**2010 Y L R 1750**

**[Karachi]**

**Before Mushir Alam and Muhammad Athar Saeed, JJ**

**ARBELO KALHORO---Petitioner**

**Versus**

**THE STATE---Respondent**

C.P. No.D-1862 of 2009, decided on 17th September, 2009.

**Juvenile Justice System Ordinance (XXII of 2000)---**

----S. 12(b)---Penal Code (XLV of 1860), Ss.324/114---Constitution of Pakistan (1973), Art.199---Constitutional petition---Attempt to commit qatl-e-amd---Keeping minor accused in inhuman condition and handcuffed---Petitioner who was alleged to be involved in crime causing injury to twenty six persons, appeared to be a minor and serious allegations levelled against him were doubtful---Officer who was pursuing the public litigation of minors had stated that petitioner was kept in inhuman condition and was handcuffed which was against the provisions of S.12(b) of Juvenile Justice System Ordinance, 2000---Petitioner had also complained that he was not served any water throughout the journey and was under threat of torture throughout---Looking at the tender age of the petitioner and his condition in the court, he was ordered to be released on executing personal bond.

Abdullah Khoso Provincial Manager Juvenile Justice (Sindh).

Muhammad Shafi Memon A.A.-G. Sindh.

Muhammad Qasim Jailer Sub-Jail Naushahro Feroze.

Imdad Hussain Mallah S.H.O. Bhirya City.

**ORDER**

Minor Arbelo Kalhoro has been produced pursuant to a direction of the Court. The boy appears to be a minor. He is alleged to be involved in crime causing injury to twenty six persons. He appears to be of tender age. Such serious allegations are doubtful.

The Provincial Manager Juvenile Justice (Sindh) who is pursuing the public litigation of minors, states that the minor was kept in inhuman condition and was handcuffed which is against section 12(b) of the JJSO 2000. The officer who has produced the

minor admitted that the minor was handcuffed in one hand. Such conduct is against the mandate of the law. It appears neither the police officials nor judicial officers are fully aware of the provisions of JJSO, 2000. Let copy of this order be sent to the I.G. Sindh for taking appropriate action against the officials for violating the law and carrying the child to this Court in inhuman condition. The minor has also complained that he was not served any water throughout the journey and was under threat of torture throughout.

Looking at the age of the minor and his condition in Court he is being released in case No.137 of 2009 under sections 324 and 114, P.P.C. on executing personal bond by the Provincial Manager Juvenile Justice (Sindh) who is directed 10 produce the minor in Court on each date the case is fixed before the learned trial Court.

Let copy of the bail order passed by the learned District and Session Judge declining bail to minor be called by MIT to examine the propriety of the same.

The minor be released on furnishing personal bond of Provincial Manager Juvenile Justice (Sindh) before the Nazir.

H.B.T./A-38/K Order accordingly.

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