

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Appeal No. 1037/2019

Date of institution ... 07.08.2019
 Date of decision ... 07.11.2019

Mr. Mukhtiar Ali, Sub-Inspector, District Police Charsadda, District
 Charsadda. ... (Appellant)

Versus

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and
 three others. ... (Respondents)

Present

Mr. Kamran Khan,
 Advocate ... For appellant.

MR. HAMID FAROOQ DURRANI, ... CHAIRMAN

JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

01. The appellant is aggrieved of order dated 02.11.2016 passed by respondent No.2/Regional Police Officer, Mardan Region whereby the penalty of dismissal from service awarded to him was converted into minor punishment of stoppage of three increments with accumulative effect. Through the impugned order the intervening period was treated as leave without pay while the appellant was transferred, upon reinstatement, to Charsadda.

02. Learned counsel for the appellant heard and available record gone through.

Learned counsel mainly contended that the allegations against the appellant were based on malafide and his case was not decided on merits by the departmental authority. It was also contended that the appellant was awarded three tier penalty which was not sustainable. Attempting to cover the delay in submission of petition under Rule-11-A of the Khyber Pakhtunkhwa Police Rules, 1975, learned counsel relied on judgments reported as 2002 PLC (C.S) 1388, 2002 PLC (C.S) 268, 2006 PLC (C.S) 489 and PLD 2002 Supreme Court 84.

03. The available record reveals that the appellant was proceeded against on account of mis-behavior with the complainant of FIR no. 313 dated 01.09.2016 recorded under Section-377 PPC at Police Station Tordher. Further, the appellant was dubbed as being corrupt, dishonest and inefficient. On 04.10.2016 the respondent No.3/District Police Officer, Swabi passed an order, upon conclusion of departmental proceedings, whereby major punishment of dismissal from service was awarded to the appellant. He preferred a departmental appeal which was decided through the impugned order on 02.11.2016. As per the learned counsel for the appellant, the petition under Rule-11-A of Rules ibid was preferred before the respondent No.1 on 04.09.2018. The same was rejected on the ground of being barred by time through order dated 13.09.2018.

04. It is not denied by learned counsel that the revision petition was barred by more than a year, however, it was his contention that the case of appellant was to be examined on merits and the delay to be ignored.

At the outset, it noted that the judgments relied upon by learned counsel are distinguishable which may not lend any support to the appellant in the facts and circumstances of his case. Sub-Rule-4 of Rule-11-A of the Khyber Pakhtunkhwa Police Rules 1975, makes mandatory for an official to invoke the jurisdiction of revisional authority within thirty days of the order passed on his appeal. The appellant squarely failed to prefer the petition within the given time, besides, also not preferred to submit any application for condonation of the formidable delay. The revision petition submitted by the appellant on 04.09.2018, also appears to be more of a mercy petition wherein sole prayer for restoration of increments has been made.

05. In view of the above and also the judgments reported as 2006 SCMR 453 and 2012 SCMR 195, the appeal in hand does not merit admission for regular hearing, hence is dismissed in limine.




File be consigned to the record.


(HAMID FAROOQ DURRANI)
Chairman

ANNOUNCED
07.11.2019

Form- A
FORM OF ORDER SHEET

Court of _____
Case No.- 1037/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/08/2019	<p>The appeal of Mr. Mukhtiar Ali presented today by Mr. Kamran Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;">  REGISTRAR <u>2/8/19</u> </p>
2-	<p><u>20/08/19</u></p> <p><u>18.09.2019</u></p>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>18/09/19</u></p> <p style="text-align: right;">  CHAIRMAN </p> <p>Mr. Mir Zaman Safi, Advocate on behalf of learned counsel for the appellant present. Requests for adjournment as learned counsel for the appellant is engaged before the Honourable High Court today.</p> <p>Adjourned to 07.11.2019 before S.B.</p> <p style="text-align: right;">  Chairman </p>

P-10
relax

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No. 1037 /2019

MUKHTIAR ALI

VS

POLICE DEPARTMENT

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APPELLANT

THROUGH:


KAMRAN KHAN,
ADVOCATE

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 1037 /2019

Diary No. 1158

Dated 07/8/2019

Mr. Mukhtiar Ali, Sub-Inspector,
District Police Charsadda, District Charsadda.

..... APPELLANT

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Mardan Region, Mardan.
- 3- The District Police Officer, Sawabi.
- 4- The District Police Officer, Charsadda.

