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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE IJAZ UL AHSAN

Human Rights Case No.39438-S of 2018
(Application of Nayab Sikandar Imrani)

In attendance: Petitioner in person.

On Court's Call: IGP Sindh.

Date of hearing: 06.07.2018

ORDER

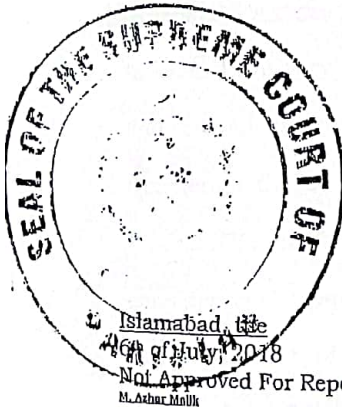
MIAN SAQIB NISAR, CJ.- Having considered the contents of the complaint we treat this to be a Human Rights Case fixed in Court. The hearing took place. We direct the I.G. Police, Sindh who is present in Court in connection with some other matter, to look into the incident of the murder of four close relatives of the complainant mentioned in this compliant and submit a comprehensive report about the latest position of the cases, i.e. whether they are at the stage of investigation or trial. Besides, in the circumstances we ourselves are apprehensive of the petitioner's security. Therefore, let the matter be considered by the Security Committee of Sindh so that the petitioner is ensured adequate security/protection on an immediate basis. The report be submitted to this Court within one month from today. Re-list thereafter.

Sd/-HCJ

Sd/-J

Sd/-J

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Supreme Court of Pakistan
Islamabad

Criminal

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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ.
MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE IJAZ UL AHSAN

HUMAN RIGHTS CASE NO.39438-S OF 2018
(In the matter regarding investigation of murders
and request for protection)

In attendance: Applicant in person.
DIGP, Javed Akbar, Riaz (Larkana)
DSP, Ata Soomro (Jacobabad)
SSP, Shoukat, (Jacobabad) Sindh
SSP Zulfiqar Ali, Sindh
AIGP/Legal I.D. Mangi

Date of hearing: 13.8.2018

ORDER

MIAN SAQIB NISAR, CJ.- As per the police authorities, to ensure her safety, adequate protection has been provided to the applicant, Nayab Umrani. As regards the matter of arrest of the absconding accused, it has been undertaken before the Court that they shall be arrested within a period of 15 to 20 days, positive. The applicant stated that because the nominated accused (in FIR No.33/2018 and FIR No.27/2015 at P.S. City Jacobabad and FIR No.20 of 2015 at P.S. Baba Kot, Naseer Abad, Balochistan) are very influential people, she fears for her life in that area and cannot pursue the trial there, therefore she has requested for transfer of the case(s) to the courts at Karachi or in the Province of Punjab. We need to hear the accused in these matters in order to consider such request. Let notice be served upon them through the Superintendent of the concerned jail. We have been told that the applicant did not have any legal assistance for the said criminal cases therefore the Prosecutors General of Sindh and Balochistan are directed to provide competent Advocates to the applicant. It has also been brought to our notice that these murders find their origin in some

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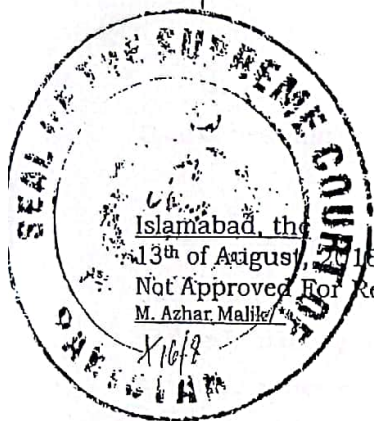
property dispute between the family members. Let a notice be issued to the Deputy Commissioner, Jacobabad who shall on the next date of hearing apprise this Court about nature of the property in dispute along with information as to whether any litigation is pending regarding such property before any civil or revenue Courts. Re-list in the first week of September, 2018.

