

25th May, 2022

Learned counsel for the appellant present. Mr. Noor Zaman, District Attorney alongwith Mr. M. Raziq, H.C for respondents present.

Representative of the respondents submitted written reply/comments which is placed on file. A copy of the same is handed over to the learned counsel for the appellant. To come up for arguments on 10.08.2022 before D.B.



(Fareeha Paul)
Member(E)



(Kalim Arshad Khan)
Chairman

10.8.2022

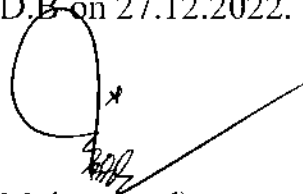
Proper DB not available the case
is adjourned to 2-11-2022


Reader

02.11.2022

Nemo for the appellant. Mr. Raziq, H.C alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments before the D.B on 27.12.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

27-12-22

Due to winter vacation, the case is
adjourned to 4-4-23 before the same


Reader

Counsel was
informed
telephonically
on 18/12/22

12.11.2021

Counsel for, the appellant present. Preliminary arguments have been heard. Memorandum of appeal and documents annexed therewith have been perused.

Subject to all just and legal objections including limitation, this appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 20.01.2022 before the S.B.

Appellant Deposited
Security & Process Fee


13/11/21


Chairman

20.01.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

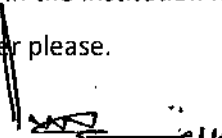

Reply/comments on behalf of respondent are still awaited. Learned Additional Advocate General sought time for submission of reply/comments. Last opportunity is granted to respondents to furnish reply/comments on or before next date, failing which their right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 25.05.2022.


(Atiq-Ur-Rehman Wazir)
Member (E)

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 7421 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/09/2021	<p>The appeal of Mr. Dost Muhammad resubmitted today by Mr. Muhammad Imran Khan 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</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Dost Muhammad son of Ameer Muhammad District Charsadda received today i.e. on 08.09.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


- ① Check list is not attached with the appeal.
- 2- Affidavit may be got attested by the Oath Commissioner.
- 3- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 4- Memorandum of appeal may be got signed by the appellant.
- 5- Annexures of the appeal may be attested.
- 6- Copy of enquiry report is illegible which may be replaced by legible/better one.
- 7- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal

No. 1797 /S.T,

Dt. 08/09/2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. M.Imran Khan Adv. Pesh.

*Resubmitted after
compliance.*


KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Dast Muhammad vs Govt of KP & others

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>Dast Muhammad</u>		
2	Whether Counsel/Appellant/Respondent/Deponent, have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?		
16	Whether appeal contains cutting/overwriting?		
17	Whether list of books has been provided at the end of the appeal?		
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On		
26	Whether copies of comments/reply/rejoinder submitted? On		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: M. Imran Khan Advocate

Signature: M. Imran Khan

Dated: _____

**BEFORE THE CHAIRMAN SERVICE
TRIBUNAL KHAYBER PUKHTOON
KHAWA PESHAWAR.**

DOST MUHAMMAD

VERSUS

GOVERNMENT OF KPK AND OTHERS

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Dated: 07.09.2021

APPELLANT

Through

Muhammad Imran Khan
Advocate, High Court

M. H. D.

BEFORE THE CHAIRMAN SERVICE
TRIBUNAL KHYBER PUKHTOON
KHAWA PESHAWAR.

DOST MUHAMMAD S/O: AMEER MUHAMMAD R/O: MIRZAGAAN
P.O CHARSADE TOWN CHARSADE.

APPELLANT
By Order of Chairman
Service Tribunal

VERSUS

Diary No. 7534
Dated 08/9/2021

1. GOVERNMENT OF KPK THROUGH CHIEF SECRETARY.
2. CAPITAL CITY POLICE OFFICER PESHAWAR.
3. SUPERINTENDENT POLICE HEAD QUARTERS PESHAWAR.
4. SENIOR SUPERINTENDENT POLICE (Ops) HEAD QUARTERS PESHAWAR.
5. SUPERINTENDENT POLICE RURAL DEVISION PESHAWAR.

RESPONDENTS

APPEAL U/S: 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER PASSED BY W/SSP (Ops)
VIDE Endst NO: 1164-68/PA DATED: 03.06.2021 AND
IMPUGNED ORDER IN DEPARTMENTAL APPEAL NO: 2543-
46 DATED: 13.08.2021. WHEREBY AN ORDER FOR
FORFEITURE OF 02 YEARS APPROVED SERVICE IS PASSED
AGAINST THE APPELLANT.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL THE ORDER
W/SSP (Ops) VIDE Endst NO: 1164-68/PA DATED:
03.06.2021 AND NO: 2543-46 DATED: 13.08.2021
PASSED BY RESPONDENTS TO FORFEITURE 02
YEARS APPROVED SERVICE OF APPELLANT
MAY PLEASE BE SET ASIDE AND TO RESTORE
THE SAID TWO YEAR SERVICE WITH ALL HIS
BACK BENEFITS TO MEET THE ENDS OF
JUSTICE.

RESPECTFULLY SHEWETH:

The appellant most humbly submits as under:

1. That the appellant was appointed as constable on 20.09.1986 in police department and he served the department with zeal and efficiency.
(Copy of service is attached as annexure A)

Filed to-day
Registrar
08/9/2021

2. That the appellant performed his job to the entire satisfaction of his Superior and during service no adverse remark or black spot has been found on the part of appellant.
3. That the appellant had wrongly been involved in case FIR No: 234/2021, u/s: 15AA, P.S West Cantt, dated: 14.03.2021 lodged against under the custody accused namely Shah Zeb s/o: Khyal Akbar R/O: Bara Khyber committed suicide in the lock up.
4. That the appellant was issued charge sheet for act of misconduct which was properly answered but not considered by worthy inquiry officer as well worthy authority/SSP (Ops).

(Copy of charge sheet and reply are attached as annexure B-C)

5. That on submission of finding report by worthy inquiry officer SP (Rural), the authority without going in to the merits of the case, passed the impugned order dated 03.06.2021.

(Copy of impugned order dt: 03.06.2021 is attached as annexure D)

6. That feeling aggrieved from the impugned order passed by W/SSP (Ops) vide Endst No: 1164-68/PA dated: 03.06.2021, the appellant filed departmental appeal which was also rejected on 13.08.2021.

(Copy of departmental appeal and order are attached as annexure E-F)

7. That feeling aggrieved, the appellant filed this appeal before this Hon'ble Court on the following grounds inter-alia:

GROUND:-

- A. That the appellant was legally appointed on the post of police constable and was performing his duty regularly.
- B. That appellant has spotless service record, belongs to middle class family, always acted beyond the call of duty at the risk of life and also performed to the entire satisfaction of superiors, hence awarded penalty shall cause irreparable loss to the appellant and his family.

(Copies of appreciation certificates are attached as annexure G)

- C. That the impugned is against the law and facts as inquiry officer did not follow prescribed procedure as per rule 6 of KP police Rules 1975 (Amended 2014) relevant para whereof reproduced as under " the inquiry office shall inquire in to the charge and may examine such oral or documentary evidence in support of the charge or in defense of the accused as may considered necessary and the witnesses against him" the inquiry officer had not examined any witness or brought any incriminating material in shape of documentary evidence on record. Therefore the finding report is void-ab-intio.
- D. That as per rule 6 (v) of rule 1975, the inquiry officer had to submit cogent grounds in finding report to connect the accused officer with alleged charge but no grounds has so far been collected and brought on record, therefore recommendation of the inquiry officer is not tenable.
- E. That even for the sake of arguments, the finding report/recommendation of inquiry officer is admitted for a while (Which is strongly denied), i.e the appellant failed to supervise his subordinate staff who was supposed to monitor CCTV camera and guard to look up, is not applicable to the appellant as Moharar /LHC has also been held responsible for this alleged act and punished. while there is an I.T section in police line and it is the duty of I.T section staff to monitor CCTV of all over the police stations of district Peshawar whom are supposed to monitor CCTV camera as long as the allegation of no guard to look up is concern, the appellant cannot be condemned for this alleged act/ charge as there is not available rather constructed any observation room in any of the police station at

Peshawar. The police lock up is the mid up of PS and since long no guard duty has been directing while number of applications for police Nafri have been sent to Hi-ups, therefore the charge of failure /negligence with respect of CCTV installation and deployment of guard to lock up cannot be attracted.

