

ORDER SHEET  
THE HIGH COURT OF SINDH, KARACHI

Cr. Revision Application No.217 of 2023

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

*Direction*

For orders as to maintainability of instant CrI. Revision Application

31.01.2024

Mr. Muhammad Latifuddin, Advocate for Applicants  
Mr. Ali Haider Saleem, Addl. Prosecutor General, Sindh a/w  
SIP Imran Ali and I/O Asif Rauf, Police Station Al-Falah,  
Karachi and Complainant Mulazim Hussain Bhatti

\*\*\*\*\*

Through this Criminal Revision Application Applicants/Accused, namely, Aqib Ali Khan and Raja Muhammad have called-in-question order dated 08.09.2023 passed by learned Judge, Anti-Terrorism Court No.VI, Karachi, in New Special Case No.46, 46/A & 46/B (vi)/2021 on an application under Section 23 of Anti-Terrorism Act, 1997, whereby application moved on behalf of the accused for transfer of the case from the Court of Ant-Terrorism Court to the Court of ordinary jurisdiction was dismissed. Notice of this application was issued to the learned PG as well as Complainant.

Learned Counsel for the Applicants /Accused mainly contended that ingredients of Section 365-A PPC are not made out from the contents of FIR and other material collected during investigation. He further submitted that element of terrorism is missing in this case; that violence was not committed by the accused at the time of commission of offence and prayed that case may be transferred to the Court of ordinary jurisdiction.

Learned Additional Prosecutor General argued that this is case of kidnapping for ransom, Accused had demanded Rs.500,000/- from the complainant for his release and he was tortured in the captivity of the accused persons ingredients of

section 365-A PPC are attracted in this case . Complainant submits that ransom was demanded from him and opposed the application.

In order to appreciate the contentions of learned Counsel for Applicants, relevant portion of impugned order is reproduced as under:-

*"In the instant case apart from the section 6/7 applicability of section 365-A PPC has also been pressed to service, which is schedule offence and a heinous one as mentioned. This Court has also taken cognizance under the said section, therefore as per the ratio laid down in the aforesaid case, the case is to be tried by this Court being Anti-Terrorism Court, irrespective of facts whether the element of terrorism attracted or not. If however the offence is proved the accused will be convicted under the provision of PPC and not under the ATA, 1997. The above dictum of the Hon'ble Supreme Court has also been followed by the Hon'ble D.B. of our own Hon'ble High Court in unreported precedent recorded in criminal revisions application No.213/2021 (Aamul Khan Versus Anti-Terrorism Court No.XVth and others).*

11. *The cumulative effect of my above discussion is that the instant crime has nexus with section 6 of ATA, 1997, thus this Court is competent to try the accused for the instant crime and not lacking the jurisdiction. The instant application, therefore being meritless is dismissed accordingly."*

It appears that in this Criminal Revision Application, a copy of deposition of the Complainant has been filed, which shows that Complainant has deposed before the trial Court that Accused demanded Rs.500,000/- from him for his release, he was tortured, his clothes were removed and naked pictures were taken and threats of dire-consequences were issued to him. *Prima facie*, offence of kidnaping for ransom triable by learned Judge, Anti-Terrorism Court is made out. Learned trial Court has rightly dismissed the application. Impugned order is based upon sound reasons and requires no interference. Therefore, this Criminal Revision Application is without any merit and the same is dismissed.

RAJIO/P A

31.1.2024  
JUDGE  
31.1.2024  
JUDGE