

# IN THE HIGH COURT OF SINDH AT KARACHI

*Before:*

*Mr. Justice Muhammad Iqbal Kalhoro*

*Mr. Justice Khalid Hussain Shahani*

## **Criminal Revision Application No.132 of 2025**

Applicant : Syed Mohsin Hussain son of S. Ashiq H. Zaidi,  
Through M/s. Sami Ahsan and Riaz Hussain  
Soomro Advocates

## **Criminal Revision Application No.133 of 2025**

Applicant : Zain-ul-Abideen son of Shakir Hussain ,  
Through M/s. Sami Ahsan and Riaz Hussain  
Soomro Advocates

Complainant : Hamadullah Farooqi son of Attaullah Siddiqui,  
Through Mr. Raja Hassan Nawaz, Advocate.

State : Through Mr. Ali Haider Saleem, Additional  
Prosecutor General Sindh.

Date of hearing : 22.04.2026

Date of order : 04.05.2026

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.**--- By these two Criminal Revision Applications filed under Sections 439 and 435 of the Code of Criminal Procedure, 1898 read with Sections 16(5) and 18 of the Sindh Arms Act, 2013, the Applicants Syed Mohsin Hussain and Syed Zain-ul-Abideen have assailed the consolidated impugned Judgment dated 15-05-2025 passed by the learned VIth Anti-Terrorism Court, Karachi, whereby Syed Mohsin Hussain was convicted and sentenced to death under Sections 302(b) PPC and Section 7(1)(a) of the Anti-Terrorism Act, 1997, with compensation of Rs.2,000,000/- each in respect of the two deceased, and further sentenced to five (5) years' rigorous imprisonment with fine of Rs.50,000/- under Section 23(1)(a) of the Sindh Arms Act, 2013; while Syed Zain-ul-Abideen was convicted and sentenced to Life Imprisonment under Sections 302(b) PPC and Section 7(1)(a) of the Anti-Terrorism Act, 1997, with compensation of Rs.2,000,000/- each in respect of the two deceased, and further sentenced to five (5) years' rigorous imprisonment with fine of Rs.50,000/- under Section 23(1)(a) of the Sindh Arms Act, 2013, with benefit of Section

382-B Cr.P.C. Since both revision applications arise out of the same consolidated impugned Judgment, involve common questions of law, and seek substantially identical relief, they are being decided through this common order.

2. Both Applicants have inter alia prayed for: (i) admission of the revisions; (ii) suspension of the impugned Judgment; (iii) release on bail pending hearing of the revision petitions; and (iv) ultimately, acquittal from all charges on merits.

3. We have heard the learned counsel for the Applicants, the learned counsel for the Complainant, and the learned Additional Prosecutor General for the State. Before adverting to any factual or legal controversy raised on the merits of the convictions, the appreciation of evidence, the acquittal of the co-accused, or the legality of the recovery under the Sindh Arms Act, 2013, this Court is first obligated to examine a threshold question of jurisdiction, whether these revision applications are maintainable in law, or whether the High Court's revisional jurisdiction is barred by the special statutory scheme enacted under the Anti-Terrorism Act, 1997. The issue is not merely procedural. It concerns the limits of jurisdiction of this Court when a judgment has been passed by an Anti-Terrorism Court under a special statute which provides its own appellate forum, prescribes its own limitation, constitutes a Special Bench of not less than two Judges, declares finality of judgments, and gives overriding effect to its provisions over all other laws including the Code of Criminal Procedure.

4. Before proceeding to examine the relevant statutory provisions, this Court finds it appropriate to crystallize the precise questions arising for determination, which are as follows:

(i) Whether a judgment passed by an Anti-Terrorism Court can be challenged through criminal revision under Sections 435 and 439 Cr.P.C.;

(ii) Whether the Sindh Arms Act, 2013 component of the conviction can be separated from the consolidated ATC judgment and independently challenged by revision;

(iii) Whether the absence of a statutory appeal under the Sindh Arms Act, 2013 creates revisional jurisdiction in this Court despite the self-contained appellate scheme of the Anti-Terrorism Act, 1997;

(iv) Whether Section 16(6) of the Sindh Arms Act, 2013 preserves revisional jurisdiction against a conviction recorded by an Anti-Terrorism Court;

(v) Whether the pendency of statutory appeals under Section 25 ATA independently bars parallel revisional proceedings; and

(vi) Whether constitutional arguments regarding fair trial under Article 10A, the right to a remedy, or the vires of the Sindh Arms Act, 2013 can confer jurisdiction upon this Court where the statute otherwise bars revision.

