

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

CP No. D- 487 of 2016

DATED **ORDER WITH SIGNATURE OF JUDGE**

21.08.2017

1. For orders on office objection
2. For katcha peshi
3. For orders on MA 17099/2016
4. For orders on MA 5816 /2017

Mr. Aslam Pervez Khan, advocate for petitioner

Mr. Ayaz Hussain Tunio, advocate for respondent Nos. 8 and 9.

Mr. Allah Bachayo Soomro, Addl.A.G.

J.I.T report submitted by learned A.A.G. is taken on record. The report shows that yet the members of J.I.T. have failed to get any clue of the missing person. Learned counsel for the petitioner has emphasised over paragraph-11 which is as under:-

After detailed discussion, J.I.T (Joint Investigation Team) has come into the conclusion / opinion that the case of above named missing person falls under one of the following category of :

- | | | |
|------|------------------------------------|-----|
| i. | Kidnapping for ransom | No. |
| ii. | Kidnapping due to personal enmity | No. |
| iii. | Missing person has gone on his own | Yes |
| iv. | A case of enforced disappearance. | |

Since the opinion of J.I.T is that `missing person has gone on his own` whereas the petitioner claims that some of the officials have forcibly taken away and this is a case of forcible disappearance. Normally, one would not a report of *missing* even nor would complain against the police officials unless there is substance or *least* belief. Since, it is *domain* of the police to *investigate/ inquire into* any such complaint. The work of the police even on a matter of *missing-report* never comes to an end only by making such entry but continues unless objective whereof, as insisted by Rule 22.79 of Police Rules, 1934, is achieved / satisfied. Every opinion of an *investigation Team* must always base on some

cogent reasons and mere conclusion that ‘**missing persons went their own**’ prima facie would not equate with reasons. In absence of reasons, a conclusion shall never hold the field. Be as it may, by order dated 8.2.2017, direction was issued for lodgement of FIR but yet the same is not complied with. Accordingly SHO PS Hatri who is present in person is directed to lodge the FIR during course of the day. In case of failure contempt proceedings shall be initiated against them. With regard to plea of JIT that the missing person has gone on his own as well claim of the petitioner that this is a case of forcible disappearance. I.G. (Police) Sindh, shall submit report that what mechanism is provided with regard to missing persons, in case if someone is missing and his nearer and dearer intend to get his knowledge / whereabouts to whom they shall approach and whether there is any website or any office/Counter centralized in whole province, having details and list of those missing person or missing bodies found by the police. Such complete break up of two years shall be filed. I.G. (Police) shall also submit report that such mechanism is available or not. SSP Hyderabad, who is heading J.I.T, shall appear in person and submit explanation as apparently report is not satisfactory to a prudent mind. SSP shall also submit complete details with regard to Cell number of missing person provided by the petitioner and ant proceeding under jeo fencing as well their efforts in detail because efforts taken by them are not attached with J.I.T report.

JUDGE

JUDGE