



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No. 3549-51 /ST Dated 9 /12 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To:

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

**SUBJECT:-** ORDER IN SERVICE APPEAL NO. 1508/2019 FOR INFORMATION IN CASE TITLED JAMIL UR REHMAN VERSUS INSPECTOR GENERAL OF POIICE, KHYBER PAKHTUNKHWA, PESHAWAR & OTHERS.

I am directed to forward herewith a certified copy of order dated ~~10-11~~-2022, passed by this Tribunal in the above mentioned appeal for compliance.

Encl. As above.

For E. Akhtar  
(WASEEM AKHTAR)  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR.

Amir "C" D" (16)

CHARGE SHEET

I, Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, hereby charge you; Head Constable Jamil Ur Rahman No. 350 while posted as MHC Police Station Madyan 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 case vide FIR No. 690, dated 13-12-2018 u/s 9C-CNSA/15AA was registered in Police Station Madyan against an accused namely Mubarak Ali who was put in the lockup of the Police Station. You were required to keep proper watch on the detained accused but you failed to fulfill your responsibility. As such the accused managed to escape from the lockup which caused an embarrassing situation for Police department. Your this act is against discipline and unbecoming of a Police Officer. You therefore, issued this charge sheet and statement of 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.

*[Handwritten signature/initials]*

District Police Officer  
Swat

No. 97 /PA.

Dated: 19-12 /2018.

*Steno 1  
please proceed  
as per rules.*

**Attested to be True Copy**

*[Signature]*  
Shabir Ahmad Khan (Dawlat Khel)  
Advocate High Court  
& Federal Shariat Court

SUPERINTENDENT OF POLICE,  
UPPER SWAT.  
2/12/18

(17)

**DISCIPLINARY ACTION**

1. Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, is of the opinion that he Head Constable Jamil Ur Rahman while posted as MHC Police Station Madyan 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 as MHC Police Station Madyan committed the following act / acts, which is/ are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

A case vide FIR No. 690, dated 13-12-2018 u/s 9C-CNSA/15AA was registered in Police Station Madyan against an accused namely Mubarak Ali who was put in the lockup of the Police Station. He was required to keep proper watch on the detained accused but he failed to fulfill his responsibility. As such the accused managed to escape from the lockup which caused an embarrassing situation for Police department.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, SP Upper, 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 and submit his findings immediately.

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

  
District Police Officer  
Swat

No. 97 /PA, Dated Gulkada the, 19-12 2018.

Copies of above to:-

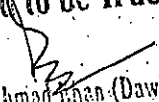
SP Upper, Swat for initiating proceeding against the accused Officer/Official namely Head Constable Jamil Ur Rahman No. 350 under Police Rules, 1975.

Head Constable Jamil Ur Rahman No. 350

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 to be True Copy**

  
Shabir Ahmad Khan (Dawlat Khel)  
Advocate High Court  
& Federal Shariat Court



یاں از ان راجح طایفہ کے ساتھ

بیان کیا کہ عرض 13/12/08 کو دیگر صلح نامہ طاعت خود حضرت علیؑ کو  
نمبر 3 داخل کرنے کا تھا۔ واپس تھا کہ اس میں 3 اور (تونس) کے

نقل 13/12/08 ص 690 عرض 13/12/08 9CCNSA, 9ACNSA کا  
15AA

میں پیش کرتے ملاحظہ کرنا چاہیے کہ یہ ہوا ہے کہ ہذا صلح نامہ طاعت

نصیب الرحمن سے اس صلح نامہ طاعت کے ساتھ

نامہ طاعت کے ساتھ صلح نامہ طاعت کے ساتھ

نمبر 35 34 کے ساتھ صلح نامہ طاعت کے ساتھ

نمبر 35 34 کے ساتھ صلح نامہ طاعت کے ساتھ

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نمبر 35 34 کے ساتھ صلح نامہ طاعت کے ساتھ

Handwritten signature

13/12/08  
26-12-08

EXPERIMENTAL ENQUIRY AGAINST HC JAMIL UR RAHMAN NO.350 MHC PS MADYAN (NOW HIS POLICE LINE)

Please refer to W/ District police officer Swat vide charge sheet No 97/PA Dated 19/12/2018

ALLEGATION:-

That HC Jamil Ur Rahman NO 350 while posted as muharrir PS Madyan. Where as a case vide FIR NO 690 Date 13/12/2018 u/s 9C-CNSA/15AA was registered in police station Madyan against an accused namely Mabrak Ali who was put in the lockup of the police station. He were required to keep proper watch on the detained accused but he failed to fulfil his responsibility. As such the accused managed to escape from the lockup which caused an embarrassing situation for police department. His this act is against discipline and unbecoming of a police officer, rendered himself liable to be proceeded against departmentally as defined in rules 2(III) of police rules 1975. To scrutinize the conduct of delinquent officer, the undersigned is appointed as enquiry officer.

PROCEEDING:-

Enquiry proceedings were initiated, Copies of statement of allegations and charge sheet were served upon the defaulter Official. He was summoned, heard and recorded his statement which is placed on enquiry file as (Annex: A). The defaulter official stated in his written statement. That he was posted as Muharrir PS Madyan vide OB No 31 Dated 13/08/2018. On 13/12/2018 a case vide FIR NO 690 Date 13/12/2018 u/s 9C-CNSA-9BCNSA/15AA was registered against Mubarak Ali (Alais kako) and Farur Rahman s/o Muhammad Rahman R/o garai Madyan arrested on spot and detained in lockups. Constable saadullah jan sentry duty had on lockups and was also directed to keep proper watch on lockups. At about 18:45 hours on duty sentry constable Saadullah jan came and informed that the above named accused wants to attend toilet. Both the accused were allowed to attend the toilet one by one. After 10 minutes the said sentry came to roznamcha and told that the accused namely Mubarak Ali is not present in lockups. All police station was check but accused Mubarak ali was not found, and after proper check it was found that accused has broken the lockups and fled away form the police station.

