

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1102/2023
Muhammad Yousaf
IHC No. 882, District Kohat

..... Appellant

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa & others

..... Respondents

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Deponent

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..... Appellant

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 7431

Dated 12/09/23

Provincial Police Officer,
Khyber Pakhtunkhwa & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS

Respectfully Sheweth:-
Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appellant is estopped to file the instant appeal for his own act.
- iv. That the appeal is bad in eyes of law and not maintainable.
- v. That the appellant has not approached the honorable Tribunal with clean hands.

Comments on Facts:-

1. Pertains to service record of the appellant hence, no comments.
2. Correct to the extent of murder incident 564 dated 22.04.2019 u/s 302, 324, 353, 427 r/w 15 AA PS City and arrest of the accused on the spot by the appellant by showing bravery and efficient performance of duty but later on deceased's father complained against him that he had deliberately given contradictory statement / evidence during the trial for the purpose of giving benefit to the accused Naveed Ullah. No doubt such contradictory / favoring statement of a complainant or a eye-witness spoiled merits of the case and it was also his primary duty as witness to deliver true facts of the incident during trial for sake of justice. Hence, he being a Police officer and a prime eye-witness, committed misconduct by vitiating the prosecution stance and held himself liable to be proceeded legally and departmentally. Thus inquiry into the matter was initiated wherein the appellant was found guilty of charge as he recorded contradictory statement in court and thereby extended benefit to the accused.

3. Incorrect and baseless. Enquiry was conducted into the matter and after codal formalities were fulfilled, the appellant was found guilty. Thus he was dismissed from service. His departmental appeal was rejected as he failed to advance any plausible reason in his defence.
4. Correct to the extent of judgment of the Honorable Tribunal. However, criminal and departmental proceeding go side by side and one does not affect the other.
5. Correct, however, the appellant did not produce plausible reasons in his defence during the de-novo inquiry and attempted to **by-pass** the real facts from the inquiry officer.
6. Correct to the extent that the inquiry officer in the de-novo inquiry gave recommendation of minor punishment to the appellant through his findings in which he established that the appellant had committed misconduct recording mis-statement in court. Moreover, criminal and departmental proceedings go side by side and one does not affect the other. **(Copy of de-novo inquiry as annexure A).**
7. Correct to the extent of issuance of Final Show Cause Notice and the reply thereof but the appellant could not defend against the alleged contradictory evidence during whole departmental proceedings.
8. Correct to the extent of reinstatement and awarding him minor penalty by treating the intervening period as leave without pay, as the appellant was recommended for minor punishment by the inquiry officer commensurate to his guilt. Rest of the para need no comments.
9. Incorrect, the appellant holds no legal grounds to stand hereupon in this Tribunal for redressal of his instant grievances as the penalty has been awarded to him commensurate to his guilt. In the wake of de-novo inquiry in compliance of order of this Honorable Tribunal.

Comments on Grounds:-


- A. Incorrect and unfounded as the orders passed by the competent authority are in accordance with law and rules, hence, tenable in the eyes of law.
- B. Correct, however, later on, he by giving mis-statement in the court, extended favour to the accused during cross-examination of the case-trial. He was, therefore, recommended for minor penalty.
- C. Incorrect, as reasons of awarding him minor penalty are explicitly discussed in the preceding paras, therefore, the penalty awarded to the appellant is tenable in the eyes of law.
- D. Incorrect, as appellant's reinstatement into service was for the purpose of de-novo inquiry and awarding minor penalty was outcome of the ibid inquiry, hence, the appellant is dealt under the law / rules in compliance of orders of this Honorable Tribunal.

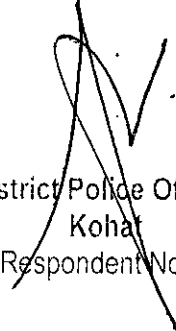
- E. Incorrect, as the appellant was not exonerated, rather he has been held guilty for awarding of penalty which he deserved commensurate to his misconduct. No comments to rest of the para.
- F. Incorrect as he has not rendered duty during that period, therefore, keeping reliance on the principle of "No work No pay" the appellant cannot claim back benefits for the intervening period. Hence, denied.
- G. Incorrect, the appellant was treated in accordance with law / rules and the penalty awarded to him for his guilt is lawful in the eyes of law.
- H. The respondent may also be allowed to advance additional grounds, if any, at the time of arguments.