(Copies of applications for police Nafri are attached as annexure H)

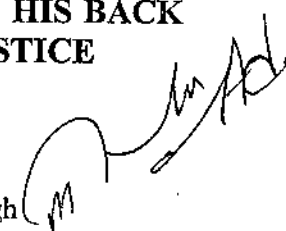
- F. That reply to charge sheet is self-explanatory which have not been given any weight by inquiry officer rather by the appellate authority.
- G. That personal hearing is mandatory whether provided in statute or not, reported in judgment 2005 PLC (CS) 1982 but appellant was not heard by authority in person to explain the circumstances behind the alleged charge, hence the penalty is not sustainable, as per afore-stated judgment and on this score, the appellant deserves to be dealt with leniently and exoneration from alleged charge.
- H. That 02 proceedings i.e registration of criminal case u/s 302 PPC and disciplinary action have been initiated against appellant which as per law and Pakistan Constitution 1973 provided barring provisions, therefore the awarded penalty is unwarranted rather unjustified, needs your esteemed interference. Worth mention that appellant was arrested in the murder case and remanded in judicial lock up for sufficient time for no justified reason, bringing ill-repute to him and his family for no act on his part.
- I. That the appellant has been treated discriminately, involving infringement of rights, therefore, the awarded punishment in principle violates Pakistan Constitution 1973 and prevailed laws.
- J. That finding report of worthy inquiry officer is self-explanatory he has clearly observed that no torture has been reflected on the accused/ late Shah Zeb and no observation room at present is available but condemn for lack of proper supervision. That it is to submit that lack of supervision or command and negligence cannot be judged/valued on single instance/case and it requires to be assessed from routine performance / daily life of an officer. With due apology, the famous maxim is referred "That one swallow does not make a summer" No malice on the part of appellant has been reported by worthy Inquiry officer.
- K. That the appellant was not associated with departmental inquiry, conducted by Worthy SP (Rural), which as per law is without lawful authority, hence is not tenable.
- L. That the worthy inquiry officer JMIC-viii Peshawar in the judicial inquiry finding report at Para-9 has only fixed responsibility on the appellant that deceased should have not been kept under observation home/room as per section 5 of Juvenile Justice system 2018 but kept in ordinary PS lock up. The appellant cannot be condemned for this alleged act / charge, as there is not available rather constructed any observation room in any of the police station at Peshawar, hence the charge of failure/negligence with respect to CCTV installation and deployment of guard to lock up cannot attract.
- M. That the appellant after his arrest in murder case remained in jail for such sufficient time, without any justification and lawful purpose as during the course of judicial Inquiry, no specific role proved against him:
- N. That finding of worthy inquiry officer is based on hearsay as no direct or indirect evidence is collected and brought on record to connect the appellant with alleged misconduct (2005 PLC (C.S) page 559).
- O. That the appellant is the only serving member of huge family and such harsh punishment without considering his hardships during his false implication in the criminal case not only put him in so many mental worries, financial crises but also spoiled his career in a very bad way.

- P. That the appellant was not given personally heard neither given him a chance of cross-examination even a proper procedure is not followed.
- Q. That there is a basic principle of Islam as well as of law that no one should be condemned unheard but such rule has been ruined out by passing one sided Order.

IT IS, THEREFORE, PRAYED THAT ON ACCEPTANCE OF THIS APPEAL THE ORDER W/SSP (Ops) VIDE Endst NO: 1164-68/PA DATED: 03.06.2021 AND NO: 2543-46 DATED: 13.08.2021 PASSED BY RESPONDENTS TO FORFEITURE 02 YEARS APPROVED SERVICE OF APPELLANT MAY PLEASE BE SET ASIDE AND TO RESTORE THE SAID TWO YEAR SERVICE WITH ALL HIS BACK BENEFITS TO MEET THE ENDS OF JUSTICE

Dated: 07.09.2021

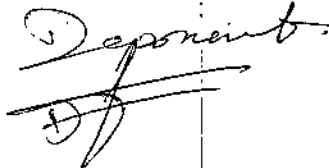
 Appellant

Through 

Muhammad Imran Khan
Advocate, High Court,
Peshawar.

Certificate:

Certified that no such like appeal in the instant matter is moved prior to this one. Deponent.



BEFORE THE CHAIRMAN SERVICE
TRIBUNAL KHYBER PUKHTOON KHAWA
PESHAWAR.

DOST MUHAMMAD

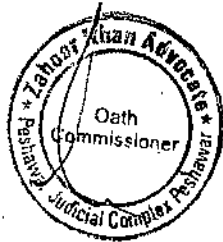
VERSUS

GOVERNMENT OF KPK AND OTHERS

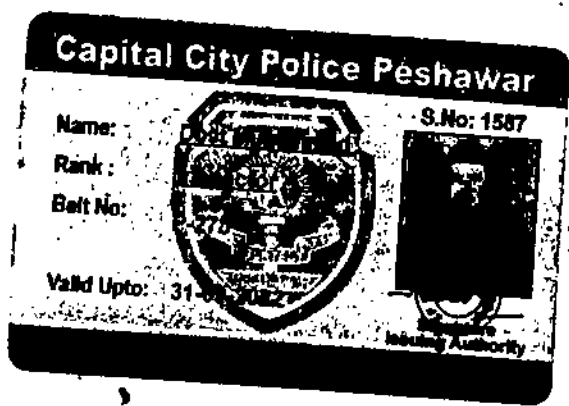
AFFIDAVIT

It is verified upon oath that the contents of this appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

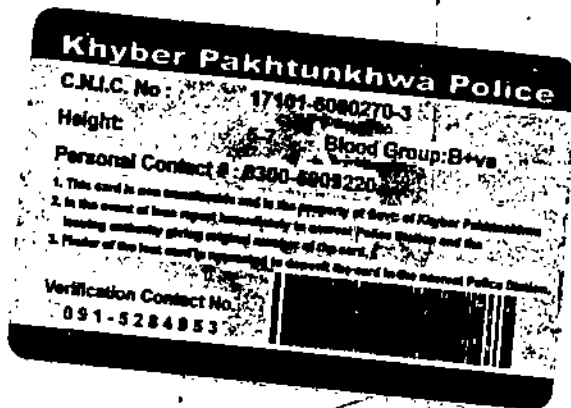

Deponent



16/9/27



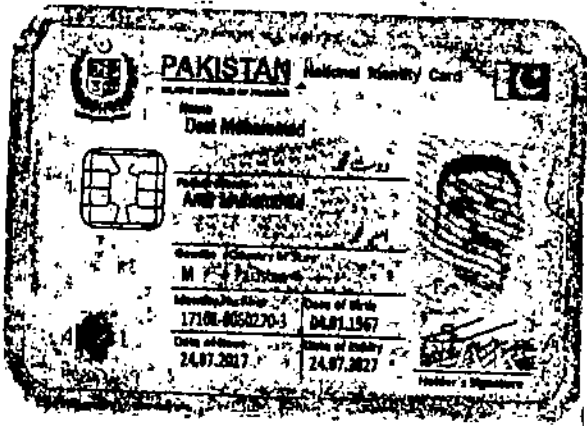
Annexure - A



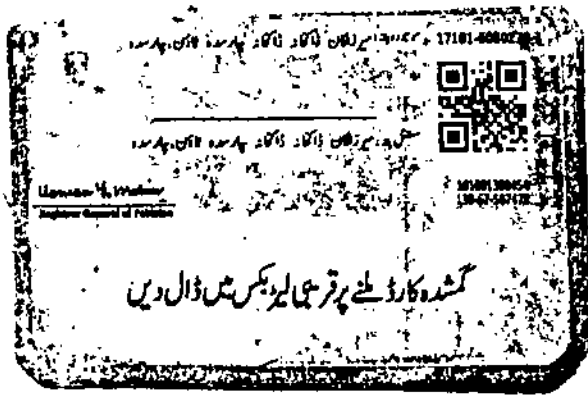
Attested as true

copy

M. J. Khan AD



8



Attested as
True copy.

(Signature) M.A.C.



Human Resource Management System
Khyber Pakhtunkhwa Police

9

M
AD
Attached as
True copy

Personal Information

Computerized ID/Card No 74702



Name Dost Muhammad

Father's Name Haji Amir Muhammad

Designation Inspector

Personal No 0

Caste Payinda Khel

Religion Islam

Maslak Hanfi

Address Mirzagan Charsadda Town

Home District Charsadda

Home Police Station Prang

CNIC 1710160802703

Passport No. NIL

Mobile No. 03005909220

Date of Birth 04-01-1967

Date of Appointment 20-09-1986

Current Branch Westcantt

Date of Placement 21-04-2014

Belt No. P/278

Elite Training (Yes/No) No

Elite Training Year/Institute NIL

ATS Training (Yes/No) No

Elite/ATS Duty Duration NIL

SERVICE HISTORY

I. Transfer / Posting

S.No	Designation	BPS	Place of Posting	District	Order Book No	From Date	To Date	Y	M	D
1	Inspector	16	Supervision/Enhancement of CPO Security	Peshawar	12145-54/EC-II	07-07-2021	Till Date	00	01	26

10

MA
Attested as true
Copy

2	Inspector	16	Re-Instated in Service/Police Lines	Peshawar	1164-68/PA SSP Ops:	03-06-2021	07-07-2021	00	01	04
3	Inspector	16	Suspended/Police Lines	Peshawar	635-46/PA SSP Ops:	14-03-2021	03-06-2021	00	02	20
4	Inspector	16	SHO PS WEST CANTT:	Peshawar		02-07-2018	14-03-2021	02	08	12
5	Inspector	16	SHO PS EAST CANTT:	Peshawar		30-10-2017	02-07-2018	00	08	03
6	Inspector	16	SHO PS WEST CANTT:	Peshawar		06-11-2015	30-10-2017	01	11	24
7	Inspector	16	TRANSFER FROM SPECIAL BRANCH	Peshawar		05-11-2015	06-11-2015	00	00	01
8	Sub Inspector	14	TRANSFERRED TO SPECIAL BRANCH	Peshawar		11-11-2014	05-11-2015	00	11	24
9	Sub Inspector	14	SHO PS WEST CANTT:	Peshawar		21-04-2014	11-11-2014	00	06	20
10	Sub Inspector	14	POLICE LINES	Peshawar		02-04-2014	21-04-2014	00	00	19
11	Sub Inspector	14	UPPER COLLEGE COURSE PTC HANGU	Peshawar		02-10-2013	02-04-2014	00	06	00
12	Sub Inspector	14	POLICE LINES	Peshawar		18-09-2013	02-10-2013	00	00	14
13	Sub Inspector	14	SHO PS WEST CANTT:	Peshawar		05-03-2013	18-09-2013	00	06	13
14	Sub Inspector	14	POLICE LINES	Peshawar		08-02-2013	05-03-2013	00	00	25