5. For the purpose of examining the foregoing questions, it is necessary to reproduce the relevant provisions of the Anti-Terrorism Act, 1997, namely Sections 25, 31 and 32, which must be read in conjunction with each other:

**Section 25 — Appeal:** (1) An appeal against the final judgment of an Anti-Terrorism Court shall lie to a High Court. (3) An appeal under subsection (1) may be preferred by a person sentenced by an Anti-Terrorism Court to a High Court within fifteen days of the passing of the sentence. (4) The Attorney General, Deputy Attorney General, Standing Counsel or an Advocate General or an Advocate of High Court or Supreme Court of Pakistan appointed as Public Prosecutor, Additional Public Prosecutor or Special Public Prosecutor may, on being directed by the Federal or a Provincial Government, file an appeal against an order of acquittal or a sentence passed by an Anti-Terrorism Court within thirty days of such order. (8) Pending the appeal, a High Court shall not release the accused on bail. (9) For the purposes of hearing appeals under this section, each High Court shall establish a Special Bench or Benches consisting of not less than two Judges.

**Section 31 — Finality of Judgment:** A judgment or order passed or sentence awarded by a Special Court, subject to the result of an appeal under this Act, shall be final and shall not be called in question in any Court.

**Section 32 — Overriding Effect of Act:** (1) The provisions of this Act shall have effect notwithstanding anything contained in the Code or any other law but, save as expressly provided in this Act, the provisions of the Code shall, in so far as they are not inconsistent with the provisions of the Act, apply to the proceedings before the Special Court.

6. The learned counsel for the Applicants, Mr. Sami Ahsan, Advocate, raised several points of law bearing upon the maintainability of the subject revision applications with considerable thoroughness. His principal contentions are that the instant revision applications were filed not against the convictions under the Anti-Terrorism Act, 1997, for which statutory appeals under Section 25 ATA (Cr. Anti-Terrorism Appeal Nos. 16 & 17 of

2025) have already been separately filed within the prescribed limitation period of fifteen days, but exclusively against the convictions and the impugned acquittals of co-accused under the Sindh Arms Act, 2013. He submitted that the Sindh Arms Act, 2013 provides no avenue of appeal whatsoever against a conviction or acquittal arising out of an offence under Sections 23, 24, 24-A, 25 or 26 of that Act. Section 18 of the Sindh Arms Act, 2013, he pointed out, only provides an appeal against administrative licensing authority decisions relating to refusal to grant, variation of conditions, suspension or revocation of a licence, while Section 16(5) empowers a convicting court to also suspend or revoke a licence, and Section 16(6) allows the High Court in its revisional capacity to make such orders of suspension or revocation. The learned counsel thus argued that the only door left open by the legislature for a convicted person under the Sindh Arms Act, 2013 is the revisional jurisdiction of the High Court, particularly when Section 16(6) itself acknowledges the High Court's revisional powers in express terms.

7. He further relied upon the well-entrenched principle of administration of justice reported as 2004 SCMR 612<sup>1</sup>, urging that courts of law are duty-bound to ensure that no person is rendered remediless, and that if the Sindh Arms Act, 2013 provides no appeal against conviction under Sections 23-26 and if revision is also held barred by the ATA's non-obstante clause, a convicted person would be left entirely without a legal remedy for the component of conviction referable to that provincial statute, a result repugnant to the spirit of the Constitution and to elementary norms of justice. He further submitted that the Sindh Arms Act, 2013 is a later enactment than the Anti-Terrorism Act, 1997, and that both statutes contain non-obstante clauses; that in terms of the canonical rules of statutory interpretation, *generalia specialibus non derogant* and *lex posterior derogat priori*, the later, more specific provincial statute must prevail, and that the ATA's non-obstante clause cannot operate to extinguish the revisional jurisdiction preserved by Section 16(6) of the Sindh Arms Act, 2013. He also pointed out that the Anti-Terrorism Act, 1997 in its Section 2(g) defines "fire-arms" with reference to the Pakistan Arms Ordinance, 1965 only, and that no corresponding amendment was ever made to incorporate the Sindh Arms Act, 2013 in the definitional provision or in the Third Schedule of the ATA, resulting in a legislative gap of significance; and relying on Section 36(2) of the ATA, which declares that a Special Court "shall be deemed to be a Court of ordinary criminal jurisdiction" for the purposes of any law referred to in

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<sup>1</sup> Jan Muhammad through Mubarak Ali and others v. Nazir Ahmad and others.