Prayer:-

It is most humbly prayed that the appellant was found guilty of the allegations leveled against him after proper departmental inquiry, therefore, the instant appeal being devoid of merits may be dismissed with cost, please.


Regional Police Officer,
Kohat
(Respondent No. 2)


Provincial Police Officer,
Khyber Pakhtunkhwa,
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 3)

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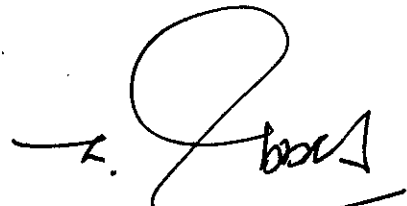
..... Respondents

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.



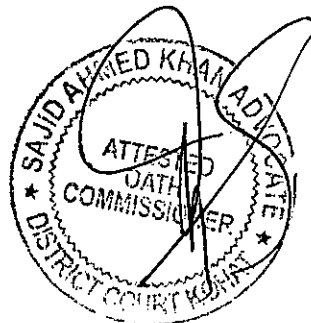
Regional Police Officer,
Kohat
(Respondent No. 2)



Provincial Police Officer,
Khyber Pakhtunkhwa,
(Respondent No. 1)



District Police Officer,
Kohat
(Respondent No. 3)



مقتول سہیل نواز راہیل عورت محمود کو بغرض لان معالجی / پوسٹ نام سہیل
 جھوٹا کر کاغذات ڈاکٹری تیار کرنے کیلئے موبائل کثرت آڈیو ریکارڈنگ
 کو اطلاع دی گئی اب ڈیڑھ تو کا نقشہ ہر بیوقوف تیار کیے بغیر حقائق
 محمد اسب 998 سہیل نواز راہیل کے ختم شدہ حروف شدہ آڈیو ریکارڈنگ 30
 پور نمبر کا 1265 موبائل کا چارج جس سے تازہ چلیوہ بارڈر کی پور کی بجائے
 بڑے فرد جتھہ لوہیں کی گئی مہنون رابرٹ سے عورت جیم بالا پائی جا
 کر مراسلہ جیم بالا بطور سہیل رابرٹ بغرض حال کی FIR پور سے الرٹن
 HC ارسال تھانہ ہے ایف بی ایچ کے اہلکار کو قیود کی اطلاع تیار کی گئی
 کی گئی ہے بعد حال کی FIR بغرض حوالہ آڈیو سٹاف ہونے
 دستخط انگریزی محمد اسب ASI حاصل پورٹ مورخ 22/4/19 کا وائی کھانہ
 آمد مراکھ صرف صرف بطور سہیل رابرٹ اور بالا سو کر معلوم ہوا
 گینت تیار شدہ دلیم نوید اللہ کے حوالہ 563 مورخ 28/2/18 جیم 302-322
 21-1051 تھا کہ عورت میں مدعی مقدمہ سے وقیود کے مسائل حاصل مقادیر کا شائبہ
 22-4-20 FIR آمد مراکھ بغرض حوالہ آڈیو سٹاف لیا جاتا ہے
 پور بطور سہیل رابرٹ ڈاکٹر کی ہے

MN
 ASI-PS-CTY
 22-4-2

Wanted
 Salam

بغرض اطلاع دی گئی اب ڈیڑھ تو کا نقشہ ہر بیوقوف تیار کیے بغیر حقائق
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و
 عہدہ

اطلاع دی گئی اب ڈیڑھ تو کا نقشہ ہر بیوقوف تیار کیے بغیر حقائق
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INQUIRY FINDINGS REPORT IN DENOVO ENQUIRY AGAINST
IHC MUHAMMAD YOUSAF NO. 882

①

Charge sheet based on statement of allegation with other documents received from DPO Kohat vide No. 10204-051/PA dated 13.10.2022, wherein the following allegations were leveled against IHC Muhammad Yousaf. Contents of allegations are as under:-

