

8262-20-92

پرویز احمد چاہی ولد زینب شکرہ اللہ خان چاہی وکیل محل بطوریکہ میسر میسر تعلقہ دادو

1 علامہ مرتضیٰ ولد ماکدہ مشر چاہی وکیل اسلام آباد ماکدہ مشر سکھن چلیان دادو
2 ڈاکٹر عبدالغنی ولد علامہ قادر عرف قات ڈاکٹر چاہی وکیل سکھن چلیان تعلقہ دادو

1 برهان خان چاہی ولد شہیر اللہ خان چاہی وکیل تعلقہ دادو قبیل شملو قبیل سہارا کوٹ

1 سردار اللہ خان ولد خدیج شہیر لہو خان چاہی وکیل اصل غیبی درو تعلقہ قبیل شملو سکھن دادو کوٹ
حال چاہی صاحب ن لڑکا روو قبیل علی خان شملو قبیل سہارا کوٹ

1 علامہ قادر عرف قات چاہی ولد ماکدہ مشر چاہی وکیل سکھن چلیان تعلقہ دادو

1 سکھن چاہی ولد علی چاہی وکیل سکھن چلیان تعلقہ دادو
2 علی قاسم ولد باجوہ چاہی وکیل سکھن چلیان تعلقہ دادو



Handwritten signatures and names in Urdu, including 'M. J. Khan' and 'M. J. Khan'.

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302-148-149-109-504 APc
617 A.T.A

4/5/ 302, 148, 149, 149, 50
 PDC, 617 PTA
 P.S. A-sec Mchah

قصه تھانہ 20 مارچ 2019ء 617 PTA 504 اور 107-148-149-302-148-149-50 (CA) سیکشن منعم دادہ

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Better Copy Challan

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IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Cr.I.P.L.A. No _____/2018

Burhan Chandio **PETITIONER**

VERSUS

The State & Another **RESPONDENTS**

TRUE TRANSLATION OF REPORT U/S 173 CR. PC

In the court of judge ATC Naushero Feroz capital

Challan/Report u/s 173 Cr. PC

Crime No 20/2018 PS Mehar A Section District Dadu

Dated 18-01-2018

Charge Sheet No 11 dated 24-02-2018

Complainant: Pervaiz Ahmed Chandio S/o Rais Karamullah

Khan Chandio R/o Gul Colony Mehar City Tehsil Mehar

Absconding Accused:

1. Ghulam Murtaza S/o Muhammad Safar Chandio R/o Mohallah Islamabad Mehar District Dadu
2. Zulfiqar Ali S/o Ghulam Qadir alias Qadu Chandio R/o Village Saadullah Chandio Tehsil Mehar

Accused Released u/s 169 Cr.PC

1. Burhan Khan Chandio S/o Shabbir Ahmed Khan Chandio R/o Village Ghaibi Dero Tehsil Qambar District Qambar Shahdad-Kot.

Accused placed in Column No 2

1. Sardar Ahmed Khan S/o Nawab Shabbir Ahmed Khan Chandio R/o originally Ghaibi Dero Tehsil Qambar District Shahadad Kot at present Chandio House Larkana Road Qambar Ali Khan District Qambar Shahadad Kot.

Accused killed during attacked

1. Ghulam Qadir alias Qadu Chandio S/o Muhammad Paryal Chandio R/o Village Saadullah Chandio Tehsil Mehar District Dadu.

Accused in custody

1. Sikandar Chandio S/o Ali Hassan Chandio R/o Drib Kainchi Tehsil Mehar District Dadu.
2. Ali Gohar S/o Bakhtiar alias Yakhtiyar Chandio R/o Village Soomar Teevno Tehsil Mehar District Dadu.

Case Property

1. 1 Repeater 12 Bore bearing No 536806 and one black shopper having 93 cartridges white and red colored 12 Bore recovered from place occurrence.
2. 12 empty cartridges white colored, 8 empty cartridges red colored recovered from the place of occurrence.
3. 10 empties of KK.
4. Blood stained earth of deceased Karamullah Khan recovered from place of occurrence.
5. Blood stained earth of deceased Mukhtiar.
6. Blood stained earth of deceased Qabil Khan.

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7. Blood stained clothes of deceased Karamullah Khan (After post mortum).
8. Blood stained clothes of deceased Mukhtar Ahmed (After post mortum).
9. Blood stained clothes of deceased Qabil Khan (After post mortum).
10. One Corolla GLI car BEZ#428 of white color used in the commission of the offence.
11. One wallet recovered from personally search of accused Ali Gohar Chandio having two currency notes of 1000 denomination, original CNIC No 41506-0385326-7 in the name of accused Ali Gohar, one mobile phone (VGOTel) model S-500 white and orange color having Jazz/Warid sim 0303-3365125.
12. Mobile phone Q company model K-550 IMEI No 356149071914969 dark blue color without sim in personal use of accused Sardar Khan Chandio seized by police.

Names and addresses of PWs:

1. Complainant
2. Ejaz Ali S/o Gul Hassan Chandio R/o Gul Colony Mehar.
3. Manzoor Ahmed S/o Gul Hassan Chandio S/o Gul Hassan Chandio R/o Gul Colony Mehar District Dadu.
4. Bakht Ali S/o Lal Muhammad Chandio R/o Drib Kauro Tehsil Mehar District Dadu.
5. Dr. Gul Muhammad Jhatiyal (SMO) Tehsil Hospital Mehar District Dadu.
6. Dr. Rasool Baksh Sheikh (SMO) Tehsil Hospital Mehar District Dadu.
7. ASI Manzoor Ali Mangi PS Mehar A Section District Dadu.
8. PC-1045 Muhammad Awais Guin Mani SDPO City Hyderabad.

9. Patwari Nadeem Mahesar Deh Gahi Mehasar Tehsil Mehar District Dadu.
10. DSP Muhammad Ejaz Bhatti SDPO City Hyderabad (Second IO).
11. PC-3093 Mukhtiar Ahmed PS A Section Mehar District Dadu.

R/W

1. Inspector Ghulam Ali Daroi SHO PS Sita Road Tehsil Mehar District Dadu.
2. Abdul Hafeez S/o Muhammad Saleh Bughio R/o Gul Colony Mehar.
3. Ashfaq Ahmed S/o Muhammad Hassan Jatoi R/o Gul Clony Mehar.
4. Ahmed Ali S/o Ali Rakhio Memon R/o Gulk Colony Mehar.
5. Ali Sheikh S/o Arbab Ali Memon R/o Rajput Mohallah Mehar.
6. PC-3467 Altaf Ali Zardari PS B Section Mehar.
7. DPC-1743 Fida Hussain Lakhair PS B Section Mehar.
8. Ishaq S/o Paryal Chandio R/o Village Saadullah Chandio Tehsil Mehar District Dadu.
9. Mst. Zulaikha D/o Ghulam Qadir alias Qadu Chandio w/o Pervaiz Ahmed Chandio R/o Gul Colony Mehar.
10. Najamuddin S/o Nizamuddin Chandio R/o village Maulvi Dur Muhammad Chandio Tehsil Qambar District Qambad Shahadad Kot.
11. Mumtaz Ali S/o Muhammad Hashim Chandio R/o House No C/11 Prints Town Phase II Qasimabad Hyderabad.
12. Abdul Bari Abbasi S/o Abdul Fateh Abbasi R/o House No B/18/1/A Riyali Bagh originally Gerello Tehsil Baqrani District Larkana.

