

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT.**

(Original Jurisdiction)

Before:

Mr. Justice Rana Muhammad Arshad Khan, Chief Judge
Mr. Justice Raja Jala-ud-Din, Judge
Mr. Justice Muzaffar Ali, Judge

H.R.C.NO.01/2013
(SOLD OUT OF AN EIGHTEEN YEARS GIRL TO A
FIFTY YEARS OLD MAN)

Present:

1. Mr. Asad Ullah Khan, Advocate General, Gilgit-Baltistan.
2. Mr. Ishaq, SP on behalf of SSP Gilgit.
3. Mr. Taj Din, DSP
4. Ms. Tahira Yasoob, DSP Women Police Station Cantt Gilgit.
5. Ms. Ghulab Pari, SHO/IO Women Police Station Cantt Gilgit.
6. Ms. Husan Bano, ASI Women Police Station Cantt Gilgit.
7. Mst. Safeena victim Girl.
8. Saidian father of the victim Mst. Safeena.
9. Sher Wali.
10. Alamgheer relative of Mst. Safeena.
11. Shafi Ullah brother of Mst. Safeena

Date of hearing: 08-05-2013.

ORDER

The indictment No. 02/2013, dated 30th April, 2013 under Section 371-A, 371-B, 337-A and 420 PPC has been registered with Women Police Station, Gilgit on a written complaint made by Husan Bano, ASI Police, against the accused persons namely, Muhammad Mashroof, Muhammad Saidain, Sher Ali and Alamgir for an occurrence which had taken place on 17-04-2013.

2. Mst Ghulab Pari, SI/SHO/Investigating Officer is present in Court and states that the investigation of the case is being carried out on priority basis and two accused persons namely, Alamgir and Muhammad Mashroof have been arrested. The statements of Qari Dildar "Nikah Khawan" and other witnesses have also been recorded and the investigation, statedly, is likely to be concluded within shortest possible time.

3. Muhammad Saidain and Shafi Ullah, father and brother of Mst. Safeena respectively, are present in court and their identification has been verified by the Investing Officer. Both Saidain and Shafi Ullah state that they want to take Mst Safeena alongwith them to their home and have also given assurance to the court, not to cause any harm to Mst Safeena at all. They have submitted further that she may stay in our home without any fear and she would be looked after in all respects. Mst. Safeena has also consented, with her free will, to go with her father and brother.

4. It has been made clear to them that Mst. Safeena shall be treated with love and affection and they would not cause her any humiliation. They have given undertaking that she would feel homely while staying with us and they would not extend any kind of threats of dire consequences to her. It has further been made clear to them that they shall remain caring her in the house because she needs lot of love and affection, even otherwise, a father must be very affectionate to his children for their welfare and betterment. Mst. Safeena has also been asked to live with her parents in a manner so that they may not feel any kind of insult to them and their family.

5. This Court is also of the view that it is in the interest and welfare of the victim to go with her father and brother to stay at home

instead of any shelter home, therefore, she is allowed to go with her father and brother, even otherwise, parents are natural custodian of their children.

6. However, the Investigating Officer is directed that she will get executed Personal Surety Bonds, to the tune of Rs. 50,000/- each, by the father and brother of Mst. Safeena, so that they may remain conscious, not to cause her any harm or humiliation at all.

7. The Investigating Officer is directed further to conduct the investigation fairly, justly, honestly and strictly in accordance with law, without having been influenced from either of the party or any other quarter and she, on the conclusion of the investigation, shall prepare a report under Section 173 Cr.PC and the same shall be submitted before the concerned learned Judicial Magistrate for appropriate orders.

8. The perusal of the record reveals that the injured girl was taken to the Hospital for medical examination and the same was conducted by Dr. Khurram Hanif, Medical Officer, City Hospital Gilgit on 17-04-2013 at 09:40 p.m. and the Medical Superintendent of the City Hospital, Gilgit countersigned the same on 27-04-2013. The record further reveals that the Medico Legal Certificate was not supplied/issued to the Police Officers for further action till 28th April, 2013.

9. The Secretary Health Gilgit-Baltistan is directed to issue instructions to all the Medical Superintendents of the Hospitals in Gilgit-Baltistan to the effect that there should not be any delay on the part of the Doctors while conducting medical examination of injured persons brought by the Police or on the docket for medical examination issued by the local police or otherwise and the Medico Legal Certificate must be supplied with promptitude for further actions.

10. Mr. Ali Zia, Senior Superintendent of Police, Gilgit shall submit a report with regard to the inquiry being conducted against the

SHO, Women Police Station, Gilgit and the same shall be placed on the record through the Registrar of this Court.

11. Since, the aforesaid case has been registered against the accused persons, now the law shall take its own course in this matter, therefore, keeping in view the circumstances of the case, we do not want to dilate upon the merits of the case in hand, any further, lest, it may cause prejudice to any of the parties.

12. In this view of the matter, no further action is required to be taken by this court and the Human Rights Case in hand is disposed of accordingly.

Chief Judge

Judge

Judge