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

**Service Appeal No. 595/2024**

Irada Ali Assistant Sub Inspector No. 84/MR

.....Appellant

**VERSUS**

Deputy Inspector General of Police, Mardan Region Mardan and others

.....Respondents

**INDEX**

S. No.	Description of Documents	Annexure	Pages.
1.	Copy of Written Reply.	--	1-4
2.	Copy of Affidavit.	--	5
3.	Copy of previous dismissal order, reduction in rank order and list of bad entries.	A & B	6-17
4.	Copy of Charge Sheet with statement of allegations, Enquiry proceedings and order dated 15.12.2023	C, D & E	18-40
5.	Copy of Authority Letter	--	41

*22-07-24*

*Handwritten Signature*  
**DSP Legal  
Mardan**

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

**Service Appeal No. 595/2024**

Irada Ali Assistant Sub Inspector No. 84/MR

.....Appellant

**VERSUS**

Deputy Inspector General of Police, Mardan Region Mardan and others

.....Respondents

**Khyber Pakhtunkhwa  
Service Tribunal**

**Para-wise comments by respondents:-**

**Respectfully Sheweth,**

Diary No. \_\_\_\_\_

**PRELIMINARY OBJECTIONS**

Dated \_\_\_\_\_

1. That the appellant has not approached to this Hon'ble Tribunal with clean hands.
2. That the appellant has concealed the actual facts from this Hon'ble Tribunal.
3. That the appellant has got no cause of action and locus standi to file the instant appeal.
4. That the appellant is estopped by his own conduct to file the instant Service Appeal.
5. That the appeal is unjustifiable, baseless, false, flawless and vexatious and the same is liable to be dismissed with special compensatory cost in favour of respondents.
6. That the Hon'ble Tribunal has no jurisdiction to adjudicate the matter.
7. That the appeal is bad for miss joinder and non joinder of necessary and proper parties.
8. That the appeal is barred by law and limitation.

**REPLY ON FACTS**

1. Incorrect. Plea taken by the appellant is not plausible because every Police Officer is under obligation to perform his duty upto the entire satisfaction of his superiors. However, from perusal of his service record previously he had been awarded major punishment of dismissal from service, but later on he was reinstated in service and the penalty of dismissal from service was converted into reduction in rank by the appellate authority vide order No. 3205-11/21 dated 30.07.2021. Due to lethargic attitude his entire service record is tainted with bad entries. Moreover excellent performance and non receiving complaints does not mean a clean chit for the future wrong deeds (**Copies of previous dismissal, reduction in rank order and list of bad entries are attached as Annexure A & B**).
2. Para is correct to the extent of service, however stance of the appellant is not plausible because long service career as well as good performance do not exonerate a police officer from his future wrong deeds.
3. Incorrect. Plea taken by the appellant is baseless, because the appellant while performing his duties as Investigation Officer (I.O) Police Station Toru, investigated a case vide FIR No. 279 dated 21.05.2018 U/S 302/34 PPC, but due

to his defective and one sided investigation, the accused were benefitted in the shape of acquittal by Honorable Additional Sessions Judge/MCTC Mardan on the basis of doubt vide court's verdict dated 10.06.2023, indicating inefficiency and negligence on his part. On account of aforementioned allegation he was issued charge sheet with statement of allegations and enquiry was entrusted to SP Saddar Mardan.

4. Incorrect. Para already explained above needs no comments.
5. Incorrect. Plea taken by the appellant is not plausible, because he while posted in Investigation Wing Police Station Toru, investigated a case vide FIR No. 279 dated 21.05.2018 U/S 302/34 PPC PS Toru, but due to his defective and one sided investigation, the accused were benefitted in the shape of acquittal by Honorable Additional Sessions Judge/MCTC Mardan on the basis of doubt vide court's verdict dated 10.06.2023, indicating inefficiency and negligence on his part. On account of aforementioned allegations, the appellant was issued charge sheet and statement of allegations and enquiry was entrusted to Mr. Khalid Khan SP/Saddar Mardan. The enquiry officer during the course of enquiry fulfilled all legal and codal formalities by extending right of self defense to the appellant to produce evidence/grounds in his defense, but he failed to defend himself. However, the Enquiry Officer recommended the appellant for awarding major punishment. Therefore, the appellant was summoned and heard in Orderly Room on 07.12.2023, but he failed to justify his innocence hence, he was awarded major punishment of reduction in rank, which commensurate with the gravity of misconduct of the appellant **(Copy of charge sheet with statement allegations, enquiry proceedings and order dated 15.12.2023 are attached as annexure "C, D & E")**.
6. Correct to the extent that the appellant preferred departmental appeal before the appellate authority which was rejected and filed. As the appellant was summoned and heard in person in orderly room held on 27.03.2024 by providing opportunity of defending himself but he failed to produce any cogent proofs/reasons to justify his innocence. Hence, after perusal of entire material available on record coupled with enquiry report as well as the order of punishment, the departmental appeal was rejected and filed.
7. That the appeal of the appellant is liable to be dismissed on the following grounds amongst the others.

**REPLY ON GROUNDS:**

- A. Incorrect. Orders passed by the respondents are legal and in accordance with law, facts and norms of natural justice, hence, liable to be maintained.
- B. Incorrect, the appellant has been treated in accordance with law, rules and the respondents have not violated any Constitution right of appellant. Hence, plea of the appellant is devoid of any merits.
- C. Incorrect. Appellant has conducted dishonest investigation.

- D. Incorrect. Plea taken by the appellant is ill based, being a Police Officer supposed to conduct a fair investigation in the case, but he failed to do so and started blaming other Police Officer.
- E. Incorrect. Plea taken by the appellant is baseless, being a Police Officer he was supposed to fairly investigated a case vide FIR No. 279 dated 21.05.2018 U/S 302/34 PPC, but due to his defective and one sided investigation, the accused were benefitted in the shape of acquittal by Honorable Additional Sessions Judge/MCTC Mardan on the basis of doubt vide court's verdict dated 10.06.2023, indicating inefficiency and negligence on his part. On account of aforementioned allegation he has properly proceeded against departmentally by providing opportunity of defending himself but he failed to produce any cogent proofs/reasons to justify his innocence.
- F. Para pertains to court proceedings needs no comments.
- G. Para pertains to court proceedings needs no comments.
- H. Incorrect. The story narrated by the appellant is not based on facts, appellant is trying to save his skin.
- I. Incorrect. Plea taken by the appellant is not plausible because he was properly issued Charge Sheet with Statement of Allegations and enquiry was entrusted to Mr. Khalid Khan SP/Saddar Mardan. The enquiry officer during the course of enquiry fulfilled all legal and codal formalities by extending right of self defense to the appellant to produce evidence/grounds in his defense, but he failed. However, the Enquiry Officer recommended the appellant for awarding major punishment. Therefore, the appellant was summoned and heard in Orderly Room on 07.12.2023 but he failed to justify his innocence hence, he was awarded major punishment of reduction in rank, which commensurate with the gravity of misconduct of the appellant.
- J. Incorrect. Plea taken by the appellant is not possible, because he while posted in Investigation Wing Police Station Toru, investigated a case vide FIR No. 279 dated 21.05.2018 U/S 302/34 PPC PS Toru, but due to his defective and one sided investigation, the accused were benefitted in the shape of acquittal by Honorable Additional Sessions Judge/MCTC Mardan on the basis of doubt vide court's verdict dated 10.06.2023, indicating inefficiency and negligence on his part. On account of aforementioned allegations, the appellant was issued charge sheet and statement of allegations and enquiry was entrusted to Mr. Khalid Khan SP/Saddar Mardan. The enquiry officer during the course of enquiry fulfilled all legal and codal formalities by extending right of self defense to the appellant to produce evidence/grounds in his defense, but he failed. However, the Enquiry Officer recommended the appellant for awarding major punishment. Therefore, the appellant was summoned and heard in Orderly Room on 07.12.2023 but he failed to justify his innocence hence, he was awarded major punishment of reduction in rank, which commensurate with the gravity of misconduct of the appellant.
- K. Incorrect. Reply already given vide Para above.

