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ORDER SHEET  
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA  
Crl. Misc. Application No. D- 15 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Katcha Peshi.

30.4.2014

Mr. Muhammad Afzal Jagirani, advocate for applicant along with applicant.

Mr. Imtiaz Ali Jalbani, APG.

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Through instant Criminal Misc. Application filed under section 561-A, Cr.P.C applicant Mst. Sakina Mai wife of Haji Ahmed has called in question order dated 14.4.2014 passed by learned IV-Additional Sessions Judge, Larkana in Misc. Application No.17/2014 whereby learned Additional Sessions Judge, after recording statement of Mst. Naziran, in which she has categorically stated that she wants to go with her mother, in spite of that following order was passed:-

“Mst. Naziran has been produced in custody from Darul Aman Larkana through PC-109 Asma Pathan. Her statement has been recorded on Oath.

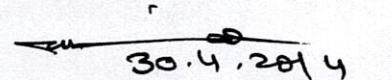
Since Constitution Petition No.1112/2014 is pending before the Honourable High Court of Sindh, Bench at Sukkur and is fixed tomorrow, therefore, Mst.Naziran be sent to Darul Aman Larkana till disposal of constitution petition. Put off to 16.4.2014”.

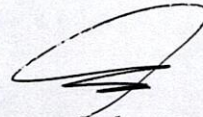
Thereafter, applicant Mst. Sakina has approached this Court. Today Mst.Naziran is produced by Darul Aman Authority, Larkana. Mst. Naziran categorically stated before this Court that she wants to go with her mother, who is present in Court and further states that there is no threat to her life. She further states that she would pass happy life with her mother. She is *sui juris* and knows pros and cons of her life. No one can be detained in Darul Aman for the indefinite period against the wishes. Under Article 9 and 15 of the Constitution, no citizen can be deprived of liberty and no restriction can be imposed on the freedom of the citizen. Order of learned Additional Sessions Judge dated 14.04.2014 is not sustainable in law, it is abuse of the process of Court, therefore, the same is set aside. Mst. Naziran would be at liberty to join her mother and go wherever she likes. SSP Larkana would provide safe passage and protection to the petitioner and her daughter Mst. Naziran till their destination.

Before parting with the order, it is observed that learned IV-Additional Sessions Judge, Larkana recorded statement of Mst. Naziran in Misc. Application No.17/2014 on

14.4.2014 , wherein she intended to go with her mother from Darul Aman but again she was sent back to Darul Aman till decision of the constitution petition pending before this Court. It appears that learned Additional Sessions Judge, without applying his judicial mind again sent Mst. Naziran to Darul Aman, which is contrary to law. Resultantly, liberty of Mst.Naziran guaranteed in the constitution was curtailed. Let copy of the order be sent to IV-Additional Sessions Judge, Larkana through learned Sessions Judge, Larkana with directions to be careful in future.

Ctrl. Misc. application stands disposed of accordingly.

  
30.4.2014  
Judge

  
Judge

Abid Kazi/\*\*