

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO. 281 of 2023.

Nawaz Khan Asstt. Sub. Inspector presently posted in District
MansehraAppellant

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

..... Respondents

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(04) Spase Copies Submitted
at Camp Court Abbottabad

on. 20-06-2023-


Deponent

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

Khyber
Service Tribunal

6502
Diac.

SERVICE APPEL NO. 281 of 2023. Dated 17/07/23

Nawaz Khan Asstt. Sub. Inspector presently posted in District
MansehraAppellant

VERSUS

1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

..... Respondents

Parawise Comments On Behalf Of Respondents No.01 to 03.

RESPECTFULLY SHEWETH:-

That respondents submit as under.

PRELIMINARY OBJECTION:-

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi.
- b) That appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder of unnecessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by the law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. The appellant, while posted as OII Police Station Phulra, one Muhammad Pervaiz Ex. Nazim U/C Phulra submitted an application against him alleging there in that during investigation of case vide FIR No. 169 dated 28.07.2022 u/s 302/109/15-AA/34-PPC Police Station Phulra, appellant arrested the accused namely Shoaib s/o Sher Muhammad and during interrogation he brutally tortured

the said accused and demanded 05 Lacs, one Clashankooof as bribe from him.

Similarly, Mst. Neelum Shahzadi d/o Sher Muhammad r/o Mlayari Phulra also submitted an application in which she leveled the same allegations against him.

A fact finding enquiry was conducted by SDPO Oghi who after enquiry held the appellant guilty and recommended him for proper departmental proceeding. The appellant was properly charge sheeted and departmental enquiry was entrusted to Additional Superintendent of Police Mansehra who after proper enquiry and after giving him opportunity of defense, held him guilty and recommended for suitable punishment.**(Charge sheet, statement of allegations and complete enquiry file is attached as annex:-A)**

2. After proper departmental enquiry, the appellant was awarded major punishment of reduction in rank from SI to ASI vide OB No. 199 dated 10.11.2022.
3. Incorrect. All the legal formalities were fulfilled. He was given chance to defend himself and to cross examine the witness. Similarly opportunity of personal hearing was given to him on 10.11.2022 before awarding him major punishment. He preferred departmental appeal which was rejected vide order No.174 dated 10.01.2023.**(copy of order is attached as annex:-B)**
4. The appellant being investigating officer, conducted all the investigation and interrogation of accused.
5. That after arrest of accused, he was handed over to appellant who conducted the investigation.
6. That the allegation leveled against him was proved during initial enquiry as well as during departmental enquiry.


- 7. That this fact has been admitted that accused was arrested and handed over to appellant for investigation who demanded bribe and resorted tortured against him.
- 8. The detail was already been given in Para 1 above.
- 9. Incorrect. Allegations leveled against appellant were proved during the enquiry proceedings.
- 10. That the instant appeal is not maintainable on the following grounds:-

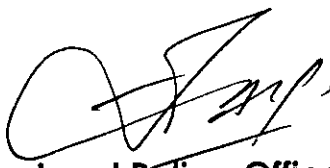
- A. Incorrect. The impugned orders are correct, law-full and according to principle of natural justice. Hence, liable to be upheld.
- B. Incorrect. A proper departmental enquiry was initiated against him by issuing charge sheet, statement of allegations vide order No. 5929-30/PA dated 15.08.2022. The enquiry officer received his reply, wherein, he denied all allegations. The enquiry officer also provided him opportunity of personal hearing on dated 10.11.2022 besides cross examination with evidence. The enquiry officer after fulfilling all codal/legal formalities held him guilty of gross misconduct in terms of Police Rules, 1975 and recommended him for suitable punishment.
- C. Incorrect. The appellant was treated according to law and departmental rules.
- D. Incorrect. The departmental appellant authority rejected the appeals after taking into consideration all the facts and circumstances of the case.
- E. Incorrect. As replied above.
- F. Incorrect. The instant appeal is badly time barred. Hence, not maintainable.

PRAYER:

In view of the above mentioned facts, the appeal in hand may kindly be dismissed being devoid of any legal force.

ATTES EU
EJAZ ALI SHAH
 Advocate High Court
 Notary Public
 Date _____
 Distt. Mardan
 19/06/23


 Inspector General of Police
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 1)


 Regional Police Officer
 Hazara Region Abbottabad
 Reg. (Respondent No. 2)
 Hazara Abbottabad


 District Police Officer
 Dist. Mansher Officer
 (Respondent No. 3)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA

PESHAWAR.

SERVICE APPEL NO. 281 of 2023.

Nawaz Khan Asstt. Sub. Inspector presently posted in District
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1. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Mansehra.

..... Respondents

AFFIDAVIT

We respondents do hereby solemnly affirm and declare that the contents of comments are true and correct to the best of our knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.

It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off / Cast,

EJAZ ALI KHAN
 Advocate High Court
 Notary Public
 Date _____
 Distt. Mansehra

19/06/23

[Signature]
 Inspector General of Police
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 1)

[Signature]
 Regional Police Officer
 Hazara Region Abbottabad
 (Respondent No. 2)

[Signature]
 District Police Officer
 District Mansehra
 (Respondent No. 3)

Annex (A)

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2

CHARGE SHEET

I, Irfan Tariq (PSP), District Police Officer, Mansehra as Competent Authority, hereby charge you SI Muhammad Nawaz Police Lines as follows.

On the complaint of one Muhammad Pervez r/o Phulra preliminary enquiry has been conducted through DSP Oghi. The enquiry officer after conducting preliminary enquiry has submitted his report and proved the charges of assaulting the accused namely Muhammad Shoab involved in Case FIR No. 169 dated 25-07-2022 U/S 302/109/34 PPC PS Phulra. It amounts to gross misconduct.

