

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT SWAT

Service Appeal No. 96/2019

Date of Institution ... 21.01.2019

Date of Decision ... 05.01.2022

Umar Hayat Ex-ASI District Swat Police, Incharge Casualty Matta Hospital.

... (Appellant)

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

MR. IMDAD ULLAH,
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General

--- For respondents.

MR. SALAH-UD-DIN
MR. MIAN MUHAMMAD

--- MEMBER (JUDICIAL)
--- MEMBER (EXECUTIVE)

JUDGEMENT:

SALAH-UD-DIN, MEMBER:- Through this single judgment we intend to dispose of instant service appeal as well as connected Service Appeal bearing No. 97/2019 titled "Gul Muhammad Versus The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and two others", as common question of law and facts are involved in both the appeals.

2. Precise facts forming background of instant service appeal are that departmental action was taken against the appellant namely Umar Hayat on the allegations that as per report of SP Investigation Swat regarding case FIR No. 1126 dated 17.09.2018 under sections 302/202/109/147/148 PPC


Police Station Matta, the appellant after dispatching of *Murasila* report to Police Station, was aware of the death of deceased Muhammad Komail but he failed to collect his clothes as evidence and handed over the dead body of the deceased to his legal heirs without conducting of autopsy. On conclusion of the inquiry, the appellant was dismissed from service vide order dated 25.10.2018. The departmental appeal of the appellant was also filed vide order dated 10.01.2019. The appellant being aggrieved of the orders dated 25.10.2018 and 10.01.2019 has now approached this tribunal for redressal of his grievance.

3. Precise facts of the connected Service Appeal No. 97/2019 titled "Gul Muhammad Versus The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and two others", are that departmental action was taken against the appellant namely Gul Muhammad on the allegations that as per report of SP Investigation Swat regarding case FIR No. 1126 dated 17.09.2018 under sections 302/202/109/147/149 PPC Police Station Matta, the appellant while investigating the said case, had failed to collect clothes of the deceased and had handed over the dead body to legal heirs of the deceased without its autopsy. On conclusion of the inquiry, the appellant was dismissed from service vide order dated 25.10.2018. The departmental appeal of the appellant was also filed vide order dated 10.01.2019. The appellant being aggrieved of the orders dated 25.10.2018 and 10.01.2019 has now approached this Tribunal for redressal of his grievance.

4. Notices were issued to the respondents, who submitted their comments, wherein they denied the assertions made by the appellants in their appeals.

5. Learned counsel for the appellants has contended that when the deceased Muhammad Komail was brought to the hospital, certificate was issued by the Doctor on duty in casualty that he was well oriented in time and space, therefore, the report of Muhammad Komail was rightly


recorded in the shape of *Murasila*, wherein he alleged that he had attempted to commit suicide; that the report was also signed by deceased's brother namely Muhammad Sohail as its rider; that as the case was of attempting suicide, therefore, there was no need of taking into possession of clothes of the deceased; that as the legal heirs of the deceased were not willing for conducting of autopsy of the dead body, therefore, no autopsy was conducted; that there was no legal lapse on the part of the appellants and they have performed their duties in accordance with law; that the inquiry officer has given clear finding in his report that the allegations against the appellants were not proved but even then they were wrongly and illegally awarded major penalty of dismissal from service. In the last he requested that the impugned orders may be set-aside and the appellants may be reinstated in service with all back benefits.

 6. On the other hand, learned Additional Advocate General for the respondents has contended that the deceased Muhammad Komail and one Mst. Muazima were administered poison on suspicion that they were having illicit relation; that the appellants did not take into possession the clothes of deceased Muhammad Komail and the dead body was handed over to the relative of the deceased without its autopsy, hence the appellants failed to discharge their duties in a legal manner; that the appellants did not perform their duties in a legal way, which resulted in causing of legal weaknesses in criminal cases registered regarding the death of Muhammad Komail and one Mst. Muazima; that a proper regular inquiry was conducted in the matter against the appellants and they were found guilty of the charges leveled against them, therefore, they have rightly been awarded major punishment.

7. We have heard the arguments of learned counsel for the appellants as well as learned Additional Advocate General for the respondents and have perused the record.

8. A perusal of the record would show that the appellants were departmentally proceeded against on the allegations that

they did not take into possession the clothes of deceased Muhammad Komail and had handed over the dead body to legal heirs of the deceased, without carrying out its autopsy. The appellant namely Umar Hayat was on duty in casualty Hospital Matta, when deceased Muhammad Komail was brought for medical treatment. He prepared injury sheet of Muhammad Komail and after obtaining of certificate from the Doctor, regarding capability of Muhammad Komail to record his statement, the appellant recorded his statement in the shape of *Murasila*, wherein Muhammad Komail had stated that he had taken poisonous tablets in order to commit suicide. The contents of stomach of Muhammad Komail were also taken by the doctor through syringe for its dispatching to the Laboratory for chemical examination. As the case was one of suicide, therefore, there appears no logic as to what was the necessity of taking into possession of clothes of the deceased. Similarly, it appears from the record that autopsy was not conducted upon the request of legal heirs of the deceased Muhammad Komail.

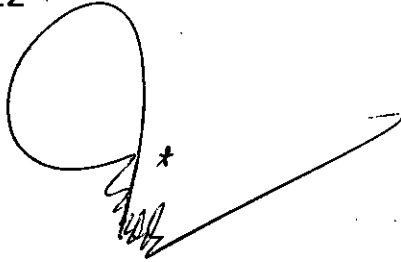


9. Additional Superintendent of Police Swat conducted inquiry against both the appellants. The report of the inquiry officer is available on the record, which would show that he has not given any findings that the charges leveled against the appellants stood proved during the inquiry. The inquiry officer has categorically mentioned in his report that the appellant Gul Muhammad was innocent, therefore, the inquiry against him may be filed. The inquiry officer has not at all mentioned in his report that the appellant Gul Muhammad had failed to follow SOPs in the concerned criminal case, however it is quite astonishing that the District Police Officer Swat has mentioned in the impugned order dated 25.10.2018 that the inquiry officer has reported that the appellant Gul Muhammad failed to follow SOPs in the concerned criminal case. When the appellant Gul Muhammad was exonerated by the inquiry officer, the competent Authority was not justified in awarding him major penalty. Similarly, the inquiry officer has not at all given any opinion in his report that the charges against the


appellant Umar Hayat were proved during the inquiry, therefore, the penalty awarded to him by the competent Authority is also not sustainable in the eye of law.

10. In view of the above discussion, the appeal in hand as well as connected Service Appeal bearing No. 97/2019 titled "Gul Muhammad Versus The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and two others", are accepted and the appellants are 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



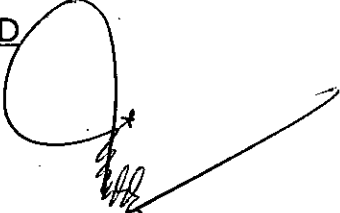
(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT SWAT

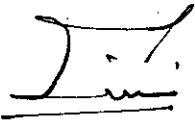
ORDER
05.01.2022

Appellant alongwith his counsel 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 19 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, separately placed on file, the appeal in hand as well as connected Service Appeal bearing No. 97/2019 titled "Gul Muhammad Versus The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and two others", are accepted and the appellants are 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

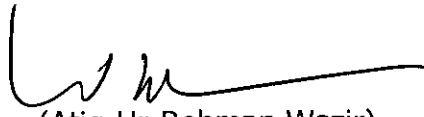

(Mian Muhammad)
Member (E)
Camp Court Swat


(Salah-Ud-Din)
Member (J)
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 ~~05.07~~ 05.07.2022 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

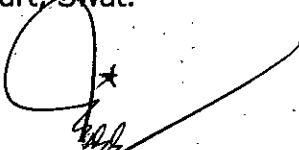
03.03.2021


Appellant present through counsel.

Riaz Khan Paindakheil 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*

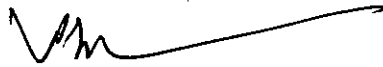

Reader

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.



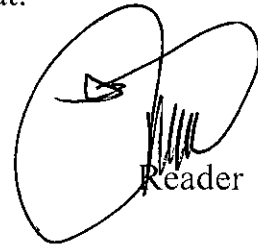
(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat



(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 3.6.2020
M J
Reader

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.



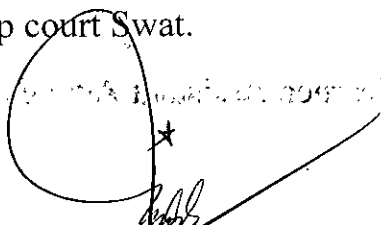
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06.10.2020

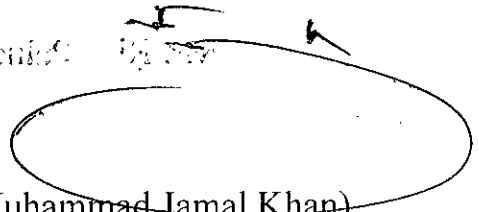
Appellant is present in person. Mr. Usman Ghani,
District Attorney alongwith Mr. Khawas Khan, SI for
respondents present.

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. 97/2019

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



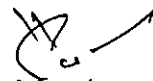
(M. Amin Khan Kundi)
Member
Camp Court Swat

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

~~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.



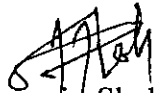
Member




Member
Camp Court, Swat.

08.10.2019

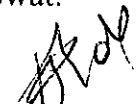
Counsel for the appellant and Mian Amir Qadir, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 05.11.2019 for arguments before D.B at Camp Court Swat.



(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 to me} 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.

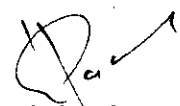

(Hussain Shah)
Member
Camp Court Swat


(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. Representative of the respondent department submitted written reply/comments. To come up for rejoinder, if any, and arguments on 01.07.2019 before D.B at Camp Court, Swat.


Member

Camp Court, Swat.

01.07.2019

Counsel for the appellant present. Mian Amir Qadir, DDA alongwith Mr. Khawas Khan, SI for respondent present. Learned counsel for the appellant seeks adjournment. Adjourned. Case to come up for rejoinder, if any, and arguments on 03.09.2019 before D.B at camp court Swat.


Member


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. Preliminary arguments heard.

The appellant (Ex-ASI) 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 dismissal 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 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. 96/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/1/2019	<p>The appeal of Mr. Umar Hayat 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> REGISTRAR 21/1/19</p>
2-	28-1-19	<p>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> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 96 of 2019

Umar Hayat Ex-ASI District Swat Police, Incharge Casualty Matta Hospital.

...Appellant

VERSUS

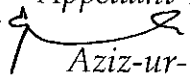
The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

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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 Reply	D	13-14
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9.	Copy of the Departmental Appeal	F	16
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Appellant Through

 Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,
Mingora Swat, Cell 0333 929 7746

1

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 96 of 2019

Umar Hayat Ex-ASI District Swat Police, Incharge
Casualty Matta Hospital.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 87

Dated 21-1-2019

...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
DISMISSAL 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. 523/E DATED 10-01-2019

AGAINST THE LAW, RULES AND
SHARIAH HENCE BOTH THE ORDERS
ARE LIABLE TO BE SET ASIDE.