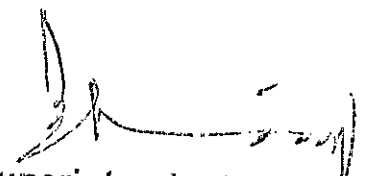
After that the SHO SI Muhammad Haleem registered a case vide FIR No 691 date 13/12/2018 u/s 223-224 PPC PS Madyan against the defaulter official HC Jamil ur Rahman facing enquiry, constable saadullah jan No 3435/S and constable Hayat Ali No 303/FC due to their negligence in the discharge of official duty. Statement of the SHO/OII police station madyan is also recorded which is place on enquiry file as (Annex-B & C).

CONCLUSION:-

Forgoing in view of the above it is concluded that accused namely Mubarak Ali broke the lockups and fled away from custody, which clearly shows negligence and poor supervision of the defaulter official, as it was his responsibility to keep accused in safe custody which is also violation of Police Rule 22.7. From the enquiry conducted it transpires that defaulter official Head Constable Jamil ur Rahman No.350 is proved, guilty of misconduct mentioned in charge sheet and summary of allegation. Hence recommend him for suitable punishment.

If agreed please.

OB No 27  
7.2.19

  
Superintendent of Police,  
Upper Swat

No 12 /SB  
DATED 10 /01/2019.

کیفیت	مدت			تا	از	جائے تعیناتی	نمبر شمار
	ایام	ماہ	سال				
عمری ٹھکانہ مری				22/10/2019	08-97-08/01/08	2454 HC سر ڈاروئی ٹبر	-1
مردمگن ٹھکانہ مری				19/03/2019	08-103-08/15/08	1016 FC عمری ٹھکانہ مری	-2
HC ٹھکانہ مری				22/10/2019	08-118-08/26/08	2109 HC عمری ٹھکانہ مری	-3
GD ٹھکانہ مری				19/03/2019	08-103-08/15/08	1909 FC فنڈ کم عمری ٹھکانہ مری	-4
GD ٹھکانہ مری				10/01/2020	08-136-08/10/08	1436 RHC عمری ٹھکانہ مری	-5
oil ٹھکانہ مری				15/11/2018	08-135-08/17/08	ایم ڈی ایم خان	-6
/							-7
/							-8
/							-9
/							-10

جناب عالی؟

پوسٹنگ چارٹ جاہد الوشی کے لیے ریپارٹ

HC عمری ٹھکانہ مری 350 سالانہ

عمری ٹھکانہ مری

ایم ڈی ایم خان

verified

*[Signature]*

OTC/INV/secret

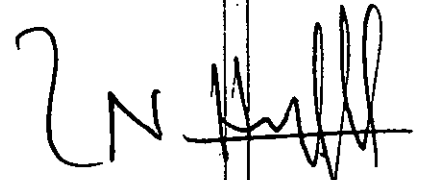
03/05/2023

**BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**Subject: COMPLAINCE REPORT IN SERVICE APPEAL NO. 1508/2019**

1. That the subject Service Appeal was fixed for hearing before the Honorable Tribunal on 10.11.2022.
2. That the Honorable Tribunal directed the respondents to annexed the inquiry report of Constable Jameel Ur Rahman No. 350 with further directions to submit details of job descriptions of each official/officer in the Police Station with the specific reference to the concerned rules or notifications.
3. That the Honorable Tribunal also directed to submit report regarding installation of CCTV Cameras, their working conditions in the concern Police Station etc.
4. That in compliance with Order Sheet dated 10.11.2022, the inquiry report of Constable Jameel Ur rahman No.350 is annexed as **annexure "A"**.
5. That the job descriptions of each officer/official in Police Station are annexed as **"B"**.
6. That the report regarding CCTV Cameras furnished by SHO concerned are annexed as **annexure "C"**.

The compliance report in light of order sheet dated 10. 11.2022 in the above Service Appeals is submitted as desired, please.



**District Police Officer**  
**Swat**

Ph: 0946-9240393

Fax No: 0946-9240402

Email: [dposwat@gmail.com](mailto:dposwat@gmail.com)



