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**IN THE SUPREME COURT OF PAKISTAN**  
**(ORIGINAL JURISDICTION)**

**PRESENT:**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.  
Mr. Justice Muhammad Nawaz Abbasi.  
Mr. Justice Saiyed Saeed Ashhad

**Original Right Case No.1390 of 2006**  
(Complaint of Khan Sahib Shah)

Complainant: In person

In Court ~~Notice~~ Sardar Shaukat Hayat Khan, Addl. A.G. NWFP  
Mr. Bashah Gul Wazir, Secy Home, NWFP  
Mr. Arbab Arif, Secy, FATA  
Mr. Riffat Pasha, I.G., NWFP

Date of hearing: 24.11.2006

**ORDER**

After hectic efforts made by the police accused has been located with the intervention of notables and law enforcing agencies of the area in which he was residing. Efforts made by the police are laudable, particularly I.G. NWFP, who had taken personal interest in implementing the order of this Court, therefore, we accord our appreciation. Secretary FATA and Home Secretary NWFP also deserve the same.

Since police is conducting investigation and shall submit the challan, no further action is called for by this Court. The trial Court where the Challan will be submitted is directed to proceed with the matter, without being influenced in any manner from the proceedings, according to law.

Disposed of.

Islamabad, the  
24th November, 2006

Signature  
11/2/56

8

IN THE SUPREME COURT OF PAKISTAN  
(ORIGINAL JURISDICTION)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J.  
MR. JUSTICE MUHAMMAD NAWAZ ABBASI

HUMAN RIGHTS CASE NO. 1390 OF 2006

*Complaint of Khan Sahib Shah*

Complainant: In person  
On Court Call: Pir Liaqat Ali Shah, Adl. AG  
Mr. Bashir Gul Wazir, Secretary Home, NWFP  
Mr. Arbab Arif, Secretary, FATA  
Mr. Riffat Pasha, IG NWFP  
Mr. Muhammad Imtiaz Shah, DPO, DI Khan  
Mr. Gul Afzal Khan, DPO, Luki Murawat  
Date of hearing: 17.10.2006

ORDER

Learned Advocate General stated that all the law enforcing agencies have decided to adopt different devices for achieving the object with the mutual cooperation and the efforts in this behalf being made, have already been accelerated, therefore, matter<sup>may</sup> be adjourned for a period of one month. The request being genuine, this matter is accordingly adjourned to a date after one month.

Islamabad  
17.10.2006  
Iftikhar/\*



**IN THE SUPREME COURT OF PAKISTAN**  
**(ORIGINAL JURISDICTION)**

**PRESENT:**

**Mr. Justice Iftikhar Muhammad Chaudhry, C.J.**  
**Mr. Justice Muhammad Nawaz Abbasi**

**HUMAN RIGHTS CASE NO. 1390 OF 2006.**  
(Complaint of Khan Sahib Shah)

**Attendance:**

Complainant : In person

On Court Notice : Mr. Muhammad Saeed Khan, Addl. AG  
NWFP  
Mr. M. Imtiaz Shah, DPO, DI Khan  
Mr. Gul Afzal, DPO Luki Marvat.  
Mr. Hussain Bakhsh, SI, IO  
Mr. Muzaffar Khan, Adl. Secretary Home.

Date of hearing: 3.10.2006

-.-.-  
**ORDER**

In pursuance of the order dated 2.10.2006, Muhammad Imtiaz Shah, DPO D.I.Khan, has submitted a report countersigned by Muhammad Raffat Pasha, Provincial Police Officer (I.G.), NWFP, Peshawar, wherein commitment has been made to make all out efforts to achieve the objective i.e. the arrest of Shaista Khan. On the other hand, Khan Sahib Shah, father of deceased Asif Ali Shah, a young boy of 15-years old, has also filed document wherein he stated that he had been making applications to the Inspector General Police for causing arrest of accused and last application was submitted on 6.8.2006 but of no avail. Keeping in view the progress in the case, we find that police is not taking the matter seriously as whenever case is fixed for hearing, report is submitted that efforts are being made to arrest the accused. On the previous date of hearing, Secretary Home and Secretary FATA appeared before the Court and gave assurance for causing the arrest of the accused but they have also not taken any step to accomplish the task, therefore, notice is issued to them and I.G. Police NWFP to appear on the next date of hearing and explain the

position if, in the meanwhile the accused is not arrested and brought before the Court of law. D.P.O., D.I. Khan has however, requested for some time on the assurance that he shall definitely cause arrest of the accused before the next date. Adjourned to 17.10.2006.

