔

استدعا ہے کہ سائل کو اپنے عہدہ پر دوبارہ بحال کرنے کا حکم صادر فرمائیں سائل مشکور رہے گا۔

العارض

گل محمد ولد فردوس ساکن دارالحیجرین سابقہ HC محکمہ پولیس سوات

رابطہ نمبر 0346-7705072

NO 9648
dt 01-11-

EE/DS/Inpd/EE/DPO Swat

For detail comments
+ enquiry file

District Police Officer
SWAL

Regional Officer
Malakand Region, Swat.



**OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
AT SAIDU SHARIF SWAT.**

*Ph: 0946-9240381-88 & Fax No. 0946-9240390
Email: digmalakand@yahoo.com*

ORDER:

This order will dispose off application of Ex-HC Gul Muhammad No. 967 of Swat District for reinstatement in service.

Brief facts of the case are that HC Gul Muhammad No. 967 while posted to PS Matta was alleged of gross misconduct in case FIR No. 1126 datd 17/09/2018 u/s 302/202/109/147/149-PPC PS Matta as he failed to collect cloths of deceased as evidence. He also failed to get the dead body examined rather handed over the same to legal heirs without carrying out autopsy. Consequently he was issued charge sheet coupled with statement of allegations and Addl: SP Swat was deputed as enquiry officer. The enquiry officer conducted proper departmental enquiry against the delinquent Head Constable and submitted his finding that the delinquent Head Constable had failed to follow the SOP.

He was called in Orderly Room on 02/01/2019 and heard him in person. The applicant could not produce any cogent reason in his defense. Therefore, his application for reinstatement in service is hereby filed.

Order announced.

(Signature)
**(MUHAMMAD SAEED) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Saloon**
10/01

No. 524 /E,
Dated 10-01 /2019.

Copy to District Police Officer, Swat for information and necessary action with reference to his office Memo: No. 20530/E, dated 14/11/2018. The service record of the above named Ex-HC is returned herewith for record in your office.

(Cmmer. S. Record) *****

POST-MORTEM REPORT

Yearly No _____
On the body of _____

Name Mr. Muzina Kasi
 FATHER'S NAME _____
 or _____
 HUSBAND'S NAME Mr. Raja Khan
 CASTE _____
 RESIDENCE Sein-Poina Malle
 SEX Female AGE 23/24 years

DISTRICT Swat

Body brought by Sub-Inspector Mr. Rahim Khan Mr. Nader Khan s/o Nourahman
 Whence brought: village, Thana, District Village Sein-Poina Tehsil Malle Dist Swat Body identified by Abdullah Khan s/o Shari
 CNIC # 15601-12378-9 CNIC # 15601-1542722-3
 DATE AND HOUR OF DEATH 18/9/2018
 Examination of body 18/9/2018 Dispatch of matter to Chemical Examiner Specimen of stomach contents & 3 Reg. Swabs from sigmoid, section & forwarded over to local police at Quetta
 Symptoms observed before death _____
 Information furnished by Police Poisoning

N.B. - The Medical officer will observe the state of all the organs, and when he finds no disease or injury, he should write in the appropriate places the word "Healthy"

I. - EXTERNAL APPEARANCE

Mark of ligature on neck and dissection, etc.
 Condition of Subject - stout emaciated, decomposed, etc., Clothing

Nil

Examined a healthy looking female of 23/24 years old in kafeen with cold body & closed eyes & mouth. Rigidity & rigor mortis were developed. No visible infection marks noted. On examination following injuries were noted:
 1. A large & blue colored deep contusion associated to multi-lines (horizontal & vertical) due to blunt trauma of high velocity, about 20x15cm in length, with respectively to irregular margins at the antero-lateral aspect of right upper arm & shoulder, with laceration & abrasion, with slight raised surfaces.

Wounds, bruises, position, size, nature

Another large & deep contusion, dark blue colour & multi-lines of horizontal & vertical at 25x20cm in length with elevated inflex from rest of chest. Laceration & abrasion noted over the scapular region.

P.T.O.

Other deep & dense blue colored contusion about 10 cm in length & width respectively & due to blunt trauma of high velocity, about 18 cm in length & width respectively & irregular margins on distal lateral aspect of left hand & wrist joint. The surface was of deep hard & crust joint. The surface was slightly raised from rest of skin.

② A large & deep colored contusion of size about 9.5 x 8 cm (i.e. extending from upper 1/3rd of right thigh to lower part of right leg) on the anterior-lateral aspect of right knee & lower part in the central area of this contusion. There was sprinal shaped imprint along with suggestive parallel lines white in colour, suggestive of electric water heater. The surface of associated with 1st degree burn. The outer margins of this contusion were also irregular & associated with this contusion also the

③ A deep & dense blue colored contusion due to blunt trauma of high velocity about 10 cm in length & width respectively & irregular margins on the anterior lateral aspect of right hand & wrist joint & distal 1/3rd of 1st phalanx. The surface was slightly elevated from rest of skin.

