



*Prime Minister's Inspection Commission
Prime Minister's Secretariat
Islamabad*

Tele: 051-9214463

No. PMIC/OGW/155/Hong Kong/09

11 February 2010

Subject: Investigation of Rape Case

Reference to this Commission's letter No.PMIC/OGW/155/Hong Kong/09 dated 14-10-2009 on the above mentioned subject.

2 Reply has been received from Incharge Human Rights Cell for Addl IGP/Investigation, Sindh Karachi vide letter No.Addl/IGP/Inv/Sindh/.HR/1679-80/Karachi dated 08-12-2009. A copy of which is enclosed for information, please.

(Gohar Khan Khattak)
Assistant Director (OGW)

✓ Mr.Jo Baker
Programme Officer
Asian Human Rights Commission
19th Floor Go up Commercial Bldg
998 Canton Road, Kowloon
Hong Kong



OFFICE OF THE
ADDL: INSPECTOR GENERAL OF POLICE
INVESTIGATION, SINDH,
KARACHI

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No. Addl.IGP/Inv/Sindh/H.R/ 1679-80 /Karachi
Dated: 08-12-2009

By No. 167-II/PMIC
Dated 8-1-2010

Copy No. 34
Office of the Member (PMIC)
d/16-01-10

Dr. Q.K. Sr. Munsif
Date 5-1-2010

To,

Mr. Tasnim Waheed,
Deputy Director (CGW),
Prime Minister's Inspection Commission,
Prime Minister's Secretariat,
Islamabad.

Subject:- INVESTIGATION OF RAPE CASE.

Kindly refer to your office letter No. PMIC/CGW/15/Heng
Keng/09, dated: 14th October, 2009, on the subject noted above.

The report in to the subject matter called from District
Police Officer Hyderabad, who has submitted his report vide No. RC/
Cell/-1744-45, /Hyderabad, dated: 21-11-2009, which is enclosed as
desired please.

Encl: (02).

(MUHAMMAD MEHDI) DSP,
INCHARGE HUMAN RIGHTS CELL,
FOR ADDL: IGP/INVESTIGATION SINDH,
KARACHI.

Copy to the Mr. Akbar Ali Section Officer (LE-I), for
Secretary to Government of Sindh Home Department Karachi.

Dr. Q.K. Sr. Munsif
AD (CGW)-10
9/1/10

From The District Police Officer
Hyderabad

To The I/C Human Rights Cell
Additional Inspector General of Police
Investigation Sindh Karachi

/ Hyderabad, Dated 21-11-2009.

NO. HRC/Cell/- 1744-45

THE TRADE OF JUSTICE CONTINUES AS POLICE PROTECT
RULING PARTY MEMBERS WHO RAPED AND ABDUCTED
ONE WOMAN AND ACID ON ANOTHER

Kindly refer to your letter No. ADDL:IGP/INV/Sindh/HRC/- 1601-03 dated 07-11-2009 on the subject noted above.

It is submitted that as directed by the Hon'ble Court, a detailed enquiry was conducted as under;

a. The statement of both parties were recorded with a view to sift truth into the matter wherein statement of Mst: Izzat Bano was recorded and she had stated that she was residing in a joint family and one Saleem Qadri used to visit her house and developed friendly relations with many members of the joint family.

b. That Mst: Shehla Zia and Mst: Zainab both the daughters of Mst: Izzat Bano used to get Islamic education from the aforesaid Saleem Qadri at his home. It further transpired that Mst: Shehla Zia also befriended wives of Saleem Qadri at Unit No. 12 Latifabad, Hyderabad. It is also worth while to submit here that Saleem Qadri already had two wives and he is father of 09 children.

c. That with passage of time, Saleem Qadri started insisting to Mst: Izzat Bano that a separate house be purchased for living separately from the joint family and in this context Saleem Qadri contributed an amount of Rs. 150,000/- to Mst: Izzat Bano for the purchase of such a house in Unit No. 11 Amani Shah Colony Latifabad and remaining amount was paid by Mst: Izzat Bano.

d. That Mst: Shehla Zia was a married women and due to alleged interference of Saleem Qadri in her family life, she got divorced from her husband namely Muhammad Ibrahim as reported by the family of her ex-husband and Izzat Bano and others.

