

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Crl. Misc. Appln. No.S-144 of 2015

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE.
06.10.2015.	

For Katcha Peshi.

Mr. Shahzado Saleem, A.P.G.

-----  
Applicants Mst. Rida and Mst. Musrat Shaheen are produced by jail authorities in custody from Women Prison, Larkana.

It is the case of prosecution that on 22.7.2014 lady Noshia Jamali wife of Khan Muhammad Jamali visited clinic of Dr. Farzana Brohi. After checkup they were returning back to their village. When they were on the way, accused Ranjhan, Punhal, Wazir Ali, Abbas Ali, Nazeer, Bashir Ahmed, Mst. Rida, Mst. Musrat Shaheen and one unknown lady, all by caste Shaikh, intercepted them. Accused persons by showing T.T Pistols and by force took away Noshia Jamali in a datsun. After two days F.I.R was lodged under Sections 365-B, 149, PPC and accused Ranjhan, Abbas, Bashir, Mst. Musrat and Mst. Rida were arrested and sent up for trial.

Applicants Mst. Rida and Mst. Musrat Shaheen alongwith two kids are produced in Court by jail authorities. Mst. Musrat Shaheen contends that Mst. Rida is her daughter and they were arrested from Karachi without any justification in a false case; that they are innocent and confined in jail since one year without trial.

Case of the complainant is that above-named accused persons with their common intention abducted Mst. Noshia Jamali. It is manifest that no role of applicants is mentioned in the F.I.R. Both lady accused are resident of Karachi, hence their presence at Jacobabad District in a case of abduction of a lady is not appeal-able to a prudent mind. Moreover, there is no record that applicants are previously involved in any case. Applicants are in jail with their minor kids since

last one year. *Albeit* applicants through instant application are seeking transfer of their custody to Karachi, but learned A.P.G very candidly points out that in this case is no iota of evidence has been collected during investigation connecting the present two lady accused with the commission of alleged offence, therefore, there is no probability of their conviction and no useful purpose will be served by keeping the applicants in jail so as to suffer agony of protracted trial. Perusal of prosecution record reflects that alleged abductee is not recovered as yet and investigation is also silent with regard to her recovery or production, who was allegedly taken away by the male accused persons as well as present lady accused.

Accordingly, while exercising extraordinary powers in this exceptional case, proceedings emanating from crime No.79/2014 of Police Station City, Jacobabad, are hereby quashed. The applicants are in jail, they shall be released forthwith if not required to be detained in any other case. Superintendent, Women Prison, Larkana is hereby directed to ensure safe journey of both the applicants upto their destination by providing them proper police escort.

  
JUDGE

Qazi Tahir\*