

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Rev. Application No. 81 of 2018

Syed Saeed Ahmed Kazmi Applicant

Versus

The State & Others Respondents

Date of hearing : 16.10.2018

Date of announcement : 22.10.2018

Mr. Muhammad Ali Waris Lari, Advocate for applicant.

Mr. Zahoor Shah, D.P.G. for State.

ORDER

Omar Sial, J: The applicant has impugned an order dated 3-4-2018 passed by the learned 8th Civil Judge/Judicial Magistrate, Malir at Karachi. In terms of the said order, the learned magistrate had declined to take cognizance of a section 173 Cr.P.C. report on the ground that in his view the jurisdiction of the case vested with the Anti-Terrorism Court.

2. I have heard the learned counsel for the applicant as well as the learned D.P.G.

3. The learned counsel for the applicant has argued that the learned magistrate did not take into account the provisions of section 6 of the ATA 1997 and that the offence for which the applicant is nominated does not fall within the ambit of terrorism laws. He further argued that the applicant or his counsel was not given an opportunity to be heard prior to the impugned order being passed, which order prejudices the applicant. Learned counsel lastly submitted that he will not argue, at this stage, the question of whether an offence within the ambit of terrorism is made out or not if the learned magistrate is directed to pass an order in accordance with law after hearing the parties. The learned D.P.G. does not oppose the proposition.

4. In view of the above, the order dated 3-4-2018 is set aside. The learned magistrate is directed to issue notices to both parties as well as the concerned prosecutor and after having given them an opportunity to be heard, pass a fresh order in accordance with law.

5. The application stands disposed of in the above terms.

JUDGE