- I. ***"That you were injured complainant in case FIR No. 564, dated 22.04.2019 u/s 302/324/353/427/15AA PS City wherein, one Sohail Nawaz S/O Muhammad Nawaz R/O Muhammad Zai which was murdered and one lady pedestrian was hit by accused Naveed and sustained fire arms injury as well.***
- II. ***That as complained by father of deceased Sohail Nawaz you being complainant, injured and eye witness of the case got recorded contradictory statement before the trial court have connivance with accused in order to extend benefit to him and thus violated the prosecution case intentionally".***

The undersigned was appointed as enquiry officer therefore above quoted charge-sheet based on statement of allegation was served upon the defaulter IHC with the direction to submit his written statement before the undersigned on or before the target date.

Reply of the defaulter official was received, placed on file and found un-satisfactory. The complainant of above mentioned case was summoned from District Jail Kohat confined in narcotics case by addressing a letter No. 5377/GC, dated 01.11.2022 to produce the complainant before the undersigned for recording his statement. Moreover ASI Muhammad Iqbal presently posted as SHO PS Jungle Khel and constable Muhammad Minhaj who were on routine patrolling at the time of occurrence were also summoned.

The complainant Muhammad Nawaz submitted an application against IHC Muhammad Yousaf on which he was departmentally proceeded and finally IHC Muhammad Yousaf was dismissed from service by competent authority. Appellant challenged the impugned punishment before KP Service Tribunal Peshawar and was set-aside with the directions to department for Denovo Enquiry within 90 days

The following witnesses were examined in presence of accused official and their statements duly signed were placed on file.

1. **Statement of Haq Nawaz cousin of the complainant**

He stated that he submitted an application to Worthy Regional Police Officer Kohat which was written by Muhammad Nawaz. He saw original application which was signed by him and stated that he was marginal witness of the incident. Accused Naveed Ullah killed his nephew at Tanga Chowk Kohat. In this incident one woman and TO Muhammad Yousaf (accused official) were also injured. He further stated that during trail he saw the statement of Police Official namely Muhammad Yousaf which was found contradictory to Murasila i.e that he has not seen the accused while accused firing on his cousin. This was a big blunder of IHC Muhammad Yousaf being responsible official of the force. Besides this contradictory statement, the Honorable trial court convicted the accused Naveed Ullah for life imprisonment.

Attested
A. Khan

2. **STATEMENT OF MUHAMMAD NAWAZ S/O HAQ NAWAZ**

He was serving in Frontier constabulary but later on arrested/ confined in District Jail Kohat in narcotics case. He submitted his application through Muhammad Anwar (brother) to Worthy Regional Police Officer Kohat. In his application, he stated that his son was killed by accused Naveed Ullah in Tanga Chowk and due to the firing of accused one woman and Police official Namely Muhammad Yousaf were also hit and injured. Police Official Muhammad Yousaf was the eye witness of the case but during trail he give contradicted his statement. Besides this contradictory statement of accused official, the Honorable Additional Session Judge convicted the accused for life imprisonment.

3. **STATEMENT OF ASI MUHAMMAD IQBAL**

He stated that during the day of occurrence he was posted a ASI PS City and he alongwith other Police official were on routine patrolling. In the meanwhile, he heard firing towards from Tanga Chowk therefore, he rushed to the spot where IHC Muhammad Yousaf was found in injured condition and overpowered/ arrested the accused namely Naveed Ullah. On the report of IHC Muhammad Yousaf a written Murasila was drafted and registered a FIR against the accused Naveed Ullah in PS City. During trail he recorded the same statement before the court.

4. **STATEMENT OF CONSTABLE MINHAJ UD DIN**

He stated that he alongwith ASI Muhammad Iqbal was on routine patrolling in the meanwhile he heard the firing towards Tanga Chowk therefore, he rushed to the spot where IHC Muhammad Yousaf in injured condition with the accused Namely Naveed Ullah were found and on the report of Muhammad Yousaf, ASI Muhammad Iqbal registered proper FIR against the accused and he recorded the same statement before the honorable trail court.