11

m *in Ad.*
Attested as true
copy

15	Sub Inspector	14	SHO PS GULBERG	Peshawar	14-09-2012	08-02-2013	00	04	24
16	Sub Inspector	14	POLICE LINES	Peshawar	11-05-2012	14-09-2012	00	04	03
17	Sub Inspector	14	SHO PS WEST CANTT:	Peshawar	21-04-2010	11-05-2012	02	00	20
18	Assistant Sub Inspector	11	PS WEST CANTT:	Peshawar	06-11-2009	21-04-2010	00	05	15
19	Assistant Sub Inspector	11	PS SHAH QABOOL	Peshawar	23-10-2009	06-11-2009	00	00	14
20	Assistant Sub Inspector	11	MASI PS WEST CANTT:	Peshawar	17-06-2008	23-10-2009	01	04	06

Qualification Detail

Degree	Institute	Year
FA	Govt College Tangi	

Major Penalties

Date	Penalty	Authority	Appeal Result
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Cases Registered (if any)

Case/FIR No.	Date	Crime	District	Police Station	Investigation Result	Court Result
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Family Detail

Relative's Name	Relationship	Occupation	Age	Address
Abid Ullah	Brother	Govt Servant	60	Mirzagan Tangi Charsadda
AlHaaj	Brother	Driver	55	Qazi Khel

CHARGE SHEET

12

Annexure - B

1. Whereas I, Yasir Afridi PSP, SSP/Operations Peshawar, am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you **Inspector Dost Muhammad, the then SHO PS West Cantt.**

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Yasir Afridi PSP, SSP Operations, Peshawar hereby charge you **Inspector Dost Muhammad, the then SHO PS West Cantt** under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations/grounds:

On 14.03.2021, under custody accused namely Shah Zeb s/o Khyal Akbar r/o Bara Khyber arrested vide case FIR # 234/2021 u/s 15-AA PS West Cantt committed suicide in the lock up and stirred intense public outcry. Despite a functioning CCTV monitoring system, the incident happened which prima facie reflects criminal negligence of Police Station staff. A criminal case has been registered vide FIR No. 235/2021 u/s 302 PPC at PS West Cantt which is under investigation. By doing so, you have rendered yourself liable to be proceeded against departmentally under Police (E&D) Rules, 1975.

4. I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

20 ✓
YASIR AFRIDI PSP
Senior Superintendent of Police,
(Operations) Peshawar

No. 517 E/PA dated Peshawar the 16/03 2021.

Attested as true

copy

M → W/A

Through: proper channel

Subject: REPLY TO CHARGE SHEET / SUMMARY OF ALLEGATIONS

Dear Sir,

13
Annexure - C

I have the honor to refer the subject charge sheet, vide endorsement No.417-E/PA dated 16.03.2021, received on 01.04.2021 respectively submit as under:-

2. At the very outset, it is stated that alleged charges, vocalized in summary of allegations are unnatural, unwarranted and unjustified rather based on misconception and misstatement. It may be added that registration of murder case against me does not fall within the ambit of Qatl-e-Amad, Qatl-e-Khata or Qatal by negligent rash but only based just to console aggrieved party and the public. **Worth mentioning that learned inquiry officer at Para-7 of the findings has clearly opined that there is no evidence, pointing towards the motive of killing of an arrested person.**

3. So for charge of negligence is concerned, the learned inquiry officer JMIC-VIII, Peshawar in conclusion of the findings at para 9, has fixed/assigned the only accountability to the undersigned that deceased Shah Zeb as per **Section 5 of Juvenile Justice System Act 2018 was not kept under observation home but detained deceased in ordinary lock up.** Your good self attention is invited to the reality / factuality that Department / Government has not yet established / constructed any observation room in any of the Police Station, hence I cannot be condemned and charged as to why I did not care to keep deceased Shah Zeb in observation room but detained him in ordinary lock up.

4. Worth clarifying that on one hand criminal case u/s 302 PPC vide FIR No.235/2021 was registered where as on other hand, disciplinary proceedings have been initiated, thus dual proceedings for one and the same charge, have been barred under Article 13 Pakistan Constitution 1973, Sec 403 Cr.PC and Sec 26 of General Clauses Act. As per judgment 2005 PLC (CS page 1187) it has been further held by superior court that no one should be vexed twice for one and the same charge, therefore the competent authority should kindly pend the disciplinary proceedings till disposal of criminal case.

5. Your goodself is also invited to rule 16.3 PR 1934, relevant para whereof is reproduce is under:-

"When a police officer has been tried and acquitted by trial court, he shall not be punished departmentally on the same charge" So if I stand acquitted from criminal charge u/s 302 PPC, what shall be the effect on punishment, awarded by your honour, hence the circumstances warrants to wait till disposal of criminal case.

6. It is respectfully submitted that it would be appropriate to rely on the Latin Maxim that "A person is innocent, unless proven guilty", hence there is nothing in support of the charges, vocalized in the charge sheet to hold myself guilty. Supreme Court of Pakistan in view of this latin maxim, has favoured accused, in the following judgments when criminal trial has not been completed.

- 2010 SCMR page 1706.
- PLD 2009 SC page 709

Attested as true copy



7. The principle of natural justices would be violated only when an action is taken against a person without his knowledge (NLR 214 April QTA) I swear that the alleged misshape was not in my knowledge rather involves any consent or malafide. It has been held by Hon'able Court that without knowledge, conviction is illegal and it was set aside (NCR 2004 (Feb P-84 Peshawar). 14

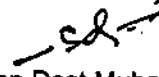
8. I have been placed under suspension without any justification and on no good ground, violating Rule 16.18 Police Rules 1934 r/w 43 FR which clearly speaks that un-necessary suspension should be avoided because it not only suffers the assigned work but also amounts to additional penalty, the circumstances, therefore warrants and justifies my release from suspension, as per afore-stated provision.

9. Since I have joined this force, I performed dedicatedly, honestly and to the entire satisfaction of my superiors. I always acted beyond the call of my duty at the risk of my life and arrested/booked various hardened/desperate criminals, fought against terrorist activists to bring writ of government as well Police Force. I have been rewarded on number of occasions for meritorious services/outstanding performance, during my service period.


10. I would be highly obliged, if I may call for personal hearing, in order to explain and clarify the facts and circumstances before your good self, in person.

Foregoing in view, the subject charge sheet being without force, merits and substance may very kindly be filed, without further proceedings, the disciplinary proceeding may please be fined and the undersigned may please be exonerated from alleged charges.

Sincerely Yours


Insp Dost Muhammad,
the then SHO
PS West Cant Peshawar

Attested as true copy



M
Attested as true copy.
15

To : The SSP Operations, Peshawar
Subject: INQUIRY REPORT INSPECTOR DOST MUHAMMAD
Memo:-

Please refer to your office diary No. 517 H/PA, dated: 16.03.2021.

Allegations :-

According to statement of allegations & charge sheet, on 14.03.2021, under custody accused namely Shah Zeb s/o Khyal Akbar r/o Bara Khyber Agency arrested vide FIR No.234/2021, u/s 15-AA, PS West Cantt committed suicide in the lock up and stirred intense public outcry. Despite a functioning CCTV monitoring system, the incident happened which prima facie reflects criminal negligence of Police Station staff. A criminal case has been registered vide FIR No. 235/2021, u/s 302 PPC at PS West Cantt which is under investigation.

Proceedings :-

The alleged official was summoned and charge sheet / summary of allegations were served upon him to which he submitted reply.

Inspector Dost Muhammad, Ex.SHO West Cantt deposed in his statement that the alleged charges, vocalized in summary of allegations are unnatural, unwarranted and unjustified rather based on misconception and misstatement. He stated that registration of murder case against him does not fall within the ambit of Qatl-e-Amad, Qatl-e-Khata or Qatal by negligent rash but only based just to console aggrieved party and the public. He stated that learned inquiry officer JMIC-VIII Peshawar at Para-7 of the findings, has clearly opined Thus there is no evidence, pointing towards the motive of killing of an arrested person.

He stated that so far the charge of negligence is concerned, the learned inquiry officer JMIC-VIII Peshawar in conclusion of the findings at Para 9 has fixed / assigned the only accountability to the undersigned that deceased Shah Zeb as per Section 5 of Juvenile Justice System Act 2018, was not kept in observation home but detained the deceased in ordinary lock up. In this regard, he stated that the Department / Government has not yet established / constructed any observation room in any of the Police Station, hence he cannot be condemned and charged as to why he did not care to keep deceased Shah Zeb in observation room while detained him in ordinary lock up.

He stated that on one hand criminal case u/s 302 PPC vide FIR No.235/2021 was registered whereas on other hand, disciplinary proceedings have been initiated thus dual proceedings for one in the same charge, have been barred under Article 13 Pakistan Constitution 1973, Sec 403 Cr.PC and Sec 26 of General Clauses Act As per judgment PEC (CS page 1187) it has been further held by superior court that no one should be vexed twice for one and the same charge, therefore the competent authority should kindly pend the disciplinary proceedings till disposal of criminal case.

Attested as true
copy

[Signature]

16

OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL DIVISION, PESHAWAR
No. /SPR, DT: /2024
Email: officespruralpeshawar@gmail.com

He also invited to Rules 16.3 PR 1934, relevant Para, which is reproduced is under:-

"When a police officer has been tried and acquitted by trial court, he shall not be punished departmentally on the same charge", so if he stand acquitted from criminal charge u/s 302 PPC, what shall be the effect on punishment, awarded by the department, hence the circumstances warrants to wait till disposal of criminal case.

He further submitted that it would be appropriate to rely on the Latin Maxim that "A person is innocent, unless proven guilty", hence there is nothing in support of the charges, mentioned in the charge sheet to hold himself guilty. Supreme Court of Pakistan in view of this Latin Maxim, has favoured accused, in the following judgments when criminal trial has not been completed.

