

HIGH COURT OF SINDH, CIRCUIT COURT, YDERABAD

Present:

Mr. Justice Abdul Mobeen Lakho

Mr. Justice Zulfiqar Ali Sangi

Criminal Revision Application No.D-11 of 2026

Applicants: Danish and others through Mr. Taha Samoo, Advocate.

Respondent: The State through Prosecutor General Sindh through Ms. Rameshan Oad, Deputy Prosecutor General, Sindh.

Date of hearing: 06.08.2026.

Date of decision: 06.08.2026.

ORDER

ZULFIQAR ALI SANGI, J: - Through the instant Criminal Revision Application filed under Sections 435 read with 439, Cr.P.C., the applicants have called in question the legality, propriety and correctness of the order dated **14.05.2026** passed by the learned Anti-Terrorism Court, Hyderabad, whereby the application moved by the Investigation Officer seeking return of Crime No.154 of 2026, Police Station Thatta, to the ordinary Court of competent jurisdiction on the ground that the alleged occurrence did not fall within the ambit of the Anti-Terrorism Act, 1997, was dismissed.

2. Learned counsel for the applicants contended that the learned Court below has failed to appreciate the true import and scope of Sections 6 and 7 of the Anti-Terrorism Act, 1997. It was argued that the occurrence, even if taken at its face value, relates to a protest by a group of persons who allegedly blocked the Thatta-Sujawal Bypass Road, raised slogans against WAPDA and the police, set fire on the road and damaged signboards/public property. According to learned counsel, such acts may constitute offences under the Pakistan Penal Code but, by themselves, do not constitute an act of terrorism. It was further contended that no specific overt act was attributed to the applicants in the FIR and that the Investigation Officer, after completion of investigation,

himself formed the opinion that the provisions of the Anti-Terrorism Act were not attracted and, therefore, sought return of the case to the ordinary Court. Reliance was placed upon the settled principles governing determination of terrorism, including the judgment of the Honourable Supreme Court in **Mst. Sughran Bibi and others v. The State (PLD 2018 SC 595)**.

3. Conversely, learned D.P.G. Sindh opposed the revision application and supported the impugned order, contending that the allegations contained in the FIR, when examined in their entirety, *prima facie* disclose the ingredients of terrorism as contemplated by Section 6 of the Anti-Terrorism Act, 1997. It was argued that a large mob of approximately 50/55 persons had blocked a public bypass road, set fire on the road, damaged public property and signboards, refused to comply with the direction of the police to clear the road and thereby disrupted civic life and created fear and insecurity amongst the public.

4. We have heard the learned counsel for the parties and have carefully examined the impugned order as well as the material placed on record.

5. The prosecution case, in brief, is that on **30.04.2026**, complainant ASI Imtiaz Ali Khaskheli received information regarding blockage of the Thatta-Sujawal Bypass Road by a large number of persons who were raising slogans against WAPDA and the police. The complainant, along with police officials, proceeded to the place of occurrence, where he allegedly found approximately **50/55 persons** blocking the public road, setting fire on the road, damaging/breaking signboards and raising slogans. The persons allegedly refused to unblock the road despite being asked by the police and the road was ultimately cleared at about 0600 hours.

6. The principal question requiring determination in the present revision is not whether the applicants have ultimately committed the offences alleged against them, but whether, on the allegations presently available on record, the learned Anti-Terrorism Court was justified in retaining jurisdiction under the Anti-Terrorism Act, 1997. It is settled that the Anti-Terrorism Act is a special legislation and its provisions cannot be invoked merely because an occurrence has created inconvenience, disorder or even

an element of fear. At the same time, the applicability of the Act has to be determined by examining the **nature, manner, object, design and impact of the alleged act as a whole**, rather than by isolating one particular allegation from the remaining circumstances. Section 6 of the Anti-Terrorism Act, 1997, *inter alia*, contemplates an action which is designed to coerce or intimidate the Government or the public, or create a sense of fear or insecurity in society. Subsection (2) further identifies acts which fall within the meaning of terrorism, including an action which creates a serious risk to public safety or is designed to frighten the general public so as to prevent them from carrying on their lawful trade and daily business and disrupts civic life, as well as an action involving burning of vehicles or any other serious form of arson.

7. In the present case, the allegations are not confined merely to peaceful protest or slogan-chanting. The prosecution specifically alleges that a sizeable mob of approximately 50/55 persons **blocked a public bypass road, set fire on the road, damaged public signboards/property, refused to comply with the directions of the police and continued such conduct for a considerable period**, thereby obstructing the normal movement of the public. The cumulative effect of these allegations, at this preliminary stage, cannot be said to be wholly extraneous to the statutory parameters contained in Section 6 of the Anti-Terrorism Act.