Islamabad  
3.10.2006  
Ifthikhar/\*

**IN THE SUPREME COURT OF PAKISTAN**  
**(Appellate Jurisdiction)**

**PRESENT**

*Mr. Justice Iftikhar Muhammad Chaudhry, CJ.*  
*Mr. Justice Muhammad Nawaz Abbasi*

**HUMAN RIGHTS CASE NO.1390 OF 2006.**

*(Complainant of Khan Sahib Shah)*

**Attendance**

*Complainant : In person.*  
*On Court Notice : Mr. Muhammad Saeed Khan, AddlAG(NWFP)*  
*Mr. M. Imtiaz Shah, DPO DIKhan.*  
*Mr. Gul Afzal, DPO Luki Marvat.*  
*Hussain Bakhsh, SI IO*  
*Mr. Muzzafer Khan, Addl. Secy Home.*  
*Date of hearing : 02-10-2006*

**ORDER**

*Adjourned for tomorrow i.e. 3<sup>rd</sup> October 2006 with direction to*  
*Mr. M. Imtiaz Shah, DPO D.I.Khan to submit statement duly signed by the*  
*Inspector General of Police regarding arrest of the accused Shaista Khan.*

*Islamabad*  
*02-10-2006*  
*MS/\**

**In the Supreme Court of Pakistan.**  
(Original Jurisdiction)

**PRESENT:**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ  
Mr. Justice Abdul Hameed Dogar  
Mr. Justice Saiyed Saeed Ashhad

**HUMAN RIGHTS CASE NO. 1390 OF 2006**

Complaint of Khan Sahib Shah

Attendance:

Pir Liaqat Shah Additional A.G. N.W.F.P.  
Gul Bad Shah Wazir, Home Secretary N.W.F.P.  
Mr. Arbab Shahzad Secretary FATA/Security  
Mr. Muhammad Yamin D.P.O. Laki Marwat

Date of hearing: 14.6.2006

**ORDER**

Learned Additional Advocate General stated that efforts are being made for causing arrest of the accused but so far no success has been made therefore he prayed that some time may be granted to do the needful. Adjourned to a date in office. Secretary Home N.W.F.P. and Secretary FATA shall not attend the Court unless otherwise directed by the Court.

Islamabad  
14<sup>th</sup> June, 2006  
Saleem\*

Q.A.

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

**MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ**  
**MR. JUSTICE SAIYED SAEED ASHHAD**  
**MR. JUSTICE HAMID ALI MIRZA**

**H.R. Case No. 1390/2006**

Complaint from Khan Sahid Shah

Attendance.

Pir Liaqat Shah Additional A.G N.W.F.P  
Gul Bad Shah Wazir Home Secretary N.W.F.P  
Mr. Arbab Shahzad Secretary FATA/Security  
Mr. Muhammad Yamin D.P.O. Laki Marwat

*Date of hearing : 08-5-06*

**ORDER**

Learned Additional Advocate General, Pir Liaqat Ali Shah, appeared alongwith Secretary FATA and D.P.O Laki Marwat, as well as Secretary Home Department and stated that extensive efforts are being made for causing arrest of the accused namely Shaista Khan, but he had shifted towards Tribble Areas and despite of best efforts, so far Agencies had failed the locate his exact place of whereabouts, therefore no progress has been made. In this behalf they have submitted a report and stated that some more time be given to them to do the needful. Request is allowed.

Adjourned to week commencing 12<sup>th</sup> June, 2006.

Islamabad.  
the 8<sup>th</sup> May, 2006  
Nisar/\*

*Nisar*  
*10/5/06*

**IN THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**

**PRESENT:**

**MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ**  
**MR. JUSTICE MIAN SHAKIRULLAH JAN**  
**MR. JUSTICE SYED JAMSHED ALI**

**HUMAN RIGHTS CASE NO. 1390 OF 2006**

Khan Sahib Shah

Applicant.

