SEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Misc: Application No.____/2023 IN Service Appeal No.__2765_/2021

Pachie Muhammad	Khyber Pakhtukhwa Applicant/Appellant Service Tribunal
Dasmi Munammad	Diary No. 5439
Versu	s Dated 1915/2023
	Dented

The Police and others Respondents

INDEX

S.No.	Description of Documents	Date	Annexs	Pages
1.	Memo of Application			1
2.	Murasila			2-3
3.	Recovery Memo			4
4.	Notification of posting of Mr. Saif Ali as Acting DSP	21.10.2020		5
5.	Inquiry Statement of Mr. Faheem	20.11.2020		6-8
6.	161 Statement of Mr. Faheem	09.11.2020		9
7.	Inquiry Statement of Tahir Khan	20.11.2020		10-11
8.	161 Statement of Tahir Khan	09.11.2020		12
9.	Court Statement of Muhammad Tahir	08.10.2022		13-15
10.	Inquiry Statement of Bahar Ali	20.11.2020	•	16-17
11.	Inquiry Statement Wali Rahman	20.11.2020		18-19
12.	Court Statement of Wali Rahman	12.01.2022		20-21
13.	161 Statement of Wali Rahman			22
14.	Extracts from Police Rules 1934			23-25
15.	Khyber Pakhtunkhwa Police Rules 1975			26-34

ppellant

Through

Khaled Rahman Advocate, Supreme Court of Pakistan

4-B, Haroon Mansion, Khyber Bazar, Peshawar. Off: 091-2592458 Cell # 0345-9337312

Dated: 20/05/2023

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Misc: Application No.____/2023 IN Service Appeal No. _____ 2765 __/2021

Bashir Muhammad Applicant/Appellant

Versus

The Police and others Respondents

Application on behalf of appellant for placing on record essential documents having bearing upon the case.

Respectfully Sheweth,

e E C

- That the titled Service Appeal is pending before the Hon'ble Tribunal and is 1. fixed today for hearing.
- That the attached documents are essential to be placed on record having 2. bearing upon the case.

It is therefore humbly prayed that on acceptance of this application, the attached documents may graciously be allowed to place on record.

Through

pplicant/Appellant Khaled Rahman, ASČ

Deponent

Dated: 20 /05/2023

Verification

Verified that the contents of the applicant are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal. Yā

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مرم بغرض ما بحما حدد مربع المربع ا مربع المربع ال الم وقت وقوم : 1 4.23.10 E 08 (020 الغ وقت ولروط 11 11 23.55 حالي وروع بند رزش أنتر حيب مائم منزل نيوانيط IM حانب شحل لما حد متر بنا كل خدم من از قماز D-CNSA (برالل - يمروس (342) " مرس (4114) " (14 الله) " (14 المرس مرس) ABB / MAN Zury HE WILL IN 488 اخب بروران نار مزد بي المرح مرجم مالد من ملكار المراب 222 مترجان 33 درم من ملح وبا دردم كا وبولاك حالم معا حر صف كالذين وحت الله على خار المرس خرن اطلاع دما ، ر الميسب علا رنگ ريد حوظر کار معن کيشا ور د جا دب مصافى ختيا متسصوب پنجاب سیکنگ مورسی می مار منبر کاکی پر سن پر کار ایل کا در سخت مرح مودی < را الله سعير روال مع أعلم والمركار لي اورك طرف من أما يوا و ملحما ما تسكر: حرم كار ورجع رمر تحوالا حور كارت در اللي تك مدف يرجود جوال العروط في مع درما خت بر ابنا فار حسى مر اسحاق ولد عابد حالات من مند بر محر من ما مرد خطع بختر شبله ما متحدم منزور 4 فك جامل تلاتي المني بر محوق عبر حافرت مشير المراب بري المراجع في المرين مشروع مريد جرار الريد ملى مح خفي خاون سے حضات بالد المرام جيل أرغير () عدد بيكيل يوروش () عدر بيكيل يخيا جرى - اور امك عدر سك اخون رض - حرقور طريط المرار بر سك المرار - وزر رئي بريطروي ت سك علك (1042) كلم 2 (2010) (3) (3) (40) (3) (1040) (3) (1040) (3) (1040) (3) (1040) (3) (1040) (3) ارام فی (1040) محمد (1043) از م (3 (1040) از معنی (1040) از معنی (1040) میں معدد اللہ تعکی اللہ معنی (1040) محمد اللہ معنی معنی محمد اللہ معنی معنی محمد اللہ معنی معنی محمد اللہ معنی معنی محمد اللہ معنی معالی محمد اللہ معنی محمد الل سرحم الم - جرب بيلا يبك را م (334) أرم بلاون في منهر مرز الم ويسرح الم الحاج حري يجته عرف عدد سيك مان خروزن ون مر ما تيريب - تيك عل (1052) لا 22 22 1994 22 (1994) (1994) 22 (1002) 21/14 (1994) 21/14 (1994) لفاى - حول بيك ما مري من حرك الرام محرب في في المريد من المريل على على المريد المريل على على المريد المريد الم بع فرائع نبايا حرى ٢٠ بعد سلط مزني (4694) المرم مرم بارم بيد المركب جرم ا فيول والى بلط تر وزن را من (40) المم ديم

حر حرب سے امک طرف احتون محرم مربر ارس عظ بر مربر کر الم ولا ایک احد کن وزن (139) گرام کو سد سر کر اس کے ستر بحر مسکی e, ادر عمام با بسلول محرسی مرتب مرز کلرم بل مراجش مری LEB15 - ار عمام با بسلول محرسی المحرسی المرب محرف المرب مح جسر بلای N2E-140-2148 جسر بلای مرد حرز دار برای 1495 - 74 95 ے حال منتزات بالد اور جرفز کار کر سمی حماج اخان ولا دالر خل کر خلوج جرب ا مسلط جنب کی ملاکت شبلا با اور ختیات کی معوض معن (50 مرار ار مدر ار مر مرجم سيحاب (كالمور) في حاما سالن عمل: تحمد الحاق مركوره اللركوجة منالط كرسارو كرحاد خان مح سمر مداري در المحر مراري موض مل من حدم مرارس بالم مع حال شرم معرض الرحال حال ار حدم مرضا المنت م محمد الله عرفة الم مترض مرد الم تعامر بدن علاق المرحد الم المحال 3. قوار جاب ميں العب مرجار . 1. 10/13: Resultor 11. 108/11/2020 And the

خرر حيوم في المبرش المريان Vip dis N 620/468 9 D. C. NSA برال سرد الم <u>المراج مراج الم 90 جم</u> سلم في محدو الحاق ولد عابد خان مأمن شكوبر قسر خرل ما فرق خلع وخن مروان نام مرد عمام IM رمنی انط چنج محاسل زیر ارا مراج الم حرام الم براند معر ليادر في ط سب الرجينة في عرفت روحرا فر حدم بالرظر المراند - سرط بر مرجر مایز - سلح الم ركز حاصرت بر حمان بر حمان به محد من محد ما عز مادق من بر المربع الم كالركائي للرك في المرك ومكال خصير خاول من مسطى مع مع الما برادر مراد - مريد المراجع المريد المراجي الم عدر سلح محد المرا الم الم عد يكف في اخرن بالعرب المراجع برا الحطر الرابع لم المراجع بم المرابع المر - / يكرون 2 سك على (1042) كرام في (1050) كرام في (1043) كرام في (1044) كرام في (1040 1040 (1040) 1043 (1040) ((5) 1/ (1044) 2) 12 mile - 1/ 2/ 2/ 1/ 2/ 1/ 2/ 1/ 2/ 1/ 1/ 1/2/ 1/2/ 1/2/ 1/2/ 1/2/ 1/2/ 1/2/ 1/2/ 1/2/ 1/2/ 1/2/ 1/2/ 1/2/ يخم جرى فى مدر سكط مائ محردزن وكم ما مترتب يملط عال (1052) المر 2040 مرام 3 (1002) 2 (1002) 2 (1002) 2 (1002) 2 (1002) 2 (1002) 2 (1002) 3 (1002) 2 (1002) 2 (1002) 3 (1002) 2 (1002) 2 (1002) 3 (1002) 2 (1002) 2 (1002) 3 (1002) 2 (3000 - 500 - 500 - 500 - 100تبايا ينك احول الحرمير برازان الم المرجر مرار المقام ودين بالح مالير كما الأرجاب المرار المی RE قصر طرف مرد بر 3 مرد الا السی فران کا در الله الم NZE-140-2148934 USU - LEB-13 USU - 2148934 USU - 21489 - 214889 - 2148 أعلى وتع إبراح فروح في ولى تحدطار مان 222 قار رايد HO DS. Regardan E on 11.020. July 115 3 Uly 11



