

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

Criminal Revision Application No.D-11 of 2024

Present:

**Mr. Justice Amjad Ali Sahito
Mr. Justice Jan Ali Junejo.**

Applicant: Abdul Ghani S/o Muhammad Hashim Sahito,
Through Mr. Muhammad Waris Khyber,
Advocate.

Respondent No.1: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Respondent No.2: Muhammad Hanif S/o Muhammad Aarab
called absent.

Date of hearing: 22.09.2025

Date of Order: 22.09.2025

O R D E R

Amjad Ali Sahito, J: Through the above captioned Criminal Revision Application, the applicant has impugned order dated 17.08.2023, passed by the learned Anti-Terrorism Court Mirpurkhas Division @ Mirpurkhas in D.C/Special Case No.11/2023 [Re-Muhammad Hanif v. Abdul Ghani], for the offence under sections 436, 427, 506(ii), 148, 149 PPC r/w section 6/7 ATA, 1997, whereby the applicant was convicted and sentenced to suffer R.I for 06 months with fine of Rs.100,000/-.

2. Brief facts of the case are that the complainant alleges that certain co-villagers (named accused) who hold grudges over petty disputes targeted the complainant's house. On 10-03-2023 at about 1:00 a.m, the complainant heard noise outside and he went out and saw the accused duly armed with deadly weapons. They threatened to set the house on fire if the complainant did not vacate. When refused, accused No.1 Aleem allegedly lit a match and with others, set the house ablaze while holding the complainant's family at gunpoint. The fire destroyed the house, and photographs are submitted as proof. Witnesses namely Umer Din and Ahmed Arbab reportedly saw the incident which spread

fear in the village. The complainant despite approaching the local police station the next morning for taking action against the accused person, the SHO refused to do so. Hence the complainant filed direct complaint.

3. After filing the Direct Complaint, Statement of complainant Muhammad Hanif was recorded under section 200 Cr.P.C and in order to ascertain the truth false hood, preliminary enquiry was conducted and during preliminary enquiry, the complainant examined his witnesses namely Ahmed Arbab and Umerdin under section 202 Cr.P.C. After hearing the parties, learned trial court took cognizance vide order dated 13.04.2023 and thereafter bailable warrants were issued against the accused persons.

4. After issuance of bailable warrants against the accused persons, the counsel for the complainant filed application under Sections 3 & 4 of the Contempt of Court Act and it was alleged that contemnor Mehrab Samejo had made a viral post on his Facebook account and that contemnor Abdul Ghani Sahito had commented on that post. The comments were said to contain derogatory language against this Court and abusive remarks against the Presiding Officer, Anti-Terrorism Court, Mirpurkhas.

5. Contemnor Mehrab Samejo appeared in person and submitted reply wherein he stated that the viral post was uploaded mistakenly and only reflected the views of accused Ali Sher Samejo. He expressed that he had no intention to defame or disrespect the Court. Mehrab Samejo tendered an unconditional apology and assured the Court that he would not repeat such conduct in the future. On the basis of his reply and apology, the Court accepted his explanation and pardoned him, with a warning to remain careful in the future when making any comments regarding the proceedings of this Court.

6. Contemnor Abdul Ghani appeared through his counsel and submitted a reply to the show-cause notice wherein he stated that that complainant Muhammad Hanif, acting with malafide intention and ulterior motive, fabricated and managed fake or forged documents and then filed the contempt application against him.

7. The learned trial court after hearing the counsel for the parties, convicted and sentenced the applicant vide order dated 17.08.2023, which he has impugned before this Court by preferring instant Criminal Revision Application.

8. Learned counsel for the applicant submits that the impugned order is opposed to law and facts; that the very foundation of the complaint rests upon unverified social-media material and that no offence under the Anti-Terrorism Act is made out. He further submits that the applicant had filed a detailed written statement wherein he categorically denied the allegations and stated that the applicant never shared any such comments and that the complainant with mala fide intention and ulterior motive managed fake and forged documents to falsely implicate the applicant but the learned trial court ignored this defence and illegally convicted the applicant. Learned counsel lastly prayed for the acquittal of the applicant.

9. On the other hand, learned D.P.G has raised his no objection.

10. Heard and perused the material available on record.

11. Perusal of the record reveals that while convicting the applicant, the learned trial Court failed to adhere to the mandatory procedural requirements prescribed by law. No formal charge was framed against the applicant as mandated under Section 19(14) of the Anti-Terrorism Act, 1997. Furthermore, the prosecution neither associated any independent witness at any stage of the proceedings nor produced any technical evidence to substantiate the allegations. The alleged derogatory social-media material, which constituted the very foundation of the accusation, was never sent to any forensic laboratory for verification of its authorship or authenticity, nor was any expert from the relevant forensic agency examined to establish that such material originated from the applicant's device or social-media accounts.

12. It is further noteworthy that the co-contemnor, Mehrab Samejo, on whose Facebook post the entire controversy was premised, appeared personally before the trial Court and clarified that the

post had gone viral inadvertently, that it pertained to another person, namely Ali Sher Samejo, and that he had no intention whatsoever to defame or disrespect the Court or its Presiding Officer. He tendered an unconditional apology and assured the Court that no such act would be repeated. The trial Court accepted his explanation and pardoned him with a warning to remain cautious in the future. This circumstance, by itself, raises serious doubt regarding the authenticity and intent of the alleged contempt.

13. The record further reflects that the applicant submitted a detailed written statement wherein he categorically denied each and every allegation, specifically asserting that he had never posted or shared any such comments and that the complainant, due to mala fide intentions, had managed to fabricate and forge documents to falsely implicate him. Moreover, the mandatory provisions of Section 4 of the Contempt of Court Ordinance, 2003, were not complied with.

14. In view of above, the impugned order dated 17.08.2023, passed by the learned Anti-Terrorism Court Mirpurkhas Division @ Mirpurkhas, is hereby set aside and the applicant Abdul Ghani S/o Muhammad Hashim Sahito is hereby acquitted in D.C/Special Case No.11/2023, for the offence under sections 436, 427, 506(ii), 148 and 149 PPC r/w section 6/7 ATA, 1997. The applicant is on bail, his bail bond stands cancelled and surety discharged. The office is directed to return the surety papers to the surety after due verification.

JUDGE

JUDGE

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