IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Revision Application No.69 of 2026

Applicant	:	Muhammad Rashid son of Abdul Razaque *Through* Mr. Altaf Hussain, Advocate.
Respondent No.1	:	Shahzad Ahmed son of Abdul Razaque *(In person)*
Respondent No.2	:	Enquiry Officer *Through* Mr. Qamaruddin Nohri, Assistant Prosecutor General Sindh accompanied by Mujtaba Sarwar Abbasi, Assistant Director, ACC East, Karachi.
Date of hearing	:	27.10.2026
Date of order	:	12.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** Applicant Muhammad Rashid invokes the revisional jurisdiction of this court, calling in question the order dated 12 March 2026 passed by the learned Special Judge, Anti-Corruption (Provincial), Karachi, in Direct Complaint No. 60 of 2024, directing issuance of a bailable warrant against him. The question is whether the Special Judge independently determined that there was sufficient ground to proceed against the applicant.

2. Heard and perused the record. At the very outset, the complaint arose out of Shahzad Ahmed's arrest in FIR No. 61 of 2024, registered at Police Station Mehmoodabad under section 365-B PPC. Mariam Naz stated under section 164 Cr.P.C. that she had married Ali Hassan of her own volition and that Shahzad had no involvement in her alleged abduction. Shahzad was discharged under section 63 Cr.P.C. on 20 March 2024, and the Magistrate approved the final report in C-Class on 24 May 2024. The allegation of an unlawful demand for money falls to be assessed independently of that outcome.

3. In his statement under section 200 Cr.P.C., Shahzad alleged that, while he was in the lock-up, Muhammad Rizwan put him on a speakerphone call with a person he identified as Malik Rashid. The caller allegedly claimed to be a senior government official in Islamabad, threatened Shahzad and told him to pay Rs.1,000,000 to Rizwan to avoid trouble in the FIR. The alleged receipt of Rs.100,000 was attributed to SIO Qurban Abbasi. The enquiry report dated 10 July 2025 records the allegation against Rashid and states

that he did not appear to give his statement despite issuance of letters. The applicant maintains that he was merely a witness in the earlier case, that the enquiry disclosed no basis for proceeding against him and that the complaint was retaliatory. Shahzad disputes those assertions and maintains that Rashid was named from the outset.

4. On 13 February 2026, the Special Judge considered the sworn statement and enquiry material, took cognizance of the alleged offences under sections 161 and 34 PPC read with section 5(2) of the Prevention of Corruption Act, 1947, and directed issuance of bailable warrants against Qurban Abbasi, Ghulam Ali Sangi, Muhammad Rizwan and Ijaz. The order reproduced the allegation concerning Rashid but its operative part confined process to those four persons. On Shahzad's subsequent application, the Special Judge directed issuance of a bailable warrant against Rashid by a handwritten endorsement dated 12 March 2026 referring to the earlier order.

5. This Court's revisional jurisdiction is traceable to section 10(1) of the Pakistan Criminal Law (Amendment) Act, 1958. An order issuing process under section 204 Cr.P.C. is judicial and amenable to revision. Cognizance concerns the offence. Issuance of process requires the court to determine whether the material discloses sufficient ground to proceed against the particular person whose attendance is sought. The assessment is prima facie, but it must reflect judicial scrutiny of the accusation and the material supporting it. Reliance is placed on PLD 2016 SC 55[1], 2000 SCMR 1904[2] and 2010 SCMR 1816[3]. The applicant's objection under Article 10-A, insofar as it rests on the absence of prior notice alone, fails. A proposed accused ordinarily has no right to participate in the preliminary scrutiny before process issues.

6. The applicant's omission from the operative part of the order dated 13 February 2026 did not, by itself, amount to a dismissal under section 203 Cr.P.C. The Special Judge could consider the material already on record when deciding the subsequent application. The difficulty is that the impugned endorsement proceeds by reference to an order which contains no direction against Rashid, and discloses no independent satisfaction that the statutory threshold was met. Reproduction of the complainant's account in the earlier order cannot supply that determination.

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[1] *Muhammad Farooq v. Ahmed Nawaz Jagirani and others*
[2] *Abdul Wahab Khan v. Muhammad Nawaz and 7 others*
[3] *Zafar and others v. Umer Hayat and others*

7. The sworn statement attributes a specific act to the applicant and warrants a fresh judicial assessment. In making it, the Special Judge shall consider the basis on which the complainant identifies the caller, the nexus between the alleged telephone demand and the offences for which process is sought, and the bearing of the enquiry material on that nexus. The accounts of Rubina and Nosheen principally concern the alleged payment to Qurban Abbasi. Mariam Naz's statement under section 164 Cr.P.C., her separate application, and Muhammad Saleem's repudiation of the police statement attributed to him must each be considered for what it bears upon. The civil damages suit and FIR No. 71 of 2025 provide context for the competing claims of motive. The Press Information Department's orders establish the applicant's designation as Dispatch Rider (BS-06) and concern his leave and resumption of duty in February 2025. They do not establish his whereabouts on the relevant night in March 2024. Before issuing process afresh, the Special Judge shall also determine the legal capacity in which the applicant is alleged to have acted and address any resulting question of jurisdiction or sanction under section 6(5) of the 1958 Act.

8. The revision is allowed in part. The order dated 12 March 2026, insofar as it directs process against Muhammad Rashid, is set aside and the consequential bailable warrant is recalled. The complainant's application concerning Rashid is restored to the file of the Special Judge for decision afresh by a reasoned order in accordance with law. The prayer for quashment is declined. This disposition is confined to the applicant, and the observations herein are limited to the validity of the impugned process.

9. M.A. No. 5034 of 2026 stands disposed of in terms of this order. The office shall transmit a copy to the Special Judge forthwith.

J U D G E