2

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 on 16-02-2002 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 as Incharge 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".

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- 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 appellant refused and asked to call for the father of the deceased.
- v. That upon the arrival of the father 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 appellant 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, which the appellant did at the persistent insistence of the grieving father.
- 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. Copy of the reply is enclosed as Annexure "D".
- x. That without issuing any Show Cause Notice the appellant was issued the order of dismissal 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 "E".
- 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. 523/E dated 10-01-2019. Copy of the departmental appeal is enclosed as Annexure "F" and that of the order dated 10-01-2019 is enclosed as Annexure "G".
- 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.

Σ

Grounds:


- a. That neither have been the codal formalities observed nor due course of law adopted before the imposition of major penalty of dismissal 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.

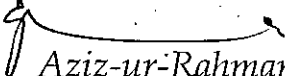
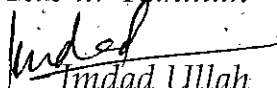
It is, therefore, very respectfully prayed that on acceptance of this service appeal both the orders impugned may very kindly be set aside and

reinstate the appellant back into service with all
back / consequential benefits.

6

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

Appellant

Umar Hayat
Through Counsels,


Aziz-ur-Rahman

Imdad Ullah
Advocates Swat

7

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2019

Umar Hayat Ex-ASI District Swat Police, Incharge
Casualty Matta Hospital.

...Appellant

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The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar and Others.

...Respondents

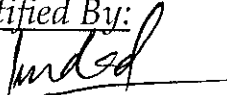
AFFIDAVIT

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



Umar Hayat

Identified By:



Imdad Ullah
Advocate Swat

ATTESTED


UMAR SADIQ Advocate,
OATH COMMISSIONER
Distt: Courts Swat.
No. 410 Date 21/1/19

81

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2019

Umar Hayat Ex-ASI District Swat Police, Incharge
Casualty Matta Hospital.

...Appellant

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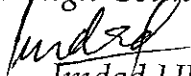
ADDRESSES OF THE PARTIES

Appellant:

Umar Hayat Ex-ASI District Swat Police, Incharge
Casualty Matta Hospital.

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

کولمبو

سر شری لکشمی پریشاد

15/09/2018

عہدہ متعلقہ جملہ اہل ذمہ داران

15/09/2018

Annexure A 9

میں نے اپنے نوٹس میں ذکر کردہ تمام اہل ذمہ داران کو یہ خبر دی ہے کہ ان
تعداد میں عہدہ متعلقہ جملہ اہل ذمہ داران کے ناموں کی فہرست
ان کے پاس ہے اور ان خود سے منگوانے کے لئے اس فہرست کو
خواجہ درستی کے بیان کے مطابق قابل عمل بنائیں

Amr
Ari. Ch. malla
17-09-2018

Notarized
at the
Office of the
Notary
Paris
17/9/2018

Attested
[Signature]
Advocate

CHARGE SHEET

Annexure 6 11

I, Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, hereby charge you, ASI Umar Hayat while posted at Casualty Hospital Matta as follows:-

You committed the following act/acts, which is/are gross misconduct on your part as defined in Rules 2 (F) of Police Disciplinary Rules 1975 with amendments 2014 vide Notification No.3859/Legal, 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 u/s 302/202/109/147/149-PPC Police Station Matta revealed that following dispatch of Murasila report to Police Station you were aware of the death of deceased Muhammad Kumail but you failed to collect his 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.

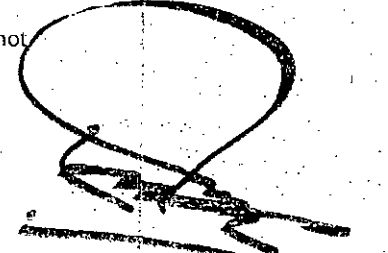
2. By reasons of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule-4 of the Disciplinary Rules 1975.

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. 88 /PA,

Dated: 01-10 /2018.

Attested

Advocate

DISCIPLINARY ACTION

1. Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, is of the opinion that he ASI Umar Hayat while posted at Casualty Hospital 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 19/11/2011.

STATEMENT OF ALLEGATIONS

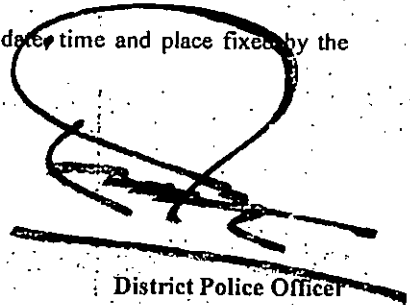
It has been reported that he while posted at Casualty Hospital Matta committed the following act /acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

A report of SP Investigation, Swat regarding case FIR No. 1126, dated 17-09-2018 u/s 302/202/109/147/149-PPC Police Station Matta revealed that following dispatch of Murasila report to Police Station he was aware of the death of deceased Muhammad Kumail but he failed to collect his 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, 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 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.



District Police Officer
Swat


No. 88 /PA, Dated Gulkada the. 01-10 2018.

Copies of above to:-

1. Addl: SP Swat for initiating proceeding against the accused Officer/Official namely ASI Umar Hayat under Police Rules, 1975.

2. ASI Umar Hayat 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.

Attested

Advocate

حاصل میں پورا ہے اور موخریہ میں لکھنے والے صاحب نام صاحبان اس لئے کہ حقیقت میں وہ
 سے اور توئی محمد لکھنے والے صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے
 کو لکھنے والے محمد لکھنے والے صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے
 خاطر جو کہ وہ لکھنے والے صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے
 صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے
 اور صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے
 نہ کہ وہ لکھنے والے صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے
 لکھنے والے صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے صاحب نام صاحبان کے ساتھ ساتھ وہ بھی جو کہ وہ لکھنے والے

Amad
 محمد امجد

Asst. CH. Mulla
 03-10-018

Attested
[Signature]
Advocate

-E-

Signature E 15

ORDER

This order will dispose of Departmental Enquiry against ASI Umar Hayat of this District Police. He while posted at Casualty Hospital Matta was alleged of gross misconduct in case FIR No. 1126 dated 17-09-2018 u/s 302-202-109-147-149 PPC Police Station Matta as after dispatch of Murasila report to Police Station he was aware of the death of deceased Muhammad Kumail but he failed to collect his 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. 88/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 ASI under enquiry had failed to follow SOP in the abovementioned case which created problems for Police. He recommended appropriate punishment for the ASI.

The Police Officer under enquiry had failed to follow SOP in the abovementioned case. Despite being aware of the death of the deceased, he failed to collect his clothes and 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 dismissal from service.

Order announced.

District Police Officer
Swat

25/10/18

O.B. No. 171

Dated: 25.10.2018

Copy to:-

1. Regional Police Officer, Malakand Region
2. Addl: SP Swat
3. Establishment Clerk

For necessary action, please.

Attested
[Signature]
Advocate

District Police Officer
Swat

00A
16-02-2002

جناب عالی!

گزارش کی جاتی ہے کہ سائل کیجولنی ہسپتال مڈ میں ڈیوٹی پر تعینات تھا مورخہ 17-09-2018 کو ایک شخص ہسپتال مڈ لایا جا کر جس کے نسبت معلوم ہوا کہ اس نے زہر خوردانی کی ہے ڈاکٹر صاحب آن ڈیوٹی سے ہوش و حواس سرٹیفکیٹ حاصل کیا جا کر ڈاکٹر صاحب نے بیان دینے کی قابل تحریر کی سائل نے متاثرہ شخص سے رپورٹ لیکر جس نے گندم کی گولی زہر کھانے کی رپورٹ کی رپورٹ متاثرہ شخص محمد کیل نے اگلوٹھا ثبت کر کے تائید برادر سہیل نے کی۔ رپورٹ کے چند لمحے بعد متاثرہ شخص فوت ہو کر برادر متونی کو پوسٹ مارٹم کی غرض ہدایت کی گئی۔ متاثرہ شخص (متونی) کے بھائی نے پوسٹ مارٹم نہ کرانے کی اصرار کر کے اس سلسلہ میں سائل نے متونی کے والد اور چچا بھی ہسپتال مڈ طلب کر کے جنہوں نے پوسٹ مارٹم نہ کرنے کی بھی استدعا کی اور حقین کا موقف تھا کہ متونی نے زہر ملی گولی کھایا ہے کسی کے خلاف کوئی شک و شبہ نہیں ہے۔ سائل نے علاقہ کے رواج کے مطابق متونی کے نعش و رثاء کے حوالہ کر کے ان سے رسید حوالگی نشن لیا گیا۔ وقوعہ کی باقاعدہ اطلاع تھانہ مڈ کو دیکر جو کہ بحوالہ مڈ 59 روز نامہ 17-09-2018 درج روز نامہ ہے۔ سرکل مڈ میں زہر خوردانی کے تاحال تقریباً 90/95 مقدمات درج رجسٹر ہوئے ہیں جس میں زیادہ تر متاثرین کو ہسپتال لائے جا چکے ہیں جن میں ان مقدمات میں پوسٹ مارٹم عمل میں لائے گئے ہیں جن کے ساتھ اصل لواحقین موجود نہ ہو محمد کیل متاثرہ (متونی) کے ساتھ برادر، چچا، والد موقع پر آئے تھے جنہوں نے پوسٹ مارٹم نہ کرانے کا اصرار کر کے نعش حوالہ کیا گیا تھا۔

اس سلسلہ میں مقدمہ علت 1126 مورخہ 18-09-018 جرم PPC 109-202-201-302 تھانہ مڈ درج ہو کر جناب DPO صاحب نے من ASI کو چارج شیٹ جاری کر کے انکو آئری آفیسر نے من سائل کے نسبت Censure کی سزا تجویز کی۔ جناب DPO صاحب سوات نے بحوالہ آرڈر نمبر 171 مورخہ 25-10-2018 محکمہ پولیس سے ڈسمن کرنے کا حکم صادر کیا ہے۔ سائل ایک غریب گھرانے سے تعلق رکھتا ہے محکمہ پولیس میں مزید نوکری کا خواہاں ہے سائل نے دیدہ دانستہ کوئی کوتاہی یا غفلت نہیں کی ہے۔

بذریعہ درخواست استدعا ہے کہ سائل کو دوبارہ محکمہ پولیس میں اپنے عہدہ پر بحال کرنے کا حکم صادر فرمائیں تاہم حیات ممنون و مشکور

العارض

Amal

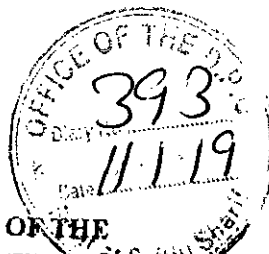
رہے گا۔

عمر حیات ولد عمر صدیق ساکن سکاوٹ ملا کٹر ایجنسی سابق ASI محکمہ پولیس

رابطہ نمبر 0342-0478077

Attested
Advocate

30/10/18



17
6
Annexure

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

AT SAIDU SHARIF SWAT.

