

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

Cr.Misc.Appl.No.S- 175 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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19.04.2019.

Applicant Qasim Ali present in person.

Ms. Rameshan Oad, A.P.G. for the State alongwith ASI Abdul Razak Shahani
I/C SHO PS Ghotki.

Respondent No.4 Allah Wasayo present in person.

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This Criminal Miscellaneous Application has been filed in nature of Habeas Corpus u/s 491 Cr.P.C for recovery of alleged detainee namely Ghulam Fatima which according to the applicant is his wife and illegally detained by respondents.

Today, ASI Abdul Razak Shahani incharge SHO PS A-Section Ghotki and respondent No.4 have appeared and submitted certain documents, showing that the alleged detainee had appeared before the learned Civil Judge & Judicial Magistrate, Ghotki on 17.09.2018 and her statement u/s 164 Cr.P.C. was recorded in presence of the applicant. Her statement u/s 164 Cr.P.C. further shows that even the applicant was provided an opportunity to cross examine her but he refused and stated that he would cross examine her in trial through his advocate. Further ASI Abdul Razak has submitted documents of application u/s 22-A & B Cr.P.C filed by the applicant in the Court of Sessions Judge / Justice of Peace, Ghotki for registration of FIR against the alleged detainee for miscarriage of his child.

Be that as it may, since the alleged detainee has appeared before the Court of law and her statement u/s 164 Cr.P.C was recorded in presence of the applicant, this Criminal Miscellaneous Application in nature of Habeas Corpus is not maintainable and is accordingly dismissed. However, the applicant is left at liberty to avail his remedy in accordance with law before the proper forum.

JUDGE