بحوالہ مشمولہ چھٹی نمبری LEGAL/331 مورخہ 16/12/022 DSP/LEGAL سوات بکار سرکار تحریر  
 ہیکہ کہ کنسٹیبل جمیل الرحمان نمبر 350 جو تھانہ مدین سال 2018 میں بحیثیت محرر تھانہ تعینات تھا۔ کہ ملزم مبارک علی عرف کا کو  
 ولد محمد رحمن میاں ساکن گھڑی کلمے مدین جو مقدمہ علت 690 مورخہ 13/12/2018 جرم 15AA -- 9CKPCNSA  
 9BCNSA تھانہ مدین میں گرفتار ہو کر بندہ حوالات تھانہ تھا کہ ملزم مذکورہ مبارک علی حوالات تھانہ سے فرار ہو کر غفلت اور  
 لاپرواہی کے بابت ملزمان نمبر (1) محرر جمیل الرحمان اور کنسٹیبلان (2) سعد اللہ جان ولد دل جان ساکن بانگیش مدین (3)  
 حیات علی ولد محمد قمر ساکن بہار خوازہ خیلہ کہ خلاف مقدمہ علت 691 مورخہ 13/12/018 جرم 224-223 PPC تھانہ  
 مدین درج رجسٹر ہو چکا تھا اندریں سلسلہ میں جمیل الرحمان بالانے سروس ٹریبونل میں درخواست گزاری ہے۔ بمطابق پولیس رول  
 باب 22 فقرہ 01 ضمن (1) میں SHO کی ذمہ داری بیان ہوئے ہے۔ کہ وہ مقامی پولیس کی عمدہ کارگردہ گی انتظام نیک چلنی نظم  
 ، ضبط جملہ فرائض کی درست بجا آوری اور جملہ ماتحتان پولیس کی ہدایات تعلیم اور قابلیت ایسے امور ہے جن کا افسرانچارج تھانہ حقیقتاً  
 جواب دہ ہے۔ جبکہ محرر کی ذمہ داری باب 22 فقرہ 07 میں تحریر ہے کہ اشخاص جو حوالات میں بند ہوں محفوظ حراست اور خوراک  
 بہم پہنچانے کا ذمہ دار ہوگا۔ جبکہ باب 22 فقرہ 10 ضمن II میں تھانہ کے پہرہ داری کا تفصیلاً ذکر ہے۔ کہ حوالات میں بند ملزمان  
 /قیدیان موجود ہوں تو اس کی نگرانی کے لئے ایک کنسٹیبل یا حسب ضرورت جتنے درکار ہوں لگائے جائیں گے۔ جو حسب حالت  
 حوالات مالخانہ اور پھانک کی بل خصوص حفاظت کرے گا اور اس کی سلامتی کا ذمہ دار ہوگا۔ اور محرر تھانہ ڈیوٹی کی متعلق تمام ضروری  
 ہدایات اور سنڈنگ آرڈر کے متعلق آگاہ کریگا۔ جبکہ CCTV کیمرے مورخہ 10.04.021 کو حوالات تھانہ میں نصب کئے گئے  
 ہیں۔ رپورٹ بغرض صدوری حکم احکام ارسال خدمت ہے۔

SHO - PS - MADYAN



28/12/2022

22.1. Officer-in-charge of police station.--(1) The officer-in-charge of a police station is ordinarily a sub-inspector. Within the limits of the police station jurisdiction the sub-inspector [or where the incharge of a Police Station, is an inspector, the inspector], is primarily responsible for the effective working, management, good conduct and discipline of the local police, for the preservation of peace and the prevention and detection of crime. The due performance of all police duties, the exercise by the police of the powers granted them by law, the correctness of all registers, records and reports prepared by them, and the direction, instruction and efficiency of all police subordinates in the station jurisdiction are matters for which the officer-in-charge of a police station is essentially answerable.

(2) It is the duty of the officer-in-charge of a police station to acquire detailed and accurate local knowledge, to secure the whole-hearted cooperation of his [zaildars, inamdars] village headmen and chawkidars, encouraging them to give him information, to assist him in this work and to range themselves loyally on the side of the administration. Through them and his own subordinates he is required to keep a strict watch over all known bad characters, and he shall communicate all intelligence of moment to his superiors and to other police stations without delay.

(3) Within the limits of his charge he is the chief investigating officer, and as such he shall conduct all investigations in person, so far as circumstances permit. His responsibility in this matter must be carefully maintained. Should it be necessary, owing to the absence of the sub-inspector or any other cause, for a subordinate to undertake an investigation, the sub-inspector shall satisfy himself by perusing the case diary and questioning the investigation officer that the investigation has been fully and properly conducted, shall remedy what is defective, and take over the investigation as soon as he is free to do so, except in a case originally investigated by an assistant sub-inspector where he will be guided by rule.

(4) When present at the police station he shall personally supervise the routine work of the station house, and shall be careful to see that there are no arrears of correspondence and that the accounts are correct.

**COMMENTARIES**

Medical examination of abductee. No examination by a Medical Officer of a living woman's person was to be made without her consent and without a written order from a Magistrate. 1998 MLD 1638(a).

1. Nottl. No. 50 (P-1) H.D./13-1-89, published in Gazette of N.W.F.P. Extra 3rd, January, 1985. [PLD 1986 N.W.F.P. St. 46].
2. Suba. by the Nottl. No. 24858-930/M-II, Published in Gazette of Extd, dated 5.9.1978.

22.2. Assistant sub-inspectors.--(1) One or more assistant sub-inspectors are attached to such police station, in proportion to the normal amount of crime registered, as subordinate investigating officers. An assistant sub-inspector may be a directly appointed probationer under training, in which case his duties will be as prescribed in Chapter XIX. In other cases an assistant sub-inspector is the assistant and Deputy of the officer-in-charge of the police station, who, without detracting from his own authority or ultimate responsibilities as described in rule 22.1, may delegate powers and duties generally or specifically to one or other of his assistants, on the same principles as the Superintendent of Police delegates authority and duties to gazetted officers subordinate to him.

(2) An assistant sub-inspector is required to have approximately the same standard of efficiency in all branches of police station work, detective, preventive and administrative, as a sub-inspector, but his responsibilities are less, in that he is not in independent charge, and his powers are subject to the detailed control and supervision of the sub-inspector. In respect of investigations, the sub-inspector is required to exercise careful supervision over the work of his assistant sub-inspector, as laid down in rule 22.1, but need not, and should not, normally take into his own hands an investigation started by an assistant sub-inspector, except when he finds the latter's investigation gravely defective.

22.3. The station clerk.--The police station clerk is a literate head constable who, under the control and supervision of the officer in charge of the police station, acts as clerk, accountant, record-keeper and custodian of Government and other property at a police station. He may be assisted by one or more assistant clerks.

