

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA PESHAWAR.**

Service appeal No. 259/2016

Akhtar Abbas Ex-LHC No. 32

..... Appellant.

VERSUS

Provincial Police Officer;

Khyber Pakhtunkhwa, Peshawar and others

..... Respondents.

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary Objections:-

1. That the appeal is not maintainable in the present form.
2. That the appellant has got no cause of action.
3. That the appellant has not come to this Hon. Tribunal with clean hands.
4. That the appeal is badly time barred.
5. That the appeal is bad for misjoinder of unnecessary parties and non-joinder of necessary parties.

FACTS:-

1. Pertains to record.
2. Correct that charge sheet and statement of allegations under Police rules 1975 was served upon the appellant on following allegations.

He has intentionally and deliberately recorded contradictory statement in high profile sectarian case before learned at Court in case vide FIR No. 1220, dated 18.11.2013, /s 302/324/353/34 PPC, 13 AO & ATA, in which three persons including gunman of DSP City Kohat were killed and two civilians sustained severe injuries.

He openly supported/favored the accused charged for above mention offences by stating the following:-

- i. He made presence of one of the accused Muharram Ali Shah doubtful in his court statement by stating that he left the Imam Bargha in the morning of 18.11.2013 and that he did not see Muharram Ali Shah returning to Imam Bargha before the occurrence. Whereas Muharram Ali Shah was present in the Imam Bargha at the time of occurrence, he threatened and fired upon the Police party and civilians he along with other accused was arrested red handed with weapons of offence from Imam Bargha which was immediately encircled by Police after firing.
- ii. Further he has also made presence of the complainant Mazhar Jehan Inspector and eye witness DSP Lal Farid doubtful by not uttering a single word to the effect that he was present at the time, place and firing by the accused and resiled from his earlier statement recorded u/s 161 CrPC during the course of investigation.

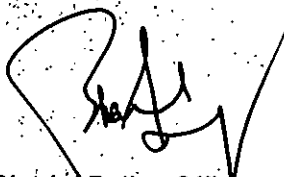
- iii. Being experience Police personnel, he has provided an extra ordinary benefit to the accused in this high profile sectarian case which led to their acquittal. This amounts to gross professional misconduct, willful joining hands with accused and irresponsibility on his part.
3. Incorrect. All the legal formalities have been observed during the course of inquiry and lawful opportunity of defence were extended to the appellant.
4. Correct to the extent that the final show cause notice was served upon the appellant and he has submitted his reply. The remaining portion of the para is incorrect. The reply of the appellant was found unsatisfactory.
5. Correct to the extent that the appellant filed departmental appeal which was examined and rejected by the competent authority because of having no force in it.
6. Detail reply on the grounds are as under.

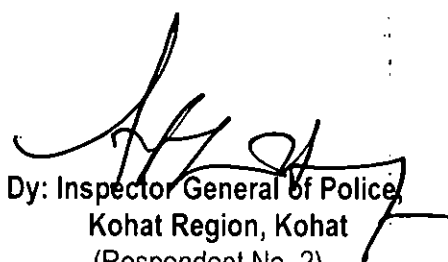
GROUND:-

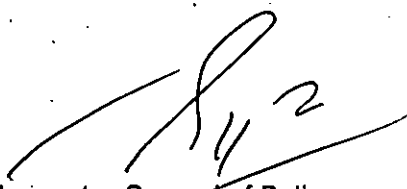
- A. Incorrect. The orders were passed by the Authorities in accordance with law & rules after proper departmental proceedings in which appellant was held guilty, thus the orders are maintainable.
- B. Incorrect. The appellant was extended all the lawful opportunities of defence including personal hearing by enquiry officer and the Authority.
- C. Incorrect. The appellant was associated with the inquiry proceedings, statements of witnesses were recorded in his presence and he was given lawful opportunities of cross examination.
- D. Incorrect. The appellant has been treated in accordance with law & rules. A proper departmental inquiry was initiated against him purely on merits and in accordance with law & rules in which all the legal formalities have been observed and the appellant was held guilty.
- E. Incorrect. The appellant has recorded contradictory statement in the court of law during trial of high profile sectarian case and made the presence of main accused Muharram Ali Shah doubtful, whenever he was arrested by the local Police from the spot alongwith crime weapon just after the occurrence. Furthermore, the allegations leveled against the appellant have been proved against him in a proper departmental proceedings conducted purely on merits and in accordance with law and he was held guilty.
- F. Incorrect. The statement of the appellant was recorded by the I.O of the case u/s 161 CrPC after proper examining and interviewing him but the appellant recorded contradictory statement in the court of law during the trial of case in question and made the presence of complainant and eye witness doubtful. This allegation has been proved against the appellant in a proper departmental proceedings and he was held guilty.
- G. Incorrect. Infact the appellant has recorded a contradictory statement in the court of law during the trial of case in question and made the presence of main accused doubtful whenever, he was arrested from the spot alongwith crime weapons just after the occurrence and also made the presence of complainant and eyewitness doubtful who arrested the accused from the spot alongwith crime weapons just after the occurrence. This fact was mentioned by the learned court in its judgment. Furthermore, this allegation has been proved against him in a proper departmental proceedings and he was held guilty.

- H. Correct to the extent that so many witnesses gave their statements in that case but the remaining portion of the para is incorrect. Infact the appellat recorded contradictory statement and made the whole case of prosecution doubtful and the allegation have been proved against him in a departmental proceedings.
- I. Incorrect. The orders were passed by the Authorities in accordance with law & rules after proper departmental proceedings initiated in accordance with law & rules. Thus are maintainable.
- J. Incorrect. The allegations leveled against the appellat have been proved in a proper departmental proceedings and he was held guilty.
- K. Incorrect. All the lawful opportunities of defense including personal hearing were extended to the appellat.
- L. The respondents may also be allowed to advance additional grounds at the time of hearing.

In view of the above, it is prayed that on acceptance of this reply, the instant appeal of the appellat may kindly be dismissed with cost.


District Police Officer
Kohat
(Respondent No. 3)


Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)


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

**BEFORE THE HONORABLE SERVICE TRIBUNAL,
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..... Appellant.

VERSUS

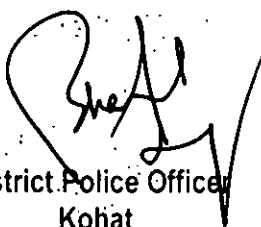
Provincial Police Officer,

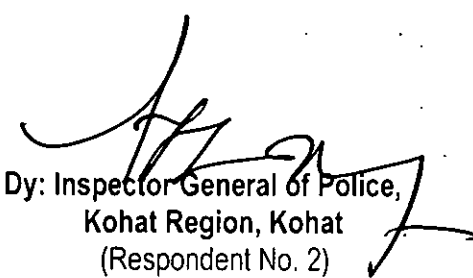
Khyber Pakhtunkhwa, Peshawar and others


..... 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: Court.


District Police Officer
Kohat
(Respondent No. 3)


Dy: Inspector General of Police,
Kohat Region, Kohat
(Respondent No. 2)


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



OFFICE OF THE
REGIONAL POLICE OFFICER
KOHAT REGION

No. 2155 /EC

Dated 26-02 /2016

ORDER

This order is passed on departmental appeal filed by Ex: LHC Akhter Abas No. 32 of district Kohat against the impugned punishment order passed by DPO Kohat vide his office OB No. 22 dated 07.01.2016, vide which he was awarded a major punishment of dismissal from service with immediate effect.