Due to reasons stated above you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Disciplinary Rules 1975 (amended in 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.

You are, therefore, required to submit your written defense within 07 days of the receipt of this charge sheet to the enquiry officer.

Your written defense, 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 exparte action shall follow against you.

Intimate whether you desire to be heard in person or otherwise.

Statement of allegation is also enclosed.


District Police Officer,
Mansehra

Attasheed


DSP LEGAL
MANSEHRA

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Annex (A)

DISCIPLINARY ACTION

I, Irfan Tariq (PSP), District Police Officer Mansehra, as Competent Authority of the opinion that SI Muhammad Nawaz Police Lines has rendered himself liable to be proceeded against as he committed the following act/omissions within the meaning of Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014).

On the complaint of one Muhammad Pervez r/o Phulra preliminary enquiry has been conducted through DSP Oghi. The enquiry officer after conducting preliminary enquiry has submitted his report and proved the charges of assaulting the accused namely Muhammad Shoaib involved in Case FIR No. 169 dated 25-07-2022 U/S 302/109/34 PPC PS Phulra. It amounts to gross misconduct.

For the purpose of scrutinizing the conduct of the said accused Officer with reference to the above allegations. Mr. Addl: SP Mansehra is deputed to conduct formal departmental enquiry against SI Muhammad Nawaz Police Lines

The Enquiry Officer shall in accordance with the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975 (amended in 2014), provide reasonable opportunity of hearing the accused, record findings and make recommendations as to punishment or other appropriate action against the accused.

The accused and a well conversant representative of the department shall in the proceedings on the date, time and place fixed by the Enquiry Officer.


District Police Officer,
Mansehra

No 5929-30/PA dated Mansehra the 15/08/2022

Copy of the above is forwarded for favour of information and necessary action to: -

1. The Enquiry Officer for initiating proceedings against the defaulter officer under the provisions of the Khyber Pakhtunkhawa Police Disciplinary Rules 1975. Preliminary enquiry conducted by DSP Oghi is enclosed
2. SI Muhammad Nawaz Police Lines with the direction to submit his written statement to the Enquiry Officer within 07 days of the receipt of this charge sheet/statement of allegations and also to appear before the Enquiry Officer on the date, time and place fixed for the purposes of departmental proceedings.

Attested

DSP LEGAL
MANSEHRA


District Police Officer,
Mansehra

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Annex (A)

To

The Addl. Superintendent of Police,
(Inquiry Officer)
Mansehra.

Subject:- REPLY TO THE CHARGE SHEETS DATED 15-08-2022.

Sir,

With reverence it is submitted that I am in receipt of both the Charge Sheets one issued by the District Police Officer Mansehra vide No. 5929-30/PA dated 15-08-2022 and the other issued by the Superintendent of Police (Investigation) Mansehra under No. 84-85/PA dated 15-08-2022 with some improvement to that of DPO Mensehra. However, this may please be treated as reply to both the referred Charge Sheets.

1. That while posted as Oll Police Station Phurla (District Mansehra) an FIR Case No. 169 dated 28-07-2022 under sections 302/109/427/34 PPC/15AA was registered against accused Shoaib Son of Sher Mohammad and Sher Mohammad S/O Khani Zaman etc.
2. That Shoaib accused was arrested by ASHO, PS, Phurla on 02-08-2022 from "Katha Parhani" vide Arrest Card dated 02-08-2022. **(Copy of Card Arrest is attached as "A")**.

Attached

3. That the allegations as inserted in both the Charge Sheets are based on the complaint filed by Muhammad Pervez General Councilor V/C Phulra are false, fabricated and based on malafide having no nexus with truth. The said Councilor has some personal grudge against me. Muhammad Pervez is also supporting accused party. He is neither complainant of the FIR nor eye witness of the occurrence spot. What-so-ever he has mentioned in his

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Annex (A)

complaint is totally incorrect, false, fabricated and based on malafide and personal vendetta against me. **(Copy of complaint is attached as "B")**.

4. That according to Arrest Card prepared by SHO, PS, Phurla the accused Shoaib was arrested on 02-08-2022 from from a place known as "Katha Parhani" while according to his complaint dated 03-08-2022 Pervez claims that accused Shoaib was produced by him in PS Phurla before DSP Oghi and SHO Phulara. Complaint is therefore false.
5. That when said Pervez was not present on the place of occurrence then as to how he can say that a Kalashnikov and Hand Grenade was in possession of Deceased party in their vehicle at the time of occurrence. Even the spot eye witnesses and complainant of FIR Mst. Gulshan Bib Widow of deceased Pir Muhammad and others did not say anything about availability of Kalashnikov and Hand Grenade etc in their vehicle. About demand of Rs. 5 (five lac) bribe from accused Sher Muhammad is also a false, fabricated and concocted story of allegations on the part of Pervez complainant.
6. That so far as allegation with regard to torture of accused Shoaib is concerned, in this respect it is stated that occurrence took place on 28-07-2022 and accused was arrested on 02-08-2022 by SHO, PS Phurla from "Katha Parhani" and who was produced before the Judicial Magistrate Mansehra on 03-08-2022 where accused alleged torture at he hands of police. Doctor while examining accused has scribed that there was only

Attested


DSP LEGAL
MANSEHRA


Annex (A)

redness on his buttock but no blood. As accused remained out of police arrest from 28-07-2022 to 02-08-2022 and during the period managed such redness on his buttock with the connivance of complainant Pervez who is a very clever and cunning. When Pervez could manage some other false allegations in his complaint then as to how he could not arrange such false redness on the buttock of accused Shoaib before producing Magistrate. **(Copy of custody order and doctor report dated 03-08-2022 is attached as "C").**

7. That only after obtaining custody dated 03-08-2022 of the accused Shoaib, he was interrogated and he pointed out place of occurrence and produced crime weapons (Pistol & Kalashnikov etc). As the Kalashnikov etc had already been recovered from accused Shoaib then question of demanding Rs.5 lac as bribe does not arise. Allegations of complainant are false and fabricated hence vehemently denied. **(Pointation memo etc are attached as "D").**

8. That accused Shoaib was never tortured by police nor any amount as a bribe was demanded from him. The allegations made in his complaint dated 03-08-2022 by Pervez Councilor are totally incorrect, baseless, false and fabricated which are vehemently denied. Said Pervez is desperately trying just to defend accused party and to spoil and destroy the FIR/ double murder case of deceased party. At no cost Pervez should be permitted to interfere from bringing the accused persons to face their heinous crime committed by murdering 02 innocent persons.