13. Haji Muhammad Ramzan S/o Haji Bakhshan Khan Chandio R/o village Bakhshan Chandio Tehsil Matli District Badin.
14. Haji Rasool Bakhsh S/o Haji Sobho Khan Chandio R/o village Haji Sobho Khan Chandio Tehsil Tando Ghulam Haider District Tando Muhammad Khan.
15. Allah Dino S/o Haji Jamaluddin Chandio R/o village Jamaluddin Chandio Tehsil Golarichi District Badin.
16. Shahban Ali S/o Muhammad Yousaf Sheikh R/o Sheikh Mohallah Qambar Tehsil Qambar.
17. Liaquat Ali S/o Ellahi Buksh Mubheri R/o village Wali Dad Mubheri Tehsil Qambar.
18. Khadim Hussain S/o Muhammad Nawaz Rahoojo R/o village Rahooja Tehsil Qambar District Qambar Shahdad Kot.
19. Wazir Ali S/o Mehboob Khan Phulpoto R/o Nasirabad Town District Qambar Shahdad Kot.
20. Hakim Ali S/o Long Khan Chandio R/o village Long Khan Chandio Tehsil Qambar.
21. Mumtaz Ali S/o Haji Muhammad Hashim Chandio R/o Koraija Chandio Tehsil Moro District Naushero Feroz.
22. Manoj Kumar S/o Raj Kumar Lassi R/o Flat No A/5 IBA Apartment Block No 5 Kehkashan Clifton Karachi.
23. Riaz Ahmed S/o Sikandar Ali Chandio R/o Drib Koro Tehsil Mehar District Dadu.
24. PC-873 Abdul Wahab PS A Section Mehar.
25. PC- 3959 Muhammad Salman Gunman SDPO City Hyderabad.
26. Dr. Zahid Hussain Ansari incharge Chemical Examiner Karachi.
27. Adnan Kazmi four Turk Division Garden Karachi.
28. Khan Muhammad four Turk Division Hyderabad.

29. SIP Asim Hussain Incharge DIC Cell Hyderabad.
30. SIP Imamuddin Dahani SHO PS A Section Mehar District Dadu.
31. Zulfiqar Ali S/o Sagheer Ahmed Khanzada R/o Khanzada Mohallah Tehsil Qambar District Qambar Shahdad Kot.
32. Nazir Ahmed S/o Bakhshal Khan Gopang R/o Chandio Mohallah Qambar District Qambar Shahdad Kot.

Brief history of FIR and investigation and offence u/s 302-148-149-109-504 PPC: 6/7 ATA:

Brief history of FIR:

It is complaint that I use to reside at the above address and Mukhtar Ahmed is my brother and Karamullah Khan Chandio is my father who was Chairman UC Balaidai. Since long time Sardar Khan S/o Shabbir Ahmed Chandio used to send threats to my brother Mukhtar Ahmed who was Tumandar regarding his mutiny against Sardar by him in collusion with the other Tumandars and asked him to stop this otherwise he will see his Tumandar Council and will cause loss to his whole family and this was fetched through different people at different times. Today on 17-01-2018 in the morning I, my father Karamullah Khan S/o Khasho Khan aged about 65 years, my brother Mukhtiar Ahmed Khan aged about 45 years and my brother Qabil Hussain aged about 28 years Member Zila Council, cousin Ejaz Ahmed and Manzoor Ahmed S/o Gul Hassan Chandio were standing outside our Otaq situated at Road leading from Police Station to Faridabad during that period at 9:00 am two vehicles viz one Corolla car white color BEZ-428 and one white color Land Cruiser came there out of those six armed persons alighted out of whom we identified to be (1) Ali Gohar S/o Bakhtiar Ali alias Yakhtiar Chandio armed with KK R/o Soomar