2. Brief facts of the case are that the appellant deployed as guard commander at Syed Habib Shah Imam Bargah was an eye witness of a **high profile sectarian case** vide FIR No. 1220 dated 18.11.2013 U/Ss 302, 324, 353, 34 PPC r/w 7ATA PS City Kohat. During course of trial of accused in ATC, he was examined as PW-2. In his cross examination, he willfully contradicted his statement and stated that the under trial accused Muharram Ali Shah has left the Imam Bargah in the morning of 18.11.2013 (eventful day). Further he intentionally made presence of complainant / SHO Mazhar Jehan and DSP Lal Farid (PWs) doubtful, who were eye witnesses and present at time of occurrence, on the spot. Thus he undue favour the accused by recording contradictory statements to extend benefit to the accused, due to which all the 04 accused are acquitted by the ATC.

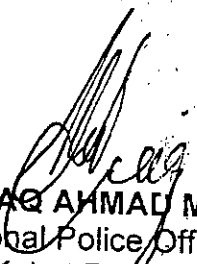
3. For the reasons above / willful misconduct, the appellant was served with Charge Sheet alongwith statement of allegations and DSP Legal Kohat was appointed as enquiry officer to scrutinize the conduct of appellant. The E.O while in his detailed findings held him guilty of the charges and recommended him for major punishment. Final SCN was served upon him by the competent authority, wherein he relied upon his earlier reply to the charge sheet. Hence, he was heard personally, but failed to satisfy the competent authority. On completion of all the codal formalities under the rules, the appellant was awarded a major punishment of dismissal from service by the competent authority (DPO Kohat) vide his office above quote order reference.

4. Feeling aggrieved, the instant appeal. Comments sought from DPO Kohat, record requisitioned and the appellant was called & patiently heard in Orderly Room held on 24.02.2016. During hearing the appellant could not submit any plausible explanation, nor could satisfy the undersigned.

5. Record gone through which indicates that the appellant the name of incident was deployed / present at Imam Bargah and was an eye witness of the incident. All the accused including Muharram Ali Shah were arrested on the spot with recovery of weapons of offense, but the judgment learned court transpires that the appellant made the presence of accused Muharram Ali Shah, complainant / SHO Mazhar Jehan and DSP Lal Farid (PW 5&10) highly doubtful and deliberately contradicted the statement to facilitate the under trial accused, which vitiated the entire prosecution case and caused acquittal of all the accused directly charged and arrested on the spot.

6. In view of above and available record, the undersigned came to the conclusion that the appellant committed a gross professional misconduct and the charges leveled against him have been proved beyond any shadow of doubt. All the codal formalities in departmental proceedings have been completed, a legal and speaking punishment order is passed by the competent authority. Hence the undersigned does not seem to interfere in it. Therefore, the appeal of Ex: LHC Akhter Abas No: 32 being without any substance, devoid of merits is hereby **rejected** and the punishment order passed by the DPO Kohat **upheld**.

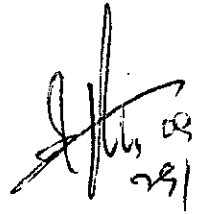
Announced
24.02.2016


(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region

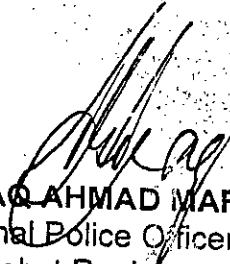
No. 2156-58 /EC,

- ✓ 1 Copy of above is submitted for favour information to the:-
Add: Inspector General of Police Operation Khyber Pakhtunkhwa in continuation to this office No. 414/R dated 11.01.2016 please.
- 2 District Police Officer Kohat, service record alongwith enquiry file is returned herewith.
- ✓ 3 Appellant

✓
obte / SRE
For information


29/1/16

2007
29/1/16


(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region



Office of the
District Police Officer,
Kohat

No. 7

/PA

Dated 28/10/2015

ORDER

This order is aimed to dispose of departmental inquiry initiated against defaulter Akhtar Abbas LHC No. 32 the then Guard Commander of Syed Habib Shah Imam Bargah Kohat.

The brief facts behind this enquiry are that on 18.11.2013 in wake of incident of Muharram ul Haram Rawalpindi 2013, Ahle Sunnat ul Jumat, (defunct Sepahe Suhaba) organized as solidarity a procession from Tehsil Gate to Shah Faisal Gate. The participants of the said procession demanded removal of temporary Chapper erected for Zuljanah (Horse) in front of Imama Bargah Syed Habib Shah and moved toward that Chappar. In the meanwhile accused Syed Muharram Ali Shah alongwith co-accused duly armed with crime weapons from the rooftop of the said Imam Bargah emerged and threatened loudly the mob if they come forward than they would be killed but the said mob continued their forward movement. The accused ordered his accomplice for firing on the mob. They started firing at Police party as well as participants of the mob. Resultantly 03 persons including gunner constable of DSP City have been killed and 02 civilian sustained severe injuries. A proper case to this effect vide FIR No. 1220 dated 18.11.2013 u/s 302/324/353/34 PPC/13 AO/7ATA PS City was registered on the report of complainant Mazhar Jehan the then SHO PS City. All the nominated accused were arrested from the spot alongwith crime weapons just after the occurrence. After due investigation complete Challan has been submitted to the Anti Terrorism Court Kohat, which was subsequently transferred to Anti Terrorism Court-I Peshawar for trial. On conclusion of trial of this case on 07.10.2015 the learned court has acquitted all the accused by giving them benefit of doubt on the basis of contradictory statement of Police PWs including the defaulter official. The Learned Court referred in para-21 of the judgment that defaulter official appeared before the court as PW-2 stated in cross examination that accused Muharram Ali Shah has left the Imam Bargah in the morning of 18.11.2013 (Day of occurrence). He has not seen this accused returning the Imam Bargah before the occurrence and made presence of accused Muharram Ali Shah, Complainant Mazhar Jehan (PW-5) and DSP Lal Frid (PW-10) highly doubtful and created grave contradiction. The contradictory statements of the defaulter made the whole story of prosecution doubtful.

In the light of contradictory and resiled statement referred by the learned court in the judgment referred above a proper departmental inquiry was initiated against the defaulter on his gross professional misconduct. Charge sheet and statement of allegation vide this office No. 13139-40/PA dated 28.10.2015 was issued and served upon him. Mr. Javed Ahmed Chughtai DSP Legal Kohat was appointed as enquiry officer.

The inquiry officer conducted proper departmental inquiry and submitted his finding dated 08.12.2015. According to finding report, he recorded statements of complainant of the above mentioned case Mazhar Jehan the then SHO PS City, Lal Farid DSP City eyewitness and Inspector Ibrahim Ullah Khan investigating officer in the presence of defaulter official who was given an opportunity of cross examination. All the witnesses categorically stated that the defaulter willfully and deliberately delivered contradictory statement to facilitate the accused, whenever according to the version of investigating officer, defaulter official did not disclose anything about departure of accused Muharram Ali Shah to him or investigation team at the time of recording this statement u/s 161 CrPC. He relied from his statement u/s 161 CrPC recorded by the I.O during the course of investigation. The enquiry officer recommended the defaulter for major punishment.

Consequently final show cause notice No. 15318/PA dated 08.12.2015 was issued and served upon defaulter. On 14.12.2015 the defaulter submitted his reply but it was neither appealing nor satisfactory. Hence he was called in Orderly Room for personal hearing. He was heard in person but he could not satisfy the undersigned about his innocence.