GOVERNMENT OF KHYBER PAKHTUNKHWA, OFFICE OF THE REGIONAL POLICE OFFICER, MARDAN

> Phone No. 0937-9230113, Fa.: No.0937-9230115. Email. esrpomardar@agmail.com

Dated Mardan, October 21, 2020.

NOTIFICATION.

No. RPO Office/ES/Transfer/Posting/ 6486. In exercise of powers delegated to the undersigned vide CPO Notification No. CPO/E-I/Delegation of Powers/ 698 dated 09.04.2020, Mr. Saif Ali Inspector (BS-16) awaiting posting Region Office, Mardan is hereby trans-erred/posted as Acting DSP/Headquarter, Nowshera in his own pay and scale with immediate effect and till further order:-

SHER AKBAR) PSP, S.St, Regional Police Officer, Mardan.

CC.

- 1. Additional Inspector General of Police, HOrs Khyber Pakhtunkhwa.
- 2. Deputy Inspector General of Police, HQrs Khyber Pakhtunkhwa.
- 3. Deputy Inspector General of Police, Operations Khyber Pakhtunkhwa.
- 4. Principal Staff Officer to the Provincia Police Officer, Khyper Pakhtunkhwa.
- 5. All District Police Officers of Mardan Region.
- 6 All SsP Investigation of Mardan Region.
- .7.: AIG Establishment CPO Peshawar...
- 8. Registrar, Secret, CPO Peshawar.
- 9. Superintendent E-I CPO Peshawar.

(*****)

10: District Accounts Officer, Newshera.

Allest بان دوان عظيمان علام متعنه فاكر بندى فيودنن J-m-1 pury ought of Police مشيم المرجنج HOR: NSB 20-11-021 بسلسلم الكواليري مي تحريري سان ديئا جول كم معلم م ظانور الم معنى ما على 46 ى خريق عطابق رجيش منام حوزكاه مع وان ٥٥.61 مح " مكى حوى هى. 3 وقى مر من اور كمشين ما دار موجود في كر اس حوال ري تخبر جاص مير ما س ارا . اور متابا ارمس أب بر رئي گاڑي مونگر کار منشيات سے جو ميوا بلاغا جا مساحوں ليلن مير ا عام میال رکیا مائے اور آپ سرے کی کام دمرد رمونے اور نو تع مر فی مرا فقد دون کے . چونگر اس سے مع ASP ماہ اور OH2 مائل ن عب ار ال ال وفارم س الم الم ال مر الر الم مر الم الم الم العسران مے بوایات کو معاقل دکھتے ہوئے . وقعا رو کو مولی کیا . اور چلا کی . س جم طوفى مس مصرف عى . كروس جدان والفاجر مربع باس والس آيا . اور امریکا کر تھے دہر میں دیر کاؤی ماری فور میں میں میں بی بی سکال مریک ہے محودی «مراحدی کا ڈی کا نہ بندی - کچی نومیں نے گا ڈی کو الموار سائیں نہ لاک اور درانی رکوی می زنارد . . . با بای کالا یا کار کی میں ن كاليى جابى تقال كرياس تظى گاليرى كى تاريسى مشروع كى . علوم ميغ نېر كارى م مرائع جوند طانبر Hr. سماری کر عس سو کار سی فود جا نه طانب مع المحقال العرب الحداث في المرك في ماري من وكان ما العرابة العرب المرابع من حى ألكام لها. في طائير 44 2 جوال مرى موامل الوروعي به حقيه حال بي جو مشان عنير و سي استعال مونيس . طاير نه ١٩٥٥ مامب تو الادع دي. اور موقع ہے طور جان جاری میں جاری ہے ملار کاری نے مور کاری نے منہ کالوں سے منہات ASP بالت المراتع الى مارى بوع 040 مامان المراحين الح الم ASP ما ما الح مان كو فقض الخريا . الفارم افر فت أنه المر من أنها من وها مالها .

.6.7 ASP ماعب اور OH Squar دونون غرانغاد ر 2 بنيث اللك ملاحات فروانها مركو ديمان . حوار مرع مع ما يرساس مس طوري. والم 2 مام ن منزم كادى وعلم مال مور بني ت سات المح عاف لي بين مرا بيان مي جور فيف ير Fahaemthan

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20-11-2020

ATTESTED

THE PER UNIN - 6100 - 8/2 - 8/2 インシ ج - لات مح وقت من مع وزيل مارس لاله الماسرى والمنظ رشان المرود وموجود الدرواج طارم مل کا شرم بخار محا ادر انی کمرد من عرار ا تَبَا. دوران دُرون (نفار مین ملی . تم مور ۷ <u>7495</u> من مارد) مو دمی الد الم در ان در ان مرال مرا المرا م مرا المرا م مرا الم در دمی الد الم مرا مرا المرا م مرا المرا م مرا م مرا الم مرزم رکور جبرا تشعیل می خود بی از از مرزم می مرز مرزم رکور جبران شیم ای کار بی از مرزم می مرز من فی میں ایک مرتبی مریک فی فورا دیکس مراب کے مور ایک مقرب ا ی فغیر کانے ہے ہوئے میں جس میرور منیا 2 نمبر میں زرا تو میزای شیل کو شابع کرے ی دران بے ایک فورز انجارج ما به المو حقاط . وه من مورا الم مورك ما ال مرى الم حل عام المردا . في والحقي كارا، من حقيم طال من أنجرب مرجاب ملك مل من مراج مراج الم es Sin inderiv cu les ciertes ster - 10 $\frac{1}{2} = \frac{1}{2} = \frac{1}$ (ps "he dist - 10,10; 14 C" 20-جر من شار برامرین است مرام مان است معرض بلا مان مانون کاردانی معلق فوتر کار مع حرم ، برادر جرم منار در از در از Rit اندر اج شرق می جنا مدر خان کی ج معیت عرف از در م ب فروش المع ب ل في في م من علامة فعور كار علم، مان من التي فود على را مور 2 ت من م المرود والمرابع وفان مراجع المراجع الم mille alse 2 line with a construction of a start » ~,

