

THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Rev. App. No. S – 58 of 2026

(Abdul Ghafoor Bangwar v. The State)

Date of hearing : **17.08.2026**

Date of decision : **17.08.2026**

Ms. Rizwana Parveen Memon, Advocate for applicant.
Mr. Nisar Ahmed G. Abro, Deputy Attorney General.

ORDER

ARBAB ALI HAKRO, J. – The instant Criminal Revision Application, filed under Sections 435 and 439, Cr.P.C., challenges the order dated 11.02.2026 passed by the learned Additional Sessions Judge-IV/(H), Sukkur, in Sessions Case No.490 of 2022, arising out of Crime No.10 of 2021 registered at Police Station FIA Crime Circle, Sukkur, under Section 23 of the Foreign Exchange Regulation Act, 1947 (as amended in 2020), read with Sections 34 and 109 of the PPC. By the impugned order, the learned trial Court dismissed the application filed by the applicant under Section 177, Cr.P.C., seeking the return of the charge-sheet and connected papers for presentation before the Court having competent territorial jurisdiction.

2. Briefly stated, Crime No.10 of 2021 was registered on 02.03.2021 on the complaint of Inspector Nisar Ahmed Sawand, FIA Sukkur. The prosecution alleges that the applicant, Abdul Ghafoor Bangwar, was engaged in the business of hawala/hundi and cash remittance without lawful authorization from the State Bank of Pakistan. According to the FIR itself, the alleged activity was carried on from the applicant's office/shop, styled as "Insaf Show Room and Travel Agency", situated at Gharibabad, Kashmore Road, Kandhkot, District Kashmore. The FIR further records the place of occurrence as approximately 100 kilometres north-west of Police Station FIA Crime Circle, Sukkur. The raiding party accordingly proceeded from Sukkur to the said premises at Kandhkot, where the alleged incriminating articles were recovered. The applicant, along with the recovered articles and other material, was thereafter brought to Police Station FIA Crime Circle, Sukkur.

3. Upon completion of the investigation, the final report was submitted before the learned Judicial Magistrate-I, Sukkur, who took cognizance of the case and subsequently transmitted it to the learned Sessions Court for trial. The case was thereafter transferred to the Court of the learned Additional Sessions Judge-IV/(H), Sukkur.

4. The applicant filed an application under Section 177 Cr.P.C., contending that, according to the prosecution's own case, the alleged offence was committed at Kandhkot, District Kashmore, which falls outside the territorial jurisdiction of the Courts at Sukkur. It was therefore prayed that the FIR, charge-sheet and connected papers be returned to the Investigating Officer for presentation before the Court having competent territorial jurisdiction. The learned trial Court, however, dismissed the application vide impugned order dated 11.02.2026, principally on the ground that the case had been received pursuant to letter No. 61/MIT-II/DJ/Sukkur/2025 dated 16.01.2025, and that the High Court of Sindh was competent to transfer cases to any Court within the Province.

5. Learned Counsel for the applicant contended that the learned trial Court misdirected itself in law by treating an administrative communication regarding the allocation or distribution of cases as a judicial order of transfer. It was submitted that no judicial order transferring the present case from a Court with territorial jurisdiction to the Court at Sukkur has been placed on record. Learned Counsel further submitted that Section 177, Cr.P.C., embodies the ordinary rule of territorial jurisdiction, under which an offence is to be inquired into and tried by the Court within whose local limits it was committed, subject to the exceptions expressly provided by law.

6. Learned Counsel further submitted that the prosecution's own case establishes that the alleged unauthorized business was carried on at Kandhkot, District Kashmore, and that the alleged recovery was also effected from the premises situated there. According to learned Counsel, neither the location of the investigating agency's office at Sukkur nor the registration of the FIR at FIA Crime Circle, Sukkur, could, by itself, confer territorial jurisdiction upon the criminal Courts at Sukkur. Learned Counsel placed reliance upon the judgment of this Court in *The*

State/Anti-Narcotics Force through Assistant Director v. Special Judge, Control of Narcotics Substances/1st Additional Sessions Judge, Badin & another, reported as **2020 YLR 2401**, wherein the principle embodied in Section 177, Cr.P.C. was considered in the context of territorial jurisdiction. Reliance was also placed upon the judgment of this Court in *The State through Assistant Director (ANF) v. IIIrd Additional Sessions Judge/MCTC-II, Sukkur & another*, reported as **PLD 2021 Sindh 530**.

