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

Crl Misc. Appln. No.S-162 of 2013. DATE ORDER WITH SIGNATURE OF HONBLE JUDGE OF HEARING

26.7.2013.

1. For orders on office objection as Flag 'A'.

2. For Katcha Peshi.

Mr. Sikandar Ali Junejo, advocate for applicant.

Mr. Abdul Rasheed Soomro, State Counsel along with SIP Noor Mohammad.

t talving; Notali fatal labura Mr. Ghulam Akbar Soomro, advocate files Vakalatnama on NE PERMIT behalf of respondent No.4, same is taken on record, whereas respondent No.2 has filed statement, same is also taken on record, copy il troductions die stack bibliotie Carl whereof supplied to the counsel for the applicant.

4.-1-1-1-1-1

Through instant Crl. Misc. Application, applicant prays as MissiAbl he Belstage Theorems (School to Like to and & with Size under:

- This Honourable Court may kindly be pleased to pass an a) order and direct the respondent No.2 to recover the minor detenue son of the applicant detenue Mohammad Ali @ Fahad Ali from the illegal detention of the respondent No.3 to 6 and to produce the detenue before this Hon'ble Court.
- b) That this Honourable Court may kindly be pleased to hand eyer the custody of the Minor detenue Mohammad Ali @ Fahad Ali to the applicant.

Pursuant to the notice respondent No.4 has brought the detenue Mohammad Ali @ Fahad Ali, aged about two and half years and custody of said baby has been shifted to the applicant.

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Since instant Misc. Application is with regard to the writ of prohibition and in view of case of Nadia Parveen reported in PLD 2012 SC 758, wherein it is held that in case if detenue is of tender age and applicant is his mother, writ of prohibition can be exercised. Thus, while exercising such jurisdiction custody has been handed over to the applicant who is mother of detenue and with regard to the plea of respondent No.4, he is at liberty to agitate the same by filing guardian ship application before concerned Court.

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Misc. Application stands disposed of.

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