جعفرض في حوم المالي الداغة لوس مان لا من دم ما سال سن ورمان ۲۰۱۶ ای سائم دودون ا بندان انها دارس 91 2020 مح و رقع مر اس دودان الله موس کار فران 14.95 (برند مصرف فساور من بركا بوا ٥٢ ٢ ٤ مع المرك مح ويور فرال ر ص معمر مدن المعالم ص معاد (عمر کافول من مرا مد مر سور) ج فع فركام وصير، معركام كالجرار المعتمان المراجع دم من - جعمد من اور تصرف م المر حصر ومن كالا م مردين كالا مردين واره الكرام يسم وترن تر معن يسم وزى 18342 قرال يلى حس من الالرال على ع يس على أنا في سيم يسم - طبير بيعاما 1583 11 سير - ط سي فر 2 سر سم الم الم الم الم عدد و تعليك عار معلي وزر مرت على ميس بالبلال فعى مس ساحد مرام على معلى من سرس من 14, will in (154094 040 0136702 0100 000 000 سر المر) - رور الله مند المرون وزن و 1040 (المرا) ندر المرا) المراجع المراك المراجع المراك المراك المراك المراك المراك المراك الم 3/10/ N/6 2 Jun 6- 10 (151038 User) 1/5 2 Jun 1/6 1000 With in Brunch of ing of the series of the Bound of Co ص مر مرمع بر فرند کا نرد برمیر / د تحف شاخر ، برسیت کا العصية العرف برجان عالك مرتبي مسرم ما المعد المرام لم المع المان في معالم المراح مرا مراح وعذم القرة المراح المراح المراح المراح الل ی - عبر مراسم دیونی استروز معلی 134 وروال کی - عبرمان والفاحمر وترابع عدور والمنا والمعادة المعادة المعادل بدونش اور می دی بی جان کا جونیم اندیس کی دونش کی صرو می جان ا ar é é l'un الارتفاق) - اور ا مرا می کا سی می از از از مرا مرابع مادی مرا از مرا

0/0 442 1,10 41 t / Sepurity Section of France معتدر المر مرزم مرتسكى منظر عيرم السلسله وبكور الحاص قرارى بان تكو دياس . كرمور الله الم مسری تقسیم علی اور کنشیل بسار ای 864 کی وؤتی عمالی ڈلوتی جسر خرفي أدل مكامون محا . حديك هر ها ت خار خالما اس هر ما ا مها که بخاری وه سے میں در وی سن کر سالی اسلے میں وردی س منتا اور ساره کی وں میں جگ برسٹ کسالے قریب کرے میں سور ارَكْدُن السراب سے لو تھے کہ دو سر کیو تھرف سولو سانا کہ طار كو خارج ادر اس ساكة وال كرب مين سو يوف س الر اسر ف طل کرنا جاسے تو تھے جھا دینا - کرزا میں سونا سوا تھا کہ تھنے في حظايا كمر متم نابر أجماد- مس زائك كارى دوك دكمى منه - في اسمیں ستات سیا ت سمانا کی اطلاع جدادر اسمیں جنہ ک مس مراکز الحصل کرهای کم وسے کاری کو دیکھا تو سر حلاکر ط اسمعن معتد خارات - 40 معت و فر م الالاع در مر 40 2 مع وفع بر سنم من مر SHO ما مكر عند فا في ملكر حفد فا في في لقريبًا ويربي منتاب برأمد بو مها المعالم محالم وكال Lepsp. Zinto & lepasp Will rea سے ہتیں (او وہ تھ) کی اور ام بن موں کر سے منسات سے دی ی کر بر میں OP میں Epnes Z Je اور اسے سانا مر SHO في المركب اور فر حري الم في المريد المريد المريد الم 103- 1 2 ale to Store 3,6 2 to Chino well mon بان الح الحصيت برسي من ال

474 1910 - 110 - 110 - 10 - 10 14 To go and a go and the site of the of the of the of the راي در وروان الر متم متري شري ما در در 2016 al per 10 540 -10 17, 60 AST Chatter (3000 مع مد الراب الى المراب المراب الم الى خرى لاال المراب المرور $\frac{2}{4} \int_{-\infty}^{\infty} \frac{1}{4} \int_{$ te on hopen Fix al alient - Line in the sile - 3/10 مترار سیا 2 سے مسلق کر میں 2 ج دانی 3 ج . این . شرب ون جب جاب مار الرا ما مارا سور اب جان المسريني أكر مرامد شده في الم من شريح عام كى مدار عى ج معنى من حريظاف معمومات مرام فو المور في المراج الراح · Upi - up up . Up - up 4 · Upp - up Bes , or ى وملاحث (بالراج فرم مم) ، وشر المرن با سیات ع . On the States White the same into i big in a start of the Deputy Sugar of Poller HORSNSR 20 - 11 - 202.

پولیس فارم نمبر۲۵_۳۵ (۱) طريم اندرون) محدوم حا برمان يولي تما مرسور برد باد المعت الرس بلي م 2020 میں جو مندم 20 خوا بر ستی در ماں حربری اس سائڈ امرض تا مرمزیں طروبی بھا ہے ، ستی در مند جرج موجود تھا - مرحد کا موجود کا مرمز ا 1955 برا سفیر ۱۱۵ همز ک من معنی " اس ماری مرابع المرابع المرابع 18-13 برای سفیر ۱۱۵ همز کی من معانی الماری الم الم الم الم الم مور کار فن کرو کو جنگ از معرف کر کر کار کا خوار کار کا جنوب کو باد مرى برا مركر مر الكر ساب كودو الم من 242 8 1/ سال مى مى 2 مرام بند جرا سرافر و سر عسر در حرب و عرف مر سے 4 سد و س نعلی صف میزدارد گرام علی معلی می اسم میں نی میں میں موسی عبد وجاع جس 404 ور) نیم میں میں بر 11 رور کی لے مرد مرکب کے صبر الله مسبب (منوی کو وزن الم مرافر می فی میں میں دورا کر اس میں مس سے ایک کر ال تیم و مل اس کر کر اور و معال ا میں میں میں اس کی اس BR مرد مرد مرد مرد مرد الم الم مرد الم Million Weises with Station and and عام فوتر کاربر فی فرز فرنے لڑیں میں نے اور میں جار کر طبر کار س ي من بور مركار مركان مرا مر مركاف ا در ما مركان في ا المعار والمركم من مع في من عرب ما يتدم الاردو موجد عمر الدرد ورا لو حوال حرار لها مورام کرار میں عور مرکز میں عدم اور جو میں اور مراب کر طور ای مرز میں جریم فرایس مور مرکز و بر حال مواجر کر کر کر کر اور مراب کر طور ای مرز صبا خارد - ورقومات میں مرجم ایم فرا میں میں اور میں ایک مرد دور دور کوئ OR AND E LAPOUR PULLE JUSIONSI مد حلبته و طعل مر ا جس ما بت ما ، م - س ا ، ، حسب

PW-04 08.10.2022

Statement of Muhammad Tahir, HC/442, PS-Risalpur o oath:

12

Stated that I am marginal witness to the recovery memo, already Ex.PW-3/1 vide which the complainant/SHO Bashir Muhammad Khan recovered and took into possession 08 packets of heroin, 04 packets of charas and 01 packet of opium from the secret cavities made in the diggi of GLI Motor bearing No. LEB-1307495, driven by the accused facing trial Muhammad Ishaq at the time of occurrence. On weighment the 08 packets of heroin came out as (1) 1042 gram (2) 1050 gram (3) 1043 gram (4) 1044 gram (5) 1040 gram (6) 1040 gram (7) 1043 gram and (8) 1040 gram, total 8342 grams. The complainant separated 1/1 gram heroin as samples for FSL and sealed into parcels No.1 to 8, while the remaining heroin 8334 grams were sealed into parcel No.9, already Ex.P-1, while the 04-packts of charas on weighemnt came out as (1) 1052-gram (2) 994-gram (3) 1002-gram and (4) 1066gram, total 4114 grams. The complainant separated 5/5 gram as samples for FSL and sealed into parcels No.10 to 13, while the remaining 4094 grams charas were sealed into parcel No.14, which is already Ex.P-2, while the 01-packet of opium on its weighment came out 1040 gram. The complainant also separated 01-gram opium as sample for FSL and sealed into parcel No.15, while the remaining opium 1039 gram was sealed into parcel No.16, which is already Ex.P-3. All the parcels were affixed 3/3 seal monograms of BR while 1/1 monogram was kept inside each parcel. The complainant took into possession all the recovered contraband alongwith motorcar GLI bearing No.LEB-13-7495 white in colour through recovery memo, in my presence as well as in presence of co marginal witness Fahim HC. I. also took the murasila alongwith relevant documents, case property-and accused-to-the PS alongwith rahim HC, for registration of the case. I have also been examined by the

