

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI**

C.P.No.D-1783 of 2016

Mohammad Moimin Sheikh.....Petitioner

Versus

Presiding Officer,
ATC Court No.VIII, Karachi & others.....Respondents

For hg. of main case

29.10.2019

Sardar Sher Afzal, Advocate for petitioner
Mr. Hussain Bux Baloch, Addl: P.G. Sindh
Mr. Aamir Mansoob Qureshi, Advocate for respondent No.3

ORDER

Petitioner has challenged an order dated 14.03.2016 passed by the learned Anti-Terrorism Court No.VIII, Karachi disposing of the case under “C” Class bearing FIR No.180/2014, U/s 365-A, 34 PPC, R/W Section 7 of ATA, 1997, registered by the petitioner against the respondents at Police Station Nabi Bux, Karachi.

2. Learned Counsel for the applicant has argued that ATC Court has not properly appreciated the material available on record and has been swayed away by delay in registration of FIR and non-mentioning of names of the accused therein while disposing of the case, and has ignored the material collected against the respondents in the investigation.

3. On the other hand, learned Counsel for respondent No.3 has supported the impugned order and submits that the case was registered with malafide intention by the petitioner against respondents, who had had business transactions with him. He relied upon the case law reported in PLD 2007 Supreme Court 31 (Muhammad Nasir Cheema Vs. Mazhar Javaid and others).

4. We have heard parties and perused the material available on record including the impugned order, and find the same based on proper appreciation of material. Not only FIR was registered with delay but the complainant to whom accused were known having business relations have not been nominated therein by him. There is no mention of ransom in the FIR and no evidence to that effect was either found in the investigation. The alleged abductee appeared on 14.12.2015 at Police Station for recording of his statement u/s 161 Cr. P.C. after more than three months of alleged release by the abductors on 10.09.2016. During the course of arguments, learned counsel for the applicant did not deny

that after registration of FIR the complainant had failed to produce witnesses to support his case and only after the case was disposed of initially under "A" Class, he had produced the witnesses for recording of their statements which was after three months of registration of FIR. Further, learned counsel to a court's query has admitted that meanwhile the complainant has not filed any direct complainant against the accused to see that at least a trial on the allegations levelled by him against the accused is conducted, which speaks volumes viz-e-viz his bonafide to pursue the matter.

5. For foregoing discussion, we do not find any illegality in the impugned order and dismiss this petition accordingly.

Judge

Judge

Rafiq/P.A.