

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI
CP.No.D-5025 of 2019

Date: Order with signature(s) of the Judge(s)

Presented:

*Mr. Justice Salahuddin Panhwar,
Mr. Justice Adnan-ul-Karim Memon*

For hearing of main case.

14th November 2024

None present for the petitioner.

Mr. Irshad Ahmed Shaikh, AAG.

Pir Riaz Muhammad Shah, Assistant Attorney General.

Mr. Habib Ahmed, Special Prosecutor Pakistan Rangers.

Mr. Ali Asghar Mahar, Focal Person, Home Department, Government of Sindh.

Mr. Ali Hyder Saleem, APG alongwith SSP Saeed Rind, Investigation Malir.

Salahuddin Panhwar, J:- At the outset, it would be pertinent to mention here that in number of cases it is claimed by the petitioners that the missing persons have been picked up by the police/ agencies, where opinion of J.I.T is that `missing person has gone on his own`. Normally, one would not report regarding *missing* even nor would complain against the police officials/ agencies unless there is substance or *least* belief. In any event, it is *domain* of the police to *investigate/ inquire into* any such complaint. Further, there are also series of cases in which unidentified dead bodies have been found on different places. Such like issue was addressed in the case reported as ABDUL GHANI VS. 1ST JUDICIAL MAGISTRATE TANDO ADAM and 3 others [2018 PCr.L.J. 1455] authored by one of us (Salahuddin Panhwar, J.) wherein it was observed as under:

“Now, will take the second purpose of necessity of identification of an 'unknown dead body', for which would make a direct referral to Rule 22.79 of Police Rules, 1934, being relevant, is made hereunder:-

22.79. Order regarding notices: (1) When it is considered necessary to record of communicate to other police stations information regarding unidentified corpses, missing persons, unclaimed, lost or stolen cattle or other property, notices in the forms given below shall be prepared by the carbon copying process and dispatched to the Central Intelligence Agency at headquarters and to such police stations as the officer in charge of the police station thinks fit, care being taken that only property easy of identification is included:-

a) Unidentified corpses. Form 22.79 (1)(a).

b) Missing persons. Form 22.79 (1)(b).

c) Unclaimed property, including cattle. Form 22.79(1)(c).

d) Property lost or stolen including cattle. Form 22-79 (1)(d).

(2) if the matter is urgent the necessary copies shall be made and dispatched direct from the police station, otherwise notices shall be submitted to the Central Intelligence Agency at headquarters where the required number of copies shall be made by means of duplicating process act dispatched without delay to such police stations or posts as the submitting officer may recommend, and also in exceptional cases where such a course is likely to prove effective, to the office of the Assistant Inspector-General, Crime and Criminal Tribes, for publication in the Criminal intelligence Gazette. In addition, in all important cases the information should be communicated to the chaukidars visiting the station with a view police to its circulation throughout the jurisdiction of the police station.

(3) Office copies of the notices referred to shall be kept and these, as well as the notices received from other police stations, shall, respectively, be given an annual serial number under each class separately and filed for seven years in two bundles, one containing notices of the home police station and the other those received from other police stations.

(4) Notices shall be compared with a view to tracing missing persons, owners of unclaimed property, establishing identity of unidentified corpses, etc., and results noted in the column remarks.

(5) In the case of similar notices received from other districts or provinces, Superintendents shall exercise their discretion as to the police stations to which they should be circulated and the necessary number of copies shall be made in their own offices if duplicate copies are not received from the forwarding district.

A bare reading of the above rule make it quite clear that 'police station' has to maintain a proper record of 'unknown dead-body, missing person, unclaimed proper, etc' which also requires to be given due publicity by way of 'notices (in prescribed forms) to 'head-quarter' or other police stations, even of other province with no other view but to establish identity thereof because it shall only be the identity of such detailed things which shall turn the status of 'unknown; missing; unclaimed etc' into 'known; found; titled etc' thereby the person likely to suffer/prejudice in any way, could be satisfied. The ordinary meaning of 'notice', per Merrriam-Webster, is:

"information that tells you or warns you about something that is going to happen" and

"attention that people give to someone or something"

Thus, if a fact, intended to be brought into notice of public, remains to a register only then it shall never serve the object and purpose whereof therefore, the Police must avail the available modern devices hence the photo-graphs of 'unknown dead body' as well 'missing person' register should not only be maintained in the manner as prescribed but 'must' also be displayed at police station as well on a 'web-site' specifically designed for such purpose i.e 'identity of unknown dead body and locating a missing person'.

2. In the above referred case Rule 22.79 of Police Rules 1934 relating to the issue of missing persons and unidentified bodies is discussed which is reproduced herewith:-

"22.79. Order regarding notices: (1) When it is considered necessary to record of communicate to other police stations

information regarding unidentified corpses, missing persons, unclaimed, lost or stolen cattle or other property, notices in the forms given below shall be prepared by the carbon copying process and dispatched to the Central Intelligence Agency at headquarters and to such police stations as the officer in charge of the police station thinks fit, care being taken that only property easy of identification is included:-

- a) Unidentified corpses. Form 22.79 (1)(a).
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- c) Unclaimed property, including cattle. Form 22.79(1)(c).
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(5) In the case of similar notices received from other districts or provinces, Superintendents shall exercise their discretion as to the police stations to which they should be circulated and the necessary number of copies shall be made in their own offices if duplicate copies are not received from the forwarding district."

3. Accordingly, Home Secretary Sindh as well as I.G.P Sindh shall ensure compliance of earlier judgment by updating the record of missing /unidentified dead bodies on every police station on digital mode and such record shall also be centralized at police headquarter enabling the police officials and citizens to easily verify their nearer and dearer, who are still missing since years.

4. Admittedly, there is an FIR No. 508/2019, registered at Police Station Shah Latif Town, Karachi in which investigation is underway. Investigating Officer shall submit report under Section 173 Cr. P.C. before the concerned Magistrate in view of Nasrullah case (PLD 2016 Sindh 238), the learned Magistrate shall

supervise the investigation and shall ensure recovery of the abductee/missing person. The case shall be listed by the learned Magistrate on fortnightly basis.

The instant petition is disposed of in above terms.

JUDGE

JUDGE

SAJID