

THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No.115 of 2025
Syed Muhammad Shabbar Zaidi v. Syed Asad Hussain Rizvi and others
And

Criminal Revision Application No.116 of 2025
Omar Muhammad v. Syed Asad Hussain Rizvi and others
And

Criminal Revision Application No.117 of 2025
Fahad Khan v. Syed Asad Hussain Rizvi and others
And

Criminal Revision Application No.126 of 2025
Ali Ahsan v. Syed Asad Hussain Rizvi and others

Applicants: Syed Muhammad Shabbar Zaidi son of Syed Tahawur Zaidi through Mr. Arshad Tayebaly, Advocate; Omar Muhammad through Mr. Mukesh Kumar Talreja and Ghulam Shabbir Shah Advocates, Mr. Ali Ahsan through Mr. Makhdoom Ali Khan and Mr. Hussain Ali Almani Advocates and Mr. Fahad Khan through Mr. Makhdoom Ali Khan and Mr. Hussain Ali Almani Advocates

Respondent No.1 : Syed Asad Hussain Rizvi son of Syed Akbar Hussain Rizvi, Unit Head Litigation, J.S. Bank Limited through Mr. Imtiaz Ali Shah, Advocate

Date of Hearing : 22.09.2025
Date of Order : 10.10.2025

ORDER

MUHAMMAD HASAN (AKBER), J.—This common order will decide the subject three Criminal Revision Applications filed under sections 439 Cr.PC., 561-A Cr.PC. and other enabling provisions, keeping in view their inter-connected legal arguments and proceedings, in the same alleged crime. The proceedings, being Direct Complaint No.03/2025 (*'Syed Asad Hussain Rizvi versus Omar Muhammad, Ali Ahsan, Fahad Khan and Syed Muhammad Shabbar Zaidi'*) [henceforth referred to as the "**Complaint**"] was initiated by Respondent No.1 under section 200 Cr.PC., alleging therein the offence under Sections 499, 500, 501, 120-A, read with Section

34, PPC. The learned Additional Sessions Judge-II at Thatta [**learned Judge**], vide Order dated 10.05.2025 [**impugned Order**] took cognizance of the offences against the present applicants, which is impugned herein.

2. Hearing in this matter was conducted on 25.08.2025, 19.09.2025 and 22.09.2025 when, in exercise of revisional jurisdiction under section 439 Cr.PC., learned counsel for parties were directed to confine their arguments only to the extent of Preliminary Legal Issue of the Jurisdiction of the learned Judge at Thatta under sections 177 and 179 Cr.PC to try the subject offence of Defamation under section 499 PPC., whereas no argument on factual aspects or merits of the case was heard.

3. It was commonly argued by learned counsel for all the Applicants that the learned Judge at Thatta acted illegally and without jurisdiction while taking cognizance in the matter; that the Complainant had no *locus standi* to initiate the said Complaint in that he was not an aggrieved person; that based upon his CNIC and biometric oath as available on record, the Complainant is not a resident of Thatta; that the learned Judge acted in a mechanical manner without application of a judicial mind; that the Direct Complaint was nothing but an ulterior attempt by the complainant; that the complaint was filed with substantial delay, to the extent of being non maintainable; that judicial proceedings cannot form the basis of criminal defamation complaint under Section 499, PPC; that in the identical pattern, two earlier defamation complaints were also filed and the proceedings of second one were stayed by the Supreme Court of Pakistan vide order dated 17.02.2025; that no cause has accrued to the complainant and the same be set-aside and proceedings be quashed.

4. Conversely, while supporting the impugned Order, learned counsel for the Complainant drew attention *inter alia* towards paragraphs 5, 7, 9, 10, 11, 18, 19, 25 of the Direct Complaint to depict the grievance of the Complainant. He submits that no illegality or infirmity has been committed in the impugned order, which has been passed in accordance with law; the learned Judge has the jurisdiction; the complainant has the *locus standi*; that the present applicants have willfully and deliberately made defamatory, derogatory and insulting remarks in the proceedings in the JCM which was filed before the High Court of Sindh at Karachi. He finally argued that learned trial Court has rightly taken cognizance, the impugned order is sustainable in the eyes of law and prayed for dismissal of Criminal Revision Applications.

