

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Mazhar Alam Khan Miankhelo  
Mr. Justice Qazi Muhammad Amin Ahmed

**Civil Petition No.1285 of 2020**

*(Against the judgment dated 12.03.2020 passed by the Lahore High Court at Rawalpindi Bench in W.P. No.3673/2019)*

***Jahangir Khan***

*...Petitioner(s)*

**Versus**

***Khalid Latif***

*...Respondent(s)*

For the Petitioner(s): Ch. Abdul Khaliq Thind, ASC  
Syed Rifaqat Hussain Shah, AOR

For the Respondent(s): N.R.

Date of hearing: 03.08.2020.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Petitioner is amongst the array of accused, who allegedly kidnapped Khalid Latif respondent along with his wife while the family was on way to Murree. The accused were clad in police uniform and ostensibly arrested and handcuffed the respondent for being an accused in some criminal case registered at Jhelum; they snatched valuables that included cash and gold ornaments. On way to Jhelum, the accused attempted to shift the respondent after crossing Mandra Toll Plaza when a contingent of Highway Patrolling Police was attracted to the scene and rescued the family, however, the accused managed to escape with the loot. A criminal case vide FIR No.249 was registered at Police Station Westridge Rawalpindi under various penal provisions that included section 365-A of the Pakistan Penal Code, 1860, on the basis whereof, a report under section 173 of the Code of Criminal Procedure 1898 was submitted in an Anti Terrorism Court at Rawalpindi. The accused motioned for remission of the case into regular jurisdiction, a request

conceded vide order dated 4.5.2018 by the learned Special Judge Anti-Terrorism Court-II Rawalpindi, however, reversed vide impugned order dated 12.3.2020, vires whereof, are being assailed on the ground that the learned trial Judge had rightly remitted the case for trial in regular jurisdiction as the accusation even if admitted as gospel truth fails to disclose mischief of section 365-A of the Code, an offence exclusively triable by an Anti Terrorism Court.

2. Heard.

3. We have gone through the record annexed with the petition and do not consider it expedient to comment on the merits of the case lest it may cast its shadow upon the outcome of the trial. The High Court has discreetly attended the controversy leaving the fate of the case to be finally decided after recording statements of the prosecution witnesses, a course wisely suggested in the face of accusations leveled by the couple who allegedly endured the ordeal, with an option to the accused to re-agitate the issue afresh on the basis thereof, if need be. View taken by the High Court does not suffer from any jurisdictional error or flaw and, thus, calls for no interference. Petition fails. Leave declined.

**Judge**

**Judge**

Islamabad, the  
3<sup>rd</sup> August, 2020  
Not approved for reporting  
Azmat/-