4  
L. Incorrect. That the orders passed by the competent authority as well as appellate authority are legal and as per law/rules, hence liable to be maintained.

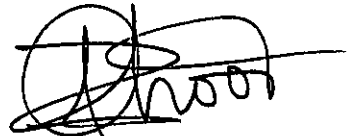
M. The respondents also seek permission of this honorable tribunal to adduce additional grounds at the time of arguments.

**PRAYER:-**

Keeping in view the above stated facts and rules, it is most humbly prayed that the appeal of the appellant being baseless barred by law and limitation, may very kindly be dismissed with costs please.



District Police Officer, Mardan.  
(Respondent No. 2)  
**(ZAHOOR BABAR)<sup>PSP</sup>**  
Incumbent



Regional Police Officer, Mardan.  
(Respondent No. 1)  
**(ZAHOOR BABAR)<sup>PSP</sup>**  
Incumbent

5

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

**Service Appeal No. 595/2024**

Irada Ali Assistant Sub Inspector No. 84/MR

.....Appellant

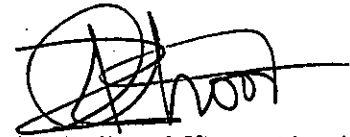
**VERSUS**

Deputy Inspector General of Police, Mardan Region Mardan and others

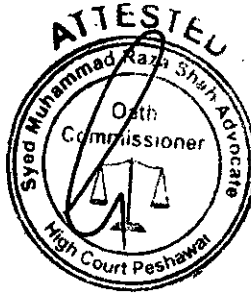
.....Respondents

**COUNTER AFFIDAVIT.**

I, the respondent do hereby declare and solemnly affirm on oath that the contents of the Para-wise comments in the service appeal cited as subject are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.



District Police Officer, Mardan.  
(Respondent No. 2)  
**(ZAHOOR BABAR)<sup>PSP</sup>**  
Incumbent



02 JUL 2024

Amnet "A" 16

**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: dpomdn@gmail.com

Dated 28/12/2020

**ORDER ON ENQUIRY OF SI IRAD ALI NO. MR/84**

This order will dispose-off a Departmental Enquiry under Police Rules 1975, initiated against the subject officer, under the allegations that while posted as SHO Police Station Takht-Bhai (now under suspension Police Lines Mardan) was placed under suspension and closed to Police Lines Mardan vide this office OB No.1395 dated 20-08-2020, issued vide order/endorsement No.4249-52/EC dated 24-08-2020 on account of findings of preliminary enquiry conducted on the allegations of corruption & malpractices.

To ascertain real facts, the alleged officer was proceeded against departmentally through Mr. Shabir Khan SDPO Sheikh Maltoon vide this office Statement of Disciplinary Action/Charge Sheet No.337/PA dated 25-08-2020, who (E.O) after fulfilling necessary process, submitted his Finding Report to this office vide his office letter No.487/St dated 12-10-2020, holding responsible him of misconduct & recommended for major punishment.

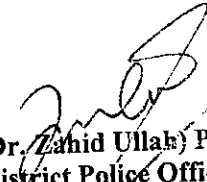
In this connection, SI Irad Ali was heard in OR on 09.12.2020, who failed to satisfy the undersigned, therefore, he was served with a Final Show Cause Notice, under Khyber Pakhtunkhwa Police Rules 1975, issued vide this office No. 192/PA dated 11.12.2020, to which, his reply was received & found un-satisfactory.

**Final Order**

SI Irad Ali was heard in OR on 29-12-2020, who was given opportunity to clarify his position, but he failed. Keeping in view the material on record and findings of Enquiry Officer, SI Irad Ali has brought bad name to the entire Police Force by involving himself in illegal gratification, therefore awarded him major punishment of dismissal from service with immediate effect, in exercise of the power vested in me under Police Rules-1975.

OB No. 2326

Dated 28/12/2020.

  
(Dr. Zahid Ullah) PSP  
District Police Officer  
Mardan

Copy forwarded for information & n/action to:-

- 1) The Regional Police Officer Mardan, please.
- 2) The DSP/HQrs Mardan.
- 3) The P.O & E.C (Police Office) Mardan.
- 4) The OSI (Police Office) Mardan with ( ) Sheets.

  
**DSP Legal  
Mardan**



CR# No. 2675/ES

7

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

1813  
5-8-21

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-SI Irad Ali No. 84/MR. The petition was dismissed from service by District Police Officer, Mardan vide OB No. 2326, dated 29.12.2020 on allegations that he while posted as SHO Police Station Takht Bhai District Mardan was found involved in corruption and malpractices. His appeal was rejected by Regional Police Officer, Mardan vide order No. 390/ES, dated 22.01.2021.

Meeting of the Appellate Board was held on 01.07.2021, wherein the petitioner was present and heard in detail.

In view of his long service of 24 years, 05 months & 01 day, the Board is of the opinion that the penalty imposed on petitioner is harsh and decided that the petitioner is hereby re-instated in service and the penalty of dismissal from service is converted into reduction from the rank of SI to ASI. However, the intervening period to be treated as without pay.

Sd/-

KASHIF ALAM, PSP

Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI/3205-11/21, dt. 30/7/21

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll, one Service Book and one Fatra Missal of the above named appellant received vide your office Memo: No. 2225/ES, dated 27.01.2021, returned herewith for your office record.
2. District Police Officer, Mardan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO Peshawar.
8. Officer concerned.

Encl: S-Book

S-Roll

F-Missal

DSP Legal  
Mardan

(RAI BABAR SAEED) PSP  
Deputy Inspector General of Police, HQrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

OB/EE

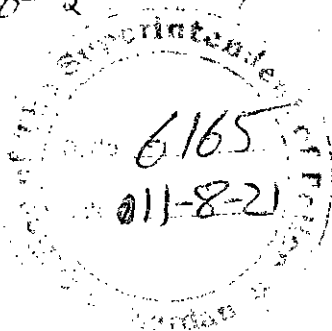
for n/a action.