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

Email: dlmalakand@yahoo.com

ORDER:

This order will dispose off application of ~~Ex-ASI~~ Umar Hayat of Swat District for reinstatement in service.

Brief facts of the case are that ASI Umar Hayat while posted to Casualty Hospital 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 after dispatch of Murasila report of Police Station he was aware of the death 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 conduct proper departmental enquiry against the delinquent ASI and submitted his findings recommending him for appropriate punishment. Being found guilty of the charges leveled against him the District Police Officer, Swat "Dismissed" him from service vide his office OB No: 171 dated: 25/10/2018.

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]
(M. HANIF SAEED) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
-Sattar-
26/01

No. 523 /E,

Dated 10-01-2019.

Copy to District Police Officer, Swat for information and necessary action with reference to his office Memo: No. 20529/E, dated 14/11/2018. The service record of the above named Ex-ASI is returned herewith for record in your office.

[Signature]
EC/OSI
10/1/2019

Attested
[Signature]
Advocate

[Signature]
District Police Officer
SWAT.
11/1

AEC
Take copy of his
S-Recordal info on
2-ASi account.
[Signature]
11/1/19

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-

Umair Hayat

Appellant

18

VERSUS

The P.O. K.L. & 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 18 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. 96/2019

Umer Hayat Ex-ASI, District Swat Police, Incharge Causality Matta Hospital

..... Appellant

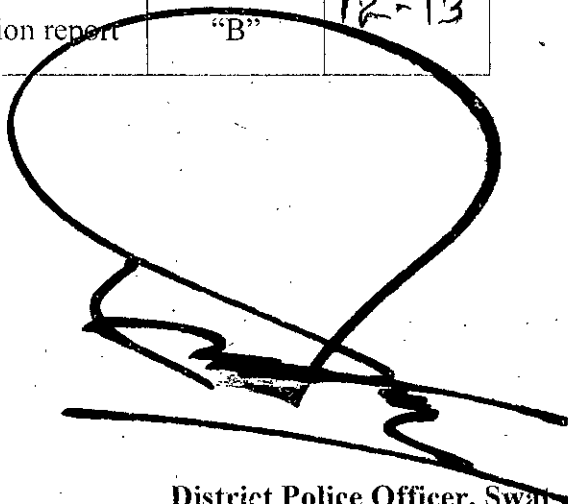
VERSUS

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

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5	Copy of preliminary information report	"B"	12-13


District Police Officer, Swat
(Respondent No.03)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.**Service Appeal No. 96/2019**

Umer Hayat Ex-ASI, District Swat Police, Incharge Causality Matta Hospital

..... 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. Pertains to record, hence needs no comments.
- 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 and was given to appellant ASI Umer Hayat who drafted Murasila for lodging a false/baseless FIR No.1123 dated 17/09/2018 u/s 325 PPC P.S Matta against the deceased Muhammad Kumail.

- 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 "A".
- 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 and the same was forwarded to P.S Matta in a hasty manner by the appellant with the intention to conceal the actual facts of murder.
- 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 the actual facts of the murder and misconduct on part of the appellant has been categorically explained. Copy enclosed as annexure "B".
- 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.

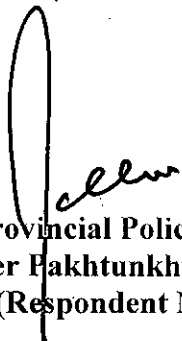
GROUND:

- 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.

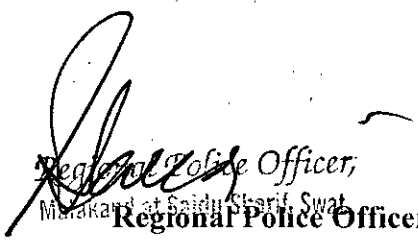
- c. Incorrect. The respondents have exercised their lawful powers under the relevant rules and facts while dealing the appellant departmentally. Furthermore, the appellant has committed a gross misconduct while attending the deceased Kumail in his place of posting i.e Causality Hospital Matta.
- d. Incorrect. As stated above, the appellant has wilfully 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:

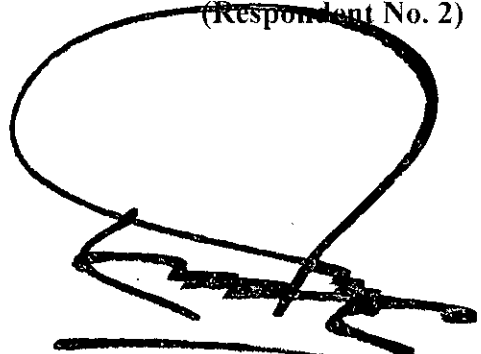
Keeping in views the above facts and circumstances, it is humbly prayed that the appeal of appellant being devoid of legal force, may kindly be dismissed with costs.



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)

Service Appeal No. 96/2019

Umer Hayat Ex-ASI, District Swat Police, Incharge Causality Matta Hospital

..... Appellant

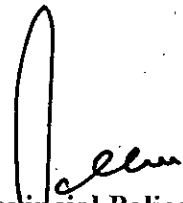
VERSUS

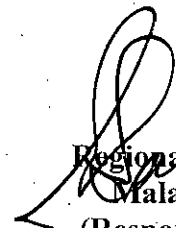
1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer Malakand Region at Saidu Sharif, Swat.
3. The District Police Officer Swat.

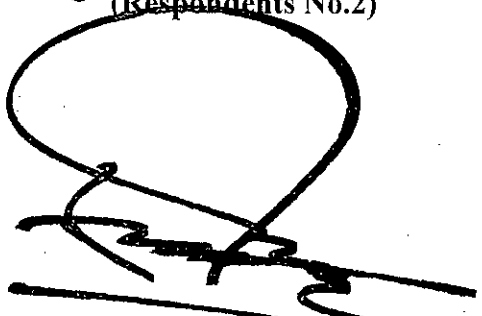
..... Respondents

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. 96/2019

Umer Hayat Ex-ASI, District Swat Police, Incharge Causality Matta Hospital

..... Appellant

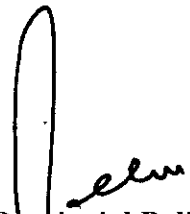
VERSUS


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.

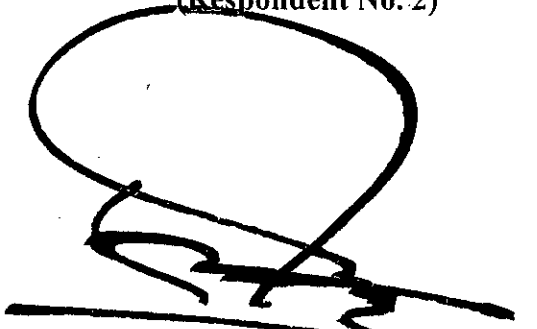
..... Respondents

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.


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


Regional Police Officer
Malakand Region
(Respondent No. 2)


District Police Officer Swat
(Respondent No. 3)

48

Annex A

6

ملفوظات میرزا قلی بیگ خان جلالی 164-364

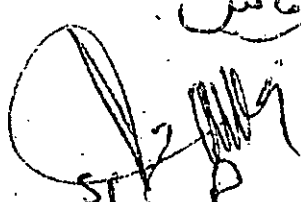
148
1126
19-9-18
302-202-109-149-149
131A-120B

میل خان ولد محمد بیرونیزہ محمد بیرونیزہ پیر مندر خان ولد محمد بیرونیزہ

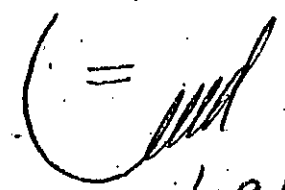
ملفوظات

فقیر عثمان قہر جالا میں جلال خان جالا سے دست
خانہ کتیبہ - ملکان جالا نے میرزا شریک ملکان
مکانہ جمع باجا عبدالقزیر اور اہل خانہ کیساتھ
دے 17.9.18 کو ملتان میں ملکان نے اپنا بیان لکھا
اور ملتان میں بیرونیزہ اپنے میل خان کو انبیائی
کے درمی اور ذہن سے ذہنی دوا پیلا کر قتل
کیا ہے یہ دو ملکان جالا کو فقیر میں ثابت عیادت سے
انٹارکٹ سے لے کر اپنے قہر قبول کرے اور کوشی
اپنے بیانات 164 خانہ ملکان سے ہی ادا - دو بیرونیزہ
نہ لائے جملہ کوٹ وہ بیانات ملکان کے پر دانی ہے۔

164
364
امیر علی مرلکان جالا کے بیانات و بردھات
خانہ ملکان کے جامعہ ماہد و ماش


P. Mattha
22.09.2018

Sir, forwarded



22/09/18

ORDER - Accused named above produced by local police
22-9-18 for recording confessional statements. Accused named above
confessed their guilt and their statements u/s 164/364 CrP
recorded & handed over to I.O in original. N/CONF is
directed to send accused to judicial lockup &
be produced on 5/10/18

Abdul Hassan
Judicial Magistrate C.J. &
Mulla Swat

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صفحہ نمبر (1)

ابن عبدالحسن مہمند سول ججاول / علاقہ قاضی / جوڈیشل مجسٹریٹ

مٹہ ضلع سوات

سرکار ہنام شاہ روم باجا وغیرہ

مورخہ: 19/09/2018

1126

پندرہ علت:

تھانہ: مٹہ

302,202,209,147,149 تپ

جرم زیدفعہ:

ISA-120B

سہیل خان ولد محمد پرویز سکندر کورے تحصیل مٹہ

ملزم نمبر (01)

شناختی علامت: ندارد۔ شناختی کارڈ نمبر 3-1517752-15601

ملزم کو صبح 08:30 بجے روبروئے عدالت ہذا برائے قلمبندی اقبال بیان پیش کیا گیا۔

یادداشت تحقیقات:

کیا تم جانتے ہو کہ تم عدالت میں لائے گئے ہو اور میں جوڈیشل مجسٹریٹ ہوں؟

سوال نمبر ۱:

جی ہاں۔

جواب:

تم اقبال جرم قلمبند کرنے کیلئے مجبور اور پابند نہیں ہو۔ کیا تم یہ

سوال نمبر ۲:

جی ہاں۔ مجھے علم ہے۔

جواب:

کیا تم اس حقیقت کو جانتے ہو کہ اگر تم اقبال جرم کرتے ہو تو اسے تمہارے خلاف بطور شہادت استعمال کیا جاسکتا ہے؟

سوال نمبر ۳:

جی ہاں۔ میں جانتا ہوں۔

جواب:

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 میں رکھا جائیگا؟

سوال نمبر ۴:

جی ہاں۔ میں جانتا ہوں۔

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

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؟

سوال نمبر ۵:

نہیں۔ میں اپنی مرضی سے اقبال جرم کرتا ہوں۔

جواب:

کیا تمہیں اقبال جرم کرنے کیلئے ورغلائے گئے ہوں؟

سوال نمبر ۶:

جی نہیں۔

جواب:

(صفحہ نمبر 2)

کیا تمہارے ساتھ یہ وعدہ تو نہیں کیا گیا کہ اگر تم یہ بیان اقبال جرم دو تو تمہیں وعدہ معاف گواہ بنایا جائیگا؟
جی نہیں۔

سوال نمبر ۸:

جواب:

تم کتنے دن زیر حراست پولیس رہے ہو؟
چوبیس گھنٹے

سوال نمبر ۹:

جواب:

کیا تم اقبالی بیان اپنی مرضی اور بغیر کسی مجبوری کے دے رہے
جی ہاں۔

سوال نمبر ۱۰:

جواب:

کیا تم اپنے کسی رشتہ دار یا وکیل سے اپنا بیان دینے سے قبل مشورہ
کرنا چاہتے ہو؟
جی نہیں۔

سوال نمبر ۱۱:

جواب:

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

سوال نمبر ۱۲:

جواب:

نوٹ: ملزم سہیل خان کو صبح 08:40 بجے سے 09:10 بجے تک سوچنے کا وقت

دیا گیا

تم بیان اقبال جرم کیوں دینا چاہتے ہو؟

سوال نمبر ۱۳:

میں نے اپنے بھائی کو عبد العزیز اور آصف خان وغیرہ کی دھمکی اور
دباؤ کے تحت زہر دیا ہے کیونکہ میں مجبور تھا اور اگر میں اپنے بھائی کو مذکورہ کسان
کے کہنے پر زہر نہ دیتا تو وہ مجھے جان سے مار دیتے۔ زہر دیتے وقت مذکورہ کسان نے میرا
بذریعہ موبائیل فون ویڈیو بنایا تھا اور بیانی تھے کہ اگر آپ نے پولیس والوں کو ہمارے
خلاف بیان دیا تو مذکورہ ویڈیو ہم نیٹ پر دینگے اور آپ کو بھی جان سے مار ڈالینگے۔
میں نے مذکورہ دباؤ کے تحت اپنے بھائی کو زہر دیا ہے جو کہ میرے خیال میں قانونی جرم
ہے اور میں نے مذکورہ جرم بوجوہات بالا کیا ہے اور اب میں اپنے ضمیر کو مطمئن کرنے
کیلئے اقبال جرم کرتا ہوں۔

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

سوال نمبر ۱۴:

چاہتے ہو؟

جی نہیں۔

جواب:

Abdul Hassan Mohmand
Judicial Magistrate, Court
Matta Swat

صفحہ نمبر (3)

(51)

Amir

(9)

کیا میں اب تمہارا بیان قلمبند کروں؟
جی ہاں۔

بیان قلمبند کرنے سے قبل ایک مرتبہ پھر ملزم کو ہدایت کی گئی کہ اگر وہ
بیان اقبال جرم قلمبند نہیں کرانا چاہتا تو اسے واپس حوالہ پولیس نہیں کیا
جائیگا۔ مگر پھر بھی ملزم کے اصرار پر ذیل بیان بوقت 09:15 بجے قلمبند کرنا شروع کیا
اور 09:30 بجے بیان اقبال جرم قلمبند کیا گیا۔



(عبدالحسن مہمند)

سول جج/جوڈیشل مجسٹریٹ، منہ ضلع سوات

Abdul Hassan Mahmand
Judicial Magistrate/ C.J.,
Matta Swat

﴿بیان ملزم﴾

بیان کیا کہ میں مٹہ بازار میں موجود تھا کہ مجھے مسمی آصف خان نے
 فون کی اور مجھ سے میرے والد کا نمبر مانگا۔ میں نے اُسے والد کی نمبر بذریعہ SMS بھیج
 دی بعد میں میں نے آصف خان کو کال کی اور نمبر مانگنے کی وجہ پوچھی تو اُس نے
 مجھے بتایا کہ تمہارے بھائی گمیل نے ہمارے گھر آکر ہم نے اُسے ہماری بہابھی مسماۃ
 معظمہ کے کمرے میں بند کیا ہے۔ جلدی آجائے۔ میں نے اپنے دوسرے بھائی عمر گھیل کو
 ہمراہ کر کے گاؤں سین پورہ گئے وہ ہمیں مسماۃ معظمہ کے کمرے میں لے گئے وہاں پر ہم
 نے دیکھا کہ اُنہوں نے ہمارے بھائی گمیل کو رسی سے باندھا تھا۔ میرا والد بھی اُدھر
 موجود تھا۔ ملزمان آصف خان اور شاہ روم باچا نے ہمیں بتایا کہ تمہارا بھائی بہ رابطہ
 آشنائی اسکی بہابھی کے کمرے میں آیا ہے۔ عبدالعزیز نے مجھے پستول دیکر اپنے بھائی
 کو قتل کرنے کا کہا تو میں نے انکار کیا۔ انکار پر عبدالعزیز نے مجھے تھپڑ مارے۔ پھر
 اُنہوں نے ہمیں مشورے کیلئے وقت دیا۔ بدوران صلاح و مشورہ میں نے اپنے چچا سنگین
 کیساتھ رابطہ کرنا چاہا لیکن اُنہوں نے مجھے منع کیا۔ پھر اُنہوں نے مجھے میرے بھائی
 گھیل کو زہریلی انجکشن لگانے کا کہا لیکن میں نے اس سے بھی انکار کیا۔ پھر ملزم
 آصف خان گلاس میں زہریلی دوا لا کر مجھے کہا کہ یہ دوائی اپنے بھائی گمیل کو پلاؤ۔
 میں نے عبدالعزیز اور آصف خان کے ڈر کیوجہ سے وہ زہریلی دوائی خود اپنے ہاتھوں سے
 اپنے بھائی گمیل کو پلائی اور دوائی پلانے کے دوران عمران نامی لڑکا موبائیل سے ویڈیو
 بناتا رہا۔ دوائی پلانے کے بعد میں اپنے بھائی کو ہسپتال لے جانا چاہتا تھا لیکن اُنہوں نے
 مجھے منع کیا۔ کافی دیر منت سماجت کے بعد اُنہوں نے مجھے میرے بھائی گھیل کو
 ہسپتال لے جانے کیلئے حوالہ کیا۔ ہمارے اطلاع پر میرا چچا مسمی سنگین، عبدالعزیز
 اور آصف خان کے بیٹھک میں موٹر کار لا کر ہم نے چپکے سے میرے بھائی گمیل کو موٹر
 کار میں ڈال کر ہسپتال مٹہ لے آئے۔ ہسپتال آنے پر ملزمان عبدالعزیز اور آصف خان بھی
 ہسپتال آگئے اور ہمیں بتایا کہ پولیس کو رپورٹ کرو کہ گمیل نے گھریلو ناچاقی کی
 وجہ سے خود زہریلی دوائی پی لی ہے۔ ملزمان عبدالعزیز اور آصف خان کی ڈر کی وجہ
 سے میں نے پولیس کو ان کے کہنے کی مطابق رپورٹ کی اور میرے رپورٹ پر پولیس نے
 میرے بھائی جو اس وقت بے ہوش یا فوت ہو چکے تھے، پر انگشت ثبت کی۔ بس یہی میرا
 بیان ہے۔

العبد

سہیل خان ولد محمد پرویز سکندر سے تحصیل مٹہ

Amesha

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صفحہ نمبر (5)

سرٹیفکیٹ:

تھریٹ کی جاتی ہے کہ ملزم اسماعیل خان ولد محمد پرویز سکندھ کورے تحصیل مٹہ برائے بیان اقبال جرم پیش عدالت کیا ملزم کی ہتھکڑی کو بنایا گیا اور اس دوران تمام پوسٹ الیکٹرانک نایب کورٹ جو اس وقت عدالت میں تھے کو ہدایت ہوئی کہ عدالت سے باہر چلے جائیں۔ میں نے مزاجان سے اپنا تعارف کیا اور سمجھایا کہ میں مجسٹریٹ ہوں اور اسے برائے قلمبند کرانے بیان اقبال جرم عدالت لائے گئے ہوں۔ 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 رسوائیات پوچھے گئے۔ جن کے جوابات باقاعدہ قلمبند کئے گئے۔ نیز ملزم کو بار بار تہنید کی گئی کہ وہ ہرگز اقبالی بیان دینے کا پابند نہیں ہے۔

ملزم بالا کا اقبالی بیان اردو زبان میں قلمبند کیا گیا 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 اسکا دستخط و نشان انگشت لیا گیا۔

ملزم کا اقبالی بیان بوقت 09:15 بجے شروع کیا گیا، جبکہ اسکی تکمیل بوقت 09:30 بجے بدوران وقت عدالت ہوئی۔ بعد قلم بندی اقبالی بیان ملزم کو نایب کورٹ کے ذریعے حوالات جوڈیشل بھجوا یا گیا۔

نام دستخط و نشان انگشت ملزم

سن کر درست تسلیم کیا۔

مورخہ: 22/09/2018



(عبدالحسن مہمند)

سول جج/جوڈیشل مجسٹریٹ، مٹہ ضلع سوات

Abdul Hassan Mohmand
Judicial Magistrate/ C.J.I
Mati, Swat



Annex B

OFFICE OF THE
HEAD OF INVESTIGATION
DISTRICT SWAT

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

12

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.325 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 heartlessness / discouragement to his life has attempted to commit suicide by taking poisonous tablets / drug at his home on his own sweet will. The report in shape of murasila having thumb 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 of 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 an 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 Raza Khan R/O Sinpora Matta by taking poisons as per report lodged by complainant Nadar Khan s/o Nosherawan. 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) Saifullah Rs/O Sinpora Matta and instead of to report real facts to the Police have concealed the offence. In the lights of the facts so surfaced proper case vide FIR No.1126 dated 19/09/2018 U/S 302/202/109/147/149-PPC 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.

Annex B

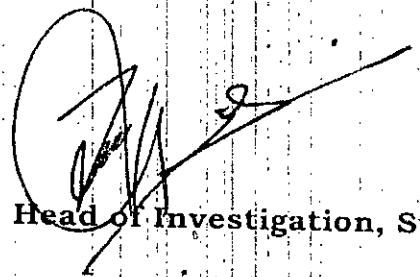
13

It is worth mentioning here that after dispatching the murasila r to the Police Station Matta, ASI Umar Hayat was aware of the death of dece 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 docto Postmortem and handed over the dead body of the deceased to the legal heirs wit Postmortem examination. Similarly, IHC Gul Muhammad of PS Matta while investiga the instant case did not bother himself to collect the clothes of the deceased Muham Kumail and to request the doctor for the autopsy.

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

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

Submitted please.



Head of Investigation, Swat

Already received on

PA

Time with you

27/9

Office of the
DFO/Swat

8/10

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 96/2019

Umer Hayat Ex-ASI.

...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 needs no reply.
- 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 will 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

Amar

Umar Hayat

Through Counsel,

Imdad

Imdad Ullah

Advocate Swat

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 96/2019

Umer Hayat Ex-ASI.