I have carefully gone through inquiry papers and relevant record and come to the conclusion that the allegations leveled against defaulter official are well founded and proved. I agree with the finding of inquiry officer. Being a member of disciplined Police force, he was found guilty of extending undue and unlawful favour to the accused by resiling on his statements. His retention in Police force will amount to encourage inefficient and unbecoming of good Police officers. Therefore, I **Mr. Muhammad Sohaib Ashraf, District Police Officer**, being competent authority under Khyber Pakhtunkhwa Police Rules 1975 with amendments-2014 hereby award him major punishment of dismissal from service with immediate effect.

ANNOUNCED

CB No. 22 dt: 7-1-2016


**DISTRICT POLICE OFFICER,
KOHAT**


The inquiry officer conducted proper departmental inquiry and submitted his finding dated 07.12.2015. According to finding report, he recorded statements of complainant of the above mentioned case Mazhar Jehan the then SHO PS City, Lal Farid DSP City eyewitness and Inspector Ibrahim Ullah Khan investigating officer in the presence of defaulter official who was given an opportunity of cross examination. All the witnesses categorically stated that the defaulter willfully and deliberately delivered contradictory statement to facilitate the accused, whenever according to the version of investigating officer, defaulter official did not disclose anything about departure of accused Muharram Ali Shah to him or investigation team at the time of recording this statement u/s 161 CrPC. He relied from his statement u/s 161 CrPC recorded by the I.O during the course of investigation. The enquiry officer recommended the defaulter for major punishment.

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I have carefully gone through inquiry papers and relevant record and come to the conclusion that the allegations leveled against defaulter official are well founded and proved. I agree with the finding of inquiry officer. Being a member of disciplined Police force, he was found guilty of extending undue and unlawful favour to the accused by resiling on his statements. His retention in Police force will amount to encourage inefficient and unbecoming of good Police officers. Therefore, I **Mr. Muhammad Sohaib Ashraf, District Police Officer**, being competent authority under Khyber Pakhtunkhwa Police Rules 1975 with amendments-2014 hereby award him major punishment of dismissal from service with immediate effect.

ANNOUNCED

OB No. 22 dt: 7-1-2016.


**DISTRICT POLICE OFFICER,
KOHAT**

THE DISTRICT POLICE OFFICER KOHAT

REPLY OF NAUSE W CAUSE NOTICE

IS:

... e ne no / Cause Not ed "

15 A 8/ 15. In this regard ated that n

... rlier reply to the charge sheet my kindly be considered as reply to the

nstant final show cause Notice please.

Your obediently ,

LHC Akhtar Abbas
Belt No. 32 Distt Police Kohat

A. Abbas
14-12-2015

No. 15318 /PA

Dated 8-12 /2015

**DISTRICT POLICE OFFICER,
KOHAT**

FINAL SHOW CAUSE NOTICE

1, **Muhammad Sohaib Ashraf, District Police Officer, Kohat** as competent authority under the Khyber Pakhtunkhwa, Police Rule 1975 Amendment 2014, hereby you **LHC Akhtar Abbas No. 32** as follow:-

The consequent upon the completion of enquiries conducted against you as Enquiry Officer, **Mr. Javed Ahmad Chughtai DSP Legal, Kohat.**

On going through the findings and recommendations of the Enquiry Officer, the material on the record and other connected papers, I am satisfied that the charge against you is proved and you have committed the following acts/omission specified in Police Rule 1975 Amendment 2014.

You have intentionally and deliberately recorded contradictory statement in high profile sectarian case before learned AT Court in case vide FIR No.1220, dated 18.11.2013, u/s 302,324,353,34 PPC,13 AO, 7 ATA, in which three persons including gunman of DSP City Kohat were killed and two civilians sustained severe injuries.

You openly supported/favored the accused charged for above mention offences by stating the following:-

- i. You made the presence of one of the accused Muharram Ali Shah doubtful in your court statement by stating that he left the Imam Bargha in the morning of 18.11.2013 and that you did not see Muharram Ali Shah returning to Imam Bargha before the occurrence. Whereas Muharram Ali Shah was present in the Imam Bargha at the time of occurrence, he threatened and fired upon the police party and civilians and he alongwith other accused was arrested red handed with weapons of offence from Imam Bargha which was immediately encircled by police after firing.
- ii. Further you have also made presence of the complainant Mazhar Jehan Inspector and eye witness DSP Lal Farid doubtful by not uttering a single word to the effect that they were present at the time, place and firing by the accused and resiled from your earlier statement recorded u/s 161 CrPC during the course of investigation.
- iii. Being an experienced police personnel, you have provided an extraordinary benefit to the accused in this high profile sectarian case which led to their acquittal. This amounts to gross professional misconduct, willful joining hands with accused and irresponsibility on your part.

3. As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Khyber Pakhtunkhwa, Police Rule 1975 Amendment 2014.

4. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven (7) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

No. 15318 / PA

Dated 08/12 / 2015


DISTRICT POLICE OFFICER,
KOHAT

FINDING

DEPARTMENTAL ENQUIRY AGAINST LHC AKHTAR ABBAS NO. 32 THE THEN GUARD COMMANDER IMAM BARGAH SYED HABIB SHAH.

It is submitted that charge sheets and statement of allegation was issued against LHC Akhtar Abbas No.32 on the allegations:-

- That he intentionally and deliberately recorded contradictory statement in high profile sectarian case before Learned AT Court in case FIR No. 1220 dated 18.11.2013 u/s 302/324/353/34 PPC 13 AO /7ATA, in which three persons including gunman of DSP City Kohat were killed and two civilian sustain injuries.
- He openly supported/favored charged accused for above mentioned offences.
- He made the presence of one of the accused Muharram Ali Shah doubtful in his court statement by stating that he left the Imam Bargah in the morning of 18.11.2013 and that he did not see Muharram Ali Shah returning to Imam Bargah before the occurrence. Whereas Muharram Ali Shah was present in the Imam Bargah at the time of occurrence, he threatened and fired upon the Police party and civilians and he alongwith other accused was arrested red handed with weapons of offence from Imam Bargah, which was immediately encircled by Police after firing.
- Further, he also made presence of the complainant Mazhar Jehan Inspector and eye witness DSP Lal Farid doubtful by not uttering a single word to the effect that they were present at the time, place and firing by the accused and resiled from his earlier statement recorded u/s 161 CrPC during the course of investigation.

The copy of charge sheet and statement of allegation vide No. 13139-40/PA dated 28.10.2015 received to me for inquiry and report. On 05.11.2015 the defaulter LHC submitted his reply in which he denied the allegations leveled against him in the charge sheet and claimed himself innocent. However, he admitted that accused Muharram Ali Shah has left the Imam Bargah in the morning of the day of occurrence i.e 18.11.2013 and he has not seen the accused returning to Imam Bargah before the occurrence.

I have conducted proper departmental inquiry, recorded the statements of
witnesses in presence of defaulter official by giving him full opportunity of
cross-examination.

1. Mazhar Jehan sub Inspector CTD, the then SHO PS City and complainant of the case.
2. Lal Farid Khan DSP City.
3. Ibrahim Ullah Khan Incharge Rescue 15 Investigating officer of the case in question.