DPD Mardan,  
6/8/21

Matter closed  
AIEC  
3/2

4127/ES

6-8-21



EC/DPD Mardan

for n/a action

RPD Mardan  
04/8/21

OB 1304  
11-8-21



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8 /

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No.7298 of 2021

Date of Institution ... 23/08/2021

Date of Decision ... 13/1/2022

Irada Ali, Ex-Sub Inspector.No. 84/MR R/o Ghari Dulat Zai, Tehsil and District Mardan. ... (Appellant)

VERSUS

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

Present.

Mr. Noor Muhammad Khattak, Advocate ... For appellant.

Mr. Muhammad Adeel Butt, Addl: Advocate General, ... For respondents.

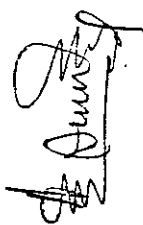

MR AHMAD SULTAN TAREEN ... CHAIRMAN  
MR. ATIQ-UR-REHMAN WAZIR, ... MEMBER(E)

JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:-The appellant named above invoked the jurisdiction of this Tribunal through service appeal described above in the heading with the prayer as copied blow:-

“On acceptance of the instant service appeal, the impugned appellate/Revision order dated 30.7.2021 may very kindly be set aside and the appellant may kindly be restored on his original Rank of Sub Inspector with all back benefits. That the respondents


ATTESTED

  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

may also be directed to treat the intervening period i.e. 29.12.2020 till 30.7.2021 as period spent on duty. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant"

2. Briefly, facts of the appeal are that appellant after his appointment as Constable in the year 1995 stepped up in the career progression with the passage of time under due course and was promoted to the post of Sub-Inspector. While posted as Station House Officer (SHO) of PS Takht Bhai, disciplinary proceedings were started against him where-under he was charge sheeted on the allegation of corruption, malpractices; that the appellant received Statement of Allegation & Charge Sheet and submitted a detailed reply by denying all the allegations leveled against him along with supporting documents; that only a fact finding inquiry was conducted against the appellant which was provided to the appellant along with all the statements recorded by colleagues and junior colleagues of the appellant and also the statement recorded by the complainant; that without fulfilling other codal formalities, major penalty of dismissal from service was imposed upon him vide the impugned order dated 29-12-2020; that feeling aggrieved from the impugned order dated 29-12-2020; that the appellant filed Departmental Appeal dated 05 01-2021, which was rejected by respondent No.2 without assigning any cogent reason vide appellate order dated 22 01-2021; that the appellant feeling aggrieved by the order dated 22-01-2021 and having no other remedy filed Service Appeal before this Tribunal but during the pendency of ibid service appeal the respondent No.1 on Revision Petition issued the impugned appellate/revision order

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

dated 30.7.2021, whereby the major penalty of dismissal from service has been converted into reduction to lower Rank of Assistant Sub Inspector and also treated the intervening period of the appellant as leave without pay. Hence, this appeal.

3. After admission of the appeal for regular hearing, the respondents were given notices. They after attending the proceedings have filed their written reply, raising several factual and legal objections, refuting the claim of the appellant and asserted for dismissal of appeal with cost.

4. We have heard the arguments and perused the record

5. The charges levelled against the appellant were that while posted as SHO P.S Takht Bhai was suspended on findings of preliminary enquiry conducted on the allegations of corruption and malpractices. He was charge sheeted and enquiry was conducted by Mr. Shabir Khan SDPO Sheikh Maltoon Town, who held him responsible for misconduct and recommended for major punishment. The appellant was dismissed from service 29.12.2020 with immediate effect which was modified on 30.07.2021 and penalty of dismissal from service was converted into reduction to lower rank of ASI and also treated the intervening period of the appellant as leave without pay. The appellant filed instant appeal and came up with ground that on oral and baseless allegations without providing fair opportunity of hearing and defence, the appellant's service was dismissed vide order dated 29.12.2020. In the ground advanced in Service Appeal among other, the appellant submitted that the respondents acted in arbitrary and malafide manner while issuing the impugned order

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ATTESTED

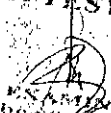
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EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

dated 29.12.2020 and thereafter passing the revisional order dated 30.07.2021 and that the amount of corruption shown in statement of allegations and charge sheet was neither recovered from the appellant nor was proved. The respondents in their parawise comments made a defence that after issuing of charge sheet and statement of allegations, proper departmental enquiry was conducted. During the course of enquiry statements of all concerned were recorded fulfilling all legal and codal formalities by extending right of defence to the appellant to produce evidence/grounds in his defence, but he failed. According to enquiry report copy whereof is annexed with the reply of respondents, the enquiry officer enumerated names of 09 officials who were examined and their statements were recorded. Among them 08 witnesses denied the allegations against SI Irad Ali (appellant) and they stated that they are not the eye witness of the allegations levelled against SHO Irad Ali (appellant). This fact has been mentioned by the enquiry officer in his report with an addition that some of them verbally acknowledged as of discussion/whispering of their colleague and public about SI Irad Ali as to his involvement in corruption. The enquiry officer gave weightage to statement of PASI Sahar Gul and to that of the statement of Mahmood Khan and at the same time gave his observations that during the process of enquiry PSI Sahar Gul and Constable Rifaq Muhammad 2049 were also found involved in illegal activities of corruption at many corner alongwith the accused S.I. Therefore, they both need to be proceeded departmentally. The said observations of the enquiry officer itself make the testimony of PASI Sahar Gul as doubtful and not reliable. The enquiry report is also short to disclose the examination of the appellant by.




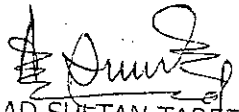
ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

enquiry officer and of giving him the opportunity of cross examination of the other witnesses examined by him i.e. the enquiry officer. The findings of the enquiry officer as discussed herein before were quite weightless for proof of the charge levelled against the appellant. The competent authority without application of mind in the fair manner blindly relied upon enquiry report and awarded major penalty of dismissal from service to him just on recommendations of the enquiry officer. The disciplinary action taken against the appellant on face of it is not based upon the fair trial of the accused. Therefore, the order of imposition of major penalty of dismissal as result of such disciplinary proceedings firstly by the competent authority and then its conversion to reduction into lower rank of ASI are not tenable under the law.