5. Heard learned counsel for the parties and perused the record with their able assistance.

6. From perusal of record, the concise allegations as recorded at paragraph 8 and 9 of the Direct Complaint 03/2025 are that on 02.01.2025 a Judicial Companies Miscellaneous No.01/2025 [henceforth referred to as “JCM”] was filed before the High Court of Sindh at Karachi by the applicants herein against (1). TRG Pakistan Limited and (2). Mr. Muhammad Ziaullah Khan Chishti. According to the complainant, paragraphs 18, 20, 21, 22, 23 and 40 of the JCM contained derogatory remarks against Mr. Ali Jahangir Siddiqui and JS Group of companies, including JSBL and JS Global Capital Ltd., hence the Direct Complaint No.03/2025 was filed on 30.04.2025. At paragraph 25 of the Complaint, it is claimed that the complainant read out the defamatory content within the jurisdiction of Thatta city, as he is serving as Unit Head Litigation J.S Bank; therefore, the learned Court at Thatta has jurisdiction to entertain and adjudicate the complaint. After recording statement of the complainant and the witness, the learned Judge vide impugned Order dated 10.05.2025 took cognisance of the matter against the present applicants.

7. Relevant for the purposes of the present discussion on the Preliminary Legal issue of Jurisdiction is the complainant’s claims that although the derogatory content was contained in the form of pleadings/ Memo of the JCM which was filed at Karachi by the applicants before the High Court of Sindh, however since the said content was read by the complainant at Thatta, therefore the learned Court at Thatta has jurisdiction to inquire and try the matter, on the strength of section 179 Cr.P.C. Sections 177 and 179, Cr.PC. thus reads as under:

“177. Ordinary place of inquiry and trial. Every offence shall ordinarily be inquired in and tried by a Court within the local limits of whose jurisdiction it was committed.”

“179. Accused triable in district where act is done or where consequence ensues. When a person is accused of the commission of any offence by reason of anything which had been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the limits of whose jurisdiction any such thing has been done or any such consequence has ensued.”

8. The offence of Defamation, as provided under section 499 P.P.C., reads:

“499. Defamation. Whoever by words either spoken or intended to be read, or by sign or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.”

The provision also includes four *Explanations*, nine *Exceptions*, and multiple *Illustrations*; however, since the merits of the case are not being discussed herein, those would not be relevant for the present discussion.

9. A bare reading of sections 177 and 179 Cr.PC. depict that although every offence is ordinarily to be inquired into and tried by the Court within the local limits of whose jurisdiction such offence is committed [section 177], however, such offence can also be enquired into and tried by a Court within the limits of whose jurisdiction any **consequence has ensued** [section 179]. Since ‘**consequence ensued**’ is the core factor which creates this new jurisdiction under section 179, therefore, it will have to be seen as to what constitutes ‘consequence ensued’, as envisaged under section 179 Cr.PC. in the context of the offence of Defamation under section 499 PPC.

10. Such an aspect of **consequence** ensued in the context of the offence of Defamation was considered in the case of ***Chowdhry Riaz Ahmed***,¹ wherein the President of the Labour Union at Lahore sent a complaint to the Chairman WAPDA at Lahore, pointing out corruption in the institution. Based thereon, a notice was issued by WAPDA to the firm of the Petitioner and further work to the firm was halted. In the above backdrop, the firm lodged a Direct Complaint under section 200 Cr.PC. before the First-Class Magistrate at Jacobabad for the offence of Defamation. The territorial jurisdiction of FCM Jacobabad, to take cognisance in the matter, was challenged under section 561-A Cr.PC. This Court, while interpreting the term **consequence ensues** as used in section 179 Cr.PC. and while relying upon the cases of ***Muhammad Aslam***² and ***Banka Behari***³ quashed the said proceedings before the FCM Jacobabad in Criminal Miscellaneous Application, on the ground that since the letter in question was sent from Lahore and it was published at Lahore and Islamabad, the Courts at Lahore and Islamabad alone had the jurisdiction.