Attached


DSP
POLICE
MUMBAI

(11)

Annex (A)

9. That throughout entire service and particularly in the field of investigation, I have always tried my best to book the culprits to face the consequences of the crime committed by them. No body who committed any crime was ever spared by me. The complaint of Pervez is false and needs to be turned down rather he deserves to be taken to legal task as he has been trying to interfere and destroy the FIR case of deceased party without any reason and justification.


In view of the facts and circumstances it is earnestly requested that Charge Sheet under reply may kindly be recommended to be filed without any further proceedings for as the allegations incorporated in the complaint being false, fabricated and based on malafide and personal vendetta against me. Thanking you sir in anticipation.

Attested

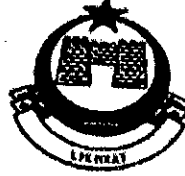

DSP LEGAL
MANSEHRA

Dated 18-08-2022

Your Obedient Servant


(Muhammad Nawaz)
Sub Inspector
(the then OII PS Phulra)
Police Lines Mansehra

0341-8360290



(12)

Annex (A)

POLICE DEPARTMENT

DISTRICT MANSEHRA

From: The Additional Superintendent of Police,
Mansehra.

To: The District Police Officer,
Mansehra.

No. 341 /PA/ Addl: SP, Mansehra dated the 27 /09/2022..

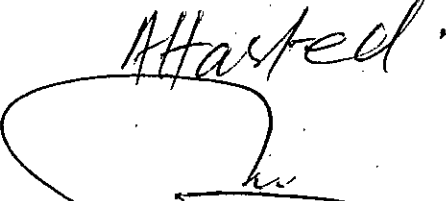
Subject: **DEPARTMENTAL ENQUIRY OF SI MUHAMMAD NAWAZ
POLICE LINES MANSEHRA.**

Please refer to your office ends: No. 5929-30/PA dated
15.08.2022.

The departmental enquiry in hand was entrusted to the undersigned by the competent authority (District Police Officer, Mansehra) under KP Police E & D Rules 1975 (Amended-2014) to scrutinize the conduct of accused official **SI MUHAMMAD NAWAZ POLICE LINES MANSEHRA** about the charges leveled against him that on the complaint of one Muhammad Pervez r/o Phulra Preliminary enquiry has been conducted through DSP Oghi. The enquiry officer after conducting preliminary enquiry has submitted his report and proved the charges of assaulting the accused namely Muhammad Shoaib involved in case FIR No. 169 dated 25.07.2022 u/s 302/109/34 PPC PS Phulra. It amounts to gross misconduct.

In this regard departmental enquiry against the delinquent official was initiated by the undersigned. For the purpose of transparent enquiry, the delinquent official was summoned, heard in person and his written statement was recorded which is attached herewith enquiry file for perusal and ready reference. Similarly, complainant namely Muhammad Pervaiz s/o Abdul Latif r/o Thandi Benrhi Phulra was also summoned heard in person and his written statement was also recorded which are enclosed herewith enquiry file. On the other hand, Rustam Khan SI/OII PS Phulra was also summoned, heard in person and his written statement was also recorded which is annexed herewith enquiry file.

During the enquiry proceedings, the undersigned perused the statements of all concerned, as well as relevant provided record case file

Attached

D.S.P. LEGAL
MANSEHRA

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Annex (A)

and observed that a case vide FIR No. 169 dated 25.07.2022 u/s 302/109/34 PPC PS Phulra which was marked to the delinquent official for investigation who arrested the accused namely Shoaib s/o Sher Muhammad and interrogated. During the interrogation, he brutally tortured the accused Shoaib and demanded 05 lacs as bribe. Similarly, one Mst: Neelum Shahzadi s/o Sher Muhammad r/o Mlayari Phulra submitted an application with the same allegations which was send to DSP Oghi for report. In this regard, report of DSP Oghi was received which reveals that the delinquent official has tortured the accused Shoaib. (Application alongwith report of DSP Oghi are enclosed).

Moreover, when delinquent official was posted as OII PS Saddar, a complainant namely Mian Muhammad Afzal r/o Jaba Mansehra submitted an application against the delinquent official stating therein that the delinquent official arrested the accused and when he visited the Police Station, the delinquent official was sitting with the arrested accused and was busy in dinner. The same complaint was sent to SP Investigation Mansehra for further necessary action. In this regard the report of SP Investigation Manserha has received which revealed that the delinquent official was served with a show cause notice for improper handling at the time when the accused were under his custody. (Application alongwith report of SP Investigation Mansehra are enclosed).

