DATE	ORDER WITH SIGNATURE OF JUDGE(S)

For orders on MA-8415/19 (exemption)
For orders on MA-8416/19 (u/s 561-A, Cr.P.C)
For hearing of main case
For hearing of MA-838/13 (stay)

28.08.2023

M/s. Muhammad Saad Saeed and Muhammad Ayoob Laghari advocate for applicants.

Ms. Rameshan Oad, A.P.G. for the State along with Iftikhar Ali Bajwa, SHO PS Town Mirpurkhas.

Through instant application, applicants being aggrieved and dissatisfied with the impugned order dated 22.11.2012 passed by learned Civil Judge and Judicial Magistrate-I, Mirpurkhas, whereby he directed the respondent No.2/I.O to submit the case to the Court of Anti-Terrorism Court, Mirpurkhas having jurisdiction and also submit final challan u/s 173, Cr.P.C in the matter.

Learned counsel for the applicants submits that impugned order is opposed to law, facts and equity as provision of law. He next submits that the Magistrate in the instant case travelled beyond his jurisdiction and directed the IO to submit challan before the competent Court. He next submits that the Magistrate failed to consider this aspect of the case that as per assertion of the complainant the case was of simple abduction without ransom and no terror was spread by the accused to be tried by the Anti Terrorism Court, therefore, the impugned order may be set aside.

Conversely learned A.P.G supported the impugned order by stating that the victim's 164, Cr.P.C statement was recorded who stated that ransom was demanded, therefore, instant application is liable to be dismissed.

Heard and perused the record.

Perusal of material available on record, it reflects that learned Magistrate has recorded the statement of victim Faisal-ur-Rehman under section 164, Cr.P.C, in which he leveled allegation of demand of one crore from his father by the accused persons and in case of failure threat of murder was issued to him. In such circumstances, no illegality is found in the impugned order, as it has rightly been passed by the learned Magistrate. Resultantly, this application is dismissed along with pending applications.

JUDGE

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