Section 36(1), he submitted that the ATC, while exercising jurisdiction over non-scheduled offences under the Sindh Arms Act, 2013, must be treated as a court of ordinary criminal jurisdiction and the full panoply of the Cr.P.C., including revisional jurisdiction under Sections 435 and 439, would therefore be available.

8. The learned counsel brought to the Court's attention reported judgments wherein this Court and superior courts have held that the High Court's revisional powers under Sections 435/439 Cr.P.C. survive despite express finality clauses in special statutes, including 1975 PCrLJ 195 (DB)<sup>2</sup>, 1982 PCrLJ 779 (DB)<sup>3</sup>, PLD 1996 Karachi 306 (DB)<sup>4</sup>, PLD 2012 Sindh 119 (DB)<sup>5</sup>, PLD 2009 Karachi 7 (DB)<sup>6</sup>, 1973 PCrLJ 755 (SB)<sup>7</sup>, and 1968 PCrLJ 1416 (SB)<sup>8</sup>. He also relied upon PLD 2016 SC 409<sup>9</sup> in support of the proposition that where a consolidated ATC judgment convicts an accused both under the ATA and under the Sindh Arms Act, 2013, the remedy for the ATA component lies in a statutory appeal while the remedy for the Sindh Arms Act component independently lies in a criminal revision. He further relied upon the unreported Supreme Court judgment dated 29-10-2019 in Criminal Appeals Nos. 403-407 of 2019 (*Syed Asif Hussain Zaidi & others v. Syed Muhammad Ahsan & others*) and the cases of PLD 2005 SC 173<sup>10</sup>, 2005 SCMR 1785<sup>11</sup>, 2005 PLC 364<sup>12</sup>, PLD 1981 SC 553<sup>13</sup>, and 1968 SCMR 574<sup>14</sup>, all establishing that a right of appeal is not a natural or inherent right but a substantive statutory right that cannot be assumed by implication or borrowed from general law when the special statute is silent. In a broader constitutional submission, the learned counsel argued that the Sindh Arms Act, 2013 is void and ultra vires the Constitution for failing to provide any tier of appeal against conviction or acquittal under Sections 23-26, relying upon PLD 1988 SC 202<sup>15</sup>, PLD 1989 SC 6<sup>16</sup>, and PLD 2006 SC 602<sup>17</sup>.

9. This Court has extended anxious and careful consideration to each of the foregoing submissions, which have been advanced with commendable

<sup>2</sup> Ejaz Ali Shah and another v. The State.

<sup>3</sup> Fida Muhammad and 3 others v. The State Bank of Pakistan and another

<sup>4</sup> Haleem Shah v. The State.

<sup>5</sup> The State v. Muhammad Arif.

<sup>6</sup> Raza Khan v. The State and 2 others.

<sup>7</sup> The State v. A. K. Muhammad Ali.

<sup>8</sup> Abdullah v. The State.

<sup>9</sup> Zahid Zaman Khan & others v. Khan Afsar & others.

<sup>10</sup> Syed Masroor Shah and others v. The State.

<sup>11</sup> Manzoor Ali and 39 others v. United Bank Limited through President.

<sup>12</sup> Mughal Surgical (Pvt.) Ltd. and others v. Presiding Officer, Punjab Labour Court No.7 and others.

<sup>13</sup> Pakistan International Airlines Corporation v. M/s. Pak Saaf Dry Cleaners.

<sup>14</sup> Mst. Shohrat Bano v. Ismail, Dada Adam Soomar.

<sup>15</sup> Federation of Pakistan and others v. Public at Large and others.

<sup>16</sup> Pakistan through Secretary, Ministry of Defence v. The General Public.

<sup>17</sup> Muhammad Mubeen-us-Salam & others v. Federation of Pakistan.

thoroughness and professional erudition. However, with utmost respect to the learned counsel and full appreciation of the ingenuity of the arguments raised, this Court is constrained to hold that none of the aforesaid contentions can overcome the fundamental jurisdictional bar erected by the Anti-Terrorism Act, 1997 for the reasons that follow.