22.4. Duties as a clerk.--As clerk of the police station, the station clerk performs the following duties :-

- (a) He opens, registers and hands over all correspondence to the officer in charge of the police station or senior officer present and takes his orders for the disposal of papers. He writes all reports and returns called for by competent authorities and is responsible that all pending papers are promptly disposed of.
- (b) Every morning he brings to the notice of the officer in charge of the station (that is, senior officer present) all postponed orders and pending papers awaiting execution and reply. At morning roll call he records the orders of the same officer as to the distribution of duties for the day.
- (c) He writes up the daily diary and other station house registers. He sees that the file of the Police Gazette is kept up to date, and that all orders and notices, contained in it, which concern the staff or the work of the staff, are carefully noted and explained to all concerned. He registers all births and deaths reported at the station by the village watchmen.

TESTED  
 N.W.F.P.  
 Superintendent of Police, Legat  
 Swat

(B)

**22.5. Duties as an accountant.**--As accountant, the station clerk is responsible for the correctness of the cash book, of the cash balance in hand, and for all accounts of receipts or expenditure rendered to his superiors. He must, without fail, bring every item of receipt or expenditure promptly and fully to account. If any appropriation of public money to purposes for which it was not intended occurs, or if money shown as expended is not expended, or is expended in a different way from that shown, he is bound to report the matter at once to the Superintendent. He will not be allowed to shield himself by pleading the orders of a superior officer, but will be held responsible for malversations which would not have been possible if his accounts had accurately represented the facts. He writes out invoices, and checks and files receipts and other vouchers for payments made. He prepares the monthly acquittance rolls and accounts of deduction and stoppages from pay and all travelling allowance and other claims of the officers and men of the station concerned, and sees that acquittance rolls are duly signed and forwarded. The duties and responsibilities of the station clerk under this rule shall not be delegated to any other member of the police station staff.

**22.6. Duties as a record-keeper.**--As a record-keeper, the station clerk is responsible that all registers and other records are safely kept and that they do not suffer injury from damp, vermin or other cause. He periodically eliminates and sends to headquarters the records which are no longer required to be maintained according to rule.

**22.7. Duties as a custodian of property.**--As custodian, the station clerk is responsible for all Government property, including arms, ammunition, bicycles, articles of clothing and equipment other than such as are in the personal charge of individual officers, and all unclaimed property connected with cases, including cattle in the pound. He is in direct charge of the store-room and shall keep the keys thereof and personally superintend all receipts and issues there from. He shall also be responsible for the safe custody and dieting of persons in the lock-up and shall personally keep the keys thereof.

**22.8. Continuous presence at police station.**--The station clerk's duties necessitate his continuous presence at the police station accordingly he shall not be employed on investigation work or any other duty involving his absence from the police station for any long period. If he leaves the station house for any purpose which is likely to prevent his return within a few minutes on an urgent summons, or under the provisions of rule 22.42, he shall formally make over charge to the assistant clerk and shall make an entry in the daily diary. Similarly, on return to duty, he shall again enter the fact in the daily diary and both entries shall be signed by the assistant clerk as evidence of his responsibility during the absence of the station clerk. Under no circumstances shall the station clerk and the assistant clerk be both absent from the police station at the same time.

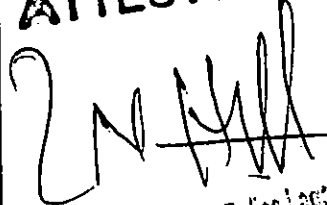
**22.9. Literate police officers.** Other literate police officers shall be employed under the general direction of the officer in charge of the police station to assist the clerk in the up-keep of criminal records, and to assist in the investigation of cases and the collection, recording and dissemination of intelligence.

**22.10. Watch of police station.**--A standing sentry at police stations shall ordinarily not be posted, but at night one of the constables sleeping at the station shall be told off by the station clerk or senior officer present to sleep in front of the door of the police station which shall be securely fastened.

(2) In cases where the lock-up contains prisoners, or there is valuable property in the store-room [vide rule 22.18(1)] or animals in the cattle-pound, there shall be a constable on watch, who shall be posted with special regard to the protection of the lock-up, the store-room or that cattle pound, as the case may be, and he shall be responsible for its safe custody. Standing orders describing the duties of the sentry in regard to the protection of each of these three places shall be framed by the Superintendent of Police and hung up in the police station. The officer in charge of the police station shall read out the appropriate part or parts of this standing order when allocating duties at roll call (vide rule 22.11). If the subsequent arrival of prisoners, valuable property or cattle necessitates an extension of the duties detailed at roll call, the station clerk shall inform the constables concerned, shall read out to them the standing order applicable and shall obtain their signatures or thumb-impressions in the station diary.

(3) Ordinarily there shall be a police officer, who shall usually be the senior police officer present at the station house, available and ready in proper uniform to receive information and complaints and to afford such assistance as may be lawful and necessary; and at every post there shall be at all times one police officer in uniform in charge of the building and property, but such police officer shall not be expected to do more than keep on the alert.

**22.11. Roll calls.**--At sunrise and at sunset the officer in charge of the Police Station, i.e., the senior officer present, shall fall in all the Police present at the station and hold a roll call. At this roll call instruction shall be given in respect of all general and special orders which may have been received from superior authority or which the officer in charge of the Police Station may see fit to promulgate and duties shall be allocated. The police detailed for watch duty shall be under the orders of the station clerk who shall allot particular hours of duty to each man and note the times allotted in the daily diary immediately after the roll call, taking the signature or thumb-impression of each man in the diary in token of his having been informed.

