

IN THE HIGH COURT OF SINDH, KARACHI
Cr. Revision Application No.219 of 2024

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz ul Hassan Shah

Applicant:- Waseem Khan through Mr. Mohsin Ahmed,
Advocate.

Respondent:- The State through Mr. Ali Haider Salim, Additional
Prosecutor General.

Date of hearing:- 10.12.2025

O R D E R

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MUHAMMAD IQBAL KALHORO J: By this revision application, an order dated 07.11.2024 dismissing application under section 23 of Anti-Terrorism Act, 1997, moved by the applicant for transfer of the case to the Court of ordinary jurisdiction has been challenged on the ground that initially FIR was registered under section 365-B PPC. However, it is admitted that the challan was submitted under section 365-A PPC and it was accepted by the Court on the basis of material collected during investigation.

2. After hearing the parties at length, we are of a view, the point whether this case falls under section 365-A or 365-B Cr. P.C. cannot be decided at this stage when none of the witness has been examined. It is not disputed that section 365-A PPC is triable by the Anti-Terrorism Court and unless the court forms an opinion contrary to it the case cannot be transferred to the Sessions Court. Faced with such situation, learned counsel for applicant submits that he does not press this revision application and after examination of some of the witnesses, would like to move application for the same purpose under section 23 of Anti-Terrorism

Act, 1997 for transfer of the case. His proposal is reasonable and has been therefore accepted by learned APG.

3. We, therefore, dispose of this application as not pressed, however, after examination of some of the witnesses particularly the victim, applicant would be at liberty to move the same application before the trial Court for a decision on merits in accordance with law.

The Revision Application is accordingly disposed of in above terms.

JUDGE

JUDGE

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