

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Misc. Application No. D - 565 of 2018

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

(Letter issued to IGP Sindh Karachi)

(Show Cause Notice issued to Shabbir Sethar SSP Larkana)

29.06.2018

Ms. Farzana Bhatti, Advocate for the applicant.

Mr. Abdul Rehman Kolachi, Deputy Prosecutor General for the State along with Ghulam Shabbir Sethar (*SSP Larkana*), Inspector Noor Din (*Incharge CIA Khairpur*), SIP Noor Ahmed Laghari (*SHO Police Station 'B' Section Khairpur*), Inspector Muhammad Ameen (*IO Police Station 'A' Section Khairpur*), Abdul Rahim Phulpoto (*Mashir of the case*), Muneer Ahmed Phulpoto (*Mashir of the case*), Faiz Muhammad Phulpoto (*Complainant*), Babar Ali (*Abductee*) and Naseer Ahmed Sahito (*Detainee / Arrested Accused*).

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Through instant petition, the petitioner sought *production of detainee* Naseer Ahmed on the plea that police officers have detained her son and demanding illegal gratification. It is pleaded that before this petition, the petitioner approached District & Sessions Judge Khairpur under *Section 491, Cr.P.C.* Raid was conducted at various police stations, but *detention* was not found and such *application* was *disposed of*.

After issuance of notices by this Court, respondents caused appearance and contended that *detainee* is not in their *custody*, however, *SSP Khairpur* was directed to produce the *detainee*. On 28.06.2018, police officials filed comments appended with *FIR No.157/2018 of Police Station 'A' Section* under *Section 365-B, PPC*, lodged by one *private person*, wherein date of offence was shown as 9th June 2018 at 07:00 a.m. as well they shown arrest of *detainee* on 22nd June 2018.

Abductee was also present and contended that on 09.06.2018, he was *abducted* by two persons and he was *confined* at some unknown place where he was *recovered* in a *police raid*. Petitioner filed a petition before District & Sessions Judge Khairpur as well she *rushed* here. Whereas, *abductee's* contention is that he was *abducted* on 09.06.2018 and he was

recovered on the same date, but record shows that no FIR was *lodged* from 9th June 2018 to 18th June 2018. Police Investigation Officer, present, contends that as per his investigation, this is a *doubtful case* and arrested accused is *innocent*, hence, this case is required to be *disposed of in false class*.

Accordingly, I.O. will submit such report to the Civil Judge / Judicial Magistrate *concerned* for its *disposal*. Since it has come on record that the *instant* FIR is *false*, hence, proceedings of FIR No.157/2018 of Police Station 'A' Section under Section 365-B, PPC, are *quashed*. Detainee Naseer Ahmed is *released* in the Court. Jail Authorities shall make such *entry* in their record.

The Cr. Misc. Application is **disposed** of in the above terms.

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Abdul Basit