FORM OF ORDER SHEET

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Court of								
	Appeal No. 2440/2024							
	S.No.	Date of order proceedings	Order or other proceedings with signature of judge					
	1	2	3					
	1-	11/11/2024	The appeal of Mr. Sher Ali resubmitted today by clerk of counsel for the appellant. It is fixed for preliminary hearing before touring Single Bench at Swat on 02/12.2024. Parcha Peshi given to counsel clerk of counsel for the					
			appellant.					
			By order of the Chairman					
			KEGISTNAK					

The appeal of Mr. Sher Ali Khan received today i.e on 25.10.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent nos. 4 and 5 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondents.
- 2¹ Memorandum has not been signed by the appellant.
- 3^ℓ In the memo of appeal the word petitioner is used but there is no provision in the Khyber Pakhtunkhwa Service Tribunal rules for using the word of petitioner.
- 4√ Copy of DD mentioned in the memo of appeal is not attached with the appeal be placed on it.
- 5. Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.
- 6 Copy of departmental appeal and rejection order are not attached with the appeal be placed on it.
- 7VCopy of revision petition is not attached with the appeal.
- 8- The documents that are to be provided must be readable/legible.
- 9- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent be submitted with the appeal.

No. 989 /Inst./2024/KPST,

Dt. 28/10 /2024.

ADDITIONAL REGISTRAR SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Mr. Fayaz Ahmad Adv. High Court at Buner.

Respectfully showeth: All the objections were removed re-submitted for fixation.

Advocate

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PUKHTOON KHWA PESHAWAR

Sher Ali Khan <u>V E R S U S</u> IG KPK and others

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Through:

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(Fayaz Ahmad) Advocate,High Court, Cell # 0333-2425556

Dated: -24/10/2024

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER <u>PUKHTOON KHWA PESHAWAR</u> Service Appeal No <u>2440</u>/2024

Sher Ali Khan Sub Inspector No.238/M S/O Mahmood Shah Presently posted as SHO of the Police Station City Swari District Buner. (Appellant)

<u>VERSUS</u>

- 1. Provincial Police Officer (IGP), Khyber Pakhtunkhwa Peshawar
- 2. Regional Police Officer, Malakand at Saidu Sharif, Swat
- 3. District Police Officer, Buner.

(Respondents)

Appeal under Section 4 of Service Tribunal Act,1974 against the order Dated: 19/09/2023 passed by the Respondent No.3 whereby the Appellant was awarded minor penalty i.e stoppage of 02 annual increment with cumulative effect and the revision petition filed by the Appellant/petitioner was also rejected by the Respondent No.1 vide order dated: 25/09/2024.

PRAYER-IN-APPEAL:-

By accepting this Appeal, the impugned order dated:19/09/2023 whereby the Appellant was awarded minor punishment i.e Stoppage of 02 annual increment with cumulative effect, against which revision petition (Departmental Appeal) was also rejected vide order dated:25/09/2024 may kindly be set aside.

Respectfully Sheweth:-

1. That the appellant is serving in District Buner Police in the rank of sub-inspector and has good reputation in police department and that's why posted as SHO in different police Stations of District Buner and presently posted as SHO Police Station City SwariBuner.

2. That Nosheiwan has mala fide made entry in the relevant register vide DD No.27 dated:17/07/2023 and made allegations on the appellant that the accused of the case FIR No.525 dated:16/07/2023 U/S 506/353/186/189 PPC of P.S

Daggar Buner namely Ishaq has taken away to the court for BBA. Furthermore neither the accused was facilitated for BBA nor provided any shelter (Copy of DD is attached as annexure A and better copy as A1).

3. That the Appellant was posted as SHO PS Nawagai Buner in the year 2017 where the son of the NowSherwan was arrested by an ASI in the jurisdiction of PS Nawagai Buner vide FIR No.726 dated; 30/05/2017 u/s 15 AA PS Nawagai and was in revenge from that time and this is the mala fide on the part of the whereby allegations were made against the Appellant on 17/07/2023. Although the appellant has no concern with the allegations leveled by the Respondent No.3. (Copy of FIR is attached as annexure B).

4. That on the allegation of the SHO of PS Daggar, the Respondent no.3 has appointed the SP Investigation Buner for conducting inquiry where he has submitted his report in favor of the SI-IO instead of justice. (Copies of statement of allegations, charge sheet, statements, inquiries, show cause and reply are attached as annexure C).

5. That on the partial inquiry the appellant was awarded minor punishment vide order dated 19/09/2023 passed by the Respondent No.3 (copy of the order is attached as annexure D).

6. That the appellant preferred a departmental appeal against the order dated 19/09/2023 to the Regional Police Officer/ respondent No. 2 (Attached as annexure E) which was rejected vide order 10/01/2024 (Annexed as annexure F).

7. That the appellant filed revision before the respondent no.1 which was also turned down vide order dated 25/09/2024 (Copy of revision petition and order are attached as annexure G and G1).

8. That being aggrieved from the impugned orders ,Hence the present appeal is filed before this Honorable Tribunal on the following grounds inter alia: -

Grounds: -

A. That the impugned order was passed against the fact and evidence on record, appellant being police officer was wrongly punished on the basis of unfounded and baseless allegations.

B. That the impugned order was further blow on the unblemished reputation of the appellant, without any evidence to that effect.

C. That the inquiry officer inducted ex-parte proceedings and no chance of defense was given to the appellant and was not given a chance either to cross examine the witnesses or to produce defense.

D. That no statement of the locality was recorded by the inquiry officer.

E. That the enquiry officer has abased his opinion on no evidence as nothing was brought on record in support of charges leveled against the appellant. No direct and indirect evidence was available on file, which may connect the appellant with the alleged charges.

F. That the departmental proceedings were carried out against The settled principles of disciplinary rules. Therefore the impugned order is wrong to set aside.

G. That the whole record of service of appellant was unblemished and appellant was noted for good performance and the appellant has no fault and negligence in duty.

H. That the inquiry officer has also not recorded the statement of police officials who were on duty in District Courts Daggar Buner.

I. That respondent No.1 without giving cogent reasons dismissed the appeal of the appellant, which is against the law and principle of natural justice.

J. Other grounds will be raised at the time of arguments with the prior permission of this Honorable court.

It is, therefore, humbly prayed that on acceptance of the instant service appeal, this Honorable Tribunal may graciously be pleased to set aside the impugned order dated 19/09/2023 whereby the Appellant was awarded minor punishment i.e Stoppage of 02 annual increments with cumulative effect, against which revision petition (Departmental Appeal) was also rejected vide order dated 25/09/2024 may kindly be set aside. N 1¹

Through

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Appella₩

FAYAZ AHMAD Advocate, High Court BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PUKHTOON KHWA PESHAWAR

Services Appeal No. ____/2024

Sher Ali Khan APPELLANT

VERSUS

IGP and others ... RESPONDENTS

<u>AFFIDAVIT</u>

I, Sher Ali Khan do hereby solemnly affirm and declare on oath that all the contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.



De onent CNIC#1566-6810191-9 Mdo: 0333 9696 045

لرك ق يع ف 10 11 07 023 023 601 18:30 ÷Ý 3011 Rivil ں ما ادرمقرم 111753 Bb 6 م جان مہ ~/] Lī. بسر تساية ملزمان بين C - 41- 2- 191 (4) 0333 9 yı 4131 SIG 12 122 عرائي زماد -Not ہے ج loty BBA اكر فرمقله فالجاديد FAS جود PO 5136 1011) مرتورة 1, يرته ف Ċ NURT al 19-19-19 Denter Docust जग CamScanner seneral and the second se