Teevno. (2) Ghulam Murtaza S/o Muhammad Safar Chandio armed with Repeater R/o Islamabad Mohallah Mehar. (3) Sikandar S/o Ali Hassan Chandio R/o Drib Kainchi armed with Repeater. (4) Zulfiqar Ali S/o Ghulam Qadir alias Qadir alias Qadu Chandio R/o Saadullah Chandio armed with Repeater. (5) Ghulam Qadir alias Qadu S/o Paryal Chandi R/o Saadullah Chandio armed with Repeater and one accused Burhan S/o Shabbir Ahmed Chandio was sitting in the Land Cruiser who opened the glass window of vehicle and instigated other accused that they have raised mutiny against Sardar Khan and despite being forbidden they continue to do so therefore make them example and murder them. On the instigation of accused Burhan Khan and under the conspiracy hatched by Sardar Khan the other accused opened the indiscriminate fire and created panic and accused Ghulam Qadir alias Qadu fired upon my father Karamullah with his Repeater which hit him in the belly in the meanwhile my father grappled with the accused Ghulam Qadir during which other accused Ali Gohar with KK and Ghulam Murtaza with Repeater made fires in order to rescue Ghulam Qadir and such fire of KK hit my father Karamullah on his right side of chest and other fires of KK and Repeater hit Qadu and they both fell down on earth. Thereafter accused Murtaza made straight fire from his Repeater with intention to murder upon my brother Mukhtiar Ahmed which hit at his left side of chest and accused Ali Gohar also fired from his KK upon Mukhtiar which hit on his face and he also fell down on earth. Thereafter accused Sikandar made straight fire from his Repeater with intention to murder upon my brother Qabil Hussain which hit at his right buttock who also fell down on earth. Then all the accused while firing and raising slogans went away in both vehicles towards western side and said that whoever will try to

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raise any munity against Sardar Khan he will face the same consequences.

Thereafter we saw my brother Mukhtiar Ahmed having firearm injuries upon his face and left side of chest, my father Karamullah on his belly and chest and my brother Qabil Hussain on his right Buttock who were shifted to Tehsil Hospital Mehar where father Karamullah and brother Mukhtiar Ahmed succumbed to injuries and the doctors referred brother Qabil Hussain to Larkana after formalities at Mehar hospital and funeral we received information in the evening that Qabil Hussain also succumbed to injuries at Larkana who dead body was brought back to Mehar hospital and got his post mortum conducted and now I have come and report that above accused with their common intention created panic and terror and while firing indiscriminately committed murders under the conspiracy of Sardar Khan and instigation of Ghulam Khan. Due to fear people shut their shops and ran away.

Investigation:

Sir on 17-01-2018 at 9: 00 am Karamullah Chandio, Mukhtiar Ahmed Chandio and Qabil Hussain Chandio were murdered in front of their Otaq and such FIR was lodged by complainant Pervaiz Ahmed Chandio. In this case ASI Manzoor Ali Mangi PS A Section Mehar got conducted all the proceedings of above three deceased and on 18-01-2018 after registration of FIR he visited the place of incident on the pointation of complainant Pervaiz Ahmed and secured one Repeater No 536806 and 93 white and red colored 12 Bore cartridges kept in a shopper and from place of occurrence secured 12 white color empty cartridges and 8 red color empty cartridges of 12 Bore were also secured. 10 empties of KK, blood stained earth of deceased

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persons were also secured and blood was sent for chemical analysis to Karachi and for FSL to Hyderabad. The car No BEZ-428 Sindh off white color used in the commission of offence was also recovered and due to transfer of investigation the case was sent for further investigation through Inspector Ghulam Ali Brohi SHO PS Seeta Road as the investigation was transferred to District Hyderabad under the orders of IGP Sindh. This case was further investigated under the close supervision of SSP Hyderabad and investigation was carried out DSP Muhammad Ejaz Bhatti SDPO City who on 22-01-2018 went through the case file and on 23-01-2018 came at PS A Section Mehar and also inspected the place of occurrence and prepared such rough sketch and recorded further statement of Complainant Pervaiz Ahmed Chandio and statements of PWs Ejaz Ali Chandio and Manzoor Ahmed Chandio who supported the contents of FIR. Thereafter statements of shopkeepers, of adjoining area of place of occurrence, namely viz (1) Abdul Hafeez Bughio (2) Ashfaq Ahmed Jatoi, (3) Ahmed Ali Memon (4) Ali Sher Memon were also recorded who disclosed that on 17-01-2018 at 9: 00 am two white colored vehicles one big and one small came over there out of which some armed persons alighted at started firing and they in fear shut the shutters of their shops and after stoppage of firing they came outside and saw Karamullah Khan, Qabil Khan and Mukhtiar Ahmed Chandio were lying on road in injured condition and one attacker Ghulam Qadir Chandio was also lying in injured condition for whom they lately came to know that they all succumbed to injuries. On 17-01-2018 the official vehicles of PS B Section No SPC-731 was on duty and the staff present in that vehicle shifted the injured to tehsil hospital Mehar and such statements of PC-3467 Altaf Ali Zardari and DPC-1743 Fida Hussain Lakhair were also recorded.