5. **STATEMENT OF ACCUSED OFFICIAL IHC MUHAMMAD YOUSAF**

Accused official Muhammad Yousaf denied the allegation and stated that due to solid evidence of Police official including his statement, the honorable court had announced the judgment case FIR No. 564, dated 22.04.2019 u/s 302/324/353/427/15AA PS City wherein the accused Naveed Ullah was convicted/sentenced for life imprisonment. The complainant has leveled wrong allegation against him in his application moved to RPO Kohat.

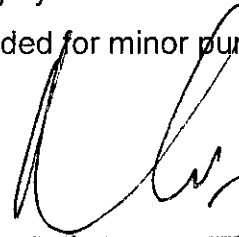
*Attested
Muhammad Anwar*

FINDING

The undersigned enquire into the matter, as per available record, examination of complainant/witnesses IHC Muhammad Yousaf produced a copy of Judgment of court passed by Honorable Additional Session Judge-II Kohat. The complainant ~~logged~~ the complaint against the IHC Muhammad Yousaf before the announcement of Judgment by ~~trial~~ court. Moreover the complainant presently confined in District Jail Kohat in a Narcotics case in which a huge quantity of Narcotics was recovered from his direct possession. During cross examination the complainant and his brother admitted that the accused namely Naveed Ullah, charged for the murder of his son was convicted by the court, for life imprisonment. The judgment was announced on 11.10.2021 by Honorable Additional Session Judge-II Kohat in case FIR No 564, dated 22.04.2019 u/s 302/324/353/427/15AA PS City. Prior to the conviction the complainant had lodged a complaint against IHC Muhammad Yousaf who was also injured in the said murder case and arrested the accused Naveed Ullah on the spot. The conviction awarded by Honorable Court to accused are the hectic efforts of Police, fair investigation and evidence of Police Officials during trail of accused before the court.

RECOMMENDATION

Keeping in view of above facts and statements of witnesses and conviction of accused Naveed Ullah in the murder case, it appears that minor fault on the part of accused official exist. He has given contradictory reply to the question of defense counsel by saying that it is correct that he has not seen the accused firing at deceased, but on the other side the trial court has ignored this minor contradiction and awarded sentenced of life imprisonment to accused Naveed Ullah. Accused official has sustained fire arm injury in the said occurrence while arresting the accused, therefore he is recommended for minor punishment.



(Mir Faraz Khan)
Enquiry officer
Superintendent of Police
Investigation Kohat

15-11-2022

Attested
Muhammad

بیان آذان محمد کوسف 11/11/999 متصرف نیولپولیس 8 ٹن کوٹ

حلفاً بیان کرتا ہوں کہ میرا خدیف جو درخواست قبل از میں اور ان 11/11/999 کو روک گئی تھی۔ صبح پیر لہذا ڈنکو انٹر کے مجھے ٹھکانے سے درخواست کرنا پڑی۔ وہ ٹھکانے کے بنیاد اور فن گھروں سے۔ کیونکہ مذکورہ درخواست عدالتی فیصلہ آنے سے

قبل رہا تھا۔ ان چیزوں کے لئے 566 حصہ 22 4/22 رقم 353-427/353-427

تعمانہ سٹی میں ٹرانسپل کو روک سے سٹریٹ لوئیڈ ایئر، خدیف مالہ میں زیر دفعہ 353 میں