 $\left(\begin{array}{c} a_{1} \\ a_{1} \end{array} \right)$ 6 المنا من من من المنا المتحد بوليس الميسرير العلامة المكارير ممل من المناعب بو المنا من من من المنا المن ما تحث الاسم من المكرمة الما من الما منا مد مسرع مصار ما ساقیشان مربع اتر میزانگو میسان ام مل می سناف جریس المران منا مد من ما مربا ساقیشان مربع اتر میزانگو میسانی امسر مشدان میزاد عضایی در در این مربع ملاقیه از سط قش پیر تسریا میزا مفلریه اختشار اجرا مسر اس میں علاقہ، اسٹ سے مشرع میں تکریم مطلوبیہ الصنتیا مرافیت میں سیندی شکروشیا جائے گی دیتے ہی اس میں اسلے سربی سے تحکیر بر تمریک میں کا دو یو لیس کا متنا مرافی اس میں مدین کا تکور ساجائے گا۔ وزیر کی تمریحا کا اسلے سربی سیندی ملہ 19 کو یو لیس کا محکا ہے میں میں مراف ا بولنيس الرشائري سے بچيك امرائتري في مركا وت فتروا برميلزم تو ورمندت برمسط المبين سد بار تستر ABA ترما با - بح محالم مذير الإيالا حرن معناقي م مسلح عدالية كالمسم برابی حکوا بو آمک BBA کرمدان کم جدمل مساعظ تکان آمرمل از انتاریس کلل نقیق محد وجاب جان 23 مسامیرا جمع نیس سیلیج بھی نتیا پر سیکھ – امر مفکر مہلک کھے 9 سیلیزیم ماہ دیکھ میں بین سیلیس سیلیج بھی نتیا پر سیکھ – امر مفکر مہلک کھے 9 داروب مرمون مرمون مرسط المرسط محرط كمرس تحلي المترجع وهاب خان عى جاهب مرجع ينع شري من بطن حامات تو آين سن معالق فالم كريا كا صغالب توريا ت متراد حامت المركور مكر حكمات على يع تحدا كرتمان مي رحمت كما ماركر مرة كالحك مي لمراد ريت إبن مين إلى معادن ومد من فري والمرجوع معاد المرتبط عدما مركز مناس الما مادس ولفيات المراك مالا ع وشر مي الت جا في " فرد مواليت التي منالية عم ترشا كر مون مان المرد الممول المردى ر مرس میں من ورکر در تر ت بی وقت مرافع می ای ا סניך אק צי כן ני یک دسی 3 Los & Story a س سا مس ري زملزمان چانگر ملدین اتسان ای شروی رضار ولاجرات ا م من في على مراسل الاسال عار تراكي المرول فالما ومتن وماروم الط صروح 70 جرا ورم مسكر مع تسك مصر كمنال ما فان 18 55 مراجع بر الما معرف المرابي على تحاج معلم معلى على الم والمرارية محارك عارك مادر لرد بر السر شاو مان المح من صد الم حرف عرف الم مع الورعل 103 مرطل (م اس لتلحام NSU (10/7-1-010) 2011 CEN 1707 CODE 19110 CU BHOS 2420 410,00 4000 ي حقي 181 ما مي جل 5 1/6 0 1 ما ور في مراسل عار عار ا مارى حلى ليرسى مرست كمنظ المرعلى د 16 موها بركر اس برصب عا يحلى جرار ا م كلاما الم المرس كمر عشر على من المرعلى د 16 موها مرحل السر المراج عالى مرحل عالى مراجع المراجع المراجع المراج م كلاما المرس كمر عشر على مراجع المرجع المرجع المرجع المرجع المراجع المراجع المراجع المراجع المراجع المراجع الم المالي فت ما الم عرفة والم الج مترمة مع ترم الد عم مراح فكم تتم ارار دروند ا در المراجع على المراجع على المراجع المراجع (تا المراجع (تا ال Scanned with

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Anneaule (A1) 7 Better CPJ انسبَر نوشير دان خان SHO مورخه 17.07.023 وقت 18:30 ببح ميں معہ ہمراہيان رفتہ بحوالہ مد 05 بالا بعد از موبائیل گشت علاقہ سے واپس آیا۔ دوران موبائیل گشت سیورٹی عدالت ڈگر ، بینک ہائے چیک کرے سیورٹی تسلی بحش یائی گئ_ گشت علاقد کرتے ہوئے مقدمہ علت 524 مور خد 16.07.023 جرم PPC324 تھاند ڈ گر میں مطلوب ملزم طارق ولد شیر سکنه نو کلے اور مقدمہ علت 525 مور خہ جرم PPC506.353.186.189 تھانہ ڈگر میں مطلوب ملزم اسحاق ولد دام خان سکنیہ نویکلے کی گر فناری ، پینہ براری کے سلسلے میں دیہے نویکلے میں وغیر ہ جاکر جہاں یر مشران دیہہ کے ساتھ ملزمان کو گر فناری کیلئے پیش کرنے گفتہ شنید ہو کی۔ملزم طارق کی نسبت مسمی ارشد سکنہ ملا یوسف یقین دہانی کرتے ہوئے۔واضح کیا کہ متذکرہ بعداز وقوعہ فرار ہو کر نامعلوم مقام گیاہواہے۔اور اپناموبائیل فون نمبر 03339491699 بند کیا ہے۔ ہم رشتہ واران اور دوست احباب کے ساتھ رابط میں ہے۔جہاں بھی موجود گی بالاملزم کی اطلاع ملی تو گر فناری کیلئے مقامی پولیس کو پیش کیاجائیگا۔ اس طرح مقدمہ علت 225 میں ملزم اسحاق ولد دام خان سکنہ نویکلے کی گر فناری کے سلسلہ میں مذکورہ کے گھر جاکر جہاں پر گھر کے باہر اس کے رشتہ داران سے معلومات کرتے ہوئے۔ حالد نامی شخص کے زبانی معلوم ہوا کے ملزم اسحاق کو شیر علی نے عد الت ڈ گر سے BBA کروانے کیلیج اپنے ساتھ لے گیاہے۔یاد رہے کہ مسمی شیر علی ولد محمود شاہ ساکن نویکلے محکمہ یولیس میں سب انسپکٹر ہے۔اوراج کل پولیس لائین میں تعینات ہے۔ملزم اسحاق اور شیر علی کے والدین اپس میں بھویی زادگان ہے۔اسلئے کل مورجہ 16.07.023 کو شیر علی ملزم اسحاق جو پولیس نفری پر فائیرنگ کے مقدمہ میں مطلوب ہے۔ کو کس ، نامعلوم مقام میں پناہ دیئے ہوئے ہے۔اس بات پر ضد کررہاتھا کہ وہ ملزم کو اس شرط پر پولیس کو گر فتاری کیلئے پیش کرے گا۔جو پولیس تفتش آفیسر ملزم سے آلہ فائیر کلاشنکوف کی ریکوری نہیں کر یگا۔ میں نے مذکورہ کو کافی سمجھانے کی کو سش کی کہ اب محکمہ پولیس میں ایک ذمہ دار رینک سب انسپٹر ہواور محکمہ بولیس کا محبر ہوتے ہوئے۔ بالکل غلط ہے۔ کہ ایک شخص پولیس کے فرائض منفی میں مداخلت کرے نفری پولیس پر سرعام فائیرنگ کرکے اور اپ اسے ملزم کو پولیس کے گر فتاری سے بچا کر اس کیلئے ریلیف لینے کا تقاضا کرتے ہوئے جومذ کورہ میرے ان باتوں کا باتوں باتوں میں کہ آج اپ پولیس لوگ میرے خیال نہیں کرتے اور میرے رشنہ دار کے خلاف مقد سہ رجسٹر کرکے کلاشنکوف کی ہرامدگی میں ریلیف نہیں دیے رہے ہوں۔ توکل میں اپ لو گوں کے ساتھ بھی اچھائی نہیں کرونگا اور حاص کر مدعی مقدمہ فاروق خان PASI کو میں نے اپنے ساتھ نوٹ کیا، والتا معادی کی شنید کے دوران چو کی نویک کا انچارج