...Appellant

VERSU

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

Umer Hayat

Umar Hayat

ATTESTED

U R
UMAR SADIQ Advocate,
OATH COMMISSIONER
Distt: Courts Peshawar
No. 310 Date: 3/9/19

روز بروز وقت و قولم 17/9 وقت 16:30 بج
روز بروز وقت و قولم 17/9 وقت 17:30 بج

جائے وقوعہ: خانہ آزدانا عدی واقع درون ساسی 2/3 18/2/2012 کا پتہ شمال ارضانہ

نام پتہ تلف: محمد نوحہل اول محمد سرورہ لکھ 17/4/2012 پتہ کراچی
3702 3713 3723 03423713702

323

جی آر ایف (جی آر ایف) خانہ آزدانا عدی
دوروز کو پونی میونسپلٹی میں محمد نوحہل اول کا پتہ
محمد نوحہل اول محمد سرورہ لکھ 17/4/2012 پتہ کراچی
محمد نوحہل اول محمد سرورہ لکھ 17/4/2012 پتہ کراچی
محمد نوحہل اول محمد سرورہ لکھ 17/4/2012 پتہ کراچی
محمد نوحہل اول محمد سرورہ لکھ 17/4/2012 پتہ کراچی

محمد نوحہل اول محمد سرورہ لکھ 17/4/2012 پتہ کراچی
محمد نوحہل اول محمد سرورہ لکھ 17/4/2012 پتہ کراچی
محمد نوحہل اول محمد سرورہ لکھ 17/4/2012 پتہ کراچی
محمد نوحہل اول محمد سرورہ لکھ 17/4/2012 پتہ کراچی
محمد نوحہل اول محمد سرورہ لکھ 17/4/2012 پتہ کراچی

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.
 Examination completed about within two hours.
 Provisional cause of death Aluminum phosphide poison
 Final cause of death after laboratory reports.

Probable time interval 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.
 Issue and date of Expt. 27/09/18
 Time 4:10 pm.
 Approximately 10 days.

Station Hd
 No 27-04-018

Dr. Wazir Ali (M.O.)
 Signature & Designation
 Medical Officer
 P.M.D.C. (M.O.)

Examination

3

N.W.F.P. Medical-46

GS&SD-NWFP-855-55005of.25 Page 1 of 1

POST-MORTEM REPORT

Yearly No

On the body of

Name Kornil Khan S/o
 FATHER'S NAME _____
 or _____
 HUSBAND'S NAME M. Farooq
 CASTE Afgan
 RESIDENCE Kotay
 SEX M AGE 21/22

DISTRICT Swat

By S.H.O. Rahmat Khan. Police S.O. Saleem Khan.

Body brought by	Body identified by <u>Magistrate</u>	
Whence brought : village, Thana, District	<u>Police station Motta.</u>	
Death	DATE AND HOUR OF	<u>27/09/2010</u>
	Examination of body.	Despatch of matter to Chemical Examiner
Symptoms observed before death	<u>young putrefied man</u>	<u>Yes.</u>
Information furnished by Police	<u>Hx of poisoning.</u>	

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

Mark of ligature on neck and dissection, etc.	<u>Young man putrefied and swollen.</u>
Condition of Subject - stout emaciated, decomposed, etc., Clothing	<u>coffeen کپڑے white.</u>
Wounds, bruises, position, size, nature	<u>Ulcer on (Abscession Bruise at left) zygomatic region in lateral aspect.</u> <u>Lacerated wound about 2 inch in length on the occipital area of head</u>

9/2018

9/2018
11-9-2018
28-9-2018

وَلَا تَتَّبِعُوا الْهَوَىَٰ الَّذِي فِي بَيْنِ يَدَيْهِ وَيَكْفُرُوا بِالْحَقِّ وَاللَّهُ تَعْلَمُونَ
وَمَا آتَاكُم مِّن ذِكْرِ فَخَذُّوهُ بِالْحَقِّ وَأَنذِرُوا لِقَوْمٍ يُحِبُّونَ (الفرقان)

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 1126 dated 10-9-2018 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) Liver & Brain Piece
- (c) R.L. Lung (d) Small intestine
- (e) Lft. 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.

Kes ASSISTANT CHEMICAL EXAMINER (BIO-CHEMIST)

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 948 /FM/KMC/2008
K.M.C. Peshawar.
Chemical examiner office:
The 11-10-2018 2008

THE EVIDENCE WILL BE DESTROYED AFTER THE END OF MONTH OF OCTOBER 2018
COLLECTED BY: NUSBAH KHAN

GENERAL ALKALOIDS:-

Heroin	
Morphine	
Cannabinol	
Atropine	
Hyoscyne	
Strychnine	
Breine	

ALCOHOL ANALYSIS REPORT:-

Potassium dichromate Test	/
Sulphomolybdate Test	/
Ethylbenzoate Test	/

POLYMER POISONS:-

Ethyl Alcohol	
Methyl alcohol	
Hydrocyanic acid	
Formaldehyde	
Phenols	
Organophosphates	
Chlorinated hydrocarbons	

SEMEN ANALYSIS:-

Berberio's Test	/
Florence's Test	/
C+ Spermatozoa	/

METALLIC POISONS:-

Arsenic	
Mercury	
Lead	
Copper	
Silver	
Tranquillizer	
Barbiturates	
Hypnotics	
Sedatives	
Chloral Hydrates	

208
Kes
HEAD
DEPARTMENT OF FORENSIC MEDICINE
KHYBER MEDICAL COLLEGE, PESHAWAR.

Kes
CHEMICAL EXAMINER
(BIO-CHEMIST)

7/1/18
 11-01-18
 12-0-18

وَلَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَالْبَاطِلُ لَمْ يَكُنْ لِلْحَقِّ وَانْتُمْ تَكْتُمُونَ
 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 Moujizana Bili

1. I hereby certify that I received by hand packet from P.SHO
 of P.S. Nattie Sarai alleged to have been dispatched by him 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 seats intact Each

The contents of the packet were as follows:-

- (a) Stomach
- (b) Large Intestine
- (c) kidney
- (d) Heart 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 Poisoning analysis

Riz ASSISTANT CHEMICAL EXAMINER
 (BIOCHEMIST)

4. The result was as follows:-
@ The stomach specimen is positive for Phosphine.
@ The vaginal swab is negative for Semen / Spermatogonia.

5. Note:-

- (i) This report is being issued without any cutting / raser 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:

To: 11-10-2018
 For: 11-10-2018

THE EVIDENCE WILL BE
 AFTER SIX (06) MONTHS
 COLLECTED BY...

1. SYSTEMIC ALKALOIDS:-
 Heroin _____
 Morphine _____
 Cannabinol _____
 Atropine _____
 Physostigmine _____
 Brucine _____

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

2. VOLATILE POISONS:-
 Ethyl Alcohol _____
 Methyl alcohol _____
 Hydrocyanic acid _____
 Formaldehyde _____
 Phosgene _____
 Organophosphates _____
 Chlorinated hydrocarbons _____

SEMIEN ANALYSIS:-
 Bertario's Test _____
 Florence's Test _____
 Of Spermatozoa Negative

Phosphine = Positive
for
[Signature]

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

HEAD
 DEPARTMENT OF FORENSIC MEDICINE
 KHYBER MEDICAL COLLEGE, PESHAWAR

CHEMICAL EXAMINER
 (BIO-CHEMIST)

S/M. 6
G. N. 6

وَلَا تَقْسِمُوا الْحَقَّ بِالْبَاطِلِ وَتَكْفُرُوا بِالْحَقِّ وَأَنْتُمْ كَاذِبُونَ
اورجی کورسٹ کے ساتھ لکڑی اور ہان پر کڑی بات کوٹ پھاڑ (التران)

DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY
KHUBER MEDICAL COLLEGE, PESHAWAR

In the case of Muzib 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 SI
of P.S. Matla Sicut 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

2. The packet consisted of Three parcels was sealed with a seal bearing the ... invoice
no. ... attached. And reached me with Three seals intact. Each

The contents of the packet were as follows:-

- (a) Clothes (moujzomabini)
- (b) Two steel glass
- (c) 3 Wheat pills
- (d) /
- (e) /
- (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 complete.

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

4. 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 traces
drugs listed below.

Kia ASSISTANT CHEMICAL EXAMINER
(BIOCHEMIST)

5. Note:-

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

This report is being issued without any cutting/craser 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. 953 / FM/CM
KMC, Peshawar.
Chemical examiner office.

The 11-10-2018

1. GENERAL ALKALOIDS:-

Heroin _____
Morphine _____
Cocaine _____
Atropine _____
Hyoscyne _____
Strychnine _____
Brucine _____

2. VOLATILE POISONS:-

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

ALCOHOL ANALYSIS REPORT

Potassium dichromate Test _____
Sulphur oxybdate Test _____
Eulybenzoate Test _____

THE EVIDENCE WILL BE DISPOSED
AFTER SIX (06) MONTHS UNLESS
COLLECTED BY SUIF DURING THAT PERIOD

SEMEN ANALYSIS:-

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

3. METALLIC POISONS:-

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

HEAD
DEPARTMENT OF FORENSIC MEDICINE
KHUBER MEDICAL COLLEGE, PESHAWAR

Kia
CHEMICAL EXAMINER
(BIO-CHEMIST)

7
6

POST-MORTEM REPORT

Yearly No

On the body of

Name Mr. Miruzima R.S.
 FATHER'S NAME }
 or } Mr. Raja Khan
 HUSBAND'S NAME }
 CASTE }
 RESIDENCE Sein - Pura, Mulla
 SEX Female AGE 23/24 years

DISTRICT Swat

Body brought by Sd. Inspector Mr. Rahim Khan Q. Nadeem Khan S/O Muzim Khan
 Whence brought: village, Village Sein Pura Body identified by Q. Asadullah Khan S/O
Mulla, Dist. Swat Shari
 CNIC # 15601-1237378-87
 CNIC # 15601-1542722-3

DATE AND HOUR OF DEATH 12/9/2008
 Examination of body 12/9/2008
 Dispatch of matter to Chemical Examiner Specimen of stomach, liver, spleen, heart, kidney & 3 bags, testes, sigmoid, sections of heart sent to local police of 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 place the word "Healthy"

I. - EXTERNAL APPEARANCE

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

Nil
 1. Examined a healthy looking female aged 23/24 years at in Mulla with cold body & closed eyes & mouth. Lividity & rigor mortis were developed. No W.I. infection marks noted. On examination following injuries were noted:
 1. A large & blunt 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 of 5cm on the anterior lateral aspect of right upper arm & shoulder with laceration & abrasion, with slight raised surfaces.

Wounds, bruises, position, size, nature
 Another large & deep contusion, double blue color & multi-lined (horizontal & vertical) of 25x20cm in length with elevated ridge from rest of skin & irregular margins. Laceration of 2cm noted over the inter-scapular region.

9.45 PM
 12/9/2008

other deep & dark blue coloured contusion due to blunt trauma of high velocity, about 10 x 4 cm in length & width respectively & irregular margins on dorso-lateral aspect of left hand & wrist joint. The surface was slightly raised from rest of skin.