**10.** The Anti-Terrorism Act, 1997 is not merely a law that creates offences. It creates a distinct and comprehensive procedural regime for investigation, trial, judgment, appeal, finality, and execution. The plain and unambiguous reading of Section 31 of the Act makes it abundantly clear that a judgment, order, or sentence passed by an Anti-Terrorism Court is final and conclusive, subject only to the result of an appeal under the Act itself. The legislature has, with deliberate care, prescribed a self-contained and complete appellate mechanism under Section 25, restricting the mode of challenge against an ATC judgment to a statutory appeal before a Special Bench of the High Court, and to no other mode of proceedings whatsoever. It bears particular emphasis, however, that the jurisdictional bar arising in the present case does not rest upon a single finality clause taken in isolation. It arises from the cumulative statutory design of the Act read as a whole: Section 25 prescribes the specific appellate remedy; Section 25(9) mandates that such appeal be heard by a Special Bench of not less than two Judges; Section 31 declares the ATC judgment final subject only to the Section 25 appeal; and Section 32 gives the Act overriding effect over the Code of Criminal Procedure and all other laws. When these four provisions are read together, as they must be, their combined and inescapable effect is that the remedy against a final judgment of an Anti-Terrorism Court is a statutory appeal under Section 25 ATA, and not a revision under Sections 435/439 Cr.P.C.

**11.** The question then squarely arises as to whether, in the face of this complete statutory scheme, the revisional jurisdiction of the High Court under Sections 435 and 439 Cr.P.C. can be invoked. The answer is an emphatic No. It is true that revisional jurisdiction of the High Court is supervisory in nature, and that exclusion of such jurisdiction is not to be lightly presumed. However, where a special statute provides a complete appellate mechanism, declares finality subject to that mechanism, and gives overriding effect to its provisions, the exclusion of ordinary revisional jurisdiction follows by necessary implication. Section 32 of the ATA makes it lucid that the provisions of the Code of Criminal Procedure apply only to the extent they are not inconsistent with the provisions of the ATA. Sections 435 and 439 Cr.P.C., which confer revisional jurisdiction upon the High Court over

subordinate criminal courts, are patently and directly inconsistent with Sections 25 and 31 of the ATA, which create an exclusive appellate pathway and declare the ATC judgment final subject only to that pathway. The revisional jurisdiction cannot, therefore, be called in aid to circumvent the bar so enacted. This view is fortified by the dictum of this Court in Criminal Revision Application No. 26 of 1999 and the reported judgment in 2000 PCrLJ 1195<sup>18</sup>, wherein it was held in clear and unqualified terms:

*“Revisional or inherent jurisdiction of the High Court is not available to assail an order passed by a Special Court, and that Sections 25, 31 and 32 of the Anti-Terrorism Act, 1997, read in conjunction with each other, do not permit the order passed by a Special Court to be challenged in revision or under the inherent jurisdiction of the High Court.”*

**12.** As regards the learned counsel's argument that the present revisions are directed solely against the convictions under the Sindh Arms Act, 2013 and not against the ATA convictions for which separate appeals are pending, this Court acknowledges the technical ingenuity of the submission. However, the argument fails to account for the fundamental reality that the impugned Judgment is a single, consolidated judgment passed by the learned VIth Anti-Terrorism Court, Karachi, as a Special Court under the ATA, and it is the judgment of that Special Court which is being assailed before this Court, regardless of the underlying offences it adjudicates upon. Section 31 of the ATA renders final "a judgment or order passed or sentence awarded by a Special Court"; the finality attaches to the instrument of adjudication, i.e., the Special Court's judgment as a whole, and not merely to those counts within it that are traceable to ATA offences. To accept the learned counsel's argument would mean that any part of a consolidated ATC judgment relating to a non-Scheduled offence could be attacked by revision while the rest could only be addressed in appeal, a result that would subvert the unified mechanism of Section 25 ATA and produce an impermissible bifurcation of the challenge to a single judicial instrument. Such fragmentation of one judicial determination would produce irremediable and intolerable anomalies in practice: (i) a Special Bench of two Judges would simultaneously co-exist with a Single Judge entertaining a criminal revision against the very same consolidated judgment; (ii) both proceedings would examine the same evidence, the same witnesses, and the same factual foundation; (iii) both may reach inconsistent findings on identical questions of fact and law; (iv) one forum may uphold while another may disbelieve the same recovery, the same prosecution witnesses, or the same common evidentiary basis; and (v) conflicting judicial determinations arising from the

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<sup>18</sup> Muhammad Sabir Roshan v. The State.

same consolidated judgment would embarrass the administration of justice and create irreconcilable confusion of jurisdiction. The law does not permit such fragmentation of a single judicial determination.

