

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Criminal Miscellaneous Application No.S- 382 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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11.11.2025.

Mr. Aijaz Ali Bhutto, Advocate for applicant.
Mr. Zakir Hussain Leghari, Advocate for respondents No.4 to 6.
Ms. Sana Memon, A.P.G for State alongwith Inspector / SHO PS Jamal Shah, Saeed Ahmed Channa, Inspector / SHO PS Daur, PC Talib Hussain PS Jamal Shah

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The background of this matter is that the applicant/complainant, the alleged accused in FIR No.79/2024, after obtaining bail from the trial Court, was apparently visiting the National Bank of Pakistan for the encashment of a cheque, when SHO PS Jamal Shah/Qurban Rajper (respondent no.4/accused no.4), dressed in plain clothes, allegedly kidnapped him with help of others, and took him away in a private vehicle in the presence of one Anwar Dahri. This incident was/is allegedly captured/recorded on CCTV camera(s) of a nearby bank. When the applicant/complainant attempted to lodge an FIR, it was apparently refused, and the police authorities took no action. Following this, the applicant/complainant filed an application under Section 22-A-6(i) of Cr.P.C. before the Vth Addl. Sessions Judge, Ex-Officio Justice of Peace Shaheed Benazirabad, who, after calling reports from the SHO of the concerned PS and Deputy Superintendent of Police Complaints Cell, hearing the parties, declined such application vide the impugned Order dated 13.05.2025. Hence, aggrieved by the impugned Order, the applicant/complainant has filed this Cr. Misc. Appln. in the Circuit Court of the High Court of Sindh. It is common ground that the CCTV footage presented to this bench was neither filed nor referred to by the applicant/complainant in his complaint before the Ex Officio Justice of Peace, nor was it mentioned in the above-mentioned two police reports submitted to the Ex Officio Justice of Peace.

The Counsel for the applicant/complainant claims that it took him some time to obtain the CCTV footage from the bank; hence, it could not be made available to the Ex-Officio Justice of the Peace before the announcement of

the impugned Order. The same is now available before this bench on a USB storage device, and a selection of photos from the said CCTV footage is also available in the record of this file. On the previous date, the learned Counsel for respondents/proposed accused nos. 4 to 6 and the learned A.P.G. were provided with a USB device containing video footage, and they have viewed the said CCTV footage. The same video has also been played in open Court on a smartphone, and the learned A.P.G. has confirmed that it is the duplicate video footage available in the USB seen by her, which is attached as an exhibit in this file. I have also seen it, heard Counsel and perused the record.

There is no doubt that the Ex Officio Justice of the Peace did not see the CCTV footage. Furthermore, the recording is available in digital format. Therefore, before proceeding, I framed a checklist within the framework of Section 561-A Cr.P.C., considering the CCTV footage contained in the USB for the first time. Therefore, I purposefully tentatively note as follows before I consider the contents of the USB as part of my decision in the background of the order impugned in this lis filed under Section 22-A-6(I) Cr.P.C.:

- (i) The camera angle of the CCTV footage suggests that a CCTV camera installed outside a bank made the recording, and it genuinely appears to be an original short snippet of a recording sliced from a bank's security CCTV camera.
- (ii) As per a Bank's Standing Operating Procedure (SOP), video recordings are usually digitally preserved by as a matter of security for review at a later stage. Therefore, the original video recording is most likely available and can be verified during the investigation, if necessary.
- (iii) The video does not seem to be AI (artificial intelligence) generated. The opponents have not doubted its authenticity.
- (iv) The video footage is recording street life, out on a public street, and the camera pointing towards the street is not hidden from the public. Prima facie, there appears to be no breach of privacy, and the opponents have not taken such a defence.
- (v) The reason provided for non-production of the CCTV before the Ex Officio Justice of Peace (i.e., the time it took to obtain it) appears credible. There does not appear to be any malafide on the part of the complainant/applicant not to

disclose it to the Ex Officio Justice of Peace and to conceal it deliberately.

Given the above analysis/checklist, although I would not have permitted the introduction of fresh material for consideration of the Court, at this late stage, and particularly, as the material was not placed before the lower forum when it decided the application, yet, given its materiality to the determination of this application and as it meets my checklist above, in the peculiar facts and circumstances of the case, I have proceeded to consider the contents of the USB as part of my decision. I may add that Section 561-A Cr.P.C., which forms the basis of the application to be decided by me, also enables me to exercise this discretion in the interest of justice, fairness, transparency and proper and complete adjudication of this case. To this end, the SHO, P.S. Jamal Shah, has filed his report dated 11.11.2025 today, which is also taken on record, wherein he has provided, inter alia, his explanation for the proposed accused no.4/SHO Qurban Rajper's alleged conduct on 02.05.2025.

In the circumstances, based on the contents of the CCTV video contained in the USB and the present SHO's Report, there is sufficient information for me to set aside the impugned Order dated 13.06.2025 and direct the concerned S.S.P. to record the statement of applicant/complainant and his witness, and if a cognizable offence is made out then lodge the FIR against the proposed accused according to law. I have directed the concerned S.S.P. with this task (i) as the proposed accused is of SHO rank (although in civilian clothes as per CCTV footage), (ii) the report submitted by the current SHO P.S. Jamal Shah, today, explains he was carrying out orders from higher-ups, and (iii) report from the DSP mentioned by Ex Officio Justice of Peace in impugned order found no information to even trigger Section 22-A-6-(i) Cr.P.C.). Suffice to say that none of the observations made by me will come in the way of future proceedings in this matter.

The Criminal Miscellaneous Application stand disposed of in the above terms.

JUDGE