ATTESTED  
  
 Deputy Superintendent of Police Swat

**22.12. Inspector before proceeding on duty.**--All officers proceeding on duty shall appear before the senior officer present at the station, who shall satisfy himself that they are correctly turned out and understand the duties allotted to them and who shall record in the daily diary an entry to the effect that he has one so, giving particulars as to the men, the duties and the time of inspection. This rule is binding on men posted on watch duty and the entry in the daily diary in their case shall be in addition to the entry required under rule 22.11 above.

**22.13. Parades.**--The officer in charge of the police station is responsible for keeping his staff proficient in drill and to secure this end must hold parades as frequently as possible. The small number of men available for parade in a police station is no bar to the giving of much useful instruction.

The following portions of the Police Drill Manual, 1929, shall be taught at police stations.

Chapter I, lecture 6 (traffic control).

Chapter IV, Sections 3, 5 to 7, 9, 12 to 21, 24 to 34, 36 to 57, 65 to 69, 74, 75, 86 to 90.

Chapter VII, physical training.

Table Card (a few exercises on each occasion).

When a parade is held, a record must be made in the daily diary in which will be incorporated a parade statement and a note of the instruction given.

**22.14. The police station lock-up.**--(1) The rules in Chapter XXVI for the control of lock ups and the custody and care of prisoners shall apply strictly to all police stations and posts.

(2) In order to facilitate the checking of the charges drawn on account of diet of under-trial prisoners, a separate register in Form 22.14 (2) shall be maintained at each Police Station and those Police Posts where lock-ups are attached.

**22.15. Public property.**--Subject to the orders and responsibility of the officer in charge of the police station, the station clerk shall be considered to be in charge of all public property including money and case property in his station house. Every officer in charge of the station shall examine the property at least twice a month and shall report in the following Monday's diary that he has done so. If property is found to be incomplete or to be in any way damaged he shall add to his report the names of the persons responsible for the loss or damage.

He shall also see that the property in connection with a case is expeditiously disposed of according to magisterial orders on the conclusion of the case.

All property shall be examined by officers in charge of police stations on receiving and handing over charge and by station clerks on relief. All damages and shortages must then be carefully noted and reported to the Superintendent of Police.

**22.16. Case property.**--(1) The police shall seize weapons, articles and property in connection with criminal cases and take charge of property which may be unclaimed :-

- (a) under the implied authority of Section 170, Code of Criminal Procedure;
- (b) in the course of searches made in police investigations under Sections 51, 165 and 166, Code of Criminal Procedure;
- (c) under Section 153, Code of Criminal Procedure, as regards weights, measures, or instruments for weighing that are false;
- (d) under Section 550, Code of Criminal Procedure, as regards property alleged or suspected to have been stolen; provided that if the property consists of an animal or animals belonging to Government or to persons of good status, it may be made over to them or to a Commissioned or Gazetted Officer under the orders of a Magistrate, who is empowered to make such an order under section 523, Criminal Procedure Code;
- (e) under Section 550, Code of Criminal Procedure, as regards property found under circumstances which create suspicion of the commission of an offence; when an offence in respect of an animal is not committed and such animal is not stolen property such animal shall be seized and sent with the case to the magistrate having jurisdiction;
- (f) under Section 25 of the Police Act, as regards unclaimed property;

Ordinarily the police shall not take possession of movable property as unclaimed when it is in the possession of an innocent finder; but in cities and in cantonments the police may, in compliance with an order issued under Section 26 or 27 of the Police Act, take possession and dispose of unclaimed property made over to them by innocent finders.

Such property shall be entered in the store-room register, unless a special register is prescribed for the purpose by the District Magistrate.

- (g) under the provisions of Local and Special Laws.

(2) Each weapon, or article of property not being cattle, seized under the above rule, shall be marked or labelled with the name of the person from

ATTESTED

*[Handwritten Signature]*

Deputy Superintendent of Police Legal  
Swal

Amir C D 16

CHARGE SHEET

1. Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, hereby charge you, Head Constable Jamil Ur Rahman No. 350 while posted as MFIC Police Station Madyan 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 case vide FIR No. 690, dated 13-12-2018 u/s 9C-CNSA/15AA was registered in Police Station Madyan against an accused namely Mubarak Ali who was put in the lockup of the Police Station. You were required to keep proper watch on the detained accused but you failed to fulfill your responsibility. As such the accused managed to escape from the lockup which caused an embarrassing situation for Police department. Your this act is against discipline and unbecoming of a Police Officer. You therefore, issued this charge sheet and statement of 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.

*[Handwritten signature and scribbles]*

District Police Officer  
Swat

No. 97 /PA.

Dated: 19-12 /2018.

*stenor  
please proceed  
as per rules*

**Attested to be True Copy**

*[Signature]*  
Shabir Ahmad Khan (Dawlat Khel)  
Advocate High Court  
& Federal Shariat Court

SUPERINTENDENT OF POLICE,  
UPPER SWAT.

21/12/18

(17)

**DISCIPLINARY ACTION**

1. Syed Ashfaq Anwar, PSP District Police Officer, Swat being competent authority, is of the opinion that he Head Constable Jamil Ur Rahman while posted as MHC Police Station Madyan 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**

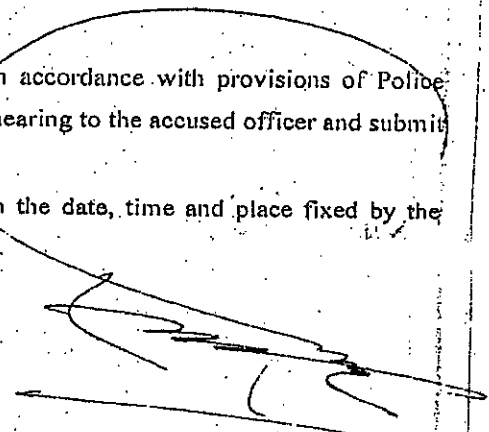
It has been reported that he while posted as MHC Police Station Madyan committed the following act / acts, which is/ are gross misconduct on his part as defined in Rules 2 (iii) of Police Rules 1975.