“5. Since the letter in question was sent from Lahore and it was published at Lahore and Islamabad, the Courts at Lahore and Islamabad alone will have jurisdiction. The learned Civil Judge and F. C. M., Jacobabad accordingly acted without jurisdiction when he entertained this complaint. Under these circumstances these proceedings in the Court of Civil Judge and F. C. M., Jacobabad are quashed. Proceedings quashed.”

11. The term “**consequence**” under section 179 Cr.PC., with specific context to the offence of Defamation, also came under discussion in many decisions under the Indian jurisdiction:

(i). In the case of **Banka Behari Singh**³ [which was also followed in *Chaudhry Riaz Ahmad*¹ *supra*], the substance of allegations was that three books were printed containing defamatory statements against the petitioner, which were widely disseminated within the place 'J' where the petitioner was residing. The Orissa High Court held that the Magistrate at place 'J' had no jurisdiction since the printing and publishing took place either at places 'A' or 'P' or 'N' but the accused had no part in the publication or dissemination of the books in any area within the jurisdiction of place 'J'.

"It may be that the Magistrate at Allahabad, Patna or Nagpur may have jurisdiction to try these persons for the offence, but the Magistrate at Jashpurnagar cannot get jurisdiction to try them unless the principle of Section 179 Cr. P. C. can be invoked. In my view that section has no application to the present case. As soon as the books were published the offence of defamation was complete. The subsequent dissemination of the contents of places other than those at which they were printed and published may amount to distinct offences against the persons responsible, for such dissemination, but the printers and publishers at the original place of publication cannot be held liable for such dissemination, unless there is further evidence of the kind mentioned above. It is difficult to say that the dissemination of the books at Jashpurnagar was a "consequence" arising out of the publication of the same at Allahabad, Patna or Nagpur.

The "consequence" referred to in section 179 Cr. P. C. must be a part of the offence with which the accused person is charged. It is evident that that section can apply only to a case where, a person is charged with an offence not only by reason of some act committed by him but also by reason of the consequence which had ensued from that act. **If, as soon as an act is committed, the offence is completed at the place where the act is committed, then merely because the same offence is repeated at another place, the latter offence cannot be said to be a "consequence" arising out of the former act within the meaning of the aforesaid section."**

(ii). In the next case of **P. S. Mehrhomji**,⁴ after a thorough study of the entire jurisprudence on the subject, it was held that for the offence of Defamation to be completed, both the **Indictment** and the **Publication** are to be committed. As to what constitutes Publication in the context of Defamation as a crime, it was held that if the offender sends the letter of scurrilous remarks to the person defamed alone, it will not attract the offence under Section 499.... However, to complete the offence of defamation, publication has to be made **by the offender to the third person other than the person intended to be defamed**. In the above context, it was held that the Magistrate at place 'V' had no territorial jurisdiction to try the case.

(iii). In the case of **B.P. Bhaskar**⁵ the High Court of Madras observed that **the receipt of notice containing alleged scurrilous imputation by the complainant himself and not by any others will not at all amount to 'publication' in the eye of law.** The same principle was followed in the case of **P.R. Ramkrishnan**.⁶

(iv). In **Bhulliram**⁷ case, it was also held that in order to constitute the offence of Defamation, the defamatory publication must be communicated to a third person.

"Para-5: x x x x It is of the essence that in order to constitute the offence of defamation it must be communicated to a third person because what is intended by the imputation is to arouse the hostility of others: **If a person merely writes defamatory words and keeps the writing with himself, the offence is not made out. Likewise, if the libeller merely communicates the libel to the person defamed it does not constitute an offence under the said section** although it may amount to an insult and may be punishable as such. **The question whether the libel in fact has been communicated to a third person is material. It is not enough that the libeller posted it to a third person.**

(v). In the case of **Kamal Singh Badalia**,⁸ the letter was written by the accused at place 'P' and it was published in the Secretariat at place 'P', the contents were made known to the Law Secretary and Under Secretary of the Government of Bihar at 'P' whereas the complainant claimed that he was defamed at place 'C'. The High Court of Calcutta in those circumstances observed that although according to the complainant, he was defamed at place 'C', **however, the consequence that ensued at place 'C' was not part of the offence of Defamation.**

(vi). In the case of **C.S. Sathya**,⁹ a defamatory article was edited, printed and published at place 'B' which was seen by the complainant at place 'U' and criminal complaint for Defamation was filed before the Magistrate at 'U'. The High Court of Karnataka held that the Court at 'U' did not have the jurisdiction, but the Court at 'B' alone had the jurisdiction to try the offence.

