

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Revision Application No.D- 38 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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Present:

Justice Zafar Ahmed Rajput
Justice Irshad Ali Shah

Applicants : Azizullah and Samiullah Shah through Mr. Sohail Ahmed Khoso, Advocate

Respondent No.3 : Syed Ghulam Mustafa Shah, through Mr. Muhammad Ali Napar, Advocate

Respondents No.1&2: Through Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General.

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Date of Hearing : 21.02.2023

Date of Short Order: 21.02.2023

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ORDER

ZAFAR AHMED RAJPUT, J: - This Criminal Revision Application is directed against order, dated 07.12.2022, whereby the learned Judge Anti-Terrorism Court, Khairpur dismissed the application filed by the applicants/accused under section 23 of the Anti-Terrorism Act, 1997 (*“the Act of 1997”*), seeking transfer of Special Case arising out of FIR No. 104 of 2022 registered at P.S. Pir-jo-Goth under Sections 387, 384, 324, 504, 337H(2), PPC read with Section 7 ATA from the file of Court of Anti-Terrorism, Khairpur to ordinary Court for want of jurisdiction.

2. Briefly stated facts of the prosecution case are that, on 03.10.2022, respondent No.3/complainant lodged the aforesaid F.I.R. alleging therein that Syed Ashfaque Shah is his brother and is an advocate by profession. Accused Sultan Shah time to time issued threats through mobile phone to his said brother to pay Bhatta of Rs. 20,00,000/-, else he will cause harm to his life; that

on 29.09.2022, father-in-law of Syed Ashfaq Shah died, for offering condolence, Syed Ashfaq Shah, Syed Jeal Shah, Syed Afzal Shah, Syed Shoaib Shah and he (complainant) came at village Sadar ji Bhatiyoon and after offering condolence, they were returning back and when at about 02.15 p.m, they reached at link road leading towards Hadal Shah to Bhutta Mohalla near Dindar Moar, they saw six accused persons armed with KKs emerged and accused Sultan Shah (2) Azizullah Shah (3) Samiullah Shah (4) Syed Deedar Shah alias Makhan Shah, (5) Syed Naveed Hussain Shah and (6) Abdul Basit Shah opened fire upon Syed Ashfaq Shah and Syed Jeal Shah with intention to commit their murder; that they also made aerial firing to spread terror and panic in the locality; that accused Sultan Shah stated that if anybody did not pay him Bhatta, he would not spare them; that Syed Ashfaq Shah sustained one firearm injury on his left cheek, one on his back side which was through and through while Syed Jeal Shah sustained firearm injury on his left shoulder and right side of abdomen and on left back side; thereafter, complainant came at P.S and lodged the FIR to the above effect.

3. After usual investigation, police submitted the challan against the applicants/accused in the Anti-Terrorism Court, Khairpur wherein the applicants filed an Application under section 23 of the Act of 1997, which was dismissed by the Trial Court, vide impugned order.

4. Heard learned counsel for the applicants and respondent No.3 as well as learned A.P.G and perused the material available on record.

5. Extortion of money (Bhatta) under Section 6(2)(k) of the Act is a scheduled offence. So far application of the aforesaid provision of law in the instant case is concerned, it may be seen that the complainant has specifically stated in the FIR that his injured brother Syed Ashfaq Shah is an Advocate

by profession; that the accused used to demand Bhatta. The above said averments of the FIR reveal that said brother of the complainant is enjoying sound financial status and having good source of income against which the applicant/accused was demanding Bhatta, as such, *prima facie*, sufficient tangible material is available with the prosecution to establish the charge of demanding extortion of money against the applicant/accused.

6. In view of above facts and reasons, this CrI. Revision Application was **dismissed** by means of short order dated 21.02.2023 and these are the reasons in support thereof.

JUDGE

JUDGE

Ahmad