-ج-نظر شاتق لسرار الملارم لح في في اندل ن الديان بع ماءن الذران بيتُ (2)ن الذيت تالي ما، يد الج داد با ، بز-ج-ف، بي الرم حديد الدلاخ بناية حليل خلى برحد شكر مدابي في مدحد الدلا خطى راد د ما بلحسان لا الماري من تحتري في تشكن لا المان بي المراب المركب من من الله من الله من الماري الرسان المرب المركم حر کر بسته مرد معلقه مل^{قا} مرد مح مد شد او مدی مح مد شد او شد مال ماند را ماند مدان مداند مدارد مداند مدارد مدر ا بسداد بركردان وتريم الدرآا، حداج حرجت وراداي مت فرحد مدحد مرسان في سلح الالديل الد ت من مد برای کرایجد در اکم شده یک مدیم بر ب ب ام IS مر - ایج ان کر برالله او بر کردان ریزاله کر ىدىپە خىسا يات لىڭ مايكە مەيشەرىتى مەمشقا خەسبىمالەن بالى يەيمى بىمالىكىتى^{قا} تىلىكى بىر كەيبىغە يار - تۇ لي تستويد فر لايدا، يشري لا المويديد مدينة مدينة مدايق من أي تشكر في الدايل الم IS والد بال سو بمتواب يتي حضر بميته مهجا عرك بركرا سامي حوار حرك بم مع حرجة الرجامي المع المرجة الم شخان، بن با از 1 ج منبر مساعی بخان کا BB حرک مراسد است استرج از شروا که ای با با شود. ستحان، بن ۱۱ از ۱۲ منبر مساعی بخان کا BB حرک مراسد استرج از شروا که ای با با شود. – دى دۇ برگەيلى ئەيتە ئىڭ انىت بىڭ اب دى مۇلى بىرىتى بى دۇن كەلىرىمىتى دىدىنى ئىۋ بىر دارىكى بىدى بىرى بىرى ج رادا الأكر منظر في المطرفة حدف الجنز والمعين الماحية مع الما مع المع الما المالي المالي المالي الم ارمة ثم جاد الأتر الحرسرة فلا» باعدامتر مستوارمة ثم يستبيح بي البع حر «معر والبط الريسه» حسارة ثر حسر يحر ٩٩ وركا، ومنه حر وريم و الم كند حير ، عند مدار و محتو ، HC مح حرك ، الع HS الما محتر الم ISV الينية

Copy auit adot batealia

اليك بترل اليمومور بسقام فمره Anneaute (B) الم تواليك واستغراب مدا 201 20.08 إلى (الديس وجد) من الديل يس ي غر ابتذاني اطلاعي يورمه فارم فير، 11- 10 (1) ابتدائ اطلاب تبست جرم قاعى دست اعاذى يس بودت شده ويدفعه ١٥ جوعضابط توجدارى 100 قاد 1 726 5 91:30 200 200 بارج ووقت ريورف Q1:50 05 21.30 20 20 تام اسكوتت اطلامية وبرع وستتغيث 15505-0227615-3 03409078684 قراطلك أيحم والرفز الجرمك شما فعل يفيت جرم (معدوقف) عال أر كولنا كما بو-15AA بح د آمدة مسلرة الشرست اود مست we 03465271350 م مکن مزم ٢ روالى يوميت محمقت كى كن أكراطلان درج مرف على تقد بوابود وجد بيان كرو قاند بردائي كاتار فروت ابتداني اطلاع فينجورج كردبه ركي تضريري ملر فحا مت حدد الملك بال 3 ASI بر من الح - ور من الغ 1; B1 . 19196769 40 Mp i son bay & Chief no i ملزم المرسح فتسع س أي عد 1.15333NUN6 1300 7.8 2,1 × 3 74 40 10 12 ترفيع مركت طرم المركا ماي مير ليول متر كرو يو كارومن مرو مد دف 1. 2. 6 لا وعلموه مرتقه الأبه حدوات ارسار تها ترج. للرافح ورون ب جرعن قاطي تقرب مراطلك ما ن المعد ، معنى بي معني المراح تعبيني عقب المع رف صرف وزل رس ł الج مای LA AS B. Nantagn Ŀ, Fayoz Ahmai 30/5/2017 OCMIE HIG-Print Courts En. Al \$ 0333-12 - 5 ų, Scanned with G CamScanner

Due	Anneaure
From: -	The Superintendent of Police,
	Investigation, Buner
То: -	The District Police Officer, Buner
No. 3120	/Invest:, dated Daggar the 23 / 08 /2023
Subject: -	FINDING REPORT IN ENQUIRY PROCEEDINGS AGAINST
· · ·	SHER ALI KHAM
Memo:	
	Kindly refer to your office Endst: No. 3006/PA Dated

18.07.2023.

It is submitted that, SHO Nowsherawan Khan of PS Daggar lodged a report vide DD report No. 07 dated 17.07.2023 against SI Sher Ali Khan. In the light of which a charge sheet reference mentioned above coupled with statement of allegation was issued to him and the undersigned was appointed as Enquiry Officer.

ALLEGATIONS:-

- 1. That the local police were in search of accused Tariq Ali s/o Sher wanted in Case FIR No. 524 dated 16.07.2023 u/s 324 PPC and accused Ishaq Khan s/o Ram Khan r/o Nawekali wanted in case FIR No. 525 dated 16.03.2023 u/s 506/353/186/189 PPC PS Daggar. The local police had reliable information that the accused Ishaq was in his village but when the local police headed by Inspector Nowsherawan Khan SHO PS Daggar proceeded to village Nawekali for his attest, wherein at was told that the accused Ishaq had been taken to court by SI Sher Ali Khan for obtaining BBA.
- 2. The said accused was his relative, so he gave preference to his relationship over an official duty and shifted/harbored a nominated accused who was involved in assault on police.
- 3. He told the local police that the accused will be surrendered to the local police with conditions that, the police will not make recovery of weapon offence SMG from him.
- 4. He warned the local police to cooperate with him otherwise they will be faced dired consequences so far. During his such conversation PASI Mujtaba I/C PP Nawekali, Akbar Shah Khan ASHO PS Daggar, HC Ta Muhammad were also present.
- 5. Being a Police officer, he did not feel any impairment towards the lower Ranked Police officers.
- 6. He avoided the arrest of charged accused taking advantages of his rank.
- 7. He did not allow the accused alone to join the interrogation.
- 8. He told the I/O to prepare the site plan according to his will.

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ENQUIRY PROCEEDINGS:-

The service record of the said officer was requisitioned the concerned branches while going through the same it was found service record has been tainted with many bad entries as follow:-

- a) Forfeiture of 06 months service vide DPO Swat Office OB No.02 dated 01.01.2019.
- b) Reversion from SI to ASI vide OB No.01 dated 01.01.2019.
- c) A filed show Cause No. 6223-24/Enq: dated 03.09.2019 issued by DPO Buner on account of his misconduct.
- d) A show Cause No. 4520/Enq: dated 28.08.2020 issued by DPO Buner on account of his poor performance.
- e) Stoppage of 02 annual increments vide OB No.124 dated 30.07.2021.
- f) An undisciplined report of SDPO Pir Baba vide DD No.12 dated 08.09.2021.

Similarly the undersigned summoned all the witnesses of the scene and recorded their statements separately, each statement are reproduced below.

STATEMENT OF PASI MUJTABA KHAN I/C PP NAWE KALAY:-

Stated that, he arrived to village Nawe Kaly for arresting the accused Ishaq wanted in case FIR No. 525 dated 16.07.2023 u/s 506/186/189/353 PPC PS Daggar but the accused was not present in his home, he also met with relatives in whom SI Sher Ali Khan assured that, he will surrender the accused in evening time . After performing Namaz-e-Maghrib he along with SHO Nawsherawan Khan, ASHO Akhbar Shah Khan, Muharrar Taj Muhammad were present in Police Post meanwhile SI Sher Ali Khan also arrived there. SHO asked about the accused Ishaq in response he (SI) told that, the police acted very badly to him to register case against his relative accused. Further added that, what is happening to him today may also happen to them tomorrow. He also stated that, he will hand over the accused to police but subject to not making recovery of SMG from him. He mentioned particularly the name of IHC Farooq/complainant with words that said IHC has acted not well with him. However the SHO did not accept his demand and replied that, the accused has made fire on Police party therefore recovery of SMG/weapon of offence will be must because the prosecution story will be damaged. The SI Sher Khan was repeating his same stance " what is happening to him today may also happen to them tomorrow" and left the Police Post. On 17.07.2023 PASI Mujtaba along with Police party including IHC Farooq, SHO Nawsherawan Khan once again proceeded near the house of accused wanted in Case FIR No.524 and FIR No. 525 where they saw some individuals gathered in front of the house of accused Ishaq. The SHO asked about the accused where an individual namely Khalid later on confirmed as cousin of SI Sher Ali Khan replied that, the accused had been taken to court by SI Sher Ali Khan in connection with obtaining BBA. So, the police party departed towards the house of another accused for arrest purpose.