④ A large & deep coloured contusion of size about 2.5 x 8 cm (i.e. extending from upper 1/3rd of Right thigh to knee joint of Right leg) on the antero-lateral aspect of right thigh & knee joint. In the central area of this contusion, there was spiral shaped imprint along with two parallel lines white in colour, suggestive of Electric water heater. The surface adjacent to this imprint was red in colour & associated with 1st degree burn. The outer margins of this contusion were also irregular.

⑤ A deep & dark blue coloured contusion due to blunt trauma of high velocity, about 10 x 8 cm in length & width, respectively & irregular margins on the antero-lateral aspect of Right hand & wrist joint & distal 1/2nd of 1st joint. The surface was slightly elevated from rest of skin.

Dr. Shashi Kant
S. L. S.

5/12

(2)

8

CHARGE SHEET

1. Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, hereby charge you, ASI Umar Hayat while posted at Casualty Hospital 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 Pakhtunkhwa, 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 following dispatch of Murasila report to Police Station you were aware of the death of deceased Muhammad Kumail but you failed to collect his 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.

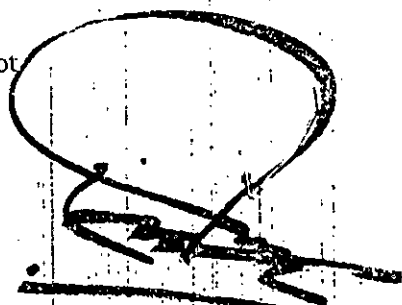
4. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

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

6. A statement of allegations is enclosed.

No. 88 /PA,

Dated: 01/10 /2018.


District Police Officer
Swat.

(9) ~~(8)~~

DISCIPLINARY ACTION

I, **Syed Ashfaq Anwar, PSP District Police Officer, Swat** being competent authority, is of the opinion that he **ASI Umar Hayat** while posted at **Casualty Hospital Matta** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omissions as defined in Rule (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.C K.P.K Peshawar Memo: No. 3037-62/Legal, dated 19/11/2011.

STATEMENT OF ALLEGATIONS

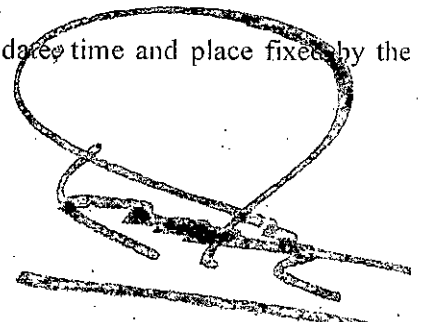
It has been reported that he while posted at **Casualty Hospital Matta** committed the following act / acts, which is / are gross misconduct on his part as defined in Rules 2 (iii) of Police Rule 1975.

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 following dispatch of Murasila report to Police Station he was aware of the death of deceased Muhammad Kumail but he failed to collect his 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, **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 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.


District Police Officer
Swat
ms.

No. 88 /PA, Dated Gulkada the, 01-10 2018.

Copies of above to:-

1. **Addl: SP Swat** for initiating proceeding against the accused Officer/Official namely **ASI Umar Hayat** under Police Rules, 1975.
2. **ASI Umar Hayat 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.



ازڈ فٹرایڈیشنل سپرنٹنڈنٹ آف پولیس

ضلع سوات

فون نمبر 0946-9240253

Email: additionalspswat@gmail.com

فائینڈنگ رپورٹ

پر خلاف عمر حیات ASI کیمپوٹی ہسپتال مٹہ

لڑائیاں: مورخہ 17-09-2018 کو محمد کمال ساکن کورے مٹہ نے بہو جو دگی سہیل خان کیمپوٹی ہسپتال مٹہ میں

عمر حیات ASI کو زہر خورانی کی رپورٹ کر کے جو کہ بعد میں علاج معالجہ کے دوران فوت ہو کر ASI نے بغیر پوسٹ مارٹم کے
لواحقین کو حوالہ کر کے SP صاحب انوسٹی گیشن کے سفارشات پر جناب DPO صاحب سوات نے ASI عمر حیات کو چارج شیڈ
نمبری PA/88/محرمہ 01-10-2018 جاری کرنے کا حکم صادر فرما کر من ایڈیشنل SP کو بغرض انکوائیری حوالہ کی۔

تحقیقات: حسب ضابطہ تحقیقات ہو کر عمر حیات ASI بغرض قلم بندی بیان طلب کیا جا کر جس کا بیان قلم بند ہو

کر شامل انکوائیری ہے۔ ASI نے نقل مر اسلہ، ہوش حواس سرٹیفکیٹ، نقشہ ضرر اور دیگر متعلقہ کاغذات پیش کر کے ملاحظہ کیا
کیا۔ ASI نے بیان کیا کہ مورخہ 17-09-2018 کو بوقت 17:10 بجے مسی احمد کمال ساکن کورے مٹہ کو برادر اش سہیل خان

اور دیگر رشتہ داران نے کیمپوٹی ہسپتال مٹہ لے آ کر محمد کمال نے ظاہر کیا کہ اس نے زندگی کا چراغ گل کرنے کی خاطر گھر میں
بہو جو دگی کی زہریلی گولی کھائی ہے۔ ڈاکٹر صاحبان نے علاج معالجہ شروع کر کے عمر حیات ASI نے ڈاکٹر صاحب سے ہوش

حاصل کر کے ڈاکٹر صاحب نے متاثرہ شخص کو بیان دینے کا قابل تحریر فرمایا۔ بوقت 17:30 بجے جب وہ علاج سے
خارج ہوا تو ASI نے متاثرہ شخص سے رپورٹ لیکر جس کے رپورٹ پر مر اسلہ بجرم PPC 325 ضبط تحریر میں لا کر

ASI نے متاثرہ شخص کے معذہ سے حاصل کردہ مواد بندہ سرخ پیش کردہ ڈاکٹر صاحب بروئے فرد قبضہ پولیس کی۔ رپورٹ سے
خارج ہوتے ہی بوقت 17:40 بجے متاثرہ شخص زندگی کی بازی ہار گیا۔ متاثرہ شخص کی رپورٹ پر سہیل خان برادر (متوفی) نے تائیدی

رسمت خط ثبت کی ہے۔ ASI عمر حیات نے متوفی کے بھائی سہیل خان سے پوسٹ مارٹم کے نسبت گفت و شنید کر کے لیکن برادر متوفی
یہ سٹارٹم کیلئے راضی نہ تھا۔ ASI کے کہنے پر والد متوفی محمد پرویز ہسپتال آ کر جس کے ساتھ مسی احمد علی چچا متوفی بھی موجود

تھا۔ لواحقین متوفی کا موقف تھا کہ متوفی محمد کمال نے خود زہریلی گولی کھائی ہے وہ کسی کے خلاف دعویٰ داری کرنا نہیں چاہتے اور نہ
ہی کسی پر شک و شبہ ہے۔ پوسٹ مارٹم کی کوئی ضرورت ہی نہیں ہے۔ عمر حیات ASI نے نعش متوفی لواحقین کے حوالہ کی اور فرد

تواگی نعش مرغوب کر کے جس کا نقل شامل انکوائیری ہے۔ پارچات کے نسبت ASI نے وضاحت کی کہ متوفی جب متاثرہ حالت
میں کیمپوٹی لایا گیا تو قمیص زیب تن نہیں تھا البتہ سفید بنیان جس پر الٹیوں کے کافی داغ و بھجے موجود تھے جو ڈاکٹر صاحبان نے پھاڑ

لیں۔ پچاسے باسی بھیڑ بھاڑ میں متوفی کے لواحقین میں سے کسی نے اٹھا کر لے گیا ہے۔ ASI کے ارسال کردہ مر اسلہ پر مقدمہ
نمبر 1173 مورخہ 17-09-2018 PPC 325 تھانہ مٹہ قائم ہو چکا ہے۔ ہوش و حواس سرٹیفکیٹ اور نقشہ ضرر ملاحظہ

کر لیا کر ڈاکٹر صاحب نے متاثرہ شخص کو Conscious تحریر فرمایا ہے۔



سال 2018ء میں تاحال سرکل مٹہ میں خود کشی کے کل 88 مقدمات رجسٹر ہوئے ہیں جن میں اکثر متاثرہ / متوفیان کبجولٹی ہسپتال لائے گئے ہیں۔ عام روٹین کے مطابق پوسٹ مارٹم ایسی صورتوں میں ان مقدمات میں کرائے جاتے ہیں جن میں متاثرہ گان / متوفیان جو زہر خورانی کے شکار ہوئے ہو اور ان کے لواحقین Legal Hairs موجود نہ ہو۔ محمد کیمل کے ساتھ برادر اش سہیل خان بھی موجود تھا۔ ڈاکٹر صاحبان نے بیان دینے کے قابل بھی تحریر کی ہے۔ فوت ہونے کے بعد والد اور چچا متوفی نے رپورٹ متوفی کی تصدیق کی ہے اور نعش بغرض تجہیز و تدفین حوالہ کیا گیا ہے۔ جہاں تک پارچات کا تعلق ہے تو بچوں قسم کے مقدمات میں ڈاکٹر صاحبان سرنج میں معدہ سے حاصل کردہ مواد حوالہ کیا جا کر جو بروئے فرد قبضہ پولیس کیا جاتا ہے۔ پارچات قبضہ کرنا کوئی معنی نہیں رکھتا۔ جہاں تک مقدمہ علت 1126 مورخہ 18-09-2018 جرم -147-202-302 PPC 149-109 تھانہ مٹہ کا تعلق ہے تو مسماۃ معظمہ اگلے روز یعنی مورخہ 18-09-2018 کو زہر پلایا جا کر ہسپتال مٹہ لے آ کر رپورٹ 174 ض ف اور بعد میں مقدمہ کی رجسٹریشن ہوئی ہے۔ جس میں متوفی محمد کیمل اور معظمہ کا اپس میں ناجائز تعلقات بیان کئے گئے ہیں۔ عمر حیات ASI نے رپورٹ 17-09-2018 کو محمد کیمل سے بعد رائے ڈاکٹری کہ متاثرہ کا ہوش و حواس درست ہے لی ہے اور برادر متوفی نے تائید کی ہے۔ فوت ہونے کے بعد برادر، والد، چچا کی موجودگی میں جو کہ وہ پورسٹ مارٹم کروانا نہیں چاہتے نعش حوالہ کیا گیا ہے۔ عمر حیات ASI کو یہ علم نہیں تھا کہ محمد کیمل کا مسماۃ معظمہ کے ساتھ ناجائز تعلقات تھے اور اسے زہر پلایا گیا ہے۔