- 2010 SCMR page 1706.
- PLD 2009 SC page 709
- 2010 SCMR, Page 589

He submitted that the principle of natural justice would be violated only when an action is taken against a person without his knowledge (NLR 214 April QTA), he swears that the alleged misshape was not in his knowledge rather involves any consent or malafide. It is stated that it has been held by Hon'able Court that without knowledge, conviction is illegal and it was set aside (NCR 2004 (Feb P-84 Peshawar).

He stated that he has been placed under suspension without any justification and on no good ground, violating Rules 16.18 Police Rules 1934 r/w 43 FR which clearly speaks that un-necessary suspension should be avoided because it not only suffers the assigned work but also amounts to additional penalty, the circumstances, therefore warrants and justifies my release from suspension, as per afore-stated provision.

He requested that foregoing in view, the subject charge sheet being without force merits and substance may very kindly be filed, without further proceedings. If disciplinary proceeding may please be lined and the undersigned may please be exonerated from all alleged charges.

Findings:-

The CCTV footage shows that the deceased Shahzeb was brought to the police station at 1509 hrs and was committed to the lock up at 1512 hrs. At 1605 hrs, he committed suicide by a piece of cloth available in the lockup. In this short span of time no torture was inflicted on him by any police official (CCTV cameras at SHO office and lockup were functional and revealed the fact). However, the only shortcoming on part of police was negligence of duty by the lower echelon of the police at the police station that no guard was deputed to watch the lockup as per provisions of Police Rules 1935 to keep an eye on the inmates therein so as such happenings could have been noticed/ prevented. Similarly, had the CCTV cameras been attended to, the suicide could have been checked/ avoided. Last but not least it is the glaring negligence on part of police while dealing with a juvenile person by

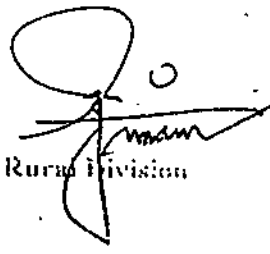
ignoring provisions of 'The Juvenile Justice System Act, 2018' particularly section 5 thereof which he was duty bound to observe. However, it is also pertinent to mention here that Government has not constructed/established any observation rooms in any of the Police Stations yet. So, in any opinion he should not be blamed for keeping the deceased accused in custody.

Recommendation:-

After going through the enquiry, the undersigned reached to the conclusion that no torture was inflicted upon deceased accused Shahzeb by SHO Dost Muhammad or his subordinate staff. Deceased accused Shahzeb committed suicide for a reason, unfortunately, best known to him.

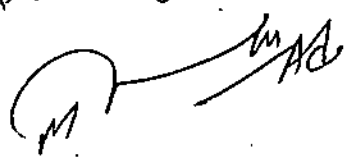
Ex. SHO Dost Muhammad is guilty to the extent that he failed to properly supervise his subordinate staff who were supposed to monitor CCTV cameras & guard the lock up.

Submitted please.


SP Rura Division

(20 CW)

Attested as true copy


M. A. B.

STATEMENT OF ALLEGATIONS

18

1. I, Yasir Afridi PSP, SSP/Operations Peshawar as competent authority, am of the opinion that **Inspector Dost Muhammad, the then SHO PS West Cantt** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section-03 of the Khyber Pakhtunkhwa Police Rules, 1975.

On 14.03.2021, under custody accused namely Shah Zeb s/o Khyal Akbar r/o Bara Khyber arrested vide case FIR # 234/2021 u/s 15-AA PS West Cantt committed suicide in the lock up and stirred intense public outcry. Despite a functioning CCTV monitoring system, the incident happened which prima facie reflects criminal negligence of Police Station staff. A criminal case has been registered vide FIR No. 235/2021 u/s 302 PPC at PS West Cantt which is under investigation. By doing so, he has rendered himself liable to be proceeded against departmentally under Police (E&D) Rules, 1975.

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations SP (R) is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

20
YASIR AFRIDI^{PSP}
Senior Superintendent of Police,
(Operations) Peshawar

No. 517 E/PA, dated Peshawar the

16/03/2021

Attested as true copy

M. A.

19

Annexure - D



OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
OPERATIONS,
PESHAWAR

ORDER

1. Inspector, Dost Muhammad, the then SHO Police Station West Cant proceeded against departmentally vide this office No.517/E/PA dated 6.03.2021 on account of the charges that on dated 14.03.2021, under custody accused namely: Shah Zeb s/o Khyal Akbar r/o Bara Khyber arrested vide case FIR # 234/2021 u/s 15-AA PS West Cantt committed suicide in the lock up and stirred intense public outcry. Despite a functioning CCTV monitoring system, the incident happened which prima facie reflects criminal negligence of Police Station staff. A criminal case has been registered vide FIR No. 235/2021 u/s 302 PPC at PS West Cantt which is under investigation.
2. Charge sheet along with summary of allegations was issued to him and SP Rural was appointed as Inquiry Officer to inquire into the allegations and ascertain the role of accused official with reference to the allegations framed against him. The Inquiry Officer submitted his findings on 02.06.2021 wherein he mentioned that no torture was inflicted upon deceased accused Shahzeb by SHO Dost Muhammad or his subordinate staff. Deceased accused Shahzeb committed suicide for the reason, unfortunately best known to him.
3. On receipt of the findings, the same were perused. The undersigned being competent do agree with the findings of the Inquiry Officer. The matter has been thoroughly examined by the EO and Judicial Enquiry: it is very much clear from CCTV footages that individual officer made a negligence while performing his duties. It is also pertinent to mention here that there is no observation room in any of Police Station in Khyber Pakhtunkhwa. Moreover, no other detainee or under trial accused was in the cell. He is hereby awarded the punishment of "forfeiture of 02 years approved service under Police (E&D) Rules, 1975". He is hereby re-instated into service from the date of suspension.

20
(Signature)
(YASIR AFRIDI) PSP
Senior Superintendent of Police,
(Operations) Peshawar

No. 1164-68 /PA dated Peshawar, the 22/26/2021.

Copy for information and necessary action to:

1. The Capital City Police Officer, Peshawar.
2. EC-II/EC-I/AS/PO
3. Official concerned.
4. FMC alongwith complete enquiry file for record.

Attested as true

Copy
(Signature)

Before the Hon'able Capital City Police Officer, Peshawar

20

Subject: Departmental Appeal u/r 11(2) of Police Rules 1975 (Amended 2014), against the impugned order, Passed by WSSP (Ops) vide Endst No. 1164-68/PA dated 03.06.2021.

Respected Sir,

Annexure - E

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

PRELIMINARIES:

1. The worthy inquiry officer did not follow prescribed procedure as per rule 6 of KP Police Rules 1975 (Amended 2014), relevant para whereof is reproduced as under:-
"The inquiry officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of accused as may considered necessary and the witnesses against him" The worthy inquiry officer has not examined any witness or brought any incriminating material in shape of documentary evidence on record, therefore, the finding report is void-abi-nitio.
2. As per rule 6(v) of rule 1975, the inquiry officer had to submit cogent grounds in finding report to connect the accused officer with alleged charge but no ground has so far been collected and brought on record, therefore, recommendation of the inquiry officer is not tenable.
3. Even for the sake of arguments, the finding report / recommendation of inquiry officer is admitted for a while (**Which is strongly denied**), i.e. the appellant failed to supervise his subordinate staff who were supposed to monitor CCTV camera and guard to lock up, is not applicable to the appellant as Moharar/LHC Ismail has also been held for this alleged act and punished.
4. Reply to charge sheet is self explanatory and worth of consideration by this Hon'able forum which is annexed as **Annexure-B**, having not been given any weight by w/inquiry officer rather by the authority.
5. **Personal hearing** is mandatory whether provided in statute or not, reported in **Judgment 2005 PLC(CS) 1982** but appellant was not heard by authority in person to explain the circumstances behind the alleged charge, hence the penalty is not sustainable, as per afore-stated judgment and on this score, the appellant deserves to be dealt with leniently and exoneration from alleged charge.
6. 02 proceedings i.e registration of criminal case u/s 302 PPC and disciplinary action have been initiated against appellant which as per law and Pakistan Constitution 1973 provide barring provisions, therefore the awarded penalty is unwarranted rather unjustified, needs your esteemed interference. Worth mentioning that appellant was arrest in the murder case and remained in judicial lock up for sufficient time for no justified reason, bringing ill-repute to him and his family for no act on his part.
7. I have been treated discriminately, involving infringement of rights, therefore, the awarded punishment in principle violates Pakistan Constitution 1973 and prevailed laws.

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- 218
8. The finding report of worthy inquiry officer is self explanatory wherein he has clearly observed that no torture has been reflected on the accused / late Shah Zeb and no observation room at present is available but condemn for lack of proper supervision. I would like to submit that lack of supervision or command and negligence cannot be judged / valued on single instance / case and it requires to be assessed from routine performance / daily life of an officer. With due apology, I beg to refer the famous maxim "That one swallow does not make a summer". No malice on the part of appellant has been reported by worthy inquiry officer.

ON FACTS:

- i. Short facts are that on 14.03.2021, accused Shah Zeb s/o Khiyal Akbar r/o Bara Khyber Agency, involved in case u/s 15AA vide FIR 234/2021 PS West Cantt Peshawar committed suicide in the lock up of PS, being monitored through CCTV cameras, hence the appellant and LHC Ismail were booked for a murder case and also disciplinary proceedings were initiated against appellant.
- ii. The appellant was issued charge sheet for act of misconduct which was properly answered but not considered by worthy inquiry officer as well worthy authority / SSP (Ops).
- iii. On submission of finding report by worthy inquiry officer SP (Rural), the authority without going into the merits of the case, passed the impugned order dated 03.06.2021 and forfeited 02 years approved service.