**13.** Before proceeding to address the remaining submissions, it is necessary to deal with what may appear to be the most potent factual premise of the Applicants' case that they are rendered entirely remediless in respect of the Sindh Arms Act, 2013 component of the impugned Judgment by reason of the absence of a statutory appeal under that Act. This Court is satisfied that this premise is factually and legally incorrect. The Applicants have already filed Criminal Anti-Terrorism Appeals Nos. 16 and 17 of 2025 under Section 25 ATA, which arise from the same consolidated impugned Judgment. The Special Bench constituted to hear those appeals is fully empowered to examine the legality, propriety, correctness, and sustainability of the entire judgment under appeal, and is not confined merely to those counts traceable to the ATA. The appellate court under Section 25 ATA does not examine a bare list of statutory provisions in isolation; it examines the judgment of the Special Court as a whole. Since the Sindh Arms Act conviction forms an integral and inseparable part of that consolidated judgment, its correctness and legality can equally be tested before the Special Bench, which possesses ample jurisdiction to examine the legality of all findings recorded therein. Accordingly, the correct legal position is not that the Applicants are remediless, it is that they have invoked an additional, impermissible, and parallel remedy through these revision applications. Their lawful remedy already subsists and is pending before the competent forum. The principle recognized in 2004 SCMR 612<sup>19</sup>, that courts of law must ensure no person is rendered remediless, is accordingly not violated; the Applicants possess and have already exercised a complete, lawful, and efficacious statutory remedy before a competent appellate forum. The invocation of that principle in support of these revision applications is therefore misconceived and cannot avail the Applicants.

**14.** Reliance on Section 16(6) of the Sindh Arms Act, 2013 is also misplaced. That provision recognizes the revisional power of the High Court in the limited and specific context of orders relating to suspension or revocation of a licence passed by a convicting court under Section 16(5). It cannot be expanded or extrapolated into a general appellate or revisional remedy against every conviction under the Sindh Arms Act, particularly where the conviction forms part of a consolidated judgment passed by an

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<sup>19</sup> Jan Muhammad through Mubarak Ali and others v. Nazir Ahmad and others.

Anti-Terrorism Court. Section 16(6) does not provide that a conviction by an Anti-Terrorism Court under Section 23 of the Sindh Arms Act, 2013, shall be revisable before the High Court notwithstanding Sections 25, 31 and 32 of the ATA. Nor does it contain any non-obstante clause overriding the ATA's special appellate regime. A general or incidental recognition of revisional authority in a provincial statute, confined to the narrow domain of licensing consequences, cannot be elevated into a jurisdictional foundation to defeat the express and self-contained mechanism provided under the federal Anti-Terrorism Act, 1997. The scope of a statutory provision must be measured by its language and its evident legislative purpose; Section 16(6) was enacted to address licensing consequences flowing from a criminal conviction, not to create a parallel appellate avenue against the conviction itself.

**15.** The contention that the Sindh Arms Act, 2013, being the later statute, must prevail over the Anti-Terrorism Act, 1997 by reason of the *lex posterior derogat priori* rule is also untenable. The Sindh Arms Act, 2013 is a provincial statute enacted by the Sindh Legislature, while the ATA, 1997 is a Federal statute. The question of which statute prevails in case of inconsistency between a Federal law and a Provincial law is governed not by the *lex posterior* principle but by Article 143 of the Constitution of Pakistan, 1973, which expressly provides that a Federal law shall prevail over a Provincial law in case of repugnancy. The ATA is a Federal statute of superior applicability and cannot be overridden by a provincial enactment, regardless of the chronological sequence of their promulgation. The 2023 Amendment to the Sindh Arms Act introducing the reference to Section 11EE(2)(a) of the ATA, though not applicable to the Applicants' case of 2016, is itself illustrative of the provincial legislature's recognition and acceptance of the primacy of the federal ATA framework. Even setting aside Article 143 and proceeding purely on the plane of statutory interpretation, the result would be identical. The Sindh Arms Act, 2013 does not expressly provide that an ATC judgment in respect of a Sindh Arms Act offence shall be revisable notwithstanding the Anti-Terrorism Act, 1997. There is no later legislative command that expressly and unambiguously overrides the ATA's finality and appellate provisions. The true and applicable principle in the present context is this: where a special federal statute creates a special court and provides a self-contained appellate remedy against judgments of that court, ordinary revisional jurisdiction under the Code cannot be invoked unless the special statute itself expressly permits it. The ATA does not permit it.