6. For what has gone above, the appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

  
 (ATIQU-UR-REHMAN WAZIR)  
 Member(E)

  
 (AHMAD SULTAN TARBEN)  
 Chairman



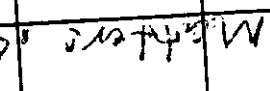
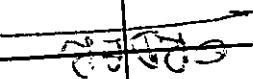
**ANNOUNCED**  
 13.01.2022

Certified to be true copy

  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

Date of Presentation of Application 13/01/2022  
 Number of Words 2000  
 Copying Fee 22/-  
 Urgent -  
 Total 22/-  
 Name of Copy -  
 Date of Completion of Copy 27/04/22  
 Date of Delivery of Copy 27/04/22

DSF Legal  
Mardan

	CR - 7-6-2002 BPO - 1247
<del>           BPO/Mardan       </del>	Immediate effect -
<del>           BPO/Mardan       </del>	While dealing with
He is hereby advised to be careful in future.	
Report sent to Police Station Mardan	
10.03.2016	
System no 84/MR vide Dtg Mardan	On confirmation he is allotted memo
System - Order Endst no 2008/15 dated	
right on promotion to List 'E' with effect	10.03.2016
Ammet B 13	in the rank of ASI under

B A & M H A H



1	2	3	4	13		14	15
				Leave			
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
5	6	7	8	9	10	11	12
16	17	18	19	20	21	22	23
24	25	26	27	28	29	30	31
32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47
48	49	50	51	52	53	54	55
56	57	58	59	60	61	62	63
64	65	66	67	68	69	70	71
72	73	74	75	76	77	78	79
80	81	82	83	84	85	86	87
88	89	90	91	92	93	94	95
96	97	98	99	100	101	102	103

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Date of termination or appointment

Reason of termination (such as promotion, transfer, dismissal, etc.)

Signature of the head of the office or other attesting officer.

Nature and duration of leave taken

Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government

Signature of the head of the office or other attesting officer.

Reference to any recorded punishment or censure, or reward or praise of the Government Servant

ORDER

Awarded him appeal to reject with

RPO Mardan order NO 390/ES dt 22/01/20

*[Signature]*  
DPO MIRD

*[Signature]*  
DPO Legal  
Mardan



Designation of the office assisting officer Section of 1 to 8		(f) substantive appointment, or whether service counts for pension under Art. 371 C.S.R.	

1804

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Effect

White

18 15

(18)

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15

3

10	11	12	13		14	15
			Nature and duration of leave taken	Allocation of period of leave on average up to 3 months which may be another Government servant		
Designation of the office of the officer (1 to 8)	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of head of the office or other attesting officer.	Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or reward or praise of the Government Servant	

ORDER

He is hereby warned to be careful in future

While dealing with Courts matters with immediate effect -

CBNT 455  
Date 15/2/2022

*[Signature]*  
DPO/Mardan

Transfer order

Transfer to PTS Swabi vide LCP KPK Peshawar

order NO. 178/E-II dt. 13.4.2022

SVC  
01/11/2018 31/8/2022

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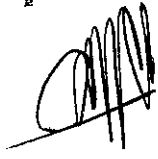
*[Signature]*

*[Signature]*  
DPO Mardan

*[Signature]*  
DSP Legal Mardan

2 Whether substantive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional pay for officiating	6 Other emolument falling under the term "pay"	7 Date of Appointment	Signature of Government
Order	Awarded	him	major	2012		
	a)	reduction	in	rank		
	Immediate	effect	of	his	D...	
	forward	RC,	5:00	pm		
	OIBNO =	2448				Noida
	Dated =	15-12-2012.				District Police Meerut
						DSD Legal Warden

**OSP Legal**  
**Mardan**



(Najeeb-ur-Rehman Bugti) PS  
District Police Officer, Mardan



Fixed by the Enquiry Officer.

SI Inad Ali is directed to appear before the Enquiry Officer on the date & time and place

action against the accused official.

The Enquiry Officer shall, in accordance with the provision of Police Rules 1975, provides reasonable opportunity of hearing to the accused Police official, record/submit his findings and make within (30) days of the receipt of this order, recommendations as to punishment or other appropriate

the above allegations. Mr. Khalid Khan SDO Talah-Bhal is nominated as Enquiry Officer.

For the purpose of scrutinizing the conduct of the said accused official with reference to

reference dated 16-06-2023, indicating inefficiency and negligence on his part.

Whereas, SI Inad Ali, while posted at Inv: Wing PS Toru (now PTS Swabi), investigated a case vide FIR No. 279 dated 21-05-2018 U/S 302/34 PPC PS Toru, but due to his inactivity and one sided investigation, the accused were benefited in the shape of acquittal by Honorable Additional Sessions Judge/MCTC Mardan on the basis of doubt vide his court's verdict dated 16-06-2023, indicating inefficiency and negligence on his part.

**STATEMENT OF ALLEGATIONS**

1. NAJEEB-UR-REHMAN BUGTI (PSP), District Police Officer, Mardan, as competent authority am of the opinion that SI Inad Ali, himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of Police Rules 1975.

**DISCIPLINARY ACTION**

No. 209 /PA

Dated 15/8/2023

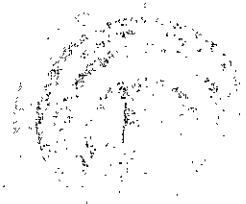
Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: ospmdu@gmail.com

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**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

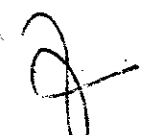
Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpomdn@gmail.com](mailto:dpomdn@gmail.com)

2023

**CHARGE SHEET**

I, NAJEEB-UR-REHMAN BUGVI (PSP), District Police Officer Mardan, as competent authority, hereby charge SI Irad Ali, while posted at Inv: Wing PS Toru (now PTS Swabi), as per attached Statement of Allegations.

1. By reasons of above, you appear to be guilty of misconduct under Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.
2. You are, therefore, required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer, as the case may be.
3. Your written defense, if any, should reach the Enquiry Officer within the specified period. failing which, it shall be presumed that you have no defense to put-in and in that case, ex-parte action shall follow against you.
4. Intimate whether you desired to be heard in person.

  
(Najeeb-ur-Rehman Bugvi) PSP  
District Police Officer, Mardan.

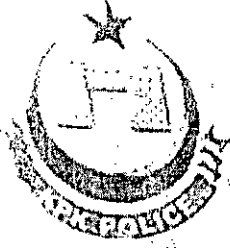
  
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OFFICE OF THE  
SUPERINTENDENT OF POLICE  
SADDAR DIVISION MARDAN

No. 157 /ST,

Dated: 14/11/2023

To,

The District Police Officer,  
Mardan.

Subject: DEPARTMENTAL ENQUIRY AGAINST SI IRAD ALI.

Allegations:

Whereas, SI Irad Ali ; while posted at Inv: Wing PS Toru (now PTS Swabi) investigated a case vide FIR No.279 dated 21.05.2018 U/s 302/34 PPC PS Toru, but due to his defective and one sided investigation, the accused were benefitted in the shape of acquitted by the honorable additional Judge/MCTC Mardan on the basis of doubts vide his court's verdict dated 10.06.202, indicating inefficiency and negligence on his part.

