Date: 16.12.23

544- 429-A - 342/ complaint against Akbar Pathan DCP zone 3/ DCP zone 3 complaint folder and file

To,

Addl CP Central Region.

**Sub: our meeting dt. 15.12.23 around 6 pm regarding complaint against DCP zone 3 Mr. Akbar Pathan for committing serious misconduct and offences under IPC thereby causing injury, loss, harassment to citizens.**

1. **Not passing written and clear orders on applications made u/s 154(3) CRPC**
2. **framing incorrect records and writing**
3. **passing misleading / incorrect orders in judicial proceedings**
4. **holding first appeal proceedings and passing order in first appeal in the matter where he (Akbar Pathan ) himself has signed the reply to the RTI application providing false/ incorrect information.**
5. **Holding the post of DCP zone -3 which is reserved for IPS cadre officers only.**
6. **Holding executive posting in sensitive area when FIR is registered against Him**
7. **Several Serious allegations are pending against him.**
8. **Unconditional apology given to Court for illegal act to deny life and liberty of citizen**
9. **Conducting RTI first appeal in violation of most provision of law**
10. **Conducting first appeal hearing after two hours or thereabout of the scheduled time given to appellants, thereby causing physical and mental harassment to wait in the congested passage without any ventilation facility.**
11. **Conducting RTI appeals with closed doors and not in public view**
12. **Not allowing citizens to video record the meeting with DCP and First appeal hearing**

**Reg: such officers are unbecoming of being a police officer of IPS rank and should be removed from the department and criminal prosecution under IPC shall be initiated. DCP have failed to**

* + 1. **Maintain absolute integrity**
    2. **Maintain devotion of duty**
    3. **be courteous and cordial to all persons with whom he comes in contact in the discharge of duty.**
    4. **To discharge duty which is unbecoming of a public servant.**
    5. **Disobeyed direction of law and framed incorrect record and writing**
    6. **Created false and incorrect records and passed orders which are contrary to material facts and records in a quasi-judicial proceeding.**
    7. **Ensure that subordinate officers work with integrity and devotion towards duty.**
    8. **Criminal breach of trust by a public servant.**

**IN FURTHEENCE TO MY COMPLAINTS DT. 19.9.23 AND 24.9.23**

1. The Complainant is an alert senior citizen of 66 years. I have met you on Friday i.e.15.12.23 around 6 pm. I thank you for conducting meeting in a dignified manner and having good interaction with citizen. During the course of meeting the complainant informed you about the misconduct and willful acts of disobedience of Mr. Akbar Pathan. You were kind enough to inform me to file a fresh complaint.

1. Please find attached the notice to prosecute and Sanction to prosecute which gives detail of the offences committed and the level to which such officers can fall and destroy the confidence of citizens in Mumbai police. **Mr. Akbar Pathan has not replied nor given any clarification which clearly proves that he has accepted the contents of the complaints and have nothing to say against my complaints. (Refer Bombay HC judgement 2013(1) ABR 395 by Justice Roshan Dalvi para 17 line 12)**

As per your direction I am providing a short note of the offences committed by Mr. Akbar Pathan for which the complaint has been filed

1. Passing order dt. 21.3.23 in First appeal 27 of 2023 HELD ON 4.3.23 that
2. The information is not provided within stipulated period
3. Given warning for not providing information and Displeasure letter (Narajgi Letter)
4. Directions given to conduct enquiry against all the concerned officers and to submit report of legal action taken.
5. Direction to PI Ghanshyam Patil of Nagpada police station to not repeat and take all precautions.

Hereto annexed and marked as **Exhibit-A** is copy of the First appeal order dt. 21.3.23.

1. Filed RTI application seeking
2. documents of all the above actions taken as directed in appeal order dt. 4.3.21and

**sections with provision of law with reasoning for**

1. not complying section 7(8)(i), 19(5), 19 (b)(c), 20(1)(2),
2. not maintaining complaint register as per GR 17.6.2016.
3. Mr Akbar Pathan vide reply dt. 15.5.23 gave the following information to the above RTI application

|  |  |  |
| --- | --- | --- |
| S.No. | Subject | Reply by DCP Akbar Pathan |
|  | documents of all the above actions taken as directed in appeal order dt. 4.3.21 | NIL |
|  |  |  |
|  | not complying section 7(8)(i), 19(5), 19 (b)(c), 20(1)(2),  not maintaining complaint register as per GR 17.6.2016 | These are the sections and provisions of law and materials relied upon by the applicant |

Hereto annexed and marked as **Exhibit--B** is copy of the reply dt. 15.5.23 by Mr. Akbar Pathan

1. The Complainant filed an appeal. The said appeal was heard and conducted by Mr. Akbar Pathan himself against his own reply dt.15.5.23, which is conflict of interest and there are several Court judgments that the interested parties shall not preside on their own matters. Mr. Akbar Pathan vide order date 26.5.23 **( Exhibit- C)** passed an order in first appeal in favor of himself
2. without providing information.
3. Violating the basic principles of natural justice
4. Violating Justice Daga directions in W.P. 4101 of 2007 as to how the Quazi judicial authority shall pass orders. **Annexed copy as Exhibit- D**.