e. That according to statement of Mst: Shehla Zia d/o Ziauddin accused Muhammad Ali came to her house on 10-09-2008 at 11/12 noon hours and at gun point issued threats and he forcibly raped her sister Mst: Zainab and left house.

f. That statement of Mst: Zainab d/o Ziauddin now w/o Muhammad Saleem Qadri was also recorded and she also contended that on 10-09-2008 she and Mst: Shehla Zia were in the house when Muhammad Ali came, tied her sister Mst: Shehla Zia with her head ware and subsequently raped her (Zainab) and then left the house after extending threats of dire consequences.

g. That on 12-11-2008 Mst: Izzat Bano registered case Cr. No. 261/2008 w/s 365-B, 506, 34 PPC against accused Saleem Qadri for committing abduction of both her daughters namely Mst: Zainab and Mst: Shehla Zia but after conducting thorough investigation by SIO A' Section Police Station Latifabad Hyderabad namely SIP Nasir Nawab, the case was disposed off under false "B" Class on the basis of statement recorded w/s 164 CrPc of Mst: Zainab and Mst: Shehla Zia before the Magistrate on 19-11-2008. Similarly on 06-12-2008 a final report w/s 173 CrPc was approved by the Hon'ble Magistrate and such summary order was issued accordingly and action w/s 182 PPC was also initiated against Mst: Izzat Bano.

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Office of the Inspector General of Police
Hyderabad

h. That on 03-11-2008 Mst: Zainab now w/o Saleem Qadri solemnized marriage with Saleem Qadri prior to registration of FIR NO. 261/2008.

i. That on 07-12-2008 Mst: Zainab had also reported incident report of Case Cr. NO. 287/2008 u/s 376, 506(2), 109,34 PPC at Police Station A' Section Latifabad Hyderabad against Muhammad Ali and others. The alleged prosecutrix was produced before women medical officer at LUH Hyderabad for examination on the point of rape where W.M.O. had examined her and remarked preservation report as under;

" She has been married for 2 months, so it is not possible to find any sign of rape in a married women and opined that not vagina intact used to have coitus"

j. That after usual investigation SIO A' Section Police Station Latifabad Hyderabad submitted challan before the concerned court of law on 31-12-2008 against the accused which is pending trial.

k. That the case diary dated 26-02-2009 of the Hon'ble Court of 2nd Addl: Sessions Judge Hyderabad in Sessions Case NO. 53 of 2009 state versus Muhammad Ali and five others in Case Cr. NO. 287/2008 u/s 376, 506(2), 109, 34 PPC of Police Station A' Section Latifabad, shows that accused were present on bail and DDPP and D.C. were present and matter was adjourned to 18-03-2009. Thereafter Mst: Zainab alleged that on 26-02-2009 as soon as they came out of the court, the accused Muhammad Ali and others had abducted and forcibly boarded her in Hi-Roof vehicle and subsequently at the interference of area residents she was let off by the accused.

l. That subsequently Mst: Zainab filed Criminal Misc: Application NO. 521/2009 before the Hon'ble Sessions Judge & Justice of Peace Hyderabad wherein the Hon'ble court of 6th Addl: Sessions Judge Hyderabad had Ordered on 24-03-2009 that applicant Mst: Zainab shall appear at Police Station Cantt: and her statement be recorded if cognizable offence is made out the same be registered at Police Station Cantt:

m. That in self defence Muhammad Ali had filed a Criminal Misc: Application NO. 75/2009 before the Hon'ble High Court of Sindh Circuit Court Hyderabad against the Order of 6th Addl: Sessions Judge Hyderabad and others where the Hon'ble High Court of Sindh Circuit Court Hyderabad passed Order dated 25-03-2009 that the Order passed by the 6th Addl: Sessions Judge Hyderabad regarding registration of case is "**SUSPENDED**" till next date of hearing.

n. That thereafter on 27-03-2009 the Hon'ble High Court of Sindh Circuit Court Hyderabad in Criminal Misc: Application NO. 75/2009 Ordered to DPO Hyderabad to hold enquiry into the allegations levelled by Mst: Zainab and Mst: Shehla Zia against the applicants and Mst: Izzat Bano, as such in pursuance of the Order of the Hon'ble High Court of Sindh Circuit Court Hyderabad an enquiry into the matter was conducted and findings are as under;