To probe into the matter a departmental inquiry has been initiated vide diary No.209/PA dated 15.08.2023 and the undersigned has been nominated as inquiry officer

Proceedings:

Enquiry proceedings were initiated, the alleged official was called to office of undersigned heard in a persons and recorded his statement, wherein he denied the allegations and deposed that he investigated the case fairly and on merit. He further requested for his exoneration from the charges leveled against him.

To probe into the matter and dig out the real facts complete case file (Judicial file + Police case file) were sought and scrutinized. In which many weakness & contradictions noted in the case, some of major points and contradiction in the case are as bellow:

1. The alleged SI Irad Ali (IO of the case FIR) failed to investigate the cross version report in the same incident. He did not placed the injury sheet, Medical report of the accused Jehanzeb on record, while the supreme court ordered that during investigation conducted after registration of an FIR the investigating officer may record any number of versions/report of the same incident and no separated FIR is to be recorded for any new version of the same incident. (Court order attached). This act of the alleged SI shows one sided investigation in the case.
2. There is no sketch of the place of recovery placed on the case file by the alleged S/O Irad.
3. During scrutinizing the case file it also found that SI Shah Rasool Khan said that he conduct raid on the house of accused, he knocked the door and the door was opened by accused Khalid, while on other side the alleged S/O Irad Ali deposed that there was no door of the house. It is big contradiction between the statements of both officers.

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**Conclusion**

In view of the above fact and circumstances, it has been concluded that weak investigation of SI Irad Ali has affected the case, in which the accused acquitted by the court. This act defames the image of police department in the eyes of court as well as public. His statement was found unsatisfactory.

**Recommendations:**

It is therefore, due to inefficiency and negligence on part the alleged SI Irad Ali, so he is recommended for **Major Punishment**, if so approved. Please.

(MR. KHALID KHAN)  
**SUPERINTENDENT OF POLICE  
SADDAR DIVISION MARDAN**

OR

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④  $\frac{d}{dx} \frac{1}{x^5} = \frac{d}{dx} x^{-5}$   
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⑤  $\frac{d}{dx} \frac{1}{x^6} = \frac{d}{dx} x^{-6}$   
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**IN THE COURT OF SYED SHAUKAT ULLAH SHAH**  
**ADDL: SESSIONS JUDGE/JUDGE MCTC MARDAN.**

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Case No. 11/7 of 23.05.2022

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Date of Original Institution.....02.04.2019  
Date of transfer to this Court.....23.05.2022  
Date of Decision.....10.06.2023

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The State

Through

Iftikhar Ali s/o Abdul Wali r/o Jamshed Abad Toru, Tehsil & District Mardan.....(Complainant)

Vs

1. Khalid aged about 44/45 years &
2. Jehanzeb aged about 36/37 years sons of Karam Khan residents of Jamshed Abad, Toru, Tehsil & District Mardan.

(Accused facing trial)

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Charged in case FIR No. 279 Dated 21.05.2018  
U/sections 302/34 PPC of P.S Toru, Mardan.

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**JUDGEMENT**

Facts of the case as per FIR are that on 21.05.2018, Shah Rasool Khan SI during patrolling duty received information about the occurrence and reached the place of occurrence i.e. vacant ground (*daga maidan*) near the house of complainant situated at Jamshed Abad Toru, where the complainant Iftikhar Ali s/o Abdul Wali at about 13:45 hours produced to him the dead body of his son Nadir Ali and reported the matter to the effect that on the same day at about 13:15 hours he alongwith his wife Shash Begum were present in his house and they came out of the house on hearing noise. They saw that accused facing trial Khalid and Jehanzeb inflicted blows with daggers on his son Nadir Ali due to which his son died on the spot. Motive for the occurrence was previous quarrel which took place between his son and the accused

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facing trial some days prior to the occurrence. The occurrence beside him was witnessed by his wife Shash Begum. Report of the complainant was recorded in the shape of murasila Ex PA/1 on the basis of which the above noted case FIR was registered.

2. After arrest of the accused and completion of investigation, challan was submitted against the accused. Accused facing trial were in custody and were summoned from jail. On production of accused before the Court, provisions of section u/s 265-C Cr.P.C were complied with. Charge was framed against the accused u/sections 302/34 PPC on 12.04.2019 to which they pleaded not guilty and claimed trial. The Prosecution in order to prove its case against the accused produced eight (08) witnesses which are discussed as follows:-

**Shah Rasool Khan SI**, was examined as **PW-01**. He had drafted the report of the complainant Iftikhar Ali regarding the occurrence in the shape of murasila and also prepared the injury sheet and inquest report of the deceased available on file as Ex PW-1/1 and ExPW-1/2. Thereafter he sent the murasila to the PS through Constable Inaam HC No.1357 and referred the dead body for PM examination under the escort of Constable Tanweer FC No.990. On the same day, he arrested accused Jehanzeb and Khalid and issued their card of arrest Ex PW-1/3 and Ex PW-1/4. He also prepared the injury sheet of accused Jehanzeb and recorded report of the accused Khalid regarding his injury and injuries received by accused Jehanzeb in the shape of *roznamcha* dated 21.05.2018 which is available on file as Ex PW-1/5.

**Ghulam Arshad Constable No.3467**, was produced as PW-02. He stated that during the days of occurrence he was posted at PS Toru. He is marginal witness to the recovery memo Ex PW-2/1 vide which the IO took into possession one page of report sent by Shah Rasool Khan from the place of occurrence. In this respect the recovery memo was prepared in his presence and he as well as the other co-marginal witness Javed Khan IHC signed the same. In this respect the IO also recorded his statement u/s 161 Cr.P.C.

**Dr. Qazi Ali Mohay-ud-Din (retired)**, was produced as PW-03. On 21.05.2018, he conducted autopsy on the dead body of deceased Nadir Ali aged about 23/24 years s/o Iftikhar Ali r/o Sokay Toru, District Mardan and prepared post mortem report of the deceased Ex PM as well as endorsed the injury sheet of deceased Iftikhar Ali as Ex PM/1.

**Qamar Zaman SI**, was examined as PW-04. He on receipt of murasila from Shah Rasool SI through Constable Inam HC No.1357, incorporated its contents into FIR Ex PA.

**Iftikhar Ali s/o Abdul Wali**, who is complainant of the case was examined as PW-05. He stated that the deceased Nadir Ali was his real son, was residing with him. On the fateful day at relevant time, he and his wife Mst. Shash Begum were in their house. Meantime, on hearing of hue and cry they both came out of the house and saw that accused facing trial Khalid and Jehanzeb sons of Karam Khan were stabbing his son Nadir Ali with knives (چاقو) due to which his son sustained grievous injuries and died on the spot. Motive for the

occurrence was that a quarrel took place between his son and accused facing trial some days prior to the occurrence. The occurrence was seen by his wife Mst. Shash Begum. He made the report regarding the occurrence before the police on spot, which correctly bears his thumb impression as well the thumb impression of Taj Muhammad as endorser. The dead body of deceased Nadir Ali was shifted to Casualty MMC Hospital Mardan in a private Datsun. He charged accused facing trial for the commission of offence. On his pointation, the IO prepared site plan.