GROUND OF APPEAL:

The impugned order of W/SSP (Ops), is assailable on the following grounds.

- a. The inquiry proceedings have not been conducted as per provision, contained under police rules 1975. It has been held by superior court, relevant observation is as under:
"Sketchy inquiry is not sufficient to prove any charge against appellant - no witness was examined in inquiry proceedings - appellant was found guilty by inquiry officer without any substantive evidence - impugned order was set-aside".
- b. The alleged charge is not justifiable and is considerable on the following few stances:-
 - i. The appellant was not associated with departmental inquiry, conducted by Worthy SP(Rural), which as per law is without lawful authority hence is not tenable.
 - ii. The worthy Inquiry Officer JMIC-viii Peshawar in the judicial inquiry finding report at Para-9 has only fixed the responsibility on the appellant that deceased should have not been kept under observation home/room as per Section 5 of Juvenile Justice System 2018 but kept in ordinary PS lock up. I cannot be condemned for this alleged act / charge as there is not available rather constructed any observation room in any of the Police Station at Peshawar, hence the charge of failure/negligence with respect to CCTV installation and deployment of guard to lock up cannot attract.

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- 22
- iii. The principle of natural justices would be violated only when an action is taken against a person without his knowledge (NLR 214 April QTA). It has been held by Hon'able Court that without knowledge, conviction is illegal and it was set aside (NCR 2004 (Feb P-84 Peshawar). I swear that I did not notice the alleged act of deceased Shah Zaib hence am innocent.
 - iv. The appellant has spotless service record, belongs to middle class family, always acted beyond the call of duty at the risk of life and also performed/worked to the entire satisfaction of superiors. The awarded penalty shall cause irreparable loss to the appellant and his family.
 - c. The appellant after his arrest in murder case remained in Jail for such sufficient time, without any justification and lawful purpose as during the course of judicial inquiry, no specific act proved against him.
 - d. Findings of worthy inquiry officer is based on hearsay as no direct or indirect evidence is collected and brought on record to connect the appellant with alleged misconduct (2005 PLC (C.S)page 559)

PRAYER

Above in view, it is humbly prayed that by accepting this appeal, the impugned order dated 03.06.2021 (forfeiture of 02 years approved service) may very kindly be set aside, to meet the ends of justice.

Attested as true
copy

M. AD

Sincerely yours

[Signature]

Inspector Dost Muhammad
Police Lines Peshawar
(Appellant)



23

Annexure - F

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR


ORDER.

This order will dispose of the departmental appeal preferred by Inspector Dost Muhammad No. P/278 who was awarded the punishment of "Forfeiture of 2-years approved service" under PR-1975 by SSP/Operations Peshawar vide order No. 1164-68/PA, dt: 03.06.2021

2- Short facts leading to the instant appeal are that the appellant while posted as SHO PS West Cantt Peshawar was proceeded against departmentally on account of charges that on 14.3.2021, accused namely Shahzeb s/o Khayal Akbar r/o Bara Khyber arrested vide case FIR No. 234/2021 u/s 15-AAPS West Cantt committed suicide in the PS Lock up and stirred intense public outcry. Despite of functioning CCTV monitoring system, the incident happened which prima facie reflects criminal negligence of Police Station staff. A criminal case has been registered vide FIR No. 235/2021 u/s 302 PPC at PS West Cantt.

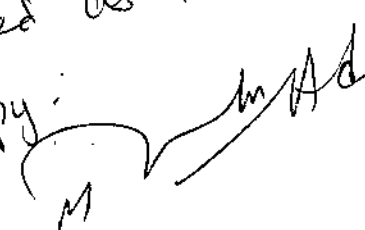
3- He was placed under suspension and issued proper Charge Sheet and Summary of Allegations by SSP/Operations. SP/Rural, CCP Peshawar was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer after conducting proper enquiry submitted his findings and found him guilty. Hence the competent authority awarded him the above punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. Therefore, his appeal for setting aside the punishment awarded to him by SSP/Ops: vide No. 1164-68/ PA, dated 03.06.2021 is hereby rejected/filed.


(ABBAS AHSAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 2543-46 /PA dated Peshawar the 13 08 /2021

- Copies for information and necessary action to the :-
1. SSP/Operations Peshawar
 2. EC-I, EC-II, Pay Officer,
 3. FMC along with enquiry papers.
 4. Official Concern.

Attested as true
Copy:




24

Annexure-G

Certificate

OF APPRECIATION AWARDED TO

AS A/AN INSP Dest Muhammad

IN



**33rd
NATIONAL
GAMES
PESHAWAR
2019**

HELD ON 10-16 OCTOBER 2019.

MUHAMMAD ATIF KHAN
SENIOR MINISTER
TOURISM, SPORTS, CULTURE,
ARCHAEOLOGY, MUSEUMS
AND YOUTH AFFAIRS

ASFANDIYAR KHATTAK
DIRECTOR GENERAL
SPORTS DEPARTMENT
KHYBER PAKHTUNKHWA



Attested as true copy.

M. A. C.

25

CAPITAL CITY POLICE PESHAWAR
COMMENDATION CERTIFICATE



Mr. Mr. Peshawar

S/O

R/O Mr. Peshawar

In Recognition of

He is awarded for his services with great courage and devotion to duty.

He is awarded for his services with great courage and devotion to duty.

Senior Superintendent of Police

(Operations)

Peshawar

DATED


Atteste

issue copy

In Ad

26

CAPITAL CITY POLICE PESHAWAR



COMMEMORATION CERTIFICATE

Mr. _____ (NAME) (RANK) (S/O) _____

R/O _____

In Recognition of _____

HIS EXCELLENT PERFORMANCE OF DUTY IN CONNECTION WITH CASE

PERIOD FROM _____ TO _____

DATED 27.7.2018

CAPITAL CITY POLICE OFFICER
PESHAWAR

Capital City Police Officer

Attested as
Copy
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28

CAPITAL CITY POLICE PESHAWAR



FOR THE OFFICIAL USE OF THE POLICE

m Ad

MR. IASR. DAST MUHAMMAD KHAN S/O _____

R/O SHD PS WEST CANT

In Recognition of

Muhammad

CAPITAL CITY POLICE OFFICER
PESHAWAR
C.C. P.O. Peshawar

DATED 23-07-2020

M



CONSUL
UNITED STATES OF AMERICA

CONSUL GENERAL OF THE
UNITED STATES OF AMERICA

28

Peshawar, Pakistan
December 19, 2019

Mr. Muhammad Ali Gandapur
Capital City Police Peshawar
Peshawar, Pakistan

Dear Mr. Muhammad Ali

On behalf of the Consulate General of the United States of America in Peshawar, I present my compliments to the Capital City Police Officer Peshawar and would like to recognize overall outstanding support and cooperation provided during the visit of Mr. Paul Jones, U.S. Charge D'Affaires and Regional Security Officer at the U.S. Consulate General Peshawar in general.

In order to acknowledge the outstanding support and as a gratitude, the Regional Security Officer would like to extend his thank you to the men and women who made the visit secure and possible. The Consul General would like to present this appreciation letter to below mentioned police officers:

1. Mr. Muhammad Shoaib
2. Mr. Ali Bin Tariq
3. Mr. Usman Ghani
4. Mr. Riaz Khalil
5. Mr. Dost Muhammiad
6. Mr. Qaisro Khan
7. Mr. Noor Muhammad
8. Mr. Zahid Khan
9. Mr. Bakhtiar Khan
10. Mr. Shoukat Ali
11. Mr. Ismail Shah
12. Mr. Zahir Shah
13. Mr. Ziarat Gul
14. Mr. Ayaz Khan
15. Mr. Bawar Khan
16. Mr. Irfan Khan
17. Mr. Zafar Khan
18. Mr. Ishaq
19. Mr. Sameen Khan
20. Mr. Bakhti Zaman
21. Mr. Gohar Ali

On behalf of the Consulate General of the United States of America in Peshawar, I present my compliments to the Capital City Police Officer Peshawar and would like to recognize overall outstanding support and cooperation provided during the visit of Mr. Paul Jones, U.S. Charge D'Affaires and Regional Security Officer at the U.S. Consulate General Peshawar in general.

In order to acknowledge the outstanding support and as a gratitude, the Regional Security Officer would like to extend his thank you to the men and women who made the visit secure and possible. The Consul General would like to present this appreciation letter to below mentioned police officers:

- SP Security
- SP Rural
- DSP HQs
- SDPO Cantt
- Inspector - SHO PS West Cantt
- Inspector - Security Unit
- SI - Security Unit
- SI - Security Unit
- SI - MTO/Line
- SI - Traffic Staff
- TO - Traffic Staff
- ASI - Security Unit
- ASI - Security Unit
- ASI - PS West Cantt
- ASI - PS West Cantt
- ASI - PS West Cantt
- ASI - PS Gulberg
- FC 1177 - PS West Cantt
- FC 820 - Security Unit
- FC 5685 - Security Unit
- FC 1345 - Security Unit

PA
B
19/12

U.S. Consulate General Peshawar, 11 Hujjat Road

Consulate General Peshawar, 11 Hujjat Road

Attested
True

AC



CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA

29

- 22. Mr. Mukhtiar
- 23. Mr. Waheed Gul
- 24. Mr. Nizar Ali
- 25. Mr. Faiz Ullah
- 26. Mr. Ramzan
- 27. Mr. Shakir
- 28. Mr. Javed
- 29. Mr. Jamshed
- 30. Mr. Noor Zameen
- 31. Mr. Sulaiman Shah

- FC 5589 – Security Unit
- FC 5306 – Security Unit
- FC 4462 – Security Unit
- FC 2814 – Security Unit
- FC 3768 – Security Unit
- FC 156 – Security Unit
- DFC 9527 – Police Line
- DFC 9535 – Police Line
- DFC 3091 – Police Line
- DFC 2716 – Police Line

Thank you for your assistance. We are grateful for the continued support and cooperation extended by your office in addressing security issues at the Consulate. Should you have any questions, please contact the Consulate's senior security investigator, Mr. Muhammad Ashfaq. Mr. Ashfaq may be reached via telephone at +92-91-5268800, or by fax at +92-91-5285710, or via email at AshfaqM@state.gov. As a partner nation, please feel free to contact the Regional Security Office if we may be of assistance to the police in Peshawar.