ammad Isbag FIR # 645 dated 04

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2020 U/S 9-D KP CNS/

IO, u/s 161 Cr.P.C. Today I have seen the above mentioned documents. which are correct and correctly bears my signature. to. Dan XX...... It is correct that my signature in my CNIC is different from signature on recovery memo. It is incorrect to suggest that neither I was present on spot nor with the complainant and someone else has signed the recovery memo on my behalf. It is correct that in murasila, in recovery memo and in my statement recorded u/s 161 Cr.P.C, my belt number has been mentioned as 422. Witness volunteered that my belt is No.442. It is incorrect to suggest that neither I was neither present with the complainant nor he was aware of my belt number that is why on the basis of hearsay he mentioned my belt number as 422 instead of 442. I have not noticed my belt number in recovery memo, in murasila as well as in my statement recorded u/s 161 Cr.P.C, on the spot. It is incorrect to suggest that actually neither the above mentioned documents were prepared in my presence, nor I perused the same otherwise I would have correctly mentioned my correct belt number. It is correct that no DD regarding my departure from the PS is available on the case file. Witness volunteered that we were permanently deputed at Råshakai Interchange Check Post. It is correct that the DD showing our arrival to the PS and handing over of the Murasila, is not available on file. I do not remember the time when my statement u/s 161 Cr.P.C was recorded. de la contra de la not remember that whether at 0050 hours SHO and IO were available on the spot or not. I do not remember the exact time for which the SHO and the IO remained on the spot. The IO noticed the gunners of the SHO, who had come with him from Mardan. Witness volunteered that whenever SHO is transferred from one district to another district he usually brings his gunners from the district wherefrom he is transferred. It is correct that SHO Bashir Khan was the resident of Mardan and had transferred from District Mardan to PS-Risalpur. It is incorrect to suggest that neither SHO nor I was present on spot, SHO was on leave

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State Vs Muhammad Ishaq FIR # 645 dated 09.11.2020 U/S 9-D KP CNSA Police Station Risklpur



and lateron came from Mardan and registered the instant false case against the accused facing trial. (The whole suggestion is incorrect). I do not remember the number of secret cavities in motorcar. I do not remember whether secret cavities were of the same size or not. I cannot say that from how many cavities how much contraband were recovered. I do not remember that whether packets were wrapped in yellow solution tape or otherwise. The activity was conducted n the instant case of the I do not remember as to whether we were removed from the said check post after the inquiry by the DPO or not. I do not remember the shape of opium inside the packets. The charas were in the shape of slab however I do not remember the number slabs inside each packet. No driving license, registration of motorcar, cash amount and mobile was recovered from the accused. I myself drived the motorcar taken into possession in the instant case from spot to the PS. The IO did not record the statements of the gunners of the SHO. The gunners of the SHO were present on the spot with us, but even then the IO did not record their statements in my presence. I do not remember as to whether I have signed the register No.19 or not. I do not remember that whether serial numbers and weights were scribed on packets or not. It is incorrect to suggest that accused was neither arrested in my presence nor from the said motorcar. It is further incorrect to suggest that neither any recovery of contraband has either been effected in my presence, or from motorcar, nor I was present on spot. It is further incorrect to suggest that alleged recovery is planted one that is why DPO conducted inquiry against us.

R.O & A.C Dated: 08.10.2022 Muhammad Fiaz,

Erzminer Converse ArAdditional Sessions Judge/JSC Brance 2.3 How Corr Model Criminal Trial Court Nowshera

State Vs Muhammad Ishaq FIR # 645 dated 09.11.2020 U/S 9-D KP CNSA Police Station Risalput

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Beputy Standt of Police HOR MSR 20-11-2020 408 (le la j'i) (). مثعثه بالرنبرى فتكى انترجنع الم أعلون س تحريرى بنان ملح متما بول مرور مرور المرور مرى فتحم علم طامر سروبر اول تمن حواد طام است دو کار تمارس مسے دہ دو بول سے میں تا بلہ جبک لول - در ایو فرمیر ول کرے میں شوسل دور شیخ دیکر کر کی کہ میں بیچار ہوں آر کر کی مزیقے ملا - در ن تو تو جود جا المرسي علم ترس کر سے تھے کہ ایک الرک فسی کا کر ک المر اش که اور جلاً من در افت مرضب کر می ما ما که مرا تعارف فوجع گاڑی مرد سے الا سے مؤدر Ash صلحب اور Hos Ho ماحد مار مار ال کر ا ی مراجع مراجع کوی فدا مرافرس مرو اور ASP مماحد ما مرا اور فرا יצ גיואין אין אין הסוא המאראאין בעיי אין אין ייט יאפ לעיש كرمك تشرّ مرديس من الذي الله كليونه تد ير سراً مرس ير م في مما تحد مر لور و المرف دوما رو مرمان مراح مات ی اور عرص الرام اور مسار من و مرا با کراید تاري مؤسرة راميري <u>حليج</u> مركب عير جلير جليري الحان والن سے اس من ركب الر بجما حود والمرابح رام من كارى مادون مروسا من مررى كو دمرلور ، تحادى ينج كالمنبعة المار فوراشماء مرحكادي وسانير مريح ما سى دانول مس مكر عواصل مرالي عفرا تعاضم أسان دوند زمار مرجع أواز دي مرجد مد حولة ما منع أسارت قادى ما جا برايا مكال در انما بس در ها قاد م ما داني . سی رور محصو تمایا داسی می تصنید عام س نخ اسی سر س کامی ل رکون می طاییر He کورا ر عادتر مديلا ساتو المحالي من معلى معلى كورس في مان وافي اس س تعري عن م مفترك من أعنون ، Ho (الما مسكور الحلك () Ho () المع المرك من Ho () المعند من سرس الني مدينة مرطل من تقر در مدر مر CA مامد على الما ما في في علم س مك می بان یے حرکہ مقبقت سرحنی سے HBate. Dale 20 todo

and have lif June july is goursa (9 - 20 645 - 1 w 0) ' Sont 22 أنفار سن مى مج المحين لافى سار فشيا ب سكى بربرى ج كونا مرس معمر بدان نفر عوس معمر المنا ، لى مرسر كار مرار الماق 2 4 ch ch composition of the stand of the stand ے روز اور کار بے وی نے کال کر در ای و وزیر کار کرنے مر والر ک می نے در مر شر مانی کو ظاہر می زائد محمد ا الأرك فالعربي سم الما فر فوز طام علم و شراع عاد ا is we do a find a wind of the of the of the of is i was in a line and a clark تر روی دو مرسور کا دو می وادا . دو در می والد کا ی رواند می در ا sto - 6 - 1: (infred the and as P في المرادية من المرادية المرادية المرادية المرادي المرادي المرادية ا ATTESTED when the start of the set of the start of y supplied findice QR. NŠR

