

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. App. No. D – 27 of 2022

Date of hearing	Order with signature of Judge
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For hearing of main case

1. For orders on office objections at Flag-A
2. For hearing of main case

07-07-2022

Mr. Bakhshan Khan Mahar, Advocate for the applicant.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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Mr. Mumtaz Ali Jessar, Advocate, has filed power on behalf of respondent No.5, which is taken on record. Comments have been filed by SHO, Police Station Muhbatdero and SSP Naushahro Feroze (respondents No.2 & 3, respectively), which are also taken on record.

Mr. Bakhshan Khan Mahar filed this Criminal Miscellaneous Application on behalf of the applicant against the respondents under Section 491(1A), Cr.P.C. to call in question impugned order dated 23-05-2022 and to set at liberty Mst. Shuaau to go anywhere she likes.

It appears that learned Additional Sessions Judge-II, Naushahro Feroze in Cr. Misc. Application No.244 of 2022, filed by Abdul Hameed against SHO, Police Station Muhbatdero and others for the custody of Mst. Shuaau, sent Mst. Shuaau to Darul Aman for her safe custody and disposed of the aforesaid application in the following terms:

“05. Therefore, the Court does not consider the word of mouth from detainee to hand over her custody to Lakhmeer Sargani on ground of being sui-juris and instead of that Court orders that let the detainee be sent to Darul Aman Sukkur through official respondent No.1/SHO PS Muhbatdero/SIP Mehboob Ali Chachar with the help of ASI Benazir Rind with directions to Incharge Darul Aman Sukkur to receive the custody of detainee Mst. Shuaau and keep her in safe custody till further orders. So far meeting with detainee Mst. Shuaau is

concerned, proper application is to be made to Incharge Darul Aman Sukkur who will forward the same to this Court so that such further directions to be issued. If detainee also desires to make any statement, such application is to be collected from her and same be forwarded to this Court for passing of an appropriate orders. Official respondent No.1 is further directed as and when he handovers the custody of detainee to Incharge Darul Aman Sukkur, such intimation is to be submitted to this Court so also Incharge Darul Aman Sukkur to intimate the receiving of detainee in safe custody and has been kept in safe custody till further orders. Accordingly an application under section 491 Cr.P.C stands disposed of.”

Mr. Mahar, Counsel for the applicant, in the view of detailed order passed by learned Additional Sessions Judge-II, Naushahro Feroze, does not press the aforesaid Cr. Misc. Application. The same is **dismissed as not pressed**. However, Mst. Shuaau would be at liberty to approach the Court through Incharge Darul Aman for her release whenever she desires. It is observed that no woman can be detained in Darul Aman against her wishes.

J U D G E

J U D G E

Abdul Basit