It is pertinent to note that Mr. Akbar Pathan has not even applied his mind to the contents and meaning of the reply given while passing order in First appeal dt. 26.5.23 as well as while replying to RTI application vide letter dt. 15.5.23

1. **Details of offences committed by Mr. Akbar Pathan: As per reply at serial**
2. **166, 167, 217, 218, 219, 409, IPC, section 8 & 9 of Public records act** : Mr Akbar Pathan have thereby committed offence of

* disobeying direction of law as well as framing incorrect records and writing with dishonest intentions to cause injury / agony and harassment to the appellant and to shield the ACP and PI of Nagpada police station.
* has corruptly and with full knowledge made and pronounced order in the first appeal and which he knows to be contrary to law and materials on record as well the guidelines of Justice Daga in W.P. 4101 of 2007, how to pass orders by Quazi Judicial authorities
* committed criminal breach of trust in capacity of a public servant.
* Did not maintain complaint register as per GR 17.6.2016 with dishonest intentions to shield the subordinate staff from punishment as required under Public Records act.

1. **Mr. Akbar Pathan a habitual offender and shall be dismissed from service for misconduct.**
2. He is wrongfully appointed as DCP zone 3 when he is not an officer of IPS cadre using his informed and without considering several complaints and FIR registered against him.
3. He has submitted an unconditional apology to the Hon. Bombay High Court by playing mischief with liberty of citizen.
4. He has an FIR registered against him and was under suspension.
5. Not acted against the Byculla police officers for not registering FIR for illegal use of loud spears and using musical instruments on road and in procession thereby causing annoyance and injury to the citizens.
6. Has not acted on the application u/s 154 (3) CRPC for failure to register FIR.

**Purpose of filing complaint**

1. The complainant states that every citizen has two remedies when he is put to loss / injury and harassment i.e. civil remedy and other is criminal prosecution. The complainant has filed the complaint with this office under
2. Section 154, 156(2), 157 CRPC and para 111 of Lalita kumari Judgment, GOI circular 10.5.13, 5.2.14, DGP circular 17.2.2012 that FIR shall be immediately registered when the complaint discloses commission of cognizable offences. **(all circulars is attached Exhibit- E colly) )**
3. Under rules of misconduct committed by the subordinate officers and shall take all possible steps to ensure integrity and devotion towards duty of all officers and staff for the time being under your control and authority.
4. That the complaint against the wrong doers shall be disposed of immediately as the complaint has been pending since 25.9.23 i.e. even after lapse of 45 days stipulated under Regulation 10 of Delay in discharge of official duties act 2005.

**Prayers**

The above facts and circumstances, clearly proves that Mr. Akbar Pathan has been dishonest, insubordinate, disobedient, making willful statements, conceal facts, and tampering with records thereby adversely affecting the reputation of the esteemed Police Department. I therefore humbly request for directions

1. to register FIR u/s 166, 167, 217, 218, 219, 409 IPC and section 8 and 9 of Public record act against Akbar Pathan.
2. to initiate disciplinary action and to suspend Mr. Akbar Pathan till the completion of enquiry which shall be completed within stipulated period.
3. The enquiry shall give detailed explanation and reasoning on each of the issues / raised by the complainant and illegal acts committed by Mr. Akbar Pathan.
4. Complete the procedure for dismissal of Akbar Pathan from service as he is habitual offender and have played fraud on citizens and demeaning the reputation of Mumbai Police.
5. The misconduct be also recorded in service register and confidential report
6. Direction to all police stations and others department to maintain complaint register as per GR 17.6.2016.
7. Disciplinary action against the ACP and PI Ghanshyam Patil of Nagpada Police station as mentioned in the First appeal order by Akbar pathan.
8. Reasoned order by Addl CP (Central Region) with clarification and explanation be passed against Mr. Akbar Pathan considering all the above issues / submissions raised and illegal acts of Mr. Akbar Pathan.

**However, if you feel that my complaint does not disclose cognizable offence to register FIR and there are no reasonable / sufficient grounds for initiating disciplinary action I request to inform me the same in writing with reasoned order.**

**JAI HIND**