**16.** The argument under Section 36(2) ATA that a Special Court is "deemed to be a Court of ordinary criminal jurisdiction" also falls upon a plain reading of Section 36. A careful examination reveals that Section 36(2) is a limited deeming provision confined to situations arising under laws relating to the Naval, Military or Air Forces or other armed forces of the Government as per Section 36(1). It does not, and was never intended to, transform the Anti-Terrorism Court into a court of ordinary criminal jurisdiction for the general purpose of attracting revisional jurisdiction under the Cr.P.C. against all its judgments. To read Section 36(2) in such an expansive manner would wholly nullify Section 31's finality provision and would render the entire scheme of Section 25 meaningless, a construction that violates the foundational rule of statutory interpretation that a statute must be read as a whole and that no provision should be read so as to render another otiose.

**17.** The learned counsel's reliance upon the *Zahid Zaman Khan* principle (PLD 2016 SC 409) and the Family Court analogy is, with respect, misplaced. The said Supreme Court judgment was directed at the procedural mechanism of drawing up separate decree sheets in consolidated civil suits to facilitate identification of the proper appellate forum based on valuation, it was not a ruling that the merits of a single judgment can be split across multiple separate proceedings before different forums simultaneously. In the present case, where the ATA mandates a Special Bench of two Judges to hear the appeal under Section 25(9), permitting a Single Judge to entertain a revision against a part of the very same judgment would violate both the letter and the spirit of that provision. The proper course, as this Court holds, is that the entire judgment of the Anti-Terrorism Court including the Sindh Arms Act component must be challenged before the Special Bench under Section 25 ATA, which has ample jurisdiction to examine the legality of all findings recorded in the consolidated judgment.

**18.** The submission founded upon the unreported Supreme Court judgment in *Syed Asif Hussain Zaidi* (29-10-2019) lends inadvertent support to this Court's conclusion rather than to the Applicants' case. In that judgment, the Supreme Court held precisely that where a special law does not provide for an appeal, a party cannot invoke the general provisions of the Cr.P.C. to supply such a remedy by implication, and an appeal so filed remains incompetent regardless of the High Court's purported exercise of jurisdiction therein. By a parity of reasoning, when the ATA provides a complete, self-contained appeal mechanism under Section 25 and simultaneously declares the judgment final under Section 31, the Applicants cannot invoke the general revisional jurisdiction of this Court under Sections

435/439 Cr.P.C. to challenge the same instrument through a different mode of proceedings. The principle that "an appeal is a statutory right" cuts both ways: it means equally that revisional jurisdiction cannot be deployed as a surrogate where the legislature has prescribed a specific appellate forum and has expressly barred all other modes of challenge.

**19.** The argument that the constitutional guarantee of a fair trial under Article 10A of the Constitution operates to preserve a revisional remedy for the Applicants, notwithstanding the ATA's statutory scheme, is also not sustainable in law. Article 10A undoubtedly guarantees the right to a fair trial and due process, and this Court is fully alive to the significance and centrality of that guarantee in criminal proceedings. However, it is equally well settled that Article 10A does not operate in a vacuum, nor does it confer an unfettered right upon a litigant to invoke any forum or procedure of his own choosing. The guarantee of fair trial is satisfied when the law provides access to a competent and lawful forum for adjudication of rights. In the present case, such a forum indisputably exists in the form of the statutory appellate remedy under Section 25 of the ATA, 1997, already invoked by the Applicants themselves. The Special Bench constituted thereunder is fully empowered to examine all legal and factual questions arising out of the impugned Judgment, including those relating to the Sindh Arms Act component. It is a settled principle of law that jurisdiction cannot be assumed by a Court on considerations of equity, hardship, or perceived gaps in statutory remedies, the jurisdiction must flow from law, not from convenience or fairness. While constitutional guarantees inform and guide statutory interpretation, they cannot be employed to confer jurisdiction upon a forum which the legislature has consciously excluded. To hold otherwise would amount to rewriting the statutory scheme and defeating the express legislative intent underlying the Anti-Terrorism Act, 1997.