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Thereafter details were asked from MS tehsil hospital regarding the time of death of deceased Karamullah Khan, Mukhtiar Ahmed Chandio and Qabil Khan. The kind of weapon used and the distance from which the fires were made through letter. On 24-01-2018 the phone numbers of complainant, PWs and accused persons were obtained and letter was sent to incharge DIC Cell for CDR. And such CDRs were obtained and team was constituted for the arrest of accused. Thereafter on 25-01-2018 the wanted accused in this case namely Sikandar Chandio was arrested during an encounter from the jurisdiction of PS Mehar and one Repeater and cartridges were recovered from him and such case u/s 324,353 PPC being crime No 28/2018 PS A Section Mehar and crime No 29/2018 u/s 23-A and 25 of Arms Act was also registered against him. On receiving such information DSP Muhammad Ejaz Bhatti SDPO City came at PS Mehar and arrested the said accused in this case and after producing him before the ATC Court Naushero Feroz got his police custody remand and took the accused to District Hyderabad.

Serious efforts were made regarding the arrest of accused and on 30-01-2018 the witnesses concerned with the case of murder of attacker accused Ghulam Qadir alias Kadu Chandio being crime No 21/2018 u/s 302,148,149,114, 504 PPC namely Muhammad Ishaq Chandio and Mst. Zulaikha were produced before Magistrate and their statements u/s 164 Cr. PC were got recorded and case was proved as false. Thereafter on 31-01-2018 the accused in this case namely Sardar Khan Chandio and Burhan Khan Chandio got bail before arrest from the ATC Court Naushehro Feroz and accused Burhan Khan Chandio appeared for recording his statement who disclosed that on 16-01-2018 he along-with witness Najamuddin Chandio went to Larkana

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from where he took Abdul Baqi Abbasi and went for condolence and via Mehar, Bhan Saeedabad, Sehwan Jamshoro Indus Highway came to Qasimabad at the Otaq of Mumtaz Ali Chandio where he spent a night and on 17-01-2018 at 10:00 am they all three went to Tando Muhammad Khan where in village Sobho Khan Chandio they participated in the Jalsa of Bilawal Bhutto Zardari which ended at 2: 00 pm and after lunch they left for Hyderabad. In village Sobho Khan Chandio they were received by Haji Rasool Baksh Chandio, Haji Allah Dino Chandio and Haji Ramzan Chandio. He also produced four photographs of jalsa and produced Abdul Bari Abbasi, Mumtaz Ali Chandio, Najamuddin Chandio, Haji Muhammad Ramzan Chandio, Haji Rasool Buksh Chandio, Ali Dino Chandio for recording their statements in his favor who supported the contention of Burhan Khan Chandio. For further verification the CDR was obtained for the phone numbers of accused Burhan Khan from which the location corroborated the places mentioned in the statement of Burhan Khan. For further verification the statements of Shahban Sheikh, Liaquat Ali Mughairi, Khadim Hussain Rahoojo, Wazir Ali Phulpoto, Hakim Ali Chandio, Mumtaz Ali Chandio and Manooj Kumar Lassi were recorded who talked/made conversation with Burhan Khan on his numbers 0300-3400531 and 0300-3400811, they all verified the contention of Burhan Khan and said that both numbers belong to Burhan Khan. In the result of investigation, CDR record, statements of witnesses there is no evidence against accused Burhan Khan therefore he after joined the investigation is released u/s 169 Cr. PC. Thereafter the accused in this case namely Sardar Khan Chandio came and got his statement recorded and disclosed that he is elected MPA from PS-42 Qambar and is Sardar of Chandio Tribe. He further narrated that he had never extended threats to the deceased persons

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and since 5/6 months he had no contact or any relation with the deceased persons all the allegations levelled against him are false.

