BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

`	Service Appeal No. 191/2023.
	Shakeel Nasir s/o Nasir Jan Ex-Constable Special Branch
	(Appellant)
	VERSUS
\	Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa and two 2 others
العمون	Respondents)
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C

REPLY BY RESPONDENTS.

PRELIMINARY OBJECTIONS:-

- a) That the appellant has no cause of action.
- b) That the appeal is badly barred by law & limitation.
- c) That the appellant has been estopped by his own conduct to file the appeal.
- d) That the appeal is not maintainable in its present form.
- e) That the appellant has not come to the Hon'ble Tribunal with clean hands.
- That the appeal is bad for misjoinder and non joinder of necessary parties.

FACTS:-

- 1. Pertains to record, needs no comments.
- 2. Incorrect, Appellant while posted in field office SB AGO Hangu got directly charged/involved in criminal case vide FIR No. 6 dated 05.01.2020 u/s 302/324/148/149 PPC PS Yaqoub Khan, Karak, wherein he committed culpable homicide murder of Ajmal Khan s/o Shanamir, Karak by using his pistol.
- 3. Incorrect and denied, the appellant was not present on duty but in his village on the day of occurrence as per Call Detail Record (CDR) of his phone, while the remaining Para pertains to record, needs no comments. (CDR Data is enclosed as Annexure A).
- 4. Correct to the extent that Charge sheet and Statement of allegations based on said charges were issued to the accused officer vide this office Endst No. 526-27 dated 24.01.2020. (Charge Sheet, Statement of allegations and Reply of Appellant of Charge Sheet are enclosed as Annexure B & C)
- 5. Pertain to record, needs no comments.
- 6. Incorrect and misleading. Tariq Habib SP/Peshawar Region was nominated as Enquiry officer to dig out the real facts of the case and conduct of accused officer/Appellant with reference to the charge sheet leveled against him. The

enquiry officer in his findings recorded that the accused officer/Appellant is found guilty as the appellant was not present at his duty point at Tall district Hangu on the day of occurrence. Also the finding report revealed that according to the CDR Photocopy, his location was traced out in his village/district Karak, not in his place of duty at district Hangu on the day of occurrence. (Inquiry Report is enclosed as Annexure D)

- 7. Correct to the extent that Final Show Cause Notice was issued against the appellant to which he also has submitted his reply. However, it was not found satisfactory.
- 8. Incorrect, the allegations were proved against the appellant.
- 9. Correct to the extent that appellant was dismissed, however, before imposing major punishment he was issued Final Show Cause Notice and also heard in person by the competent authority. Appellant denied the allegations leveled against him however, his reply to the Final Show Cause Notice was not satisfactory as it proved beyond shadow of doubt during enquiry proceedings that accused officer is indeed involved in a criminal case.
- 10. Correct, to the extent the departmental appeal was rejected on 04.08.2020 by the appellate authority for reason that the appeal was found unsatisfactory having no substance.
- 11. Correct the extent that the appellant's revision petition was also rejected for reason that the review Board did not see any ground and reason for acceptance of the petition.
- 12. Para is correct to the extent that the appellant was later acquitted by court of law in case FIR No. 06, however, it is pertinent to mention that criminal proceedings and departmental proceedings are two entities, fate of one does not affect other.
- 13. First para of Para 13 pertains to record, however the appellant has got no cause of action therefore, the instant appeal my kindly be dismissed on the following grounds;

GROUNDS:-

- a) Incorrect, the appellant was dismissed from service for involvement in a heinous criminal case.
- b) Incorrect, proper enquiry was conducted wherein he was given due opportunity of defence. However, as per findings, he was found guilty.
- c) Incorrect, the appellant was awarded major penalty by the competent authority keeping in view gravity of his misconduct.
- d) Incorrect already explain above.

Incorrect, the appellant's dismissal order is according to rule/law and according to the constitution of Pakistan and no malafide is involved.

PRAYER:-

Keeping in view of above facts & submission it is therefore humbly prayed that on acceptance of reply to the appeal, the instant appeal may kindly be dismissed with costs, please.