Furthermore, the previous punishment record of the delinquent official was obtained from SRC /Inv which are as under:-

S#	OB-No/ dated	Allegations/ charges	Punishment
1.	102/02.06.2015	While posted as ASI PS Saddar giving favour to the land mafia	Suspended/ warning
2.	539/19.06.2017 BY DPO Haripur	While posted as OII PS Nara Amazai failed in the ability test & performing official duties in professional manners.	Censure
3.	--	While posted as OII PS Nara Amazai that quality of investigation is not up to the mark.	Censure Fine Rs. 1000/-
4.	135/24.07.2019 By DPO Mansehra	Failed to recover the weapon of offence in case vide FIR No. 245/2018 u/s 302/381-A PPS PC Phulra	Stoppage of 03 year increment without cumulative effect

Attested

DSP LEGAL
MANSEHRA

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Annex (A)

In view of forgoing, I being enquiry officer found the delinquent official guilty as he failed to prove his innocence. Hence, the charges leveled against him in the instant charge sheet are stand established therefore, he is recommended for suitable punishment as described in Police Efficiency and Disciplinary Rules 1975 (Amended-2014).

Enquiry Report along with all relevant attested documents/papers are submitted for perusal, please.

(MUHAMMAD JAMIL AKHTAR)
ADDITIONAL SUPERINTENDANT OF POLICE,
(ENQUIRY OFFICER)
MANSEHRA

27/09
2022

Copy to:

- 1. SP Investigation, Manserha w.r. to show cause notice No. 84-85 dated 15.08.2022 for further necessary action.
- 2. I/C complaint cell w.r reference to dy: No. 1842 dated 01.06.2022 and No. 2726 dated 5.08.2022 for information and further necessary action.

OH/CR

MS

DPO Manserha

one step
reduction in rank.

Attested

DSP LEGAL
MANSEHRA

MS

10/11/22

Annex (A)

منجانب: SDPO اوگی

بخدمت: جناب DPO صاحب ضلع مانسہرہ

نمبر: 221-2 تاریخ: 10/8/22

عنوان: APPLICATION/COMPLIANT

بحوالہ نمبر 03/08/2022 مورخہ 2683/C

جناب عالی-

متذکرہ بالا درخواست کے بارے میں معروض خدمت ہوں درخواست موصول ہوئی جس پر 10 مقدمہ علت 169 مورخہ 25.07.22 جرم 302/109/34 تھانہ پھلوہ کو پروانہ نمبری۔ 304 مورخہ 03.08.22 جاری کیا اور بذریعہ Whatsapp بھی بھجوایا۔ ملزم شعیب اختر ولد شیر محمد کا بیان دروان انکوائری لیا گیا جس نے بتلایا کہ محمد نواز SI/OI نے حالات سے نکالا اور اپنے کمرہ میں لے جا کر بہت زیادہ تشدد کیا اور کہا کہ پیسوں کا بندو بست کرو۔ مذکورہ ملزم کو جب عدالت میں پیش کیا گیا تو عدالت کو بتلایا گیا کہ ملزم پر شدید تشدد ہوا ہے ملزم کی عدالت نے ایک یوم حراست پولیس منظور کی اور ملزم کا ملاحظہ جسانی ڈاکٹری کرانے کا تحریر کیا جس پر ملزم کا ملاحظہ جسانی کرایا گیا اور ڈاکٹر نے ملزم کا ملاحظہ کر کے تشدد کی تصدیق کی اور تشدد کا اپنی تحریری رپورٹ میں لکھا۔ ڈاکٹری رپورٹ میں تشدد کی تصدیق ہوئی۔ ملزم کو کیوٹی پولیسنگ کے ذریعے گرفتار کیا گیا۔ ملزم پر تشدد کسی انکشاف جرم یا آگے کی برآمدگی کے لیے نہیں بلکہ ذاتی غرض کے لیے تشدد کیا گیا۔ جہاں تک تفتیش کا تعلق ہے تفتیش کی نسبت بھی 10 نے اپنے بیان میں وضاحت کی ہے۔ قانونی تقاضوں کو مد نظر رکھتے ہوئے مدعی مقدمہ کے حقوق کا تحفظ بھی ایک اہم قانونی تقاضا ہے جس پر سریدست باعث نہیں کی جاسکتی۔ درخواست پر ملزم پر تشدد کا الزام ثابت ہوتا ہے۔ برائے مناسب کارروائی ارسال خدمت ہے رپورٹ عرض ہے۔

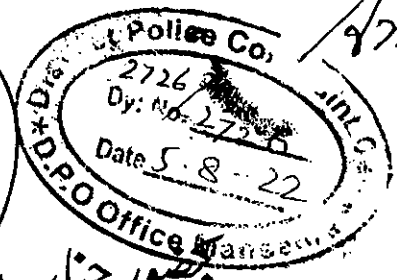
Phulvi
 ڈپٹی سیشن آفیسر (سپیشل ایگزیکیوٹو) ایف آئی اے اوگی

Sir, please find attached application and initial enquiry report of SDPO/ogw and medical report. It is submitted and strongly recommended that accused official M. Nawaz s/o ii - P.S phulvi be suspended and proper dept. enquiry be initiated, if agreed, please.

Approved. R.E to be conducted by addl sp. 10.08.22

At 5/10/08

DSH LEGAL MANSHERA



SD.P.O. بداولی

بصورت جناب D.P.O صاحب صاحب ضلع مانسہرہ کی طرف سے درخواست ہے۔
جناب عالی! درخواست ہمزاد قانونی کارروائی دلیل عرض ہے۔
میرا نام نواز خان ہے جس کی بیوی اس کے خلاف درخواست ہے۔
اس درخواست میں جو باتیں درج ہیں وہ سب سچ ہیں۔

05-08-22

(۱) یہ کہ سالانہ بروز وقوعہ 491 ض۔ ف میں ایڈیشنل جج صاحب IV مانسہرہ کا تھیں جو جہاں گئے تھے میری دو سالہ بیٹی مجھ سے چھین لی تھی اور ایڈیشنل سیشن جج صاحب IV کی عدالت کے میری بیٹی میرے حوالہ کی اور جملہ کارروائی سے تقریباً ڈھائی تین بجے فارغ ہوئی۔