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Sd/-J

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Islamabad

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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE UMAR ATA BANDIAL
MR. JUSTICE IJAZ UL AHSAN

HUMAN RIGHTS CASE NO.39438-S OF 2018
(In the matter regarding investigation of murders
and request for protection)

In attendance: Applicant in person.
Mr. Zafar Ahmed Khan, Addl. P.G. Sindh
Syed Abdul Baqir Shah, Special Prosecutor,
Balochistan
Mr. Imran Ali, Deputy Commissioner, Jakobabad.
Mr. Javed Akbar Riaz, DIG, Larkana
Mr. Shoukat Ali, SSP, Jackobabad.

Date of hearing: 7.9.2018

ORDER

MIAN SAQIB NISAR, CJ.- As per the report of the police authorities and the statement made before the Court today, one of the accused, namely Ghulam Farid, son of Muhammad Murad, has been arrested, however no progress has been made in the arrest of Shafqat Ali, son of Sikandar, and Kamran, son of Hazar Khan. The complainant openly stated in Court that the said two accused are hiding in the *Deras* of certain *Waderas* of Naseerabad. We express our dismay regarding the failure of the police to arrest such accused. Therefore the police authorities are directed to employ all possible measures, including a thorough probe regarding the stated hideouts of the accused, and a necessary raid, to ensure arrest of the accused within a period of three weeks from today. As far as the protection of the victim's family is concerned, two policemen have been posted at the residence of the victim's family. We hope that this is sufficient protection. Let this matter be listed for hearing exactly after one month.

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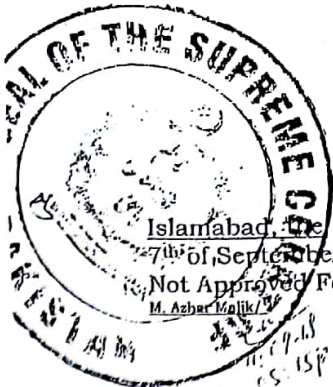
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Supreme Court of Pakistan
Islamabad

criminal



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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE FAISAL ARAB
MR. JUSTICE IJAZ UL AHSAN

HUMAN RIGHTS CASE NO.39438-S OF 2018
(In the matter regarding investigation of murders
and request for protection)

In attendance: Mr. Shehryar Qazi, Addl.A.G. Sindh
Mr. Zafar Ahmed Khan, Addl.P.G. Sindh
Mr. Shaukat Ali, SSP
Mr. Imran Ali, Deputy Commission, Jacobabad
Applicant in person

On Court's call:
Mr. M. Ahsan Bhoon, ASC

Date of hearing: 8.10.2018

ORDER

MIAN SAQIB NISAR, CJ.- In order to ascertain as to what is the factual and legal position with regard to co-owned property of the applicant in Districts Jacobabad, Naseerabad and Sabootpur, let the Commissioners equip themselves with all the facts of the case and appear before this Court on the next date of hearing along with the detailed report in order to ascertain as to who is occupying the property and why the share of the applicant and her brother in the same has not been given to them.

2. It has been pointed out that the absconders in FIRs No.27/2015 (registered at P.S. City, Jacobabad), 33/2018 (registered at P.S. City, Jacobabad) and 20/2015 (registered at P.S. Baba Kot, Naseerabad) have not been arrested since long. This reflects a lack of efficiency of the police authorities, therefore, we grant them one month's time either to arrest the accused or to accept their inefficiency with regards to the arrest of the absconded accused. In the second eventuality, the concerned

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Islamabad

Inspector Generals of Police should be personally present before this Court to explain as to why the absconders have not so far been arrested.

3. Let the Deputy Commissioner, Jacobabad make a determination with regards to the distribution of the property and distribute the same in accordance with the due share under the law of each of the co-sharers, and a report in this regard be submitted to this Court by the next date of hearing.

4. In the meantime, the protection already provided to the applicant under the orders of this Court shall continue.

5. Re-list on 9.11.2018.



Islamabad, the
8th of October, 2018
Waqas Nascer/*

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IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE IJAZ UL AHSAN

MR. JUSTICE SAJJAD ALI SHAH.

Human Rights Case No.39438-S of 2018

IN THE MATTER REGARDING INVESTIGATION OF
MURDERS AND REQUEST FOR PROTECTION.