Mr. Mazhar Jehan complainant of the case in question stated in his statement that on 18.11.2013 he alongwith Police contingent were present in Kohat City. In the wake of incident of Muharram-UI-Harram Rawalpindi Ahle-Sunnat-UI-Jumat, defunct Sepah-e-Suhaba as solidarity a procession from Tehsil Gate to Shah Faisal Gate was arranged. The participants of the said procession demanded removal of temporary Chapar erected for Zuljanah (Horse) in front of Syed Habib Shah Imam Bargah and moved towards that Chapar. When they reached there the charged accused made firing from Imam Bargah Syed Habib Shah due to which three persons including one Police official have been killed and two civilian sustained severe injuries. A proper case to this effect vide FIR No. 1220 dated 18.11.2013 u/s 302/324/353/34 PPC/13 AO/7ATA PS City was registered on his report. He also stated that he relied upon his statement recorded during the course of the investigation of the said case. He further stated that he alongwith DSP City Lal Farid Khan and Amjid Khan the then SHO PS Cantt arrested all the charge accused including Syed Muharram Ali Shah alongwith weapon of crime from the spot. He also stated in his cross-examination that defaulter official willfully and deliberately delivered contradictory statement to facilitate the accused because of having same religious sect.

Mr. Lal Farid Khan DSP City corroborated the same story in his statement, stated that he and Mazhar Jehan the then SHO City alongwith Police contingent were present on the spot and witnessed the occurrence within their own eye. The charged accused were arrested from the spot with crime weapons. He also stated that defaulter official willfully and deliberately delivered contradictory statement to facilitate the accused because both of them belongs to same religious sect Ahle-Tashi.

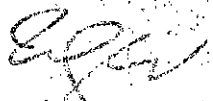
Ibrahim Ullah Khan Incharge Rescue-15 Kohat the then circle officer investigation stated that being investigating officer he has investigated the case with investigation team. He categorically stated in statement that defaulter official willfully resiled from his statement to facilitate the accused, because during the course of investigation he alongwith investigation team thoroughly interviewed each and every

witness including defaulter official before recording the statements u/s 161 CrPC. The defaulter did not say anything about departure of accused Muharram Ali Shah from the Imam Bargah in the morning of the day of occurrence i.e 18.11.2013 to him or to investigating officer. Being Police officer he was supposed to inform investigating officer if it was true. I stated that defaulter official and accused belongs to same religious sect due to which the defaulter delivered contradictory statement to facilitate the accused.

I have also recorded statement of defaulter official LHC Akhtar Abbas No. 32. He denied the allegation leveled against him and claim himself innocent but he admitted that accused Muharram Ali Shah has left the Imam Bargah in the morning of day of occurrence i.e 18.11.2013 and has not seen him returning to Imam Bargah before the occurrence.

The learned court, clearly mentioned in the judgment dated 07.10.2015 passed in the said case that the defaulter official LHC Akhtar Abbas No. 32. PW-2 made the presence of accused Muharram Ali Shah, complainant Mazhar Jehan (PW-5) and DSP Lal Farid (PW-10) highly doubtful and created grave contradiction, resulted in acquittal of all the charge accused. The court verdict as mentioned in the judgment is very much clear that defaulter delivered contradictory statement in the court, which made the whole story of prosecution doubtful. Furthermore, the contention of investigating officer is also very much clear, that defaulter official did not disclosed anything about departure of accused Muharram Ali Shah to him or investigation team, at the time of recording his statement u/s 161 CrPC. The statement of defaulter, recorded u/s 161 CrPC examined and nothing found anything about departure of accused Muharram Ali Shah in the morning of the day of occurrence from Imam Bargah. It shows intentional act on the part of defaulter to facilitate accused.

In view of above I come to the conclusion that the allegations of recording contradictory statement in high profile sectarian case intentionally & deliberately to support/favour the charge accused, willfully resiled from statement recorded u/s 161 CrPC and concealing the facts are well founded and proved. Similarly, the contention of giving contradictory statement in the court because of same religious sect to facilitate the accused are also well founded and established from statements of witnesses. The retention of defaulter Police official in Police force will amount to encourage in efficient and unbecoming of good Police officers, therefore, recommended for major punishment please.


Enquiry Officer
DSP Legal Kohat

بہ صاحب کا جولو سلفا اس میں صلح امراد نے
ہے۔ البتہ تھوٹی لاکھوں کے ساتھ جو اس وقت تک اس کے

س میں تھا
رہا کیا اسے بیٹھی
ماہرنگ سید شاہ امام باہر کے
جارج کیے گئے تھے کی

کیا ماہر جو جمع سے کہا ہے کہ
میں نے یہاں تک کہ لوہے ایک بار میں ماہر ان کے
میں کی

کیا محرم علی شاہ جو بیٹھ جاتا
مالک محرم غلشاہ جو بیٹھ اس کے آگے ہوئے
میں نے حوٹوں زینت کو اس کی راہی کرتے ہوئے

وہ خطا تھا
۵۔ ملزم ایک کارا اہتر عمال میں 32 کا تعلق کہ

۴۔ جی ہاں اس کا تعلق اپنی ہے

۵۔ اگر میں یہ کہوں کہ ملزم ایک نے اپنے

کو فائدہ دے کیے خود حجاز میں رہا ہے
۶۔ دل کی بات اللہ تعالیٰ جانتا ہے۔ لیکن وہ

ہونا ہے
EO 12/15

سائل آریاں نظر جمائی جان سی۔ CTD کو صاف بند کرنا

نے سہی کیا کہ امام مہر سے میں لے کر SHO کے پاس جا کر اساتذہ کو حوالہ دیا
پارلیمینٹ کی قومی اسمبلی کے اجلاس کے دوران میں امام مہر کے حوالہ سے
کہہ دیا کہ شاہ امام مہر کے خراب کردہ جناح کیلئے سناٹا کیا ہے جو
ٹپانے کیلئے آئے ہیں کہ امام مہر کی جانب سے دلزبان نے مائٹنگ کی
کو میں جانتا ہوں مائٹنگ کے نتیجے میں ایک ایسی ایگرا اور دو عام شہری

سید پوٹے جس پر قید عدالت 1220 جوڑی 18¹¹ 2013 ص 324, 353, 302

3492

7ATA مقام سٹی سیری مددیت میں درج ہے سب سے پہلے یہ

خوشی نے بد زبان گفتگو سے متاثر کر کے مالا میں دے دیا ہے ہر

ملزمان بر حوالہ سے ہمراہ DSP سٹی لائل زبیر خان احمد خان SHO

مقام کنٹ، ایس ایچ آر کے اسلئے سرآمد کیا جس کو میں نے

بد زبان کر کے حوالہ دیا گیا۔ مگر

si-magnum

CTD. 19 Oct

1-12-2015

جسٹس
J. S. P. K.
120

حیرت ملزم ایگرا، اہمتر عیال فرم 32/44

(نہ دارو)، جو دیا گیا

سوال انگرا ہی افسر

س۔ آپ اہمتر عیال LHC کے پاس ہیں ہر روز جو کہ یہ کہاں لٹھیاں لگا

1۔ سید خلیف شاہ امام مہر کا رڈ لٹی برکتا

س۔ کیا آپ نے مسلم ایگرا کو ہر روز جو کہ کوئی چھوڑا تا دی تھی

لیا جائے ایک طرف حسب سناہ انوار ...

جما ہاں۔

کیا آپ سے ہیں کہ اہل تشیع ... 32

جما ہاں، اہل تشیع سے ہے۔

اگر میں یہ کہوں، کہ ملزم اللہ کے بارے میں ہے تشیع رکھنے والا۔

ملزمان کو فائدہ دے گا اور عدالت میں عدالت ... یہ درست ہوگا۔

بالکل درست۔

Handwritten signature and stamp: DS/L EC 12/15

سائن آڈان کسٹمر سروس ڈسٹریکشن سٹی سٹریٹ کوٹ

جان صاحب
سیاہ صحافی
سینئر
...