"On a careful perusal of Section 179, it is quite clear to me that the word "consequence" occurring therein indicates only that consequence which is an integral part of the offence and not a consequence which is not material to the culpability of the accused in relation to that particular offence."
The High Court has held that under Section 179 Cr.P.C, either the Court where the words are spoken which are intended to be read or by signs or by visible representations makes or publishes or where the consequences of harming the reputation of another person ensue, have got the jurisdiction to try the case. It **further observed that consequence that ensue must form part of the ingredients of the offence and if it is not a part of the ingredients of the offence, then the consequence even if it takes place in the jurisdiction of another Court, it will not give jurisdiction to try the offence.** Applying the aforesaid observation to the facts, it held that in that case the alleged defamatory matter was published at Bangalore itself to be intended to be read so the consequences of harming the reputation of the complainant has ensued at Bangalore itself. **The complainant reading or having come to know of this alleged defamatory matter at Udipi is not an ingredient of the offence, because the offence itself is completed at Bangalore and hence the Court at Bangalore alone has got jurisdiction to try the offence.**"

(vii). In ***Ganga Prasad Jaiswal***,¹⁰ it was held that the Court within whose limits the imputation was published has jurisdiction to try the offence (at page 129):

"On a careful perusal of Section 179, it is quite clear to me that the word 'consequence' occurring therein indicates only that consequence which is an integral part of the offence and not a consequence which is not material to the culpability of the accused in relation to that particular offence."

(viii). In the case of ***M. H. Alexander***¹¹ it was held (at page 68) that:

"Section 179, Cr.P.C. applies to those offence only where the act and its consequence taken together constitute the offence which is charged. It may be that the act by itself amounts to an offence and when this act is taken together with the consequence it constitutes a different offence. If the accused is to be prosecuted for the act along then the jurisdiction of the court where the consequence occurred will not arise, but if the accused is prosecuted for that offence which was completed by the act followed by its consequence then the courts where the act was committed and where the consequence ensued will both have jurisdiction to try the offence. The test to apply is whether the offender could have been prosecuted and punished for the offence charged even if the alleged consequence had not ensued. If the answer is in the affirmative then S. 179, Cr.P.C. does not apply, but if the answer is in the negative S. 179, Cr.P.C., does apply. It should also be remembered that the **consequence should be closely related to the act and not merely a remote and contingent result**. A proximity of time is essential between the act and the consequence. **A consequence which is not so related to the act may at best provide evidence of the act. It does not become a part of the act.**"

(ix). In the case of ***Mohd. Abdul Latif***¹² a criminal complaint for the offence under section 420 PPC was initiated before Magistrate at place 'R' in consequence whereof, a warrant of arrest of Moulvi Ahmad Abdul Halim living at place 'C' was issued. Before the criminal complaint was decided, Moulvi Abdul Halim filed a direct complaint for Defamation in the Court of a First Class Magistrate at place 'C', alleging therein that the earlier complaint at place 'R' against him by the respondent was filed to defame him. The Allahabad High Court concluded that the Court at place 'R' had the jurisdiction and the Magistrate at place 'C' did not have jurisdiction.

(x). In ***Kashi Ram Mehta***¹³ case, the Full Bench held that:

"....it was plain that the consequence referred to is a consequence which forms part of the offence, and a consequence which does not form part of the offence does not attract jurisdiction under Section 179."

(xi). In the case of ***Mirza Ali Khan***¹⁴ while interpreting section 179 Cr.P.C. it was held that the Magistrate at place 'P' had the jurisdiction on the basis of 'consequence' ensued.

