

(5)

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Const. Petition No-S- 744 of 2016

Date of hearing _____ Order with Signature of Hon'ble Judge

1. For orders on office objection 'A'
2. For Katcha Peshi _____


27.02.2017

Mr. Rafique Ahmed K.Abro, Advocate for the petitioner.
Mrs. Kalpana Devi, Assistant A.G.

By means of this application, the petitioner has prayed for following relief:-

- a) That, this Honourable Court may graciously be pleased to direct respondent No.13 to take departmental legal action against respondents No.1 to 8 as they have taken the law into their hands and have acted in excess of their authority and to submit such report before this Honourable Court.
- b) To direct respondents No.1 to 8 not to cause harassment, not to issue threats of dire consequences and of not implicating petitioner party in series of false cases at the behest of respondents No.9 to 11 and further be pleased to direct respondents No.1 to 11 to appear before this Honourable Court and to file undertakings that they will not cause any loss to the lives and property of the petitioner party and they will not manage FIRs against the petitioner party based upon false scores.
- c) To direct incharge of police station A-Section Thul to hear the petitioner and to proceed further in accordance with law.

In consequence of notices, the respondents have filed comments denying all the contentions mentioned in the petition. By order dated 11.07.2016, DIG Police, Larkana Range Larkana was directed to entrust the inquiry to SSP Larkana and submit such report within 30 days. In compliance of order of this Court, the SSP Larkana has conducted inquiry and furnished such report which is available in the file. The concluding Para No.(ii) at page No.5 of the report is in the following words:-

 "ii) That, on 20.05.2016, petitioner was detained at PS Lakhi Gate, Shikarpur u/s 54 Cr.P.C vide entry No.08 @ 0900 hours under memo of arrest. On filing of Criminal Misc. Application No.41/2016 u/s 491 Cr.P.C regarding wrongful detention of petitioner before the Hon'ble Sessions

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Judge, Shikarpur the Hon'ble Sessions Judge, Shikarpur, appointed raid commissioner who raided at PS Lakhi Gate Shikarpur and directed SHO PS Lakhi Gate for the production of petitioner before the Hon'ble Sessions Judge, Shikarpur. On 21.05.2016, the Hon'ble Sessions Judge, Shikarpur issued orders in the Crl. Misc. Application "the petitioner, arrested as suspected be released on P.R Bond, application stands disposed of being in fructuous". However, the allegations that SHO PS Lakhi Gate SIP Tahir Muhammad Qadri had taken away two goats, two buffaloes, gold ornaments and cash of Rs.50,000/- from the house of petitioner could not be proved during course of enquiry".

Per inquiry report, the alleged detainee was secured upon raid conducted through the Commissioner appointed by the learned Sessions Judge concerned who was freed upon his directions but no action whatsoever was taken by the Sessions Judge against the delinquent officer. Therefore, petitioner was constrained to file instant petition. Per report, the allegation regarding taking away of the goats, buffaloes and other valuables is concerned, same were not proved during inquiry. Mr. Abro states that he is satisfied with the conclusion however, insists that appropriate directions may be given to the petitioner to have appropriate relief from the concerned forum, if so desired. Order accordingly.

Constitution Petition stands disposed of.


Judge

Abul H Qazi/**