سائن کیا کہ فرم 2013 راولپنڈی سٹیٹ کی ریکشن پر
سیاہ صحافی کے چند لوگوں نے کنگ گٹ پر چار سرائے والا جو کہ
لاکھوں کسٹمرز کے لیے جو سہولت ہے وہ کیا تو ذرا
سے چھوڑتے کوٹانے کا مطالبہ کرتے ہوئے آئے تھے۔ لڑائیوں کا نتیجہ
سے طرفان نے اسلم آفیسر کے ہارنگ کی جس میں ایک صدر ایجنس میں اور جو
شہری شہید ہوئے جس پر مقدمہ عدت 1220 اور 2013 18 فرم 302, 324, 353

34
7A7A گھانا سٹیٹ ڈیزا سٹریٹ ہو اعلیٰ عدالت میں سے جاننا تھا اور مقدمہ جڈا
میں نازد کے لئے اور ان کے مقدمہ سے اسلم آفیسر نہیں برآمد کیا جب میں
نے صدر اس وقت کے SHO سٹیٹ اور کوٹ، پولیس باڈی ان کو گرفتار کیا گیا۔ سزید ہرا
وہی سائن سے جو میں مقدمہ متاثر کر رہے ہیں وہی ہیں۔ ظہیر جہاں SHO سٹیٹ
حقوق پر جو ہو دئے۔ اور تمام دفعوں کو اپنی آنکھوں سے دیکھا ہے۔

ASD/CP
11/12/15

حجر علیہ الیکٹرانکس، اہل نیکال نمبر 32/LHC

(مذاہد) - حوجہ دیا گیا
1-12-2015

حجر الیکٹرانکس

سوال: کیا کہ کسٹمر سیاہ صحافی کے جمع میں کوئی مسلح شخص تھا
ہیں تھا

ASD/CP
11/12/15

بیان آذان کسٹمرز برطان DSP سٹی سٹریٹ لوہا

جان
سیاہ صحافی
کے لیے

نے بیان کیا کہ موسم 2013 راولپنڈی سٹاک کی ریٹیں میں اضافہ
سیاہ صحافی کے چند لوگوں نے کنڈک گٹ پر حملہ کیا تاکہ وہ
لاہور کی کسٹمرز کے لیے جو سیدھی شاہ لہور گیا تھا وہ کسٹمرز کے
نے پھوڑے کو پٹانے کا مطالبہ کرتے ہوئے آگے بڑھے لڑائی ہوا کہ
سے طرزاں نے اسلم آگے لائے تاکہ ان کی اصل میں ایک عمارت میں اور
شہری شہید ہوئے جس پر حکومت 220 انور 2013 18 خرم 32,324,353
34

7ATA تھا، سٹی ڈیو سٹریٹ ہو املدہاں حسن کو میں پہلے سے جانتا تھا اور حکومت
میں نامزد کئے گئے اور ان کے مقصد سے اسلم آگے لائے کہیں برآمد کیا جب میں
نے حیرت انگیز وقت کے SHO سٹی اور گٹ، لیس باٹی ان کو گرفتار کیا گیا سیدھی
وہاں بیان سے جو میں حکومت سٹریٹ میں کے کچھ ہوں، میں، مظہر جہاں SHO سٹی
حرف پر جو دئے اور تمام وقوعہ کو ایسی آنکھوں سے دیکھا ہے۔

11/12/15
11/12/15

حرف مسلم ایگرا، اہل عدالت لہور 32/LHC

(مذاکرہ) حرف دیا گیا
1-12-2015

حرف انگریزی ایگرا

سوال: کیا کہ مسلم سیاہ صحافی کے جمع میں کوئی مسلح شخص تھا
میں تھا

11/12/15
11/12/15

پہلے سے لیا گیا حکم جاری تھا۔ اس کے دوران میں اس کا استعمال نہیں کیا گیا۔
 اس کے بعد اس کا استعمال دوبارہ شروع کیا گیا۔
 اس کے بعد اس کا استعمال دوبارہ شروع کیا گیا۔

اسی سترم میں ایزارڈی 13th میں لگی تھی۔
 کتاب درست ہے کہ اس میں غلطی نہ ہو۔
 اس میں غلطی نہ ہو۔

ASRIL 12
 EO 1/15
 LHC 32

حصر اللہم ایک بار اسٹریٹس
 کہا آپ نے جان لکھ کر دیا ہے۔
 حکم کے بارے میں معلوم کیا گیا اور وہ صحیح ہے۔
 اگر وہ موجود نہیں تھا تو اسے لکھ کر دیا گیا۔
 اس کے بارے میں اسٹریٹس لکھ کر دیا گیا۔
 اس کے بارے میں اسٹریٹس لکھ کر دیا گیا۔
 اس کے بارے میں اسٹریٹس لکھ کر دیا گیا۔

ASRIL
 EO 1/15

حصر اللہم ایک بار اسٹریٹس
 (نہارا) - حصر اللہم

ہوں گے تو دور کی بات ہے الیاسونہ لیں ہیں سکتا
نے تو سب سے پہلے اپنے شہداء ایک کا مصافحہ کو حوض پر ماکر ستم لایا اب یہ گارڈیوں
درز کے ہسپتال بھجوا دیا۔

ج
EO 12
15

مکتوبہ
بھیج دیا گیا

نے بیان کیا کہ ایم ڈی جے جس سید صاحب شاہ امام مارٹھ پیر سطورہ
حیرا دھی بیان ہے جس میں ایسی طرح ٹیٹ کے جواب میں دیکھتے ہیں
عدالت میں بیان دے کیلئے گیا تو مطلقہ ۷۵ نے کسی قسم کی کوئی ریس
بیان کے بارے میں سمجھا ایسی طرح جو ملزمان کا کہیں تباہ نہ ہو
رہا تھا اور بعد میں اس کو انگریزی میں بکھوڑے تھے جس نے کوئی ایسا مقصد بیان
دیا۔ بلکہ مقدمہ کی کامیابی کیلئے تمام تر سوالات کا جواب ایسی حالت کے مطابق
درست طور پر دئے چونکہ عدالت میں انگریزی میں تحریر کیا جا رہا تھا جس کی کچھ
ہیں آتی۔ جس حلقہ بیان کرتا ہوں کہ میں نے عدالت میں کسی قسم کی ایسی بات
کی جس سے ملزمان کو فائدہ مل سکے یہی حیرا بیان ہے

۱۵-۱۱-۱۱

حیرہ انکواری آمنہ

س۔ آپ کا تعلق کس قوم سے ہے
۶۔ اہل تشیعہ ہے

س۔ کیا یہ درست ہے کہ ملزمان کا تعلق بھی اہل تشیعہ سے ہے

جی ہاں

س۔ اگر میں یہ کہوں کہ آپ نے والسنہ ٹور پر اپنے ختم سے تعلق رکھنے والے ملزمان کو فائدہ
دینے کیلئے مصلحت اور مقصد سہاوت دی ہے جس کی وجہ سے وہ عدالت سے بڑی ہو
گئے ہیں کیا یہ درست ہوگا

