

**IN HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

C.P. No.D-2268 of 2025

[Mst. Zainab and another v. Province of Sindh & others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

Petitioner : Mst. Zainab and another through
Mr. Khalid Saeed Soomro, Advocate.

Respondents : Government of Sindh and others
through Mr. Muhammad Ismail
Bhutto, Additional Advocate General,
Sindh along with DSP Shakeel Baig,
Central Prison Hyderabad and ASP
Bhewani Shankar on behalf of SSP
Central Prison, Mirpurkhas.

Date of Hearing : 10.03.2026

Date of Decision : 10.03.2026

ORDER

RIAZAT ALI SAHAR. J., - Through this petition, the petitioner is seeking following reliefs:-

- a) *Direct the respondents to return/shift the son and son-in-law of the petitioner No:01 and husband and brother of Petitioner No: 02 to the Central Prison, Hyderabad as already ordered by this Hon'ble Court dated 6. 4. 2022 and so also by the learned Trial Court and not on their own choice, wish and will.*
- b) *The further respondents No.1 to 3 may be directed to conduct probe inquiry into the matter and take stern legal action against the defaulters in accordance with the Jail rules with further directions to the respondents No.4 and 5 to act strictly in accordance with the law and thereby*
- c) *Any other relief(s) which this Honorable Court deems fit, just and proper in favor of the petitioner.*

2. The background of the instant petition is that the petitioners being mother and daughter, challenge the transfer of their son, son-in-law, husband and brother, namely Amjad Bhand and

Khadim Hussain, who were convicted and sentenced to life imprisonment by the learned Additional Sessions Judge-I/MCTC, Dadu, and were initially confined in Central Prison Hyderabad. It is alleged that during confinement, the convicts were subjected to unlawful demands, extortion and ill-treatment by prison authorities. Upon raising complaints, they were allegedly tortured and subsequently transferred to Central Prison, Mirpurkhas without lawful justification or prior permission of the trial court or this Court. Although earlier repatriated to Hyderabad pursuant to orders of this Court, they were again transferred on similar grounds. The petitioners contend that such transfer is illegal, *mala fide*, and in violation of settled legal procedure and fundamental rights.

3. Respondent No.5 filed comments and stated that both convicts were lawfully transferred to Central Prison Mirpurkhas on administrative grounds by the competent authority due to overcrowding and later under orders of higher prison authorities. All allegations of torture, harassment and extortion are categorically denied as false and fabricated. It is further stated that the respondent has no authority to transfer prisoners, as such powers vest with higher authorities under the relevant prison rules.

4. Learned counsel for the petitioners contends that the impugned transfer is arbitrary, *mala fide* and carried out without lawful authority or permission of the trial court or this Court. He contends that the transfer was a consequence of non-payment of illegal demands and amounts to victimization and abuse of power and such act is stated to be in violation of constitutional safeguards and principles of natural justice.

5. Learned A.A.G. Sindh contends that the transfer of convicts was effected by the competent authority on administrative grounds in accordance with law. He contends that no illegality or *mala fide* can be attributed to the prison administration. The allegations of misconduct are denied and termed as baseless.

6. From the material available on record, it transpires that both convicts, namely Amjad Bhand and Khadim Hussain, stand duly convicted by a competent court of law and their criminal jail appeals are

presently pending adjudication before this Court. In such circumstances, their physical custody is not immediately required, as their presence can be secured as and when necessary and they shall be produced before the Court whenever so directed. The grievance of the petitioners primarily pertains to administrative transfer and alleged prison conditions, which fall within the domain of prison authorities. No cogent material has been placed on record to substantiate *mala fide* or illegality in the impugned transfer. Moreover, the transfer appears to have been effected by the competent authority on administrative grounds. In these circumstances, constitutional interference is not warranted. However, the petitioners are at liberty to approach the concerned forum for redressal of their grievances regarding access or welfare, , which shall be considered strictly in accordance with law.

7. The petition stands **disposed of** in the above terms.

JUDGE

JUDGE

Abdullahchanna/PS