STATEMENT OF IHC FAROOO:-

Sated that, on 16.07.2023 he received information presence of accused Tariq Ali, so he along with police party proceedes the house of accused to arrest him where one Ishaq duly armed with was opponent of accused Tariq searching him to take revenge from him saw the police party thus openly fired at them with criminal intimidation (IHC) wanted to apprehend him but the accused intimidated the police pa and fled away after the commission of offence. Therefore, IHC Farooq chalke out Murasella against the accused Ishaq under relevant sections of law and sent it to PS for registration of the case. Case vides FIR No.525 Dated 16.07.2023 u/s 506/186/189/353 PPC was registered against the accused. Later on he got knowledge that, SI Sher Ali Khan had undergrounded the accused and assured to surrender him. Then in evening time he (SI) told that, the accused will be handed over to police but subject to the non-recovery of SMG from him and his same stance was not accepted by SHO Nawsherawan Khan. He (SI Sher Ali) in presence of SHO Nawsherawan Khan etc told that, what is happening to him today may, also happen to them tomorrow when he will in power. Particularly for him (IHC Farooq) Sher Ali Khan told that, he (Farooq) has not acted well with him. IHC Farooq recorded that, SI Sher Ali Khan said these words because he had told him to withdraw murasella report but the same illegal demand was refused by him. On 17.07.2023 he was accompanying the Police party headed by SHO Daggar to arrest the accused where near the house of accused Ishaq the SHO asked about the accused, an individual namely Khalid later on confirmed as cousin of SI Sher Ali Khan replied that, the accused had been taken to court by SI Sher Ali Khan in connection with obtaining BBA. So the police party departed towards the house of another accused for arrest purpose.

STATEMENT OF LHC TAJ MUHAMMAD NO.616

Sated that, on 16.07.2023 he along with IHC Farooq and police party received information about the presence of accused Tariq Ali, so they proceeded to encircle the house of accused for his arrest where one Ishaq duly armed with SMG who was opponent of accused searching his opponent Tariq to take revenge from him when saw the police party thus openly fired at them with criminal intimidation. He (IHC) wanted to apprehend him but the accused intimidated the police party and fled away after the commission of offence. So IHC Farooq chalked out Murasella against the accused Ishaq under relevant sections of law and sent it to PS for registration of the case. Case vides FIR No.525 Dated 16.07.2023 u/s 506/186/189/353 PPC was registered against the accused. Later on SI Sher Ali arrived at Police Post Nawe Kalay and assured production of accused to police with weapon of crimes, however then after he told to SHO Nawsherawan Khan for flexibility in recovery of SMG which for he (SHO) refused, So he said that, the police does not give relief to him so, what is happening to him today may, also happened to them tomorrow when he will in power, and especially IHC Farooq Khan has been noted by him. All this conversation took place in presence of Inspector Nawsherawan, ASHO Akbar Shah and PASI Mujtaba Khan.

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STATEMENT OF SI MUHAMMAD WAHAB KHAN IO OF THE CASE

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Stated that, he was marked the investigation of cases wice No.524 Dated 16.07.2023 u/s 324 PPC and FIR No. 525 Dated 16.07.20 596/186/189/353 PPC. The charged accused in FIR No. 524 is still at large while vide FIR No. 525 the accused Ishaq Ahmad got BBA from the court of Add. Sessions Judge-I Buner on 17.07.2023 where dated 25.07.2023 has been fixed as next date of hearing. The accused Ishaq who is maternal nephew of SI Sher Ali Khan while producing his BBA documents was accompanied by SI Sher Ali Khan. Being a senior police officer he should have to become the supporting arm of IO but unlike, he did not allow him for independent interrogation and declared the case as cruelty from police side and his body language was showing that he was ready to extend his full support towards accused. He (SI Sher Ali) was emphasizing him (The IO) to make lacunas intentionally in the sketched site plan i-e bring the point of injured Mst: Gul Nazia W/o Anawar Bacha very close but he (the IO) refused so far because the 2nd incident took place distancing 01 KM and both the spots are not seeable from each other. He (IO) emphasized the SI Sher Ali Khan to hand over his nephew with SMG but in vain. He (IO) was telephonically contacted on his Mobile Phone No.03414142555 that ar individual wants to meet him (IO) but he clearly refused and told that please do not tarnish the image of police. On 20.07.2023 another call via Mol no.03368855398 declaring himself, as other nephew of SI Sher Ali received to meet him (SI/IO), refused and stated that leave the police to investigate. He Khan telephoned via Ali Sher SI stated that further (SI/IO) 03429686299/03339696045 on his mob No. 03414142555. So CDR wa obtained which verified the statement of SI Muahmmad Wahab Khan.

STATEMENT OF ASHO AKBAR SHAH KHAN:

Stated that, he along with SHO Nawsherawan Khan were present at P Nawe Kalay, meantime SI Sher Ali Khan arrived and started conversation abou accused Ishaq Ahmad. He stated to SHO that the accused will be handed ove to police but recovery of crime will not be made from him. SHO replied that it totally wrong because the accused is involved in assault on police/openly fire at police party. So He SI Sher Ali Khan felt it bad and stated that if they are no taking care of him, he will also act same when he will in power. SHO Dagga PASI Mujtaba, LHC Taj Muhammad were also present on this occasion.

During the enquiry CNIC No. 15101-6810191-9 of SI Sher Ali was obtained c which mobile Nos. 03339696045, 03429686299 and 03359696045 a registered which all were in his use. CDR report w.e.f 15.07.2023 was obtain and placed on enquiry file. On 16.07.2023 at 11:55 to 00:47 Hrs: location village Nawe Kalay. It was transpired from CDR report of Mob No. 033396960 that, there is no contact with mobile No.03414142555 of SI Muhammad Waha similarly from CDR record of his other Mob No. 03429686299 it was reveale that, on 16.07.2023 at about 07:39 to 10:46 Hrs (As per FIR, time of occurrer: is 11;30) but due to internet usage the location was showing off , while fro 12:54 Hrs : the the location is active and shown as Krapa. Similarly 19.07.2023 at 11: 51 Hrs: the SI sher Ali Khan via his mobile No. 03414142555 and 1

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same has also been verified by SI Muhammad Wahab. Moreover free report of his 3rd Mobile No.03359696045 no contact with SI Muhammad was noticed.

Furthermore, the accused officer SI Sher Ali Khan was summoned to the office of undersigned who submitted his reply of charge sheet. On perusal of same it was found that he is posted at Police Lines Daggar. On 16.07.2023 he was informed that, Tariq Khan r/o Nawe Kalay fired at one Laiq r/o Nawe Kalay who had been stated to be shifted to DHQ hospital Daggar. Thus he along with his other villagers/relatives proceeded to DHQ hospital to enquire the health of injured on humanitarian grounds. Meanwhile he was informed that, the local police had arrived to village Nawe Kalay to arrest one Ishaq cousin of Laiq and it had been stated that, the said Ishaq Ahmad made aerial firing at Police. The mentioned Ishaq is not his bloody relative but his distant relative. He (SI Sher Ali Khan) arrived at Police Post where he tried to settle the matter between accused Ishaq Khan and made negotiation in presence of SDPO Daggar and SHO Daggar etc with local police with good will, provision of his assistance, obeying rules of law was ensured. No ill-temperedness happened among them. He stated further that, he made hectic efforts to trace out the accused Ishaq and after tracing him, he along with his colleague a school teacher namely Adnan took the said accused Ishaq to PS Daggar and handed over to SI Muhammad Hanif Khan for legal arrest then after they left the Police Station. But he did not know that, how the accused got BBA. He further added that, the accused is his distant relative, neither threaten the local police for dired consequences nor interfere in investigation process, and he c_{2} : want himself not to involve in the enmity of his villagers and declared whole the allegations as baseless and fabricated. The EO/undersigned crossly examined him who, stated as follow:-

- 1. The reply of charge sheet be considered as statement of enquiry.
- 2. On 16.7.2023 he was on routine leave and present in his village in connection with some construction works.
- 3. The mobile No. 03339696045 and 03429686299 are in his use.
- 4. On 16.07.2023 in afternoon time before BBA he had handed over accused to SI Muhammad Wahab in presence of SI Muhammad Hanif Khan.