Sincerely,

David Richeson
Regional Security Officer
U.S. Consulate General Peshawar
+92-91-5268800

*Attested as true
copy
M. Ad*



United States of America
Consulate General - Peshawar, Pakistan
Regional Security Office



Certificate of Appreciation

Dost Mohammad

Inspector, Station House Officer (PS West Cantt)

Capital City Police - Peshawar, Pakistan

For your support of security operations during the visit
of U.S. Ambassador Paul Jones to Peshawar on

November 22, 2019

David Richeson
Regional Security Officer



C. Q. Toney
U.S. Consul General

113/m

AD
copy sent
Attested



UNITED STATES DEPARTMENT OF STATE
REGIONAL SECURITY OFFICE PESHAWAR

CERTIFICATE OF APPRECIATION

Post Muhammad

STATION HOUSE OFFICER WEST CANTONMENT POLICE STATION

*In recognition of your efforts supporting the safety & security of US Mission
Peshawar Pakistan.*

William K
WILLIAM K
REGIONAL SECURITY OFFICER

Attested as true copy

M. R. Ad

ok

صفحہ شمار

32

Annexure - H

قلم نمری

سٹیٹمنٹ نفری اپریشن، انوشی گیشن اور چوکی ایئر پورٹ

FC,s	IHC,HC,s	ASI,s	SI,s	INSP:	تفصیل
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35	6	1	-	-	موجودہ
65	14	9	5	1	نئی
-	-	-	-	-	بیش
35	6	1	-	1	میزان

انوشی گیشن سٹاف

ASI,s	IHC,HC,s	FC,s	SI,s	INSP:	تفصیل
3	-	4	-	-	موجودہ

چوکی ایئر پورٹ


EXM	ASI,s	IHC,HC,s	FC,s	SI,s	INSP:	تفصیل
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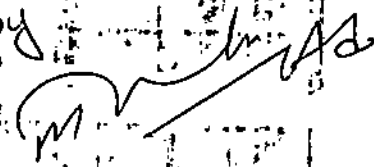
ایکس سرورس مین

FC,s	HC,s	ASI,s	SI,s	INSP:	تفصیل
-	-	-	-	-	موجودہ

جناب عالی!

سٹیٹمنٹ نفری مرتب ہو کر گزارش ہے۔


 MAS.W.CANTT
 01/03/2021

Attested as true
 copy


درخواست بمراد: (ٹرانسفر اپوسٹنگ)

جناب عالی!

معروض خدمت ہوں۔ کہ تھانہ ہڈا کیساتھ زیادہ تر انتہائی اہم تجارتی مراکز، حساس، اور پرہجوم مقامات واقع پزیر ہیں۔ تھانہ ہڈا کیساتھ افسران بالانے تھانہ شرقی کا علاقہ ڈنیز پلازہ بھی شامل کیا گیا ہے۔ لاک ڈاون میں صوبائی حکومت کی طرف سے نرمی کرنے پر حدود علاقہ کے بازاروں میں عوام الناس کی انتہائی رش ہوتی ہے۔ جو کہ نفری کی کمی کی وجہ سے کنٹرول کرنے میں شدید تکلیف کا سامنا ہے۔ تھانہ ہڈا کیساتھ افسران تھانہ کی انتہائی کمی کی وجہ سے عوام الناس کے خط و کتابت اور دیگر دریافت ہانے کی بروقت تکمیل میں کافی مشکلات کا سامنا ہے۔

تھانہ ہڈا سے SI سجاد خان (ایڈیشنل SHO سکپورٹی) ایلیٹ فورس، IHC گکھام درانی 2222 کارخانہ چیک پوسٹ، جبکہ IHC فیاض خان 2034 پولیس لائن، IHC محمد رماش DAR426 جبکہ SI اورنگزیب خان کا تادلہ تھانہ پھندو جبکہ کنستبلان محمد صیام 7570 ٹی پٹرول، ضیاء اللہ 12905 ایلیٹ کورس، عزیز الرحمان 2287 تھانہ چینی گیٹ جبکہ عبدالجلال 4492 رحمت LPR جبکہ رحمان گل LPR2812 ہیں جبکہ HC مرتضیٰ 15486 انٹرمیڈیٹ کالج کورس میں ہے۔ جبکہ مذکورین بالا کے متبادل ٹرانسفر نہیں ہوئے ہیں۔ تھانہ ہڈا کیساتھ پہلے ہی نفری کی انتہائی کمی ہے۔ جبکہ تبدیل شدہ نفری کے متبادل فراہم نہ کرنے کا یہ حال ہے۔

بذریعہ درخواست استدعا ہے کہ مندرجہ بالا افسران اور کنستبلان کے بطور متبادل پولیس لائن سے تھانہ ہڈا کے اپریشن سٹاف میں ٹرانسفر کرنے کے احکامات صادر فرمائیں۔



Insp: SHO.W.Cantt

15.10.20

Attested as true copy



o/c

ضلع چناب

تھانہ ٹری

34

درخواست بمراد: (ٹرانسفر اپوسٹنگ)

جناب عالی!

معروض خدمت ہوں۔ کہ حدود علاقہ میں زیادہ تر انتہائی اہم، حساس مقامات واقع پزیر ہے۔ کنسٹیبلان سیراج ٹی 3623، سرتاج 2735 تھانہ پشترہ جبکہ کنسٹیبل اشتیاق 1334 تھانہ تارا حدود علاقہ سے بخوبی واقف ہے۔ اور اسکی کارکردگی قابل ستائش ہے۔ استدعا ہے کہ کارکردگی بہترین تر مفاد کی خاطر کنسٹیبلان سیراج ٹی، 3623 سرتاج 2735 تھانہ پشترہ سے جبکہ کنسٹیبل اشتیاق 1334 تھانہ پشترہ سے تھانہ پشترہ ٹرانسفر کرنے کے احکامات صادر فرمائیں۔

Insp:SHO.W.Cantt

12.01.21

Attest as true copy



ck

درخواست بمراد: (ٹرانسفر اپوسٹنگ)

جناب عالی!

معروض خدمت ہوں۔ کہ تھانہ غربی کیساتھ چوکی شہباز (باچا خان انٹرنیشنل ایئر پورٹ) میں واقع ہے۔ چوکی ہذا کیساتھ زیادہ تر انتہائی اہم حساس مقامات واقع پزیر ہیں۔ چوکی ہذا میں قبل ازیں پولیس لائن سے 8 نفری گارڈ فراہم کی گئی تھی پولیس لائن سے فراہم شدہ نفری کے ذریعہ اندرون ایئر پورٹ اور بیرون ایئر پورٹ کی حدود علاقہ کو رکھی جاتی تھی۔ اب پولیس لائن نے نفری کلوز کر لی ہے۔ تھانہ ہذا سے دو نفر کنسٹیبلان عارضی طور پر لی گئی ہے۔ چونکہ تھانہ غربی کیساتھ بھی برطانیہ سٹیٹمنٹ نفری کی انتہائی کمی ہے۔ نفری کی کمی کی وجہ سے شدید تکلیف کا سامنا ہے۔ بذریعہ درخواست استدعا ہے کہ چوکی ہذا کیلئے پولیس لائن سے ایک سیکشن نفری بزرگیہ آرڈر تک ٹرانسفر کرنے کے احکامات صادر فرمائیں۔

I/C PP Airport.W.Cantt

06.02.21

Attested as true copy



درخواست بمراد: (ٹرانسفر اپوسٹنگ)

جناب عالی!

معروض خدمت ہوں۔ کہ تھانہ ہڈا کیساتھ برطابق سٹیشن افسران تھانہ کی انتہائی کمی ہے۔ تھانہ ہڈا کیساتھ انتہائی اہم، حساس مقامات واقع پر ہے۔ اور افسران تھانہ کی کمی کی وجہ سے عوام الناس کے خط و کتابت اور دیگر دریافت ہائے کی بروقت تکمیل میں کافی مشکلات کا سامنا ہے۔ تھانہ ہڈا کے اپریشن سٹاف سے SI عمران خان (ایڈیشنل SHO سکیمورٹی) بحیثیت SHO تھانہ داود زئی ٹرانسفر ہو چکا ہے۔ جبکہ ESM/ASI دلشاد خان بھی حسب الحکم افسران محکمہ سے فارغ ہو چکا ہے جبکہ تبادلہ فراہم نہیں کیا گیا ہے علاوہ ازیں تھانہ ہڈا کیساتھ اپر سبارڈینیٹ میں کوئی افسر باقی نہیں رہا۔ جبکہ برطابق سٹیشن امتحان ادنیٰ کی شدید کمی ہے۔

استدعا ہے کہ تھانہ ہڈا کو ASHO بمعہ 2 نفر SI, s جبکہ 5 نفر ASI, s جبکہ 15 نفر کنستبلان فراہم کرنے کے احکامات صادر فرمائیں۔



Insp. SHO. W. Cantt

18.02.21

Attested as true copy.