**ATTENDANCE:**

Muhammad Saeed Khan, Addl. A.G. NWFP  
Mr. Badshah Gul Wazir, Home Secretary, NWFP  
Mr. Arbab Shehzad, Secretary FATA/Security.  
Mr. Muhammad Yamin, DPO Lakimarwat.

Date of hearing: 05.04.2006

**ORDER.**

Mr. Arbab Shehzad, Secretary FATA/Security, appeared and submitted his progress report. He requests that one month's more time may be given to cause arrest of the accused. Adjourned to *8<sup>th</sup> May, 2006*

Islamabad, the  
05.04.2006

MAZ  
  
13/4/06



**IN THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**

**PRESENT:**

**MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, CJ**  
**MR. JUSTICE MIAN SHAKIRULLAH JAN**

**HUMAN RIGHTS CASE NO. 1390/2006.**

Khan Sahib Shah.

Applicant.

Attendance:

Mr. Badshah Gul Wazir, Home Secretary, N.W.F.P.  
Mr. Yameen D.P.O., Lakki Marwat.

Date of hearing: 27.03.2006.

**ORDER.**

**IFTIKHAR MUHAMMAD CHAUDHRY, CJ:-** Mr. Badshah Gul Wazir, Home Secretary, N.W.F.P appeared and stated that area where accused is confined falls within the jurisdiction of Secretary, FATA (Security) and he has established contact with him and hopefully the accused will be arrested shortly.

2. Adjourned to 5<sup>th</sup> April, 2006 when both the Secretaries, FATA (Security) as well as the Secretary Home NWFP, will appear in the Court and submit report. ✓

Islamabad, the  
27.03.2006

*m/z*  
  
27/3/06

**IN THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**

**PRESENT:**

**MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, HCJ**  
**MR. JUSTICE FAQIR MUHAMMAD KHOKHAR**  
**MR. JUSTICE MIAN SHAKIRULLAH JAN**

**HUMAN RIGHT CASE NO. 1390 OF 2006**

(Complaint of Khan Sahib Shah)

**ATTENDANCE.**

Mr. Muhammad Saeed, Addl. A.G. NWFP  
Mr. Dar Ali, D.P.O. D.I.Khan.  
Mr. Muhammad Irshad, SDPO, Sarai-Naurang  
Mr. Gul Nawaz, SHO, P.S, Tajorhi

Date of hearing: 22.02.2006

**ORDER.**

Learned Addl. A.G. stated that despite of efforts made by police, accused had not been arrested, therefore, some time be given to him as he has shifted towards **Bhittani** an area situated in FATA and efforts are being made to cause his arrest with the co-operation of the administration of the said area. Request is allowed. In the meanwhile, Home Secretary Govt. of NWFP is directed for providing all necessary assistance to the administration of the said area where the accused is hiding himself to the police of Laki-Marwat. The Home Secretary, would however, be responsible to ensure the compliance of the order, failing which he is directed to appear on the next date of hearing before the Court. Adjourned to 17.03.2006.

Islamabad, the  
22.02.2006  
NOT APPROVED FOR REPORTING.

MAZ

*MAZ*  
*28/2*

**IN THE SUPREME COURT OF PAKISTAN**  
***(Appellate Jurisdiction)***

**PRESENT**

*Mr. Justice Iftikhar Muhammad Chaudhry, CJ.*  
*Mr. Justice Mian Shakirullah Jan.*  
*Mr. Justice Saiyed Saeed Ashhad.*

**HUMAN RIGHT CASE NO.1390 OF 2006.**

*(Complaint of Khan Sahib Shah)*

**Attendance.**

*Pir Liaquat Ali Shah, Addl. AG (NWFP)*  
*Mr. Khalid Mehmood, DSP*  
*Mr. Muhammad Irshad Khan, DSP*  
*Mr. Muhammad Saeed Khan, SHO*  
*Mr. Gulnawaz, SHO.*

*Date of hearing : 06-02-2006*

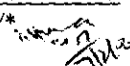
**ORDER**

*Notice was issued to Inspector General<sup>s</sup> of Police, NWFP to cause arrest of the accused but he failed to do so.*