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. (Respondent No. 3)

Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar. (Respondent No. 2)

Senior Superintendent of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar. (Respondent No. 1)



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Service Appeal No. 191/2023.		
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-		(Appellant)
	VERSUS	`
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		(Respondents)
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I, Javed Iqbal DSP Special Branch, Khyber Pakhtunkhwa Peshawar is hereby authorized to appear on behalf of the Respondents before the Hon'ble Service Tribunal Peshawar. He is authorized to submit all required documents and replies etc pertaining to

the appeal through the Government Pleader.

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar. (Respondent No. 3)

Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar. (Respondent No. 2)

Senior Superintendent of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 191/2023

Shakeel Nasir s/o Nasir Jan Ex-Constable Special Branch
VERSUS
Deputy Inspector General of Police Special Branch, Khyber Pakhtunkhwa and two 2 others
(Respondents) <u>AFFIDAVIT</u>

I, Javed Iqbal DSP Special Branch Peshawar, representative for Respondent No. 01 to 03 do hereby solemnly affirm and declare that the contents of the accompanying comments submitted by us are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

It is further stated on Oath that in this appeal, the answering respondents have neither been placed exparte nor their defense is struck off.

Deponent

CNIC No. 17301-1444400-5 Cell # 03459128346

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923449802742	923449802742	923436651716	35600408763660	01/04/2020 09:50	INCOMING	· 78	45 9	17432	32,9628	71.0018	GSM	Ibrahim Khel P/o Jehangri, Tehsil Tahket Nasrati, Distt Karak
923-448902742	923449802742	923459801345	35500408763660	01/04/2020 11:05	INCOMING	116	459	64853	32.9433	71.0677	GSM	Village Sheedan Banda Tehsil Takht-e-Nasrati District Karak
93449802742 Friedrick 35600489763661 01/04/2020 11:33 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 93248802742 Trelemorx 35600489763661 01/04/2020 11:33 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 93248802742 Internet 35600489763661 01/04/2020 11:33 UNDIOWN 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 93248802742 Internet 35600489763661 07/04/2020 11:33 UNDIOWN 0 459 6753 33.079 71.0862 GPRS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 92248802742 Trelemorx 35600489763661 07/04/2020 11:33 UNDIOWN 0 459 6753 33.079 71.0862 GPRS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 92248802742 Trelemorx 35600489763660 07/04/2020 11:33 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 92248802742 923489656102 35500489763660 07/04/2020 11:33 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 9224892742 923489656102 35500489763660 07/04/2020 12:38 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 9224892742 923489656102 35500489763660 07/04/2020 12:38 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 9224892742 923489656102 35500489763660 07/04/2020 12:38 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 92244982742 923489656102 35500489763660 07/04/2020 12:38 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 92344982742 923438965102 35500489763660 07/04/2020 12:31 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 92344982742 92343896410 35500489763660 07/04/2020 12:31 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA DISTRICT KARAK 92344982742 92343896410 35500489763660 07/04/2020 12:31 INCOMING 0 459 6753 33.079 71.0862 SMS BALA TAKHTI RISTAT MUHALIH KHATI KHEA D	923449802742	923418544819	35600408763660	01/04/2020 11:10	INCOMING	372	459	64863	32.9433	71.0677	GSM	Village Sheedan Banda Tehsil Takht-e-Nasrati District Karak
924-49802742 Telenorx 35600-498763560 01/04/2020 11:33 INCOMINIG 0 459 6753 33.0079 71.0862 SMS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 Internet 35600-498763660 01/04/2020 11:33 INCOMINIG 0 457 6753 73.0079 71.0862 SMS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 Internet 35600-498763660 01/04/2020 11:33 INCOMINIG 0 459 6753 33.0079 71.0862 GPRS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 Telenorx 35600-498763660 01/04/2020 11:33 INCOMINIG 0 459 6753 33.0079 71.0862 GPRS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 Telenorx 35600-498763660 01/04/2020 11:33 INCOMINIG 0 459 6753 33.0079 71.0862 GPRS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 923-488665102 35600-498763660 01/04/2020 11:33 INCOMINIG 0 459 6753 33.0079 71.0862 SMS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 