

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
(Original Jurisdiction)
S.M.C. No. 13/2010
(Complaint against the Civil Judge Gupis)

Before: Mr. Justice Muhammad Nawaz Abbasi, Chief Judge.
Mr. Justice Muhammad Yaqoob, Judge.

Advocate General Gilgit-Baltistan.
Mr. Ehsan Ali Advocate for Mst. Noor Bibi.
Mr. Shah Riaz present in person.
Attorney and Father of Mst. Noor Bibi also present.

Date of Hearing:- 08-11-2010.

ORDER

Justice Muhammad Nawaz Abbasi, CJ.... The report submitted by the learned Additional Sessions Judge Ghizer reveals that the Criminal Case State versus Shah Riaz and other pending before him is at the stage of framing of the charge and Mr. Shahzada Alam Advocate who represented Shah Riaz in the family case before the Court of Family Judge Gupis as well as in criminal case before the court of Additional Sessions Judge Ghizer, with our permission having explained the position has stated that Mst. Noor Bibi with her consent performed Nikha with Shah Riaz, on 06-05-2010 whereupon her parents on 07-05-2010 got a Criminal case of her abduction registered against Shah Riaz and others at Police Station Yasin. Therefore, the local police on 09-05-2010 having recovered Mst. Noor Bibi from the custody of Shah Riaz handed over her to her parents and they on 16-05-2010 performed her Nikha with Deedar Ali Shah, whereupon Shah Riaz filed a suit for Conjugal Rights which is pending before the Civil Judge/Family Court at Gupis in which status quo Order was passed by the Court on 18-05-2010 and later the Attorney of Mst. Noor Bibi was directed for her production before the Court and upon his failure to comply with the order of Court, non-bailable warrant for her production of Mst. Noor Bibi were issued. In consequence thereto the attorney of Mst. Noor Bibi moved an application for transfer of the Suit for Conjugal Rights from the Court of Civil Judge Gupis to any other Court of Competent Jurisdiction. Mr. Shahzada Alam Advocate on instruction of Shah Riaz who is present in Court has conceded the request of Mst. Noor Bibi of transfer of family Suit to any other Court of Competent Jurisdiction.

Mr. Ehsan Ali, Advocate appearing on behalf of Mst. Noor Bibi submitted that along with the Family suit the Criminal case pending before the learned Additional Sessions Judge Ghizer may also be transferred to the Court of Sessions Judge Gilgit, in the interest of Justice.

The learned Advocate General has pointed out that presently District Attorney is not available at Ghizer and in his absence, the Criminal case may not proceed, and to avoid any complication, in the prevailing situation, both the cases may be transferred to Gilgit.

In consequence to the position explained above and in view of the circumstance of the case, we deem it proper to transfer criminal case **State vs Shah Riaz etc.** pending in the Court of Additional Sessions Judge Gilgit and Family Suit (Suit for Conjugal Rights) pending before the Judge family Court Gupis to the court of Family Judge Gilgit with direction that proceeding in family Suit shall remain stayed till the final disposal of criminal case and meanwhile Mst. Noor Bibi shall remain in the custody of her parents. The local Police shall provide proper protection to Mst. Noor Bibi and her parents. The S.P Ghizar shall ensure that no unpleasant incident is taken place between the parties.

The Sessions Judge Gilgit while proceeding day to day will make efforts to finally conclude the trial before winter vacation. The application of Mst. Noor Bibi as well as the application of Shah Riaz with above directions are disposed of.

Chief Judge

Judge