(۲) یہ کہ مستغیث فریق نے مقدمہ علت نمبر 169/22 بجرم زیر دفعہ 302/109/34 PPC تھانہ پھلورہ درج رجسٹر کرایا۔

(۳) یہ کہ موقع پر تو مستورات جو کہ چشم دید گواہ ہیں حاضر نہ تھیں اور جھوٹا مقدمہ میرے اور میرے والد اور بھائیوں کے خلاف درج رجسٹر کرایا۔

(۴) یہ کہ سالانہ کے قریبی رشتہ دار محمد پرویز سابقہ ناظم یونین کونسل پھلورہ نے میرے بھائی شعیب اختر کو 02.08.2022 کو 11 بجے تھانہ پھلورہ بحاضری DSP اور SHO پھلورہ پیش کیا۔

(۵) یہ کہ Oii نواز خان ایک گھنٹہ کے بعد غیر قانونی طور پر بدترین تشدد کا نشانہ بنایا اور ایک عدد کلاشنکوف اور پانچ لاکھ روپے رشوت کے طور پر طلب کی، میرا والد شیر محمد پہلے ہی پرویز مذکور نے پیش کر دیا تھا۔

Attested

(۶) یہ کہ دو کمرے روز میرے بھائی کو عدالت ڈیوٹی مجسٹریٹ پیش کیا اور میرے بھائی شعیب اختر نے تشدد کے بارے میں عدالت میں درخواست دی جو عدالتی حکم پر ملاحظہ ڈاکٹری ہوا اور ملاحظہ ڈاکٹر میں جسم کے مختلف حصوں پر تشدد کے زخموں پائے گئے اور یوں تفتیشی نواز خان جرم 119 خیبر پختونخواہ پولیس آڈر 2017ء کا مرتکب جرم ہوا جس کے خلاف مقدمہ درج کر کے گرفتار کیا جائے۔

DEPUTY SUPERINTENDENT OF POLICE
MANSHERA

(۷) یہ کہ اسی طرح موقع پر برآمد ہونے والی جملہ اسلحہ و گولیاں مقتولین کے نعش کے ساتھ برآمد ہوئیں۔

(17)

Annex (A)

اور کلاشکوف بمبہ کھٹے ہائے بھی برآمد ہوئے اور کٹھہ سے گرینٹ بھی برآمد ہوئے، اور پولیس کے قبضہ میں لی اور تفتیش میں جملہ اسلحہ ہائے کو ظاہر نہیں کیا گیا، اسی طرح دو گاڑیاں قبضہ پولیس کی گئی گئیں، گاڑیوں اور اسلحہ برآمدگی بھی ظاہر نہیں کی گئی۔

(۸)۔ یہ کہ اصل شہادت ہر دو ذرا نیور گاڑیوں کی قلمبند نہیں کی جو کہ وقوعہ کی اصل حقیقت سامنے لائیں گے۔

(۹)۔ یہ کہ انصاف کا تقاضا ہے کہ تفتیش کسی ایماندار آفیسر کے حوالہ کی جائے۔ کیونکہ موجودہ تفتیشی

آفیسر پر ہمیں اعتماد نہ ہے اور تفتیشی آفیسر کو ہدایت فرمائی جائے کہ درخواست میں درج ہائے

جملہ گزارشات صفحہ مثل پر لایا جائے اور پولیس نے ویڈیو برآمدگی اسلحہ وغیرہ اور مقتولین،

گاڑیوں بھی بنائی ہے وہ بھی تفتیش کا حصہ بنایا جائے۔

المرقوم 05 اگست 2022ء

مسماة نیلم شہزادی دختر شیر محمد ساکنہ ملیاری کھولہ پھلوہ تحصیل و ضلع مانسہرہ..... ساکنہ



شناختی کارڈ نمبر: 0-13503-0640436

موبائل نمبر: 0343-8952008

Attested



DSP LEGAL
MANSEHRA

*P. H to Neech-sp
Attach copy with OII/Mansehra (other enquiry) Annex (A)*



OFFICE OF THE SUPERINTENDENT OF POLICE
INVESTIGATION, MANSEHRA
Ph: No: 0997-920100, Fax: No: 0997-920016
sspinvmsa@gmail.com

No. 2527 /Inv: Dated/Mansehra the 16 /08/2022

To The District Police Officer,
Mansehra.

Subject: APPLICATION.

*18/08
072*

Memorandum:

Kindly refer to your office Diary No.1842 dated 01.06.2022, on the subject noted above.

It is submitted that application of Mian Muhammad Afzal s/o Mian Israeel r/o Jaba Mansehra was sent to OII PS Saddar for report. His detail report revealed that it relates to case vide FIR No.74 dated 28.02.2022 u/s 302/341/342/109/34 PPC PS Saddar Mansehra, registered on report of applicant who charged 06 accused namely Usama Rehman, Zahid, Zaid, Riaz, Abdul Wahid and Ghulam Norani for murder of his son namely Shahzad aged about 11/12 years and Mst: Fakhra d/o Mian Muhammad Bashir.

During the course of Investigation IO arrested accused Ghulam Norani, obtained his police custody and interrogated him. It was found that said accused is real uncle of accused Abdul Wahid and was in contact with him at the time of occurrence. During investigation he admitted to have made connivance with accused Abdul Wahid. He was produced before the court and was remanded to Jail. Accused Usama Rehman got his BBA from the Court of ASJ-I Mansehra, which was cancelled on 21.03.2022. IO arrested and interrogated him on different ^{angles} ~~angles~~ but he did not admit to have committed the offence during the course of investigation. IO produced him before the court for obtaining police custody, which was refused and he was remanded to jail. On request of IO prosecution filed a review petition against refusal of police custody, which was also turned down by the court of ASJ-VI Mansehra.

