

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Crl. Revision Application No.D-26 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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**Present:**

**Justice Zafar Ahmed Rajput**  
**Justice Irshad Ali Shah**

Applicant : Mian Abdul Ghani alias Baboo, through Mr. Anwar Ali Lohar, Advocate

Respondent No.1 : Peeran Dino, through Mr. Ubedullah Ghoto, Advocate

Respondent No.2 : The State, through Mr. Zulfiqar Ali Jatoi, Additional P.G.

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Date of Hearing : 14.02.2023

Date of Order : 14.02.2023  
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**ORDER**

**ZAFAR AHMED RAJPUT, J:** - This Criminal Revision Application is directed against order, dated 31.08.2022, whereby the learned Judge Anti-Terrorism Court, Ghotki at Mirpur Mathelo dismissed the application filed by the applicant/ accused under section 23 of the Anti-Terrorism Act, 1997 (***“the Act of 1997”***), seeking transfer of Special Case No. 08 of 2022, arising out of Crime/F.I.R No. 141 of 2022, registered at P.S. Daharki-Ghotki under sections 364, 511, 506/2, 384, 34 PPC & 7 of the Act of 1997 from the file of Court of Anti-Terrorism, Ghotki at Mirpur Mathelo to ordinary Court for want of jurisdiction.

2. Briefly stated facts of the prosecution case are that, on 06.05.2022, respondent No.1/complainant lodged the aforesaid F.I.R. alleging therein that he is owner of Zeeshan Real Estate and is Managing Director of Al-Fateh Model Town Daharki. Accused Mian Abdul Ghani alias Babu Samejo used to

come in his office presuming him to be sound and well established person and was demanding Bhatta. Due to refusal of such demand, accused remained annoyed. On 02.05.2022, complainant along with his son Zeeshan Ahmed and driver Noor Muhammad Shaikh left his house situated at Al-Fateh Model Town in car and proceeded towards Mian Muhammad Ahmed Raza Raheem Samejo, who invited him for dinner and when they reached at Bharchoundi link road, curve of bungalow of Mian Muhammad Ahmed Raza Raheem Samejo, it was about 8.15 p.m, one Toyota Surf bearing No.BF-5472 emerged in high speed and stopped in front of the car of complainant. On the lights of car, complainant saw and identified accused to be Mian Abdul Ghani alias Babu by caste Samejo with pistol and three persons were unidentified, out of them one was with pistol and two were armed with Kalashnikovs. The accused were with open faces and they would be identified, as and when seen. The accused persons got down from their vehicle and directed the complainant to alight from the car and forcibly on the show of weapons, accused persons got alighted the complainant from car and asked him that they used to demand Bhatta but he refused and asked the complainant that if he will run his business at Daharki, he ought to pay the Bhatta to him otherwise, his business will be ruined and he will be murdered. Saying so, all accused persons tried to kidnap the complainant with intention to commit his murder, on which driver Noor Muhammad and complainant's son Zeeshan were loudly screaming, on which noise Gul Hassan Bhatti and Wazir Ahmed Chano came out from the bungalow of Mian Muhammad Ahmed Raza Raheem Samejo by raising hakals. They also saw and identified the accused person. On seeing the witnesses, accused persons went away towards the western side of their vehicle. The complainant due to fear stayed at the bungalow of Mian Muhammad Ahmed Raza Raheem Samejo. Thereafter, complainant came at P.S and lodged the FIR to the above effect.

3. After usual investigation, police submitted the challan against the applicant/accused in the Anti-Terrorism Court, Khairpur wherein the applicant filed Cr. Misc. Application No.09 of 2022, under section 23 of the Act of 1997, which was dismissed by the Trial Court, vide impugned order, *inter alia*, relying upon the case of *Javed Iqbal and another v. The State* (**2015 P.Cr.L.J 438**), wherein it has been observed that transfer of case from Anti-Terrorism Court to the Court of Sessions on the ground that parties have entered into a compromise would literally mean converting a non-compoundable offence into a compoundable offence which is a total novel concept and not recognized by the law.

4. Learned counsel for the applicant/accused mainly contends that the parties have settled their dispute outside the Court and no tangible material in support of alleged demand of Bhatta by the applicant/accused is available on record, hence trial Court has no jurisdiction to proceed with the matter which ought to be transferred to the Court of ordinary jurisdiction.

5. On the other hand, learned Additional P.G vehemently opposes this application on the ground that sufficient material is available to establish the charge of Bhatta against the applicant/accused.

6. Learned counsel for the respondent No.1/complainant, however, records his no objection to the grant of instant Crl. Revision Application.

7. Heard learned counsel for the applicant and respondent No.1 as well as learned A.P.G and perused the material available on record.

8. Extortion of money (Bhatta) under Section 6(2)(k) of the Act is a scheduled offence. So far application of the aforesaid provision of law in the

instant case is concerned, it may be seen that the complainant has specifically stated in the FIR that he is owner of Zeeshan Real Estate and Managing Director of Al-Fateh Model Town, Daharki; that the applicant/accused used to come in his office and was demanding Bhatta. The above said averments of the FIR reveal that the complainant is enjoying sound financial status and having good source of income against which the applicant/accused was demanding Bhatta, as such, *prima facie*, sufficient tangible material is available with the prosecution to establish the charge of demanding extortion of money against the applicant/accused. So far contention of learned counsel for the applicant/accused regarding entering into compromise with the respondent No.1 is concerned, learned trial Court has rightly formed its opinion in view of the dictum laid down by this Court in the case of Javed Iqbal (*supra*), which does not need any further deliberation of this Court.

**9.** In view of above facts and reasons, this CrI. Revision Application is **dismissed** along with pending application.

JUDGE

JUDGE

Ahmad