

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

Mr. Justice Javed Iqbal Mr. Justice Raja Fayyaz Ahmed Mr. Justice Muhammad Sair Ali

H.R.C.No.2724/2007

(Missing persons namely Muhammad Azam)

ON COURT NOTICE:

Mr. Anwar Mansoor Khan, Advocate General, Sindh alongwith Raja Abdul Ghafoor, AOR

Mr. Tasleem Hussain, ASC alongwith Maj. Muhammad Ibrahim, I.G. F.C. Anwar Alam Subhan, DSP, Legal Mubeen, Inspector Khalid Jamil, Inspector Irfan Zaman, Inspector Fareed Khan, (Director, A/C MC)

Date of Hearing:

13.01.2010

ORDER

Pursuant to order dated 6.1.2010 Maj. Muhammad Ibrahim is present and highlighted the factual aspects of the controversy, which appears to be vague and sketchy and cannot be believed. In such view of the matter, he is hereby directed to file affidavit, explaining his position and all the circumstances which culminated into the arrest of Mustafa Azam and his subsequent stated release at the instance of some lady whose whereabouts are not known and even the copy of her identity card was not procured and nobody knows where she lives and how she emerged at the spot.

2. Muhammad Mobeen, Inspector P.S. Darakhshan is present and furnished investigation report conducted so far. The investigation is still in hand but without any progress. He is directed to associate Baggu Baloch in the investigation as directed on the last date of hearing. Every effort be made to get the arrest of Sohail alias Bobi son of Younus. Muhammad Mubeen, Inspector is also directed to associate ASI Rizwan in the investigation. It is to be noted that a video CD has been handed over by Muhammad Azam (complainant/father of Mustafa Azam) to Muhammad Mubeen, Inspector, which may render some assistance in the investigation. Irfan Zaman and Khalid Jamil, Inspectors need not appear on the next date of hearing.

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3. Farid Khan, Director General (Operation), Crises Management Cell is present. He is directed to furnish a comprehensive report and also remain present on the next date of hearing. I.G. Police NWFP is also directed to make a thorough probe regarding arrest and stated release of Mustafa Azam and furnish a comprehensive report in this regard. In so far as the I. G. Frontier Corps is concerned, Mr. Tasleem Hussain, learned ASC is present on his behalf and submitted that I.G. Frontier Corps could not make appearance as he is busy in some operation and besides that due to short span of time it was not possible for him to attend the Court. The matter is adjourned. To be fixed on 20.01.2010.

-2-

Judge

Judge

Judge

Islamabad, 13.10.2009 Iqbal Naseer

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

PRESENT:

MR. JUSTICE JAVED IQBAL

MR. JUSTICE RAJA FAYYAZ AHMED

MR. JUSTICE MUHAMMAD SAIR ALI

HUMAN RIGHT CASES NO.2724 OF 2007

(Application by Muhammad Azam)

On Court call:

Mr. Anwar Mansoor Khan, Attorney General for Pakistan

Mr. M. Yousaf Leghari, A.G. Sindh

a/w Mr. Niaz Ahmed Khosa, SSP

Col.(R) Mr. Tariq Shah Khan

Mr. Ghulam Shabbir, A.G.

Mr. Mumtaz Burney, DIG, Jail

Mr. Qamar Raza Zaidi, SP Jail

Mr. Anwar Alam Subhani, AIG Legal

Date of hearing: 06.01.2010.

ORDER.

Pursuant to order dated 18.11.2009, Mr. Anwar Mansoor Khan, Attorney General for Pakistan, Muhammad Yousaf Leghari, A.G. Sindh a/w Mr. Niaz Ahmed Khosa, SSP, Col® Mr. Tariq Shah Khan, Mr. Ghulam Shabbir, A.G., Mr. Mumtaz Burney, DIG, Jail, Mr. Qamar Raza Zaidi, DSP and Mr. Anwar Alam Subhani, AIG, Legal are present. Learned Attorney General is also present and waives notice. Copy of all the relevant documents be made available to the learned Attorney General. The petitioner is present and heard again who mentioned in a categoric manner that his son Mustafa Azam was arrested by the Frontier Core Authorities who remained confined released and subsequently. According to him, he met I.G. Frontier Core and one Maj. Muhammad Ibrahim T-C who admitted that Mustafa Azam was apprehended in Bomb Blast case and released within 15 minutes which is beyond imagination that some one could be released in such a heinous offence within 15 minutes and that too without completion of necessary formalities. other aspect of the controversy is that FIR has been lodged, investigation is being conducted by Mr. Muhammad Mobin, I.P, who is hereby directed to remain present on the next date of hearing alongwith all the relevant record and a comprehensive report in this regard be furnished. further directed to associate one Baggu Baloch investigation, as according to the statement of petitioner, he had seen his son confined in Juvenile Jail. The petitioner has submitted that he can produce video recording as and when so required by the Court. S.I. Nadeem shall also appear personally on the next date of hearing. Mr. Qamar Raza Zaidi, DSP is present and tendered un-conditional apology for his absence on the last date of hearing as according to him due to short span of time he could not make appearance. He is directed to remain vigilant in future. Be that as it may, certain allegations have been leveled against him, which should be taken into consideration by the I.O. Mobin Ahmed. On the next date of hearing I.G. Frontier Core and Maj. Muhammad Ibrahim shall appear in person alongwith all the relevant record regarding arrest and release of Mustafa Azam. SSP Investigation is also present and submitted that hectic efforts are being made to complete the investigation as early

as possible and requests that some time may be given enabling the police to complete the investigation.