The SI Muhammad Hanif Khan was also summoned who recorded his statement as follow:-

STATEMENT OF SI MUHAMMAD HANIF KHAN:

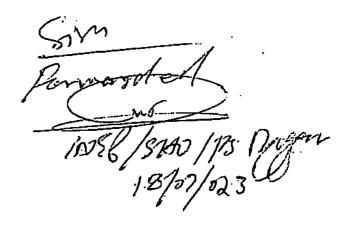
Stated that, on 16.07.2023 in night time he along with SI Muhammad Wahab was present in their room at PS Daggar, meantime SI Sher Ali Khan arrived. After a while he told to SI Muhammad Wahab IO of the case vide FIR No.525 dated 16.07.2023 u/s 353/186/189/506 PPC that, the accused charged therein is his relative and underage. He stated that, he want to produce his said accused relative to the IO but recovery will not be made from him and produce him for police custody. SI Muhammad Wahab Khan refused and replied that he may be handed over but with weapon of offence. They made a long conversation however SI Sher Ali Khan stood up and left the PS. SI Muhammad Hanif further narrated that, SI Sher Ali Khan had arrived alone at PS and he did not see another individual/accused Ishaq with him any where even in court yarc therein.

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1. STAR FRANKLER STREET

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الألابان

میں نے ملزم اسحاق کو فرار کا موقع فراہم کئے بغیر تفانہ ڈکر لاکر بغرض کر فہ دی متعلقہ IO کو حوالہ یا ہے۔ مازم یBBA ست اعظم بول - من SS ک موقع ست عدم موجودگ کے بابت وکیل ملزم، عدالتی عملہ ، احاط ، د الست می موجود CCTV کیمرہ ریکارڈ سے بہ آسانی معلومات حاصل کی جاسکتی ہے۔ نیز الزم سے روابط رکھنے کے ایت CDR کے ذریع مطورات حاصل کر ناحضور کے لئے نہایت سہل ہے۔

جناب حالیا یس نے نیک متحق سے طزم کو کر قماری کے خرض سے تعاف ڈ کر لاکر IO متعلقہ کو حوالہ کیا ہے ہوا۔ تحویف محرمانہ کی بر آ بندگی سے لیے کو کی تک ، دو میٹی بڑی ہے ، تاکہ متعلقہ IO طزم کو متحد سے بن کر فمار کر اے سے این انگارو کیٹ کر کے طزم سے سلنے والی اطلاع / انکشاف کی روشنی ٹیں آلہ تحویف مجرمانہ بر آ مد کر کے مقد مہ کر تشین دے سکے۔ موقع کی کاردائی کے دوران میر کی طلا قامت 10 سے میں ہوتی ہے اور نہ ہی بٹی نے مقد مہ کر تشین کمی مرحلہ پر مداخلت کر نے کی کو مشش کی ہے۔ رحایت یا استثنی کا مطالبہ نمیں کیا ہے ۔ ملزم سے مقامی پولیس سے ، تاکہ میں ک رحایت یا استثنی کا مطالبہ نمیں کیا ہے ۔ ملزم سے ماتھ میر اکو کی خوتی دشتہ یا در پردہ مذاد داہتہ توں کار دار

حالات اپنے ہی تحلیہ تے السران لوبلاد جہ سہین دیان فی دسمایاں وینابلا ہوار ادر عددر جہ ماسویت ہے ، مرینہ مالار م بارے میں سورج بھی تین سکتا، ادر نہ کی ایک جی ایک جی رہے۔ نے فریقین کے ماہین ذاتی دشتی میں بلاد جہ کی آری سے پر میں کا طرف داری کر کے خراہ تواہ کی دشتی مول کینے کا متحمل ہو سکتا، ہوں۔

میر ب خلاف لگائے سمین الزامان میں کوئی صد اقت نہیں ہے، حضور کی خدمت میں استاد عند تر **چارج شیٹ بڑا** کد بلا سرید کاردائی داخل دفتر کرنے کا تھم صادر فرایا جائے۔

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CHARGE SHEET

I, <u>Shah Hassan PSP</u>, District Police Officer, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, hereby charge you <u>SI Sher Ali No.238/M</u> as follow:-

As per report vide DD No.27 dated 17/07/2023, Inspector Nowsherawan Khan alongwith police party were in busy in search of charged accused namely Ishaq s/o Ram Khan r/o Nawy Kaly and Tariq, in case FIR No.524 dated 16/07/2023 u/s 324 PPC PS Daggar and FIR No.525 dated 16/07/2023 u/s 506/353/186/189 PPC Ps Daggar, on accumulating information regarding accused Ishaq in his native village Naway kaly it has revealed through the locals that the wanted accused Ishaq has taken away to the court by you (SI Sher Ali) for BBA. The concerned accused and you (SI Sher Ali) have blood relation i.e. cousins, you (SI Sher Ali) gave shelter to the charged accused (who was wanted on firing on police personnel) and shifted at unknown locality. You directed the local police by stating that the accused will be produce subject to the non-requisition of weapon of offence. You warned the local police to co-operate with him, otherwise they will face dire consequences, during these conversation PASI Mujtaba, ASHO Akbar Shah and HC Taj Muhammad was also present. Being police officer you will never hesitate impairment to lower staff. You avoided arrest of a charged accused in support of your high rank in police Department. You did not allow the investigation officer to interrogate him lonely. You directed investigation officer to sketch site plane on your sweet, but you were failed to do so.

- 1. By reasons of the above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penaltics specified in Rule-4 of the Disciplinary Police Rules, 1975.
- You are, therefore, directed to submit your written reply within 07 days of the receipt of this Charge Sheet to the Enquiry Officer under Rules-6 Sub Rules (i) (b) of Police Disciplinary Rules 1975.
- 3. Your written reply, if any, should reach the Enquiry Officer within the specified period, failing which it will be presumed that you have no defense to put in and in that case, exparte action shall be taken against you.

4. Intimate as to whether you desire to be heard in person or not?

5. A statement of allegations is enclosed

STEATT HASSAN (PSP) District Police Officer, Buner

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Shah Hassan (PSP District Police Officer, Buner as competent authority, under Khyber Pakhtunkhwa Police Disciplinary Rules-1975, is of the opinion that SI Sher Ali No.238/M have rendered himself liable to be proceeded against departmentally and committed the following acts / omission as defined in Rule-2 (iii) of Police Disciplinary Rules 1975.

STATEMENT OF ALLEGATIONS

As per report vide DD No.27 dated 17/07/2023, Inspector Nowsherawan Khan alongwith police party were in busy in search/arrest of charged accused namely Ishaq s/o Ram Khan r/o Nawy Kaly and Tariq, in case FIR No.524 dated 16/07/2023 u/s 324 PPC PS Daggar and FIR No.525 dated 16/07/2023 u/s 506/353/186/189 PPC PS Daggar, on accumulating information regarding accused Ishaq in his native village Naway kaly it has revealed through the locals that the wanted accused Ishaq has taken away to the court by you (SI Sher Ali) for BBA. The concerned accused and you (SI Sher Ali) have blood relation i.e. cousins, you (SI Sher Ali) gave shelter to the charged accused (who was wanted on firing on police personnel) and shifted at unknown locality. You directed the local police by stating that the accused will be produce subject to the non-requisition of weapon of offence. You warned the local police to co-operate with him, otherwise they will face dire consequences, during these conversation PASI Mujuba, ASHO Akbar Shah and HC Taj Muhammad was also present. Being police officer you will never hesitate impairment to lower staff. You avoided arrest of a charged accused in support of your high rank in police Department. You did not allow the investigation officer to interrogate him lonely. You directed investigation officer to sketch site plane on your sweet, but you were failed to do so.

- 1. For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Muhammad agas S? Investigation, Buner is appointed as Enquiry Officer under Rules 5 (4) of Police Disciplinary Rules 1975.
- an in the state 2. The Enquiry Officer shall conduct proceedings in accordance with provision of Police Disciplinary Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within Seven (07) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer under Rules 6 (v) of Police Disciplinary Rules 1975.
- 3. The accused officer shall join the proceeding on the date, time and place fixed by the A. Sec. W.

Enquiry Officer.

