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IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI,
AT BABAR MELA

Criminal Miscellaneous No. 1/6 of 2021

Bastaj Begum Vs Kainat Ali

ORDER
02.03.2021

Petitioner Mst: Bastaj Begum along with her father Laiqat Ali present. Respondent Kainat Ali also present in person. Process Server Mubarak Ali produced minors Salman Haider and Abuzar Haider before the court today and submitted his report.

The petitioner submitted application u/s 491 Cr.PC wherein it was contended that she had been married to respondent five years ago, that her husband is a drug addict and is jobless due to which her life with her husband is miserable, that the respondent kicked her out of his home forcibly and now she is residing with her parents, that the minors were retained by the respondent who cannot take care of the minors being jobless and drug addict, that one of the minor is a suckling baby and retaining such child from the mother is a cruel act of the respondent. The petitioner submitted in her application that both the minors may be recovered and may be handed over to the petitioner.

The contention of the petitioner was genuine therefore the bailiff was directed to visit the house of respondent and produce the minors named above before the court. Today the process server produced the minors before the court and both the parties also appeared before the court in persons.

The respondent stated before the court that the petitioner left her home with her free will and consent and also left the minors with him. The respondent further stated that the petitioner was asked to take the


SHAUKAT ALI
Addl. District Sessions Judge-II,
Orakzai at Hangu

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minors but she refused. The respondent stated that he has not retained the minors with him forcibly rather the petitioner left them. The respondent stated that he has got no objection if the minors are handed over to petitioner being mother of the minors and stated that the petitioner shall be responsible to take proper care of the minors. The statement of respondent was recorded in this respect and placed on file, therefore keeping in view the statement of respondent and age of both the minors who needs proper care and love of their mother, the minors namely Salman Haider and Abuzar Haider are handed over to the petitioner in the court. The petitioner was directed to submit surety bond in the sum of Rs. 100,000/- to the effect that when the minors are required to the court the petitioner shall produce them which she submitted and placed on file. The respondent is at liberty to knock the door of competent jurisdiction for the proper custody of minors and the custody of minors may be decided in accordance with law keeping in view the welfare of minors. The statement of Mst: Bastaj Begum also recorded and placed on file.

In view of the above discussion the petition in hand is disposed of accordingly.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
02.03.2021



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela