

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

C.P. No.S-586 of 2014.

DATE	ORDER WITH SIGNATURE OF JUDGE
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06.08.2014.

Mr. Muhammad Ali Rind, Advocate along with petitioners.

Mr. Ashfaque Ahmed Qazi, Asstt. A.G. a/w SIP Hussain Bux, P.S. Tando Ghulam Ali and ASI Ghulam Ali of P.S. Tando Jan Muhammad.

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Through this Constitution petition, the petitioners have claimed that Mst. Seema, daughter of petitioner No.1 and ex-wife of petitioner No.2 is in illegal custody of Respondent No.6 to 9 and respondent No.6 is present husband of Mst. Seema who has handed over her to Respondents No.7,8 and 9. The petitioners alleges that they apprehend murder of Mst. Seema at the hands of Respondents No.7,8 and 9 and that she is in very miserable condition. It is also alleged in the petition that she has been forced to work at agricultural field as bonded labour of respondents No.6 to 9, therefore, through this petition they want to production of Mst. Seema before this Court from the clutches of private respondents No.6 to 9.

The official respondents were put on notice vide order dated 22.7.2014 and they have filed their comments in reply to the petition, which are taken on record. From comments, it appears that respondent No.6, the present husband of Mst. Seema, alleged detainee had filed Cr. Misc. Application No.S-438 of 2014 under section 491, Cr.P.C . in this Court on 30.6.2014 for the recovery of Mst. Seema from the custody of Muhammad Ayub, husband of the petitioner No.1 Mst. Shahzadi and her brothers. In the said Cr. Misc. Application filed by the respondent No.6, Mst.Seema was produced in Court and she had categorically stated in Court that she wants to live with the respondent No.6 since she has got married with him after the divorce from petitioner No.2. This fact is even admitted by the Petitioners in para-4 of the petition.

Since the detainee Mst. Seema had joined the respondent No.6 under the Court orders only on 7.7.23014 against the wishes of the

Petitioners, if the detainee is not in illegal custody of Respondents and this Court can exercise the powers under Article 199 of the Constitution of Pakistan, 1973 for her production.

In view of the above facts, no case is made out for any direction for production of Mst. Seema in Court. The petitioners have also failed to make out a case of serious threats to the alleged detainee at the hands of private Respondents.

In view of the above facts and circumstances, this petition is dismissed, as it has no merit.

JUDGE.

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