In Attendance: Mr. Zafar Ahmed Khan, Addl. P.G. Sindh.
Mr. Shehryar Qazi, Addl. A. g. Sindh.
Mr. Imran Ali, D. C. Jacobabad.
Mr. Abdul Qayoom Patafi, SSP Jacobabad.
Mr. I. D. Mangi, AIGP, Legal, Sindh.
Mr. Muhammad Ayaz Khan Swati, Addl. A. G.
Balochistan.
Syed Baqir Shah, State Counsel for Balochistan
Mr. Naushaid Younis, AIG, Legal Balochistan
Mrs. Sarkar Abbas, ASC a/w
Nayab Sikandar Umrani.

Date of hearing: 09.11.2018.

ORDER

The learned Additional Advocate General, Balochistan, has filed a report. He submits that all accused have been arrested except Shahid Ali, who is one of the accused in FIR No.20 of 2015 and has been granted pre arrest bail by the learned Sessions Judge, Naseerabad. The next date of hearing in the said case is 19.11.2018. Let a direction be issued to the learned Sessions Judge, Naseerabad to decide the pre arrest bail application on the next date of hearing. He further submits that out of 4 accused, two have been acquitted under Section 265-K, Cr.PC. Appeals against their acquittal are pending before the High Court. Arguments have been heard and orders are

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Supreme Court of Pakistan
Islamabad

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awaited. We are sanguine that the Sindh High Court shall decide the matter within four weeks. Let a copy of this order be transmitted to the Registrar, Sindh High Court, who shall bring the same to the notice of the Hon'ble Chief Justice, High Court of Sindh.

2. Progress report on behalf of Government of Sindh has also been filed by the learned Additional Prosecutor General, Sindh. He maintains that there are two FIRs in which there are six accused, out of whom four were arrested, one was murdered in Balochistan and the remaining accused namely Shafqat Ali Umrani is absconding. The concerned police officials are present in Court. We have noticed that the said accused has not been arrested for a long time. A direction is accordingly issued that the said accused must be arrested within a period of 15 days and report in this regard be filed before this Court. In case, the accused is not arrested, Abdul Qayyum Patafi, SSP Jacobabad, present in Court, shall appear in person and explain his position on the next date of hearing.

3. At this stage, a request has been made that trial of the case may be shifted to an Anti Terrorism Court at Islamabad in view of threats to the life of the petitioner. This matter shall be considered on the next date of hearing.

4. As far as the properties in which the petitioner has a share, it has been pointed out that some of the properties are clear and the same have been subdivided and the share

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Supreme Court of Pakistan
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coming to the petitioner has been determined. There is a property situated in Deh Abdullah Dakhan Tapo Baqapur Taluka & District Jacobabad in which the petitioner has a share measuring approximately $3\frac{1}{4}$ acres. The learned counsel appearing on behalf of the petitioner and the petitioner herself submit that in view of her situation, it is not possible for the petitioner to take possession of the property or to administer the same. It would therefore, be appropriate if the property is disposed of and its proceeds are given to the petitioner. It is suggested that Ms. Sofia, Advocate practicing at Jacobabad may be appointed as a Local Commission to facilitate sale of the said property of the petitioner. The Deputy Commissioner, Jacobabad submits that he will arrange for partition of the property and demarcation of the belongings to the petitioner.

5. In this view of the matter, the aforementioned Advocate is appointed as a local Commission. Her recommendation shall be determined at a subsequent stage. She will make efforts to sell the property of the petitioner. However, before any such sale takes place, she shall apprise this Court through a report about the price and other terms and conditions on which the property has been offered for sale. These shall be subject to approval by this Court.

6. We have been informed that there is another plot measuring 3000ft situated at Dangar Mohallah Jacobabad in which the petitioner has a share. The same is presently leased to Ufone for installation of a Tower against which rent

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Supreme Court of Pakistan
Islamabad

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is received. The Deputy Commissioner Jacobabad is directed to ensure that proceeds of the rent are equitably divided amongst the claimants and the share of the petitioner is paid to her regularly through a cross-cheque issued in her name.