.....RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED APPELLATE ORDER DATED 02-11-2016, WHEREBY, THE PENALTY OF DISMISSAL FROM SERVICE HAS BEEN CONVERTED INTO STOPPAGE OF THREE INCREMENTS WITH ACCUMULATIVE EFFECT, INTERVENING PERIOD HAS BEEN TREATED AS LEAVE WITHOUT PAY AND ALSO TRANSFERRED THE APPELLANT FROM ONE PLACE OF POSTING TO ANOTHER AS A PUNISHMENT AND AGAINST THE REVISION ORDER DATED 13-09-2018, WHEREBY, THE REVISION PETITION WAS FILED/REJECTED ON NO GOOD THE GROUNDS

PRAYER:

That on acceptance of this appeal the impugned order dated 02-11-2016 may very kindly be modified/rectified to the extent that the three increments be restored with all back benefits, the intervening period w-e-f 04-10-2016 to 02-11-2016 may kindly be regularized or treated the said intervening period as leave of the kind due and the appellant may also be transfer back to his previous place of posting i.e. District Swabi. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise to the present appeal are as under:

Filed to-day
Registrar
7/8/19

1. That the appellant was appointed as constable in the respondents Department in the year 1994, promoted to the post of Assistant Sub-Inspector in 2012 and finally to the post of Sub-Inspector in the year 2017.
2. That the appellant while serving as Investigation Officer Police Station, Tordher, District Sawabi was issued Final Show Cause Notice, wherein, it was stated that the appellant had misbehaved with a complainant in case FIR No. 313 dated 01-09-2016 U/S 377/5 PPC/CP. That the same was replied by the appellant, wherein, he stated that the allegations leveled against the appellant are fake, baseless, factitious, false and mala fide. Copies of the Show Cause Notice and replay are attached as annexure.....**A & B.**
3. That the appellant was dismissed from service vide order dated 05-10-2016 on the ground that the appellant's behavior is not satisfactory; he had bad reputation of being corrupt, dishonest, crooked and inefficient. Copy of the impugned order dated 05-10-2016 is attached as annexure.....**C.**
4. That feeling aggrieved from the impugned order dated 05-10-2016, the appellant preferred departmental appeal which was accepted vide order dated 02-11-2016 and the dismissal was converted into minor punishment of stoppage of three increments with accumulative effect, the intervening period w-e-f 04-10-2016 to 02-11-2016 is treated as leave without pay and was transferred in punishment. Copy of appellate order dated 02-11-2016 is attached as annexure.....**D.**
5. That feeling aggrieved, once again, from the appellate order dated 02-11-2016, the appellant preferred Revision Petition/Appeal for the restoration of the three increments etc. before the Worthy Inspector General of Police, Khyber Pakhtunkhwa. Copy of the Revision Petition/Appeal is attached as annexure.....**E.**
6. That the Revision Petition/Appeal was filed/Regretted by the Worthy Inspector General of Police vide order dated 13-09-2018 on technicality that the Revision Petition/Appeal is time bared for about one year and ten months. Copy of the Revision Order dated 13-09-2018 is attached as annexure.....**F.**
7. That having no other remedies the appellant preferred present service appeal on the following grounds amongst others.

GROUNDS:

- A- That the impugned orders dated 02-11-2016 and 13-09-2018 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been provided to the appellant before initiating the inquiry, hence the whole procedure adopted by the respondents is doubtful and void, therefore, is to be vitiated.
- D- That the respondents acted in arbitrary and malafide manner while issuing the dismissal order followed by the impugned appellate and revision orders.
- E- That during inquiry statements of some of the officials had been recorded, wherein, all of them had categorically stated that neither the appellant had illegally confined the complainant in the FIR-313 nor any unethical words had been used during investigation. Copies of the statements of the officials are attached as annexure.....**G.**
- F- That no complaint whatsoever had been lodged against the appellant during service as is manifest from the Annual Confidential Reports of the year 2015 and 2016. Furthermore, high ups in the remarks column marked the appellant as Good and Hardworking Police officer. Copies of the ACR is attached as annexure.....**H.**
- G- That it is pertinent to mentioned here that the accuse in the case FIR-313 was found innocent during the inquiry after the medical reports came negative and was discharged from the charges leveled against him. Copy of the medical report and discharge is attached as annexure.....**I.**
- H- That the impugned order dated 02-11-2016 is against the spirit of F.R-26, therefore, is liable to be modified/rectified.
- I- That no chance of personal hearing and personal defense has been provided to the appellant.
- J- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 07-08-2019

APPELLANT


MUKHTIAR ALI

THROUGH:


KAMRAN KHAN

&


ASIM SHAMSHAD
ADVOCATES

A-5 6

FINAL SHOW CAUSE NOTICE

Whereas, you ASI Mukhtiar Ali, while posted to Police Station Tordher misbehaved the complainant vide case FIR No.313 dated 01.09.2016 u/s 377/5-CP Police Station Tordher for the reasons best known to you, which is highly against the discipline and amounts to gross mis-conduct...

In this connection you were charge sheeted and served with summary of allegation and DSP, Topi was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry and submitted his findings, wherein, he held you ASI Mukhtiar Ali guilty for the mis-conduct.

Therefore, it is proposed to impose Major/Minor penalty including dismissal as envisaged under Rules 4(b) of the Khyber Pakhtunkhwa Police Rules 1975.

Hence I Javed Iqbal PSP, District Police Officer, Swabi in exercise of power vested in me under Rules 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 call upon you to show cause finally as to why the proposed punishment should not be awarded to you.