Police arrested other nominated accused namely Riaz, Zahid and Zaid and produced them before the court, obtained their 02/02 days police custody. Interrogation of accused led to recovery of weapons of offence i.e 30 bore pistols three in numbers.

After completion of investigation complete challan against arrested 05 accused while challan u/s 512 Cr.PC against absconding accused was submitted to the court. Investigation of said case has been conducted on merit.

However, keeping in view of the complaint, SI Nawaz IO of the case is served with a show cause notice for improper handling of accused at the time when they were under his custody for investigation.

Submitted please.

[Signature]

Superintendent of Police
Investigation, Mansehra

Attested

DSP LEGAL
MANSEHRA

OFFICE OF THE SUPERINTENDENT OF POLICE

INVESTIGATION, MANSEHRA

Ph: No: 0997-920106, Fax: No: 0997-920016

sspinvmsa@gmail.com


No. 77 /PA/Inv: Dated Mansehra the 15/08/2022.

SHOW CAUSE NOTICE

(Under Rule 5(3), KPK Police Rules, 1975 with amendment 2014)

1. That you SI Nawaz Khan, while then posted as OII PS Saddar, have rendered yourself liable to be proceeded under rule 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 with amendment 2014 for following misconduct.
2. *Perusal of complaint vide No.1842-C dated 01.06.2022, of District Police Officer Mansehra, submitted by complainant of case vide FIR No. 74/22 u/s 302/427/341/342/148/149 PPC PS Sadder revealed that you carelessly and improperly handled arrested accused involved in double murder case which caused grievous distress the complainant of the case. This is question mark on your professionalism being IO of the case, and speaks your lack of interest in your official duties, which tantamount gross misconduct on your part.*
3. That by reason of above, as sufficient material is placed before the undersigned; therefore, it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
4. That the misconduct on your part is prejudicial to good order of discipline in the police force.
5. That your retention in the police force will amount to encourage in efficient and unbecoming of good police officers.
6. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more kind of punishments as provided in the rules.
7. You are therefore, called upon to show cause as to why you should not be dealt strictly on accordance with the Khyber Pakhtunkhwa Police Rules, 1975 with amendment 2014 for the misconduct referred to above.
8. You should submit reply to this show cause notice within 07 days of the receipt of this notice failing which an ex parte action shall be taken against you.
9. You are further directed to inform the undersigned that you wish to be heard in person or not.

Attested


Superintendent of Police
Investigation Mansehra

25/R

19

69

Amex (A)

ending
of
enquiry
officer

بیان محمد مجوز سابقہ قائم علی پھلوانہ موجودہ جنرل کونسل علی پھلوانہ
 پر مبنی بیان کیا گیا ہے علی کے علاوہ بیٹا کی تعلیم میں ایک ہی خاتون
 کہ در بیان تقریباً ایک ماہ قبل جھڑا پور جیسے دو اہتمام باب و پٹیا
 مثل پونا ہے۔ علی و فرزند کے نامزد ملزمان شعیب و در شعیب محمد شعیب
 ولد خاتون خان۔ سید و در شعیب محمد۔ نیلم دختر شعیب محمد فرزند سے بیان ہے
 وقوع کے دو سال دن میں نے شعیب محمد کو ہمراہ لاکر آٹھ ماہ تک پھلوانہ
 کے حوالے کیا۔ اور ملزم نیلم دختر شعیب محمد کی عدالت سے BBA کروا لی۔ اس کے
 بعد آٹھ مہینے کے اندر انہوں نے مقدمہ نامزد ملزم شعیب و در شعیب محمد کو
 ہمراہ لاکر تھان پھلوانہ میں DSP صاحب لگا لے کر آٹھ ماہ تک پھلوانہ پر
 پیش کیا۔ سہری موجودگی میں DSP صاحب لگا لے کر آٹھ ماہ تک پھلوانہ پر
 محمد نواز آٹھ کو طلب کیا۔ DSP صاحب نے محمد نواز کو یہاں سے لے کر
 شعیب محمد خان کے گھر پیش کیا ہے۔ انکو ملزم میں گرفتار کر کے قانون کاروان
 کریں۔ اس کے بعد میں اور DSP صاحب لگا لے کر سے چلے گئے۔ تقریباً دو گھنٹہ
 گھر کے گھر سے اس کے پاس نہ ہونے کی اطلاع دی گئی تھی۔ دو گھنٹہ
 بعد تھان پھلوانہ پر پھلوانہ۔ محمد شعیب محمد فرزند آٹھ نے اس کے گھر سے
 وہ گانا نہیں گائے۔ اس اطلاع ہم میں فرزند تھان پھلوانہ سے مل گیا۔ جب میں
 تھان کے میں گئے تاکہ حوالہ کے پاس بیٹا تو اس حوالہ میں ملزم شعیب محمد
 والد شعیب محمد سے مل گیا جس نے روئے ہوئے ہے کیا کہ آپ نے میرا بیٹا جو میں کروا
 ہے اس کے گھر سے لے کر آیا ہے۔ آپ نے اس کے ساتھ ساتھ لے کر آیا ہے۔
 محمد شعیب محمد فرزند آٹھ نے اس کے پاس سے لے کر انہوں نے میں گھر سے لے کر
 لے کر محمد نواز آٹھ نے جو ہے اس کے گھر سے لے کر آیا ہے۔ جو جمع ہوئی ہے اس
 کے۔ اس کے بعد میں ملزم شعیب محمد سے مل گیا۔ اس کے حوالہ میں ملزم شعیب محمد
 ملزم شعیب محمد اس کے گھر سے لے کر آیا ہے وہ کوئی ایسا نہیں تھا۔ اس کے
 فرزند میں نے اس کے ساتھ DSP صاحب لگا لے کر اس کو قانون کر کے اس
 کے ساتھ سے لے کر آیا ہے۔ اس وقت DSP صاحب تھان میں موجود نہیں تھا میں نے
 اس کے ساتھ قانون کر کے لے کر آیا ہے۔ تھان کے پاس میں ملزم شعیب محمد کے ساتھ
 آٹھ