نتیجہ تحقیقات: تحقیقات معلومات اور حالات و واقعات سے پایا گیا کہ عمر حیات ASI نے محمد کیمل کا رپورٹ لیا جا کر بوقت رپورٹ حسب رائے ڈاکٹری محمد کیمل بیان دینے کا قابل تھا۔ برادر محمد کیمل نے تائیدی دستخط بھی کی ہے۔ اگرچہ سہیل خان نے بیان مجسٹریٹی میں دوران رپورٹ برادر محمد کیمل کو فوت ہونا بیان کیا ہے اور پولیس کو فوت شدہ شخص سے انگوٹھا ثبت کرانا بیان کیا ہے۔ لیکن سہیل خان سنگین جرم (عزت کے نام قتل) کا باقاعدہ ملزم ہے اور جرم خود چھپانے کی خاطر الٹی سیدھی بیانات کا سہارا لے رہا ہے۔ ASI عمر حیات نے وقوعہ کی فوری اطلاع SHO تھانہ مٹہ کو نہیں دی ہے۔ Censure کرنے کی سفارش کی جاتی ہے۔

خان خیل
ایڈیشنل ایس نی سوات
18 اکتوبر 2018ء

Dismissed
Sana

لاہور

OB No. 171

25.10.18

ماتھ سینا پورہ میں اور موخا محمد کھیل کے فابریں ناچا پیر کھیلنا اس دورے
 سے اور موخا محمد کھیل کے طرف سے باجھا ورنار عدویہ معروف دورے
 کھدرا محمد کھیل اور اسکے بھائی کھیل خانہ والا محمد کھیل کھیلے
 خاطر جو محمد کھیل کی کھیل حلقے میں موخا محمد کھیل کے بعد کھیلے محمد کھیل خانہ
 مانع انکو مہاراجہ ۱۶۶ اتفاق سے محمد کھیل خانہ کھیلے اور کھیل خانہ
 اور کھیل خانہ کو جو کھیل جو کھیل کھیلے کھیل خانہ کھیلے، جو کھیل خانہ
 کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ
 کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ
 کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ کھیل خانہ

محمد کھیل خانہ

Asi. C.H. Mulla
 03-10-18

بیان ازان مرحومہ ۱۸۶۱ء بخاریہ کجولہ صہیل مہ۔

بیان کیا کہ عرض ۱۷/۹ کو میں شب بھول کجولہ صہیل مہ میں جو خود کھانا
بوقت شام و پلہ ایک جوان العمر ڈاکٹر کا لہجہ ۲۷/۲۸ سال کے نام محمد حسین

ولد محمد پرویز کے کورہ فریڈی مہ بتلایا گیا۔ متاثرہ شخص کے

گنت ڈاکٹر صاحب سے بیوش سرٹیفکیٹ حاصل کیا جا کر ڈاکٹر صاحب

نے مذکورہ کے بیوش درست تحریر کیا متاثرہ شخص جس نے رپورٹ کی

کہ وہ انڈی مہ تنگ اگر گھر میں جو خود گندم کی اپریلی دوائی (گولیاں)

کھا کر متاثر ہوا ہے۔ جس اپنی مہلکی سے زہریلی گولیاں کھانے کی

رپورٹ کر کے مذکورہ کا رپورٹ کھل اسلے ضلعی قریب میں لائی جا کر

متاثرہ شخص سے انکو ٹھہرت کیا گیا۔ رپورٹ کی تاشدی دستخط

متاثرہ شخص کے مطابق سہیل خان نے بہت کی ڈاکٹر صاحب نے

متاثرہ شخص سے معرہ کی عوار سیرج میں حاصل کر کے دوائی

جو پورے جو ختم ہوئی ہے۔ نعل خور اور اسلے میں کرنا ہوا

متاثرہ شخص جو چہرے اور دونوں ہاتھوں پر خروش کھاتا

گنت ان سے معلومات ہو کر سہیل خان برادر متاثرہ نے

وضاحت کی کہ کھیل خان دوائی کھانے کے بعد گھر میں گر کر

مہل پر خروش ہو چکا ہے۔ رپورٹ کے تندرھے بعد

متاثرہ شخص دوران علاج مطالب قوت ہو کر میں لو سٹارم

کی طرف سہیل خان برادر متوفی سے ماتحت کی۔ جن نے

الکار کیا کہ برادر اس نے زہریلی دوائی کھالی ہے جس کے

باعث اس کے موت واقع ہوئی ہے، وہ کسی کے خلاف ذمہ داری

کرنا نہیں چاہتے جو رپورٹ کھیل نے کی ہے۔ درستی لو سٹارم کی

ہوئی صورت نہیں رہے۔ میں پہلے خان سے کہا کہ اپنے والد کو
 لکھنا کہ میں نے اپنے نام ان سے لیا ہے اور مزید تحقیقات و سلی
 ڈا سکوں۔ مذکورہ نے کہا کہ اس کا والد بیمار ہے۔ سب سے
 پہلے میرا کارپورہ مجبور ہو کر والد اس سے بھی مخدوم
 حنیف بلایا گیا۔ مخدوم نے کہا کہ برادر اس وقت علی اور دیگر
 کا قہر ان جو رہے، جن سے معلومات کی گئی۔ ان کو روک کر
 سنت اگاہ کیے گئے۔ جنہوں نے اپنے وقف ظاہر کے بنایا
 جو روک کر مکمل نہ کی رہے۔ درست ہے۔ اس کو زہر ملی گوی
 کھا کر زندگی کا خاتمہ کیا ہے۔ وہ کسی کے خلاف کوئی دعویداری
 یا شک و سہہ کروانا نہیں چاہتے۔ نو سٹارم کروانا نہیں چاہتے
 میں نے ان۔ والد بچا اور برادر متوفی کے اصرار پر نفس متوفی
 کو لے کر کے اس کے اہل خانہ کی خدمت پر مقدمہ ^{۲۳}
 مقدمہ ۱۷/۱۸ جم ۳۲۵ خانہ منہ زہر پھر گیا۔ جہاں
 ایک پارچہ قہقہہ پلین میں زکریا کاڑھی ہے تو اس سلسلہ
 میں طرف سے متوفی کا لہجہ اور قہقہہ قہقہہ زہر میں ہیں
 ہر سفید بنیان جو ہر قہقہہ میں رائیوں کے کافی داغ
 جو جو ہے جو ڈاکٹر جہاں نے پھاڑ کر پیرا نکا ورنہ میں
 کہنے لے گیا ہے۔ کھوئی منہ میں اگر واقعات زہر فوراً
 روٹا ہوتے رہتے ہیں۔ عام روشن کے مطابق ہم نے کسی
 متوفی کے پارچہ قہقہہ میں کیے ہیں۔ مجھے یہ علم نہیں
 کہ متاثرہ شخص کو زہر بلایا گیا ہے۔ میں متاثرہ
 شخص کے روک کر چکا نہیں جو اصل مطابق راک
 ڈاکٹر رہتے تھا منہ زہر ہے۔ میں نہیں

نہ تو کوئی کوئی ہی کہے اور نہ ہی کوئی بد قسمی شامل رہے
یہ بیان ہے جو کہ درست ہے

المعنى
مجلس و اجازت کوئی ہے

اس خطاب 20

آپ کوئی حساب سے کب سے اجازت ڈرونی انجام دے رہے؟
غرضہ ایک سال سے

بہ سے کیل کن وقت حساب لایا گیا تھا؟

بوقت تقریباً 7.10 بجے حساب سے لایا گیا تھا۔

آپ نے بوقت 7.30 بجے رپورٹ تحریر کی ہے۔ 20 منٹ توقف کیا ہے؟

متاثرہ شخص کا علاج مطابق جاری تھا۔ میں اسی طرح 20 منٹ میں ہوئی

سرفیٹ اور فٹس لہر میں لگے کاروائی کی ہے

آپ نے متاثرہ شخص سے رپورٹ لیکر دوران رپورٹ وہ وقت ہوا۔

آپ نے فوٹ لہر شخص کا رنگو رپورٹ لیکر کیا ہے کیا سرفیٹ

ہی ہیں۔ میں ہوش خواہ سرفیٹ حاصل کر کے رپورٹ لیا جا کر

مہر کھلنے بخوردگی برادر میں پہل خان انکو ہونے لگے۔

تائید برادر میں لہجہ ہے

آپ نے غفلت کا مظاہرہ کر کے متوفی کا باہر حیات قبضہ لیں میں کی ہے

اور نہ ہی لوسٹ کارم کی ہے؟ زہر خورانی کی ہی روٹا پوتے ہیں، جن میں

کچھوی مہر میں آڑ واقعات زہر خورانی کی ہی روٹا پوتے ہیں، جن میں

باہر حیات جب سے واپس قبضہ لیں میں کیے حیات جبکہ لوسٹ کارم

اس صورت میں کی جاتی ہے جب متوفی کیا تو کوئی ورنار ہو کر

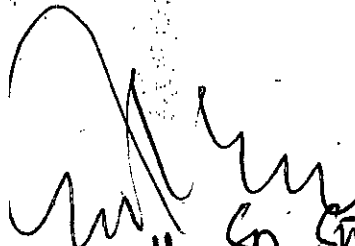
نہ ہو اور سبک و سبک حیات یا جانا ہو۔ عام روٹن میں جب متوفی

کے ورنار ہو کر لوسٹ کارم کے قبضہ لیں خواہ کیے جاتے ہیں

کنا رہنے ان واقعات سے SHO یادگیر کوئی زمین دار ہو گیا اور

سب سورتوں میں 6
ساتھ میں درج ہے
کارڈ نکالنے کے
لیا گیا ہے جو
یہ وہ
کد خانہ
پر
5

کو اٹھا کر لیا تھا۔
جی نہیں میں نے لہر راجہ (مدرسہ) ارسال خانہ کی جب
نفس و ہمارے حوالہ کیا گیا تو خانہ میں کو اظہر مدی گئی


Add. Sp. Street.
04.10-18

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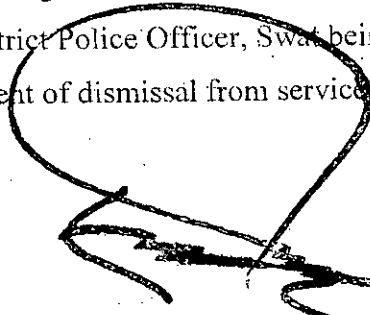
ORDER

This order will dispose of Departmental Enquiry against ASI Umar Hayat of this District Police. He while posted at Casualty Hospital Matta was alleged of gross misconduct in case FIR No. 1126 dated 17-09-2018 u/s 302-202-109-147-149 PPC Police Station Matta as after dispatch of Murasila report to Police Station he was aware of the death of deceased Muhamamad Kumail but he failed to collect his 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. 88/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 ASI under enquiry had failed to follow SOP in the abovementioned case which created problems for Police. He recommended appropriate punishment for the ASI.

The Police Officer under enquiry had failed to follow SOP in the abovementioned case. Despite being aware of the death of the deceased, he failed to collect his clothes and 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 dismissal from service.

Order announced.


District Police Officer
Swat
25/10/18

O.B. No. 171

Dated: 25-10-2018

Copy to:-

1. Regional Police Officer, Malakand Region
2. Addl: SP Swat
3. Establishment Clerk

For necessary action, please.

**District Police Officer
Swat**

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10

9274
6.11.18
جناب عالی!

