

ORDER SHEET

**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

Cr. Misc. Application No.S-333 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For orders on application for urgent hearing
2.	For orders on office objection(s)
3.	For orders on exemption application
4.	For hearing of main case
<u>15.06.2026</u>	

Mr. Meer Mustafa, advocate for applicant

1. Urgency is granted.

2to4. Office has raised objection regarding maintainability of the instant Criminal Miscellaneous Application before this Court on the ground that the applicant is resident of District Tharparkar and the alleged detainees are also stated to be wrongfully confined by private respondents within District Tharparkar, which falls within the territorial jurisdiction of Circuit Court, Mirpurkhas.

Learned counsel for the applicant contends that the applicant is presently residing at Hyderabad; however, from the memo of application itself it appears that the applicant is shown to be resident of Village Bhadar, Taluka Dahli, District Tharparkar, whereas private respondents No.6 to 11 are also shown to be residents of Village Kunro Gujjo, Taluka Dahli, District Tharparkar. The alleged wrongful confinement of the detainees is also shown to be at the hands of said private respondents within District Tharparkar. Merely stating that the applicant is presently residing at Hyderabad would not confer territorial jurisdiction upon this Court when the parties, cause of action and alleged place of confinement substantially pertain to District Tharparkar.

It is settled that the scope of Section 491 Cr.P.C. is confined to recovery/production of a person from alleged illegal or improper detention and such jurisdiction is to be exercised with reference to the place where the detenue is alleged to be so detained. Since the alleged confinement is shown within District Tharparkar and matters arising from District Tharparkar fall within the territorial jurisdiction of Circuit Court, Mirpurkhas, the instant application is not maintainable before this Court for want of territorial jurisdiction. Office objection is, therefore, sustained.

The applicant is at liberty to present the application before the Court having proper territorial jurisdiction, if so advised. Office is directed to return the

memo of application along with annexures to learned counsel for the applicant after retaining photocopies thereof for record.

JUDGE

Sajjad Ali Jessar