923-488665102 35600-49876660 01/04/2020 12:33 INCOMINIG 0 459 6753 33.0079 71.0862 SMS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 716-lenorx 35600-498763660 01/04/2020 12:35 INCOMINIG 0 459 6753 33.0079 71.0862 SMS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 Telenorx 35600-498763660 01/04/2020 12:35 INCOMINIG 0 459 6753 33.0079 71.0862 SMS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 Telenorx 35600-49876360 01/04/2020 12:35 INCOMINIG 0 459 6753 33.0079 71.0862 SMS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 Telenorx 35600-498763660 01/04/2020 12:35 INCOMINIG 0 459 6753 33.0079 71.0862 SMS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 923-498802742 53600-498763660 01/04/2020 13:38 INCOMINIG 0 459 6753 33.0079 71.0862 SMS BALA TAKHTI NUSTAT MUHALLIK KHATI KHELA DISTRICT KARAK 923-49802742 923-498802742 923-498802742 923-498802742 923-498802742 923-498802742 923-498802742 923-498802742 923-498802742 923-498802742 923-498802742 923-498802742 936-498802742 936-498802742 936-498802742 936-498	923449802742	- internet	35600408763661	01/04/2020 11:32	UNKNOWN	1 9	459	6753	33.0079	71.0862	GPRS	BALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
923449802742 Telenorx 3560048763661 01/04/2020 11:33 UNKNOWN 10 459 6753 \$3.0079 71.0862 5965 \$8.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 Internet 3560048763661 01/04/2020 11:33 UNKNOWN 10 459 6753 \$3.0079 71.0862 6765 \$8.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 Telenorx 3560048763660 01/04/2020 11:33 UNKNOWN 0 459 6753 33.0079 71.0862 6765 \$8.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 Telenorx 3560048763660 01/04/2020 11:33 INCOMING 0 459 6753 33.0079 71.0862 505 \$8.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 92348965002 3560048763660 01/04/2020 12:38 INCOMING 0 459 6753 33.0079 71.0862 505 \$8.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 92348965002 3560048763660 01/04/2020 12:52 CUTISOING 5 659 6753 33.0079 71.0862 505 80.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 92348965002 3560048763660 01/04/2020 12:53 INCOMING 0 459 6753 33.0079 71.0862 505 80.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 923459646369 3560048763660 01/04/2020 12:53 INCOMING 0 459 6753 33.0079 71.0862 505 8 80.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 923459646369 3560048763660 01/04/2020 12:53 INCOMING 0 459 6753 33.0079 71.0862 505 8 80.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 923459646369 3560048763660 01/04/2020 12:53 INCOMING 0 459 6753 33.0079 71.0862 505 8 80.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 923459646369 3560048763660 01/04/2020 12:53 INCOMING 0 459 6753 33.0079 71.0862 505 8 80.04 TAGHTI NUSTAT MURALIH KIANT KIELA DISTRICT KARAK 923449802742 923459646369 3560048763660 01/04/2020 12:53 INCOMING 0 459 6753 33.0079 71.0862	923449802742	internet	35600408763661	01/04/2020 11:32	UNKNOWN	14	459	6753	33.0079	71.0862	GPRS	BALA TAKHTI MUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
923449802742 internet 35600489763661 01/04/2020 11:33 UNIONOWN 1D 459 6753 \$3.0079 71.0862 GPRS BALA TARKITI RUSTAT MURALIH KRATI RREDA DISTRICT KARAK 92349802742 Telenors 35600489763660 01/04/2020 11:33 INCOMING 0 459 6753 33.0079 71.0862 GPRS BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 92349802742 Telenors 35600489763660 01/04/2020 11:33 INCOMING 0 459 6753 33.0079 71.0862 SMS BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 92349802742 92348965302 35500489763660 01/04/2020 12:28 INCOMING 0 459 6753 33.0079 71.0862 SMS BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 92349802742 92348965302 3550048976360 01/04/2020 12:25 INCOMING 0 459 6753 33.0079 71.0862 SMS BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 92349802742 PS2448962742 Telenors 3560048976360 01/04/2020 12:25 INCOMING 0 459 6753 33.0079 71.0862 GSM BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 92349802742 Telenors 35600489763660 01/04/2020 12:25 INCOMING 0 459 6753 33.0079 71.0862 GSM BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 923449802742 Telenors 35600489763660 01/04/2020 12:53 INCOMING 0 459 6753 33.0079 71.0862 GSM BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 923449802742 923459644589 35600489763660 01/04/2020 12:53 INCOMING 0 459 6753 33.0079 71.0862 GSM BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 923449802742 923459644589 35600489763660 01/04/2020 13:18 INCOMING 0 459 6754 33.0079 71.0862 GSM BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 923449802742 923459644589 35600489763660 01/04/2020 13:18 INCOMING 0 459 6754 33.0079 71.0862 GSM BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 923449802742 923459644589 35600489763660 01/04/2020 13:18 INCOMING 0 459 6754 33.0079 71.0862 GSM BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 923449802742 923459644589 35600489763660 01/04/2020 13:18 INCOMING 0 459 6754 33.0079 71.0862 GSM BALA TARKITI RUSTAT MURALIH KRATI KREDA DISTRICT KARAK 923449802742 923459644589 35600489763660 01/04/2020 13:18 INCOMING 17 459 6	923445802742	Telenorx	35600408763660	01/04/2020 11-33	INCOMING	0	459	6753	33.0079	71.0862	SMS	BALA TAKHTI NUSTAT MUHALLIT KHATI KHELA DISTRICT KARAK
