

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Revision Application No.127 of 2025
(Dr. Gul Hassan Zaidi vs. The State)

Present:

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

Date of hearing
& order **06.04.2026**

Mr. Aamir Mansoob Qureshi, advocate for applicant
Mr. Ali Haider Salim, Addl: PG Sindh
Mr. Mushtaq Jahangri, Special Prosecutor Rangers Sindh

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is accused in FIR No.132/2025, u/s 302, 324, 34 PPC read with Section 7 of ATA, 1997 registered at Police Station Gulistan-e-Jauhar, Karachi has challenged the impugned order dated 15.05.2025 dismissing his application u/s 23 of Anti-Terrorism Act, 1997 for transfer of the case from Ant-Terrorism Court to the Court of ordinary jurisdiction.

2. As per facts of the case, the FIR in the said crime was registered on 27.02.2015 disclosing an incident occurring on the same date at the gate of Taha Masjid, Block No.VII, Gulistan-e-Jauhar, Karachi, in which allegedly Moulana Yasir and his fellow, Mati-ur-Rehman, were gunned down by four unknown motorcyclists. In the investigation, applicant was identified as one of the accused, and arraigned accordingly.

3. Learned counsel for the applicant has argued that the incident did not take place inside the mosque, hence, the definition explained in section 6 of ATC Act, 1997 is not attracted; the Supreme Court, in the case of *Ghulam Hussain vs. The State*¹ has laid down a benchmark, according to which any offence howsoever serious, grave, heinous, gruesome, or brutal may be, would not meet the threshold of terrorism in the absence of specific proof of the intent or objective as referred to in section 6(2) of the Anti-Terrorism Act, 1997; per him, the case against the applicant does not qualify for the said definition, hence, impugned order is not sustainable in the eyes of law. He has pleaded lastly for transfer of the case by relying upon an unreported judgment dated 03.09.2025 passed by a Division Bench of this Court².

¹ PLD 2020 SC 61

² Mir Ali Hyder Bughti vs. The State in Cr. Revision Appl. No.51/2025 decided on 03.09.2025

3. On the other hand, learned Addl: PG Sindh and learned Special Prosecutor Rangers Sindh have opposed application.

4. We have considered respective pleas and perused material available on record, including the case law. The facts of the case are self-explanatory; the incident happened at the gate of Taha Masjid, and one of the victims, namely, Moulana Muhammad Yasir, was the Pesh Imam/Khateeb of Masjid-e-Safa situated in Gulshan-e-Town, Karachi. The offence does not appear to be an outcome of any personal enmity, nor such trace was found as a motive behind the incident in the investigation. On the contrary, conclusion of the Investigating Officer, on examination of the facts and relevant material, indicate that the victims were *prima facie* done to death due to sectarian differences, which, as defined in section 6(2) (c) of the Anti-Terrorism Act, 1997, constitutes an act of terrorism.

5 As far as the argument that since the incident occurred outside the mosque does not attract the provisions of Anti-Terrorism Act, 1997, it may be stressed that in the given facts and circumstances of the case, having sectarian overtones, it is irrelevant whether the offence occurred inside or outside of the mosque to attract section 6(2) (C) of the Anti-Terrorism Act, 1997.

5. The ratio laid down by the Supreme Court in the case of Ghulam Murtaza's case supra defining terrorism is duly attracted, hence, no case for transfer from ATC Court is made. Accordingly, this criminal revision application is dismissed.

This Criminal Revision Application is dismissed is disposed as above.

JUDGE

JUDGE

Rafiq/PA.