2. Col. Tariq Shah Khan, needs not papear in future because he is no more D.I.G. (Prison). Qamar Raza Zaidi shall not appear on the next date of hearing, however, as mentioned herein above proper investigation regarding the allegation leveled against him shall be made by Mr. Mobin Ahmed as the matter is being investigated by him. Learned Attorney General has been asked to see under which provisions of law, the Frontier Core is exercising the powers of Police as no such power could have been exercised by any authority unless so conferred by law. To come up on 13.01.2010.

Judge

Judge

Judge

Islamabad, the 06.01.2010 NOT APPROVED FOR REPORTING.

IN THE SUPREME COURT OF PAKISTAN (ORIGINAL JURISDICTION)

PRESENT: MR. JUSTICE JAVED IQBAL. MR. JUSTICE RAJA FAYYAZ AHMED. MR. JUSTICE MUHAMMAD SAIR ALI.

Human Right Case No. 2724 of 2007. (Muhammad Azam, Complainant).

For the Complainant:

In person.

On Court Notice:

Mr.M.Yousaf Leghari, A.G. Sindh. a/w S.S.Baber Khattak, PPO, IGP. Syed Mushtaq A. Shah, I.G. Niaz Ahmed Khosa, S.P. Investigation Mr.Anwar Alam Subhani, AIR, Legal. Mr.Irfan Zaman, Inspector. Mr.Khalid Jamil, Inspector. Mr.Rizwan Khan, ASI.

Date of hearing:

18.11.2009.

ORDER

Pursuant to notice dated 16.11.2009 Mr.M.Yousaf Leghari, A.G. Sindh, S.S.Baber Khattak, PPO, IGP, Syed Mushtaq A. Shah, I.G, Niaz Ahmed Khosa, S.P. Investigation, Mr.Anwar Alam Subhani, AIR, Legal, Mr.Irfan Zaman, Inspector, Mr.Khalid Jamil, Inspector, Mr.Rizwan Khan, ASI are present. It is pointed out by I.G.Police that to make a thorough probe/investigation, a special team has been constituted comprising of Mr.Farhat Ali Junejo, Chairman, Mr.Abdullah Sheikh, Member and Mr.Niaz Khoso, Member. It has been assured by the I.G.Police that every possible step will be taken and all efforts will be made to ensure that the justice is done and those responsible for any illegality, account for the same.

2. It has further been pointed out that F.I.R has been registered on 17.11.2009, which has been placed on the record. Investigation therein is rapidly underway. The statement of the complainant shall be recorded by the I.O. i.e. Mr.Niaz Khosa today who is present in the Court. Copy whereof be placed on record of the Court. I.G.P. Karachi (present in Court) categorically stated that investigation in the case shall be completed within a period of two weeks. We

accordingly direct completion of investigation within a period of said two weeks. Report thereto shall be furnished to this Court. Copy of the same shall also be supplied to the complainant.

3. The chequered history of the case shows that the matter was not dealt with diligently. It was proceeded with carelessly, irresponsibly and callously. No serious effort was made to address the grievance of the complainant. He was made to run pillar to post, leaving him with no choice but to seek vindication in the Suo Motu action initiated by this Court.

In spite of notice Qamar Raza Zaidi, DSP is not present. His absence appears to be deliberate and wilfull. Non-bailable warrants be issued against him to procure his attendance.

5. Notice shall also issue to Col. Tariq, DIG Prisons as well as M.Nadeem, S.I.

It has also been brought to our notice that in the case registered for Hayat Abad Peshawar blast, Mustafa Azam has been apprehended at Peshawar. I.G.Police, Peshawar is directed to produce relevant record regarding registration of the case and arrest of Mustafa Azam. It is also directed that Mustafa Azam's father i.e. Muhammad Azam be allowed to see his son for which every facility be extended. I.G.Police, Peshawar shall appear on the next date of hearing.

7. To come up on 7th December, 2009.

Judge

Judge

Judge

Islamabad. 18.11.2009.

