

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Revision. Appl. No.162 & 163 of 2026
(The State Vs. Asim Ali)

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

08.09.2026

Mr. Rubina Qadir, Deputy Prosecutor General Sindh
Mr. Muhammad Imran Kalamati, advocate for respondent.

ORDER

Muhammad Iqbal Kalhoro, J:- These Revision Applications have been filed against impugned order passed by learned Antiterrorism Court-II Karachi whereby while hearing the bail application of respondent in Crime Nos.29/2026 U/s 4/5 Explosive Substances Act and 30/2026 U/s 23(1) (a) Sindh Arms Act, 2013, the court formed an opinion that the case did not fall within the scheduled offence triable by Antiterrorism Court, hence on its own transferred the cases to the relevant Sessions court.

2. The facts of the FIR show that respondent was arrested on 29.03.2026 by CTD police District East Karachi from main gate Mano Goth, graveyard, Sir shah Suleman Road, Block 12, Gulshan-e-Iqbal, Karachi East and from him allegedly a hand grenade alongwith a detonator and an unlicensed 30 bore pistol was recovered. Learned ATC Court has mainly observed that mere possession of the explosive would not fall within the ambit of third schedule of ATA, 1997, and unless the explosive is used in Mosque, Imambargah, Church, Temple or any other place of worship or court premises., the case would not be referred to the Antiterrorism Court.

3. Learned DPG, however, in order to rebut the said findings has referred to section 5-A & 5-B of the Explosives (Amendment) Act, 2025. Subsection (5) of section 5-A thereof prescribes that whoever commits any act involving storage, possession, procurement, sale, transport, import, export or use of explosives without any license under this Act and rules made thereunder shall be liable to the punishments provided for in the Explosive Substances Act, 1908. Section 5-B suggests that

offences under this Act and under the Explosive Substances Act shall be triable by Antiterrorism Court established under the ATA, 1997.

4. The language of said provision does not leave a room for any other interpretation except that all such cases would be tried by the Antiterrorism Court. This makes it abundantly clear that even offence of possession of the explosive, the one alleged here, has to be tried by the Antiterrorism Court under ATA, 1997. Hence, the findings and observations of the ATC Court that unless explosive is used in certain places, detailed above, the offence would not be under the ATA, 1997 are not spot on and legally incorrect. This legal position has not even been disputed by the learned counsel appearing on behalf of respondent.

5. We, therefore, find the impugned order unsustainable in law, set it aside and resultantly restore the cases to the same position before the Antiterrorism Court for a trial on merits. Since the impugned order was passed by the ATC while hearing a bail application, we, direct the ATC court to decide the bail application in accordance with law within 15 days.

The Cr. Revision Applications stand disposed of in the above terms along-with pending applications.

JUDGE

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