

IN THE HIGH COURT OF SINDH, KARACHI
Cr. Revision Application No.88 of 2026

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

Applicant:- The State through Mr. Irshad Ali, Assistant Attorney General a/w Inspector Ali Tariq Baloch, FIA (CTW), Karachi.

Respondents:- Syeda Aliya Batool Zaidi and two others through Mr. Abid Zaman, advocate a/w Osama Ali Asghar, advocate.

Date of hearing:- 21.10.2026

O R D E R

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MUHAMMAD IQBAL KALHORO J: Through impugned order dated 31.03.2026, the case registered against respondents has been sent to a Court of ordinary jurisdiction by learned Anti-Terrorism Court No.II, Karachi apparently in exercise of powers u/s 23 Anti-Terrorism Act, 1997.

2. The allegations against the respondents are that they were providing employment to citizens of North Korea in the United States of America by creating their fake credentials, ID cards etc. through computer maneuvering in an IT facility run by them privately. The FIR was registered on receiving information from Ministry of Interior, which was approached by the Government of USA through a demarche. Respondents were arrested soon after registration of the FIR on the same date without even conducting any investigation into the information. It is further stated that although the respondents are in jail, but still Challan has not been submitted.

3. Learned trial Court in its impugned order has referred to a judgment reported in PLD 2020 SC 61 Re. **Ghulam Hussain and others v. The State**, in which, the Supreme Court has laid down principles for deciding as to which case would fall under the provisions of ATA.

4. The main allegation against the respondents to justify applicability of section 11-000 ATA is purported violation of a UN Security Council Resolution No. 1718 (2375) 2017. The said provision says that a person is guilty of an offence if he fails to comply with the orders of the Federal Government u/s 2 of the United Nations (Security Council) Act, 1948. Section 2 of ibid law entails an order by the Federal Government to be published in the official Gazette to make any violation of the Security Council, as an offence, as alleged.

5. Not only the IO, but learned Assistant Attorney General also is totally oblivious of any order passed by the Federal Government u/s 2 of the aforesaid law to make the allegation an offence u/s 11-000 ATA. Apart from that, they are totally at loss, when we have asked them about any information confirming such order having been gazetted officially, as required. It is clear that FIA acted in haste in incorporating the said provision in the FIR to make the case triable under ATA provision. Then, almost eleven months have passed, but the IO has failed to collect any evidence in regard to any individual, who is a citizen of the North Korea and who has been facilitated by the respondents in getting employment either in USA or anywhere to allege violation of the said Resolution.

6. We are surprised that the FIA without collecting any iota of evidence qua section 11-000 ATA, applied the same in FIR, arrested the respondents immediately under the same impression, and yet they have failed to complete the investigation. The conduct of trial Court is also not above the board as it has completely failed to take note of such delay and take action against the IO. The law prescribes a particular limit for filing the final Challan that the IO has failed to adhere to it without any repercussion.

7. Learned AAG and the IO both have failed to satisfy that in absence of any evidence to show that there is any violation of Security

Council Resolution, and the order and notification u/s 2 of the United Nations (Security Council) Act, 1948, how the case of respondents would fall within the provisions of section 11-000 of ATA.

8. We, therefore, do not find any merit in this application and dismiss it accordingly.

The Cr. Revision Application is accordingly disposed of.

JUDGE

JUDGE

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