

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No.264 of 2025

Present:

Mr. Justice Omar Sial

Mr. Justice Shamsuddin Abbasi

Applicant : Hassan Ali through Mr. Habib Ahmed,
advocate

The State : Through Mr. Muhammad Iqbal Awan,
Additional Prosecutor General Sindh

Applicant : Pak Arab Refinery Limited through its
authorized representative Muhammad
Haroon through Mr. Shahab Sarki,
advocate

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Date of hearing: 28.04.2026

Date of Judgment: 25.05.2026

JUDGMENT

Omar Sial, J. A party of the Korangi police station led by A.S.I. Faisal Raheem was on patrol duty on the night between 15.03.2025 and 16.03.2025 when they received intelligence that some people were stealing oil from a PARCO pipeline. The police party reached the identified place where the theft was occurring and apprehended three persons present on the scene. The arrested persons disclosed the names of eight others and explained the modus operandi they had used to steal the oil. F.I.R. No. 138 of 2025 was registered under sections 462-C, 462-B, 427, 380, 34 PPC read with section 7 of the Anti-Terrorism Act, 1997.

2. The arrested persons moved an application under section 23 of the ATA Act, 1997, praying that, as no terrorism offense was evidently made out, the terrorism charges should be dropped. The learned 15th Anti-Terrorism Court in Karachi, on 01.09.2025, dismissed the application. One of the accused in

the case, i.e., Hasan Ali, has now approached this court challenging the dismissal order.

3. We have heard the applicant's learned counsel, the learned counsel for the respondent, and the learned Additional Prosecutor General. Our observations and findings are as follows.

4. We have considered with much respect the wisdom of both the learned trial court and the learned advocates. Our observations and findings are as follows:

5. The allegation is that the accused dug a pit to reach the PARCO mainline and then installed pipes to steal oil flowing through the pipeline. The oil was being filled into barrels and loaded onto a nearby truck. Section 6(2) of the ATA Act, 1997, lists the actions that constitute one portion of the offense of terrorism. The other portion to be satisfied is in Section 6 of the Act, and specifically in sub-sections (1)(b) and (c).

6. The action closest to what is complained of in the present case is contained in section 6(2)(c). Section 6(2)(c) states that:

"involves grievous damage to property including government premises, official installations, schools, hospitals, offices or any other public or private property including damaging property by ransacking, looting or arson or by any others means; involves the doing of any thing that is likely to cause death or endangers person's life,"

7. There could be an argument that the act of stealing oil would fall within the words "*including damaging property by, looting*" of section 7(c). It is now well settled that a Section 6(2) action should also comply with the requirements of section 6(1)(b) or (c). Reference may be made to **Ghulam Hussain vs The State (PLD 2020 SC 61)**. It would facilitate reference if we put down here what section 6(1)(b) or (c) says. It says that:

(b) the use or threat is designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect or a foreign

government or population or an international organization or create a sense of fear or insecurity in society; or

(c) the use or threat is made for the purpose of advancing a religious, sectarian or ethnic cause or intimidating and terrorizing the public, social sectors, media persons, business community or attacking the civilians, including damaging property by ransacking, looting, arson or by any other means, government officials, installations, security forces or law enforcement agencies:

8. It is clear from a reading of the above sub-sections that sub-section (b) is inapplicable in the circumstances of the present case. The closest the case may fall within are the words “*including damaging property by... looting*” contained in sub-section (c).

9. In essence, it has been argued that a collective reading of section 6(2)(c) and 6(1)(c) shows that the theft of oil from a PARCO pipeline is tantamount to “*damaging property by looting*”, and thus terrorism. The question that arises is whether theft of oil can be categorized as “looting”.

10. The dictionary meaning of the word “theft” is as follows:

Merriam-Webster: *"the act of stealing; specifically: the felonious taking and removing of personal property with intent to deprive the rightful owner of it".*

Oxford: *"the action or crime of stealing".*

Black's Law Dictionary: *"the fraudulent taking of personal property belonging to another, from his possession, or from the possession of some person holding the same for him, without his consent, with intent to deprive the owner of the value of the same".*

Pakistan Penal Code: *“Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.”*

11. The dictionary meaning of the word “looting” is as follows:

Merriam-Webster: *"to plunder or sack in war" and "to rob especially on a large scale and usually by violence or corruption".*

Oxford: *"steal goods from (a place), typically during a war or riot".*

Cambridge: *"to steal from shops and houses that have been damaged in a war or riot, or after a natural disaster".*

Black's Law Dictionary: does not define the word.

Pakistan Penal Code: does not define the word.

12. It is clear from the above definitions that both refer to taking someone else's property without permission, but they differ in context, scale, and connotation. While all looting may be theft, not all theft is looting. Also, looting takes advantage of chaos rather than being a premeditated individual act. The concept of "looting" as a possible terrorism offense also reconciles with the preamble of the ATA Act, 1997: "to provide for the prevention of terrorism, sectarian violence and for speedy trial of heinous offenses and for matters connected therewith and incidental thereto".

13. Section 6(1)(c) must also be analyzed. The situations the sub-section covers are:

- (i) when the use of threat is made for the purpose of advancing a religious, sectarian, or ethnic cause; or
- (ii) intimidating and terrorizing the public, social sectors, media persons, business community, or attacking the civilians, including damaging property by ransacking, looting, arson, or by any other means, government officials, installations, security forces, or law enforcement agencies.

Looting is included as one of the situations that would constitute an "*attack*" on civilians, government officials, installations, security forces, or law enforcement agencies. The Cambridge Dictionary defines "*attack*" as "to try to hurt or defeat using violence. No such attempt was made by the accused in the current case, nor does it appear from the face of the record. Looting would be a disturbance that may not necessarily involve violence, with many participants lacking political, religious or sectarian objectives or the intention to create widespread psychological effects or intimidate or overawe the government.

14. We have no qualms in concluding that the theft of oil in the manner complained of may fall within the category of

organized crime, but cannot be termed as looting as envisaged by the ATA 1997. It is also pertinent to mention that the legislature has comprehensively covered the theft of oil in Chapter XVII-A of the Pakistan Penal Code, 1860. The offense carries stringent penalties. We do not see any reason to include the theft of oil within the ambit of terrorism.

15. Given the above, the order challenged is set aside. The case arising out of F.I.R. No. 138 of 2025 pending adjudication before the learned 15th Anti-Terrorism Court, Karachi, shall stand transferred to a regular court having jurisdiction.

JUDGE

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