1580/6
8/11/18

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

گزارش کی جاتی ہے کہ سائل کیجولٹی ہسپتال منہ میں ڈیوٹی پر تعینات تھا مورخہ 17-09-2018 کو ایک شخص ہسپتال منہ لایا جا کر جس کے نسبت معلوم ہوا کہ اس نے زہر خورانی کی ہے ڈاکٹر صاحب آن ڈیوٹی سے ہوش و حواس سرٹیفیکٹ حاصل کیا جا کر ڈاکٹر صاحب نے بیان دینے کی قابل تحریر کی سائل نے متاثرہ شخص سے رپورٹ لیکر جس نے گندم کی گولی زہر کھانے کی رپورٹ کی رپورٹ متاثرہ شخص محمد کیل نے انکو ٹھانٹت کر کے تائید برادر سہیل نے کی۔ رپورٹ کے چند لمحے بعد متاثرہ شخص فوت ہو کر برادر متونی کو پوسٹ مارٹم کی غرض ہدایت کی گئی۔ متاثرہ شخص (متونی) کے بھائی نے پوسٹ مارٹم نہ کرانے کی اصرار کر کے اس سلسلہ میں سائل نے متونی کے والد اور چچا بھی ہسپتال منہ طلب کر کے جنہوں نے پوسٹ مارٹم نہ کرنے کی بھی استدعا کی لواتحقیں کا موقف تھا کہ متونی نے زہر پللی گولی کھایا ہے کسی کے خلاف کوئی شک و شبہ نہیں ہے۔ سائل نے علاقہ کے رواج کے مطابق متونی کے نعش و رثاء کے حوالہ کر کے ان سے رسید حوالگی نعش لیا گیا۔ وقوعہ کی باقاعدہ اطلاع تھانہ منہ کو دیکر جو کہ بحوالہ بد 59 روز نامچہ 17-09-2018 درج روز نامچہ ہے۔ سرکل منہ میں زہر خورانی کے تاحال تقریباً 90/95 مقدمات درج رجسٹر ہوئے ہیں جس میں زیادہ تر متاثرین کو ہسپتال لائے جا چکے ہیں جن میں ان مقدمات میں پوسٹ مارٹم عمل میں لائے گئے ہیں جن کے ساتھ اصل لواتحقیں موجود نہ ہو محمد کیل متاثرہ (متونی) کے ساتھ برادر، چچا، والد موقع پر آئے تھے جنہوں نے پوسٹ مارٹم نہ کرانے کا اصرار کر کے نعش حوالہ کیا گیا تھا۔

اس سلسلہ میں مقدمہ علت 1126 مورخہ 18-09-018 جرم PPC 109-202-201-302 تھانہ منہ رج ہو کر جناب DPO صاحب نے من ASI کو چارج شیٹ جاری کر کے انکو تیری آفیسر نے من سائل کے نسبت Censur کی سزا تجویز کی۔ جناب DPO صاحب سوات نے بحوالہ آرڈر نمبر 171 محررہ 25-10-2018 محکمہ پولیس سے ڈس مس کرنے کا حکم صادر کیا ہے۔ سائل ایک غریب گھرانے سے تعلق رکھتا ہے محکمہ پولیس میں مزید نوکری کا خواہاں ہے اکل نے دیدہ دانستہ کوئی کوتاہی یا غفلت نہیں کی ہے۔

ریہ درخواست استدعا ہے کہ سائل کو دوبارہ محکمہ پولیس میں اپنے عہدہ پر بحال کرنے کا حکم صادر فرمائیں تاحیات ممنون و مشکور

العارض
30/10/18
No 9649/E
dt 1-11-18

AS/DP/...
Contact No.
District Police Officer
Swat

رابطہ نمبر 0342-0478077
For detail Comm
& enquiry file



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-ASI Umar Hayat of Swat District for reinstatement in service.

Brief facts of the case are that ASI Umar Hayat while posted to Casualty Hospital 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 after dispatch of Murasila report of Police Station he was aware of the death 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 conduct proper departmental enquiry against the delinquent ASI and submitted his findings recommending him for appropriate punishment. Being found guilty of the charges leveled against him the District Police Officer, Swat "Dismissed" him from service vide his office OB No. 171 dated 25/10/2018.

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.

(MUHAMMAD SAEED) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
Saleem

No. 523 /E,

Dated 10-01-2019.

Copy to District Police Officer, Swat for information and necessary action with reference to his office Memo: No. 20529/E, dated 14/11/2018. The service record of the above named Ex-ASI is returned herewith for record in your office.

(complete S-Record) *****

بھخور جناب ائی جی پی صہ حسب صوبہ کے پی کے

جناب عالی

گزشتہ دنوں کی جاتی ہے کی سائل کی کوئی ہسپتال صہ میں ذہنی پرائیویٹیاٹ تھا صوری 17-09-2018 کو ایک شخص ہسپتال صہ لایا جا کر جس کے نسبت معلوم ہوا کہ اس نے زہر خورانی کی ہے
 ذہنی ڈاؤن سائیب سے بوش بوش سرچیکٹ حاصل کیا جا کر ڈاکٹر صاحب نے بیان دینے کی قابل تحریر کی سائل نے متاثرہ شخص سے رپورٹ لے کر جس نے مقدم کی ذہنی گولی خود کھانے کی رپورٹ کی
 رپورٹ پر متاثرہ شخص کھیلنے کے تائید و تکلیف اور سبیل نے کی۔ رپورٹ پر امر اسٹاپ جرم 325 تحریر کر کے تھا صہ ار سائل کر کے بعد میں کھیلنے کی رپورٹ ہو کر اور متوفی کو پوسٹ مارٹم کی
 شخص سے بدایت کی گئی متاثرہ شخص (متوفی) کی بھائی نے پوسٹ مارٹم نہ کرنے کی امر کر کے اس سائل میں سائل نے متوفی کے والد اور چچا کو بھی ہسپتال طلب کر کے جنہوں نے بھی پوسٹ مارٹم نہ کرنے کی
 استدعا کی سرکس صہ میں 8,9 صہ میں تقریباً 90,95 مقدمات جرم 325 زہر خورانی کے رصہ ہو چکے ہے جو کہ ہسپتال صہ سے دینے گئے ہیں۔ 325 کے ن مقدمات میں پوسٹ مارٹم میں صہ
 گئے ہیں جن کے ساتھ اصل ڈی اے این ڈی اور ڈی اے این ڈی ہوتے۔ کھیل متاثرہ (متوفی) کے ساتھ برادر چچا اور والد صہ موجود تھے۔ جنہوں نے کھیل کے خورد زہر خورانی کا کہا اور پوسٹ مارٹم نہ کرنے اور
 کسی کے خلاف ڈی اے این ڈی نہ کرنے کا کہا۔ بدیں وجہ شخص خوالہ کیا گیا تھا۔ امر اسٹاپ مقدمات صہ 1123 صوری 17-09-2018 جرم 325 قاز صہ میں رصہ ہو کر تفتیشی امر عمل IHC کو
 بھی دو ماہ تفتیش متوفی سے زیادہ اور ولد نے 161 ضیف بیانات دے کر کسی کے خلاف ڈی اے این ڈی نہ کرنے اور متوفی کا خورد زہر خورانی کو لیاں کھا ہے کا بیان دیا ہوا ہے۔ دو تھ کے دوسرے روز صوری
 18-09-2018 کو ایک لڑکی کو زہر خورانی دے کر جس کے شخص کو پولیس نے لاکر جن میں مقدمات صہ 1126 صوری 09-2018-109-202-201-302-300 دے کر مقدمات صہ 1123
 جرم 325 مقدمات صہ 1126 کے ساتھ شامل کر کے جناب DPO صاحب نے سن ASI کو چارٹ جاری کر کے انوائزی آفسر نے سن سائل کے نسبت Censure کی امر انجام دیا کی۔
 جناب DPO صاحب صہ اپنے کوارڈر نمبر 7؛ صوری 25-10-2018 کو کھلے پولیس سے ڈس کر کے کا حکم صادر کیا۔ سائل نے صوری 30-10-2018 کو جناب RPO صہ حسب
 ماکنڈراج کو اپیل کی جس نے صوری 08-01-2019 کو اپیل خارج کیا۔ مقدمات صہ میں متوفی اور متوفی کے دو تاجیل میں ہے۔ سائل ایک غریب گھرانے سے تعلق رکھتا ہے اور لڑکی کے علاوہ کوئی
 دوسرا رصہ وجود میں ہے۔ اور سائل کھلے پولیس میں مزید لوگرنی کا حوالہ ہے۔ سائل نے یہ دانت صہ پر کوئی ضمانت دیا ہے اس کے باوجود کسی قسم کی برائی شامل ہے۔ سرچیکٹ بوش صہ امر
 صہ مقدمات صہ ہے۔

یہ پوزیشن صہ ہے کہ سائل کو دو کھلے پولیس میں اپنے صہ پر بھال کر تاجیل صہ رصہ کر کے تاجیل صہ میں منظور ہونگے۔

امدادی

مرحمتہ ولد عمر صدیق ساکن پیرا گاؤں سو کوٹ طاکنڈا ایچ سی سائل ASI محمد پور صہ صہ

468

موب نمبر۔ 0342-0478077

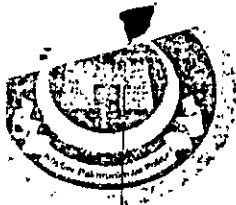
صوری۔ 21-01-2019

Registrar s/s
 Registrar
 process
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 21/1/2019



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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. SI 975 /19, dated Peshawar the 29/03/2019.

To : The Regional Police Officer,
Malakand at Swat.

Subject: REVISION PETITION.

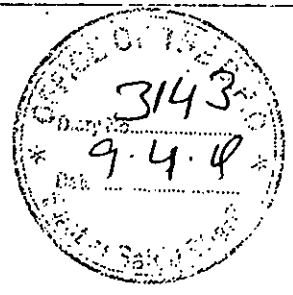
Memo:

Please refer to your office Memo: No. 3074/E, dated 08.03.2019.

The Competent Authority has examined and filed the revision petition submitted by Ex-ASI Umar Hayat of Swat District Police against the punishment of dismissal from service awarded by DPO/Swat vide OB No. 171, dated 25.10.2018 as the service appeal No. 96 has been lodged before Revision Petition on 21.01.2019, therefore, is not maintainable being sub-judice in Service Tribunal Khyber Pakhtunkhwa, Peshawar.

His Service Book, Service Roll and Fauji Missal containing departmental enquiry file is returned herewith for your office record. please.

Encl: Service Book (01)
Service Roll (01)
Fauji Missal containing
Enquiry file (01)



Received on 8/4/2019
P. M. S.

(Signature)
(SYED ANIS-UL-HASSAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

EC
For necessary action.

NO. 4358 E
dt. 04-04-19
EC/DPO-Swat

For u/c action. This is w/r
to this office and dt: No 3075/E dt. 08-3-2019.

(Signature)
Regional Police Officer
Malakand, Swat.

(Signature)
Office Supdt
For Regional Police Officer,
Malakand, Swat