MUHAMMAD IMRAN KHAN

Advocate Peshawar High Court, Federal Shariat Court, Legal Consultant & Practitioner,
Cell # 0314-9171770

WAKALAT NAMA

(POWER OF ATTORNEY)

IN THE COURT OF CHAIRMAN SERVICE TRIBUNAL KPK,
PESHAWAR.

DOST MUHAMMAD

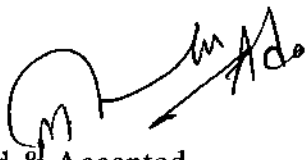
(APPELLANT)

VERSUS

GOVERNMENT OF KPK AND OTHERS
(RESPONDENTS)

I/We, Dost Muhammad (Appellant) in
the above noted Service Appeal do hereby appoint and constitute
MUHAMMAD IMRAN KHAN, ADVOCATE HIGH COURT,
PESHAWAR to appear, plead, act, compromise, withdraw or refer to
arbitration for me/us as my/our counsel in the above noted matter, without any
liability for their default and with the authority to engage/appoint any other
Advocate/Counsel at my/our matter.

Dated:



Attested & Accepted.



Client ()

MUHAMMAD IMRAN KHAN
BC# 11-1543

Advocate High Court, Peshawar.
Chamber: J. Waqar Ahmad Seth Block,
2nd floor, District Courts, Peshawar.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 435

PROBLEM SET 1

DEPARTMENT OF PHYSICS

PHYSICS 435

PROBLEM SET 1

PHYSICS 435

PHYSICS 435

PHYSICS 435

PHYSICS 435

PHYSICS 435

PHYSICS 435

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.7421 /2021.

Inspector Dost Muhammad of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

REPLY BY RESPONDENTS NO. 1, 2,3,4& 5.

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. Pertains to record, however the performance of appellant during service is not upto the mark.
2. Incorrect as stated in para ibid.
3. Incorrect. The appellant being posted as SHO was proceeded against departmentally on the charge that on 14.03.2021, under custody accused Shahzeb arrested in case FIR No. 234 u/s 15 AA PS West Cantt: committed suicide inside the lock up which infuriated general public across the city and demonstrations held against Police alleged torture and high handedness. Despite a CCTV inside lock up, the incident took place which prima facie attributes to criminal negligence of Police staff of Police Station. A criminal case in the matter was registered vide FIR No. 235/2021 u/s 302 PPC at PS West Cantt.
4. Incorrect. The appellant was issued charge sheet with statement of allegations to which he replied but his reply was found unsatisfactory. The enquiry officer after thorough probe into the matter, found the appellant guilty of the charges.(copy of charge sheet, statement of allegations and departmental enquiry along with impugned order are annex as A,B,C,D)

5. Incorrect. The competent authority after completion of all codal formalities as per spirit of KP Police Rules, 1975 (amended 2014) inflicted the penalty on the appellant when Enquiry Officer made him guilty of commission of misconduct and charges proved.
6. Incorrect. Appeal of the appellant was properly evaluated and perused and provided ample opportunity of hearing to appellant by the appellate authority, however he failed to defend himself with plausible/justifiable grounds, hence the appeal was rejected/filed.(copy of departmental rejection order is annex as D)
7. That appeal of the appellant being devoid of merit and limitation may be dismissed on the following grounds.

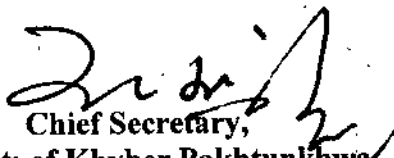
REPLY ON GROUNDS:-


- A. Para pertains to record.
- B. Pertains to record, however performance of appellant during his service was not upto the mark as he failed in supervision of his subordinate staff stationed in Police Station.
- C. Incorrect. The appellant was associated with the enquiry proceedings as per law/rules by giving him proper opportunity of defense but he failed to defend the charges, hence Enquiry Officer after thorough probe into the matter reported that the charges were stand proved.
- D. Incorrect. Proper departmental enquiry was conducted against him to unearth the real facts and Enquiry Officer found the appellant guilty /committing misconduct within the meanings of Rules ibid.
- E. Incorrect. The appellant being Incharge of the police station was well aware how to supervise the Police Station and he was bound to assign staff for the monitoring of these CCTV cameras but he failed, hence the incident took place which obviously tarnished the soft image of Police in the minds of general public.
- F. Incorrect. The reply of appellant was considered, however found unsatisfactory having no substance in it.
- G. Incorrect. The appellant was given proper opportunity of personal hearing for his self defence but he could not prove his innocence.
- H. Incorrect. Court proceedings and departmental proceeding are two different entities which can run side by side.
- I. Incorrect. The appellant was treated as per law/rules and no violation of the Constitution of Pakistan 1973 has been done by the respondents and the punishment was in consonance with the gravity of misconduct.
- J. Incorrect. Proper departmental enquiry was conducted in the matter to dig out real facts and the enquiry officer found the appellant guilty of the charges.
- K. Incorrect. The appellant was associated with the enquiry proceedings and proper opportunity of defense was provided to him but he failed to defend the charges and his replies are cogent proof annexed with his appeal.

- L. Incorrect. The charges leveled against him are proved, hence awarded Minor punishment of forfeiture of 02 years approved service under Rules ibid.
- M. Para pertains to record, however the charges leveled against him were proved, hence he was penalized under the existing rules.
- N. Incorrect. Proper departmental enquiry in the matter was conducted which is based on facts after proving charges leveled against the appellant. The whole enquiry was conducted purely on merit and in accordance with law/rules.
- O. Incorrect. Objections of the appellant over the punishment awarded to him are having no legal footing as the entire process was done on merit.
- P. Incorrect. The appellant was heard in person, however he failed to rebut the charges and after completion of all codal formalities, he was awarded an appropriate punishment commensurate with his guilt.
- Q. Incorrect. The appellant was provided full opportunity of defense but he failed to defend himself. After fulfilling all the codal formalities, he was awarded the Minor punishment under Rules ibid.


PRAYER.


It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits and legal footing, may kindly be dismissed with costs please.


Chief Secretary,
Govt: of Khyber Pakhtunkhwa,
Peshawar.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.


Senior Superintendent of Police,
Operations, Peshawar.


Superintendent of Police,
Rural, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.7421 /2021.

Inspector Dost Muhammad of CCP Peshawar..... **Appellant.**

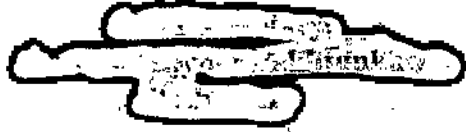
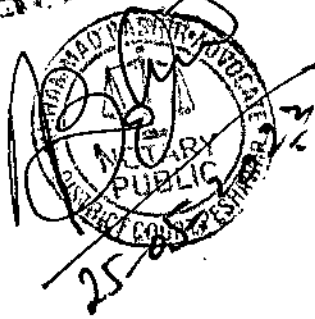
VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

AFFIDAVIT

We respondents No. 1, 2, 3, 4 & 5 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

ATTESTED



**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.**

**Capital City Police Officer,
Peshawar.**

**Senior Superintendent of Police,
Operations, Peshawar.**

**Superintendent of Police,
Rural, Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.7421 /2021.

Inspector Dost Muhammad of CCP Peshawar..... **Appellant.**

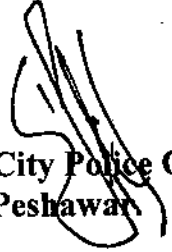
VERSUS.

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.....**Respondents.**

AUTHORITY.

I, **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Ahmad Jan** SI legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.

**Capital City Police Officer,
Peshawar**



CHARGE SHEET 12

1. Whereas I, Yasir Afridi PSP, SSP/Operations Peshawar, am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you **Inspector Dost Muhammad, the then SHO PS West Cantt.**

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Yasir Afridi PSP, SSP Operations, Peshawar hereby charge you **Inspector Dost Muhammad, the then SHO PS West Cantt** under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations/grounds:

On 14.03.2021, under custody accused namely Shah Zeb s/o Khyal Akbar r/o Bara Khyber arrested vide case FIR # 234/2021 u/s 15-AA PS West Cantt committed suicide in the lock up and stirred intense public outcry. Despite a functioning CCTV monitoring system, the incident happened which prima facie reflects criminal negligence of Police Station staff. A criminal case has been registered vide FIR No. 235/2021 u/s 302 PPC at PS West Cantt which is under investigation. By doing so, you have rendered yourself liable to be proceeded against departmentally under Police (E&D) Rules, 1975.

4. I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

20 ✓
YASIR AFRIDI PSP
Senior Superintendent of Police,
(Operations) Peshawar

No. 517 E/PA dated Peshawar the 16/03 2021.

STATEMENT OF ALLEGATIONS

18

1. I, Yasir Afridi PSP, SSP/Operations Peshawar as competent authority, am of the opinion that Inspector Dost Muhammad, the then SHO PS West Cantt has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

On 14.03.2021, under custody, accused namely Shah Zeb s/o Khyal Akbar r/o Bara Khyber arrested vide case FIR.# 234/2021 u/s 15-AA PS West Cantt committed suicide in the lock up and stirred intense public outcry. Despite a functioning CCTV monitoring system, the incident happened which prima facie reflects criminal negligence of Police Station staff. A criminal case has been registered vide FIR No. 235/2021 u/s 302 PPC at PS West Cantt which is under investigation. By doing so, he has rendered himself liable to be proceeded against departmentally under Police (E&D) Rules, 1975.

