

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

C.P No.S-2680 of 2017

Date	Order with signature of Judge
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For hearing of main case.

09.01.2018

Syed Jamil Ahmed Shah, Advocate for petitioner.
Mr. Akhtar Ali Jamari, Advocate for respondents No.5, 6 & 9 to 11.
SIP Ali Asghar, SHO P.S Makli District Thatta.

Mr. Akhtar Ali Jamari, Advocate files power on behalf of Respondents No.5, 6 and 9 to 11, which is taken on record. SIP Ali Asghar, SHO Makli, District Thatta filed reports which are also taken on record.

The petitioner present in person alongwith her parents and husband. The record shows that on the orders of District and Sessions Judge under Section 22-A Cr.P.C, FIR was lodged by the husband for recovery of the petitioner from illegal custody of respondent No.5 to 10. The petitioner was recovered from the accused persons, who were facing trial before the Sessions Judge Thatta in FIR No.71/2017 of P.S Makli. The petitioner states that SHO, P.S Makli was mixed-up with the accused party in whose custody she has been without any legal basis and against her will. However, since police was mixed-up with the accused, therefore, instead of recovering her, the prosecution preferred to declare that she has appeared before the Magistrate at her own and she has made statement under Section 164 Cr.P.C to the effect that she was not kidnaped. Be that as it may, whether the statement recorded under Section 164 Cr.P.C was under duress or not it is to be seen by the learned District and Sessions Judge and if after hearing the parties

and recording of evidence and on available material it comes to the notice of the learned District and Sessions Judge that the statement under Section 164 Cr.P.C was not volunteer statement, he should pass appropriate orders and ensure that if any mischief has been done by the prosecution before submission of challan, cognizance should be taken.

SHO, Makli present in Court is bound down that if any harm is done to the petitioner, her parents and husband, the SHO shall be personally responsible because prima-facie the presence of the persons as respondents from whose custody she has been taken to the Magistrate for recording statement under Section 164 Cr.P.C have yet to be justified that even if she was not kidnaped in what circumstances a legally wedded wife of complainant of FIR No.71/2017 was in their house.

With these observations, the petition stands disposed of.

JUDGE