

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

Cr. Misc. Appln. No.S- 419 of 2016

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|-------------|--------------------------------------|
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1. For orders on office objection
2. For Katcha Peshi.

19.12.2016.

Mr. Bashir Ahmed Almani, Advocate for applicant alongwith applicant.

Syed Meeral Shah D.P.G. for the State alongwith SIP Muneer Ahmed Jatoi, P.S Darya Khan Mari.

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Mr. Khadim Hussain Soomro, Advocate, files vakalatnama on behalf of private respondents No.3 to 6, which is taken on record.

The alleged detainees are present in Court alongwith one Aziz, who is their father and has also on Court directions produced his original Computerized National Identity Card. The said Aziz is the husband of present applicant as is obvious from the title of this proceeding.

On Court query as well as the questions put by learned D.P.G., all the detainees except Raja, who is of tender age, have categorically stated that they want to live with their father Aziz. It is has been confirmed by ASI Muneer Ahmed Jatoi of P.S Darya Khan Mari, that he also held a preliminary inquiry and the reply of alleged detainees was same.

However, the applicant's Counsel states that Raja is of tender age and should be handed over to his mother though this request has been vehemently opposed by the Counsel for private respondents.

The purpose of present petition was to recover the alleged detainees from the unlawful confinement of any person and/or, that they have not been ill-treated by anyone, being respectable citizens of this Country.

Without going into the merits of the case that whether aforementioned father Aziz is entitled to retain custody of these detainees, which question can be decided by the concerned Family Court, one thing is obvious from today's proceeding that all detainees appear to be in normal health and were quite vocal when asked that they want to continue to reside with their father.

The respondents' Counsel has pointed out that persons from both sides have gathered in the premises of Court and it is apprehended that they will cause harm or injury to the alleged detainees. Therefore, ASI Muneer Ahmed Jatoi is directed to accompany these alleged detainees alongwith their father Aziz to their place of destination so that no harm can be caused to them.

The purpose of this Criminal Miscellaneous Application has been served out, which is accordingly disposed of in above terms.

JUDGE