۶۔ یہ غلط ہے جس مسلمان ہوں اور اس کے بعد ایک لوہا لیا ہے اور اس کے
علاوہ حیرا کوئی حزب نہیں ہے اسلئے مقدمہ میں تو حیرا ایک لٹائی ایک کارٹھی
مشیر ہوا تھا تو ایسے مقدمے میں جس میں ملزمان اگر کسی بھی حزب، رنگ و نسل

استہزیائی

رپورٹ ضمنی

سید جلیل
میں
کو
دیکھیں

18/11/13

آئینہ لباس 32 شمارہ نمبر متعلقہ امام بارگاہ اذراہ
نے بدریافت بیان کیا کہ امروز جب شہداء قلموں امام بارگاہ
یونیٹ اور سیریل طرف سے ڈائریکٹ ہونے کے بعد چھوٹے
سے پولیس کانسٹیبل نور محمد اور ایک پبلک ٹیکر موقع پر جان بچنے
ہوئے ہیں۔ (۶) پرائیویٹ گسٹان زخمی ہے۔ یہ حیران بیان ہے۔

(6)

کانٹیل شاہ مہر شاہ 885 متعلقہ گارڈ نے بدریافت بیان
کہ امروز جب شہداء قلموں امام بارگاہ کے قریب یونیٹ اور سیریل
کی طرف سے ڈائریکٹ ہونے کے بعد چھوٹے چھوٹے
کانٹیل نور محمد اور ایک پبلک ٹیکر موقع پر جان بچنے
ہوئے ہیں۔ (۷) پرائیویٹ گسٹان زخمی ہے۔ یہ حیران بیان ہے۔

(7)

کانٹیل شہداء قلموں 110 متعلقہ گارڈ امام بارگاہ سید جلیل
نے بدریافت بیان کیا کہ امروز جب شہداء قلموں امام بارگاہ کے
قریب یونیٹ اور سیریل طرف سے ڈائریکٹ ہونے کے بعد چھوٹے
ڈائریکٹ سے پولیس کانسٹیبل نور محمد اور ایک پبلک ٹیکر موقع
پر جان بچنے ہوئے ہیں۔ (۸) پرائیویٹ گسٹان زخمی ہے۔ یہ
حیران بیان ہے۔

(8)

قلموں سیریل 202 متعلقہ گارڈ امام بارگاہ سید جلیل نے
بدریافت بیان کیا کہ امروز جب شہداء قلموں امام بارگاہ کے قریب
یونیٹ اور سیریل طرف سے ڈائریکٹ ہونے کے بعد چھوٹے چھوٹے
سے پولیس کانسٹیبل نور محمد اور ایک پبلک ٹیکر موقع پر جان بچنے
ہوئے ہیں۔ (۹)

(9)

Ex
Ab
AD
AB
B

the SHO for meeting with the DCO however, instead of taking them to DCO office they took them to the PS Saddar.

RO & AC
Dated: 27.8.2014

Judge, Anti-Terrorism Court,
Kohat Division, Kohat,
Camp Court at Central Jail,
Peshawar.

PW-2 Statement of Akhter Abbas LHC No. 32 PS Usterzai (On Oath)

During the days of occurrence, I was posted as Guard Commandar of Imam Bargah Syed Habib Shah. At about 12 noon a procession of about 40/50 persons with latices were approaching towards Imam Bargah and they raised slogans against Shia sect. When the procession passed my point then firing started and the procession dispersed. Once the firing stopped we saw two dead bodies one of Police man and one another of a private person. I saw one injured as well the dead body and injured were shifted to the hospital.

XXX..... I was posted to protect the Imam Bargah as guard commander. I do not remember as to when I came to know about the procession moving towards the Imam Bargah. At the time of occurrence I had five Police official at guard duty. I have posted all the five police officials at different points at the Imam bargah. It is correct that the Imam Bargah is located at a slope of about 5 to 6 feet from Milad Chowk. It is correct that in front of Imam Bargah there is a college which is higher than the Imam Bargah and steps in a shape of stair case adjacent to it which is used by public as thorough fare. The procession proceeded from the Milad Chowk. I cannot say that the procession proceeded towards the Imam Bargah from all the four sides. It is incorrect to suggest that we were fired upon from the stairs mentioned in my statement. Self stated that I cannot say as to from which side the firing was made as my point was on the left side of the Imam bargah. I cannot say whether the firing was made from one point or from two or three points. I cannot say that whether Abid Ali Shah was booked u/s 107/151 Cr.P.C and Muharram Ali Shah was present in katchery for getting his bail. It is correct that Muharram Ali Shah has left the Imam bargah in the morning of 18.11.2013. I have not seen Muharram Ali Shah returned to Imam Bargah before the occurrence.

RO & AC
Dated: 27.8.2014

Judge, Anti-Terrorism Court,

COPYING AGENCY
5/11/14

ATTESTED TO BE TRUE COPY

ANTI-TERRORISM COURT,
KOHAT

CHARGE SHEET.

I **MUHAMMAD SHAIB ASHRAF, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, hereby charge you **LHC Akhtar Abbas No. 32** Under Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014) as you have committed the following illegal act.

You have intentionally and deliberately recorded contradictory statement in high profile sectarian case before learned JT Court in case vice FIR No.1220, dated 18.11.2013, u/s 302,324,353,34 PPC, 13 AO, 7 ATA, in which three persons including gunman of DSP City Kohat were killed and two civilians sustained severe injuries.

You openly supported/favored the accused charged for above mention offences by stating the following:-

1. You made the presence of one of the accused Muharram Ali Shah doubtful in your court statement by stating that he left the Imam Bargha in the morning of 18.11.2013 and that you did not see Muharram Ali Shah returning to Imam Bargha before the occurrence. Whereas Muharram Ali Shah was present in the Imam Bargha at the time of occurrence, he threatened and fired upon the police party and civilians and he alongwith other accused was arrested red handed with weapons of offence from Imam Bargha which was immediately encircled by police after firing.
2. Further you have also made presence of the complainant Mazhar Jehan Inspector and eye witness DSP Lal Farid doubtful by not uttering a single word to the effect that they were present at the time, place and firing by the accused and resiled from your earlier statement recorded u/s 161 CrPC during the course of investigation.
3. Being an experienced police personnel, you have provided an extra ordinary benefit to the accused in this high profile sectarian case which led to their acquittal. This amounts to gross professional misconduct, willful joining hands with accused and irresponsibility on your part.

2. By reasons of the above, you appear to be guilty of willful misconduct as defined in Rule 2 (ii) of Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties explained in rule (4) of the said rules.

