

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Present: Ahmed Ali M. Shaikh, CJ and Omar Sial, J

Crl. Revision Application No. 56 of 2020

Date	Order with signature of Judge
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For hearing of main case:

18-2-2021

Mr. Muhammad Khan Buriro, Advocate for applicant.
Mr. Aamir Mansoob Qureshi, Advocate for complainant.
Ms. Amina Ansari, DPG.

Omar Sial, J: Rahat Ali Sachwani was booked in crime number 77 of 2019 registered under sections 302, 324, 34 and 512 P.P.C. read with section 7 of the Anti-Terrorism Act, 1997. He filed an application under section 23 of the Act of 1997 praying therein that his case be transferred to an ordinary court however the application did not meet with success and was dismissed by the learned Anti-Terrorism Court No. 2 at Karachi on 4-2-2020. It is this order that has been challenged in these proceedings.

2. The background to the case is that the aforementioned F.I.R. was lodged on 4-3-2019 by Tajamul Ali recording therein that earlier that day he received information that his brother Shahzaib had died after being shot. Tajamul subsequently got to know that Shahzaib and his friend Bilal were at an apartment building when Ali Boxer, Akbar and 2 others had come there and Ali Boxer had fired upon Shahaib whereas Akbar had a Kalashnikov. As a consequence of the murder fear spread in the locality.

3. We have heard the learned counsel for the applicant as well as the learned counsel for the complainant and the learned DPG. Our observations are as follows.

4. The learned counsel for the complainant in his arguments has stressed on the fact that the murder did not take place inside an apartment but outside the apartment building that consisted of 50 flats and near a road hence a feeling of fear and insecurity was created.

5. While appreciating the arguments of the learned counsel for the complainant we are of the view that apart from a blanket statement in the challan, there is no evidence which would show that the incident took place with the intent, design and purpose of terrorism. Prima facie it appears to be an incident motivated by enmity. In our view the criteria laid down 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 was not satisfied.

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 In view of the above, the case should be withdrawn from the files of the learned Anti-Terrorism Court and transferred to an ordinary court having jurisdiction in the matter.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