**Mst. Shash Begum w/o Iftikhar Ali**, recorded her statement as **PW-06**. She stated that the deceased Nadir Ali was her real son, was residing with her. On the fateful day at relevant time, she and her husband Iftikhar Ali were in their house. Meantime, on hearing of hue and cry they both came out of the house and saw that accused facing trial Khalid and Jehanzeb sons of Karam Khan were stabbing her son Nadir Ali with knives (چوڑی) due to which her son sustained grievous injuries and died on the spot. Motive for the occurrence was that a quarrel took place between her son and accused facing trial some days prior to the occurrence. Her husband made the report on spot before the local police. The IO recorded her statement u/Section 161 Cr.P.C as eye witness of the occurrence. The dead body of deceased Nadir Ali was shifted to Casualty MMC Hospital Mardan in a private Datsun. She charged accused facing trial for the commission of offence.

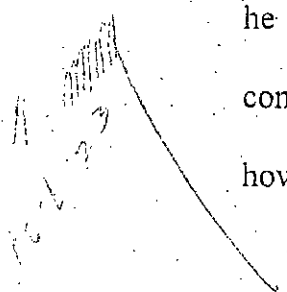
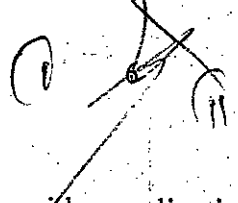
**Irad Ali SI**, who investigated the case was examined as **PW-07**. He stated that during the days of occurrence, he was posted at PS Turo, Mardan. After registration of FIR the case was entrusted to him

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for investigation. He proceeded to the spot and prepared site plan **ExpPB** on the pointation of complainant. During spot inspection, he took into possession blood stained earth from the place of deceased through recovery memo **ExpPW-7/1** and sealed the same into parcel No.01. Vide recovery memo **ExpPW-7/2**, he took into possession blood stained clothes of deceased consisting of Qameez, Shalwar cream colour and a white colour Banyan sent by the doctor from MMC Hospital through Constable Tanveer No.990 and sealed the same into parcel No.02 **Exp-1**. Both accused were arrested by Shah Rasool SI. Accused Khalid was handed over to him for investigation whereas co-accused Jahenzeb was admitted in injured condition in the hospital. He vide application **ExpPW-7/3** applied the Court for obtaining physical custody of accused Khalid as well as for issuance of jail warrant of accused Jehanzeb till his recovery. The said application was allowed by the Court and one day custody of accused Khalid was granted. During interrogation accused Khalid led the police party to the crime spot and made pointation of various places having relevancy to the occurrence in presence of marginal witnesses. In this regard pointation memo is available on file as **ExpPW-7/4**. During the said pointation proceedings the weapon of offence i.e. blood stained dagger (چھری) was recovered on the pointation of accused Khalid from the Kitchen of house of accused which was taken into possession vide recovery memo **ExpPW-7/5** and sealed the same into parcel No.03 **Ex P-2**. All the parcels were prepared in presence of marginal witnesses and were duly affixed with 3x3 seals of "IR" while put one sample seal inside each parcels. During interrogation accused Khalid confessed his guilt.

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before him, therefore, he vide application **Ex PW-7/5-A** produced accused Khalid before the concerned learned Magistrate for recording confessional statement of accused however, accused Khalid refused to record his confessional statement as such he was committed to judicial lock-up. He took into possession the photocopy of report **ExpW-5/1** made by accused Khalid to Shah Rasul SI for entry in DD through recovery memo which is **ExpW-2/1**. Vide application **ExpW-7/6**, he dispatched parcel No.01 containing blood stained earth and parcel No.02 containing blood stained clothes of deceased and vide application **ExpW-7/7**, he dispatched parcel No.03 containing blood stained dagger to the Department of Forensic Medicine Bacha Khan Medical College Mardan and the result thereof is available on file as **Ex PZ** which is received in positive. He also brought on record injury sheet and inquest report of the deceased. He vide application **ExpW-7/9** applied the Court for issuing Zamima Bay against accused Jehanzeb which was allowed. He vide application **Ex PW-7/10** applied the Court for police custody of accused Jehanzeb which was allowed and one day custody of accused Jehanzeb was granted. During interrogation accused Jehanzeb led the police party to the crime spot and made pointation of various places having relevancy to the occurrence in presence of marginal witnesses. In this regard pointation memo is available on file as **ExpW-7/11**. During interrogation accused Jehanzeb confessed his guilt before him, therefore, he vide application **Ex PW-7/12** produced accused Jehanzeb before the concerned Magistrate for recording confessional statement of accused however, accused Jehanzeb refused to record his confessional statement





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as such he was committed to judicial lock-up. He placed on file the list of legal heirs of deceased which is **ExpPW-7/13**. He recorded the statements of PWs u/Section 161 Cr.P.C and brought on record relevant documents. After completion of investigation, he submitted case file to SHO Andaz Khan (now retired), who submitted complete challan against accused facing trial and submitted interim challan against accused Khalid before competent Court. He was well conversant with the signature of said Andaz Khan available on the interim challan as well complete challan.

**Javed Khan HC**, was produced as **PW-08**. He deposed that during the days of occurrence, he was posted at PS Turo, Mardan. He is marginal witness to the pointation memo **ExpPW-7/4** vide which accused facing trial Khalid during interrogation led the police party to the crime scene and made pointation of various places having relevancy to the occurrence. He is also marginal witness to the recovery memo **ExpPW-7/5** through which during the said pointation proceedings by accused Khalid, the I.O recovered and took into possession the weapon of offence i.e. blood stained dagger (چاقو) from a carton box from the kitchen of house of accused Khalid on his pointation and sealed into parcel No.03 in his presence as well co-marginal witnesses Taj Muhammad and Imran.

Likewise, he is also marginal witness to the pointation memo **Ex PW-7/11** vide which accused facing trial Jehanzeb during interrogation led the police party to the crime scene and made pointation of various places having relevancy to the occurrence. He saw the relevant memos which correctly bear his signature as well the

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signatures of co-marginal witnesses. The I.O recorded his statement u/Section 161 Cr.P.C in this regard.

In his presence the I.O also secured blood stained earth from the spot and blood stained garments of deceased vide recovery memos **ExPW-7/1** and **ExPW-7/2** which bears the signature of PW Imran as well thumb impression of co-marginal witness Taj Muhammad however, his signature was not obtained thereon rather he was present at that moment at the spot with the IO.

3. Accused facing trial were examined within the meaning of section 342-Cr.P.C. Accused denied the charge and allegations leveled against them. They claimed innocence and false implication in this case; however, they did not opt to record statements on oath or to produce evidence in defence.

4. Arguments of learned Sr.PP for the State assisted by learned private counsel for the complainant and learned counsel for the accused heard. Record perused.