**20.** The learned counsel's reliance on the cases including *Haleem Shah* (PLD 1996 Karachi 306) and *Fida Muhammad* (1982 PCrLJ 779) does not assist the Applicants. Those cases concerned either the Suppression of Terrorist Activities (Special Courts) Act, 1975, a categorically distinct and earlier statute or a specialized Tribunal under an administrative regulatory law, and neither of them involved the express and comprehensive scheme of Sections 25, 31 and 32 of the present ATA, 1997. The judgment in *Haleem Shah* has itself been overtaken by the evolution of the law post-1997. This

Court is bound by the direct and later authority in 2000 PCrLJ 1195<sup>20</sup>, which arose precisely under the present ATA and precisely on this point.

**21.** The submission that the Sindh Arms Act, 2013 is void and ultra vires the Constitution for failing to provide any tier of appeal against conviction or acquittal under Sections 23-26, though raising a point of constitutional significance and one of considerable persuasive force in light of the principle affirmed in PLD 2006 SC 602<sup>21</sup> that a statute which provides no appeal whatsoever against conviction "is unreasonable and can be struck down," is a matter that must be adjudicated upon in the competent statutory appeal by the Special Bench as may be constituted for that purpose. It is a foundational principle of adjudication that jurisdiction is anterior to every other question, a court must first possess jurisdiction before it can decide questions of vires, constitutional validity, or legislative omission. Since these revisions are not maintainable for the reasons stated above, this Court cannot proceed to examine the constitutionality of the Sindh Arms Act, 2013 in the present proceedings. That question, including all contentions referable to PLD 1988 SC 202<sup>22</sup>, PLD 1989 SC 6<sup>23</sup>, and PLD 2006 SC 602<sup>24</sup>, shall remain wholly open, unaffected, and unforeclosed for determination by the Special Bench seized of the pending statutory appeals.

**22.** The co-existence of pending statutory appeals and the present revision applications against the identical impugned Judgment furnishes an additional and independent ground of non-maintainability. It is a fundamental principle of procedural law that two parallel proceedings, invoking different jurisdictions of the same Court, cannot simultaneously lie against one and the same judgment or order. The Supreme Court of Pakistan has consistently deprecated the practice of pursuing concurrent remedies in respect of an identical grievance, recognizing that such a course is not only an abuse of the process of the court but also runs the risk of producing conflicting, contradictory, or mutually repugnant judicial determinations in respect of the same subject matter. Where a party has already approached and invoked the jurisdiction of a competent appellate forum by preferring a statutory appeal, it would be fundamentally incongruous and legally impermissible for the selfsame party to simultaneously invoke the revisional jurisdiction of the same Court against the very judgment which is already sub judice before the appellate bench. It is well settled that a court of revision has

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<sup>20</sup> Muhammad Sabir Roshan v. The State.

<sup>21</sup> *Muhammad Mubeen-us-Salam & others v. Federation of Pakistan.*

<sup>22</sup> Federation of Pakistan and others v. Public at Large and others.

<sup>23</sup> Pakistan through Secretary, Ministry of Defence v. The General Public.

<sup>24</sup> Muhammad Mubeen-us-Salam & others v. Federation of Pakistan.

no jurisdiction to entertain a petition where a statutory appeal against the same judgment is pending, for the two modes of challenge cannot co-exist and operate in parallel without causing irreparable confusion to the judicial process. Once the Applicants elected and invoked the statutory appellate remedy under the ATA, they cannot simultaneously maintain revisions against the same judgment. In the circumstances of the present case, the pendency of Cr. Anti-Terrorism Appeal Nos. 16 and 17 of 2025, together with Confirmation Case (ATA) No. 01 of 2025, all arising from and directed against the impugned consolidated Judgment, renders these concurrent revision applications doubly non-maintainable: firstly, on account of the absolute statutory bar enacted under Sections 25, 31 and 32 of the ATA, 1997; and secondly, on account of the well-settled principle that a judgment already sub judice before a competent appellate forum cannot simultaneously be assailed through revisional proceedings before the same Court. The pendency of the appeals is thus not merely a procedural or incidental circumstance; it is an emergent and conclusive fact that seals the fate of these revision applications at the very threshold.