923449802742 Telenorx 35600408763661 01/04/2020 11:33 UNICOMING 0 459 6753 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923449802742 722489656302 35600408763660 01/04/2020 11:38 INCOMING 0 459 6753 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923449802742 922489656302 35600408763660 01/04/2020 11:38 INCOMING 0 459 6753 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923449802742 922489656302 35600408763660 01/04/2020 12:38 INCOMING 0 459 6753 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923449802742 922489656302 35600408763660 01/04/2020 12:33 INCOMING 0 459 6753 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923449802742 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923449802742 92345964369 35600408763660 01/04/2020 12:33 INCOMING 0 459 6753 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923449802742 92345964369 35600408763660 01/04/2020 12:33 INCOMING 0 459 6753 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923449802742 92345964369 35600408763660 01/04/2020 12:34 INCOMING 0 459 6754 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923449802742 92345964369 35600408763660 01/04/2020 12:34 INCOMING 0 459 6754 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923459802742 92345964369 35600408763660 01/04/2020 12:34 INCOMING 0 459 6754 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923459802742 92345964369 35600408763660 01/04/2020 12:34 INCOMING 0 459 6754 33.0079 71.0862 SMS SALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK 923459802742 92345964369 356	923449802742	Telenorx .	35600408763660	01/04/2020 11:33	INCOMING	0	459	6753	33.0079.	71.0862	SMS	BALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
923449802742 Telenorx 35600408763660 01/04/2020 11:33 INCOMING 0 459 6753 33.0079 71.0862 SMS BALA TAXRIT NUSTAT MURALLIK KHATI KHELA DISTRICT KARAK 923449802742 92348965002 3550048763660 01/04/2020 12:52 UTIGDING 15 459 6753 33.0079 71.0862 SMS BALA TAXRIT NUSTAT MURALLIK KHATI KHELA DISTRICT KARAK 923449802742 92348965002 3550048763660 01/04/2020 12:52 UTIGDING 15 459 6753 33.0079 71.0862 SMS BALA TAXRIT NUSTAT MURALLIK KHATI KHELA DISTRICT KARAK 923449802742 Telenorx 3560048763660 01/04/2020 12:52 UTIGDING 15 459 6753 33.0079 71.0862 SMS BALA TAXRIT NUSTAT MURALLIK KHATI KHELA DISTRICT KARAK 923449802742 Telenorx 3560048763660 01/04/2020 12:53 INCOMING 0 459 6753 33.0079 71.0862 SMS BALA TAXRIT NUSTAT MURALLIK KHATI KHELA DISTRICT KARAK 923449802742 Telenorx 3560048763660 01/04/2020 12:53 INCOMING 0 459 6753 33.0079 71.0862 SMS BALA TAXRIT NUSTAT MURALLIK KHATI KHELA DISTRICT KARAK 923449802742 923459644569 3560048763660 01/04/2020 12:53 INCOMING 0 459 6754 33.0079 71.0862 SMS BALA TAXRIT NUSTAT MURALLIK KHATI KHELA DISTRICT KARAK 923449802742 923459644569 35600489763660 01/04/2020 12:53 INCOMING 17 459 17432 32.9862 SMS BALA TAXRIT NUSTAT MURALLIK KHATI KHELA DISTRICT KARAK 923449802742 923438644569 35600489763660 01/04/2020 12:23 INCOMING 17 459 17432 32.9862 SMS BALA TAXRIT NUSTAT MURALLIK KHATI KHELA DISTRICT KARAK 923449802742 923438644569 35600489763660 01/04/2020 12:23 INCOMING 17 459 17432 32.9863 71.0018 SMS INTRINCT MURALLIK KHATI KHELA DISTRICT KARAK 923449802742 923438644519 35600489763660 01/04/2020 12:27 INCOMING 12 459 66861 32.9433 71.0017 GSM VIllage Sheedan Banda Tehsil Takht-e-Navrati District Karak 923449802742 923418544819 35600489763660 01/04/2020 12:25 INCOMING 12 459 66861 32.9433 71.0077 GSM VIllage Sheedan Banda Tehsil Takht-e-Navrati District Karak 923449802742 923418544819 35600489763660 01/04/2020 12:59 INCOMING 17 459 66861 13.9433 71.0077 GSM VIllage Sheedan Banda Tehsil Takht-e-Navrati District Karak 923449802742 923418544819 35600489763660 01/04/2020 12:59 INCOMING 19 459 668	923449802742	internet	35600408763661	01/04/2020 11:33	UNKNOWN	10	459	6753	5 , 33.0079	71.0862	GPRS	BALA TAKHTI NUSTAT MUHALLH KHATI KHELA DISTRICT KARAK
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33.202 / 32.303 / 32.300 / 32.3	<u></u>	<u> </u>						<u>!</u>	33.1302	71 1358	SMS	Shabir Abad Road Mitha Wala ?: O- Tehsil & District Karak
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	923449802742	923439612507	35600408753561	01/06/2020 19:55	INCOMING	330	459	6732	33.1302	71.1358	G2W	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak

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i.	602742	923472222522	35600408763661	01/06/2020 20:59	INCOMING	871	459	6732	· 33.1302"	71.1358	GSM	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
سو	933449802742	923480973207	. 35600408763661.	01/07/2020 14:46	INCOMING.	315	459	29112	33.1137	71.0919	GSM	Near City Town Hall, Karak
	923449802742	intérnèt.	35600¢08763661	01/08/2020 04:46	אשסמאנט	8	459	6732	33.13C2	71.1358	GPRS	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
T	923445802742	Internet	35600408763661	01/08/2020 04:45	UNKNOWN-	. 0	459	6732	33.1202	71.1358	GPRS	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
-	923449202742	interpet	35600408763651	01/08/2020 04:47	UNKNOWN	В	459	6732	33,1302	71.1358	GPRS	Shabir Abad Road Mitha Wala P. O- Tehsil & District Karak
-	923449802747	internet	.35600408763651	01/08/2020 04:47	UNKNOWN	. а	459	6732	33.1302	71.1358	GPRS	Snabir Abad Road Mitha Wala P. O. Tehsil & District Karak

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CHARGE SHEET.

I, Javaid Khan, SP/Admn: Special Branch, Khyber Pakhtunkhwa Peshawar as a competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) hereby charge you <u>Constable Shakil Nasir No.169</u> as follow:-

You while posted at field office SB AGO Hangu, got involved in Criminal case bearing FIR No.6 dated 05.01.2020 U/S 302/324/148/149 PPC, PS Yaqoob Khan Shaheed Takhti Nasrati, District Karak, wherein you were charged for committing culpable homicide/murder of Ajmal Khan s/o Shanamir r/o Kisaki Banda, Karak by using his pistol.

By the reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said rules.

- 1. You are, therefore, directed to submit your written defense within 7 days of the receipt of this Charge Sheet to the Enquiry Officer.
- 2. Your written defense, if any, should reach to 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 will be taken against you.
- 3. You are also at liberty, if you wish to be heard in person.

4. Statement of allegation is enclosed.

Superintendent of Police Admn:
Special Branch Khyber Pakhtunkhwa,
Peshawar.

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SUMMARY OF ALLEGATIONS.