A case vide FIR No. 690, dated 13-12-2018 u/s 9C-CNSA/15AA was registered in Police Station Madyan against an accused namely Mubarak Ali who was put in the lockup of the Police Station. He was required to keep proper watch on the detained accused but he failed to fulfill his responsibility. As such the accused managed to escape from the lockup which caused an embarrassing situation for Police department.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, SP Upper, 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 and submit his findings immediately.

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

  
District Police Officer  
Swat

No. 97 /PA, Dated Gulkada the. 19-12 2018.

Copies of above to:-

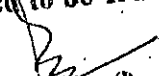
SP Upper, Swat for initiating proceeding against the accused Officer/Official namely Head Constable Jamil Ur Rahman No. 350 under Police Rules, 1975.

Head Constable Jamil Ur Rahman No. 350

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 to be True Copy**

  
Shabir Ahmad Khan (Dawlat Khel)  
Advocate High Court  
& Federal Shariat Court



بیان از ان راجع ہوا تھا کہ

بیان کیا کہ صرف 137/12 کو دیگر ملزموں کی قیمت خود حضرت علیؑ کو

نمبر گن داخل کرنے گیا تھا۔ واپس تھا کہ آمد پر 3 در الفونڈیشن

نقل پر 690 عدد 137/12 ص 13/12 98CUSA, 98CUSA, 98CUSA  
1587

میں پیش کرتے بلا دخل کرنے پر یا یا کیا کہ 690 عدد 137/12

فیض الرحمن سے ان قدر ملنے سے ان کو کٹنے کی وجہ سے صرف

فائدہ ہو کر عدد دو ملزموں کو 555 صاحب قد صلح جان تھا کہ ان کے

گفتار کا حصہ ہے تاکہ نہ بہ حوالہ تھا کہ کیے گئے تھے۔ ملزم

فیض الرحمن کو ان ڈیپٹی منسٹری سے جیل سے 35 34 نے دفعہ

میں خالی حوالہ تھا کہ سے نکال کر واپس موم سے آیا اور اس دوران

ملزم مبادرت عالی نے حوالہ سے کوٹنے سے ملے ہوئے ملزموں کو

کے حوالہ تھا کہ سے لے کر ہاٹ چکا تھا۔ اس وقت 555 صاحب نے

خود تھا کہ فیض الرحمن اور سبیلہ اور سہیلہ ملزموں 35 34، 35 34

صرف 690 عدد 137/12 ص 13/12 223/224 ملزموں کو

پیش عدالت کرنے پر ضمانت دیا ہو چکا ہے اور 690 عدد

میں سے صاحب کے ساتھ تھے۔ بعد 6 ملزم مبادرت عالی کو خود

سب ضمانت گرفتار کرنے دوران انڈیا ڈویژن ملزم مبادرت عالی

جو اپنے اقرار کیا ہو کر پیش عدالت کرنے پر ملزم عدالت میں

ہو کر حوالہ سے جوڈیشل جیجوریہ گیا تھا۔ ملزم مبادرت عالی نے

کے قانون کو اپنے ہاتھ میں لیا ہے۔ جس سے ملزم کی ضمانت

نہ ہو۔ میرا بیان ہے

Signature  
Sd/-  
26-12-018



EXPERIMENTAL ENQUIRY AGAINST HC JAMIL UR RAHMAN NO.350 MHC PS  
MADYAN (NOW HIS POLICE LINE)

Please refer to W/ District police officer Swat vide charge sheet No 97/PA Dated 19/12/2018

ALLEGATION:-

That HC Jamil Ur Rahman NO 350 while posted as muharrir PS Madyan. Where as a case vide FIR NO 690 Date 13/12/2018 u/s 9C-CNSA/15AA was registered in police station Madyan against an accused namely Mabrak Ali who was put in the lockup of the police station. He were required to keep proper watch on the detained accused but he failed to fulfil his responsibility. As such the accused managed to escape from the lockup which caused an embarrassing situation for police department. His this act is against discipline and unbecoming of a police officer, rendered himself liable to be proceeded against departmentally as defined in rules 2(III) of police rules 1975. To scrutinize the conduct of delinquent officer, the undersigned is appointed as enquiry officer.

PROCEEDING:-

Enquiry proceedings were initiated, Copies of statement of allegations and charge sheet were served upon the defaulter Official. He was summoned, heard and recorded his statement which is placed on enquiry file as (Annex: A). The defaulter official stated in his written statement. That he was posted as Muharrir PS Madyan vide OB No 31 Dated 13/08/2018. On 13/12/2018 a case vide FIR NO 690 Date 13/12/2018 u/s 9C-CNSA-9BCNSA/15AA was registered against Mubarak Ali (Alais kako) and Farid ur Rahman s/o Muhammad Rahman R/o garai Madyan arrested at spot and detained in lockups. Constable saadullah jan sentry on duty had on lockups and was also directed to keep proper watch on lockups. At about 18:45 hours on duty sentry constable Saadullah jan came and informed that the above named accused wants to attend toilet. Both the accused were allowed to attend the toilet one by one. After 10 minutes the said sentry came to roznamcha and told that the accused namely Mubarak Ali is not present in lockups. All police station was check but accused Mubarak ali was not found, and after proper check it was found that accused has broken the lockups and fled away from the police station.