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SHATH HASSSAN PSP District Police Officer, Buner

/PA dated /8/07 2023

The Enquiry Officer for initiating proceeding against the accused officer namely under Police Disciplinary Rules, 1975. Eine Officer, with the direction to serve the charge sheet and statement of allegations upon the delinquent and acknowledgement receipt be sent to this office

ORDER

This order will dispose of the departmental enquiry against SI Sher Ali Khan No.238/M, while posted at Police lines.

DISTRICT POL

MADIA

ICE OFFIC

/PA dated Daggar the 19/09/2023

BUNER

BRIEF FACTS

As per report vide DD No.27 dated 17/07/2023, Inspector Nowsherawan Khan along-with police party were in busy in search/arrest of charged accused namely Ishaq s/o Ram Khan r/o Nawy Kaly and Tariq, in case FIR No.524 dated 16/07/2023 u/s 324 PPC PS Daggar and FIR No.525 dated 16/07/2023 u/s 506/353/186/189 PPC PS Daggar, on accumulating information regarding accused Ishaq in his native village Naway kaly it has revealed through the locals that the wanted accused Ishaq has taken away to the court by SI Sher Ali for BBA. The concerned accused and he (SI Sher Ali) have blood relation i.e. cousins, he (SI Sher Ali) gave shelter to the charged accused (who was wanted on firing on police personnel) and shifted at unknown locality. He directed the local police by stating that the accused will be produce subject to the nonrequisition of weapon of offence. He warned the local police to co-operate with him, otherwise they will face dire consequences, during these conversation PASI Mujtaba, ASHO Akbar Shah and HC Taj Muhammad was also present. Being police officer he will never hesitate impairment to lower staff. He avoided arrest of a charged accused in support of his high rank in police Department. He did not allow the investigation officer I/O Muhammad Wahab to interrogate him lonely. He directed investigation officer to sketch site plane on his own sweet, but he was failed to do so

He was issued charge sheet and statement of allegations vide No.3006/PA dated 18/07/2023, SP Investigation was appointed as Enquiry Officer. During the course of proceedings the Enquiry, the Enquiry officer recorded statement of the concerned official. PASI Mujtaba, I/C PP Naway Kaly, IHC Farooq, LHC Taj Muhammad, I/O SI Muhammad Wahab, ASHO Akhbar Shah Khan, SI Muhammad Hanif. The Enquiry officer gone thoroughly with the enquiry and properly collected sufficient evidence against the delinquent which was placed on file, consequently in the light of evidence and available record on file it has been proved that the concerned official was involved with charged accused and proved the levelled against him.

For going in view, I, <u>Shah Hassan PSP</u> District Police Officer Buner, on perusal of findings and recommendations of Enquiry officer, as Competent Authority in exercise of the power vested under Police Disciplinary Rules-1975, with amendment 2014, therefore the delinquent is hereby awarded minor punishment i.e. stoppage of 02 annual increment with cumulative effect.

Order announced.

TAH HASSAN (PSP) District Police Office Buner

OB No. <u>142</u> Dated: <u>19/09/</u>2023

Cc:

(_____

- ✓ Regional Police Officer, Malakand at Saidu Sharif, Swat
- ✓ SP Investigation, Buner.
- ✓ Pay officer
- Establishment Clerk/OASI

بحضور اعلى جناب ريجنل بوليس أفيسر صاحب ملاكند بمقام سيدو شريفً سوات حاكم بالختيارات خصوصى، عالى مقام

عنوان ؛اييل بنارا على علم سرايابي (Stopage of 2 annual increments with cumulative effect) بحواله آرڈر بک ممبر 142 مور خد 2023/09/19 مجاربیہ محترم DPO صاحب بونیر

مزارش ذیل ہے۔

جناب عالى إ

یہ کہ من سب السیکٹر نے مقدمات بالامیں نیک نی سے طرمان کی حرفتاری میں سقامی ہولیس کی مدد کی اور طرم اسحاق دار رام خان ساکن تو ال کلے کو ٹریس کر سے ایک مقامی سکول SET فیچر مسمی عد نان شیر ساکن نو ال کلے کی مدد سے لمزم کو تقست حملی سے قابو کر کے اپنے ساتھ تھانہ ڈکر لے آیا اور سموجو دگی حقیق خان صاحب SI/INV تھانہ ڈکر مازم کو

بخرض كر فآرى محمد وباب خان SI صاحب في حواله كر ب جائع تعنيات يوليس لائن وكردواند موار

- CDA GAR ZUNAT TIE PALANT BBY ON A ۵۰۰٬۰۰۱٬۰۰۰ میل میل میل میل است در مرد سب حر ۱۱٬۱۰۶ میل مرد ۲۰ ۲۰ ۲۰ میل ۲۰ متوا ۲۰ متوا مواس تر - المرايدا مي عرب الحديد المريد المراحة المريدا حر مند مديد والدحر محر العاف المريد ناد مورع روايد ANI/IS، الم من مادا مرد من ركية حسب الم الم الم من من الم من الم من الم من الم من الم من الم من الوراري - 2 فر 2003 examination 2,2 د داداع مدر في وريش المسرور في والد الم ت، جر منهو يداد حر ۱۹ اكر ايم مود، كري فر مرا بع ب الم معاد مريدا الم ترا مي المريم - جراء كمنينة شدايد خيراء ري كريما الايترا بح الحوال مر الحد في الحد في OHS خر الاام من جد حركة الوضعة الحركية الجد كالسام B بالسام S الما على عرفة علا الما على عرفة علا المرة ع صحاد خيرا سرای به یرد از سنا مرخبان الفکر بکتر اسب دیس کی شاہ سنام سال ماہ کا اور کا میں مکتر اسل میر - ٦٩ بر سميم كمتوا المركت المواع كتر بم يهيه اليتي سنيوار مرجب الع B رجب لي الأركتوا توانيدوا الله حركت المسرم حرج حرار الرح الله ج محرم من DEO من المن مراجع مراجع المح المراجع مع المراجع من المرجع المالي والمسبع مدادا جر مح المالي ، روشاع رام از روان مرم ، اوم مرا او را بش او را بش الم و من الم Dad و الم مر مر יב גוריווווזהי כיד לשוו כל אים יקווריורי אים مسر مريم كريم ري مري الم شود ، ، ي يسبع EZ/LO/LI شود ، ، ، ، ما يو جرا ، ، ، ما يو جرا ، مريم ، الجز بر مسمع ، ، 161 ، اند جسین از در با استوار سرال ان مرکز است در شده با میلا میسی OHS و ماد بیش ما مرس اس سر

- היות יייל הלל הי אי הי הי הי הי היה אברת سر، دوسوّا سنا الحسرية دوان سي براي دو اورا و برخ و برخ الم سريع سر س

يتر والا مسرا

ہونیر نے من سب انسپکٹر کی غیر موجود کی (absencia) میں بحوالہ آرڈر بک نمبر 142 مور خد 19/09/2023

(Stoppage of 2 annual increment with cumulative effect) علم مزاياتي صادر كيا ب- بس -

من سب السیکر کامن ذاتی شنوانی (Hearing in person) تلف مو کرمیرے موقف صفائی کونا قابل طائی نقصان کہ تا

میر کم من سب السیکش فی سال 2017 مے دوران بحیثیت SHO مقاف نادا کی جناب نوشیر وال خان SHO تعاند ذکر کے

بیٹے مسی نصیب رجان ولد نوشیر وان ساکن ناوہ من کے خلاف ناجائیز اسلحہ کی تحویل پر ناجائیز تحکماند سفارش اور سیاس

دباد نظر انداز کرتے ہوئے مقدمہ علت 726 مور خہ 17/05/05 جرم 15AA تقانہ نادہ کی درج رجسٹر کیا تھا، جس ک

يناء پر SHO صاحب تعاند ڈکرنے بطور انتقام مقدمات بالا میں من سب انسپکٹر کو لمزم فرن کا خونی رشتہ دار ظاہر کر سے

بديمتي ب مير فلاف من كمرت الزامات بالا ير من ربورت بحوالد مد 27روزناميد 17/07/23 تماند ذكر درج

ردزنامی کر سے تحکمانہ انکوائیری میں معتوب کرنے کے علاوہ فوجداری مقدمہ میں فریق بنا کر او لکاب جرم سے

Assosiate کرنے کی دانستہ کوشش کی ہے۔ جس کی وجہ سے مقدمات بالا میں victim فریق بھی من سب انسیکٹرے