Your reply should reach to the office of the undersigned within seven days of the receipt of this notice failing which it will be presumed that you have no explanation to offer.

You are also at liberty to appear for personal hearing before the undersigned.

Date: 26.09.2016

[Handwritten signature]
26.09.2016

District Police Officer,
Swabi.

ATTESTED

کامیابی کے داخل دفتر فرماؤ دعا گو رہتا ہوں
28/9/16
فہم علی
ASI 303
01/10

ATTESTED

C-7

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI

ORDER

It is alleged that ASI Mukhtiar Ali, while posted to Investigation Wing Police Station Tordher misbehaved the complainant vide case FIR No.313 dated 01.09.2016 u/s 377/5-CP Police Station Tordher. He has a very bad reputation of being corrupt, dishonest, crooked and inefficient. The fact is proved by a case where he confined in lockup and later on challaned complainant of the case where 09 years daughter was rapped, which is highly against the discipline and amounts to gross misconduct.

Therefore, he was served with Charge Sheet and Summary of allegations. DSP, Topi was appointed as Enquiry Officer. The Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. He submitted his findings, wherein he found ASI Mukhtiar Ali, guilty for the mis-conduct and recommended him for suitable punishment. The undersigned perused the enquiry papers, findings and by agreeing with the Enquiry Officers, served him with Final Show Cause Notice. He reply to the Show Cause Notice was received, perused and he was heard in orderly room, but was found un-satisfactory.

Therefore, I, **Javed Iqbal, PSP**, District Police Officer, Swabi, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules 1975, hereby award ASI Mukhtiar Ali Major Punishment of dismissal from service with immediate effect.

O.B No. 11/2016

Dated 05/10 /2016

ATTESTED


District Police Officer,
Swabi.

OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.

No. 3407-16 /PA, dated Swabi, the 05/10 /2016.

Copies to the: -

1. DSP, H.Qrs, Swabi.
2. DSP Razzar
3. Pay Officer.
4. Establishment Clerk.
5. Fauji Missal Clerk.
6. Official Concerned

D-8

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ORDER.

This order will dispose-off the appeal preferred by Ex-ASI Mukhtiar Ali of Swabi District Police against the order of District Police Officer, Swabi, wherein he was dismissed from service vide District Police Officer, Swabi OB No. 1122 dated 04.10.2016.

Brief facts of the case are that, he while posted to Investigation Wing Police Station Tordher misbehaved with the complainant of case FIR No. 313 dated 01.09.2016 u/s 377/53CP PS Tordher. He has very bad reputation of being corrupt, dishonest, crooked and inefficient. The fact is proved by a case, when he confined the complainant in lockup and later on challenged to Court wherein 09 years daughter was rapped, which is highly against the discipline and amounts to gross misconduct. Therefore he was issued charge sheet and summary of allegations and DSP/Topi was appointed as enquiry Officer. The Enquiry Officer conducted proper departmental enquiry, collected evidence and recorded statements of all concerned. He submitted his findings wherein he held ASI Mukhtiar Ali responsible, for the misconduct and recommended him for suitable punishment. The District Police Officer, Swabi perused the enquiry papers, findings and by agreeing with the enquiry Officer, served him Final Show Cause Notice. His reply to the Show Cause Notice was received, perused and he was heard in orderly room, but he did not produced unsatisfactory reply, therefore he was dismissed from service.

He was called in orderly room held in this office on 02.11.2016 and heard him in person. Keeping in view his poor family back grounds and long services, the penalty of dismissal from service is converted into minor punishment of stoppage of three increments with accumulative effect. He is reinstated in service. The intervening period is treated as leave without pay. On re-instatement in Service he is transferred to Charsadda District

ORDER ANNOUNCED.

(IJAZ AHMAD)PSP
Regional Police Officer,
Mardan ✓

No. 1122-22/ES,

Dated Mardan the 02/11 /2016.

Copy forwarded for information and necessary action to the:-

1. District Police Officer, Swabi w/r to his office Memo: No. 216/Insp: Legal dated 20.10.2016.
His service Roll is returned herewith for record in your office.
2. District Police Officer Charsadda.

ATTESTED

(*****)

(9) ع

بجھڑ جناب انسپکٹر جنرل صاحب آف پولیس خیبر پختونخواہ

اپیل۔ بمراد بحال کرنے 3 عدد اینٹکریمینٹ معہ مراعات ودلانے انصاف

(1) من سائل محکمہ پولیس میں بطور سپاہی 1994 میں بھرتی ہو کر بہ عہدہ SI ترقیاب ہو کر مختلف مقامات میں بطریق احسن ڈیوٹی سرانجام دی ہے۔

(2) سائل ضلع صوابی کاسکونٹی ہے اور BA تک تعلیم یافتہ ہے۔

(3) سائل موجودہ بحیثیت SHO تھانہ سروکلے میں ڈیوٹی سرانجام دے رہا ہے۔

(4) سال 2016 میں سائل بحیثیت IO/ASI شعبہ تفتیش ڈیوٹی انجام دے کر مختلف سنگین مقدمات میں توصیفی اسناد اور انعامات حاصل کر چکا ہے۔

