

Order Sheet  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

Cr. Misc. A. No. S- 173 of 2019  
Cr. Misc. A. No. S- 174 of 2019

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DATE	ORDER WITH SIGNATURE OF JUDGE
05.04.2019	

For hearing of main case

Applicant present in person  
M/s. Shahid Ahmed Shaikh D.P.G. & Rameshan Oad, A.P.G.

Applicant ASI Abdul Rehman who is Investigating Officer in Crime No.09 of 2019 registered at police station Cant Pano Aqil district Sukkur under Section 395 PPC and Crime No. 33 of 2019 registered at police station Pano Aqil City District Sukkur under Section 395 PPC has filed these two Cr. Misc. Applications against the orders passed by learned Additional Sessions Judge, Hala, whereby he dismissed Cr. Revision Applications filed by him maintaining the dismissal order of learned Civil Judge and Judicial Magistrate Hala passed on application of the applicant under Section 167 Cr.P.C. seeking remand of accused namely Noman son of Maqbool Jatt and Muhammad Azmat son of Muhammad Idrees in the aforesaid crimes and offences already arrested and confined at Sub Jail Hala in Crime No. 29 of 2019 registered at police station Hala New under Section 324, 353 & 34 PPC. The applicant has filed these applications under the authority duly conveyed to him by SSP Sukkur vide letters dated 20.3.2019, which he has filed along with application. The applicant has argued that Noman and Azmat are accused in robbery case and during their interrogation made by him under the permission of Judicial Magistrate concerned they have admitted their guilt and are ready to produce the robbed articles; therefore, their physical remand is required for effecting such recovery, but both the courts below have declined the same on technical grounds.

Learned D.P.G. & A.P.G. present in court have submitted that this Honourable Court may pass any appropriate order.

I have heard the parties and perused the material available on record.

It appears that physical remand of accused Noman and Azmat in aforesaid crimes and offences was declined on the ground that they are already confined at Sub Jail Hala in a crime registered at police station PS Hala New where some other Investigating Officer of different police stations have already conducted the

investigation and therefore likewise the applicant could make interrogation from them within the premises of Sub Jail Hala. The applicant, however, has stated that he has already interrogated the accused and their physical remand is required for effecting recovery of robbed articles which they became ready to produce during the interrogation and further the recovery would boost the prosecution case. On the reasons as articulated by the applicant, I do not see any legal impediment in granting physical remand of accused Noman and Azmat to the applicant after it has been declined by the courts below on technical grounds ignoring the fact that physical remand of accused is required to effect recovery from them in the robbery cases.

Consequently, these applications are allowed. The physical remand of accused Nouman son of Maqbool and Azmat son of Idrees for four (05) days w.e.f 6.4.2019 to 10.4.2019 in Crime No. 09 of 2019 registered at police station Cant Taluka Pano Aqil and Crime No. 33 of 2019 registered at police station Pano Aqil City is granted to the applicant. The physical custody of the aforesaid accused shall be handed over to the applicant after due verification and identification. The applicant is directed to return the custody of aforesaid accused to Sub Jail Hala on or before 10.4.2019 at 5:00 p.m.

The applicant / I.O shall be responsible for life, health and safety of the accused persons named above and if any harm is caused to them he shall be held responsible and legal proceedings shall be initiated against him.

In terms of above, these Cr. Misc. Applications are disposed of.

JUDGE