

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

**Present**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.  
Mr. Justice Ch. Ijaz Ahmed  
Mr. Justice Ghulam Rabbani

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**HUMAN RIGHT CASE NO. 13140-S OF 2009**

(Application by Ali Anwar)

On Court notice : Mr. M. Sarwar Awan, Addl: AG Sindh.  
Mr. Fayyaz Ahmed, RPO.  
Mr. Javed Odho, DPO, Hyderabad.  
Mr. Anwar Subhani, AIG Legal.

Date of hearing : 11.03.2010.

**ORDER**

It is informed by Mr. Javed Odho, DPO Hyderabad that earlier this matter was taken up by this Court and disposed of on 16<sup>th</sup> February 2010 by passing an order in HR Case No. 13401-S/2009. Be that as it may, it has been made clear to him that termination of proceedings, such as, <sup>in</sup> cited in case, does not mean that the Court is satisfied and has no concern with the matter, therefore, he has to recover both the missing persons namely Sikandar @ Akash Mallah son of Late Mohammad Siddique and Noor Muhammad Khaskheli son of Mohammad Aachar. The DPO has informed the Court that both the missing persons have not been recovered so far, however, a Joint Investigation Team has been constituted to locate their whereabouts and in the meantime, a case has also been registered in this behalf.

It may be noted that the complainant Mr. Ali Anwar has alleged that the police officials of Bhattai Nagar Police Station handed over the above named missing persons to unknown law enforcing agencies. Therefore, we

direct that as the case has been registered and name or the identification of the law enforcing agency has not been disclosed by any body, police should arrest the then SHO of the Bhattai Nagar Police Station and his supervising officer DSP Shabbir Baloch in order to ascertain the whereabouts of the missing persons, named hereinabove. Mr. Fayyaz Ahmed Leghari, RPO, present in Court, is directed to do the needful and submit report by tomorrow i.e. 12<sup>th</sup> March 2010.

To come up tomorrow i.e. 12<sup>th</sup> March 2010 for further hearing.

Karachi,  
11.03.2010.  
irshad /\*

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11/03/10

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**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

**Present**

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.  
Mr. Justice Ch. Ijaz Ahmed  
Mr. Justice Ghulam Rabbani

**HUMAN RIGHT CASE NO. 13140-S OF 2009**

(Application by Ali Anwar)

For the complainant : Nemo.

On Court notice : Mr. M. Sarwar Awan, Addl: AG Sindh.  
Mr. Fayyaz Ahmed Leghari, RPO.  
Mr. Javed Odho, DPO, Hyderabad.  
Mr. Shabbir Baloch, DSP.  
Haji Ghulam Ali Memon, SHO  
Mr. Sikandar Ali Bhatti, Inspector.  
Police Station Bhattai Nagar, Hyderabad.

Date of hearing : 12.03.2010.

**ORDER**

A report has been submitted by Police, duly signed by Mr. Fayyaz Ahmed Leghari, RPO Hyderabad, explaining therein that Mr. Ghulam Shabbir Baloch was not the Incharge DSP of the circles on the day of incident i.e. 8<sup>th</sup> October 2009 and Mr. Sikandar Ali Bhatti was the DSP while Haji Ghulam Mohammad was the SHO. The DPO Hyderabad states that Mr. Sikandar Ali Bhatti, the then DSP is present in Court along with SHO and if some more time is allowed to them, they will make efforts to effect recovery of abductees.

2. It has been made clear to them that the contents of the FIR and the other material available on record, prima facie, show abduction of the citizens in connivance with the Police. Needless to observe that it is primary duty of the law enforcing agency like Police to ensure that such

incident does not take place within their jurisdiction. However, keeping in view the request made by DPO, Hyderabad, we grant 15 days time to him to make further efforts for effecting recovery of the abductees, failing which law shall take its course as the case has already been registered. In the meantime, complainant is also directed to cooperate with the Police and get his statement recorded, substantiating allegation leveled against the Police: After expiry of stipulated period, report shall be submitted to the Registrar of this Court for our perusal in Chambers without fail. However, if the Police succeeds in effecting recovery of abductees, they shall be produced before the Sessions Judge, Hyderabad for recording their statements accordingly.