(5) موضع جھاگیرہ کی رہائشی سمسکی چنار گل ولد رحمان گل نے اپنی بیٹی سماء علیشاہ عمر 8/9 سال چوکی جھاگیرہ لے جا کر انچارج چوکی کو رپورٹ کر کے کہ ان کے ساتھ بد فعلی

ہو چکی ہے مراسلہ ارسال کر دہ پر مقدمہ علت 313 مورخہ 1/09/2016 جرم 377 ppc تھانہ تور ڈھیر فرمان خان ASI نے درج رجسٹر کی۔

(6) من IO کو FIR حوالہ ہو کر نقشہ موقع مرتب کی۔ ہسپتال سے میڈیکل رپورٹ موصول ہو کر وقوعہ کی برعکس تھی جو کہ جھوٹ پر مبنی رپورٹ تھی۔

(7) مورخہ 3/09/2016 کو مدعی فریق حفظہ ما تقدم کی خاطر تھانہ طلب کر کے زیر دفعہ 107/151 ض ف پابند ضمانت کئے گئے۔

(8) مدعی فریق نے حالات کا فائدہ اٹھا کر اخبار میں بیان دی کہ پولیس افسر مختیار نے رپورٹ درج نہیں کی۔ حوالات میں بند کیا۔ وغیرہ وغیرہ جو من گھڑت اور بے بنیاد الزام

تراشی کی گئی۔

(9) من ASI کو فوری طور پر سسپنڈ (suspend) کر کے چارج شیٹ دیا گیا۔

(10) یکطرفہ انکوائری ہو کر من ASI نے جملہ کارروائی بابت مقدمہ ڈسچارج ہونے جناب DPO صاحب ہو کر پیش کر کے کہ مقدمہ ڈسچارج ہے جھوٹ اور دروغ گوئی پر مبنی

مقدمہ تھا۔ ملزم بے گناہ تھا اور بے قصور الزام لگ کر جیل بھجوا یا گیا ہے۔

(11) من ASI کو جناب DPO صاحب نے 4/10/2016 کو محکمہ سے درخواست کر کے انتہائی ظلم اور نا انصافی کی داستان رقم کی گئی۔

(12) سائل نے حکم جناب DPO صاحب کے خلاف جناب DIG صاحب کو اپیل کر کے مورخہ 02/11/2016 کو 28 دن بعد ملازمت پر بحال کر کے 28 دن کی بلا

تختواہ 3 اینٹکریمینٹ معہ مراعات شاف کرنے اور ضلع چارسدہ تبدیل کرنے کی حکم صادر کی۔

(13) جناب عالی! جس شخص نے جھوٹ کا مقدمہ دائر کیا جھوٹ کی بیان بازی کی مبنی پر تہمت لگائی تاکہ مدعی کا بیٹا ملزم کی بیٹی سے شادی رچائے وہ عاشق تھا اور ملزم مدعی کی بیٹی

کو رشہ دینے پر تیار نہیں تھا۔ ملزم ایک افواج اور معذور آدمی تھا۔ مگر مدعی بے قصور رہا اور مجھ کو کئی قسم کی سنگین سزائیں دی گئی جس کی مثال نہیں ملتی۔

استدعا ہے کہ سائل کے بچوں پر رحم کر کے اینٹکریمینٹ بحال کی جائے دعا گو رہوں گا۔

العارض

تابع حکم مختیار علی SI/SHO تھانہ سروکلے ضلع چارسدہ

4/11/2018

meray pathin

ATTESTED



1969
14-9-18

F-10
Office of the
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

No. ST 3760 /18, dated Peshawar the 13/09/2018.

To : The Regional Police Officer,
Mardan Region, Mardan.

Subject: APPEAL (SI MUKHTIAR ALI)

Memo :

Please refer to your office memo: No. 5447 / ES, dated 04.09.2018.

The appeal of Sub-Inspector Mukhtiar Ali of District Police Charsadda to the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for restoration of three annual increments has been processed / examined at Central Police Office, Peshawar and filed by the competent authority being time barred for about 01 year and 10 months.

The applicant may please be informed accordingly.

6453
1719

No. 5657/E)
dt: 14-09-14

(SYED ANIS-UL-HASSAN),
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

EC/DPO/Charsadda
For information &
n-action w/r to this
Office E. NO. 5448/ES
dt: 4/9/2018.