I, Javaid Khan, SP/Admn: Special Branch, Khyber Pakhtunkhwa Peshawar being competent authority, is of the opinion that <u>Constable Shakil Nasir No.169/SB</u> rendered himself liable to be proceeded against, as he has committed the following acts of omissions / commissions within the meaning of Khyber Pakhtunkhwa Police Rules 1975 (Amended 2014)...

STATEMENT OF ALLEGATIONS.

He, while posted at field office SB, AGO Hangu, got involved in Criminal case bearing FIR No.6 dated 05.01.2020 U/S 302/324/148/149 PPC, PS Yaqoob Khan Shaheed Takht-i-Nasrati, District Karak, wherein he was charged for committing culpable homicide/murder of Ajmal Khan s/o Shanamir r/o Kisaki Banda, Karak by using his pistol.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation, 5/12/2014 for Reference With Reference to the Enquiry Officer to conduct Departmental Proceeding under Khyber Pakhtunkhwa Police Rules 1975 (Amended 2014).

3. The Enquiry Officer shall, in accordance with the provisions of the ibid Rules, provide reasonable opportunity of hearing to the accused, record its findings and make within 15 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

(Javaid Khan)
Superintendent of Police Admn:
Special Branch Khyber Pakhtunkhwa,
Peshawar.

 S_{26-27} No. /EB: dated Peshawar the, 24/01/20

Copy of above is forwarded to the:-

- 1. Enquiry Officer with the direction to initiate departmental proceedings against the accused under the ibid Rules and submit his findings in shortest possible time.
- 2. Official concerned.

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1 places &By dis y of Sis A 40 into 167 At Che Uside. سان سرسکن کی ماری فری سیل فریجا در داری صل از دوی کی تبار سر 105 ffe 302-324. P.D 5-1002 Popla Chere 20 11 1/18 101 سرقت لفرق مام كرف دوران ك به الى شارس وراد لفران ادر عبائی عاید اور وا رسول الرفن ور می دمورادی (دات الایس) کی اس. اليم روز ورم عدى من سأل اليف بسط الرما علاة عُمام كل من الرم الوقين العطاق يوت مهدوه ع مع وجود فعا، رون سال ي بالت دارا كا مين ي ادر جمع اسى دور لي كسره شاء ألى سرخ وفي ر آناف سر و درگ ألى ما ذار ين وطان بي وجود فوكون سے لقيدتن ليف بطرد كواه بيش كرد كا بري ، اين ن سائل كو بروز وقوم دول المال المفاري يرك ديا ي. السي دوز ساكى كوصوم موا مر من سأس برعفاء ليقود اليد قت لفرق الروس ف ردا عطي من سائل فرزً لها تون SB منا بوقت من 100 من الم الله الم is with End of the Dist يون كا عكم جاور درما يل. من ساكل فيدالت ونا و الدرن المرات موسيس الوكوليد فتلف كمداع وسي وفي كي ليد ورغ وقة 13 كو اليي مدالت را BBA الي كرك بعد كذارغ ريالله عنام عت لفرتى وره ما كالو من كرك بسر لذ كالعلى بمادرة والما عقره سے کوئی تعلق کے مان کو اسانی کا طلبگا د میرن Affleter 11/15/10 SB 16 164 APILES 11-05- 2020

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DEPARTMENTAL ENQUIRY INITIATED AGAINST FC/169 SHAKEEL NASIR OF SPECIAL BRANCH STAFF, TALL, DISTRICT HANGU (PRESENTLY SUSPENDED AND CLOSED TO SPECIAL BRANCH, HEADQUARTER, PESHAWR)

Brief facts of the allegations:

Shakeel Nasir FC/169 while posted as beat officer, SB office Hangu (now suspended and closed to SB/Hqrs, Peshawar) got Involved in criminal case bearing FIR No: 6, dated 05-01-2020 u/s 302/324/148/149 PPC, PS Yaqoob Khan Shaheed Takht Nasrati, district Karak, wherein he was charged for committing culpable homicide/murder of Ajmal Khan s/o Shanamir r/o Kisaki Banda, Karak by using his pistol.

In order to dig out the real facts discreet enquiry as well as the statement of the following Police officers/officials were also recorded which is placed on file.

