

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.S- 753 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection(s)
2. For hearing of main case.

08.03.2021.

Mr. Samee Ullah Rind, advocate for applicant.
Ms. Rameshan Oad, APG for the State.

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The applicant by way of instant application u/s 491 Cr.P.C has sought for custody of his son Maaz as he according to him is detained illegally by her mother Mst. Sehrish, on having been restored to her by learned 4th Additional Sessions Judge, Hyderabad on application u/s 491 Cr.P.C.

On being asked; how custody of the kid with her mother said to be illegal? It is stated by learned counsel for the applicant that Mst. Sehrish is mentally disturbed woman and has already killed her another kid. On being asked further whether any legal proceeding in that respect was taken by the applicant? Answer to this by learned counsel for the applicant was in negative.

The custody of the kid with her mother when restored under Section 491 Cr.P.C could not be said to be illegal to be interfered with by this Court. If, the applicant is having a feeling that he has got a preferential right over the custody of his kid, then he may prove such right before the Guardian Court having jurisdiction.

Consequent upon above discussion, the instant Criminal Misc. Application u/s 491 Cr.P.C is dismissed.

JUDGE