EE
for n-action
and Mukhtiar Ali
08/13/18. **ATTENDED**

~~DPO/Charsadda~~
17-9-18

صلح صوبہ

نقلمند 24 روزنامہ 15/9/16

اطلاع رپورٹ حکم خان MHC وقت 13:05 بجے مورخہ 15/9/16 اس وقت

ریڈڈ طارق (17) صاحب سرکل لوہی نے بدرجہ سرکاری

ٹیلیفون اطلاع دی کہ انکوائری مختیار خان ASI میں

شیرالوسی گیشن نور علی HC، افان خان HC، سیدالامین خان ASI

گل البرخان ASI، کیٹیل ہلال 37، کیٹیل کویر 44

موجودگان دوران چھاپہ زنی مختیار خان ASI کو انکوائری

مذکورہ میں اپنے اپنے بیانات قلمبند کرنے ابھی ابھی دفتر

طارق (17) صاحب حاضر ہو جائے ہیں آئندہ اطلاع

بوقت مذکورین بالا کو دی جا کر درج روزنامہ کیپکٹی

نقلمند علیحدہ مرتب کر کے افسران بالا کی خدمت میں ارسال کی جائیگی۔

صاحب عالی

نقل و طالع اصل - 2

Handwritten signature

MM/BS/TDR

15-9-16

ATTESTED

بیان ارزاں افوری علی 617/HC فورا فوری افسان لکھنؤ ٹورڈ حصہ

مزدبی صورتوں کے حوالہ صوفی 313 ص 377/53 CP لکھنؤ
01-9-16

ٹورڈ حصہ میں فیس افسان مختیار خان ASI کے حوالہ افسان کی عطا فرمائی گئی

مختیار علی و اور مختیار علی، مختیار علی و اور مختیار علی مختیار علی کو صوفی 03/16

کو مختیار علی کے حوالہ لکھا گیا تھا۔ ASI کے حوالہ سے نہ تو مختیار علی کو لکھا گیا

حوالہ لکھنؤ لکھا گیا اور نہ کسی قسم کی غیر افسان کی لکھنؤ لکھنؤ

افسان لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ

(Handwritten signature)

افوری علی 617/HC لکھنؤ ٹورڈ حصہ

0344-4283509-

18201-0713566-9

A Hostel

(Handwritten signature)

ASP Jain

ATTACHED

بیان آراء سید امین

13

غائب
 فوراً ۵۶ کو میں کہتا ہوں جو مال شہت علیہ الرد
 مذکورہ میں موجود تھا جسٹریشن کے خلاف ہے
 مذکورہ جو مال قون اللہ سے دیا گیا ہے؟ چونکہ اظہار
 ذرا جان کے طور پر لکھا گیا ہے اور اس کے ساتھ
 میں فوراً جان سے روانہ ہوا۔ چونکہ اردو دفعہ / کنٹرول
 روڈ کے پاس سے مکمل طور پر تین دیر سے بنجا کر
 جان سے والی طرف پر معلوم ہوا اور وہ فوراً سے لے کر
 جس کو لکھا گیا ہے وہ وہاں تھا اور اس کے ساتھ
 کارروائی / حکام نے لکھا ہے کہ فوراً دیکھا گیا ہے
 والد چارٹل اور جان سے لے کر ذرا جان کے گورڈ اس
 کے جس کو جسٹریشن نے سمجھا یا اور مذکورہ فقیر نے خلاف
 کے گورڈ سے مارا گیا اور اس کو فوراً میں جسٹریشن نے
 لکھا ہے اور مذکورہ رشیدیہ ان کو اس سے پیش کر
 بیانات لکھے ہیں اور یہاں ہے جو ہم حقیقت سے

سید امین
 سید امین
 03139799848

Attested


Taji

DSP Taji

سید امین

بناؤں اور اس کے متعلق ASI نوٹس نوٹس

14

5



معمولہ صورت میں ہم میں محتار خان ASI کے نوٹس اور اس

مختار خان کے نوٹس کے تحت 313 فیصد $\frac{9}{16}$ حصہ 377 نوٹس اور نوٹس

موجود تھا۔ فیصد $\frac{9}{16}$ میں ہم محتار خان ASI کے نوٹس اور اس

مختار خان کے نوٹس کے تحت 313 فیصد $\frac{9}{16}$ حصہ 377 نوٹس اور نوٹس

مختار خان کے نوٹس کے تحت 313 فیصد $\frac{9}{16}$ حصہ 377 نوٹس اور نوٹس

مختار خان کے نوٹس کے تحت 313 فیصد $\frac{9}{16}$ حصہ 377 نوٹس اور نوٹس

مختار خان کے نوٹس کے تحت 313 فیصد $\frac{9}{16}$ حصہ 377 نوٹس اور نوٹس

مختار خان کے نوٹس کے تحت 313 فیصد $\frac{9}{16}$ حصہ 377 نوٹس اور نوٹس

Handwritten signature

مختار خان ASI نوٹس نوٹس

03009301039

2312454-9

Attested

Handwritten signature and 'DPP' text

ATTESTED

Handwritten notes on the right margin

(15)

(6)

= بیان اولیٰ عبدالرحمن $\frac{145/HC}{mm}$ مکان ٹورڈ سپر

جو الٹا ٹورڈ سپر ہے اور کہ مورخ $8 \frac{9}{16}$ ٹورڈ سپر ہے جسکی مقدار 169 ہے

مکان 313 جو الٹا ٹورڈ سپر ہے $\frac{313}{1-9-16}$ ص $377/53CP$ مکان ٹورڈ سپر طلبیدہ