مگر خدیف اور مبلغ 4 لاکھ روپے خرچ خانہ 353 میں 3 سال قید مبلغ 20 ہزار

روپے خرچ خانہ، خرچ 353 میں اس سال قید اور مبلغ 10 ہزار روپے خرچ خانہ اور رقم

427 میں اس سال قید مبلغ 10 ہزار روپے خرچ خانہ، خرچ 353 میں اس سال قید اور

مبلغ 10 ہزار روپے خرچ خانہ کا سزا بیک کا ہے۔ اور ڈسٹریکٹ جیل خوں میں

اپنی سزا کاٹ رہا ہے۔ مجھے سمیت خدیف میں علاج جیلہ گواناں کی بہترین

شیارت کی وجہ سے سٹریٹ ٹرانسپل کو روک سے سزا بیک اچھوٹا ہے۔

صن سے جہاں ظاہر ہو گیا وہ قول کے ادارتوں نے عدالتی فیصلہ سے قبل میرا

خدیف بدینتی پر صحتی درخواست دلا تھی۔ جو کہ اس وقت کے ساتھ

غدا ثابت ہو چکی ہے۔ میرا کوئی ان سے الٹا حکم ہو کہ وہ واقعہ

میں میرا طرف سے کسی قسم کی بدینتی شامل نہیں۔ میں نے گناہوں

میرا ساتھ ارفاق اور رقم کاروبار اختیار کا جائے۔ یہ بیان ہے

Handwritten signature and date 11.11.2022

Attested signature

Attested signature

11/22 بیان آذان محمد الور ولد حق الور سکنہ محمد زئی تحصیل و ضلع کوہاٹ لیٹر نمبر 60/51/51/1

حلفاً بیان کیا کہ میں آپ سے قطع درخواست سائل محمد لواز کی طرف سے
صاف دیا کہ کوہاٹ کو دیا گیا۔ اصل درخواست میں نے دیکھا ہے
سید اسحاق درست طور پر موجود ہے۔ درخواست یہاں میں نے محمد یوسف
کے خلاف حکمانہ کارروائی کی استدعا میں وجہ کی تھی کہ انہوں نے وہ موقع
نمبر 309 FIR نمبر 566 قتل کی کوہاٹ میں چشم دید گواہ تھا۔ مگر محمد لواز
نے مانگ چوک میں مقتول سہیل لواز جو کہ میرا بھتیجا ہے۔ کو قتل کیا تھا۔ اس
واقعہ میں محمد یوسف اور آغا سید عورت کی زخمی ہو چکے تھے۔
دوران سماعت مقدمہ گواہ محمد یوسف نے اپنے بیان میں وضاحت کی
تھی کہ اس نے محمد لواز کو فالنگ کرتے ہوئے نہیں دیکھا تھا۔ محمد یوسف
کا یہ بیان سراسر رپورٹ سے تضاد رکھتا ہے۔ میں وجہ میں نے ان کے
خلاف قانونی کارروائی کی درخواست کی ہے۔ مگر محمد لواز عدالت عالیہ
عدالت ٹرائل کورٹ نے حکم صادر کیا ہے جو ہے۔ ہم نے سزا کی اپیل
کے لیے اپیل عدالت عالیہ یا ٹریل کورٹ میں دائر کی ہے۔ جو ابھی تک زیر سماعت ہے۔

(Handwritten signature/initials)

محمد لواز

صاحب محترم محمد یوسف HC:-

Attested

س: آپ نے جو درخواست میرا خلاف دی تھی۔ اس پر آپ نے دستخط کیا تھا؟

ج: جی ہاں۔

س: کیا اس درخواست پر محمد لواز نے بھی دستخط کیا تھا؟

ج: 1۔ درخواست پر میں نے دستخط کیا تھا محمد لواز کے دستخط نہیں۔ البتہ درخواست محمد لواز کی طرف
سے تھی۔ کیونکہ وہ موقع پر ڈیوٹی پر تھا۔

س: 2۔ مذکورہ درخواست کے بارے میں فوراً غور کیا ہے؟

ج: 1۔ میں نے فوراً غور نہیں کیا، کیونکہ میرا تعلیم کم ہے۔ میں نے عمرانی نوٹس سے کچھ پڑھا ہے۔

(A) (6)

من :- فہم لہذا اللہ عمر فقید کا مزار نامی قبرستان پر حوا ہے۔ حیدرآباد عدالت نے
درصد تسلیم کیا ہے۔ اس کے بارے میں آپ کو کچھ نہیں
جی ہاں علاج لہذا عدالت نے عمر فقید کا مزار نامی حوا ہے۔

الحمد للہ

الحمد للہ

Attested
[Signature]

Attested
[Signature]
E/10

بیان آڈن محمد کواز عرفی جو بی واد تقوا اسکے محمد زکی حال محمد اللہ
ڈسٹرکٹ جیل کوٹاٹ