FINDINGS

i. From the perusal of police papers of Cr. NO. 261/2008 u/s 365-B, 506(2), 34 PPC and Cr. NO. 287/2008 u/s 376, 506(2), 109, 34 PPC of Police Station A' Section Latifabad and statements of Mst: Zainab, Mst: Shehla Zia, Saleem Qadri, Muhammad Aslam, Muhammad Nadeem and statements of Mst: Izzat Bano, Muhammad Ali, Farrukh, Shujauddin, Muhammad Irshad and Zaheer Ahmed Councilor in open as well as secret enquiries, the undersigned has arrived at the conclusion that both the parties are in habit of moving / filing applications against each others. Mst: Izzat Bano obtained Rs. 150,000/- from Saleem Qadri to purchase a house still in her use. Saleem Qadri had developed dubious relationship with both daughters of Mst: Izzat Bano. One of these namely Mst: Shehla Zia sought and got divorce from her husband. Later on Saleem Qadri married with Mst: Zainab as such case Cr. NO. 261/2008

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which was got registered against Saleem Qadri by Mst: Izzat Bano was disposed off as B' False Class. Further Case Cr. NO. 287/2008 was registered against Muhammad Ali and others which was challaned after usual investigation.

ii. As per contention of Mst: Shehla Zia and Mst: Zainab, allegedly accused Muhammad Ali sprinkled Kerosene oil upon Mst: Shehla Zia and tried to burn her to death. On the other hand as per contention of accused Muhammad Ali as well as other witnesses it is revealed that no such incident took place on 10-09-2008. Medical report in respect of Mst: Shehla Zia is still reserved.

iii. Medical report relating to the rape incident of Mst: Zainab reveals as under;

"She has been married for 2 months, so it is not possible to find any sign of rape in a married women and opined that not vagina intact used to have coitus"

CONCLUSION

iv. In view of the above opinion of W.M.O. and in view of secret enquiry it has transpired that Muhammad Saleem Qadri is soul healer (*AMIL*) and fully controls and manipulates both girls viz Mst: Shehla Zia and Mst: Zainab who from the day-one wanted to have access to and maintain their relations with him despite strong protestations from the mother and other family members. And no substantial evidence has come on record to inculcate the accused with the commission of offence that is rape of Mst: Zainab by his brother-in-law in the family house. It also seems hard to explain that after such heinous / serious allegations involving rape of her daughter, the mother can still maintain cordial relations with her son-in-law.

v. Further more from the perusal of court diary of Hon'ble 2nd Addl: Sessions Judge Hyderabad on 26-02-2009 during hearing in Cr. NO. 287/2008 is reproduced as under;

"The Hon'ble Court of 2nd Addl: Sessions Judge Hyderabad in Sessions Case NO. 53 of 2009 state versus Muhammad Ali and five others in Case Cr. NO. 287/2008 u/s 376, 506(2), 109, 34 PPC of Police Station A' Section Latifabad shows that accused were present on bail and DDPP and D.C. were present and matter was adjourned to 18-03-2009."

vi. As per contention of Mst: Zainab and others, they arrived late in court at about 10-30 a.m. and when they came out of court premises the accused Muhammad Ali, Furrukh (brother of Mst: Zainab and Mst: Shehla Zia) and 3 others abducted Mst: Zainab in a white coloured Hi-Roof vehicle but after the intervention of public present they left Mst: Zainab at some distance and fled away. In view of the open and secret enquiry it has transpired that no such incident took place on 26-02-2009 and the contents of court diary also do not substantiate the said allegations.

vii. The basic matter pertains to an ongoing feud between the family of Mst: Izzat Bano and Saleem Qadri himself over the transaction of money involving Rs. 150,000/- which she seemingly wanted to usurp. During this time period, Saleem Qadri seemed to have developed very strong, inexplicable terms with both daughters of the Mst: Izzat Bano, one of whom he married later, despite already having two wives and nine children, which further led to complications and bickering among the parties concerned.

The report is submitted for kind perusal

DISTRICT POLICE OFFICER
HYDERABAD

Copy FWC's to:

The Regional Police Officer Hyderabad Region (attention RPO/CC) for kind information w/r to his endorsement No.RPO/CC/- 10082 dated 10-10-2009.

DISTRICT POLICE OFFICER
HYDERABAD