7. Learned Deputy Attorney General was unable to point out from the record any judicial order whereby the present case had been transferred to the Court at Sukkur in exercise of a lawful power of transfer. He also did not dispute that the FIR itself mentions the place of occurrence as Kandhkot, District Kashmore, approximately 100 kilometres north-west of FIA Crime Circle, Sukkur.

8. I have heard the learned counsel for the parties and examined the available record.

9. The principal question requiring determination is whether the administrative communication dated 16.01.2025, issued by the Member of Inspection Team-II, High Court of Sindh, could, by itself, confer territorial jurisdiction upon the learned trial Court at Sukkur in respect of an offence which, according to the prosecution's own case, was committed outside District Sukkur.

10. Section 177, Cr.P.C. lays down the ordinary rule of territorial jurisdiction and provides that every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed. The provision is not merely an administrative guideline; it prescribes the ordinary statutory forum for inquiry and trial, subject to the exceptions contained in the succeeding provisions of the Code.

11. In the present case, the contents of the FIR are particularly significant. The prosecution itself has identified the place of occurrence as approximately 100 kilometres north-west of FIA Crime Circle, Sukkur. More importantly, the alleged business premises of the applicant are specifically stated to be situated at Gharibabad, Kashmore Road, Kandhkot, District Kashmore. The raiding party allegedly proceeded to

those premises, conducted a search there, and recovered the alleged incriminating material from the same place.

12. Thus, on the prosecution's own showing, the alleged acts constituting the offence, including the carrying on of the alleged unauthorized hawala/hundi and cash-remittance business and the recovery of the alleged incriminating material, occurred at Kandhkot, District Kashmore, and not within the territorial limits of District Sukkur.

13. The mere fact that the FIA Crime Circle is situated in Sukkur cannot, in itself, confer territorial jurisdiction on the criminal Courts in Sukkur. The investigating agency may have operational or administrative jurisdiction extending over more than one district; however, this jurisdiction is distinct from the territorial jurisdiction of a criminal Court. The latter is governed by the provisions of the Code and other applicable law.

14. This conclusion finds further support in more recent authority directly addressing the effect of registration of an FIR by the Federal Investigation Agency upon the question of territorial jurisdiction. In case of **Riasat Ali**¹, it was held that the mere circumstance of an FIR having been registered by the FIA at a place other than the place of occurrence does not confer jurisdiction on the Court situated at the place of such registration; the Court within whose territorial limits the place of occurrence is situated alone is competent to take cognizance of the offence and try the case and in case of any doubt, it is for the High Court, in exercise of powers under Section 185(1), Cr.P.C., to resolve the question. A similar approach was adopted by the Islamabad High Court in case of **Maple Leaf Cement Factory Limited**², wherein it was held that the forum having jurisdiction in a criminal matter is to be determined with reference to the place of occurrence and the place where the investigation and evidence are centred and not with reference to the location of the office of the agency before which the matter is initiated or pending.

¹ Riasat Ali v. The State, reported as 2024 PCrLJ 1511 (Lahore)

² Maple Leaf Cement Factory Limited v. Federal Investigation Agency (FIA), Islamabad, reported as 2017 PCrLJ 1540

15. Learned trial Court, however, dismissed the application primarily on the basis that the case had been received pursuant to the communication dated 16.01.2025 and that the High Court was competent to transfer cases within the Province. This reasoning does not address the precise objection raised by the applicant. The question before the learned trial Court was not whether the High Court possesses lawful power to transfer a case; rather, it was whether the communication dated 16.01.2025 constituted a judicial order of transfer passed in exercise of such power, and, if so, whether the transfer had been effected in accordance with law.

16. An administrative assignment or distribution of cases is distinct in nature and purpose from a judicial order transferring a particular criminal case pursuant to a statutory power of transfer. An administrative communication concerning the allocation of workload cannot, without a lawful order of transfer, enlarge or otherwise alter the territorial jurisdiction conferred upon a criminal court by statute.