حلفاً بیان کیا کہ میں نے وہ گیسٹ ہاؤس میں جیل میں بیٹھوں۔
میں ایف سی میں بطور ایسٹن مائیکر ڈیوٹی سر ایچام دسرا
مقام اور اب ڈیوٹی سے تقریباً 10/12 سے ڈیوٹی سے غیر حاضر
ہوں۔ میں نے تین خطبات پڑھے ہیں۔ یہ درخواست برائے فی الزور
ڈی ایچ ڈی ایچ کو دی گئی ہے۔ یہ درخواست برائے فی الزور
(میں نے اپنی) نے پیش کرنا ہے۔ درخواست نامہ میں نے دیکھ لیا۔ اس پر میرا
دستخط یا نشانہ ڈالنا ہے۔ کہ وہ اس کے لئے لوار لیا گیا ہے۔ یہ
بٹے منتول سہیل لوار کو سلم لود اللہ نے تاکہ چونکہ میں ہسپتال سے
فائرنگ کے قتل کا ڈھانڈا اور سادہ رائیگھیر عورت اور محمد یوسف To
شریف وارثوں میں فائرنگ سے زخمی ہوئے تھے۔ صلح لود اللہ کو ایڈیشنل
سیشن جج نے لود اللہ میں شہر میں علی خان خیرات۔ میں نے سزا کی زیادتی
اور صلح نے سہارا سے لود اللہ میں علی خان خیرات کی ہے۔ جو کہ زیر سماعت
ہے۔ یوسف مذکورہ سہیل نے دران شہر میں پانچا بیان فرمایا ہے۔ محمد کواز
الک

جرح صحابہ محمد یوسف

میں نے آپ نے اپنی درخواست میں بیان کیا ہے کہ لود اللہ سے سزا لود اللہ سے لائی ہے۔ آپ کے
پاس کو شہادت ہے؟
ج۔ جیسے اس بار سے کوئی علم نہیں ہے۔ کہ آپ نے اسے نام لیا ہے۔ اور میں
میں نے۔ میں نے بیان اور دیکھ لیا ہے۔ گواہ کی روٹی میں صلح لود اللہ کو لود اللہ
محمد زکی کو لیا ہے۔ اس سے سزا سے آپ کا خیال ہے؟

ج۔ صلح لود اللہ میں بیان اور آڈن (ہسپتال) کی بر آڈن اور
دیکھے کہ کون سے خضار ہی کی بنا پر عدالت نے سزا لود اللہ سے لائی ہے۔
Attested
(PTU)

8

سید و نذیر کو برادری کے ساتھ آپ کی حالت کو بہتر بنانے کی دیکھنی چاہیے؟

ج۔ لادیر کے ساتھ ہمارا ڈائریکٹ رشتہ نہیں ہے۔ بلکہ مفتوح سہیل لواز

کے خاں گمان میں رشتہ ہے۔ انہوں نے لادیر کے خاں پر قتل کی

دیکھنی چاہیے۔

مفتوح لواز

Handwritten signature

Attested by

Handwritten signature
Inquiry Officer
08-11-22

Attested
Handwritten signature
INDEPENDENT
DISTRICT COURT

Attested
Handwritten signature

بیان آذان منہاج الدین 358 حال مقدمہ 15 کوٹاٹ - LHC

حلفاً بیان کیا کہ بوقت وقوع مجرمہ علیہ عدالت نے 464 کی طرف

22/04/19 سے 22/04/19 تک 302-324-622 نمبر سے ASI میں محمد اقبال ASI

353-15740

کسی وقت بطور گنہ گشت ڈیوٹی پر تھا کہ ٹانگہ چوک سٹی میں سے
خارجہ کی آواز پر محمد اقبال ASI کے یہاں موقع کی طرف آ کر موقع

