

MINUTES OF THE MEETING OF CRIMINAL JUSTICE COORDINATION COMMITTEE FOR THE MONTH OF FEBURARY 2024

Date & Time: Tuesday, 29-02-2024 at 01:30 PM

Venue: Chamber of worthy District & Sessions Judge, Mansehra

Chairman Mr. Zia Ur Rehman, District and Sessions Judge, Mansehra

Moderator Mr. Aftab Javed, Senior Civil Judge (Admin), Mansehra

In attendance:


1. Nisar Muhammad Khan, AD&SJ-I, Mansehra.
2. Syed Yasir Shabbir, AD&SJ-III, Mansehra.
3. Mr. Naveed-ur-Rehman, AD&SJ-VI, Mansehra.
4. Mr. Sheraz Khan, SCJ(JudI), Mansehra.
5. Mr. Babar Khan, Addl: Deputy Commissioner, Mansehra.
6. Zia Ullah Wazir, Acting DPP, Mansehra.
7. Mr. Muhammad Shoabi, JM-II, Mansehra.
8. Mr. Muzammil Shah, SP(Investigation), Mansehra.
9. Mr. Najam Abbas, Superintendent District Jail Mansehra.
10. Mr. Malik Ahsen, District Probation Officer.
11. Mr. Mushtaq Tanoli, District Health Officer.
12. Sardar Khalid Gandapur, XEN Public Health.
13. Mr. Shahzad Khan, MS, King Abdullah Hospital.
14. Syed Sabir Shah, District Social Welfare Officer.
15. Ms. Madiha Nazish, In-charge Dar-ul-Aman.
16. Mr. M Rafique Yousaf, President DBA, Mansehra.
17. Sardar M.Ashfaq, President TBA, Balakot.
18. Mazhar Muzzaffar, TMO, Mansehra.
19. Dr. Ehsan Naveed, (Psychiatrist) Govt Mental Hospital Dadar.

1. The meeting started with the recitation from Holy Quran by Syed Yasir Shabbir, Learned Additional District & Sessions Judge-III, Mansehra. Decision taken during the previous meeting were reassessed. Establishment of Anti rape crisis cell, removal of solid waste from jail premises and devising plan by probation officer

regarding interviewing the deserving candidates to be considered for probation were lumped.

2. The additional deputy commissioner apprised the house that Anti Rape Crisis Cell has been established inside King Abdullah Teaching Hospital (KATH) Mansehra and the same factum was endorsed by the Medical Superintendent (MS) of the Hospital. The MS also informed that Medical Officers and Gynecologist are trained in the Cell as to how to deal with the rape victims? The Chair desired Medical Superintendent, King Abdullah Teaching Hospital to invite observers from police, prosecution, Bar and the Bench during orientation or training program. At this juncture the Chair requested Dr Ahsan from Mental Hospital Dadar to arrange a discourse for sensitizing judicial officers regarding observance of care and caution during trial of Rape victims. The Senior Civil Judge(Admn), shall coordinate with him and schedule the event.
3. The Tehsil Municipal Officer, Mansehra ensured that the solid waste shall be lifted from the jail premises with in a day and this exercise of lifting waste would be repeated weekly and pictures may be uploaded by jail authorities as per the instructions of Government in this behalf.
4. The probation officer stated that he will be recommending the deserving candidates for probation. The chair stressed upon the courts to consider persons involved in other offences beside narcotics.

1. CASES OF UNDER TRIAL PRISONERS:



The chair emphasized on vibrant and effective system of criminal justice system ensuring rule of law and concept of fair trial as provided under Article 10-A of the constitution of Pakistan. He inculcated his concerns into Superintendent of Police (Investigation) regarding delay in trial of criminal cases mostly at evidence stage because of non-appearance of witnesses. The chair also insisted upon Superintendent of Police (Investigation) and Judicial Officers to make sure inter-se observance of provisions of Section 171 Cr. PC at the time of submission of challan.

2. BAIL BONDS.

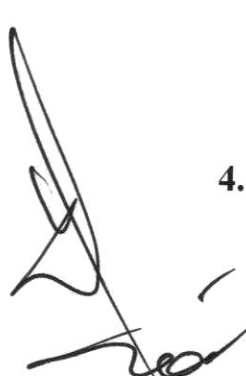
The chair informed the house that during his visit to district jail Mansehra he found inmates complaining about their detention despite the fact that they have been set free on bail. The complaint roots into satisfaction of the bail bond through utility bills and *Fard Jamabandi* in respect of landed property. The chair wanted the judicial officers to ensure the resourcefulness of the surety only and not to insist on any particular document for the purpose so as to minimize the culture of hired sureties.

3. SHELTER HOME (DAR UL AMAAN)

The chair informed In-charge Dar ul Aman that there are complaints that people meet the detainee after official duty hours in the shelter house. The In-charge responded that no meeting requests are entertained after official duty hours. However, she will try to make the meeting system streamlined as per rules and regulations.