FELLER HAR HAR HAR

بلاوجديد ظن بويخ إل- (لقل FIR لف ب)

یہ کہ مقدمہ بالا میں فریقین کے ساتھ میری کوئی وابستگی، خونی دشتہ داری نہیں ہے البتہ ایک ای و پہہ کے باشندگان ہوئے ے ناطے فریقین سے بکنان طور پر جان پیچان رکھتا ہوں بطور ملازم ہولیس سی غیر شخص کی ذاتی دشمنی میں فریق بن کر ابیخ محکمہ سے افسران سے تصادم سے بادے میں سوج بھی تہیں سکتا۔

میہ کمن سب السیکر طلع بڑا کی مخلف تقاند جات میں بحیثیت SHO تعذیات رہا ہوں اور اینی ڈیونی نہایت خلوص ادر ایمانداری سے سرانجام دیتارہا ہوں، تمجمی افسر ان بالا کو شکایت کا موقع نہیں دیا ہے۔ میرے خلاف عائد شدہ الزامات من محضرت اور بے بنیاد ہیں جن میں کوئی حقیقت نہیں ہے۔ من سب انسیکٹر سے خلاف عظم سرایا بی آرڈر بک نمبر 14² مدر جد

(Stoppage of 2 annual increment with cumulative effect) 19/09/2023

سب السيكثر كاستقبل تاريكي سح نذر بواب-

جناب عالی ا اندرین طالات حضور کی ذات ای امید کا محور ، مرکز بے میرے خلاف علم مزایا بی آرڈر بک نمبر

142 مورضه 2023/09/09 معدره محرم ضلع يوليس آفيسر ضاحب بونيركو بحيثيت تكران اعلى معال حسوس

اختیارات منسود جمرت کا تظم صادر فرماکر انکوائیری داخل دفتر کرنے کا تھم صادر فرمایا جائے۔ ساکس کے بچے آپ صامبان

کی اعلی شان، توقیر کی سلامتی کے لئے بار گاہ المی میں دعا گور ہیں گے۔

شیر علی خان سب انسپکٹرM/238 متعینہ پولیس لائن صلع ہوئیر

netule OFFICE OF THE REGIONAL POLICE OFFICER, MALAKAND AT SAIDU SHARIF SWAT. 0946-9240388 & Fax No. 0946-9240390 Email: ebmalakandregion@gmail.com

ORDER

This order will dispose of appeal of Sub-Inspector Sher Ali Khan No.238/M of District Bunct. In connection with minor punishment awarded by District Police Officer, Buncr vide OB: No.142, dated 19-09-2023 i.e. "Stoppage of Two (2) annual increments with cumulative effect".

Brief facts of the case are that as per report vide DDiNo.27 dated 17-07-2023, inspector Nowsherawan Khan along-with police party were busy in search/arrest of charged accused namely Ishaq 5/O Rom Kluin IVO Neway Kalay and Tarlq, in cases vide FIR No.524 dated 16-07-2023 U/S 324 PPC PS Dagger & FIR No.525 dated 16-07-2023 U/S 506,353,186,189 PPC PS Dagger, on accumulating information regarding accused ishaq in his native village Naway Kalya it has revealed through the locals that the wanted accused Ishaq has laken away to the court by SI Sher All for BBA. The concerned accused and (SI Sher All) have blood relation i.e. cousins he (SI Sher Ali) gave shelter to the charged accused (who was wanted on firing on police personnel) and shifted at unknown locality. He directed the local Police by stating that the accused will be produced subject to the non-requisition of weapon of offence. He warned the local Police to co-operate with him; otherwise they will lines dire consequences, during these conversations PASI Mujtaba, ASHO Akbar Shah and HC Taj Muhammad were also present. Being Police officer he will never itesitate impairment to lower staff. He avoided arrest of a charged accused in support of his high rank in Police Department. He didn't allow the investigation officer I/O Muhammad Wahab to interrogate him lonely. He directed investigation officer to sketch site plane on his own sweet well, but he was failed to do so. He was issued Charge Shizt and statement of allegations vide No.3006/PA dated 18-07-2023 and SP/investigation, Buner was appointed as Enquiry Officer. During the course of enquiry, the Enquiry Officer recorded statement of the concerned officials, PASI Mujtaba, IC PP Naway Kaly, IIIC Faroog, LHC Taj Muhammad, I/O SI Muhammad Wahab, ASHO Akbar Shah khan and Si Muhammad Hanif. The E.O gone thoroughly with the enquiry and properly collected sufficient evidence against the delinquent official which were placed on file, consequently in the light of evidence and available record on file it has been proved that the concerned officer was involved with charged accused and proved the charges leveled against him. Being found guilty of the charges leveled against him the District Police Officer, Buner kceping in view the findings and recommendations of the \$.0. awarded the defaulter SI Sher Ali Khan a minor punishment of stoppage of two (02) annual increments with cumulative effect vide Office OB: No. 142 dated 19-09-2023.

He was called in Orderly Room of 03-01-2024 in this office and heard him in person, but he could not produce any cogent reason to defend the charges leveled against him, therefore, his appeal is

hereby filed.

171 -1-24

Regional Police Officer, Aninkand at Suidn Sharif, Swat 411.024 쒑

Dated /2024

Copy-to the District Police Officer, Buner for Information and necessary action with reference to his office Memo: No.4639/E, dated 24-10-2023 and No.4914/E, dated 07-11-2023. Service record and Fuji Missal containing enquiry file of above-named Sub-Inspector, received with the memo: under reference, are returned herewith for record in your office.

12/j

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Annexule انسيكثر جنرل آف يوليس خيبر يختونخوا حاكم بااختيارات خصوصى، عالى مقام

عنوان ذادیل بنارامتگی تھم مزایابی(Stopage of 2 annual increments with cumulative effect) بحوالد آرڈربک نمبر 142 مور خد 2023/09/19 مجاربہ محترم DPOصاحب یو نیر

جناب عالى !

مزارش ذيل ب-

- مد که من سب انسپکشرشیر علی خان نمبر M/ 238 دیادن جوکی دیواند بابا، منطع بونیر میں تعذیبات موں۔
- بے کہ مورخہ 2023/07/16 کو من سب انسپکٹر مریض کی عیادت کے سلسلہ میں پولیس لائن سپتال ڈگر آیاہوا تھا۔
- بیر کہ مقدمہ بالا میں فریقین کے ساتھ میری کوئی وابستگی، خوٹی رشتہ داری نہیں ہے البتہ ایک بی دیمہہ کے باشتد گان ہونے کے ناطے فریقین سے یکسال طور پر جان پیچان رکھتا ہوں۔
- بیر که من سب السیکش نے مقدمات بالا یم تیک ٹیتی سے طرمان کی مر قاری میں مقامی ہولیس کی مدد کی اور طرم اسحاق کو شریس کر سے ایک مقامی سکول SET ٹیچر مسمی عدنان منیر ماکن نوال سکلے کی مددست طرم کو حکمت عمل سے تاہد کر سے این ماتحد تھاند ڈکر لے آیا اور بموجودگی حنیف خان صاحب INV / IN قعانہ ڈکر طرم کو بخرض کر قاری حمد وہاب خان SI ماحب کے حوالہ کر کے میں دوانہ ہوا۔

- دراند بولد الاسنة مرخبات الله حر بكي اسب لا في الله معادين الدينا ما بين الله الما بين ما بين الريد . الم الالمال ما يوم ما يو تركي في البسان الم كما بين الم ما بين الله الم ما بين الله الما بين ما بين الريد .
- ؈؆؆ٳؾڒؠۄ٩CDK وكي احسرور موسلة حريبان عدار حرالي وي وCLL وكر ماري العرار مدالي المريد . - جسر وكي المريد المريد المريد من ملك حريبان عدار حرالي وي وكر المريد المريد المريد المريد المريد المريد المريد