134 Stabercein بان ازان وى رو الم الم الم الم الم الم الم ف مان ما ، مين بحشية فر تعان البور من من من الم الله من المراب المراب الم جوالے مدھ دورنا ور / 9 محرفود سے والی کام ملای کاب نے شک م 9/ Jil apons (1) 8 61/ Jer 2 200 apons (1) - 100 3000 (1) - 100 2000 13 34 مريين بورس فر مات 13 3/5 "مريم فرس ، برل فر 14 4094 " **جس فردن** روا حمرار از المرا مريس اسى BR شت في او ملك علب في دخط مع في مرين قرر م جرد 1.9 / J. J. J. 1. 2/ 2/ 181 / 181 / 19 / J. J. J. J. 19 / 19 / مار رول ی مام البر مردور مرع ومنام عاق المراجان / 2 عاق المر الحان / 2 عاق م مرسب في من مال فترم عام وزا الم عال مركوره من قرر أو حراف فارس مراجا 82 مرمن 10 24 حرس فارس مردا المرن طرف فكرم Est موان وسو مرج ور الم مرست الم مام 250 FSL اعلى من من قرر مر المراج الم يس م يو جرب عرب عال عال عال مع فقوظ رف ، دورز ملاحل خاب م) و عاب ف مارس بر 9. 14. ماد جن من على ، ترس من واعظم مون . من مدر ما مرافع یں مرا بان سے 14 3 54 E.B. KSTE

ج. بن رسى ان من حب روار جمع مام رحمت 25 من را ی کرد مو المعلم کسی وقت اور کسی قسم حوال کی ای س الم مع مورم مل وس المروس الموس المر ما ب SHO ما ب محص را را مج ازما ما متلف مسم حوام من مع را من مع را من محمد المن دمردادی محر مرجشر غرار من ملابق AIA علی منافق مرجس شر ار الموں ر فال B.R من من مر مر مر میں B.R مر مر مر میں الم لفتى وسروس الاكم منم عمر جراه في الم الح والم مرى فراللالى رون مامر على على موالي . من المراش الا A sing on the sung a first fit fit and ف على فيرار ديما حالي في في في في في مركز مركز 2 2 2 2 1 - 1 - 2 - 2 - 2 - 2 - 1 - 5 11 - 50 مر من جواب من مدر مان و منوط دان مرد جان روان مرابع من معرف من من من مرد المرابع مرابع من معرف من من من مرد جان مرد من روان الم 20-11-020

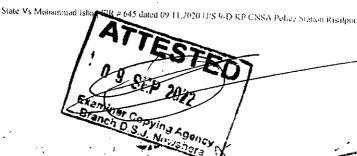
PW-01 12.01.2022

Statement of Wali ur Rehman, MHC, presently posted at Police Post Soria Khel, on oath:

- 20

Stated that during the days of occurrence I was posted as MHC at Police Station Risalpur. On 09.11.2020, I received parcels No. 1 to 16, alongwith GLI Motorcar No.7495/LEB-13 white colour and accused facing trial, sent by complainant Bashir Khan SHO through Tahir 442/HC and Fahim 03/HC. I made relevant entries in register No.19, copy of which is Ex.PW-1/L I kept the parcels in the Malkhana of the PS and parked the motorcar in the PS, while locked the accused in the lockup of the PS. Then on 10.11.2020, I handed over parcel No.1 to 8 (containing 1/1 gram heroin), parcels No. 10 to 13 (containing 5/5 gram charas) and parcel No. 15 (containing 01 gram opium) to constable Aamir No. 1230 for carrying the same to the FSL, vide receipt No. 739/21 and after doing the needful he returned the same back and handed over to me, which is Ex.PW-1/2. My statement was also recorded u/s 161 Cr.P.C by the IO, twice.

XX...... It is correct that in the relevant column of register No.19 (Ex.PW-1/1), no entry of motorcar mentioned above has been mentioned. It is incorrect to suggest that neither any contraband and motorcar were either brought to the PS or handed over to me that's why same had not been mentioned in registered no. 19. On 09.11.2020, parcels No.1 to 16 were handed over to me at about 08:00 AM, but I do not remember that who handed over to me the same. Accused facing trial was locked in the lockup of the PS by Tahir HC, but I do not remember the exact time. On the relevant day each officials of the PS made entries in the DD. I have not made any entry about the accused and case property in Daily Diary of the PS. It is correct that after registration of FIR, DPO Nowshera visited the PS and checked the parcels of the instant case but I do not remember the exact date and time of arrival of the DPO to the PS. After the visit of DPO. Nowshera to our police



12/1

station then SHO and OII of PS Risalpur were suspended and closed to Police Line, Nowshera. On 09.11.2020, I handed over parcels of remaining case property to IO Akbar Rehman for production before the court alongwith the accused facing trial and then returned to me on the same day, out I do not remember the exact time. It is incorrect to suggest that nothing was either recovered from the accused facing trial or handed over to me. It is further incorrect to suggest that alleged contrabands were planted against the accused facing trial that's why parcels of maizeflour and other materials were handed over to me after un-explained delay of 08 hours. It is further incorrect to suggest that when DPO. Nowshera checked the parcels of the instant case and could not find any contraband then samples of heroin, charas and opium were procured, planted and sent to FSL just to prove false and fabricated case. It is further incorrect to suggest that DPO, Nowshera really found no contraband in parcels that's why SHO and OII were suspended.

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R.O & A.C

Dated: 12.01.2022

Tufail Ahmad, Additional Sessions Judge/JSC Model Criminal Trial Court Nowshera



State 24 Arabianma / Java 73, 4-631 Arta(1921) 2020 USE VIL (12 CNSA Police Station Risalpur

. Prights .22 بوليس فارم نمبر٢٥ ٢٩٥ (١) حصيددم (اندروني) الور (2) «ای عبار» خان سالیون مدر است و س سال یا -) بران ما 9<u>-</u> 20 دومن برست ما مرحاق مداختم خان علز تمي المحل مند زي الفي عام مكان - دصم 18 مرح على و علماعدم مردور مار 12 FSh (1) + 50 - 50 - 50 - 55h (1) + 55h (1) + 55h 22000 (2) جامع المريخ بورجان ديد الم الحربي بالماني ارض - مع رائم من المري الم ENSAP : مراحل مراحل ما مران عام 129 11 000 645 man con 200 0 6 1000, Vice Sold Stand Contai GDavise 44 2 11 2 1 2 1 2 1 2 1 2 1 2 1 2 1 1 C 2 1 C 2 4: 2 - 2 4 (com 2 - 2 - 4-12-2 (130) ATASIEL

6.24.Procedure in departmental enquiries:-- (1) The following procedure shall be followed in departmental enquiries:---

بدريتكورها

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(i) The police officer accused of misconduct shall be brought before an officer empowered to punish him, or such superior officer as the Superintendent may Direct to conduct the enquiry. That officer shall record and read out to the accused officer a statement summarizing the alleged misconduct in such a way as to give full notice of the cumstances in regard to which evidence is to be recorded. A copy of the statement will also be supplied to the accused officer free of charge.

(ii) If the accused police officer at this stage admits the misconduct alleged against him, the officer conducting the enquiry may proceed forthwith to frame a charge record the accused officer's plea and any statement he may wish to make in extenuation and to record a final order, if it is within his power to do so, or a finding to be forwarded to an officer empowered to decide the case. When the allegations are such as can form the basis of a criminal charge the Superintendent shall decide at this stage, whether the accused shall be tried departmentally first and judicially thereafter.

(iii) If the accused police officer does not admit the misconduct, the officer conducting the enquiry shall proceed to record such evidence, oral and documentary, in proof of the accusation, as is available and necessary to support the charge. Whenever possible, witnesses shall be examined direct, and in the presence of the accused who shall be given opportunity to take notes of their statements and cross-examine them. The officer / conducting the enquiry is empowered, however, to bring on to the record the statement of any witness whose presence cannot, in the opinion of such officer, be procured without undue delay and expense or inconvenience, if he considers such statement necessary, and provided that it has been recorded and attested by a police officer superior in rank to the accused officer or by a Magistrate, and is signed by the person making it. This statement shall also be read out to the accused shall be bound to answer any questions which the inquiring officer ma see fit to put to him with a view to elucidating the facts referred to in statements or documents brought on the record as herein provided.