17. In the present matter, no judicial order has been brought on record to demonstrate that the case was transferred from the Court with competent territorial jurisdiction to the Court at Sukkur in accordance with law. Learned Trial Court therefore erred in treating the administrative communication dated 16.01.2025 as sufficient, by itself, to resolve the question of territorial jurisdiction.

18. The distinction between a judicial order and an administrative order, and its bearing on the question of jurisdiction, is well settled. In case of **Shaukat Ali**³, it was held that a judicial order cannot be passed unless the Court passing it has jurisdiction to adjudicate upon the matter involved, whereas an administrative order, not being passed through a judicial process, may be made on administrative grounds alone, for which conferment of jurisdiction or judicial power is not necessary. It follows that an administrative order or communication, being a distinct species from a judicial order, cannot by itself invest a Court with jurisdiction which it does not otherwise possess in law. This is consistent with the broader principle reiterated in **Independent Newspapers Corporation (Pvt.)**

³ Shaukat Ali v. Zeal Pak Cement Factory, reported as 1999 PLC 435

Ltd.⁴, that where the law itself does not confer jurisdiction, no Court, including the High Court, can legally create such jurisdiction, since to confer jurisdiction is a function of the Legislature. Similarly, in **Water and Power Development Authority through Chairman, WAPDA**⁵, it was held that jurisdiction is conferred by law and not by the consent or conduct of parties; the same reasoning applies with equal force to an administrative communication, which cannot substitute for, or override, a statutory conferment of territorial jurisdiction under Section 177, Cr.P.C.

19. The authorities relied upon by learned Counsel (supra) also support the principle that the statutory rule on territorial jurisdiction cannot be displaced merely on the basis of the location of the investigating agency or the place where the FIR is registered, when the alleged offence is shown to have been committed elsewhere.

20. Consequently, the location of the FIA office at Sukkur, the registration of the FIR at the FIA Crime Circle, Sukkur, and the fact that the investigation was conducted by officers posted at Sukkur do not, without an independent legal basis, confer territorial jurisdiction on the Courts at Sukkur over an offence which, according to the prosecution's own case, was committed at Kandhkot, District Kashmore.

21. The learned trial Court was therefore required to determine the application under Section 177 Cr.P.C. by examining the place where the alleged offence was committed and whether any statutory exceptions to the ordinary rule of territorial jurisdiction applied. Instead, the learned trial Court proceeded on the assumption that the administrative communication dated 16.01.2025 was sufficient to confer jurisdiction. Such an approach cannot be sustained in law.

22. It is also significant that the prosecution's own FIR specifically identifies the place of occurrence and does not allege that the applicant was carrying on the impugned business in Sukkur. The subsequent removal of the applicant and the recovered articles to the FIA office in Sukkur, following the alleged raid, cannot, by itself, alter the situs of the alleged offence or confer territorial jurisdiction on the Courts in Sukkur.

⁴ Independent Newspapers Corporation (Pvt.) Ltd. v. Century Publications (Pvt.) Ltd., reported as 2016 CLCN 94 (Karachi)

⁵ Water and Power Development Authority through Chairman, WAPDA v. Abdul Shakoor, reported as 2008 PLD 175 (Lahore)

23. For the foregoing reasons, the impugned order dated 11.02.2026, passed by the learned Additional Sessions Judge-IV/(H), Sukkur, in Sessions Case No. 490 of 2022, is unsustainable and is accordingly set aside.

24. Consequently, this Criminal Revision Application is **allowed**. The impugned order dated 11.02.2026 is **set aside**. The application filed by the applicant under Section 177, Cr.P.C. is **allowed**. Learned Trial Court is directed to return the original FIR, charge-sheet and connected papers to the concerned Investigating Officer for presentation before the Court having competent territorial jurisdiction, in accordance with law. The competent Court shall thereafter proceed with the matter strictly in accordance with law.

25. Nothing contained in this order shall be construed as an expression of opinion on the merits of the allegations or on the guilt or innocence of the applicant.

J U D G E

Abdul Basit