After that the SHO SI Muhammad Haleem registered a case vide FIR No 691 date 13/12/2018 u/s 223-224 PPC PS Madyan against the defaulter official HC Jamil ur Rahman facing enquiry, constable saadullah jan No 3435/S and constable Hayat Ali No 303/FC due to their negligence in the discharge of official duty. Statement of the SHO/OII police station madyan is also recorded which is place on enquiry file as (Annex-B &C).

CONCLUSION:-

Forgoing in view of the above it is concluded that accused namely Mubarak Ali broke the lockups and fled away from custody, which clearly shows negligence and poor supervision of the defaulter official, as it was his responsibility to keep accused in safe custody which is also violation of Police Rule 22.7. From the enquiry conducted it transpires that defaulter official Head Constable Jamil ur Rahman No.350 is proved, guilty of misconduct mentioned in charge sheet and summary of allegation. Hence recommend him for suitable punishment.

If agreed please.

OB No 27  
7.2.18

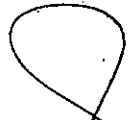
  
Superintendent of Police,  
Upper Swat

No 12 /SB  
DATED 10/01/2019.



0-22  
23/11/19

APP for the accused state of  
presence absent, hence  
N.B.W. granted and for order

on 02/11/19  
  
Seemab Waheed Siddiqi  
Civil Judge-I/Iltaqa Qazi  
Bahrain Swat.

Or.....23  
02-11-2019

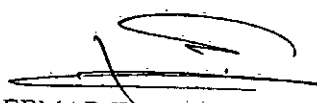
APP for state present. Accused on bail present.

Arguments heard and record perused.


Vide my detailed judgment of today consisting of seven (07) pages placed on file, the prosecution is badly failed to prove the case through cogent and reliable evidence against the accused facing trial beyond any shadow of doubt. Hence accused facing trial are hereby acquitted from the charges leveled against them. As they are on bail, therefore, their sureties are also discharge from the liabilities of bail bonds.

File be consigned to record room of Sessions Judge/ZQ, swat after necessary completion and compilation.

Announced  
02-11-2019

  
(SEEMAB WAHEED SIDDIQI)  
Judicial Magistrate  
Bahrain Swat  
Seemab Waheed Siddiqi  
Civil Judge-I/Iltaqa Qazi  
Bahrain Swat.



ATTESTED TO BE TRUE COPY  
  
EXAMINER,  
District & Sessions Judge/  
Zilla Qazi, Swat.  
07/11/21

**IN THE COUR OF SHAH FAISAL**  
**SENIOR CIVIL JUDGE(JUDICIAL) TANK AT BEHRAIN SWAT.**  
**FORMAL CHARGE**

I, Shah Faisal Judicial magistrate Behrian Swat, do hereby charge you  
accused: jamil ur Rahman S/O Bakht Rahman 2. Constable Sadullah Jan  
S/O Dil Jan 3. Constable Hayat Ali S/O Muhammad Qamar and Mubarak  
Ali Alias kako S/O Muhammad Rahman Alias Kakan R/O Gharai Kalay  
Madyan.

**Firstly:**

That on 13-12-2018 at 18:45 hours, with in the criminal  
jurisdiction of PS Madyan, you accused namely Jamil ur Rahman, Sadullah  
and Hayat Ali being a public servant to keep in confinement Mubarak Ali  
who was charged in offence U/S 9CNSA/15 AA in FIR No 690/2018 and  
negligently suffered the said escape from confinement and thereby  
committed an offence punishable U/S 223 PPC, which is within the  
cognizance of this court.

**SECONDLY:**

On the same date time and place you accused namely  
Mubarak Ali intentionally offered resistance to your lawful  
apprehension for the offence of 9CNSA/15AA with such you were  
charged and escape from lawfully detained for such offence thereby  
committed an offence punishable u/s 224 PPC which is within the  
cognizance of this court.

And I hereby direct that you accused, shall be tried by me on  
the above charge.



(Shah Faisal) 19  
01.4.19

Senior Civil Judge (Judl:), Tank  
at Behrain Swat  
**SHAH FAISAL**  
Senior Civil Judge  
Tank at Behrain Swat.

ATTESTED TO BE TRUE COPY

EXAMINER,  
DISTRICT & Sessions Judge,  
2/13 Gasa, Swat  
7/11/22

IN THE COURT OF SEEMAB WAHEED SIDDIQUI, JUDICIAL  
MAGISTRATE/IQ-I, BAHRAIN SWAT

State through Muhammad Haleem SHO PS Madyan

----- {COMPLAINANT}

Versus

1. Mubarak Ali Mian S/O Muhammad Rahman Mian R/O  
Ghari Kalay Madyan, Tehsil Bahrain, Swat
2. Jamil Rahman Muharrir
3. Sadullah Jan 3435
4. Hayat Ali Constable 303 PS Madyan

----- {ACCUSED}

Case No: 04/8 of 2018  
U/S: 223/224 PPC  
Date of submission of challan: 11-02-2019  
Date of Decision: 02-11-2019

JUDGMENT

Brief facts of the prosecution case are that on 13.12.2018 at about 09:05 hours' complainant reported the matter that the accused involved in case FIR No.690 dated 13.12.2018 U/S 9BCNSA/9CCNSA and 15-AA escaped from lockup, hence the instant FIR was got registered and two police officials were also charged in the instant FIR.

After completion of investigation and submission of challan in the case against the accused by the prosecution, the accused have been charge sheeted and the accused denied the

02/11/19  
Seemab Waheed Siddiqui  
Civil Judge-I/Illahia Qazi  
Bahrain Swat

allegations and claimed trial, the prosecution was directed to produce its evidence. In compliance prosecution produced as many as 04 witnesses and thereafter closed its evidence.

