

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY CJ.
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE SAIYED SAEED ASHHAD

Human Right Case No.4499 of 2006
(Complaint through Press)

Attendance: Nemo
Date of hearing 29.9.2006

ORDER

No one has appeared on behalf of Inspector-General of Police, NWFP. Issue notice for his appearance on 3rd October, 2006 with direction to effect the recovery of abductee and produce her in Court.

Islamabad:
29.9.2006
(Khalid.)

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3/10/06

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Muhammad Nawaz Abbasi

Human Right Case No. 4499 of 2006

(Complaint through press)

Attendance:

Nemo

Date of hearing: 3.10.2006

ORDER

Repeat notice to I.G, NWFP to appear in person on
5.10.2006.

Islamabad, the
3rd October, 2006
Nisar/*


4/10/06

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY, C.J.
MR. JUSTICE ABDUL HAMEED DOGAR
MR. JUSTICE MUHAMMAD NAWAZ ABBASI

HUMAN RIGHTS CASE NO. 4499 OF 2006

Complaint through press

Complainant: In person
On Court call: Mr. Riffat Pasha, I.G. NWFP
Mr. Khan Raziq, DSP
Mr. Iftikhar Khan, SSP
Date of Hearing: 5.10.2006

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ORDER

Mr. Riffat Pasha, I.G. NWFP having placed on record a report on the subject, has informed us that hectic efforts are being made by the police for effecting the recovery of the abductee, *Madeena*, a six years old girl. According to him, there is family dispute between the father of the abductee and his two brothers and later are reportedly settled in Jalalabad and probably have taken the girl there. He however, states that in view of the importance and seriousness of the case, police will do its best for achieving the object. Adjourned for further proceedings to a date in the third week of November, 2006.

Islamabad
5.10.2006
Iftikhar

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12/10

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In the Supreme Court of Pakistan.
(Original Jurisdiction)

PRESENT:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Saiyed Saeed Ashhad

HUMAN RIGHTS CASE NO.4499 OF 2006

Complaint through Press

Complainant: In person

On Court notice: Mr. Habib-ur-Rehman, CCOP, Peshawar
Mr. Sher Akbar, S.P. City
Mr. Arbab Shafiullah, SHO, P.S. Shah Qabool

Date of hearing: 16.11.2006

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ.- Mr. Habib-ur-Rehman D.I.G. Peshawar appeared and stated that in response to the notice police adopted various devices to effect the recovery of Madina aged about 6 years who was Kidnapped on 12th June 2006 from Ramdas Bazar, P.S. Shah Qabool Peshawar. FIR was not recorded on the report of Hazratullah, father of the girl but the same was entered at S.No.27 of the Daily Diary on 13.6.2003. It may be noted that complainant, father of minor got published news in different newspapers including Daily News Islamabad dated 16th September 2006. On having seen the same police was asked to effect recovery of minor Madina. It is informed by Mr. Habibur Rehman that subsequently FIR No.472 dated 21st September 2006 under sections 363 and 365-A PPC was also registered. It is surprising to note that police failed to register the case despite the fact that cognizable offence was allegedly committed by the persons who have kidnapped the minor girl and it seems that when notice was issued by this Court on 20th September 2006 in pursuance of news item published in Daily News Islamabad the case has been registered. Be that as it may, thereafter police started making efforts and sought time from the court to do the needful and ultimately now they

have succeeded in effecting the recovery of the minor from District Bannu on 2nd November 2006. He has also informed that a joint police party of Peshawar and Bannu arrested Mst. Wazira Bibi who allegedly had kidnapped the minor but police could not get opportunity to interrogate her because in view of the amendment of section 497 Cr.P.C. by means of Code of Criminal Procedure Amendment Ordinance (XIII), 2006 she was admitted to interim bail but as she could not furnish bail bonds, therefore, she is still in jail. Now a police party has been constituted to interrogate her in the jail. Minor Madina has been produced in court alongwith her father. We appreciate the efforts made by the police in effecting the recovery of the minor as well as implementing the orders of this Court. However, they are directed to conduct investigation independently and submit challan in the competent court. The court seized with the matter shall proceed with the trial and dispose of the case independently without being influenced in any manner from the instant proceedings. The petition is accordingly disposed of.

Islamabad, the

16th November, 2006

Saleem/*

NOT APPROVED FOR REPORTING

29.11.06

Poor man seeks recovery of kidnapped daughter

SECY TO HCJ
Dy. No. 3
Date 18/9

Javed Aziz Khan

PESHAWAR: The agony of the family of a young girl kidnapped for ransom from Dabgari in December last is continuing, as police have failed to locate her even after passage of nine months.

The payment of ransom for the release of six-year old Madina is out of question as her poor father earns a meagre Rs 170 a day for working at a mutton shop in Malgu Mandai.

"She went out of her house to play in the street on December 12 last year but did not return. When we inquired, it was revealed that two women clad in traditional 'burqas' took Madina away while she was playing with other children," Hazratullah, the 42-year old father of the missing child, told The News with brimful eyes. Madina is one of Hazratullah's two children, the other being a son, Nauman.

"Her mother sobs all the time

but there is no one who could recover our daughter. I am even ready to arrange some money against the release of my child but things are not working as police are not taking interest in the case," Hazratullah complained.

"I went to police station Dabgari the same day when my daughter went missing where they lodged a complaint in the 'roznamcha' instead of registering an FIR. I also went to the newspaper offices and requested them to publish an appeal," Hazratullah recalled. But on the next day, the poor labourer narrated, he received a call from a woman who informed she had picked up Madina for ransom.

"The woman called me some 16/17 times from the same cellular phone number, every time just telling me Madina is with her. Finally she demanded Rs 150,000 for the release of the child on which I informed her that I can arrange only 30 to 50 thousand

rupees," ill-fated Hazratullah said.

He added: "In the meantime, the police traced the cell number and we went straight to a house in Utmanzai Charsadda, the owner of which was believed to be the person on whose identity card the connection was obtained."

He said that the owner of the house ruled out the involvement of any of his female members in the kidnapping and offered his help in finding out the child. "Police did nothing when we went to Utmanzai but instead forced me to settle the issue with those people," Hazratullah alleged.

The poor father rejected the speculations that his daughter might have been picked up over a family dispute. "I request the chief minister, the governor and the IGP to direct the concerned police station to take the case seriously and make efforts for early recovery of my daughter," Hazratullah said.

4499

18.9.08