IN THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)

Bench

Mr. Justice Javed Iqbal

Mr. Justice Raja Fayyaz Ahmed

Mr. Justice Muhammad Sair Ali

HRC No.2724/2007

(Application by Muhammad Azam)

For the applicant:

Muhammad Azam (In person)

On Court's Call:

Mr. Saleem Akhtar, Addl.P.G. alongwith Muhammad Subhan (I.G.) Legal, Mr. Arif

Arbab Mehar, SSP

Date of hearing

16.11.2009

ORDER

After having heard the complainant in person it transpired that matter has been dealt with in highly careless and irresponsible manner which is not desirable at all. Why FIR could not be lodged in a cognizable offence in spite of best efforts by the complainant needs explanation from all concerned. Be as it may, it seems, however, advisable that at first instance notices be issued to I.G. Police Sindh, Yameen Khan, I.G. (Prisons) Sindh, Home Secretary, Sindh, Qamar Hussain Shah, Superintendent Jail, Qamar Raza Zaidi, DSP, Khalid Jamil, Incharge, Police Station Karachi City Court, Sub Jail, Irfan, SHO, Police Station, Preedy, Rizwan, ASI. They shall appear in person on the next date of hearing. Notice also be given to the learned Attorney General. To be fixed on 18.11.2009 at Serial No.1 of the cause list at 9.30. a.m.

Judge

Judge

Judge

Islamabad: 16.11.2009 Iqbal Naseer



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خباعال أنا رفزى بى اس ماكل مر 078 ... مى درىي مالى مرمول دائد المائدة الله الله الله المائدة جُناب ألس اكس في مدراً اين الالسى مسائلين حَدا حُی اکبر فی لولدالسام كالرخى ق آوحة إفاؤن ارس سے میں سیٹے مصلی اعظم نو کہ قرار اکا کنا ہے۔ لہذا انسالہ زبانی سفیلی اغر مِلَا) عُوْرِي الْمُ سطابي وُهُ أَنَّ سِيمِ الرُّكُلِينَ ال الركاف بودن بيد المران المران المران المران المران المران المران المران المراز المران المران المران المران المر وران المران المركة عبل من مؤرد أيا تها الرود و المراق المراق المراق المران المران المران المران المران المران الموادير و أست المران الموادير و أست

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امسی عدالت مرفع ایس دی سات کیونل ولا براس ساقد کون توگیا حمّا لیلن مماری ساقه بنتا ایس حمّا براسس بی بنتایا دمّا که مسیسیر کر نبیعی سفهای بین اور برق میں سنری سے

کس ق 0/2/ جیرا ۱۵/۵ مارد از میرا میاذ و علای میرا کوئی سنی عبران مین موم نادر

اس فالل کا مر اور وروندی اور اخیار مردیم نسے نفال کی کوشش لیاری اس س می ور افرا مراب الی لیوند از کولو تو ورا سی اس لورمن سے ہرکا کے سے سسم اُنٹی سے آپ خاک ہما رسے سا قام متوزيسا ساحة دين فيم شوفراسا آجي كاس احة حس سمنال ين بني ما حيل كبوت كانشف بماك سيادر نامر دوائ ن اورتم م دسوس اسلامی کے مدسے والوں سے ہمیں ہے احساس دلایا بنے کہ انسانیو یوس کس چیز کانا اسے ہم ایس فرن سے بس كوشش كرريك بسر كد آيك اولاد كاجلرس جلديتالك ما شي جدو دويس حيرريس اين آئ آرمبر فا ذل فبر اوروا رس ب ان نيسون حيرون کا بیا ایک ما بنرگا کیونل عیل می ایک میرای میون اور گورمشرد سے سیرسے اچھے لونکل سے ان لومیں ہے لہ کرکہ بے میرا دو سسے سے ا ورمس سے سوں ولی سر دیادا نوں گا آجے لئل معمدی ہو جاش ا در بمین تشریب فی سنگ من کا میں ایک دیس بسم در جیزیس نفاک لیں گید دیوگی اگر بیم میدا مورکریں گیسے تو ہم دیا گور سنی بھک کریے گ السرف آج مسے کو نتیل رکس اور میر مای ترسے اینا زیر ملی د کس اور الل لهای سے وی کریں اسے کے سجد سے اواسمان السے ا ذر آ می اساخیال رکس رائع ا ورہمیں آپ سے کوئی لا لیج نس کس آپ سمعنے کر ہمیں آپ سے

ا در ہمیں آئی سے کوئی لارہے نیس کہا آئی سمسے کہ ہمیں آئی سمسے کہ ہمیں آئی سمسے کہ ہمیں آئی سمسے کہ ہمیں آئی سے کوئی لارہے ہیں اور اگر کوئی لارہے میں درائر کوئی لارہ ہم حور اپنے کیسوں کوئی بات برق بگے توصیا زرت سیا ہیں کیبو نکہ ہم حور اپنے کیسوں میں اسمیسے ہیں اللّٰ تعالی سے دعا کر نتے ہیں کہ ہم جلم از جلم اس کیس سے لئے ل جائیں ج