

**IN THE HIGH COURT OF SINDH AT KARACHI**

**Crl. Revision Application No. 155 of 2024.**

**Present Before:**

**Justice Zafar Ahmed Rajput**

**Justice Miran Muhammad Shah**

Applicant : Waheed Abrar s/o Abrar Hussain, through  
Mr. Nooruddin Kakar, Advocate.

Respondent No.1 : The State, through Mr. Mr. Siraj Ali  
Chandio, Addl. P.G., Sindh.

Respondents : SI Muhammad Tahir Tanveer s/o Khadim  
No.2 & 3 Hussain & ASI Shahid Hussain s/o Sarfraz  
Hussain, through Mr. Waqar Alam Abbasi,  
Advocate

Date of hearing : 12.08.2025

Date of order : 12.08.2025

**ORDER**

**ZAFAR AHMED RAJPUT, J.-** This Crl. Revision Application is directed against the order dated 11.09.2024, whereby the Administrative Judge, Anti-Terrorism Courts, Karachi-Division ("**the Administrative Judge**") sent the case, arisen out of FIR No.79 of 2024 registered at Police Station CTD, Karachi to the ordinary court for trial. For the sake of brevity, the impugned order is reproduced here as under:

*"Diary Sheet*

*11.09.2024*

*APG is present. D.C is also present. Facts do not constitute any offence of 7 ATA, but the ordinary Courts. Let it by consent, be sent to the ordinary court u/s 23, thereof, for requisite/admissible trial."*

2. Learned counsel for the applicant contends that the impugned order is against the law and facts involved in the matter and being a non-speaking order and based on the legal infirmities, the impugned order is liable to be set aside by remanding the case to the Administrative Judge for passing the order a fresh.

3. Conversely, learned counsel for the respondents No.2 & 3 fully support the impugned order.

4. Learned Addl. P.G., however, does not support the impugned order and maintains that it is a fit case to remand.

5. Heard, record perused.

6. It reflects from the record that the applicant/complainant lodged the aforesaid FIR under section 365-A/34, PPC against the accused police officials for abduction of his nephew, Alyan s/o Irfan Akhter, for ransom. After usual investigation, police submitted the charge-sheet against the accused persons by adding and incorporating section 7 of the Anti-Terrorism Act, 1997 (**"the Act"**). The offence of "abduction or kidnaping for ransom", vide entry No.4 of the Third Schedule to the Act, is a "scheduled offence" of the Act, which is punishable under section 7(e) of the Act with death or imprisonment for life. The Administrative Judge while noting *"Facts do not constitute any offence of 7 ATA, but the ordinary Courts"* has neither discussed the facts of the case surfaced in investigation nor the applicable law. Hence, the impugned order is a non-speaking, flimsy, arbitrary and whimsical order.

7. It may be observed that a decision supported by reasons is called speaking order. In such condition the order speaks for itself. Speaking order is considered an important part of natural justice, ensuring affected parties understand why a decision was made.

8. We, therefore, allow this Crl. Revision Application by setting aside the impugned order and remand the case to the Administrative Judge to pass a speaking order, after hearing the parties, regarding the jurisdiction of the Court to take cognizance of the offence.

9. At this juncture, we have been informed that the R&Ps of the case are lying with the Court of V<sup>th</sup> Additional Sessions Judge, Malir, Karachi. Let the R&Ps of the case be sent to the Administrative Judge, Anti-Terrorism Courts, Karachi-Division for passing requisite order.

10. The instant Crl. Revision Application stands disposed of.

JUDGE

JUDGE