Dr. Shyamkant

12

Simplo
Gnd

33

ولا تلبسوا الخق بالناجس ولا تلبسوا الخق وانتم تلبسون

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 Muzjiana Bibi
I hereby certify that I received by hand a packet from SI
of P.S. Mulla - Serwat alleged to have been dispatched by him/her
on the 28th of Sept 2018 referred to in his office No. 1126
Dated 19-09-2018 and received by me on the 28-09-2018

The packet consisted of Three parcels was sealed with a seal bearing the serial number invoice
number attached and reached me with Three seals intact Each

The contents of the packet were as follows:-

- (a) clothes (moujama bibi)
- (b) Two steel glass
- (c) 3 wheat pills
- (d) /
- (e) /

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 Analysis

The result was as follows:-

- ① The steel glass are positive for phosphine
- ② The wheat pills are aluminium phosphate
- ③ The clothes are negative for poisons

Note:-

- (i)
- (ii)
- (iii)

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

No. 175 / FM/T/...
KMC Peshawar
Chemical examiner office

The 11-10-2018

1. GENERAL ALKALOIDS:-

- Heroin
- Morphine
- Atropine
- Hysocine
- Strychnine
- Brucine

2. VOLATILE POISONS:-

- Ethyl Alcohol
- Methyl Alcohol
- Hydrocyanic acid
- Formaldehyde
- Phenols
- Organophosphates
- Chlorinated hydrocarbons

ALCOHOL ANALYSIS REPORT

- Potassium dichromate Test
- Sulphomolybdate Test
- Fuylberzoate Test

THE EVIDENCE SHOULD BE DESTROYED
AFTER SIX (06) MONTHS UNLESS
COLLECTED BY SIX MONTHS

SEMEN ANALYSIS:-

- Berberio's Test
- Florence's Test
- Of Spermatozoa

3. METALLIC POISONS:-

- Arsenic
- Mercury
- Lead
- Copper
- Silver
- Tranquillizer
- Barbiturates
- Hypnotics
- Sedatives
- Chloral Hydrate

HEAD
DEPARTMENT OF FORENSIC MEDICINE
KHYBER MEDICAL COLLEGE, PESHAWAR

CHEMICAL EXAMINER
(BIO-CHEMIST)

13

Handwritten notes in Urdu and English: "Handwritten notes in Urdu and English: 11-12, 10-018, 12-10-18"

DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY
KHYBER MEDICAL COLLEGE, PESHAWAR

In the case of Moujizana Bibi
(Admissible as evidence under section 510 of the Code of Criminal Procedure)

1. I hereby certify that I received by hand a packet from P.S.HO
of P.S. Mulla Swat alleged to have been dispatched by him/her
on the 20th of Sept 2018 referred to in his office No 1126
Dated 19-09-2018 and received by me on the 24-09-2018

2. The packet consisted of seven parcel was sealed with a seal bearing the impression of the invoice
here on to attached. And reached me with Three seals intact. Each

The contents of the packet were as follows:-

- (a) Stomach (b) Large Intestine
- (c) Kidney (d) Liver Piece
- (e) Spleen (f) Small Intestine, Vaginal Swab

2. 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.

3. The material / samples I was led to examine for were Chemical / Seminal Analysis

Riz ASSISTANT CHEMICAL EXAMINER
(BIO-CHEMIST)

4. The result was as follows:-
@ The stomach specimen is positive for Phosphine.
@ The vaginal swab is positive for Sperm / Spermatozoa.

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. 928 / FM/KMC/2018
KMC, Peshawar.
Chemical examiner office:

Date: 11-10-2018
Place: Peshawar

EVIDENCE...
COLLECTED BY...

1. GENERAL ALKALOIDS:-
Heroin _____
Morphine _____
Cannabinoil _____
Atropine _____
Hyoscyamine _____
Scopolamine _____
Strychnine _____
Digitalis _____

ALCOHOL ANALYSIS REPORT
Potassium dichromate Test _____
Sulphomolybdate Test _____
Ethylbenzoate Test _____

2. VOLATILE POISONS:-
Ethyl Alcohol _____
Methyl alcohol _____
Hydrocyanic acid _____
Formaldehyde _____
Phenols _____

SEMEN ANALYSIS:-
Barberio's Test _____
Florence's Test _____
Of Spermatozoa Negative

3. METALLIC POISONS:-
Arsenic _____
Mercury _____
Lead _____
Copper _____
Silver _____
Tranquillizer _____
Barbiturates _____
Hypnotics _____
Sedatives _____
Chloral Hydrate _____

Phosphine = Positive
for
[Signature]

CHEMICAL EXAMINER
(BIO-CHEMIST)

HEAD
DEPARTMENT OF FORENSIC MEDICINE
KHYBER MEDICAL COLLEGE, PESHAWAR

(14) (14)
کونسل خان

9/10
0/11-P. M. 15
22-1-05

وَلَا تَقْبَلُوا الْحَقَّ بِالْجَائِلِ وَكُنْتُمْ تَعْلَمُونَ
وَلَا تَقْبَلُوا الْحَقَّ بِالْجَائِلِ وَكُنْتُمْ تَعْلَمُونَ

DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY
KHYBER MEDICAL COLLEGE, PESHAWAR.