5. Perusal of record reveals that there are two different version of this case. One version is given by the complainant Iftikhar Ali/PW-05 in the FIR, wherein he charged the accused for the murder of his son Nadir Ali by stabbing him in the vacant ground in front of his house. The second version of the occurrence was reported by the accused Khalid, to Shah Rasool SI/PW-04 at the time of his arrest from his house at 1400 hours on the same day of occurrence. According to the statement of Shah Rasool Khan SI/PW-01, he arrested the accused Jehanzeb and Khalid and issued their card of arrest Ex PW-1/3 and Ex

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PW-1/4 and then prepared the injury sheet of accused Jehanzeb; that he recorded the report of accused Khalid in the shape of roznamcha dated 21.05.2018 which is Ex PW-1/5. The said report Ex PW-1/5 was also taken into possession by Irad Ali SI/PW-07, IO of the case through recovery memo Ex PW-2/1.

6. According to the contents of report Ex PW-1/5, Shah Rasool SI/PW-01 after drafting report of complainant Iftikhar Ali through murasila and sending the same to Police Station, conducted raid on the house of accused, he knocked at the door of the house of accused, accused Khalid opened the door and both the accused were found in injured condition. The accused Khalid made report to the effect that on that day he alongwith his brother injured Jehanzeb had gone to Dr. Farooq Hospital and on return when they reached near the house of complainant, Nadir (deceased), Khatir sons of Iftikhar and Iftikhar (complainant) were already present there and on seeing them they started beating them with kicks and fists and Nadir (deceased) hit them with something sharp edged whereby both of them became injured. Motive as disclosed by accused Khalid was that FIR was registered against the assailants named above regarding injuries suffered by his brother Jehanzeb. As per the contents of report Ex PW-1/5, Shah Rasool SI/PW-01 prepared injury sheets of accused Jehanzeb and Khalid. He referred both the injured to MMC Hospital Mardan under the escort of Constable Tayyab No.2604 for medico-legal opinion. Report Ex PW-1/5 was sent to PS for entry in the roznamcha through constable Tanveer No.990.

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injury. He was vomiting and was having difficulty in walking, who was already referred to Mardan Medical Complex and after treatment he was then admitted in Jail Hospital Mardan on 25.05.2018. It was also mentioned that the accused was unable to attend the Court. According to the case diary dated 21.05.2018, the IO Irad Ali SI/PW-07 went to MMC Hospital Mardan, where he found that accused Khalid and Jehanzeb were under treatment in the casualty of MMC Hospital Mardan. The accused Jehanzeb was found having serious injury on his head due to which he was in unconscious condition and was unable to talk and he was then referred to LRH, Peshawar for treatment under the escort of police guard. In this respect Irad Ali SI/PW-07, in his cross examination stated that accused Jehanzeb was also handed over to him but he was admitted in the hospital. He further added that he himself had seen the accused Jehanzeb in injured condition who was referred to LRH Peshawar. He tried to conceal the facts mentioned in the above mentioned case diary by stating that he cannot say that whether accused Jehanzeb was conscious at that time or otherwise. The accused Jehanzeb was ultimately produced before the Court on 29.06.2018 vide application Ex PW-7/10 for police custody and one day custody was granted. Thus it is clear from the record that the accused Jehanzeb was seriously injured and he was referred to LRH Peshawar for treatment and thereafter he remain admitted in jail hospital but even then the IO Irad Ali SI/PW-07 did not bother to investigate the report of accused Ex PW-1/5 and to place on record the injury sheets and medico-legal reports of the accused. This undoubtedly shows that one sided and defective investigation was conducted by the Investigating

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Officer. Material and necessary facts about the occurrence have been concealed and the same were not brought on record by the IO.

8. The complainant Iftikhar Ali/PW-05 and eye witness Mst. Shash Begum/PW-06 in their statements have also suppressed and concealed the true facts of the occurrence. They have not deposed even a single word about the injuries received by the accused Khalid and Jehanzeb during the occurrence, especially the serious head injury of accused Jehanzeb. Complainant while making report of the occurrence did not mention about the presence of his other sons on the spot at the time of occurrence. The complainant/PW-05 and his wife Mst. Shash Begum/PW-06 in their court statements also did not mention about the presence of their other sons on the place of occurrence. However during cross examination complainant stated that all the inmates of his house heard the hue and cry on which they went out from the house and saw that the accused were stabbing the deceased with knives. He further stated that he alongwith his wife and sons came out from their house. Similarly Mst. Shash Begum/PW-06 also has deposed in her cross examination that they all heard hue and cry and all the inmates came out from the house. The site plan is silent about the presence of other sons of the complainant on the spot of occurrence at the time of occurrence. Thus it appears that the complainant and PW-06 did not mention about the presence of their sons in order to suppress the real facts of the occurrence in which the accused also received injuries. This aspect of the case creates serious doubt about the actual mode and manner of the occurrence.

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9. Report of the occurrence was made at the place of occurrence by complainant Iftikhar Ali to Shah Rasool Khan SI/PW01 who rushed to the spot on getting information. Complainant/PW-05 in his cross examination stated that he made report to the local police on the spot. As per the contents of murasila Ex PA/1, the complainant produced the dead body of his son Nadir Ali on the spot and made report of the occurrence. The occurrence took place at 13:15 hours and report was made at 13:45 hours (after 30 minutes), so the question that the dead body of deceased was lying on the spot even after 30 minutes is not believable, as nobody would like to leave the dead body of his son in the pool of blood on the ground for 30 minutes. So the very manner in which the report was made is not free from doubts.

10. As per the contents of murasila Ex PA/1, the dead body was referred to MMC Hospital for Postmortem under the escort of Constable Tanveer No.990, but interestingly the presence of said constable is also shown in the report Ex PW-1/5 which was made by the accused Khalid. The report Ex PW-1/5 was sent to PS through the said constable Tanveer No.990 for entry in the roznamcha. In the inquest report, column No.1 about the place of death or place where dead body was found is left blank. If the inquest report was prepared on the spot by scribe of report Shah Rasool SI (PW-01), then it was not possible that column No.1 which is regarding necessary and basic information about the dead body would have been left blank. In column No.3 of inquest report, the time of death is entered as 14:15 hours with different pen and different hand writing. In the postmortem Ex PM, it is mentioned that the

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dead body was brought by relatives and not by police i.e. constable Tanveer No.990. In the inquest report neither the complainant nor his wife Mst. Shash begum/PW-06 are mentioned as identifiers of the dead body. Under these circumstances, the drafting of the report by the complainant on the spot of occurrence, preparation of injury sheet and inquest report on the spot becomes doubtful.

11. According to the report of complainant and statements of the complainant/PW-05 and eye witness/PW-06, the accused are charged with allegations that as soon as the complainant and PW-06 came out of the house they saw that the accused were inflicting blows with daggers on their son Nadar Ali. However medical evidence does not support the ocular account of the occurrence as given by complainant and PW-06 as according to the postmortem report ExPM and statement of PW-03 Dr. Qazi Ali Mohay-ud-Din, the deceased suffered a single deep sharp object wound on left side thorax. No other injury was noted on the body of deceased Nadar Ali. Thus the medical evidence rather contradicts the alleged ocular account which speaks of inflicting of numerous blows of daggers by the accused upon the deceased.