مکان 169 جو الٹا ٹورڈ سپر ہے اور کہ مورخ $8 \frac{9}{16}$ ٹورڈ سپر ہے جسکی مقدار 169 ہے

مکان 169 جو الٹا ٹورڈ سپر ہے اور کہ مورخ $8 \frac{9}{16}$ ٹورڈ سپر ہے جسکی مقدار 169 ہے

مکان 169 جو الٹا ٹورڈ سپر ہے اور کہ مورخ $8 \frac{9}{16}$ ٹورڈ سپر ہے جسکی مقدار 169 ہے

مکان 169 جو الٹا ٹورڈ سپر ہے اور کہ مورخ $8 \frac{9}{16}$ ٹورڈ سپر ہے جسکی مقدار 169 ہے

mm/ps/TR

7-9-16

ستہ

Attested.



DSP

بیان ہذا کی پیشین گوئی 37 صفحہ تقریر

16



بند ہوا ملک کی صورت میں 1/16 4 کد میں ہوا
بند ہوا ملک کی صورت میں 1/16 4 کد میں ہوا
بند ہوا ملک کی صورت میں 1/16 4 کد میں ہوا
بند ہوا ملک کی صورت میں 1/16 4 کد میں ہوا
بند ہوا ملک کی صورت میں 1/16 4 کد میں ہوا
بند ہوا ملک کی صورت میں 1/16 4 کد میں ہوا

no: 1622-83966235

mob: 0344-1935630

M. Dind

بیان ہذا کی پیشین گوئی 37 صفحہ تقریر

بند ہوا

Attestal
D SP Tap

بیان آرائی کی تردید 44 ضابطہ آئین 1973ء

17

حرف و کلام مذکور سے یہ ثابت ہو گیا ہے کہ میں عدالت 4/7/16 کو حسب عنوان حوالہ دیا گیا
کتاب پر حتمی رائے دے کر اس کے حوالہ دیا گیا اور اس کے تحت سید 313
1/16 ممبر 377/530 کے حوالہ سے یہ ثابت ہو گیا ہے کہ مذکورہ کتاب کا تعلق عدالت
میں کیا گیا ہے۔ اس کے ساتھ ساتھ اس کے حوالہ دیا گیا ہے کہ اس کتاب کا
میں نے عدالت میں اس کے حوالہ سے یہ ثابت ہو گیا ہے کہ اس کتاب کا
تعلق عدالت میں اس کے حوالہ سے یہ ثابت ہو گیا ہے کہ اس کتاب کا
تعلق عدالت میں اس کے حوالہ سے یہ ثابت ہو گیا ہے کہ اس کتاب کا

MR
Kehm al

بیان آرائی کی تردید 44 ضابطہ آئین 1973ء

0345 6834308
16201-9347415-8

ARRESTED

Attested
DSP Tapa

میں اذان طاری کا وقت گمان تو اس قدر

میں صبح میں ہوں کہ عوام 3 1/6 کو صبح 8 بجے 12 بجے ڈیڑھ گھنٹے

میں ڈیڑھ گھنٹے صبح 8 بجے تا 12 بجے تک گمان گمان

جو کہ صبح میں دوران ڈیڑھ گھنٹے سے پہلے گمان گمان میں نہیں لگتا
اور یہی ہے کہ اسے ساتھ میں اس قدر کہ میں اس قدر کہ میں اس قدر کہ میں
اسی میں اس قدر کہ میں اس قدر کہ میں اس قدر کہ میں اس قدر کہ میں

JF
FC TDR

ATTESTED

Attested

M/M
DSP Taji

Police No. 99

NO. 13-17

H-19

POLICE DEPARTMENT.

SWABI DISTRICT

Annual confidential report on the working of H.Cs List-D, ASIs, Sub Inspectors and Inspectors for the year ending 31st December, 2015

Name Provincial or Range No. Rank and Grade.	ASI Mukhtair S/o Mirazam Khan No. 397
Where and on what duties employee during the last 12 month.	From 01.01.2015 to 06.10.2015 PS Yar Hussain 07.10.2015 to 31.12.2015 PS Lahor
Class of superintendent of Police, report, i.e. 'A' or 'B'	(A)
Is he honest?	NO Complaint
Remarks by:- 1. Superintendent of police. (Investigation) and 2. Deputy Inspector General of Police.	<p>A Good and hardworking Police officer.</p> <p><i>Izhar</i></p> <p>(Izhar Ahmad Khan) Superintendent of Police Inve: Swabi.</p> <p><i>M.K.</i></p> <p>(Dr. Mansoor Saleem) SP Deputy Inspector General of Police, Investigation III Khyber Pakhtunkhwa, Peshawar.</p>

REGISTERED

NO. 13-17

POLICE DEPARTMENT.

