

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No. S-635 of 2022

[Allah Wasayo versus Province of Sindh & Ors]

Date of hearing & Order

17.10.2022

Mrs. Razia Ali Zaman Khan, advocate for petitioner

Mr. Mir Muhammad, advocate for private respondents

DSP Muhammad Qasim SDPO Satellite Town Mirpurkhas
is present.

ORDER

ADNAN-UL-KARIM MEMON, J - . Through this petition, the petitioner seeks directions against the official respondents to recover and produce the alleged detainee Moula Bux before this Court

2. Learned counsel for the petitioner alleged that the detainee is illegally confined by the private respondents.

3. However, learned counsel for private respondents denied the allegation and submits that before this, petitioner has also moved an application before learned Additional Session Judge-I, Mirpurkhas, whereby he alleged that private respondents have illegally confined Moula Bux, Sabhagi W/o Moula Bux, and Sher Bano w/o Khanchand. Learned counsel submits that Sabhagi, who is the wife of present alleged detainee Moula Bux, and Sher Bano appeared before the learned lower Court and recorded their statements that they are living happily according to their own free will and no one has confined them.

4. I have heard learned counsel for the parties and perused the material available on record. It appears that before putting of the present petition, the petitioner also filed an application before learned lower Court wherein he leveled the same allegations against private respondents, whereby two of the alleged detainees appeared, and Sabhagi who is the wife of the present alleged detainee, denied the allegations of wrongful confinement and stated that she and her husband (present alleged detainee) were living happily and no one had confined them illegally and she had also executed such bond before learned lower Court and the application was disposed of accordingly vide order dated 03.06.22022.

5. In view of the above position since the wife of present detainee Moula Bux had already executed the bond before the lower court that she and her husband Moula Bux (alleged detainee) had been living happily and no one had

confined them, therefore, the question of illegal confinement at this stage does not arise. Accordingly, the instant petition being not maintainable is dismissed leaving the petitioner to avail his remedy in accordance with law.

JUDGE

Sajjad Ali Jessar