2. For the purpose of scrutinizing the conduct of aforesaid police official in the said episode with reference to the above allegations SP (R) is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall, in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

26
YASIR AFRIDI^{PSP}
Senior Superintendent of Police,
(Operations) Peshawar

No. 517 E/PA, dated Peshawar the

16 05 2021

15

OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL DIVISION, PESHAWAR
No. 11,38/SPR, DT:02/6/2021
Email: officesprur/peshawar@gmail.com

To :

The SSP Operations, Peshawar

Subject:

INQUIRY REPORT INSPECTOR DOST MUHAMMAD

Memo:-

Please refer to your office diary No. 517 /L/PA, dated: 16.03.2021.

Allegations :-

According to statement of allegations & charge sheet, on 14.03.2021, under custody accused, namely Shah Zeb s/o Khyul Akbar r/o Bara Khyber Agency arrested vide FIR No.234/2021, u/s 15-AA, PS West Cantt committed suicide in the lock up and stirred intense public outcry. Despite a functioning CCTV monitoring system, the incident happened which prima facie reflects criminal negligence of Police Station staff. A criminal case has been registered vide FIR No. 235/2021, u/s 302 PPC at PS West Cantt which is under investigation.

Proceedings :-

The alleged official was summoned and charge sheet / summary of allegations were served upon him to which he submitted reply.

Inspector Dost Muhammad, Ex.SHO West Cantt deposed in his statement that the alleged charges, vocalized in summary of allegations are unnatural, unwarranted, and unjustified rather based on misconception and misstatement. He stated that registration of murder case against him does not fall within the ambit of Qatl-e-Amad, Qatl-e-Khata or Qatal bi-negligent rash but only based just to console aggrieved party and the public. He stated that learned inquiry officer JMIC-VIII Peshawar at Para-7 of the findings, has clearly opined that there is no evidence, pointing towards the motive of killing of an arrested person.

He stated that so far the charge of negligence is concerned, the learned inquiry officer JMIC-VIII Peshawar in conclusion of the findings at Para 9 has fixed / assigned the only accountability to the undersigned that deceased Shah Zeb as per Section 5 of Juv. Justice System Act 2018, was not kept in observation home but detained the deceased in ordinary lock up. In this regard, he stated that the Department / Government has not yet established / constructed any observation room in any of the Police Station, hence he cannot be condemned and charged as to why he did not care to keep deceased Shah Zeb in observation room while detained him in ordinary lock up.

He stated that on one hand criminal case u/s 302 PPC vide FIR No.235/2021 was registered whereas on other hand, disciplinary proceedings have been initiated, thus dual proceedings for one in the same charge, have been barred under Article 13 Pakistan Constitution 1973, Sec 403 Cr.PC and Sec 26 of General Clauses Act. As per judgment of SC Cr.PC (CS page 1187) it has been further held by superior court that no one should be vexed twice for one and the same charge, therefore the competent authority should kindly pend the disciplinary proceedings till disposal of criminal case.

He also invited to Rules 16.3 PR 1934, relevant Para, whereof is reproduced is under:-

"When a police officer has been tried and acquitted by trial court, he shall not be punished departmentally on the same charge", so if he stand acquitted from criminal charge under 302 PPC, what shall be the effect on punishment, awarded by the department, hence the circumstances warrants to wait till disposal of criminal case.

He further submitted that it would be appropriate to rely on the Latin Maxim that "A person is innocent, unless proven guilty", hence there is nothing in support of the charges, specified in the charge sheet to hold himself guilty. Supreme Court of Pakistan in view of this Latin Maxim, has favoured accused, in the following judgments when criminal trial has not been completed.

- 2010 SCMR page 1706.
- PLD 2009 SC page 709
- 2010 SCMR, Page 589

He submitted that the principle of natural justices would be violated only when an action is taken against a person without his knowledge (NLR 214 April QTA), he swears that the alleged misshape was not in his knowledge rather involves any consent or malafide. It is stated that it has been held by Hon'able Court that without knowledge, conviction is illegal and it was set aside (NCR 2004 (Feb P-84 Peshawar).

He stated that he has been placed under suspension without any justification and on no good ground, violating Rules 16.18 Police Rules 1934 r/w 43 PR which clearly speaks that un-necessary suspension should be avoided because it not only suffers his assigned work but also amounts to additional penalty, the circumstances, therefore warrants and justifies my release from suspension, as per afore-stated provision.

He requested that foregoing in view, the subject charge sheet being without force merits and substance may very kindly be filed, without further proceedings, if disciplinary proceeding may please be lined and the undersigned may please be exonerated from alleged charges.

Findings:-

The CCTV footage shows that the deceased Shahzeb was brought to the police station at 1509 hrs and was committed to the lock up at 1512 hrs. At 1605 hrs, he committed suicide by a piece of cloth available in the lockup. In this short span of time, no torture was inflicted on him by any police official (CCTV cameras at SHO office and lockup were functional and revealed the fact). However, the only shortcoming on part of police was negligence of duty by the lower echelon of the police at the police station that no guard was deputed to watch the lockup as per provisions of Police Rules 1935 to keep an eye on the inmates and inmates therein so as such happenings could have been noticed/ prevented. Similarly, had the CCTV cameras been attended to, the suicide could have been checked/ avoided. Last but not least, it is the glaring negligence on part of police while dealing with a juvenile person by not

ignoring provisions of 'The Juvenile Justice System Act, 2018' particularly section 5 thereof, which he was duty bound to observe. However, it is also pertinent to mention here that Government has not constructed/established any observation rooms in any of the Police Stations yet. So, in any opinion he should not be blamed for keeping the deceased accused in custody.

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Recommendation:-

After going through the enquiry, the undersigned reached to the conclusion that no torture was inflicted upon deceased accused Shahzeb by SHO Dost Muhammad or his subordinate staff. Deceased accused Shahzeb committed suicide for a reason, unfortunately, best known to him.

Ex. SHO Dost Muhammad is guilty to the extent that he failed to properly supervise his subordinate staff who were supposed to monitor CCTV cameras & guard the lock-up.

Submitted please.

دستخط 20

SP Rural Division

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OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
OPERATIONS,
PESHAWAR

ORDER

1. Inspector Dost Muhammad, the then SHO Police Station West Cant proceeded against departmentally vide this office No.517/E/PA dated 16.03.2021 on account of the charges that on dated 14.03.2021, under custody accused nameiy Shah Zeb s/o Khyal Akbar r/o Bara Khyber arrested vide case FIR # 234/2021 u/s 15-AA PS West Cantt committed suicide in the lock up, and stirred intense public outcry. Despite a functioning CCTV monitoring system, the incident happened which prima facie reflects criminal negligence of Police Station staff. A criminal case has been registered vide FIR No. 235/2021 u/s 302 PPC at PS West Cantt which is under investigation.

2. Charge sheet along with summary of allegations was issued to him and SP Rural was appointed as Inquiry Officer to inquire into the allegations and ascertain the role of accused official with reference to the allegations framed against him. The Inquiry Officer submitted his findings on 02.06.2021 wherein he mentioned that no torture was inflicted upon deceased accused Shahzeb by SIO Dost Muhammad or his subordinate staff. Deceased accused Shahzab committed suicide for the reason, unfortunately best known to him.

3. On receipt of the findings, the same were perused. The undersigned being competent do agree with the findings of the Inquiry Officer. The matter has been thoroughly examined by the EO and Judicial Enquiry: it is very much clear from CCTV footages that individual officer made a negligence while performing his duties. It is also pertinent to mention here that there is no observation room in any of Police Station in Khyber Pakhtunkhwa. Moreover, no other detainee or under trial accused was in the cell. He is hereby awarded the punishment of "forfeiture of 02 years approved service under Police (E&D) Rules, 1975. He is hereby re-instated into service from the date of suspension.

(YASIR AFRIDI) PSP
Senior Superintendent of Police,
(Operations) Peshawar

No. 1164-68 /PA dated Peshawar, the 22/06/2021.

Copy for information and necessary action to:

1. The Capital City Police Officer, Peshawar.
2. EC-II/EC-I/AS/PO
3. Official concerned.
4. PMC alongwith complete enquiry file for record.



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OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR


ORDER.

This order will dispose of the departmental appeal preferred by Inspector Dost Muhammad No. P/278 who was awarded the punishment of "Forfeiture of 2-years approved service" under PR-1975 by SSP/Operations Peshawar vide order No. 1164-68/PA, dt: 03.06.2021

2- Short facts leading to the instant appeal are that the appellant while posted as SHO PS West Cantt Peshawar was proceeded against departmentally on account of charges that on 14.3.2021, accused namely Shahzeb s/o Khayal Akbar r/o Bara Khyber arrested vide case FIR No. 234/2021 u/s 15-AAPS West Cantt committed suicide in the PS Lock up and stirred intense public outcry. Despite of functioning CCTV monitoring system, the incident happened which prima facie reflects criminal negligence of Police Station staff. A criminal case has been registered vide FIR No. 235/2021 u/s 302 PPC at PS West Cantt.

3- He was placed under suspension and issued proper Charge Sheet and Summary of Allegations by SSP/Operations. SP/Rural, CCP Peshawar was appointed as enquiry officer to scrutinize the conduct of the accused official. The enquiry officer after conducting proper enquiry submitted his findings and found him guilty. Hence the competent authority awarded him the above punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. Therefore, his appeal for setting aside the punishment awarded to him by SSP/Ops: vide No. 1164-68/ PA, dated 03.06.2021 is hereby rejected/filed.


(ABBAS AHSAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No: 2543-46 /PA dated Peshawar the 13 10 8 /2021

Copies for information and necessary action to the :-

1. SSP/Operations Peshawar
2. EC-I, EC-II, Pay Officer,
3. FMC along with enquiry papers,
4. Official Concern.