

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-2787 / 2022

Date Order with signature of Judge

HEARING.

- 1) For orders on CMA No. 15705/2022.
- 2) For orders on office objection.
- 3) For hearing of main case.

06.06.2022.

Mr. Altaf Hussain Khoso, Advocate a/w Petitioner.
Mr. Khaleeq Ahmed, Deputy Attorney General.
Mr. Salman Talibuddin, Advocate General Sindh.
Mr. Ali Haider Saleem, Additional Prosecutor General.
Mr. Sandeep Malani, Assistant Advocate General.
Ms. Ushcho Marzia Begum, State Counsel.
DIG Karim Khan DIG CIA.
SSP Zubair SSP AVCC.
DSP Mehdi, DSP West II.
DSP Raza Mian DSP West.
I/O ASP Shoukat Ali Shahani.
Inspector Hina (SHO)
Minor / Abductee Dua E Zahra Kazmi produced in custody.

- 1) Granted.

Matter has been taken up on permission at the request of learned Advocate General Sindh; though it is already fixed on 10.6.2022 as date by Court. It appears that in this Petition various orders have been passed on many dates including order dated 03.06.2022, whereby, time and again directions have been given to the Respondents to produce the alleged minor / abductee namely *Dua E Zahra Kazmi*. Today, she has been produced in Court and her statement has been recorded on oath in the following terms:-

“My age is about 17/18 years. I was not abducted by any person. Syed Mehdi Ali Kazmi is my father who has lodged FIR in Crime No. 159/2002. My father has lodged false FIR as I am being aged about 17/18 years. Sindh Police has recovered me from Chishtian. Now I intend to go with my husband Zaheer Ahmed.”

Learned Advocate General submits that insofar as the Government of Sindh is concerned, since the marriage was solemnized outside the Province, no FIR has been registered under The Sindh Child Marriages Restraint Act, 2013, whereas, an FIR has been registered on

the complaint of the Petitioner bearing No. 159/2022 under Section 364-A PPC and under Section 3(1) of the Prevention of Trafficking in Persons Act, 2018. However, in view of the facts and circumstances of the case and the statement of the alleged abductee, even to that extent no case is apparently made out. He further submits that the abductee has been produced with the cooperation of Punjab Police, whereas, Writ Petition No. 30275/2022 (Noor Munir etc. V. I.G. Police etc.) filed before the Lahore High Court is pending and in compliance of the Court's order the abductee Dua Zehra is to be produced before the said Court on 10.06.2022.

On the other hand, Petitioner's Counsel present along with the Petitioner submits that the Petitioner was born on 27.04.2008 and she is an underage girl; hence, an offence under Section 364A PPC is made out, and in support he has referred to her Birth Registration Certificate and the copy of Passport available on record.

From perusal of the record and the statement of the alleged abductee recorded on oath today before us, prima facie it appears that insofar as her alleged abduction by Respondent No.6 (Zaheer Ahmed) is concerned, to that effect no case is made out. However, as an abundant precaution we are of the view that before any final order could be passed as to the custody of Dua E Zahra Kazmi, let her Ossification Test / Medical Examination is conducted to determine her age. Therefore, the Investigating Officer of the FIR i.e. ASP Shoukat Ali Shahani present in Court is directed to immediately arrange such test / medical examination. Till then, the alleged abductee Dua E Zahra Kazmi shall be sent to Panah Shelter Home today, with directions to produce her on the next date. Let such exercise be carried out within two days' time and the matter be re-listed in Court on **08.06.2022** at **11:30** A:M. Office to issue Copy to all concerned.

J U D G E

J U D G E

Arshad/

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. NO. D-2787 / 2022

NAME : DUA E ZAHRA KAZMI
FATHER'S NAME : SYED MEHDI ALI KAZMI
CASTE : SHIA
RELIGION : ISLAM
ADDRESS : PRESENTLY RESIDING IN CHISHTIAN
PUNJAB

To Court:-

My age is about 17/18 years. I was not abducted by any person. Syed Mehdi Ali Kazmi is my father who has lodged FIR in Crime No. 159/2002. My father has lodged false FIR as I am being aged about 17/18 years. Sindh Police has recovered me from Chishtian. Now I intend to go with my husband Zaheer Ahmed.

R O & A C

Dated **06.06.2022.**

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