

ORDER SHEET  
IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD  
**Cr. Misc. Appl. No. S- 522 of 2015**

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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08.02.2016

1. For Orders on Office Objection
2. For Hearing

Mian Taj Muhammad Keerio, Advocate for applicant  
Mr. Shahzado Saleem Nahiyoon, A.P.G.

This Criminal Miscellaneous Application was filed by the applicant for recovery of her minor children. In terms of order dated 8.1.2016, when all the minors were produced before this court, due to tender age of baby Sana and baby Fatima their custody was handed over to the applicant. However, it was noted by this Court that minor Murtaza aged about six years had love and affection with his grandmother; hence, he was allowed to live with his grandmother. It was also observed in the same order that the parties should approach the Guardian and Wards Court for permanent custody of the minors. Now the factual position is that two minors i.e. baby Sana and baby Fatima are residing with the applicant and minor Murtaza is living with his grandmother. Learned counsel has informed that so far he has not filed any application under Guardian and Wards Act for seeking permanent custody of the minors. The fact, that minor Murtaza was produced before this court by his grandmother and was found having affection with her shows that he is not in illegal custody to attract the provisions of Section 491 Cr.P.C.

Learned APG also submits that in such circumstances, the applicant should approach the Guardian and Wards Court for her grievance.

In view of above position, the instant application is disposed of. The applicant may however approach the proper Court for permanent custody of minors.

JUDGE

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