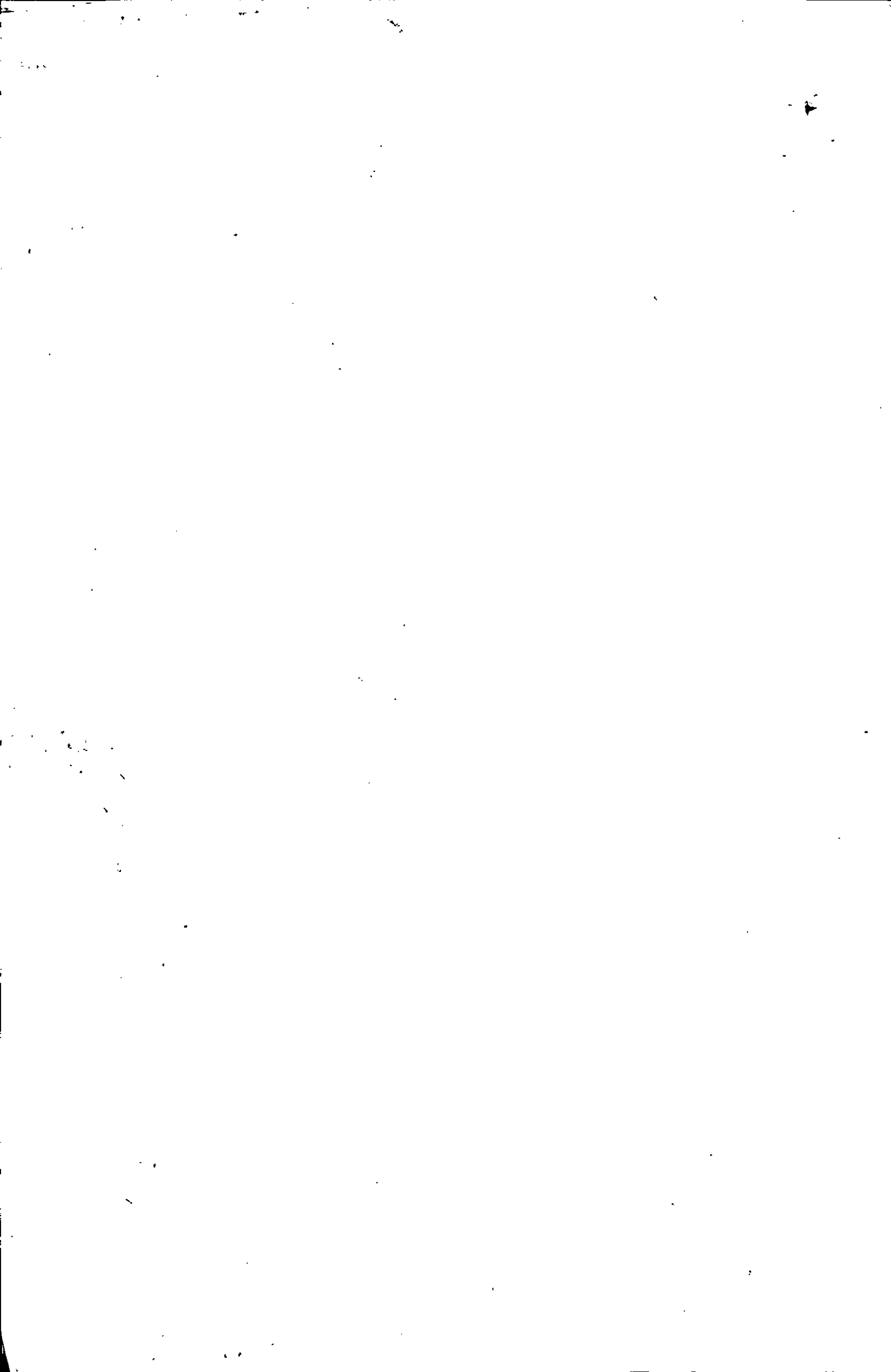
3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

Handwritten signature and date: 2-11-13

**DISTRICT POLICE OFFICER,
KOHAT**



DISCIPLINARY ACTION

MUHAMMAD SOH AIB ASHRAF, DISTRICT POLICE OFFICER, KOHAT, as competent authority, am of the opinion that you **LHC Akhtar Abbas No. 32** 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

You have intentionally and deliberately recorded contradictory statement in high profile sectarian case before learned AT Court in case vide FIR No. 220, dated 18.11.2013, u/s 302,324, 353,34 PPC, 13 AO, 7 ATA, in which three persons including gunman of DSP City Kohat were killed and two civilians sustained severe injuries.

You openly supported/favored the accused charged for above mentioned offences by stating the following:-

1. You made the presence of one of the accused Muharram Ali Shah doubtful in your court statement by stating that he left the Imam Bargha in the morning of 18.11.2013 and that you did not see Muharram Ali Shah returning to Imam Bargha before the occurrence. Whereas Muharram Ali Shah was present in the Imam Bargha at the time of occurrence, he threatened and fired upon the police party and civilians and he alongwith other accused was arrested red handed with weapons of offence from Imam Bargha which was immediately encircled by police after firing.
2. Further you have also made presence of the complainant Mazhar Jehan Inspector and eye witness DSP Lal Farid doubtful by not uttering a single word to the effect that they were present at the time, place and firing by the accused and resiled from your earlier statement recorded u/s 161 CrPC during the course of investigation.
3. Being an experienced police personnel, you have provided an extra ordinary benefit to the accused in this high profile sectarian case which led to their acquittal. This amounts to gross professional misconduct, willful joining hands with accused and irresponsibility on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations DSP Regal is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Disciplinary Rule-1975, provide reasonable opportunity of hearing to the accused official, record its 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 proceeding on the date, time and place fixed by the enquiry officer.


**DISTRICT POLICE OFFICER
KOHAT**

No. 13139-40 PA, dated 28-11-2015.

Copy of above is forwarded to:-

1. DSP Regal :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule 1975.
2. **LHC Akhtar Abbas No. 32** :- The concerned official/ officer's with the directions to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.



جناب عا

بحوالہ چارج شیٹ نمبر 175/7-48/175 معروض خدمت ہوں کہ کانسٹیبل اختر عباس نمبر 32
30-12-13

کے بارے میں خفیہ و علانیہ انکویری کی گئی ہے۔ اتر سلسلہ میں باقاعدہ آرڈر شیٹ بغرض طلبی کانسٹیبل و دیگر کارروائی مرتب کی گئی

ہے۔ جو ہمراہ لف ہے۔ کانسٹیبل کا بیان لیا جا کر بیان کے علاوہ بھی سنا گیا۔ اس طرح دیگر خفیہ معلومات بھی کی گئیں۔

مورخہ 18.11.20.2013 کو رونما ہونے والے واقعہ کو دوران ڈیوٹی روکا جاسکتا تھا۔ گاردامام بارگاہ سید حبیب شاہ پر

سیکورٹی یعنی امام بارگاہ کی حفاظت، امام بارگاہ سے متعلق گھوڑا (ذو بجاہ) کی حفاظت، اور امام بارگاہ سے متعلق اشخاص کی حفاظت کیلئے

ہے۔ اسی طرح اگر کوئی امام بارگاہ سے باہر لوگوں کو نقصان پہنچائے تو اس کی حفاظت بھی ضروری ہے۔ تمام گارڈ نے یہ تسلیم کیا ہے کہ انکو پہلے

سے اطلاع موصول ہوگئی تھی کہ بازار میں سپاہ صحابہ کا جلوس ہے جو اسی امام بارگاہ کے باہر (ذو بجاہ) باندھنے کے خلاف ہے۔ پھر جلوس کے

شرکاء کا امام بارگاہ کی طرف بڑھنا اور گھوڑا (ذو بجاہ) کے سایہ کیلئے بنائے گئے چھپر کیساتھ پردے پھاڑنے اور مخالف نعرے لگانے کے وقت

بھی گانے پھرانے کچھ نہ کیا۔ اور نہ ہی چھتوں سے فائرنگ کرنے والوں کو کنٹرول کیا۔ گارڈ میں کسی نے بھی اجتماعی یا انفرادی کوشش نہیں کی

