

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Cr. Misc. Appl. No.867 of 2024

Date	Order with signature(s) of Judge(s)
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For hearing of bail application.

23.10.2024.

Mr. Muhammad Iqbal Awan, Addl. P.G. for Applicant.
Mr. Aamir Mansoob Qureshi, Advocate for Respondent.
Mr. Salahuddin Panhwar, Advocate for Respondent Ali Raza.
Mr. Asadullah, Advocate for Respondent SIP Sana Ullah Soomro.
Mr. Ghulam Murtaza, Advocate for Respondent Faisal Laghari.

Learned Addl. PG. has challenged the order dated 16.08.2024 whereby the case was transferred by the Court of Civil Judge & Judicial Magistrate-V (South) Karachi to Civil Judge & Judicial Magistrate Court which dealt with The Torture and Custodial Death (Prevention & Punishment) Act, 2022.

According to the learned counsel for the applicant, learned counsel for the respondent as well as learned counsel of legal heirs the death did not occur in the custody and as such the Act, 2022 referred to above might not be applicable and they all seek remand of the case.

It appears that the death of Moez Naseem occurred outside the police station and as such I find unlikely that The Torture and Custodial Death (Prevention & Punishment) Act, 2022 is applicable. Accordingly the impugned order dated 16.08.2024 is hereby set-aside and FIR No.85 of 2024 of PS Sahil shall be sent to District & Sessions Judge (South) Karachi who shall re-assign this case to a different Civil Judge & Judicial Magistrate Karachi who after hearing the parties shall pass appropriate orders as to whether The Torture and Custodial Death (Prevention & Punishment) Act, 2022 is applicable or if found not to be the case shall be sent under Section 193 Cr.PC to an ordinary Court for trial.

The instant criminal misc. application stands disposed of in the above terms.

JUDGE