The In-charge told the chair that some detainees from adjoining districts who are detained in the shelter house since long want to go to their houses and some try to escape. The chair stated that the detainees are *sui-juris* and cannot be detained against their free will, however, the in-charge Dar ul Aman may prepare a list of all those detainees and share that list with the District and Sessions Judges of the districts concerned to which their cases pertain, with a request for further course of action in this behalf.

4. CAR PARKING AT BALAKOT.



The General Secretary Tehsil Bar Association, Balakot informed the chair about the issue of car parking area at Balakot Court premises. The chair required the district administration to play their role for institutional support and courtesy for the make shift arrangement of parking of the cars. The Deputy Commissioner assured positive consideration and the suggestions proposed by the special Committee headed by learned AD&SJ, Balakot.

5. ARREST AFTER CANCELLATION OF BBAs.

The chair brought into the notice of Superintendent of Police (Investigation) that arrests are made after cancellation of BBAs from court premises but police does not bring arrested persons before the magistrates concerned on the

same day. The Superintendent of Police ensured that he will try his level best that posse of police engaged for making arrests be schooled on this score.


6. RURAL HEALTH CENTER (RHC)- DARBAND

The Medical Superintendent, King Abdullah Teaching Hospital, Mansehra requested that he may be helped to post a doctor at RHC, Darband as there is no doctor available. The chair told the Medical Superintendent to forward a formal request, which will be brought into the notice of the worthy Registrar Peshawar High Court, Peshawar for onward referral to the quarter concerned.

7. ADHERENCE TO JUDGMENT OF THE PESHAWAR HIGH COURT IN MAKING ARRESTS.

Mr. Sheraz Khan Senior Civil Judge (Judicial) presented the *ratio decidendi* of the Judgment of the Hon'ble Peshawar High Court passed in W.P No.5281-P/2023 titled "Asad Qaiser Versus Government of Khyber Pakhtunkhwa and others" which ensures that a person once arrested in case shall deem to be arrested in all other alike cases registered prior to his arrest. Compliance of the judgment was directed by the chair.

8. CONSTRUCTION OF REHABILITATION AND DETOXIFICATION CENTER FOR DRUGS ADDICT.



The chair asked the Representative of the Mental Hospital regarding the approval of PC-I for the construction of Rehabilitation and Detoxification Center for Drug addicts, to which the representative requested time to confirm. He was directed to follow up the request forwarded to the C & W, Department for preparation of PC-I.

9. VIDEO GRAPHY IN NARCOTICS CASES.


Mr. Naveed-ur-Rehman, Learned Additional District & Sessions Judge-VI, Mansehra, discussed that it was held vide Judgment of the Peshawar High Court, Peshawar that after cut of date, it was necessary to make video during recovery of contrabands. It is however deplorable that despite missing of videos on record, the cases are forwarded to the courts for trial by the prosecution with the remarks "fit for trail". The chair asked the District Public Prosecutor (Acting) and Superintendent of Police (Investigation) as to whether they observe any SOP in this behalf? The SP Investigation replied that they have sensitized their subordinate officers in this

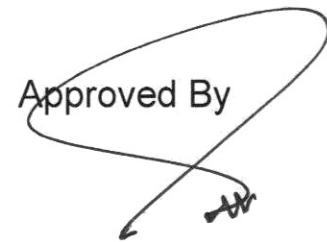
context. The chair desired that factum of videography must be mentioned while forwarding the case by prosecution.

10. AUTOPSY & MLC REPORTS.

Mr. Naveed-ur-Rehman, learned AD&SJ-VI, Mansehra complained that writing of doctors are sometime illegible on MLCs and postmortem reports and no medico legal phraseology is used. The MS requested that if Courts observe such non professional opinion, then they may send them back for proper opinions.

The meeting ended with vote of thanks.


Drafted by
Aftab Javed
Senior Civil Judge (Admin)
Mansehra

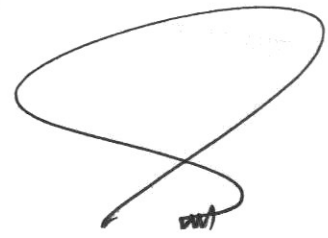

Approved By
Zia Ur Rehman
District & Sessions Judge
Mansehra

OFFICE OF THE DISTRICT & SESSIONS JUDGE, MANSEHRA

No. 1488-1536, Dated: 04 / 03 / 2024.

Copy forwarded to:-

1. The Registrar, Peshawar High Court, Peshawar.
2. Director Inspections, SDJ, Peshawar High Court, Peshawar.
3. Director NJPIC, Peshawar High Court, Peshawar.
4. All the Judicial Officers of District Mansehra.
5. Deputy Commissioner, Mansehra.
6. President, District Bar Association, Mansehra.
7. President, Tehsil Bar Association, Balakot
8. All the participants.
9. Office copy.


Zia ur Rehman,
District & Sessions Judge,
Mansehra.