

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Rev. Appl. No.12 of 2016

Date	Order with signature of the Judge
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1. For hearing of main case
2. For hearing of MA 858/2016.

**20.01.2025.**

Mr. Ravi Pinjani, a/w Mehmood Ahmed, Advocate for applicant.  
Mr. Asif Khawaja, advocate for respondent No.1.  
Mr. Gul Faraz Khattak, Assistant Attorney General

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**MUHAMMAD IQBAL KALHORO J:** A private complaint No.894/2014 was filed by Jehangir Siddiqui & Co. Ltd. & another against respondent No.1 and others, which after a preliminary enquiry was brought on regular file and admitted u/s 500, 501, 120-A, 34 PPC vide order dated 16.08.2014. Against respondent No.1 and others, an order to issue Bailable Warrants in the sum of Rs.50,000/- was passed. This news was published in daily 'Jang' dated 26.08.2024 and Daily 'The News' of even date, however, in the daily 'The News', instead of bailable warrants words "non bailable warrants" were published. The clarification of which however, was published on 29.01.2015, after a direct complaint No.2987/2014 was filed by respondent No.1 against, among others, applicant, who was Editor in Chief of the daily Jang and The News international, Jang house.

2. In the said direct complaint, respondent No.1 in para 8 has highlighted malafide and ulterior motive of the applicant/accused in manipulating order of the court and titling the news as "Non Bailable Warrants" when the original order described only issuance of Bailable Warrants. This direct complaint has been brought on regular file and admitted u/s 500, 501, 121, 34 PPC against, inter alia, applicant, and against him summons have been issued and he has been directed to furnish a surety in the sum of Rs.50,000/- which order has been challenged by the applicant in the present Revision Application.

3. Leaned counsel for applicant has argued that publication of title as "Non Bailable Warrants" in 'The News' was a bonafide mistake which applicant realized after the direct complaint was filed, and hence a clarification dated 29.01.2015 was issued. He further submits that on the same date, the same order was published in daily Jang in Urdu in which it is clearly mentioned that only bailable warrants in the sum of Rs.50,000/- were ordered to be issued against respondents. Learned counsel submits that this shows clear intention of the applicant, otherwise in case of any bad intention the title of news in daily Jang would have been also as non bailable warrants.

4. His arguments have been rebutted by learned counsel for respondent No.1 stating that the same order was challenged by respondents No.2,3,4 and 5 in Revision Application. The Revision application to the extent of respondent No.2,3 & 5 has been allowed and dismissed to the extent of respondent No.4.

5. I have considered submissions of the parties and perused material available on record. At the outset, it may be mentioned that this Revision Application has been pending since 2016. The only material against applicant stated in the direct complaint is that out of some malafide and ulterior motives, and at the behest of remaining accused to malign and defame the reputation of respondent/complainant, title of the news in daily 'The News' was published with words as "nonailable warrants". But at the same time, it may be mentioned that in the daily Jang the wordsailable warrants were published on the same date which is owned by the same person: applicant. The publication of news with correct information in daily Jang which has wider circulation and easy to understand as compared to "The News" shows the intention of publisher was not to damage reputation of respondent and others. Since both the newspapers are owned by the Jang Group and the applicant was Editor-in-chief, it cannot be understood that in one case, applicant wanted to damage reputation and in the other case, he had no such intention. For, if such were the intention of applicant, he would get the news in the same style published in daily Jang as well.

6. The correct publication of the news in daily Jang bears the fact that applicant was acting bonafidely in getting the news published as ordered by the court. The entitle of the news in daily "The News" starting with words "nonailable" in the circumstances can only be considered as a bonafide mistake committed out of some inadvertence and not as a result of some bad intention or having been motivated. Even, prima facie, there is no evidence that applicant had acted out of any motives or reason to get the news published in daily "The News" in a particular manner or had any personal score to settle with respondent No.1. There is no evidence either that the said news was published in the same manner on behalf of other accused.

7. I, therefore, to the extent of applicant do not find any merit in the direct complaint justifying taking cognizance of the offence against him through the impugned order. It appears that the trial court was swayed away simply by the fact that applicant's name transpires in the direct complaint, it did not realize the fact that there was prima facie no material against the applicant to array him in the case. This being the position, I allow this revision application and set aside the impugned order in the above terms.

The Cr. Revision Application is disposed of accordingly alongwith pending application.

JUDGE

A.K