

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

Criminal Acquittal Appeal No.S-152 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	1. For orders on M.A. No.342/2025.
	2. For orders on office objections.
	3. For orders on M.A. No.11402/2024.
	4. For orders on M.A. No.11403/2024.
	5. For hearing of main case.

27.01.2025

Mr. Faisal Ali Raza Bhatti, Advocate for respondents/accused Mst.Noor Bano and Ali Hassan.

Mr. Shahid Ahmed Shaikh, Additional Prosecutor General, Sindh along-with DSP Bashir Ahmed Khouharo SDPO Qasimabad, DSP Gul Hassan Thebo SDPO Latifabad, SIP Shoukat Malookani SHO Qasimabad and Inspector Mirzo Khan on behalf of SSP Hyderabad.

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On the last date of hearing, following order was passed:-

“Mr. Faisal Ali Raza Bahatti, advocate files power on behalf of respondents/accused Mst. Noor Bano and Ali Hassan, same is taken on record. Whereas, accused Muhib Ali and Sultan alias Nano are confined in jail. Howsoever, accused Shahmir Ali present in Court submits that he needs sometime to engage counsel. At this stage, the daughter of the complainant moved application and states that the accused Sultan alias Nano handed over all the gold ornaments to his closed relative namely one Javed as at the time of his arrest the same gold ornaments were handed over to him; therefore, she prayed that accused Javed may be arrested and the gold ornaments may be recovered from him, the application is taken on record. Let copy of this order along with application be sent to the SSP Hyderabad for appropriate action and with further direction to recover the gold ornaments of the daughter of the complainant as the same gold ornaments being ‘Jehz’ were for the purposes of three daughters of the complainant. SSP Hyderabad is also directed to depute not below the rank of ASP for properly assist the Court for recovery of the said gold ornaments. However, the concerned jail authorities are also directed to produce the aforesaid accused persons on the next date of hearing.

To come-up on 27.01.2025, to be taken up at 09.30 a.m.”

2. Pursuant to the above order, the accused are produced before the Court by the Jail Authorities as per the order. When questioned about the progress from Bashir Ahmed Khouharo, SDPO Qasimabad, he was unable to provide a response. The compliance report submitted by the officials indicates that the following recovery has been made:-

- “1. From Mohab Ali Solangi cash Rs.240,000/- two gold bracelets, two gold bangles.
2. From Shamir Solangi cash Rs350,000/- one gold necklace, two gold bangles, one USB.
3. From Ali Hassan Solangi cash Rs.35,000.

After the surrender of accused Sultan following articles have been recovered:

- “1. 12 prize bonds worth Rs.750
2. Two gold bangles
3. One gold locket
4. Two large gold earrings
5. One medium gold earring
6. Four small gold earnings

7. *Two gold coins*
8. *One gold locket*
9. *One gold tops*
10. *One gold tops (Moti Wala)*
11. *One gold bracelet*
12. *One large gold bracelet"*

The report also mentions that the whereabouts of Javed are unknown, as he has gone to an unknown location. However, the accused, Sultan @ also known as Nano, denied having handed over any stolen items to Javed.

3. During the proceedings, the complainant handed over a mobile phone to the learned A.P.G. containing a video, which was played in open court. In the video, the accused can be heard stating that despite being arrested and tortured by the police, he has not confessed to his guilt and has advised other accused not to admit to the crime. When the DSP was confronted about the admission of guilt by the accused and surrendering to avoid further recovery, the DSP was unable to provide a satisfactory response. The respondent/accused, Muhib Ali, refused to provide a surety. As a result, he was remanded to jail until he could provide the required surety. The police also recovered Rs. 650,000 in cash, which was received by the complainant.

4. This is a case of robbery/theft committed by the nominated accused persons on 03.08.2023 from the house of complainant. The stolen items include amount of Rs. 2,600,000, \$3,030 (US Dollars), 10,000 Saudi Riyals, prize bonds worth Rs.15,000 in various denominations and gold ornaments weighing approximately 219 tolas. However, after trial, the accused were acquitted. And against the acquittal of the accused, the complainant being aggrieved has filed this Criminal Acquittal Appeal, which has been admitted for regular hearing.

5. On perusal of challan sheet, it shows that the police recovered Rs.240,000 in cash and some gold ornaments from the accused, Muhib Ali. From the accused, Shahmir Ali, the police recovered Rs. 350,000 and some gold ornaments. The complainant filed an application requesting the return of the stolen valuables, including cash and gold, as the accused had admitted their guilt. Notices were issued to the SSP Hyderabad for the recovery of the stolen articles. However, when the case was heard, the SSP was directed to recover the items, as all the stolen goods belonged to the complainant's four daughters, who had kept them for their dowries, two of whom are deaf and dumb. Despite these instructions, the police did not taken serious efforts and failed to recover the stolen items.

6. The Investigating Officer managed to recover Rs. 240,000 in cash and some gold ornaments, but the District Police of Hyderabad had failed despite multiple opportunities for recovery was provided and even after repeated directions, no recovery took place. The conversation from accused Sultan alias Nano was played in open Court, where he advised other accused not to accept guilt. The police officers present were unable to provide satisfactory answers

except only excuses for their inaction. It is the prime duty of the police to safeguard the lives, liberty, and property of the citizens. Their role is fundamental in ensuring the security and well-being of society. In cases where these rights are violated, the Courts in Pakistan stand as the last hope for citizens, providing justice and upholding the rule of law. The judicial system acts as a crucial mechanism to ensure accountability and protection, ensuring that justice prevails in all circumstances. Failure of the police to recover the stolen items, this court has left no option to call Inspector General of Sindh to appear in person on the next date of hearing.

7. The police is equipped with various facilities and tools to aid in the recovery of stolen or robbed articles which include advanced forensic equipment, fingerprinting tools, surveillance technology, tracking devices, and databases to trace stolen goods. The modern communication systems and collaboration further strengthen the capability of police in recovering stolen/robbed property. Despite having access to modern investigative tools and resources, the police failed to recover the stolen items or make any meaningful progress in the case. For families like this one, the emotional and financial toll is immense, as they are left feeling unprotected and unsupported.

8. The case of this complainant and his daughters serves as a stark reminder of the challenges faced by ordinary Pakistanis in their quest for justice. It is imperative for the government to prioritize police reforms and ensure that law enforcement agencies fulfill their responsibilities, allowing the judiciary to focus on its primary role of interpreting and upholding the law, rather than compensating for systemic failures.

To come up **06.02.2025**, when the Inspector General of Police, Sindh shall be in attendance along with an explanation and progress report. Let copy of this order be sent to Inspector General of Police Sindh for information and compliance through fax.

JUDGE

*Muhammad Danish**