

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**Cr. Misc. Appln. No.S-348 of 2022**

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DATE            ORDER WITH SIGNATURE OF JUDGE(S)

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1. For orders on office objection
2. For order on MA-4925/2022
3. For hearing of main case.

**08-09-2023**

None present for applicant.

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**ARSHAD HUSSAIN KHAN, J.-** The applicant by way of this application has impugned the order dated 21.02.2022 passed by the learned Additional Sessions Judge-I, Tharparkar, whereby his application under Section 491-A Cr.P.C for recovery of the alleged detainee namely Sht. Bhapo was dismissed.

2.            It is alleged that on 10.02.2022 the applicant alongwith other family members slept after taking meal when at about 1:00 a.m. (night) the proposed accused / respondents No.3 to 6 with deadly weapons forcibly kidnapped the alleged detainee-Sht. Bhapo (Muslim name Rehmat) on gun point. After incident, applicant filed the aforesaid application which was dismissed; hence, this application.

3.            From the perusal of the record, it appears from the record that the above named alleged detainee by converting herself from Hindu religion into Islam contracted marriage with proposed accused / respondent No.3. In proof, the Sanad-e-Islam and Nikahnama are available on record, which were produced by SHO concerned before the learned trial Court. Record further reveals that the alleged detainee has

already filed a constitutional petition before this Court for her legal protection against the applicant, who is her real father, which itself shows that detinue Sht. Bhapo (Muslim name Rehmat) has no grievance against the proposed accused / respondents as she after entering into Islam has contracted a freewill marriage with respondent No.3-Malhar. Such fact reflects that the applicant has approached this Court with unclean hands.

4. In view of the above, there appears no illegality and material irregularity in the impugned order, hence, the same cannot be interfered with by this Court. This application being meritless is dismissed.

JUDGE

Shahid