8. The contention that the occurrence arose out of public grievances against WAPDA and, therefore, could not constitute terrorism, cannot be accepted as an absolute proposition. The motive behind a protest is only one circumstance to be examined. The manner in which the protest was allegedly conducted and its impact upon public safety and civic life are equally relevant. A lawful grievance or an otherwise legitimate cause does not, by itself, confer immunity upon acts which, according to the prosecution, involve arson, obstruction of a public thoroughfare and disruption of civic life. Likewise, the mere fact that the complainant did not previously know all the members of the alleged mob, or that no specific overt act has been attributed to each accused at the stage of registration of the FIR, does not, in itself, determine the question of jurisdiction of the Anti-Terrorism Court. The applicability of

Sections 6 and 7 of the Anti-Terrorism Act is to be considered on the basis of the occurrence as alleged and the material collected during investigation, whereas the individual role and ultimate culpability of each accused are matters to be determined in accordance with law during the trial.

9. The further contention that the Investigation Officer himself concluded that the case did not fall within the ambit of the Anti-Terrorism Act also does not advance the case of the applicants. The opinion of the Investigation Officer regarding the applicability of a penal statute is neither conclusive nor binding upon the Court. It is the judicial forum which has to determine whether the allegations and material on record attract the jurisdiction conferred by the Anti-Terrorism Act. Therefore, the mere fact that the Investigation Officer sought return of the case could not compel the learned Anti-Terrorism Court to accept such request if, upon independent examination, the Court found that the allegations *prima facie* attracted Section 6 of the Act. The reliance placed upon the judgment of the Honourable Supreme Court in **Mst. Sughran Bibi and others v. The State (PLD 2018 SC 595)** is not disputed insofar as the settled principle regarding examination of the motive, object, design and impact of the alleged occurrence is concerned. However, the said principle does not mean that every occurrence arising out of a public protest is automatically excluded from the operation of the Anti-Terrorism Act. Each case has to be examined on its own facts and circumstances. In the present case, the allegations of collective obstruction of a public bypass, alleged arson, damage to public property and disruption of ordinary civic activity provide sufficient material, at this stage, for the learned Anti-Terrorism Court to retain jurisdiction. It is also important to observe that at the present stage the Court is not required to conduct a detailed appraisal of evidence or record a final finding regarding guilt or innocence of the applicants. The question is confined to determining whether the ingredients necessary to invoke the jurisdiction of the Anti-Terrorism Court are *prima facie* disclosed. The impugned order demonstrates that the learned Court below considered the allegations in the FIR, the nature of the occurrence and the relevant provisions of Section 6 of the Anti-Terrorism Act and thereafter reached the conclusion that the alleged conduct fell within the ambit of the Act.

10. The revisional jurisdiction under Sections 435 and 439, Cr.P.C. is supervisory in nature and is ordinarily exercised where there is patent illegality, material irregularity, jurisdictional defect or gross misreading/non-reading of the record resulting in miscarriage of justice. The applicants have not been able to point out any such illegality or jurisdictional defect in the impugned order warranting interference by this Court. Merely because another view may be possible on the question of applicability of the Anti-Terrorism Act is not, in the circumstances of the present case, sufficient to justify interference in revisional jurisdiction.

11. Upon an overall consideration of the material available on record, we are of the considered view that the learned Anti-Terrorism Court has neither exercised jurisdiction arbitrarily nor committed any material illegality in declining the request of the Investigation Officer for return of the case to the ordinary Court. The allegations regarding blockage of a public bypass road by a large mob, setting fire on the road, damage to public property/signboards and resultant disruption of civic life, when taken cumulatively, *prima facie* attract consideration under Section 6 of the Anti-Terrorism Act, 1997.

12. Consequently, the impugned order dated **14.05.2026** does not suffer from any illegality, impropriety, irregularity or jurisdictional defect warranting interference by this Court in its revisional jurisdiction. Accordingly, the Criminal Revision Application is **dismissed**. The impugned order dated **14.05.2026** passed by the learned Anti-Terrorism Court, Hyderabad, is hereby **maintained and affirmed**. The learned Anti-Terrorism Court shall proceed with the matter strictly in accordance with law and decide the case on its own merits, uninfluenced by any observation made herein, which is confined only to the question of applicability of the Anti-Terrorism Act at this stage.

13. These are the reasons for our short order dated 06.08.2026.

JUDGE

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