Inquiry was made from him regarding phone number 0300-3400800 for which he disclosed that the number belongs to him and he was apprised that according to the CDR record on his number the nominated/wanted accused in this case namely Murtaza Chandio made a call on 17-01-2018 at 10:49 Hrs and at 10:52 Hrs three SMS came on this number who disclosed that his phone remained with his staff therefore he has no knowledge and does not remember who received that call as the duration of that call is only 11 seconds. A notice u/s 94 Cr. PC was given to him for handing over his Q Mobile Model K/550 having sim No 0300-3400800 which was sent by Sardar Khan Chandio through Najamuddin Chandio and the same was seized and was sent to FSL Laboratory Gorden Karachi for the purpose of recovery of deleted data. As the mobile was of China made therefore deleted date was not recovered. But the data present in the (In Box) of that mobile was recovered manually in which there was one SMS on 17-01-2018 at 10: 52 Hrs from phone number 92302-3277082 which disclosed (Baba Sain I Ghulam Murtaza request that mukhtiar party had fought with me and my man has been killed you kindly stop police from committing any access by entering in my Mehar house). From the investigation and inbox record of mobile phone nothing is clear regarding accused Sardar Khan.

No concrete evidence has been produced by complainant from which it could be said that Sardar Khan Chandio is involved or not in this case directly or indirectly. According to Sardar Khan and in the light of his proofs produced and in the light of witnesses this incident is the result of old enmity whereas from

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the further statement of the complainant this incident is not in the result of old enmity but due to raising voice against Sardar Khan and in spite of his continuous restraining the formation of Tumandar Council and continuity of mutiny this incident took place. Accused Sardar Khan Chandio is MPA and Sardar of Chandio tribe. The deceased brother of complainant Mukhtiar Ahmed was involved in politics in the capacity of Tumandar and according to complainant due to this political rivalry and headman ship of his sub caste (Mirwani Chandia) these murders took place.

During investigation the arising facts are being placed before this Honorable Court so that this Honorable Court could decide as during investigation the accused in this case Sardar Khan could not completely prove himself innocent. And nor did the complainant prove completely any conspiracy hatched by Sardar Khan therefore the name of accused Sardar Khan is placed on column No 2. Sir efforts were made for the recovery of the weapons used in the commission of the offence but as those belonged to accused Ghulam Murtaza who is still absconder and has concealed himself to some unknown place and accused Zulfiqar Ali Chandio is also absconder and had concealed himself to some unknown place and for their arrest strong efforts are being made but such efforts could not be materialized. The arrested accused in this case namely Sikandar Chandio and Ali Gohar Chandio were also interrogated time and again and their statements were recorded. The investigation, statements of witnesses, CDR record is being placed before this Honorable Court and this Honorable Court is requested for trial of the accused and for issuance of NBWs against absconding accused through proceedings u/s 87 & 88 Cr. PC and final decision may kindly be communicated.

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Details of Documents:

1. FIR of this case has already been submitted before this Honorable Court.
2. The documents concerned with this case are being submitted for supply to the accused.
3. This case will be proceeded by learned SPP ATC.

Details of Challan:

Date and time of challan: 17-01-2018 at 09:00 Hrs.

Date and time of report: 18-01-2018 at 01:00 Hrs.

Place of occurrence: In front of Otaq of complainant at the road leading from police station to Faridabad.

Challan prepared on: 23-02-2018.

Challan will be submitted on 24-02-2018 within Court hours.

Sd/-

Sub-Divisional Police Officer

City Hyderabad