ہے۔ جو ڈیوٹی میں غفلت اور بزدلی کے مرتکب ہوئے۔

لہذا مناسب سزا دینے کی سفارش کی جاتی ہے۔

سب ڈویژنل پولیس آفیسر لاہور سیکرٹری

1/15

اعمار مبارک گاہ کی طرف آئیں تو اس لئے ہم تمام باجوڑی باجوری
 تیار تھے۔ جلوس کی شکل۔ اور وہ تمام مبارک گاہ کی طرف
 آئے۔ وہاں سے یہ سب لوگ جڑا تھا۔ اس لئے جلوس میں سے پھر وہ آ
 جلوس اور ال غورے لے جا رہے تھے۔ کہہ فر کافر سے نہیں کا فر
 اور جہاں روڑ مسٹر سپرز والہ جناح کو ڈرا آندا۔ اس لئے پورے
 کے جناح کٹرہ بھاڑنے لگے۔

اس وقت ہمیشہ اعمار جگہ روڑ آئے۔ کیا ڈکوی کھانا کہہ آئے
 لوگوں کو زوالہ جناح کے پورے بھاڑنے سے منع کرتے۔
 جواب میں اعمار مبارک گاہ کے عین گت کے سامنے ڈکوی آندا
 اور یہی خیرا قانہ لوگ اعمار مبارک گاہ کو ڈکوی میں
 میں لوگوں کو زوالہ جناح کے پورے بھاڑنے سے منع کرتے۔
 جب اعمار مبارک گاہ کی حالت سے فائرنگ ہوئی تو
 آئے کیا کافر ہوا کی کیا۔

جواب میں اعمار مبارک گاہ میں ہندز، عمارت کے
 اعمار مبارک گاہ کے بیکہ دو کوری تیسری ہندز اور
 فائرنگ شروع ہوئی تو میں نے اس وقت
 کر میں میں نے منع کر دیا۔
 جب DSP نے کہا آگ میں فائرنگ اس وقت
 جواب میں نے زور کر DSP نے کہا
 کافر میں نے ڈکری دیتا رہا۔
 (جاوڑی ہے)

24.1.14
 24.1.14
 DSP
 DSP

* آپ نے نہ تو جلوس کے شرکاء سے وزارت اہمت کیا ہے۔ نہ تو خود رضا کاروں سے فائبرنٹ کیا ہے

قوی ہاں بددلت ہے۔ فائبرنٹ کا آرڈر صدر نے لگا دیا ہے۔ لیکن کوئی کوشش کی ہے لیکن لگاؤ جو ہر طرف سے ہے

آپ نے نہ تو جلوس کے شرکاء جو مخالفوں سے لگا رہے ہیں سے ~~کوئی~~ وزارت اہمت کیا ہے۔ اور عام بارگاہ کی صورت سے فائبرنٹ کرنے والوں سے نہ وزارت اہمت کیا ہے۔ نہ ان رقی حفاطت خود پر سوال کرتے ہوئے فائبرنٹ کیا ہے بالکل درست ہے

Sdho. Lachari
24-1-14

24-1-14

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 259/2016

Mr. Akhter Abbas

VS

Police Department

.....
REJOINDER ON BEHALF OF APPELLANT
.....

RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-5) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 No comments endorsed by the respondents department which means that they have admitted Para-1 of the appeal is correct as record of the appellant is already in the custody of the department.
- 2 Admitted correct by the respondents department that charge sheet and statement of allegation was served upon the appellant. Moreover the rest of the contention of the department is incorrect while Para-2 of the appeal is correct.
- 3 Incorrect. While Para-3 of the appeal is correct as mentioned in the main appeal of the appellant.
- 4 Partially admitted by the respondent department while rest of the contention of the respondents department is incorrect while Para-4 of the appeal is correct as mentioned in the main appeal of the appellant.

- 5 Partially admitted by the respondent department while rest of the contention of the respondents department is incorrect while Para-5 of the appeal is correct as mentioned in the main appeal of the appellant.
- 6 The appellant has good cause of action and his appeal may be accepted.

GROUND:


- A) Incorrect. While Para-A of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the impugned order dated 7.1.2016 and 26.2.2016 are against the law, rules, facts and norms of justice.
- B) Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the appellant submitted copy of bail bond presented on 18.11.2013 which proves that at that time he was in kachehry and might have come to Imam Bargah through any other door because the Imam Bargah has three doors on different sides and not in his presence at the spot. The said contention was also supported by site plan duly prepared by the I.O in site plan, might he had used other doors.
- F) Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal of the appellant.

- G) Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Partially admitted by the respondent department while rest of the contention of the respondents department is incorrect while Para-H of the appeal is correct as mentioned in the main appeal of the appellant.
- I) Incorrect. While Para-I of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- J) Incorrect. While Para-J of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- K) Incorrect. While Para-K of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- L) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT

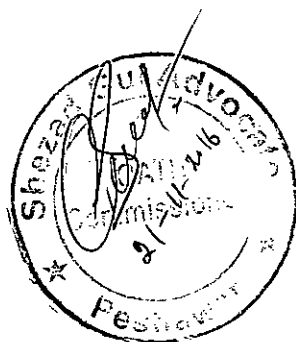
Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.


DEPONENT



ATTESTED

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 259/2016

Mr. Akhter Abbas

VS

Police Department

.....
REJOINDER ON BEHALF OF APPELLANT

.....
RESPECTFULLY SHEWETH:

Preliminary Objections:

(1-5) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

FACTS:

- 1 No comments endorsed by the respondents department which means that they have admitted Para-1 of the appeal is correct as record of the appellant is already in the custody of the department.
- 2 Admitted correct by the respondents department that charge sheet and statement of allegation was served upon the appellant. Moreover the rest of the contention of the department is incorrect while Para-2 of the appeal is correct.
- 3 Incorrect. While Para-3 of the appeal is correct as mentioned in the main appeal of the appellant.
- 4 Partially admitted by the respondent department while rest of the contention of the respondents department is incorrect while Para-4 of the appeal is correct as mentioned in the main appeal of the appellant.

- 5 Partially admitted by the respondent department while rest of the contention of the respondents department is incorrect while Para-5 of the appeal is correct as mentioned in the main appeal of the appellant.
- 6 The appellant has good cause of action and his appeal may be accepted.

GROUND:


- A) Incorrect. While Para-A of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the Impugned order dated 7.1.2016 and 26.2.2016 are against the law, rules, facts and norms of justice.
- B) Incorrect. While Para-B of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. While Para-C of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. While Para-D of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. While Para-E of grounds of the appeal is correct as mentioned in the main appeal of the appellant. Moreover, the appellant submitted copy of bail bond presented on 18.11.2013 which proves that at that time he was in kachehry and might have come to Imam Bargah through any other door because the Imam Bargah has three doors on different sides and not in his presence at the spot. The said contention was also supported by site plan duly prepared by the I.O in site plan, might he had used other doors.
- F) Incorrect. While Para-F of grounds of the appeal is correct as mentioned in the main appeal of the appellant.

- G) Incorrect. While Para-G of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Partially admitted by the respondent department while rest of the contention of the respondents department is incorrect while Para-H of the appeal is correct as mentioned in the main appeal of the appellant.
- I) Incorrect. While Para-I of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- J) Incorrect. While Para-J of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- K) Incorrect. While Para-K of grounds of the appeal is correct as mentioned in the main appeal of the appellant.
- L) Legal.

It is, therefore, most humbly prayed that the appeal of appellant may kindly be accepted as prayed for.

APPELLANT


Through:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Hon'able Tribunal.


DEPONENT


21-11-2016

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 2656 /ST

Dated 13 /12/2017

To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Kohat.

Subject: **JUDGEMENT/ ORDER IN APPEAL NO. 259/16, MR: AKHTAR ABBAS** *8/2 others*

I am directed to forward herewith a certified copy of Judgment/order dated 04/12/2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

o/c
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.