Sardar Ali MHC appeared as PW-1 and stated that when he was busy in office, that rumors spread that accused Mubarak Ali escaped from lockup and when he came out from his room, he saw that accused Mubarak Ali was not present in lock up and bars of the lockups were also bend therefore, he informed the in-charge and at the time of occurrence SHO was not present at police station.

Rahim Khan appeared as PW-2 and stated that accused was arrested in case FIR No.690 and was behind the bar and investigation was handed over to him. That in order to send the other accused to judicial lockup in other cases he went to temargara lock up, and when he came back he came to know that accused Mubarak Ali made the escaped from lock up. In this respect he drafted the murasilla. That elders of the locality have handed the accused to him and card of arrest of the accused is Ex.PW-2/1 which correctly bears his signature.

Liaqat Ali appeared as PW-3 and stated that after the FIR he conducted the investigation and prepared the site plan which is Ex.PW-3/1 and on 14.12.2018 he arrested the accused



02/11/19  
Seemab Wahesh Siddiqi  
Civil Judge - Mithaq Qazi  
Behram Swat

namely Jamil, Sadullah and Hayat Ali and their card of arrest is Ex.PW-3/2. That vide application Ex.PW-3/3 he obtained the history of Mubarak Ali, vide application Ex.PW-3/4 he produced the accused for recording their statement u/s 164/364 Cr.PC. That vide application Ex.PW-3/5 he obtained the warrant against accused Mubarak Ali and on 15.12.2018 he arrested the accused Mubarak Ali and card of arrest of Mubarak Ali is Ex.PW-3/6. That pointation picture is Ex.PA and Ex.PB. That vide application Ex.PW-3/7 he produced the accused Mubarak Ali for recording his statement U/S 164/364 Cr.PC and thereafter, he forwarded the challan to SHO for onward transmission and challan is Ex.PW-3/8 which correctly bears the signature of SHO and copy of FIR is Ex.PW-3/9.

Muhammad Haleem appeared as PW-4 and stated that on 13.12.2018 at about 18:56 hours during gusht, he received the call from Muharrir who told him that accused Mubarak Ali involved in case FIR No.690 had escaped from lockup. On this information, he came to police station and came to know that when constable Saadullah took the other accused to bathroom, the accused Mubarak Ali took the advantage from it and make escaped from lockup and incident took place due to the fault of



62/11119  
Seemab Waheed Siddiqi  
Civil Judge-I/Thana Qazi  
Bahrain Swat





For the establishment of crime, law has laid down the certain principles. In criminal case, every accused is deemed to be innocent until prosecution prove the case beyond shadow of doubt and it is well settled that accused is a blue eyed baby of law and conviction must be based on convincing evidence. It is well settled that it is better to acquit hundred culprits, than convicting one innocent sole.

The alleged occurrence took place in police station which is a very busy place but strange enough there is no witness of the occurrence. Admittedly bars are made from iron and it is not possible for a common man to bend the bars, though PW-1 stated that accused made escaped from window, but admittedly in police station police official stand at gate and in the presence of police official it is not possible for the accused to made escaped from lockup.

Admittedly boundary walls of the police station is covered with fences and PW-1 admitted that no one can climbed over the boundary walls and that police officials always remained present at gate. There is nothing on file which may possibly suggest that the police officials who were on duty helped the accused Mubarak Ali for his escaped.



  
Seemab Waheed Siddiqi  
Genl Judge - Behrain Swat

As per complainant as soon as he came to know about incident he came to the police station while as per PW-1 complainant came to police station after a lot of time of occurrence. I.O admitted that he found the accused No.2 to 4 as honest and duty full and that they never remained involved in such like activities. IO admitted that the bars of window is very strong and when bars are strong then how one can bend it. I.O further admitted that distance between the bars is very much narrow and no one can pass it, so when no one can pass through bars then how accused made escaped from it.

At the time of alleged occurrence, complainant was not present in police station then how I.O prepared the site plan as per his instance. Case of prosecution is full of doubt and benefit of doubt always goes in accused favour.

In criminal trial it is the duty of prosecution to prove the case against the accused beyond reasonable doubts. It is not necessary that the prosecution case be full of doubts but the benefit of a single circumstance creating doubts should be given to the accused not as a grace or concession but as a matter of right. Therefore, by extending the benefit of doubt, the accused facing trial are hereby acquitted from the charges levelled against

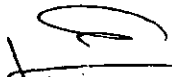


Seemab Waheed Siddiqi  
Civil Judge-I Bahraich  
Bahraich Swat

them. Their sureties are also discharged from liabilities of bail bonds.

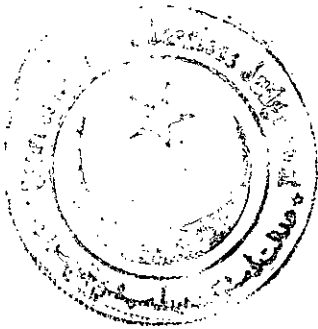
File after completion and compilation be consigned to record room of Honorable District & Session Judge, Swat.


Announced  
02-10-2019

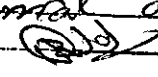
  
(SEEMAB WAHEED SIDDIQUI)  
Judicial Magistrate  
Bahrain Swat  
Seemab Waheed Siddiqui  
Civil Judge-I/Mlaqa Qazi  
Bahrain Swat.

CERTIFICATE

It is certified that this judgment consists of six (07) pages, each page has been duly read over, corrected and signed by me.



  
(SEEMAB WAHEED SIDDIQUI)  
Judicial Magistrate  
Bahrain Swat  
Seemab Waheed Siddiqui  
Civil Judge-I/Mlaqa Qazi  
Bahrain Swat.

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EXAMINER,  
District & Sessions Judge/  
Zilla Qazi, Swat.

07/11/22