

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.

Criminal Miscellaneous Application No.S- 149 of 2026

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For orders on office objection.
2. For hearing of main case.

02.04.2026.

Mr. Aslam Baig Leghari, Advocate for applicant.  
Mr. Khalid Hussain, D.P.G for State.

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The applicant Asif Ali who is the resident of Hyderabad contends that his real biological mother Milee widow of Hussain Bux has been illegally confined in Village Ghulam Qadir Taluka Ratodero District Larkana. He contends that he has filed this application under Section 491 Cr.P.C without availing the first forum before the concerned Sessions Judge in either Hyderabad or Larkana on the ground that the applicant is a resident of Hyderabad.

Heard arguments.

In the case in hand the detinue has been asserted to be allegedly present at Village Ghulam Qadir in District Larkana. There is no information available in the pleadings that the detinue is in Hyderabad. In the facts and circumstances and also case law, see 2021 YLR 2401, the proper remedy for the applicant lies not before this High Court under Section 491 Cr.P.C but in the territorial jurisdiction of the concerned Court in Larkana where apparently the detinue is allegedly confined.

In view of the above, this Criminal Miscellaneous Application is dismissed. The applicant is at liberty to approach the appropriate forum, if so desired.

JUDGE