In the case of Kamil Khan
1. I hereby certify that I received by hand a packet from SHO
of P.S. Mulla Swat alleged to have been dispatched by him/her
on 28/9/2018 referred to in his office No 112/6
Date 19-9-2018 and received by me on the 28-9-2018

2. The packet consisted of Six parcels was sealed with a seal bearing the impression of the invoice
here on to attached. And reached me with Three seals intact each.
The contents of the packet were as follows:-

- (a) Stomach piece
- (b) Linear Brain piece
- (c) 2 Lungs
- (d) Small intestine
- (e) Left Kidney
- (f) /

2. 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.
3. The material / samples I was led to examine for were Chemical Examination

4. The result was as follows:-
The above mentioned visceral organs are positive for Phosphine.

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 over leaf.
(iii) Any report without embossing mark is not genuine.

No. 948 /FM/KMC/2018
KMC, Peshawar.
Chemical examiner office:

The 11-10-2018 200
Enclosure:-

GENERAL ALKALOIDS:-

Heroin	
Morphine	
Cannabiol	
Atropine	
Hyoscine	
Strychnine	
Brucine	

POISONING:-

Ethyl Alcohol	
Methyl alcohol	
Hydrocyanic acid	
Formaldehyde	
Phenols	
Organophosphates	
Chlorinated hydrocarbons	

202
[Signature]

HEAD
DEPARTMENT OF FORENSIC MEDICINE
KHYBER MEDICAL COLLEGE, PESHAWAR.

[Signature]
CHEMICAL EXAMINER
(BIO-CHEMIST)

THE EVIDENCE WILL BE DESTROYED
AFTER 30 DAYS FROM THE DATE
COLLECTED & RECORDED

ALCOHOL ANALYSIS REPORT:-

Potassium dichromate Test	
Sulphomolybdate Test	
Ethylbenzoate Test	

SEMEN ANALYSIS:-

Barberio's Test	
Florence's Test	
Of Spermatozoa	

METALLIC POISONS:-

Arsenic	
Mercury	
Lead	
Copper	
Silver	
Tranquillizer	
Barbiturates	
Hypnotics	
Sedatives	
Chloral Hydrates	

Examination

W.P. Medical- 46

POST-MORTEM REPORT

Yearly No

Name Komil Khan S/o

On the body of

FATHER'S NAME

or

HUSBAND'S NAME

M. Faruq

CASTE

Afghan

RESIDENCE

Koray

SEX

M

AGE

21/22

DISTRICT

Swat

1) S.H.O. Rahim Khan. 2) Police S.O. Saleem Khan.

Body brought by _____ Body identified by Magistrate

Whence brought : village, Thana, District

Police station Matta

DATE AND HOUR OF DEATH — 27/09/2010

Death	Examination of body.	Despatch of matter to Chemical Examiner
-------	----------------------	---

Symptoms observed before death young putrefied man Yes

Information furnished by Police Hx of Arsenic phosphate 359

Hx of poisoning

N.B. — The Medical officer will observe the state of all the organs, and when he finds no disease or injury should write in the appropriate place the word "Healthy"

I. — EXTERNAL APPEARANCE

Marks of ligature on neck and dissection, etc. Young man putrefied and swollen

Condition of Subject — stout emaciated, decomposed, etc., Clothing Coffin White

Wounds, bruises, position, size, nature Ulcer on (Abrasion Bruise at left) zygomatic region on lateral aspect

Lacerated wound about 2 inch in length on the occipital area of head

Injury.	Disease or Deformity	Fracture	Disloc.
No Fracture seen in any part of the body			

VI.—REMARKS BY MEDICAL OFFICER.

Time of death: 17/09/2018 5:10 pm
 Examinations done on 27/09/2018 4:10 pm. Start time
 Examinations completed about within two hours.
 Provisional cause of death Aluminum phosphide poison
 Final cause of death after laboratory report.

Probable time that elapsed—
 (a) between injury and Death.
 (b) between death and Post-Mortem

Time of poisoning received in Emergency 5:10 pm
 17/09/18
 Expired at 5:40 pm.
 Time and date of Exhumation
 Approximately 10 days. 27/09/18
 Time 4:10 pm.

Station Hd
 27-09-2018

Dr. Local Ali (M.O.)
 Signature & Designation of Medical Officer.
 P.M.D.C. No. 2