1. Statement of Shakeel Nasir FC/169, alleged Police Official (Annex-A)

Shakeel Nasir FC/169, Beat Officer SB Office Hangu (presently suspended and closed to SB Hars) stated in his statement that plaintiff Mujeebullah son of Shanamir resident of Kaski Banda, who is a close relative of mine has filed a false and self-incriminating case FIR No: 06, dated 05-01-20 u/s 302/324/148/149 PPC, PS Yaqoob Shaheed Takht Nasrati, Karak against him on the basis of hatred. His father Nasr Jan, brother Mujahld Nasir and uncle Rasool-ur-Rehman have also been claimed in the same case. On 05-01-2020 at 08:00 hrs: as a routine, he remained present in his beat area duty at Tall Bazar, district Hangu. He resides in the jurisdiction of PS Tall and on that morning he went, to his duty point Tall Bazaar and can confirm from the people of his heat area who have seen him performing duty on the day of occurrence. On the same day he came to know that a case has been registered against him in Police Station Yaqoob Shaheed Takht Nasrati, Karak. He immediately rushed to his office at 10:00 AM and told the detail to ASI Mukhtiar Gul. On 06-01-20, he obtained BBA from the court of Sessions Judge, Hangu. Later on, the Additional Sessions Judge Takht-e-Nasrat ordered him to appear before the court on 13-01-20. He appeared before the Additional Sessions Judge, Takht Nusrati on 13-01-20 where after giving different hearing dates, the same court canceled his BBA on 13-02-20 and ordered him to be sent to Karak jail on 16-02-20. He was released on bail on 16-04-20 after spending two months in Karak Jail. He is innocent and has nothing to do with this case. Therefore, he seeks justice.

2. <u>Statement of hispector Saifur Rehman, SHO PS Pezu, Lakki Marwat, ex-Incharge Investigation PS Yaqoob Khan Shaheed, Karak (Annex-B)</u>

Inspector Saifur Rehman, SHO PS Pezu, Lakki Marwat, ex-Incharge Investigation PS Yaqoob Khan Shaheed, Karak stated in his statement that he has investigated a case FIR No: 6,

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piled 05-01-20, u/s 302/324/34 PPC, PS Yaqoob Khan Shaheed Takht Nasrati, Karak. The plaintiff Mujibullah s/o Shanamir r/o Kaski Banda has claimed against Nasir Jan s/o Sultan Jan, Rasoolar Rehman s/o Sultan Jan, Shakeel Nasir s/o Nasr Jan and Mujahid Ali Shah s/o Nasr Jan residents of Kaski Banda in the above mentioned case. He investigated the case very carefully and on merit basis. The accused Shakeel Nasir, posted as Constable in Special Branch, Hangu has submitted an application about his innocence in the above mentioned case. In this regard SI Inayat Zinnan has recorded the statements of the accused and the eye witnesses. During the course of enquiry, contradiction was found between the statements of accused/witnesses and the CDR data of the alleged Police official. According to the CDR, Shakeel Nasir was found in his house at the time of incident and after committing the offence, was found to be heading towards district Hangu. The location of the accused Shakeel Nasir was traced out through CDR that on the day of occurrence, he left towards district Kohat via Lachi Indus Highway at 11:00 hrs, which proves that he is lying. During the interrogation, the accused Shakeel Nasir not only spoke about the incident but also pointed out his companions who have also admitted their involvement in the crime. Furthermore, the accused's CDR data also verifies the case and the plaintiff's statement. In light of all the facts and the investigation process, the accused Shakeel Nasir was found guilty alongwith his colleagues against whom he had conducted a very impartial investigation.

Enquiry Finding:

Receping in view the above facts, the undersigned reached to the conclusion that it is . vident from the record that FC Shakeel Nasir was not present at the place of his duty point at Tall, district Hangu on the day of occurrence. According to the CDR photocopy, his location was traced out in his village/district Karak, not in his place of duty point at district Hangu on the day of

Therefore, the undersigned reached to the conclusion that the allegation leveled against FC shalled Nasir has been proved. It is, therefore, suggested that legal opinion may be asked from 1981 Legal whether the enquiry file may keep pending till the decision of the said case in the concerned Court or otherwise please.

Encls: (<u>f ...</u> Pages)

Tariq Habib Khan, Superintendent of Police, Special Branch, Headquarter Peshawar.

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Date: 05-06-2020