SWABI DISTRICT

Annual confidential report on the working of H.Cs List-D, ASIs, Sub Inspectors and Inspectors for the year ending 31st December, 2016

Name Provincial or Range No. Rank and Grade.	ASI Mukhtiar Ali No. 397/MR
Father Name	Mirazam Khan
Where and on what duties employee during the last 12 month.	From 01.01.2016 to 24.02.2016 Invest: PS Lahor From 25.02.2016 to 08.06.2016 CSU Swabi From 09.06.2016 to 03.10.2016 Invest: PS Tordher Transferred to operation wing
Class of superintendent of Police, report, i.e. 'A' or 'B'	(A)
Is he honest?	NO Complaint
Remarks by:- 1. Superintendent of police. (Investigation) and 2. Deputy Inspector General of Police.	<p>Good and hardworking Police officer.</p> <p><i>[Signature]</i></p> <p>(Izhar Ahmad Khan) Superintendent of Police Inve: Swabi.</p> <p><i>[Signature]</i> (DR MASOOD SALEEM) P.S.P</p> <p>Dy: Inspector General of Police, Investigation, HQ R. Peshawar.</p>

ACCEPTED

فوز علی 313 نمبر 9-16-01 (جی) 377/53 CPA پی پی کے نام سے توجہ سے

بنام: نواب علی خان و دارا میر الدین سکنہ جیٹا ڈبیرہ

درخواست برادر جہانی میڈیکل

جیٹا علی!

مقدمہ عنوان بالا میں ملزم بالا نے طفلہ علیشاہ دختر چنار علی سکنہ جیٹا ڈبیرہ کے ساتھ خلاف و منع فطری کرتے ہوئے میڈیکل رپورٹ ہمراہ سے مقدمہ نمٹا دیا جس پر صاحب اور پارچہ طفلہ علیشاہ بھیجی گئی ہے۔

ملزم کا طبی معاینہ کرنا ضروری ہے کہ کیا (1) ملزم جماع کا قابل ہے؟

Si/PS-TDR
22-9-016

Forwarded

Official

SHO. PS. TDR
22-9-16

Refer to Gen Surgeon/urologist for proper opinion & examination. Respected Doctor on duty, the accused has been brought to us with the query from police that whether he is capable of doing a Sexual Intercourse or not & if he has the ability of erection and ejaculation. I did examine him but he has a condom carrier with full of urine, and according to him & his wife he has this problem for the past 20-21 years and has sexual intercourse. Respected doctor kindly do examine him and give us your expert opinion whether he is able to do sexual intercourse or not. Thanking in Anticipation. Regards. D. Lalwani (T) 22/9/2016

DMS AM/ A.D. 4.16.

ATTESTED

H/O Fall Blunt injury back 2 yrs ago.
Had spinal + abdominal injury.

H/O Laparotomy.

Seems neurogenic urinary bladder.

Erection and Ejaculation can't be assessed at the moment.

Condition still attached to the penis.

Act ① USG Abd / Pelv / Scrotum

② Semen analysis.

Has to wait for female child report.

Needs

Gen. Surgeon Abdom

for stool incubation.

Neuro Surgeon Spinal

for Neurogenic bladder.

CW
D. [Signature]

According to Urologist.
Erection and Ejaculation can't be
assessed. As the urinary bladder is not
able to contract. Urinary bladder is not
able to contract and granulate.

[Signature]
22/9/16.
URO
BMC
1

22/9/16
11:45 AM

Urologist opinion

Case of Child sexual abuse

(22)

H/O stool and urinary incontinence since 2yrs

H/O fall blunt injury back 2yrs ago

Had spinal + abdominal injury

H/O Laparotomy

Seems Neurogenic urinary bladder

Erection and Ejaculation can't be assessed at the moment

Condition related to the penis

As (1) USG DSD / Pelvic / Scrotum

(2) Semen analysis

Has to wait for female child report

Needs Gen Surgeon Opinion for stool incontinence

Neuro Surgeon Opinion for Neurogenic element

EW
D. [Signature]

According to Urologist
Erection and Ejaculation can't be
assessed. As H/O urinary incontinence has
2yrs on it. Examination of pt. is not
able to erect and ejaculate.

ATTESTED

[Signature]
22/9/16
URO
BMC

خواجہ نور محمد

313 فرج 9/16/01 حرم 377/53 CPD خواجہ نور محمد

مقام: قراچی، حال: ملا احمد الدین، سہیل، عیسیٰ، تارا، عابد

حرم خواجہ نور محمد

خواجہ نور محمد

مذکورہ عنوان بارہ میں ملزم محمد نور محمد صاحب (مقام: خواجہ نور محمد) کا نام لے کر دوران اسٹیشن ملزم نے جامع آرنے کا ریکارڈ کر کے حکام کو پیش کیا۔ یہ حکام نے معائنہ کر کے جوڈیسیل رپورٹ میں جامع آرنے کا نام لے کر قراچی پولیس اسٹیشن پر رپورٹ دی۔ مذکورہ رپورٹ کے مطابق ملزم نے قراچی پولیس اسٹیشن پر رپورٹ دی، جائزہ لیا گیا۔

si/cii/ps TDR
23/9/16

Sir
Forwaded

Reference above. The IO is directed to continue investigation in the case and to dig out the real facts behind the report of the complainant. If the report is found false then the case be cancelled.