MPS

24/08
2022

Attested

DSP LEGAL
MANSEHRA

Amex CA

(R)

مانی ڈیوڈ کی گواہی ہے۔ میری اس اطلاع پر SHD صاحب نے بیان کیا ہے کہ
پہلیا۔ جس کے لئے مقصد جو ادارہ سے بلیک فوٹو ایسٹوڈیو کے اس پر مقرر
شمار کیا گیا ہے جس کا SHD صاحب نے کیا ہے اس کے خلاف ڈیوڈ کی گواہی ہے۔
میں اس بارہ میں افسران ہائے سٹاف کے ساتھ بات کرتا ہوں۔ جس میں نہ من پسند
کو DSP صاحب اویں گورنر صاحب نے پورے جواب کیا تو جواب کرنا ہے کہ DSP صاحب
اوپر بلا گیا ہے تو وہ جو فراڈ تھا اس کے خلاف گورنر صاحب نے اس مقدمے میں
دیوانی مگر شکیو کیس کرتا ہے۔ کو میں نے کیا ہے مگر شکیو کے ذریعے
اس کے لیے کچھ کیا ہے مگر کیا ہے گا۔ تو میں نے کیا ہے اور وہی راہی کرواؤں گا
دیوانہ کا معاملہ حاصل کرتا ہے سٹیٹ ڈیفنس کی اسنادوں میں پتہ چلتا ہے کہ اس روزہ حبان
میں گیا ہے اور وہی راہی کرواؤں گے اس کے خلاف من پسند صاحب کے دیکھنے کے لئے
میں نے اس کے خلاف کیا ہے۔ مگر مقصد کا یہ ہے کہ اس کے خلاف من پسند صاحب کا
ہاں ڈاکٹر صاحب نے سٹیٹ ڈیفنس کی اسنادوں میں پتہ چلتا ہے کہ اس کے خلاف من پسند صاحب کا
اس کے لیے من پسند صاحب کے ساتھ ہے۔ دوسرے دن ڈاکٹر صاحب نے پتہ چلتا ہے کہ اس کے خلاف من پسند صاحب کا
عدالت میں جیل بھجوانے کا حکم دیا۔ جواب من پسند صاحب کے اسنادوں میں
پتہ چلتا ہے۔

Attested

میں نے اس کے خلاف اس کا نام صاحب کو مقصد افسران ہائے سٹاف
کے میں اس کے خلاف من پسند صاحب کے ساتھ ہے۔ دوسرے دن ڈاکٹر صاحب نے پتہ چلتا ہے کہ اس کے خلاف من پسند صاحب کا
عدالت میں جیل بھجوانے کا حکم دیا۔ جواب من پسند صاحب کے اسنادوں میں
پتہ چلتا ہے۔

MANSEHRA

MPL

24/08/2022

Annex (A)

بیان رسم فلک 10/10/15 فیقہ حقان بعلیہ انور کسین

حقان بعلیہ حسب طلبی انور کسین کے مندرجہ ذیل رقموں کے لئے
169 روپے 287/22 جرم 302 427
109 1684
36

حاضر آج میں بیان میں رقم 287/22 روپے کے لئے حقان بعلیہ سے
قبل 287/22 روپے کے لئے حقان بعلیہ سے

حقان بعلیہ کے لئے رقم 287/22 روپے کے لئے حقان بعلیہ سے
موجودہ رقموں کے لئے حقان بعلیہ سے

حقان بعلیہ کے لئے رقم 287/22 روپے کے لئے حقان بعلیہ سے
موجودہ رقموں کے لئے حقان بعلیہ سے

حقان بعلیہ کے لئے رقم 287/22 روپے کے لئے حقان بعلیہ سے
موجودہ رقموں کے لئے حقان بعلیہ سے

حقان بعلیہ کے لئے رقم 287/22 روپے کے لئے حقان بعلیہ سے
موجودہ رقموں کے لئے حقان بعلیہ سے

حقان بعلیہ کے لئے رقم 287/22 روپے کے لئے حقان بعلیہ سے
موجودہ رقموں کے لئے حقان بعلیہ سے

حقان بعلیہ کے لئے رقم 287/22 روپے کے لئے حقان بعلیہ سے
موجودہ رقموں کے لئے حقان بعلیہ سے

حقان بعلیہ کے لئے رقم 287/22 روپے کے لئے حقان بعلیہ سے
موجودہ رقموں کے لئے حقان بعلیہ سے

Attested

DSP LEGAL
MANSEHRA.

24-08-22
0344-9527048

engaged in
 and
 DPD
 03/88
 022

کریڈٹ خراب
 District Police Complaint Cell
 Dy: No. 2683
 Date: 3-8-22
 Office Mansera

