

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Crl. Transfer Application No.29 of 2024**

Date

Order with signature of Judge

FRESH CASE:

1. For order on MA No.3550/2024 (Urgent).
2. For order on MA No.3551/2024 (Exemption).
3. For hearing of main application.

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**Dated; 18<sup>th</sup> March 2024**

Applicant present in person.

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1. Urgency granted.
2. Exemption granted subject to all just exceptions.
3. Through instant Crl. Transfer Application, the applicant appearing in person has prayed that Special Case No.501/2022 emanating from FIR No.405/2022 registered at Police Station Brigade, Karachi East, under sections 295-A, 298, PPC read with Section 7 of the Anti-Terrorism Act, 1997 pending before Anti-Terrorism Court No.XVI at Karachi may be transferred to some other Anti-Terrorism Court at Karachi, as according to applicant, the Presiding Officer of the aforesaid Court is hurrying up to proceed with the matter, whereas, short dates are being given despite the fact that the applicant has challenged the jurisdiction of the Anti-Terrorism Court by filing Criminal Revision Application No.126 of 2023, which is pending before the Divisional Bench of this Court, wherein, Notices have been issued. It has been further contended by the applicant that keeping in view the conduct of the Presiding Officer of the aforesaid Court there is apprehension that her case will be decided one-sided and in case the applicant succeed in establishing that case does not fall within the

jurisdiction of Anti-Terrorism Court, she may be convicted in the aforesaid crime in violation of law.

Mr. Ali Haider Salim, Addl. Prosecutor General alongwith Ms.Aisha Saeed, A.D.P.P, present in Court in some other cases, waives notice of instant CrI. Transfer Application, claims its copy and requests for time to file reply/objection, however, submits that prima facie no ground is valid under Section 28 of the Anti-Terrorism Act, 1997, which have been agitated through instant CrI. Transfer Application, whereas, on mere apprehension that the case will be decided against the applicant by the Presiding Officer of the aforesaid Court is not a valid ground for seeking transfer of the case.

Heard the applicant present in person and the learned Addl. P.G. Sindh and A.D.P.P. and perused the record with their assistance as well as the grounds agitated through instant CrI. Transfer Application, which prima facie reflects that the applicant, who is a lady appearing in person, is primarily aggrieved by the registration of the FIR under section 295-A, 298 PPC, which according to applicant, are not attracted under the facts and circumstances of the case, whereas, the alleged offence, if any, can be tried before the normal Court of jurisdiction instead of Anti-Terrorism Court. Applicant was asked as to whether she is in a position to engage a counsel, in response to such query, she has stated that she cannot afford a counsel and she herself is proceeding the matter in person, therefore, prayed that she may be provided complete opportunity of hearing to defend her case and if this Court is of the view that this is not a fit case to transfer the aforesaid Special Case from Anti-Terrorism Court No.XVI at Karachi to some other Anti-Terrorism Court at Karachi, directions may be issued to the concerned Anti-Terrorism Court not to finalize the proceedings unless orders are passed on her CrI. Revision Application

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No.126/2023 pending before the Division Bench of this Court. Whereas, the applicant has stated that she will pursue the aforesaid Criminal Revision Application and try to get the same decided at an early date. While confronted with the aforesaid proposition of the applicant, learned Addl. P.G. submits that such request appears to be reasonable, however, if the applicant may be directed to approach the concerned Anti-Terrorism Court by filing appropriate application and the statement to this effect accordingly.

Instant Crl. Transfer Application stands disposed of with the directions to the applicant to file appropriate application or statement before the concerned Anti-Terrorism Court with a request, till the decision by the Division Bench of this Court in Crl. Revision Application No.126/2023, wherein, the very jurisdiction of Anti-Terrorism Court is under challenge, her aforesaid Special Case pending before the concerned Anti-Terrorism Court may not be finalized, which request of the applicant shall be considered in accordance with law. It is, however, expected that the concerned Anti-Terrorism Court may grant reasonable time to the applicant to proceed with the matter and there shall be no expression given or taken that the Presiding Officer is trying to conclude the trial in hurry-up manner without providing reasonable opportunity to the applicant.

**CHIEF JUSTICE**