

Order Sheet
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 59 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
07.08.2018	

For katcha peshi

None present for petitioner

Mr. Muhammad Ismail Bhutto, Addl.A.G. along with SIP Muhammad Khan Panhwar & SIP Najamdin for SSP Hyderabad.

This Constitutional Petition is called for hearing. Neither the petitioner nor his counsel is present and no intimation is received. Same was the position on the previous date of hearing viz. 8.2.2018. Since no one is present on behalf of petitioner, therefore, we ourselves with the able assistance learned A.A.G. have gone through the contents of memo of petition as well as `impugned order`. From perusal of record, it appears that wife of the petitioner was missing hence he registered FIR No. 126 of 2017 at police station Hali Road under Section 365-B, 506/2 & 34 P.P.C. After due investigation the I.O of the case submitted Summary in "B" class and the concerned learned Magistrate after taking in consideration all the aspect of the case has passed the impugned order dated 6.12.2017 concurring with the report of the I.O. We have gone through the Photostat copy of statement dated 26.10.2017 of Mst. Asma (missing wife of the petitioner) recorded under Section 164 Cr.P.C. before the Civil Judge & Judicial Magistrate, Moro in which she stated that she was with her mother. The FIR has been registered on 4.8.2017 whereas it appears that the statement of the lady Mst. Asma has been recorded much earlier than registration of the FIR, as such, learned Magistrate approving report did not commit any mistake.

We, therefore, under the aforementioned facts and circumstances did not find any merit in this petition which is dismissed along with listed applications, if any.

JUDGE

JUDGE