(iv) When the evidence in support of the allegations has been recorded the enquiring officer shall, (a) if he considers that such allegations are not substantiated, either discharge the accused himself, if he is empowered to punish him, or recommended his discharge to the Superintendent, or other officer, who may be so empowered, or (b) proceed to frame a formal charge or charges in writing, explain them to the accused officer and call upon him to answer them.

(v) The accused officer shall be required to state the defence witnesses whom he wishes. to call and may be given time, in no case exceeding forty-eight hours, to prepare a list of such witnesses, together with a summary of the facts as to which they will testify. The enquiring officer shall be empowered to to refuse to hear any witnesses whose evidence he considers will be irrelevant or unnecessary in regard to the specific charge framed. He shall record the statements of those defence witnesses whom he decides to admit in the presence of the accused, who shall be allowed to address questions to them, the answers to which shall be recorded; provided that the enquiring officer may cause to be recorded by any other police officer superior in rank to the accused the statement of any such witness whose presence cannot be secured without undue delay or inconvenience, and may bring such statement on to the record. The accused may file documentary evidence and may for this purpose be allowed access to such files and papers, except such as form part of the record

ATTESTED

16.24.Procedure in departmental enquiries:-- (1) The following procedure shall be followed in departmental enquiries:---

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(i) The police officer accused of misconduct shall be brought before an officer empowered to punish him, or such superior officer as the Superintendent may Direct to conduct the enquiry. That officer shall record and read out to the accused officer a statement summarizing the alleged misconduct in such a way as to give full notice of the cumstances in regard to which evidence is to be recorded. A copy of the statement will also be supplied to the accused officer free of charge.

(ii) If the accused police officer at this stage admits the misconduct alleged against him, the officer conducting the enquiry may proceed forthwith to frame a charge record the accused officer's plea and any statement he may wish to make in extenuation and to record a final order, if it is within his power to do so, or a finding to be forwarded to an officer empowered to decide the case. When the allegations are such as can form the basis of a criminal charge the Superintendent shall decide at this stage, whether the accused shall be tried departmentally first and judicially thereafter.

(iii) If the accused police officer does not admit the misconduct, the officer conducting the enquiry shall proceed to record such evidence, oral and documentary, in proof of the accusation, as is available and necessary to support the charge. Whenever possible, witnesses shall be examined direct, and in the presence of the accused who shall be given opportunity to take notes of their statements and cross-examine them. The officer conducting the enquiry is empowered, however, to bring on to the record the statement of any witness whose presence cannot, in the opinion of such officer, be procured without undue delay and expense or inconvenience, if he considers such statement necessary, and provided that it has been recorded and attested by a police officer superior in rank to the accused officer or by a Magistrate, and is signed by the person making it. This statement shall also be read out to the accused shall be bound to answer any questions which the inquiring officer ma see fit to put to him with a view to elucidating the facts referred to in statements or documents brought on the record as herein provided.

(iv) When the evidence in support of the allegations has been recorded the enquiring officer shall, (a) if he considers that such allegations are not substantiated, either discharge the accused himself, if he is empowered to punish him, or recommended his discharge to the Superintendent, or other officer, who may be so empowered, or (b) proceed to frame a formal charge or charges in writing, explain them to the accused officer and call upon him to answer them.

(v) The accused officer shall be required to state the defence witnesses whom he wishes to call and may be given time, in no case exceeding forty-eight hours, to prepare a list of such witnesses, together with a summary of the facts as to which they will testify. The enquiring officer shall be empowered to to refuse to hear any witnesses whose evidence he considers will be irrelevant or unnecessary in regard to the specific charge framed. He shall record the statements of those defence witnesses whom he decides to admit in the presence of the accused, who shall be allowed to address questions to them, the answers to which shall be recorded; provided that the enquiring officer may cause to be recorded by any other police officer superior in rank to the accused the statement of any such witness whose presence cannot be secured without undue delay or inconvenience, and may bring such statement on to the record. The accused may file documentary evidence and may for this purpose be allowed access to such files and papers, except such as form part of the record



of the confidential office of the Superintendent of Police, as the enquiring officer deems fit. The supply of copies of documents to the accused shall be subject to the ordinary rules regarding copying fees.

(vi) At the conclusion of the defence evidence or, if the enquiring officer so directs, at any earlier stage following the framing of a charge, the accused shall be required to state his own answer to the charge. He may be permitted to file a written statement and may be given time, not exceeding one week, for its preparation, but shall be bound to make an oral statement in answer to all questions which the enquiring officer may see fit to put to him, arising out of the charge, the recorded evidence, or his own written statement.

(vii) The enquiring officer shall be proceed to pass orders of acquittal or punishment, if empowered to do so, or to forward the case with his finding and recommendations to an officer having the necessary powers. Whenever the officer passing the orders of punishment proposes to take into consideration the adverse entries on the previous record of the accused police officer, he shall provide reasonable opportunity to the defaulter to defend himself; and a copy or at least a gist of those entries shall be conveyed to the defaulter and he shall be asked to give such explanation as he may deem fit. The explanation furnished by the defaulter shall be taken into account by the officer before passing orders in the case.

(viii) Nothing in the foregoing rule shall debar a Superintendent of Police from making or causing to be made a preliminary investigation into the conduct of a suspected officer. Such an enquiry is not infrequently necessary to ascertain the nature and degree of misconduct which is to be formally enquires into. The suspected police officer may or may not be present at such preliminary enquiry, as ordered by the Superintendent of Police or other gazetted officer initiating the investigation shall form no part of the formal departmental record, but statements therefrom may be brought to the formal record when the witnesses are no longer available in the circumstances detailed in clause (iii) above. All statements recorded during a preliminary investigation should be signed by the person making them and attested by the officer recording them.

Clause (ix) Omitted by Haryana Vide No. G.S.R. 31 dated 21.3.1985

(ix) No order of dismissal or reduction in rank shall be passed by an officer empowered to dismiss a police officer or reduce him in rank untill that officer has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him, provided that this shall not apply--

- (a) where a police officer is dismissed or reduced in rank on the ground or conduct which led to his conviction on a criminal charge; or
- (b) where the officer empowered to dismiss him or reduce him in rank is satisfied that for some reason to be recorded by that officer in writing it is not reasonably practicable to give to that police officer an opportunity of showing cause.

Before an order of dismissal or reduction in rank is passed, the officer to be punished shall be produced before the officer empowered to punish him, and shall be informed of the charges proved against him, and called upon to show-cause why an order of dismissal or reduction in rank should not be passed. Any representation that he may make shall be recorded, shall form part of the record of the case, and shall be taken into consideration by the officer empowered to punish him before the final order is passed:

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The Khyber Pakhtunkhwa Police Rules, 1975

26

(With Amendments-2014)

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<u>Con</u>	tents
1.	Short title, commencement and application
2.	Definitions
3	Grounds of punishment
· 4.	Punishments
4.A	
5.	Punishment proceedings
6.	Procedure of Departmental Inquiry
7.	Powers of Inquiry Officer
. 8.	Rules 5 and 6 not to apply in certain cases
. 9.	Procedure of Inquiry against Officers lent to other Government or authority
1 <u>0</u> .	*
41.	Appeal
12	Revision (11-A)
13	
14	Repeal

Khyber Pakhtunkhwa Police Rules, 1975

In exercise of the powers conferred under section 7 of Police Act 1861, the Government of Khyber Pakhtunkhwa, is pleased to make the following Rules, namely:-

Short title, commencement and application:-

- (1) These rules may be called the Police Rules, 1975;
- (ii) They shall come into force at once and shall apply to all Police Officers of and below the rank of Deputy Superintendent of Police.

