

**IN THE HIGH COURT OF SINDH AT KARACHI***Present: Ahmed Ali M. Shaikh, CJ and Omar Sial, J*

Cr. Rev. Application No. 170 of 2020

Muhammad Kamran v. The State

*Mr. Aamir Mansoob Qureshi, Advocate for applicant.**Mr. Abrar Ali Khichi, Addl.P.G. a/w Inspector Muhammad Siddiq of P.S. Saddar.**Dr. Fahad Abdul Hussain, Complainant present in person.***ORDER**

Omar Sial, J: Fahad Abdul Hussain Lakhdeer lodged F.I.R. No. 238 of 2020 on 18.6.2020. He recorded that he is a doctor working at the NICVD. Earlier that day (i.e. 18-6-2020) a discontent person came to the hospital asking for the doctor who was on duty the previous day. After being told by Lakhdeer that he did not know who had been on duty, the man after uttering some expletives, made a pistol fire which hit Lakhdeer on his leg. The man who had made the fire was identified subsequently as the applicant i.e. Muhammad Kamran. The F.I.R. was registered against Kamran for an offence under section 324 P.P.C. at Saddar police station however subsequently section 7 of the Anti-Terrorism Act, 1997 was added to it. Kamran challenged the jurisdiction of the learned Anti-Terrorism Court by filing an application under section 23 of the Act of 1997; which application was dismissed by the learned Anti-Terrorism Court No. 20 at Karachi vide its order dated 1-10-2020. It is this order which has been called into question by Kamran through these proceedings.

2. We have heard the learned counsel for the applicant as well as the complainant and the learned Addl. P.G. Our observations are as follows.

3. No cogent evidence has been shown to us which would establish that Kamran had come to the hospital with the intent, design and purpose of creating terrorism. It appears that Kamran had a gripe against the duty doctor at the hospital the previous date. His action, if proved at trial, may be despicable, but in our view does not qualify as terrorism, according to the criteria enunciated by the Honorable Supreme Court in the case of **Ghulam Hussain and others vs The State (PLD 2020 SC 61)**, in particular that in paragraph 16 of the said judgment.

4. In view of the above, the case should be withdrawn from the files of the learned Anti-Terrorism Court and transferred to an ordinary court having jurisdiction in the matter.

JUDGE

CHIEF JUSTICE