

1994 P Cr. L J 1495

[Lahore]

Before Sheikh Riaz Ahmad; J

AMEENA HASSAN alias TINA and others---Petitioners

Versus

THE STATE---Respondent

Criminal Miscellaneous No.336/B of 1990, decided on 9th May, 1990.

Criminal Procedure Code (V of 1898)---

---S. 497(2)---Offence of Zina (Enforcement of Hudood) Ordinance (VII of 1979), S.10---Motion Pictures Ordinance (XLIII of 1979), S.18---Bail, grant of---Was yet to be determined whether on the basis of video cassette the offence of Zina could be said to have been committed---Case against accused, therefore, was one of further inquiry--
-Female accused had a suckling baby in her lap and her case was also covered by first proviso to S.497(1), Cr.P.C: Accused were released on bail in circumstances.

Sardar Latif Khan Khosa with Abdul Aziz Khan Niazi for Petitioners.

Nafees Ahmad Ansari, AA.-G. for the State.

ORDER

This order shall dispose of Criminal Miscellaneous Nos.336/B of 1990, 368/B of 1990 and 390/B of 1990, moved on behalf of petitioners Mst. Amina Hassan alias Teena; Rehan-ud-Din and Azam Ali respectively.

On the basis of information received by Mr. Muhammad Ashraf Awan, D.S.P./Multan Cantt, a case under section 10 of the Offence Against Zina (Enforcement of Hudood) Ordinance, 1979 read with section 18 of the Motion Pictures Ordinance was registered against the petitioners.

2. Precise allegation levelled in the F.I.R. is that the authorities received information that petitioners Mst. Amina alias Teena and Rehan-ud-Din had committed sexual intercourse, and a video cassette thereof was prepared. Further alleged, that petitioner Azam Ali who is an employee of the Studio had facilitated the commission of crime.

3. The aforesaid cassette was procured; and was examined by the Magistrate and other concerned officials and they saw Mst. Amina alias Teena and Rehan-ud-Din committing Zina with each other. Petitioner Azam Ali was arrested on 2nd of February, 1990, while petitioners Amina alias Teena and Rehan-ud-Din were taken into custody on 4th of March, 1990.

4. Sub-Inspector Abdul Ghaffar present in Court states, that the challan in this case has been submitted to Court.

It is a case of first information, in which, on the basis of a video cassette, the police has reported that offence under section 10 has been committed. It would not be appropriate at this stage for this Court to give any finding, because in that event, it would amount to pre-empt the jurisdiction of the trial Court. However, suffice it would be to add, that in my view, it is a case of further' inquiry, because it is yet to be determined, whether on the basis of a videocassette, it can be said that the offence has been committed or not. One of the petitioners is a female with a suckling baby in her lap, and her case is also covered by section 497(1), Cr.P.C. In this view of the matter, I direct that the petitioners shall be released on bail subject to their furnishing bail bonds in the sum of Rs. fifty thousand each with one surety each in the like amount to the satisfaction of Assistant Commissioner, Multan.

N.H.Q./A-602/L

Bail granted