- To with the Carles of the Carles

ݢݵݷݐݹݵݔݹݬݚݷݚ ۲ بى بى ئەلۋار بىلە ئالەر بىلۇ، ئىل اسەن خىبىما بىيە تەرىخا يەرىدىد. ئىكىم مەلەلەر بەبىرى بۇيۇلار بىغا رار يۇلغا، رار لە، را ئەتىمە ئارىدىم بىيە لەر يە بىيە يەلەر بەلە (ک) بونیر نے من سب المیکٹر کو بحوالہ آرڈر بک نمبر 142 مورخہ 2023 (200 / 20 مستقبل خدو ٹی ہواہے۔ (Stoppage of 2 annual 19/09/2023 میں المیکٹر کو بحوالہ آرڈر بک نمب المیکٹر کا مستقبل خدو ٹی ہواہے۔ (میں میں المیکٹر نے سال 2017 میں دوران بحثیت SHO تھانہ تادا کی جناب تو شیر دان خان SHO تھانہ ڈ کر کے بیٹے سمی تعبیب رحمان دلد تو شیر دان ساکن نادہ ممنی کے خلاف ناجا ئیز اسلح کی تحویل پر مقد مد علت 206 مور خد میں المیکٹر کو طرح این مال 2017 میں دوران بحثیت SHO تھانہ تادا کی جناب تو شیر دان خان 700 تھانہ ڈ کر کے بیٹے سمی تعبیب رحمان دلد تو شیر دان ساکن نادہ ممنی کے خلاف ناجا ئیز اسلح کی تحویل پر مقد مد علت 206 مور خد میں المیکٹر کو طرح فران کا خونی درشتہ دار خاہر کر کے من سب المیکٹر کے خلاف بو نیک ہے درین دورنا تو میں من مب المیکٹر کو طرح فران کا خونی دشتہ دار خاہر کر کے من سب المیکٹر کے خلاف بو نیک ہے درین دورنا ہو۔ کر کے تحکمانہ انکوائیر کی میں معتو ب کرنے کے علادہ فوجداد کی مقد مد میں فریق بنا کر ارتکاب جرم سے مرکز تحکمانہ انکوائیر کی میں معتو ب کرنے کے علادہ فوجداد کی مقد میں فریق بنا کر ارتکاب جرم سے بلاد جرید خلن ہوں کی داختہ کو خلن کی جرمے مقدمات بالا میں ان میں انہ پر خل

 ید که من سب السیکٹر منتلح بذاکی عظف تعانہ جات میں بحیثیت SHO تعنیات رہا ہوں اور ایک ڈیوٹی نہایت ایمانداری غلوص اور ایمانداری سے سرانجام دی ہے اور میں افسران بالا کو حکامیت کا موقع نہیں دیا ہے۔ میرے غلاف عائد شدہ الزامات من محرّت اور بے بنیادیں جن میں کوئی حقیقت نہیں ہے۔ من سب السیکٹر کے خلاف علم سزایا بی آرڈر بک نمبر 142 مور خد 2023/09/19/19/09/2023 کی حقیقت نہیں ہے۔ من سب السیکٹر کے خلاف علم سزایا بی آرڈر بک نمبر 142 وجہ سے میر استقبل مخدوش ہواہے۔

جناب عالیا اندریں حالات حضور کی ذات بی امید کا محود ، مرکز ہے۔ میرے خلاف تعلم مزایا بی آرڈر بک نمبر 142 مور ند <u>19/09/2023 م</u>مددہ محرم ضلعی پولیس آخیر صاحب بونیر کو بحیثیت تگران اعلی ، حال خصوص اختیادات منسور کرنے کا تعلم صادر فرما کرا تکوائیر کی داخل دفتر کرنے کا تعلم صادر فرمایا جائے۔ ساکل کے بیچ آپ صاحبان کی اعلی شان ، تو قیر کی سلامتی کے لئے بار گاداہی میں دعا کور ہیں گے۔

شیر علی خان سب انسپکٹر 238/M متعینہ انچارج چوکی دیوانہ بابا ضلع بونیر



OFFICE OF THE INSPECTOR GENERAL OF POLICE

KHYBER PAKIITUNKHWA PESHAWAR. 32)

<u>ORDER</u>

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by SI Sher Ali Khan No. 238/M (hereinafter referred to as petitioner).

DPO Buncr awarded the petitioner minor punishment of Stoppage of two annual increments with cumulative effect on the allegations that as per report vide DD No. 27, dated 17.07.2023, inspector Nowsherawan Khan along-with police purty were busy in search/arrest of charged accused namely Ishaq s/o Ram khan r/o Naway Kalay and Hariq in cases..vide JFIR No. 524, dated 16.07.2023 u/s 324 PPC PS Daggar & FIR No. 525 dated 16.07.2023 u/s 506/353/186/189 PPC PS Daggar, on accumulating information regarding accused Ishaq in his native-village Naway Kalay it has revealed through the locals that the wanted accused Ishaq has taken away to the court by SI Sher Ali for BBA. The concerned accused and (SI Sher Ali) have blood relations i.e. cousins. SI Sher Ali gave shelter to the charged accused (who was wanted on firing on Police Personnel) and shifted at unknown locality. He directed the local police by stating that the accused will be produced subject to the non-requisition of weapon of offense. He warned the local police to co-operate with him; otherwise, they will face dire consequences, during these conversations PASI Mujiaba, ASHO Akbar Shah and HC Taj Muhammad were also present. Being police officer, he will never hesitate impairment to lower staff. He avoided arrest of a charged accused with support of his high rank in police department. He did not allow the 1.0 Muhammad Wuhab to interrogate him lonely. He directed the I.O to sketch site plan on his own sweet well, but he failed to do so.

The Appellate Authority i.e. RPO/Malakand heard the appellant in OR and rejected his instant appeal vide Order Endst: No. 447/E, dated 10.01.2024.

A meeting of Appellate Board was held on 28.08.2024 in CPO under the chairmanship of DIG Headquarters. SI Sher Ali Khan No. 238/M was present and heard in detail.

Ile was awarded minor punishment though allegations leveled against him were of serious nature. Therefore, his appeal is rejected.

Sd/-AWAL KHAN, PSP Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 2420-25 /24, dated Peshawar, the 25-09- /2024.

Copy of the above is forwarded to the:

- Regional Police Officer, Malakand. Service Record Service Books and Fauji Missal (all in original) received vide your office letter No. 4629-30/1, dated 17.04.2024 is returned for your office record.
- 2. District Police Officer, Buner.
- 3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
- 4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 6. Office Supdt: E-III, CPO Peshawar.

れんご Dise.

(SONIA' SIIAMROZ KHAN) PSP AIG/Istablishment, For Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

وكو الح إل APPellant _20ءمنجانب من فالفرطد 2. C. C. C. C. C. C. C. باعت محرآ نك مقدمه مندرجه عنوان بالامين ابن طرف --- واسط بروى وجواب داى دكل كاردان متعلقة آن بقام مرض كتر لتك لئ مد ما جر) (2) المرولي مقرر کر کے اقرار کیا جاتا ہے کہ صلحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کوکرنے راضی نامہ دنقرر ثالث و فیصلہ بر حلف دیے جواب دہی اور اقبال دعویٰ اور بصورت فركرى كرف اجراءادردصولى چيك مدرد بيدادر عرضى دعوى اوردرخواست مرتسم كى تصديق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیردی یا ڈگری کیطرنہ یا اپیل کی برآ مدادر منسوخی نیز وائر کرنے اپل تکرانی دنظر تانی و پیردی کرنے کا اختیار ہوگا۔ ادر بصورت ضرورت مقدمہ ندکور کے کل یاجز دی کا رردائی کے داسطے اور دکیل یا مختار قانونی کواپنے ہمراہ یا اپنی بجائے ی تقرر کا اختیار ہوگا۔اور صاحب مقرر شدہ کوہمی وہی جملہ مٰدکورہ بالا اختیارات حاصل ہوں کے ادر اس کا ساختہ پدا ختہ منظور وقبول ہوگا۔ دوران مقد مذمیں میں جوخر چہ وہر جاندالتوائے مقد مدکے \$₽ \mathbf{O} سب ہے ہوگا۔اس کے متحق وکیل صاحب موصوف ہوں کے ۔ نیز بقایا وخر چد کی وصولی کرنے کا بمجمى اختیار ہوگا۔اگر کوئى تاريخ بيشى مقام دورہ پر ہويا حد باہر ہو ديل صاحب يا بند نہ ہوں ے۔ کہ پیروی ندکور کریں ۔ لہٰذا وکالت نامہ کھھدیا کہ سندر ہے۔ ا، [لتولم 24 المرتوس 202 العبيد لحواه شـــد بقام مرض ل pale