

**IN HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No.D-1292 of 2021

[Bakaullah Khan Samoo v. Province to Sindh & others]

PRESENT:

MR. JUSTICE AMJAD ALI SAHITO
MR. JUSTICE KHADIM HUSSAIN SOOMRO

Mr. Ashar Majeed Khokhar advocate for petitioner.

Mr. Muhammad Yousuf Rahpoto, Assistant Advocate General, Sindh alongwith DSP Manzoor Ali Lathi SDPO Saeedabad and Nasrullah Halepoto SHO PS Saeedabad.

Mr. Shawak Rathore, Deputy Prosecutor General Sindh.

Date of hearing & decision: 22.10.2024

ORDER

AMJAD ALI SAHITO, J: - Petitioner reported his nephew, Abdul Waheed @ Wanhial s/o Saiful Kori Samoon to be illegal confinement of private respondents and prayed that the official respondents be ordered to recover his missing nephew from private respondents and take action against them in accordance with law. He has also prayed for reinvestigation of crime No.104/2020 registered at PS Saeedabad under sections 364, 344, 506/2 PPC in respect of alleged abduction of the said Abdul Waheed.

2. The petitioner claims that Mst. Fareeda entered into a love marriage of her own wish on 29.02.2020 with the alleged detainee, after executing a freewill affidavit without her parents' consent. Thereafter since alleged detainee was found missing, as such, petitioner, approached various forums for his recovery and finally lodged aforementioned FIR. Record reflects that despite investigation the police did not succeed to find out any clue of the alleged detainee. However, the case was challaned and after full-dressed trial, learned trial Court / Additional

Sessions Judge, Hala acquitted the accused namely Mst. Farida, Mst. Sakina, Abid Ali, Amir Ali and Zaheer Gabol vide judgment dated 21.04.2022.

3. In response to the notice, the official respondents have repeatedly stated their inability to locate the alleged detainee. A Joint Investigation Team (JIT) was formed to boost recovery efforts. According to the JIT report, Mst. Fareeda, the wife of the alleged detainee, exposed that on 27.05.2020, she and her husband went towards Sultan Almani on his invitation who led them to the Dadu-Moro riverbank where Sultan Almani allegedly murdered the alleged detainee by throwing him into the deep water, as such, he concealed the dead body.

4. After report of JIT, the issues of the alleged abduction and the detainee's disappearance have been clarified and keeping this petition alive for an indefinite period, would be fruitless. Consequently, this petition is **disposed of**. Nonetheless, whatever the JIT stated in its report, the petitioner is at liberty to avail remedy before the competent forum in accordance with law to get redressal of his grievance.

JUDGE

JUDGE