

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Misc. Application No.1262 of 2024
(Shahid Mehmood Qureshi vs. Raheel Haroon & others)

Date	Order with signature of Judge
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Priority cases

1. For orders on MA No.530/2025
2. For hg. of case
3. For hg. of MA No.17232/2024

16.01.2025.

Mr. Muhammad Awais Shaikh advocate for applicant
Mr. Mir Muhammad, advocate for respondents
Mr. Gul Faraz Khatak, DAG

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant has impugned an order dated 27.11.2024 passed in Criminal Revision Application No.129/2024 by learned District & Sessions Judge (South), Karachi, whereby applicant has been made accused in Direct Complaint No.4876/2024 filed by respondent No.1, who is by professional advocate.

2. This direct complaint was filed against a number of accused for committing offences u/s 11, 20 and 24 of the Prevention of Electronic Crimes Act, 2016 (**PECA**). This complaint after a preliminary inquiry was admitted vide order dated 02.10.2024 against accused Muhammad Yasir, Shahid Qadri and Muhammad Abdullah, whereas, remaining accused, namely, Umer Ikram, Raja Naveed, Bilal Talib and Rana Ahsan were let off by the Court after holding preliminary enquiry on the basis of lack of evidence. This order was challenged by respondent No.1 in revision application with the request that against applicant there was sufficient material, hence, he shall also be made an accused in the case, which by impugned order was allowed.

3. I have heard learned counsel for the parties and perused material available on record. It is an admitted position that applicant was neither cited as accused by complainant in direct complaint, nor in any para of the direct complaint any incriminating material making him accused under the relevant provisions of PECA has been suggested. Learned Revisional Court has been swayed purportedly by a report of inquiry in which it was found that accused Shahid Qadir had held a press conference issuing threats to the complainant that he should stop working against applicant Shahid Mahmood Qureshi.

4. Since name of the applicant was taken by co-accused Shahid Qadri in the press conference, he was considered as an accused in the case. What the Revisional Court did not notice was the fact that neither the applicant was present in the alleged press conference, nor there is any record that he had issued any threats on any social media platform directly or indirectly against the complainant, nor any evidence that the said press conference was held at his initiative. Hence, in absence of his name being cited by the complainant in direct complaint as accused or in statements recorded in preliminary enquiry and absence of incriminating material against him, being arraigned as accused by the Revisional Court in the case is not justified.

5. Therefore, this order on the face of it is not sustainable in law and is accordingly set aside. However, complainant is at liberty, if any material comes on record against the applicant in the trial, to move a fresh application before the trial Court, which however if filed, would be subject to a decision in accordance with law after hearing both the parties.

The Cr. Miscellaneous Application stands disposed of in above terms along listed applications.

J U D G E

Rafiq/P.A