Definitions:-

2.

In these rules, unless the context otherwise requires -

- (i) 'Accused' means a Police Officer against whom action is taken under these rules;
- (ii). 'Authority' means authority competent to award punishment as per Schedule
- (iii) 'Misconduct' means conduct prejudicial to good order of discipline in the Police Force, or contrary to Government Servants (Conduct) Rules or unbecoming of a Police Officer and a gentleman, any commission or omission which violates any of the provisions of law and rules regulating the function and duty of Police Officer to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Government or any



Government Officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a Police Officer.

2-

(iv) 'Punishment' means a punishment which may be imposed under these rules by authority as indicated in Schedule I.

Grounds of punishment.

3

- Where a Police Officer. in the opinion of the authority-
- a) Is inefficient or has ceased to be efficient: or
- **b)** Is guilty of misconduct: or
- c) Is corrupt or may reasonably be considered corrupt because-
- (i) He is or any of his dependents or any other person through him or on his behalf is, in possession (for which he cannot reasonably account) of pecuniary resources of property disproportionate to his known sources of income; or
- (ii) He has assumed a style of living beyond his ostensible means; or
- (iii) He has a persistent reputation of being corrupt; or
- (d) Is engaged Or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and his retention in service is, therefore, prejudicial to national security, the authority may impose on him one or more punishments.

Punishments.-

1. The following are the minor and major punishments, namely:---

(a) Minor punishments-

- (i) Confinement of Constables and Head Constables for 15 days to Quarter Guards;
- (ii) Censure;
- (iii) Forfeiture of approved service up to 2 years:
- (iv) With holding of promotion up to one year;
- (v) Stoppage of increment for a period not exceeding 3 years with or without cumulative effect;
- (iv) Fine up to Rs15000/- as per schedule-I.

(b) Major punishments-

2.

- (i) Reduction in rank/pay;
- (ii) Compulsory retirement;
- (iii) Removal from service; and
- (iv) Dismissal from service.
 - (a) Removal from service does not but dismissul from service does, disqualify for future employment.

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(b) Reversion from an officiating rank is not a punishment.

Amended vide Notification No: 3859/Legal, dated 27/08/2014 issued by IGP, KPK

In this rule, removal or dismissal from service does not include the discharge of a person.

Appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or

Appointed, otherwise than under a contract, to hold a temporary appointment on the expiration of the period of appointment; or Engaged under a contract, in accordance with the terms of the contract.

In case a Police Officer is accused of subversion, corruption or misconduct the Competent Authority may require him to proceed on leave or suspend him.



3.

(a)

(b)

(c)

Punishment proceedings.-

The punishment proceedings will be of two kinds, i.e. (a) Summary Police Proceedings and (b) General Police Proceedings and the following procedure shall be observed when a Police Officer is proceeded against under these rules:---

(1) When information of misconduct or any act of omission or commission on the part of a Police Officer liable for punishment provided in these rules is received' by the authority, the authority, shall examine the information and may conduct or cause to be conducted quick brief inquiry if necessary, for proper evaluation of the information and shall decide whether the misconduct or the act of omission or commission referred to above should be dealt with in a Police Summary Proceedings in the Orderly Room or General Police Proceedings.

(2) In case the authority decides that the misconduct is to be dealt with in Police Summary Proceedings, he shall proceed as under-

(i)

(ii)

The accused officer liable to be dealt with in the Police Summary Proceedings shall be brought before the authority in an Orderly room.

He shall be apprised by the authority orally the nature of the alleged misconduct, etc. The substance of his explanation for the same shall be recorded and if the same is found unsatisfactory, he will be awarded one of the minor punishments mentioned in these rules.

(iļi)

b)

) The authority conducting the Police Summary Proceedings may, if deemed necessary, adjourn them for a maximum period of 7 days to procure additional information.

(3) If the authority decides that the misconduct or act of omission or commission referred to above should be dealt with in General Police Proceedings he shall proceed as under-

- a) The authority shall determine if in the light of facts of the case or in the interests of justice, a departmental inquiry, through an Inquiry Officer if necessary. If he decides that is not necessary; he shall-
 - By order in writing inform the accused of the action proposed to be taken in regard to him and the grounds of the action: and



Give him a reasonable opportunity of showing cause against that action: Provided that no such opportunity shall be given where the authority is satisfied that in the interest of security of Pakistan or any part thereof it is not expedient to give such opportunity.

If the authority decides that it is necessary to have departmental inquiry conducted, throad an inquiry Officer, he shall appoint for this purpose an inquiry Officer, who is senior in

On receipt of the findings of the Inquiry Officer or where no such officer is (5) · appointed, on receipt of the explanation of the accused, if any, the authority shall determine whether the charge has been proved or not. In case the charge is proved the authority shall award one or more of major or minor punishments as deemed necessary.

Procedure of Departmental Inquiry:-

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b.

(4)

Where an Inquiry Officer is appointed the authority shalla.

- Frame a charge and communicate it to the accused together with statement of the allegations explaining the charge and of any other relevant circumstances which are proposed to be taken into consideration;
- Require the accused within 7 days from the day the charge has been communicated to him to put in a written defence and to state at the same time whether he desires to . be heard in person;
- The Inquiry Officer shall inquire into the charge and may examine such oral or ii. documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the witnesses against him.
- The Inquiry Officer shall hear the case from day to day and no adjournment shall be given iii. 🦾 except for reasons to be recorded in writing and where any adjournment is given. a.
 - It shall not be more than a week; and
 - The reasons therefore shall be reported forthwith to the authority. b.
- Where the Inquiry Officer is satisfied that the accused is hampering, or attempting to hamper the progress of the inquiry he shall administer a warning and if thereafter he is satisfied that the accused is acting in disregard of the warning, he shall record a finding to that effect and proceed to complete the departmental inquiry ex parte.
 - . The Inquiry Officer shall within 10 days of the conclusion of the proceedings or such longer period as may be allowed by the authority, submit his findings and grounds thereof to the authority.

Powers of Inquiry Officer:-

- For the purpose of departmental inquiry under these rules, the Inquiry Officer shall have the powers of a Civil Court trying a suit under Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely:---
 - (a) Summoning and enforcing the attendance of any person and examining him on oath:
 - (b) Requiring the discovery and production of documents;
 - (c) Receiving evidence on affidavits;
 - (d) Issuing commission for the examination of witnesses or documents.

2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860).

- Rules 5 and 6 not to apply in certain cases.
- Nothing in rules 5 and 6 shall apply in a case-

10.

- (a) where the accused is dismissed or removed from service or reduced in rank, on the ground of conduct which has led to a sentence of imprisonment; or
- (b) where the authority competent to dismiss or remove a person from service, or to reduce a person in rank, is satisfied that for reasons to be recorded in writing by that authority, it is not reasonably practicable to give the accused an opportunity of showing cause.

Procedure of inquiry against officers lent to other Government or Authority -

- Where the services of Police Officer to whom these rules apply are lent to any other Government or to a local or other authority, in this rule referred to as the borrowing authority, the borrowing authority shall have the powers of the authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under these rules.
- **ii.** Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in this rule referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.
- **iii.** If in the light of the findings in the proceedings taken against the Police Officer in terms of sub-rule (1) the borrowing authority is of opinion that any punishment should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.
- No party to any proceedings under the rules before the authority or Inquiry Officer shall be represented by an Advocate.



<u>Appeal.-</u>

For rule 11, the following shall be substituted, namely:

• "11. Appeal.---(1) An accused, who has been awarded any penalty under these rules except the penalty of confinement of constable and head constable for fifteen days to quarter guards, may, within thirty days from the date of communication of the order, prefer an appeal to the Appellate Authority as provided in sub-rule (2).