S.D.P.O./Kahar
23/9/16

As far as the nominated accused who has been found innocent in the case is concerned, a proper request be made to the court for his discharge up to 169 Cr.P.C. in the case.

ATTESTED

Mellin
DPP
24/9/16

قیمت 50 روپے

18412



ایڈوکیٹ:
بار کونسل / ایسوسی ایشن نمبر: Bc-14-4791
رابطہ نمبر: 0336-9763478

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر جسٹس لطیف جعفری، خیبر پختونخواہ ہائی کورٹ

مخائب: مسٹر / پبلک انٹرنل	دعویٰ:
	علت نمبر:
حکمیت، رضیہ بنام Iqbal Khatun 2015	موردہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 07/08/2018

مقام: گواہ شد

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Accepted by

مسٹر / پبلک انٹرنل # حکمت رضیہ بنام Iqbal Khatun 2015



23

وَقَدْ تَلَّسُّوا الْحَقَّ بِالْأَطْلِ وَتَكْتُمُوا الْحَقَّ وَأَنْتُمْ تَعْلَمُونَ ۝ ادرحق کو باطل کے ساتھ ملاؤ اور حق کو جان بوجھ کر چھپاؤ (القرآن)

DEPARTMENT OF FORENSIC MEDICINE & TOXICOLOGY
BACHA KHAN MEDICAL COLLEGE MARDAN
 (Admissible as evidence under section 510 of the Code of Criminal procedure)

Book No. 05 S.No. 403

In the case of Alcesha D/S Chinar Goul

1. I hereby certify that I received by Hand a packet form ASJ
 of Dr. Theodor Savali alleged to have been dispatched by him/her.
 On the 4/4 of SEP-2016 referred to in his office No. _____
 Dated 04/09/2016 and received by me on the 05/09/2016

2. The packet consisted of 1 PKT was sealed with a seal bearing the impression of invoice
 Hereon to attached. And reached me with 03 No seals intact
 The contents of the were as follows;

- A 02 No Anal swabs
- B 2 clothes (Sh. Jwan Gamae)
- C _____
- D _____
- E _____
- F _____

3. The above seals were opened in my presence and contents of the packet were duly examined by me
 remaining under my immediate custody until the examination was completed.

4. The material/sample I was led to examine for were. Toxicology, Semen Analysis

5. Note: (A) This report is being issued without any cutting or over writing (B) For the tests performed to reach
 the above mentioned result (C) Any report without embossing mark is not genuine.

NO 203 /FM/BKMC, Mardan/2016
 Bacha Khan Medical College Mardan, Chemical examiner office; the 22/09/2016 2016

- Enclosures;
- GENERAL ALKALOIDS:-**
- Heroin _____
 - Morphine _____
 - Cannabinol _____
 - Atropine _____
 - Hyoscyne _____
 - Strychnine _____
 - Brucine _____

- ALCOHOL ANALYSIS REPORT:-**
- Potassium dichomate _____
 - Sulphomolybdate test _____
 - Ethyl benzoate Test _____

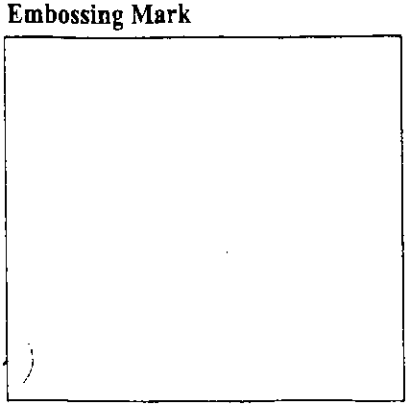
- SEMEN ANALYSIS**
- Berberio test _____
 - Florence test _____
 - Of spermatozoa test Negative

- VOLATILE POISONS:**
- Ethyl Alcohol _____
 - Methyl Alcohol _____
 - Hydrocyanic Acid _____
 - Phenols _____
 - Organophosphates _____
 - Phosphine _____
 - Chlorinated hydrocarbons _____

- METALLIC POISONS:**
- Arsenic _____
 - Mercury _____
 - Lead _____
 - Copper _____
 - Silver _____
 - Tranquillizer _____
 - Barbiturates _____
 - Hypnotics _____
 - Sedatives _____
 - Chloral Hydrates _____

- Collect the sample evidence
- DRUGS TEST**
- Amphetamine _____
 - Benzodiazepines _____
 - Cocaine _____
 - Methadone _____
 - Methamphetamine _____
 - Opiate _____
 - Phencyclidine _____
 - Tricyclic Antidepressants _____
 - Ketamine _____

5. The result was as follows;
1. Cnt of Sh. Jwan is chemically analyzed & found Negative (-) for Semen. 2. Anal swabs chemically analyzed and found Negative for Semen.



ASSISTANT CHEMICAL EXAMINER

AKP
 Chemical Examiner
 Bio-chemist

Head
 Department of Forensic Medicine &
 Bacha Khan Medical College Mard

ATTESTED