Adjourned to a date in office.

Karachi,  
12.03.2010.

Irshad /<sup>\*</sup>

*15/3/10*

**IN THE SUPREME COURT OF PAKISTAN**  
(Original Jurisdiction)

*Present:*

**Mr. Justice Iftikhar Muhammad Chaudhry, HCJ**  
**Mr. Justice Khilji Arif Hussain**

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**HUMAN RIGHTS CASE NO. 13140-S OF 2009**

(Application by Ali Anwar)

In attendance:

Complainant	In person.
On Court Notice	Mr. Muhammad Yousuf Leghari, Advocate-General, Sindh.  Mr. Nazar Akbar, DAG with Afaq Ahmed, SO, M/O Interior.  Mr. Tahir Naveed, DIG, Hyderabad. Mr. Anwar Alam Subhani, AIG (Legal). Mr. Javed Odho, DPO. Sikandar Bhatti, SPO. Ghulam Muhammad Memon, SHO.
Date of Hearing:	08.04.2010

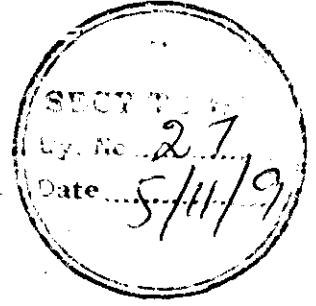
**ORDER**

The learned Advocate-General, Sindh on instructions states that efforts are being made for effecting the recovery of both the missing persons, namely, Sikandar @ Akash Mallah and Noor Muhammad Khaskheli. In this behalf a report was also submitted which was not found satisfactory. However, PPO Sindh/IG Sindh is directed to take personal interest in order to effect the recovery of the abductees and submit a comprehensive report within a period of one week to Registrar for our perusal in chamber. The case is adjourned, to be fixed during next session at Karachi.

Karachi,  
08.04.2010:

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H.R. memo '13140-S/O/09



**TELEGRAM EXPRESS**

TO,

1. THE HONORABLE CHIEF JUSTICE,  
SUPREME COURT OF PAKISTAN, ISLAMABAD
2. THE HONORABLE CHIEF JUSTICE,  
SINDH HIGH COURT, KARACHI
3. THE HONORABLE GOVERNOR,  
SINDH, KARACHI
4. THE CHIEF MINISTER,  
SINDH, KARACHI
5. THE HOME MINISTER,  
SINDH, KARACHI  
THROUGH CHIEF SECRETARY SINDH, KARACHI
6. THE INSPECTOR GENERAL,  
SINDH POLICE, KARACHI
7. THE REGIONAL POLICE OFFICER,  
HYDERABAD, SINDH
8. THE DISTRICT POLICE OFFICER,  
HYDERABAD, SINDH

RESPECTED SIR,

I the under signed applicants respectfully submit that my brother namely Sikandar alias Aakash Mallah S/o Late Mohammad Siddique, who is the Nationalist Political Activist, Vice Chairman Jeay Sindh, Qumi Mahaz and Noor Mohammad Khaskheli S/o Mohammad Aachar, who is also member of Jeay Sindh Qumi Mahaz was taking (Kidnapped) by Police of Bhattai Nagar and Baldia with the help of some unknown Law enforcing agencies, they were in civil dresses on 30-02-2009 at about 2.30 pm from main gate of Gulstan-e-Sajjad, when both detainees were going to Mosque for prayer of Juma Nimaz. I and all my family members of both detainees are afraid that they might be killed, are might be tortured even we searched all the Police stations but the where about of the both detainees, further that detainees involve in any case produce to the Magistrate or concerned Court and produce the list of cases registered against the detainees if any.

I request for immediate release of my brother Sikandar alias Aakash and his Fried Noor Mohammad Khaskheli from the illegal detention from Police/Un known Law enforcing agencies.

APPLICANT



Ali Anwar S/o Mohammad Siddique  
R/o H.No. 3, Marvi Garden, UC NO.3,  
Qasimabad, Hyderabad  
CNIC NO. 41304-9054339-5

HYDERABAD  
DATED: 02-11-2009