

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-394 of 2026

[Mst.Rimsha v. Province of Sindh and 11 others]

Before:

Justice Arbab Ali Hakro
Justice Riazat Ali Sahar

Petitioner by : Mr.Noor Nabi Samoo, Advocate

Respondents by : Nemo

Dates of Hearing : **24.02.2026**

Date of Decision : **24.02.2026**

ORDER

ARBAB ALI HAKRO J:- The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking various directions against the jail authorities and police officials on the basis of alleged custodial harassment of her father, an under trial prisoner confined at Central Prison, Hyderabad.

2. The petitioner asserts that her father, Rashid Ali Khan, is facing criminal proceedings and is presently confined in Central Prison, Hyderabad. She alleges that certain jail officials have harassed, maltreated and threatened him and that attempts were made to administer a poisonous injection. She further refers to the death of her uncle Altaf Hussain Chandio in 2022, which she claims was a custodial death.

3. The record, however, reflects that the father of the petitioner had already approached the learned II-Additional Sessions Judge/Ex-Officio Justice of Peace through Criminal Misc. Application No.568/2026. Learned Ex-Officio Justice Peace, after considering the reports of the S.P Complaint Cell and the Chief Medical Officer, issued directions to the jail authorities to ensure his lawful care and to refrain from administering any medicine other than that prescribed. Likewise, the death of Altaf Hussain Chandio was

examined by the learned VIII-Additional Sessions Judge, Hyderabad in Criminal Misc. Application No.4605/2022, who, after perusing the medical record and statements, concluded that no marks of violence were found and that the death appeared natural.

4. Learned counsel for the petitioner contends that despite the earlier protective order of the learned Ex-Officio Justice of Peace, the harassment continues and the petitioner apprehends danger to the life of her father. He submits that the State is constitutionally bound to ensure the safety of every person in its custody and that the petitioner's apprehension is genuine.

5. We have heard learned counsel for the petitioner and have carefully examined the petition and the orders passed by the learned Ex-Officio Justice of Peace.

6. The jurisdiction of this Court under Article 199 is discretionary, extraordinary and not intended to supplant statutory mechanisms or to reopen matters already adjudicated by competent forums. The record unequivocally demonstrates that the grievances of the petitioner's father have already been placed before the learned II-Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, who issued appropriate directions after considering the relevant reports. The petitioner has not shown any material indicating non-compliance with that order.

7. As regards the death of Altaf Hussain Chandio, the matter was judicially examined by the learned VIII-Additional Sessions Judge/Ex-Officio Justice of Peace, Hyderabad, who, upon scrutiny of the medical record and statements, found no evidence of violence or maltreatment. This Court cannot, in constitutional jurisdiction, sit in appeal over such findings or embark upon a factual re-inquiry.

8. The allegations made in the petition are general, unsubstantiated and unsupported by any fresh material that would justify invoking the extraordinary jurisdiction of this Court. Mere apprehension, without cogent

evidence, cannot be a basis for issuance of writs, particularly when the competent forum has already addressed the grievance and issued operative directions.

9. The constitutional jurisdiction is not meant to be exercised in abstract or speculative scenarios. The petitioner has an adequate and efficacious remedy before the learned Sessions Court, which is the appropriate forum to monitor and to entertain any fresh grievance, if substantiated. In these circumstances, no case is made out for interference by this Court. The petition is misconceived, premature, and devoid of merit.

10. For the foregoing reasons, this petition is **dismissed** in *limine* along with pending miscellaneous application (s). However, Trial Court is directed to look into the matter minutely, as the Petitioner is under trial prisoner and it is the duty of trial Court to redress the grievance of the UTPs in accordance with Jail Manual under intimation to this Court through Additional Registrar.

Let a copy of this order be transmitted to concerned Trial Court for compliance.

JUDGE

JUDGE

Ali Haider