20 بجے محمد یوسف ٹریفک وارڈن یہاں مسلح نوید اللہ

موجود تھے محمد یوسف کی رپورٹ پر محمد اقبال ASI نے

یہ خلاف مسلح نوید اللہ سے اسلحہ برائے نامہ علیہ کر کے 20

نے موقع پر مسلح ہو کر آ کر قتل بھی حوالہ محمد اقبال ASI کیا تھا۔

مقدمہ کا ٹرائل عدالت میں ہو کر من LHC کی شہادت فائدہ

ہو چکی ہے۔ دوران ٹرائل مقدمہ میں نے یہی بیان عدالت میں

فائدہ کیا ہے۔ میرا بیان ہے۔

Signature

LHC - BD - 15

31-10-22

ترجیح منجانب محمد یوسف، موقع رہا گیا۔

میں محمد یوسف نے بخوشی خود حرج نہ کرنا بیان کیا ہے۔

31-10-22

Attested

Attested
Signature

Signature
31-X-2022

18

بیان اذان محمد اقبال 110 نمبر نماز منگل خلیل

13

حلفاً بیان کیا کہ بوقت وقوع مجرم مقدم عدالت 564 ص 22⁰⁴/₁₉

سٹی نمبر $\frac{302-324-427}{353-15AA}$ میں بطور ASI نماز منگل

تعمیرات نماز - بوقت وقوع میں ہم لفری گشت پر تھا۔ تاہم

پولیس میں فائرنگ کی آواز سن کر موقع کی طرف آ کر مجروح

TO محمد یوسف شریف وارڈن ہمراہ سہیل نور اللہ دارال

حکیم خان گذر کر کے TO خانہ موضع پر سہیل نور اللہ قتل

بھی من ASI کو حوالہ کر کے مقدم عدالت خانہ دارال حکیم خان

عدالت کانٹریبل عدالت میں سہیل نور من محمد اقبال ASI کی

شہادت قلمبند ہو چکی ہے۔ اور دوران ٹرائل میں نے یہی

بیان عدالت میں قلمبند کیا ہے۔ یہ بیان ہے۔

5440 Ps. 14

31-10-22

صبر و حیا نب محمد یوسف! - صبر و حیا نگار

میں محمد یوسف بخاری خود صبر و حیا میں کرانا چاہتا ہوں۔

31-10-22

Attested
31-10-22

Attested
31-X-2022



Received for
PA on 29/10/22
at H.S.C. 29/10/22

P-16

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA,
CENTRAL POLICE OFFICE, PESHAWAR
Phone # 091-9211769

No. 155-64 /CPO/IAB, dated Peshawar the 06 /10/2022

To: The District Police Officer,
Kohat

(Signature)

17

Subject: SERVICE APPEAL NO.2818/2021 TITLED MUHAMMAD YOUSAF VS POLICE DEPARTMENT

Memo:-

Please refer to your office letter No.9694/PA dated 28.09.2022, on the subject cited above.

2. SP/Investigation Kohat is hereby nominated to conduct the subject denovo departmental enquiry against Ex-Head Constable Muhammad Yousaf No.882.
3. Final outcome of the denovo departmental enquiry may be communicated to this office, on or before 25.10.2022, before issuance of formal order, for the perusal of IGP.
4. Being a court matter the proceedings shall be completed within the limitation period to avoid further legal complications.

Encls: (Original Enquiry File 173 pages)
(Court judgment 18 pages)

1224
13-10-22

(Signature)
MOHAMMAD ASHFAQ (PSP)
AIG Enquiries
Internal Accountability Branch
Khyber Pakhtunkhwa,
Peshawar

No & dated even.

Copy of above is forwarded for information to:-

1. The PSO to Worthy IGP, Khyber Pakhtunkhwa.
- ✓ 2. The SP/Investigation Kohat, (Enquiry Officer).

Attested
(Signature)

Put up inquiry file seen seen

(Signature)
Superintendent of Police
Investigation Kohat
29/10/22



Office of the
District Police Officer,
Kohat

No 10204-05/PA

Dated 13-10-2022

CHARGE SHEET

I, MR. SHAFI ULLAH KHAN, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Ex - IHC Muhammad Yousaf No. 882 (re-instated for the purpose of denovo enquiry) rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. *That you are injured complainant in case FIR No. 564 dated 22.04.2019 u/ss 302,324,353,427, 15 AA PS City, wherein, one Sohail Nawaz s/o Muhammad Nawaz r/o Muhammad Zai which was murdered and one lady pedestrian was hit by accused Naveed and sustained fire arms injury as well.*
- ii. *That as complained by father of deceased Naveed you being complainant, injured and eye of witness of the case got recorded contradictory statement before the trial court have connivance with accused in order to extend benefit to him and thus violated the prosecution case intentionally.*

