

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

Criminal Miscellaneous Application No.S-199 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.
For hearing of main case.

09-05-2023

Mr. Rasheed Ahmed Panhwar, advocate for applicant.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Mr. Shahnawaz Ali Kunbhar, advocate files Vakalatnama on behalf of respondent No.9, taken on record.

Through instant criminal miscellaneous application, the applicant has prayed that *Rule Nisi* may be issued for alleged detainees Rami s/o Sachal aged about 14 years and Doudi d/o Mohan aged about 16 years.

2. Per learned counsel, the private persons have abducted the alleged detainees and detained them to some unknown place, therefore, he prays that the SHO concerned may be directed to produce the alleged detainees before this Court.

3. On the other hand, learned counsel for respondent No.9 has filed certified true copy of application under section 22-A (6) (iii) Cr.P.C. and other certain documents along with his statement, taken on record. Per learned counsel, prior to instant application, the applicant has also filed similar type of application being Criminal Miscellaneous Application No.47 / 2023, before learned Sessions Judge, Mirpurkhas, with same story that the alleged detainees were abducted by the private respondents. Learned counsel further submits that the alleged detainee Rami previously was Hindu but embraced Islam, as such, her new name is Mst. Aysha. Learned counsel submits that since Mst. Aysha (old name Rami) converted herself from Hindu to Muslim, as such, she contracted marriage with Saeed Khan son of Manjho Khan; and this couple both have filed application under section 22-A (6) (iii) Cr.P.C. before learned District & Sessions, Mirpurkhas and appeared before the learned Additional Sessions Judge-I/MCTC/Ex: Officio, Justice of Peace,

Mirpurkhas wherein Mst. Ayasha (old name Rami) stated that she has neither been abducted nor enticed by anyone but she voluntarily left her parents' house in body dress only, later on accepted Islam with her own choice and ultimately contracted freewill marriage with Saeed Khan in order to secure her life, which annoyed her parents and relatives, hence, she along with her husband sought legal protection.

4. Learned A.P.G. Sindh submits that if the alleged detainee is minor then the applicant may be set at liberty to appear before the competent forum for redressal of his grievance.

5. Heard and perused.

6. From perusal of order dated 10.03.2023, passed by learned Additional Sessions Judge-I/MCTC/Ex: Officio, Justice of Peace, Mirpurkhas in Criminal Miscellaneous Application No.353 / 2023, it reflects that Mst. Aysha (old name Rami) and her husband namely Saeed Khan appeared before learned Judge wherein they sought protection against the private respondents as they being annoyed on conversion of said Mst. Aysha from Hindu to Muslim and thereafter contract of freewill marriage with Saeed Khan were causing harassment to them. It further reflects that the alleged detainee Rami (old name) now Mst. Aysha appeared before the learned Court and stated that she has neither been abducted nor enticed away by anyone but she voluntarily left house of her parents in body dress only, later on accepted Islam with her own choice and ultimately contracted free will marriage with Saeed Khan in order to secure her life, which annoyed her parents and relatives, hence, she filed application for protection.

7. Since no detention of alleged detainee has been proved nor Mst. Aysha (old name Rami) has stated that at the time of her living in her parent's house alleged detainee namely Doudi d/o Mohan was with her. In view of the above facts and circumstances, instant criminal miscellaneous application is **dismissed**. However, the applicant is at liberty to approach before relevant forum for redressal of grievance if he feels that alleged detainee is minor.

JUDGE