221
 10/8/22
 District Police
 Mansera

گزارش عیدہ سائل 4/c پھلڑہ کا سابقہ ناظم اور حال جزا
 کونسلر/جمیر ہے اور سائل کے علاقہ میں چند یوم قبل قتل
 ہوئے اور انکی بابت FIR نمبر 169 دزنہ، جسٹریٹ ہونی
 سائل قبل ازیں بھی پولیس کیساتھ مکمل تعاون کرتا رہا ہے
 اور اب DSP سرکل اوگی اور SHO پھلڑہ سے تعاون کی
 بناء پر تعلق قائم ہے اور سائل نے مذکورہ مقدمہ میں ملزم
 شعیب کو مکمل حورفہ 22-8-22 کو بوقت 11 بجے دن
 اپنی ذمہ داری پر تحفانہ پھلڑہ میں DSP اوگی اور SHO پھلڑہ
 کے پاس پیش کیا جو مذکورہ حوالات ہوا۔ دوران تفتیش
 کل دن کو اور رات کے وقت مقدمہ قریب 02 تو از خان
 نے ملزم مذکور کو عدالتی حکم کے بغیر سخت ترین تشدد
 کا نشانہ بنا یا ہے اور بے زنتیاء ظالمانہ تشدد کیا ہے
 اور متعدد کلاشکوف خرید کر لانے کو اور تشدد سے بچانے
 کیلئے 5 لاکھ روپے لانے کی دعا دے کر رہا ہے مذکورہ مقدمہ
 میں سائل نے 3 ملزمان کو پیش کر دیا ہے۔
 سائل کو اب مذکورہ تفتیش پر کوئی اعتراض ہے
 استدعا ہے کہ 02 کو ملزم شعیب سمیت طلب فرمایا جا کر زفات نشانان کا
 ملاحظہ کیا جائے اور تفتیش برحق حاف و شناق رکھنے کیلئے
 P. T. O

Attested

DIST. LEGAL
MANSEIRA

(24)

Annex (A)

خدا خوف اور خدا ترس اور ایماندار افسیر کے حوالہ
کی جائے تاکہ جملہ حقائق سامنے لائے
جائیں اور موقع پر برآمد ہونے والی اشیاء کو
کھی سامنے لایا جائے اور مقولین سے برآمد ہونے
والی گولیاں۔ لیٹوں۔ فلاحنگ کوف بھی برآمدگی
میں لائے جائیں اور گٹھ لوں کی تفصیل اور مقولین سے
برآمد ہونے والے ہینڈ گرنیٹ بھی سامنے برآمدگی
میں لائے جائیں

تاکہ انصاف ہو سکے

نقل فی لف

الحق
3-08-2022

محمد پرویز سابق ناظم ا/ج پھلہ حال جنرل کونسل ا/ج ا/ج
7
مانسہرہ

0343-9699293

MBU

Attested

DSP LEGAL
MANSEHRA.



25
Annex (A)

POLICE DEPARTMENT

MANSEHRA DISTRICT

ORDER

This office order will dispose off the departmental enquiry proceeding against SI Nawaz Khan who was proceeded against departmentally with the allegation that on the complaint of one Muhammad Pervez r/o Phulra preliminary enquiry has been conducted through DSP Oghi. The enquiry officer after conducting preliminary enquiry has submitted his report and proved the charges of assaulting the accused namely Muhammad Shoaib involved in Case FIR No. 169 dated 25.07.2022 u/s 302/109/34 PPC PS Phulra.

The Enquiry Officer i.e. Muhammad Jamil Akhtar, Addl: SP Mansehra after conducting proper departmental enquiry has submitted his report and proved the charges leveled against him.

On 10.11.2022, the delinquent SI Nawaz Khan was heard in person in orderly room but he could not convince the undersigned in his defense.

I, the District Police Officer, Mansehra, therefore award him major punishment of "One step reduction in rank" to the delinquent SI Nawaz Khan, under Khyber Pakhtunkhwa Police, Disciplinary Rules 1975 (amended in 2014). He is reinstated in service.

Ordered announced.

District Police Officer
Mansehra

OB No 199

Dated 10 / 11 / 2022

Attested

DSP LEGAL
MANSEHRA



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Amox-B

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-2

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r.pohazara@gmail.com

NO: 173 - /PA DATED 10 / 01 / 2023

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by ASI Nawaz Khan No. 133/H of district Manshera against the order of punishment i.e. *one step reduction in rank SI to ASI* awarded by DPO Manshera vide OB No.199 dated 10.11.2022.

Brief facts leading to the punishment are that the appellant while posted as OII Police Station Phulra, proceeded departmentally with the allegation that on the complaint of one Muhammad Pervaiz r/o Phulra preliminary enquiry had been conducted through DSP Oghi. The enquiry officer after conducting preliminary enquiry submitted his report and proved the charge of assaulting the accused namely Muhammad Shoaib involved in case FIR No. 169 dated 25.07.2022 u/s 302/109/34 PPC Police Station Phulra.

The appellant was issued charge sheet and Addl: SP Manshera was deputed to conduct departmental enquiry. The EO in his findings held the appellant responsible of misconduct. He was called in OR and heard in person, however he failed to advance any cogent reasons. Consequently, DPO Manshera awarded him major punishment of one step reduction in rank from SI to ASI. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Manshera were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant has been given reasonable opportunity to defend himself against the charges, however he failed to advance any justification in his defense. Thus, the disciplinary action taken by the competent authority seems reasonable and the appeal is liable to be dismissed. Therefore, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *rejected* with immediate effect.

Z. Asghar
Zeeshan Asghar (PSP)

REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

No. 174 /PA, dated Abbottabad the 10 - 1 - 2023.

Cc.

DPO Manshera for information and necessary action with reference to his office Memo No 14171/PI dated 29-11-2022. Service record and fuji missal of the appellant is returned herewith for record.

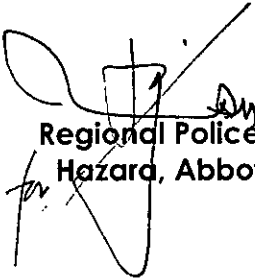
Attested

Attested

LEGAL

AUTHORITY LETTER

I, Regional Police Officer, Hazara, hereby authorized Amaad Jadoon, reader DSP Legal to submit the comments on my behalf in service appeal No-281/2023 titled Nawaz VS Provincial Police officer and others.


Regional Police Officer,
Hazara, Abbottabad