12. The weapon of offence i.e. a dagger was allegedly recovered on the pointation of accused Khalid from a carton in the kitchen of the house of accused. The said recovery was made by PW-07 Irad Ali SI in presence of marginal witnesses namely Taj Muhammad s/o Ghulam, Imran s/o Sodagar and Javed IHC. Irad Ali SI/PW-07, in his cross examination has stated that he did not knock at the door of the

38

house of accused as there was no door of the house. Contrary to this statement of PW-07, Shah Rasool SI/PW-01 in his report Ex PW-1/5 has mentioned that he conducted raid on the house of accused and knocked at the door which was opened by accused Khalid. This material contradiction in the statements of PW-01 and PW-07/Irad Ali SI creates serious doubt regarding the alleged recovery of dagger from the house of accused. Moreover, the two private independent witnesses of the alleged recovery of dagger were not produced and they were abandoned being won over. No sketch of the place of recovery has been prepared by the IO. The accused Khalid was arrested on the same day of occurrence from his house by Shah Rasool Khan SI/PW-01 but no such recovery of weapon of offence was either made from possession of the accused or at his pointation at the time of his arrest. The FSL report Ex PZ is silent about the fact that whether the blood available on the dagger, blood stained earth and blood stained garments of the deceased were of the same group or not. Thus the alleged recovery of dagger on the pointation of accused Khalid has not been proved beyond reasonable doubt.

13. In view of the above discussion it is concluded that the prosecution case against the accused facing trial is full of doubts. The prosecution failed to prove the case against the accused beyond reasonable doubt. Hence by extending the benefit of doubt to the accused facing trial Khalid and Jehanzeb sons of Karam Khan residents of Jamshed Abad Toru, District Mardan, they are acquitted of the charge. Accused are in custody. They be set free forthwith, if not required in any other case. The case property i.e. dagger is confiscated to



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39

State and the remaining case property be disposed of according to law after the expiry of period of appeal/revision.

14. Attested copy of this judgment be sent to the learned District Public Prosecutor, Mardan within the meaning of section 373 Cr.P.C. Attested copy of this judgment also be sent to the District Police Officer, Mardan for information and necessary <sup>action</sup> against SI Irad Ali, IO of the case for conducting one sided and defective investigation with intimation to this Court.

Reasons of delay was missing of Page (10) at close of court

15. File of this court be consigned to Record Room after its necessary completion and compilation.

Announced  
10.06.2023

(Syed Shaukat Ullah Shah)  
Addl: Sessions Judge/  
Judge MCTC, Mardan.

**CERTIFICATE**

Certified that this judgment consists of (16) pages. Each page has been read, checked and signed after making necessary corrections therein.

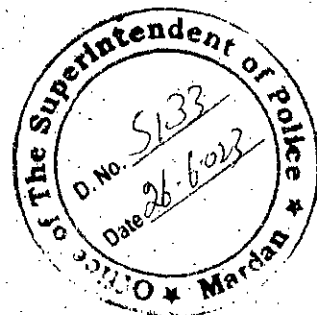
SP/Inv. PA ✓

For immediate intimation.

(Syed Shaukat Ullah Shah)  
Addl: Sessions Judge/  
Judge MCTC, Mardan

DPO Mardan  
23.6.23

Diary No. 1059/PA  
Date 26/6/23



10.6.23  
10.6.23



(8) **OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email: [dpomdn@gmail.com](mailto:dpomdn@gmail.com)

Annex

2023

"E"

40

No 10466-72 /PA

Dated 18/12/2023

**ORDER ON ENQUIRY OF SI IRAD ALI**

This order will dispose-off a departmental enquiry under Khyber Pakhtunkhwa Police Rules 1975, initiated against SI Irad Ali (**IO of case, quoted below**), under the allegations that while posted at Investigation Wing Police Station Toru (now Training Wing PDRM School Toru), proceeded against departmentally through Mr. Khalid Khan SP/Saddar Mardan vide this office Statement of Disciplinary Action/Charge Sheet No.209/PA dated 15-08-2023, on account of defective & one sided investigation of a case vide FIR No. 279 dated 21-05-2018 U/S 302/34 PPC PS Toru, resultantly, both accused namely Khalid & Jehanzeb Sons of Karam Khan of Jamshed-Abad Toru were benefitted by Honorable Additional Sessions Judge/Judge MCTC Mardan in the shape of acquittal on doubts basis vide his learned court's verdict dated 10-06-2023, who (E.O) after fulfillment necessary process, submitted his Finding Report to this office vide his office letter No.157/ST dated 14-11-2023, holding responsible the delinquent officer of grave misconduct & recommended for major punishment.

**Final Order**

SI Irad Ali was heard in OR on 07-12-2023, during which, he has failed to surface any cogent reasons against the allegations leveled against him, therefore, awarded him **major punishment of reduction in rank** with immediate effect, in exercise of the powers vested in me under Police Rules-1975.

OB No. 2448

Dated 15/12/2023

(Najeeb-ur-Rehman Bugvi) PSP  
District Police Officer, Mardan.

Copy forwarded for information & n/action to:-

- 1) The Additional & Sessions Judge/Judge MCTC Mardan.
- 2) The Additional IG of Police (Training Wing) Khyber Pakhtunkhwa Peshawar.
- 3) The Regional Police Officer Mardan.
- 4) The Director Police School of Public Disorder & Riot Management at Toru.
- 5) The E.C & P.O (DPO Office) Mardan.
- 6) The In-charge Lab (HRMIS) DPO Office Mardan.
- 7) The OSI (DPO Office) Mardan with ( ) Sheets.

**DSP Legal,  
Mardan**

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

**Service Appeal No. 595/2024**

41

Irada Ali Assistant Sub Inspector No. 84/MR

.....Appellant

**VERSUS**

Deputy Inspector General of Police, Mardan Region Mardan and others

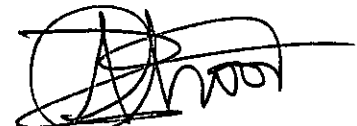
.....Respondents

**AUTHORITY LETTER.**

Mr. Atta-ur-Rehman Deputy Superintendent of Police Legal Mardan is hereby authorized to appear before the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar in the above captioned service appeal on behalf of the respondents. He is also authorized to submit all required documents and replies etc. as representative of the respondents through the Addl: Advocate General/Govt. Pleader, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



District Police Officer, Mardan.  
(Respondent No. 2)  
**(ZAHOOR BABAR)<sup>PSP</sup>**  
Incumbent



Regional Police Officer, Mardan.  
(Respondent No. 1)  
**(ZAHOOR BABAR)<sup>PSP</sup>**  
Incumbent