12. From the above study, it can be concluded that for an offence of Defamation, to avail the jurisdiction at another place as envisaged under section 179 Cr.PC., the **ensuing consequence** should be such that it forms part of the ingredient of the offence, and not something which ensues after completion of the offence. If it is not a part of the ingredient of the offence, then the consequence, even if it takes place in the jurisdiction of another Court, will not give jurisdiction to that other Court to try the offence.

13. In the instant case, record reflects that the alleged defamatory matter was in the form of JCM, which was filed in the High Court of Sindh at Karachi; that the complainant was not a party to the JCM before the High Court; that no notice was issued to the complainant in the JCM proceedings; and that the alleged defamatory material was never served by the accused persons upon the complainant. Hence, neither the JCM was published in Thatta, nor was it served by the accused on the complainant in Thatta; nor was it intended by the accused to be read in Thatta. If tested on the touchstone of the principles settled in the jurisprudence discussed above, the complainant's reading of the defamatory content at Thatta, or having come to know of the alleged defamatory matter at Thatta, would not constitute an ingredient of the offence and it would not constitute a **consequence ensued**, because the alleged offence itself was [purportedly] complete at Karachi where the JCM was filed before the High Court of Sindh. As already discussed, it is the '**consequence ensued**' which is the core ingredient for attracting jurisdiction under section 179 Cr.P.C. In these facts therefore, in my humble view, the learned Court at Thatta had no jurisdiction to inquire into or to try the matter or take cognizance in the matter. The Judgements relied on by the Respondent side do not apply to the present case, since neither merits nor evidence of the case are being decided, but only the illegal exercise of jurisdiction under section 179 Cr.PC. is being discussed herein in revisional jurisdiction under section. 439 Cr.P.C. ¹⁵

14. Upshot of the above discussion is, that the Applications are allowed; the learned Additional Sessions Judge-II at Thatta had no Jurisdiction under section 179 Cr.P.C. to inquire into or try the Direct Complaint 03/2025; and the impugned Order dated 10.05.2025 was passed without jurisdiction; Consequently, the same is set aside and the proceedings in Direct Complaint No.03/20205 before the learned Additional Sessions Judge-II at Thatta are quashed.

The instant applications are, therefore, allowed in the above terms. Office is directed to place a copy of this Order in all connected files.

JUDGE

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1. *'Chowdhry Riaz Ahmed v. The State and another'* PLD 1979 Karachi 119
 2. *'Muhammad Aslam v. State'* PLD 1962 Karachi 499
 3. *'Banka Behari v. O. M. Thomas'* AIR 1960 Orissa 126
 4. *'P.S. Meherhomji and others v. K.T. Vijay Kumar and others'* 2018 (2) ALD(Crl.) 862.
 5. *'B.P. Bhaskar v. B.P. Shiva'* 1993 CrL.L.J. 2685 (Madras)
 6. *'P.R. Ramakrishnan'* AIR 1988 Kerala 18
 7. *'Re v. Bhulliram Jalam'* AIR 1962 MP 382
 8. *'Kamal Singh Badalia v. State and another'* MANU/WB/0356/1979
 9. *'Sri C.S. Sathya v. State of Karnataka'* 1994 CrL.L.J. 1954 (Karnataka)
 10. *'Ganga Prasad Jaiswal v. Chotelal Jain'* MANU/MP/0044/1963
 11. *'M. H. Alexander v. Smt. Clairia Alexander'*, MANU/UP/0023/1959
 12. *'Mohd. Abdul Latif Vs. Ahmad Abdul Halim'* AIR 1938 All 632
 13. *'Kashi Ram Mehta v. Emperor'* AIR 1934 All 499
 14. *'Mirza Ali Khan v. Sessions Judge, Peshawar and another'* 2002 SCMR 1461
 15. Order dated 30.05.2024 in Cr. Rev. Appn. 68/2015 and 69/2015; *'Ali Gohar and others v. Pervaiz Ahamed and others'* PLD 2020 SC 427; *'Muhammad Shafique and others v. Abdul Hayee and others'* 1987 SCMR 1371; *'Muhammad Samiullah Khan and another' v. The State* PLD 1963 SC 237.