**23.** The prayer for suspension of the impugned Judgment and grant of bail pending hearing of the revision is equally untenable. Section 25(8) of the ATA explicitly provides that "pending the appeal, a High Court shall not release the accused on bail." If even a maintainable statutory appeal under Section 25 ATA carries an express legislative prohibition on bail, there is no conceivable basis for granting bail in proceedings that are not even maintainable in law. The liberty of the Applicants, however genuine the sentiment of their grievance, cannot be secured through a forum that has no jurisdiction to grant it.

**24.** For the foregoing reasons, this Court holds as follows:

*(i) The Anti-Terrorism Act, 1997 provides a complete and self-contained appellate mechanism against final judgments of Anti-Terrorism Courts, and the bar to criminal revision arises from the cumulative operation of Sections 25, 25(8), 25(9), 31 and 32 ATA read together;*

*(ii) Sections 435 and 439 Cr.P.C. are excluded by necessary implication, being directly inconsistent with the ATA's special appellate scheme;*

*(iii) The consolidated ATC judgment cannot be fragmented into ATA and non-ATA components so as to attract separate remedies before separate forums simultaneously the finality under Section 31 attaches to the entire instrument of the Special Court's judgment;*

*(iv) The Applicants are not remediless; the Sindh Arms Act, 2013 conviction may be, and ought to be, questioned before the Special Bench in the pending statutory appeals arising from the same consolidated judgment;*

*(v) Section 16(6) of the Sindh Arms Act, 2013 does not override the special appellate regime of the ATA and cannot serve as a jurisdictional foundation against an ATC conviction;*

*(vi) Article 143 of the Constitution governs conflicts between Federal and Provincial statutes; the lex posterior and generalia specialibus canons are inapplicable in this context; the ATA, being a Federal statute, prevails;*

*(vii) Section 36(2) ATA is a limited deeming provision confined to military and armed forces laws and cannot be read to attract general revisional jurisdiction under the Cr.P.C. against ATC judgments;*

*(viii) Article 10A of the Constitution does not create a parallel revisional remedy where a competent statutory appeal is already available and pending before the Special Bench;*

*(ix) The constitutional challenge to the Sindh Arms Act, 2013 for absence of an appeal provision may be raised before the Special Bench seized of the statutory appeals but cannot be adjudicated in proceedings that are themselves incompetent; and*

*(x) The pendency of the statutory appeals and the Confirmation Reference independently and conclusively bars these parallel revisional proceedings on the additional principle that the same judgment cannot simultaneously be sub judice before two different jurisdictions of the same Court.*

**25.** Before parting with these matters, this Court notes that admittedly both Applicants have also filed two separate Criminal Anti-Terrorism Appeals bearing Nos. 16 & 17 of 2025 against the impugned Judgment under Section 25 of the Anti-Terrorism Act, 1997, which are pending before the Special Bench of this Court along with Confirmation Reference (ATA) No.01/2025 already clubbed therewith. The interests of the Applicants-Appellants are accordingly alive and subsisting in those proceedings and the said appeals shall be decided on their own merits in accordance with law. All contentions regarding the Sindh Arms Act convictions, the co-accused's acquittals, the constitutional challenge to the Sindh Arms Act, 2013 for absence of an appeal provision, and any other grounds touching the legality or vires of the impugned Judgment, may appropriately and lawfully be raised before that Special Bench. Whatever rights are available to the Applicants in law shall

remain wholly unaffected by the dismissal of these revision applications on the sole ground of non-maintainability.

**26.** For the foregoing reasons, both Criminal Revision Application No. 132 of 2025 and Criminal Revision Application No. 133 of 2025 are held to be not maintainable in law and are accordingly dismissed at the threshold along with all listed applications, including the prayer for suspension of the impugned Judgment and the prayer for admission to bail, without prejudice to any lawful remedy that may be available to the Applicants before the competent forum under the Anti-Terrorism Act, 1997.

**J U D G E**

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