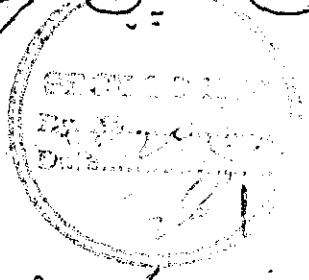
*2. Learned Addl. Advocate General appeared alongwith Khalid Mehmood, DSP (Investigation) and stated that despite raids on different places by the Police the accused has not been arrested so far.*

*4. It is to be noted that the case of murder of Asif Ali Shah was registered on 17<sup>th</sup> May 2005 but so far police<sup>hs</sup> failed to arrest the accused. IG (NWFP) is directed to take personal interest and cause the arrest of the accused before the next date of hearing without fail. Copy of this order be sent to him through Fax for compliance.*

*Adjourned to 22<sup>nd</sup> February 2006.*

*Islamabad*  
*06-02-2006*  
*MS/\**  


خدمت مناب غزوات ما چیف جسٹس سپریم کورٹ اسلام آباد  
عنوان: ایس۔ ایف۔ آئی۔ کے قاتل شائستہ خان گولہ یونیورسٹی ڈی۔ آئی۔ خان



Handwritten notes: 1390, 01.2.26, and other illegible scribbles.

گزارش ہے کہ میں مقتول آصف علی شاہ جماعت دہمہ و شہید عالم علی ڈی۔ آئی۔ خان کا مظلوم  
والد ہوں۔ میرے بیٹے کو درماتش و کیدار شائستہ خان گولہ یونیورسٹی نے مورخہ 05-05-2005 کو  
صرف اسلئے قتل کیا۔ کہ اس کی غلط خواہشات کو پورا کرنے سے انکاری تھا۔ ایس کے ساتھ  
تھانے کا ایف۔ آئی۔ آئی۔ لفافے میں قاتل کا سارا تانرا جہازم پیشہ ہے اور اسکے باوجود  
اپنے علاقہ گنبد ضلع کمرہت میں آزادانہ طور پر زندگی بسر کر رہا ہے۔ قاتل شائستہ خان  
اتنا برعاش آدمی تھا کہ اس نے یونیورسٹی کے حدود میں اپنی ذاتی رائفل سے میرے بیٹے کو قتل کیا  
اور فرار ہونے میں کامیاب ہو گیا۔ جو اب تک کامیاب ہے۔ قاتل کے پتے یونیورسٹی کارپورس  
روپوں کا نقصان ہوا۔ لیکن حکومت نے ابھی تک کوئی عملی کارروائی نہیں کی۔ تبھی اس بات کا سامنا  
آئیں ہے کہ آگے اسکی جگہ ایک مالدار آدمی یا اس کا بیٹا کرنے قتل کیا ہو تھا۔ تو چند دنوں  
میں اس کا قاتل کو گتہ قتل کیا جاتا۔ میں مقتول آصف علی شاہ کا غریب والد جو معمولی پلپر ہوں  
میں میری فریاد کوئی نہیں سنتا ہے۔ میں نے حکومت پاکستان کے صدر، وزیر اعظم  
وزیر داخلہ، آئی۔ جی۔ پی۔ سرمد سے کئی بار اپیلیں کی ہیں۔ لیکن کوئی آفسر میرے اپیل پر  
کسی قسم کی کارروائی عمل میں نہیں لاد رہا ہے۔ اور میرے بیٹے کا قاتل آزادانہ  
طور پر پھر رہا ہے۔ قاتل شائستہ خان میرے خیال میں آسامہ بن گیا ہے  
اپنیوں کی نقل اپیل کے ساتھ لے رہے ہیں۔

اسٹریٹ بار پھیلاؤ کی حالت میں ہمیں حادثہ اپیل کرنا پڑے گا  
کہ میرے بیٹے کے قاتل کی گرفتاری کوئی کارروائی کریں

بڑی بڑی مہربانی ہوگی

24-01-2006

العارض

خان صاحب شاہ ولد زریبان شاہ ولد فقیر

آصف علی شاہ گوٹہ یونیورسٹی ڈی۔ آئی۔ خان (الیکٹریکل انجینئر)

کوہاٹ ٹریڈنگ کمپنی

F-28

سکنہ شفیع آباد نزد جامعہ امیر جاں خان سرائے ٹوٹا محلہ شفیع آباد

صوبہ سرحد

