

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Miscellaneous Application No. S-518 of 2012

1. For orders on office objection
2. For katcha Peshi

07.09.2012

Mr. Rasool Bakhsh I.Siyal Advocate for the applicant.
Mr. Muntazir Mehdi A.P.G. for the State.

Mr. Muhammad Ali Napar Advocate has filed powers on behalf of private respondents No. 1 to 4 as well as on behalf of detinue No.1, Mst. Zulfat W/O Arbelo Chachar. The powers are taken on record. Private respondents No.1 to 4 are the real father, real mother, real brother and real maternal uncle of the applicant. Vide order dated 04.09.2012 passed by me, the S.S.P. Larkana (respondent No.10) was specifically directed to take all necessary steps for immediate recovery of all the three detenues, namely, Mst. Zulfat and her two minor daughters, baby Seema (aged about two years) and baby Sumaira (aged about two months) and to produce all of them before this Court on 07.09.2012. In case of recovery of the detenues, the said SSP / respondent No.10 was further directed to submit a detailed report on 07.9.2012 before this Court containing all relevant details about the particulars of person(s) from whom the above named detenues are recovered and the place from where they are recovered. Respondent No. 10 has not complied with the said order dated 04.9.2012 as he has not submitted any report nor he is present to give explanation for not filing the report. Let a short cause notice be issued to Respondent No. 10 SSP Larkana to explain as to why action should not be taken against him for not complying with the order passed by this Court and to appear in person before this Court on the next date of hearing alongwith a written explanation.

Today the applicant and her sister Mst. Zulfat (detinue No.1) have appeared and Mst. Zulfat has also brought one of her minor

daughters baby Sumaira. Respondents No. 2, 3 and 4, who are the real father, real mother and real brother of the applicant and detenue No.1 are also present in court. Since the SIP Budhoo Khan Kolachi, SHO P.S. Adilpur, District Ghotki (respondent No.6) is also present in court, with the consent of all the learned counsel and the parties, he was directed by me to record the statements of the applicant, her real mother (respondent No.4) and Mst. Zulfat (detenue No.1). After recording such statements, the said SHO has produced the same before this Court, copies whereof have been received by all the learned counsel present today. In her statement, the applicant has confirmed that her brohter-in-law Arbelo (husband of Mst. Zulfat / detenue No.1) brought her today before this Court after issuing threats ; that Arbelo and his companions have made her life insecure ; that Arbelo has threatened her that in case she does not join him, he will murder her father and brothers ; that Arbelo compelled her to file this petition ; that Arbelo has committed Zina-bil-Jabr with her ; that she does not want to go to Arbelo ; that she wants to go to her parents ; and that her custody may be handed over to her father, mother and brother and justice may be provided to her.

Detenue No.1 Mst. Zulfat has confirmed in her statement that her husband Arbelo developed illicit terms forcibly with her sister (the applicant) and committed Zina-bil-Jabr with her ; that her sister / the applicant has been detained by Arbelo in his house and Arbelo has thrown her (Mst. Zulfat) out of his house ; that Arbelo has threatened to kill her (Mst. Zulfat) by declaring her kari ; that Arbelo has detained her (Mst. Zulfat's) minor daughter Seema (aged about two years) ; and that protection may be provided to her.

Mst. Sadori (respondent No.4), who is the real mother of the applicant and Mst. Zulfat, has also confirmed in her statement that the applicant was detained by Arbelo by using force ; that Arbelo has committed Zina-bil-Jabr with the applicant ; that Arbelo is issuing threats of dire consequences ; that Arbelo has threatened her that in case any complaint is made against him, he will kill his wife Mst. Zulfat by declaring her kari and will never hand over the applicant to her parents.

The applicant, Mst. Zulfat (detenue No.1) and their mother Mst. Sadori (respondent No.4) have reiterated their above statements before me also. The statements given and recorded by the applicant, her real sister and their real mother are very disturbing and the same are prima facie sufficient to establish an offence of Zina-bil-Jabr committed by Arbelo S/O Ghulam Muhammad. The SHO P.S. Adilpur, District Ghokti (respondent No.1) present in Court is directed to register FIR today against the said Arbelo S/O Ghulam Muhammad and to take action against him in accordance with law. The statements recorded by him in Court today shall be treated as statements recorded under Section 154 Cr. P. C., however, he shall be at liberty to record further statements in this behalf. The said SHO is further directed to conduct a raid on the house of the said Arbelo S/O Ghulam Muhammad immediately in order to recover the minor, baby Seema (detenue No. 2). If the said minor detenue is recovered from the house of Arbelo, the minor shall be immediately handed over to her mother Mst. Zulfat and FIR in this behalf shall also be registered against the said Arbelo.

The statements recorded today in court have revealed that the applicant has voluntarily decided to go to her parents and Mst. Zulfat (detenue No.1) has been thrown out by her husband Arbelo from his house. It is, therefore, ordered that the applicant and Mst. Zulfat shall stay at their parents' house till further orders. The SHO P.S.Tamachani, District Sukkur (respondent No.5), is directed to provide full and proper protection to the applicant Mst. Sikander and all the three detenues namely Mst. Zulfat, baby Seema, and baby Sumaira, and to ensure that no harm and / or harassment is caused to any of them or to any of their family members. ASI Imtiaz, who is present in court on behalf of the said SHO (respondent No.5) undertakes to communicate this order to the said SHO.

To come up on 20.09.2012 for compliance. Budho Khan, SHO P.S. Adilpur, is directed to be present in court on the next date of hearing alongwith compliance report and copy of FIR registered against Arbelo S/O Ghulam Muhammad.

JUDGE