

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Misc Application No.S-514 of 2026.

<i>DATE</i>	<i>ORDER WITH SIGNATURE OF JUDGE</i>
	For orders on M.A No.6897/26. For orders on office objections. For orders on M.A No.6898/26. For hearing of main case.

13.08.2026.

Mr. Ishfaqe Ahmed Almani, Advocate for Applicant.

Applicant, Jahangir Khan s/o Kando Khan Khaskheli, has filed this cr. misc. application under Sec.491 Cr.P.C. seeking production of his alleged wife, Mst. Fazlian and apparently their minor child, Arif Hussain. Earlier, he had moved a similar application before the 5th Additional Sessions Judge, Hyderabad, however, vide Order dated 08.08.2026, the said application was dismissed for want of jurisdiction.

As per the impugned Order dated 08.08.2026, during the proceedings before the 5th Addl. Sessions Judge, Hyderabad, the applicant, Jahangir Khan, produced a notice issued by the Family Court No.4, Tando Allahyar, in a family suit filed by the alleged detainee seeking khula against the applicant before the Family Court Judge in District Tando Allahyar. The Sessions Court also obtained a report from SHO PS Tando Jam, informing the Addl. Sessions Judge that the wife/mother and minor son got annoyed with the applicant and moved to District Tando Allahyar and that there was no alleged abduction in the case in hand.

Learned Counsel for the applicant has pleaded that on 20.07.2026, the detainee was unlawfully abducted by respondent nos.5 and 6 from his residence by way of criminal force and threats; therefore, the cause of action arose in Hyderabad. He contends that the learned Add. Sessions Judge, Hyderabad, entirely overlooked this aspect.

I have considered the matter and perused the record. The applicant has failed to produce any evidence that he approached the Police Officials at the material time concerning the alleged crime. Given all the aspects of violence described in the memo of the cr. misc. appln. it is most unusual that the applicant

did not escalate the matter, took no action to lodge an FIR, and, in case of the police officials' failure to lodge his complaint, filed the application for production of the detainee only. Indeed, Counsel did not deny that the fact that the detainee had filed an application for khula. Counsel submitted that he had entered appearance and was contesting the case in Tando Allahyar.

Given the above, I do not find any ground to interfere with the impugned Order dated 08.08.2026 passed by the 5th Addl. Sessions Judge, Hyderabad. Indeed, the whereabouts of the alleged detainee are known to the applicant, and he remains at liberty to seek his remedy before the competent Court, as well as to pursue all other courses of action to seek custody/visitation of his minor son before the Guardian & Ward Judge in the District Court of Tando Allahyar. Accordingly, this cr. misc. application is dismissed in limine.

J U D G E

Ali.