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07days 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 ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

Attested
[Signature]

[Signature]
DISTRICT POLICE OFFICER,
KOHAT



Office of the
District Police Officer,
Kohat

No. 10204-05/PA

Dated 13-10-2022

DISCIPLINARY ACTION

I, **MR. SHAFI ULLAH KHAN, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Ex - IHC Muhammad Yousaf No. 882 (re-instated for the purpose of denovo enquiry)** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. *That you are injured complainant in case FIR No. 564 dated 22.04.2019 u/ss 302,324,353,427, 15 AA PS City, wherein, one Sohail Nawaz s/o Muhammad Nawaz r/o Muhammad Zai which was murdered and one lady pedestrian was hit by accused Naveed and sustained fire arms injury as well.*
- ii. *That as complained by father of deceased Naveed you being complainant, injured and eye of witness of the case got recorded contradictory statement before the trial court have connivance with accused in order to extend benefit to him and thus violated the prosecution case intentionally.*

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SP Investigation Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the denovo enquiry proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT**

No. 10204-05 /PA, dated 13-10-2022.

Copy of above to:-

1. **SP Investigation Kohat**:- The Enquiry Officer for denovo enquiry proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

*Arrested
Police*



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA,
CENTRAL POLICE OFFICE, PESHAWAR
Phone # 091-9211769

No. 142-47 /CPO/IAB. dated Peshawar the 05 /10/2022

To: The District Police Officer,
Kohat

Subject: SERVICE APPEAL NO.2818/2021 TITLED MUHAMMAD YOUSAF VS
POLICE DEPARTMENT

Memo:-

Please refer to your office letter No.9694/PA dated 28.09.2022, on the subject cited above.

2. SP/Investigation Kohat is hereby nominated to conduct the subject denovo departmental enquiry against Ex-Head Constable Muhammad Yousaf No.882.

3. Final outcome of the denovo departmental enquiry may be communicated to this office, on or before **25.10.2022**, before issuance of formal order, for the perusal of IGP.

4. Being a court matter the proceedings shall be completed within the limitation period to avoid further legal complications.

Encls:(Original Enquiry File 173 pages)
(Court judgment 18 pages)

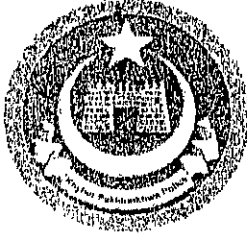
MOHAMMAD ASHFAQ (PSP)
AIG Enquiries
Internal Accountability Branch
Khyber Pakhtunkhwa,
Peshawar

No & dated even.

Copy of above is forwarded for information to:-

1. The PSO to Worthy IGP, Khyber Pakhtunkhwa.
2. The SP/Investigation Kohat, (Enquiry Officer).

*Attested
M. Aslam*



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-920116 Fax 920125

ORDER

In pursuance of Judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar, dated 28.06.2022 in Service Appeal No. 2818/202. Ex - IHC Muhammad Yousaf No. 882 is hereby re-instated in service only for the purpose of denovo enquiry.

OB No. 495
Dated 13-10 /2022

DISTRICT POLICE OFFICER,
KOHAT

No 10204 IPA dated 13-10 . 2022

Copy of above is submitted for favor of information to the:-

1. Assistant Inspector General of Police, Enquiries, Internal Accountability Branch Khyber Pakhtunkhwa, Peshawar w/r to his office letter No. 1362-64/CPO/IAB dated 06.10.2022
2. SP Courts & Litigation CPO Peshawar letter No. 4330/Legal dated 06.09.2022.
3. SP Investigation Kohat (enquiry officer) for necessary action and file report within stipulated period.
4. L.O Police Lines/Pay Officer/Reader/ SRC/OHC for necessary action.

Attested
[Signature]

[Signature]
DISTRICT POLICE OFFICER,
KOHAT

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1102/2023
Muhammad Yousaf
IHC No. 882, District Kohat

..... Appellant

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa & others

..... Respondents

AUTHORITY LETTER

Mr. Arif Saleem steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.


District Police Officer,
Kohat
(Respondent No. 3)