31

(2) The appeal, against the orders of the officer, specified in Schedule-I, who passes it shall lie to the Appellate Authority as may be specified in the table below:

S.No	Punishing Authorities	Appellate/Reviewing Authorities			
1.	Provincial Police Officer .	Provincial Police Officer (Review)			
2.	Regional Police Officer/ Deputy Inspector General of Police/ Capital City Police Officer/ Additional Inspector General of Police.	Provincial Police Officer.			
3.	District Police Officer/ Senior Superintendent of Police/ Superintendent of Police.	Regional Police Officer/Deputy Inspector General of Police/ Capital City Police Officer/ Additional			
4.	Assistant Superintendent of Police/ Deputy Superintendent of Police.	Inspector General of Police. District Police Officer/ Senior Superintendent of Police/ Senior Superintendent of Police Operations.			

Provided that where the order has been passed by the Provincial Police Officer, the delinquent officer/official, may within a period of thirty days submit review Petition directly to the Provincial Police Officer.

(3) There shall be only one appeal from the original order and the order of the Appellate Authority, in appeal, shall be final.

(4) The Appellate Authority or Review Authority, as the case may be, may call for the record of the case and comments on the points raised in the appeal or review, as the case may be, from the concerned officer, and on consideration of the . appeal or the review petition, as the case may be, by an order in writing-

(a) uphold the order of penalty and reject the appeal or review petition; or(b) set aside the orders and exonerate the accused; or

Amended vide Notification No: 3859/Legal, dated 27/08/2014 issued by IGP, KPK

modify the orders and reduce or enhance the penalty; or

set aside the order of penalty and remand the case to the authority, where it is satisfied that the proceedings by the authority or the inquiry officer or inquiry committee, as the case may be, have not been conducted in accordance with the provisions of these rules, or the facts and merits of the case have been ignored, with the directions to either hold a de novo inquiry or to rectify the procedural lapses or irregularities in the proceedings:

32

Provided that where the Appellate Authority or Review Authority, as the case may be, proposes to enhance the penalty, it shall by an order in writing-

> (a) inform the accused of the action proposed to be taken against him and the grounds of such action; and

(b) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing.

(5) An appeal or review preferred under this rule, shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the impugned order in a proper and temperate language".

After rule 11, the following new rule shall be inserted, namely:

"<u>H-A Revision</u>"..... (1) The Inspector General, Additional Inspector General, a Deputy Inspector General of Police or a Senior Superintendant of Police may call for the records of awards made by their subordinates and confirm, enhance, modify or annul the same, or make further investigation or direct such to be made before passing orders.

(2) If an award of dismissal is annulled, the officer annulling it shall state whether it is to be regarded as suspension followed by re-instatement, or not. The order should also state whether service prior to dismissal should count for pension or not.

(3) In all cases in which officers propose to enhance an award the officer shall, before passing final orders, give the defaulter concerned an opportunity of showing cause, either personally or in writing, why his punishment should not be enhanced.

(4) The revision petition shall lie or taken cognizance by the authorities under sub-rule-(1) within thirty days of the order passed on original appeal.

Provided that the Provincial Police Officer, while acting as revisional authority, in certain cases, may constitute a Revision Board for the speedy disposal of revision petitions, before passing any orders." And



(c) (d) No order passed under these rules shall be subject to review by any Court/Tribunal.

14. <u>Repeal.-</u>

Any Disciplinary Rules applicable to Police Officers to whom these rules apply are hereby repealed but the repeal thereof shall not affect any action taken or anything done or suffered there under.

NASIR KHAN DURRANI (PSP) Inspector General of Police, Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

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✤ SCHEDULE-I

	POWER OF PUNISHMENT TABLE						
- S	DEPARTMENTAL PUNISHMENTS	DEPARTMENTAL PUNISHMENTS AUTHORITIES COMPETENT TO AWARD PUNISHMENT TO:					
		Deputy Superintendent of Police/Deputy Superintendent of Police (Legai)	Inspector/ Inspector(Legal)	Sub Inspector/ Sub Inspector Legal	Assistant Sub Inspector	Head Constable	Constable
1.	A-Major Punishments: (i) Dismissal, removal from service, compulsory retirement.	Provincial Police Officer	DPO/SSP	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
	 Reduction from substantive rank to lower rank or from higher stage to lower stage in the same time scale of pay. 	Provincial Police Officer	DPO/SSP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP
2.	B-Minor Punishments: Withholding of promotion for one year or less.	PPO/Addl: iGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
3.	(i) Fine up to rupees Fifteen thousand (15000/-) (ii) Fine up to rupees Ten thousand (10000/-) (iii) Fine up to rupees Ten thousand (10000/-)	Provincial Police Officer Addl: IGP/CCPO RPO/DIG	· · · · · · · · · · · · · · · · · · ·	·			
	 (iv) Fine up to rupees Five thousand (5000/-) (v) Fine up to rupees one thousand (1000/-) 		DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP ASP/DSP	DPO/SSP/SP ASP/DSP	ASP/DSP
4.	Stoppage of increments for a period not exceeding three (3) years with or without cumulative effect.	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
5.	Censure	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP
6.	Forfeiture of approved service up to two (2) years	PPO/Addl: IGP/CCPO/RPO/DIG	DPO/SSP/SP	DPO/SSP/SP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DŞP
7.	Confinement to quarters guard up to fifteen (15) days of Constables and Head constables.					DPO/SSP/SP/ASP/DSP	DPO/SSP/SP/ASP/DSP

Amended vide Notification No: 3859/Legal, dated 27/08/2014 issued by IGP, KPK

NASIR KHAN DURRANI (PSP) Inspector General of Police, Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.

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بعدالت مروس مريح م <u>لم منابع الم من المرا</u> يوزخه بنام يولين مقدمه دعونى 7. باعث تحريرا نكه مقدمه مندرجة عنوان پالاميں اپنی طرف سے داسطے بيردي وجواب دہي دکر طرکار دائي م تعلقه المعد مدينة من بي رو من المعالي المراج من الموجر المراجر المعالي المراجر المعالي مقرركر بے اقراركيا جاتا ہے۔ كہ صاحب موصوف كومقد مدكى كل كاروائى كا كامل اختيار ، وگا - نيز وسیل صاحب کوراضی نامه کرنے وتقرر مثالت ہ فیصلہ برحلف دیسیج جواب دہی اورا قبال دعوی اور بسورت ذكرى كرف اجراءا درصولى جيك دروبيه ارعرضى دعوى ادر درخواست برتشم كي تفيديق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کیطرفہ یا اپیل کی برایدگی ادر منسوخی نیز دائر کرنے ایپل نکرانی ونظر ثانی د پیروی کرنے کا اختیار ہوگا۔از بصورت ضرورت مقد مہند کور کے کل پاجزوی کاروائی کے داسطے اوروکیل پامخار قانونی کوایی ہمراہ پاایے بجائے تقرر کا اختیار ہوگا۔اورمیا حب مقرر شدہ کوہمی وہی جملہ ندکور، بااختیارات حاصل ہوں کے اوراس کا ساختہ مرواختة منظور قبول موكار دوران مقدمه ميں جوخرچه د ہرجانه التوائي مقدمہ کے سبب سے دہوگا۔ کوئی تاریخ بیش مقام دورہ پر ہویا حد ۔۔ باہر ہوتو وکیل صاحب پابند ہوں ہے۔ کہ پیروی مْدُوْرَكُر مِن -لېدادكالت نامەكھىريا كەسندر ---------کے لئے منظور ہے۔ بمقام TANY