

IN THE HIGH COURT OF SINDH, KARACHI
Crl. Revision Application No. 199 of 2025

Before:
Acting Chief Justice Zafar Ahmed Rajput
Justice Miran Muhammad Shah

Applicant	:	Syed Ali Akbar Zaidi s/o Syed Jamil Asghar Zaidi, through Mr. Malik Naeem Iqbal, Advocate.
Respondent No.1	:	The State, through Prosecutor General Sindh, through Mr. Mumtaz Ali Shah, A.P.G.
Respondents No. 2 to 13	:	Raja and 11 others, through Mr. Wazir Hussain Khoso, Advocate.
Date of hearing	:	16.09.2025
Date of order	:	16.09.2025

ORDER

ZAFAR AHMED RAJPUT, ACTING CHIEF JUSTICE. - Through instant Crl. Revision Application the applicant has sought setting aside the order, dated 30.08.2025, whereby Anti-Terrorism Court No. VI, Karachi (“**ATC-VI**”) while allowing Transfer Application No. 27(vi) of 2025, filed in Crime No. 329/2025, registered under sections 324, 506-B, 447, 448, 511, 395, 120-A, 337-A(1), 34, P.P.C. read with section 7 of the Anti-Terrorism Act, 1997 (“**Act**”) at P.S. Malir Cantt., Karachi, directed the Investigating Officer (**I.O.**) to submit further progress of the investigation and report before the Court of law having jurisdiction, by observing that “*the contents of FIR does not fall within the definition of section 6(1)(b) of ATA, 1997*”.

2. Learned counsel for the applicant has contended that without taking cognizance of the case, the ATC-VI has allowed application under section 23 of the Act; consequently, the investigation has been assigned to a police officer of P.S. Malir Cantt., Karachi, which is not warranted under the law.

3. Conversely, learned counsel for respondents No. 2 to 13 has maintained that since there is no ingredient of any offence, cognizable by the ATC, the ATC-VI has passed the order in accordance with law.

4. Learned A.P.G., appearing on behalf of respondent No. 1, has; however, not supported the impugned order.

5. Heard, record perused.

6. For the sake of convenience, section 23 of the Act is reproduced, as under: -

“23. Power to transfer cases to regular courts. Where, after taking cognizance of an offence, an Antiterrorism Court is of opinion that the offence is not a scheduled offence, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to any court having jurisdiction under the Code, and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.”

7. It appears from the plain reading of the aforementioned provision of law that that section 23 of the Act deals with power of ATC to transfer the cases to an ordinary criminal court with a precondition i.e. *“after taking cognizance of an offence”*. Meaning thereby, such determination of question of jurisdiction activates after ATC takes cognizance of the offence. There is no provision in the Act whereunder the investigation may be transferred by the ATC. Moreover, after investigation, requisite report/challan is submitted before the Administrative Judge, Anti-Terrorism Courts, who under the law is empowered to assign the case to any ATC. It is an admitted position that in the instant case neither any report/challan has been submitted by the I.O. nor Administrative Judge, Anti-Terrorism Courts assigned the same to ATC-VI; hence, the ATC-VI has travelled beyond its jurisdiction while passing the impugned order.

8. We; therefore, set aside the impugned order being illegal and without jurisdiction by allowing this Cr. Revision Application with a direction to the present I.O. of Police Station Malir Cantt. Karachi to handover the investigation

papers to the first Investigation Officer, Momin Ali Mirani of P.S. Korangi Industrial Area, Karachi, who shall submit the report under section 173 Cr.P.C. within ten (10) days before the competent Court of law.

9. Above are the reasons of our short order dated 16.09.2025.

ACTING CHIEF JUSTICE

JUDGE

Athar Zai