7. We have further been informed that there are three other properties in which the petitioner has a share.

The D.C. Jacobabad has informed us that on account of fire during the riots after the assassination of Mohtarma Benazir Bhutto all record has been burnt and none of the legal heirs who claim entitlement to such properties has any record. The process of reconstruction of the record has been started and notices in the newspaper have been issued. Let efforts be made for reconstruction of the record of the residential house of the petitioner in Dangar Mohallah Jacobabad bearing Survey No. 2/630 which is in possession of the petitioner as well as other properties in which she has a share. As soon as the record has been reconstructed, efforts would be made for sale of the property by adopting a suitable mode.

8. As far as three shops and a house built thereon situated at Family Lane Jacobabad is concerned, the petitioner submits that the same is in possession of her brother-in-law and children of her late sister who are getting the benefit of rent which is received against the said properties.

9. As regards the shop situated opposite Al-Habib Hotel Jacobabad, according to the report submitted by DC

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Supreme Court of Pakistan
Ismaelabad

Jacobabad, Haji Anwar Ali S/o Sikandar Khan Umrani who is the step brother of the petitioner is collecting rent from Muhammad Irfan who is in possession of the said shop. In view of the fact that there are no records relating to ownership of the property, the dispute cannot be resolved unless the record is reconstructed. The DC Jacobabad is directed to make all possible efforts to reconstruct the record to determine real title of the parties. He is authorized to place a transaction ban on the aforementioned properties so that these are not disposed of while the matter is pending before this Court.

Sd/-J

Sd/-J

Relist after four weeks.

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Islamabad

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IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

MR. JUSTICE MIAN SAQIB NISAR, HCJ
MR. JUSTICE FAISAL ARAB
MR. JUSTICE IJAZ UL AHSAN

H.R.C. NO. 39438-S OF 2018

(In the matter regarding
investigation of murders and
request for protection)

In Attendance: Mr. Tariq Mehmood Jehangiri, A.G. ILD
Mr. Ayaz Swati, Addl. A.G. Balochistan
Applicant in person a/w Mrs. Sarkar Abbas, ASC
Mr. Ghazanfar Ali, Dy. Commissioner, Jacobabad
Mr. Abdul Qayyum Pitafi, SSP, Jacobabad
Mr. I.D. Mangi, AIG Legal Sindh
Mr. Sajid Abbas, Inspector Legal, ILD
Mr. Ghulam Mustafa, SHO, I-9, ILD

Date of Hearing: 09.01.2019

ORDER

MIAN SAQIB NISAR, CJ.- One Shafqat, the main accused in the case has been arrested. Much has been achieved on account of these human rights proceedings. We are not inclined to keep this matter pending which is accordingly disposed of.

Sd/-HCJ

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Islamabad

12-1-19

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IN THE SUPREME COURT OF PAKISTAN
(Review Jurisdiction)

PRESENT:

MR. JUSTICE SH. AZMAT SAEED
MR. JUSTICE FAISAL ARAB
MR. JUSTICE MAZHAR ALAM KHAN MIANKHEL

2. **CIVIL REVIEW PETITION NO.173 OF 2019 IN**
H.R.C. NO.39438-S OF 2018
(Review against order dated
9.1.2019, passed by this Court in
HRC No.39438-S of 2018)

Miss Nayyab Sikandar Imrani ... Petitioner (s)
Versus
Shafquat and others ... Respondent (s)

For the Petitioner (s) : Mrs. Sarkar Abbas, ASC with
Syed Rifaqat Hussain Shah, AOR

Respondent (s) : N.R.

Date of Hearing : 25.03.2019

ORDER

SH. AZMAT SAEED, J.- We have examined the Order sought to be reviewed. In the facts and circumstances of the case, no ground for review has been made out. The law will take its own course.

2. Consequently, this Civil Review Petition is dismissed.

Sd/-J

Sd/-J

Sd/-J

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Islamabad, the
25th March, 2019

NOT APPROVED FOR REPORTING
Mahtab/

Court Associate
Supreme Court of Pakistan
Islamabad

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