CITATION AWAITED

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Crl. Revision Petition No.65 of 2025

Muhammad Nouman

Vs.

The Sate, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	08.09.2025	Mr. Imran Feroze Malik, Advocate for petitioner. Raja Rizwan Abbasi, Advocate for respondent No.2. Ms. Bilqees Rahat, State Counsel a/w Inspector Muhammad Nouman, CTW Islamabad.

MUHAMMAD ASIF, J-. The instant Criminal Revision Petition under Sections 435 and 439 of the Code of Criminal Procedure, 1898 ("**Cr.P.C**.") has been filed by the petitioner, assailing the order dated 29.04.2025 (the **"impugned order**"), passed by the learned Senior Special Judge (Central-I), Islamabad ("**SSJC**"), whereby a private complaint filed by Respondent No.2 (*Hafiz Muhammad Asghar*) under Section 200 Cr.P.C. was admitted and the petitioner was summoned to face trial.

2. Briefly, the facts as transpiring from the record are that Respondent No.2 lodged a private complaint under Section 200 Cr.P.C. before the learned SSJC alleging that on 13.08.2021 he was apprehended by officials of the FIA Counter Terrorism Wing from Ghouri Town, Islamabad. He claimed ownership of approximately 200 Bitcoins and alleged that during the raid FIA officials misappropriated his digital currency, seized property documents without recovery memo, accessed his e-mails and blockchain accounts and transferred cryptocurrency from his hardware wallet. Allegations of custodial torture and misuse of his

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online credentials were also levelled.

3. According to the complaint, the present petitioner, Inspector *Muhammad Nouman*, being the supervisory officer, was responsible for the actions of his subordinates, *Farman Ayaz* and *Ehtesham Matloob*. It was further alleged that despite FIR No.48/21 being registered, no substantial action was taken and the stolen digital assets were not recovered.

4. Upon presentation of the complaint, the learned SSJC directed an inquiry under Section 202 Cr.P.C., which was entrusted to the learned Senior Civil Judge-II (Criminal), East Islamabad. After recording statements of the complainant and his witnesses and examining documentary evidence, the inquiry officer concluded that allegations against the accused persons, including the present petitioner, were *prima facie* well-founded. Relying on this report, the learned SSJC admitted the private complaint and summoned the petitioner, vide the impugned order. Aggrieved thereby, the petitioner has invoked the revisional jurisdiction of this Court.

5. Learned counsel for the petitioner contended that the impugned summoning order is illegal, mechanical and devoid of reasons. He submitted that the petitioner was never nominated in FIR No.48/21, which itself was lodged by Respondent No.2, and that the present complaint, instituted after four years, is an afterthought to harass the petitioner. It was further argued that the statement of Respondent No.2 recorded under Section 161 Cr.P.C. is inconsistent with the version taken in the private complaint. Counsel maintained that the learned SSJC merely reproduced the inquiry report without independent application of mind, whereas summoning an accused is a serious matter requiring judicial reasoning. It was also argued that the private complaint is a tactic to delay the conclusion of FIR No.48/21, which is at its final stage, and that Respondent No.2 is acting with ulterior motive, particularly when FIR No.11/21 stands registered against him. On

these grounds, learned counsel has prayed for setting aside of the impugned order.

6. Conversely, learned counsel for Respondent No.2 defended the impugned order and submitted that detailed inquiry under Section 202 Cr.P.C. was conducted, during which the complainant appeared as PW-1, supported by two witnesses and documentary material, including technical analyses. After evaluating such evidence, the learned Senior Civil Judge opined that allegations were *prima facie* well-founded. Thus, he prayed for dismissal of the instant petition.

7. Arguments of learned counsel for the parties heard and record perused.

8. It is well-settled that a complainant dissatisfied with police investigation may file a private complaint under Section 200 Cr.P.C. In this context, reference can be made to *Arshad Mahmood v. State* (**2003 P.Cr.LJ 704 Lah**.), wherein it was held as under:-

> *"Even otherwise it is in accordance with the principle of criminal administration of justice that where a complainant who has initiated the prosecution machinery of the State through lodging an FIR is not satisfied with the investigating process carried out by the police he may file a private complaint in respect of the same occurrence."*

Similarly, in *Mst. Haleema Bibi v. State* (**2008 YLR 1144**), it was observed that:

> *"Law is by now settled that if the same party lodges an FIR and after having remained dissatisfied with the investigation carried out by the police files a private complaint in respect of the same allegations then in such a situation the Complaint case is to be tried first and if needed to, the challan case is tried to be latter."*

9. In the present matter, Respondent No.2 first lodged FIR No.48/21 but, being dissatisfied with the investigation, instituted a private complaint under Section 200 Cr.P.C. alleging

misappropriation of digital assets and custodial torture. Upon presentation of this complaint, the learned SSJC, Islamabad, vide order dated 03.003.2025 directed a preliminary inquiry under Section 202 Cr.P.C. to ascertain whether sufficient grounds existed to proceed further.

10. The record shows that during inquiry under Section 202 Cr.P.C., the learned Senior Civil Judge-II (Criminal), East Islamabad, recorded statements of the complainant and two supporting witnesses and examined documentary as well as digital evidence, including blockchain records. On the basis of this inquiry, it was concluded that allegations against the accused persons, including the present petitioner, were ***prima facie*** well-founded.

11. The purpose of inquiry under Section 202 Cr.P.C. is only to see whether sufficient grounds exist to proceed further; it is not a trial. The Hon'ble Supreme Court of Pakistan in *Muhammad Faiz Khan v. Ajmeer Khan and another* (**2010 SCMR 105**) held that during inquiry the onus on the complainant is only to establish a *prima facie* case. This principle echoes earlier and later cases including *Noor Muhammad v. The State* (**PLD 2007 SC 9**), which equated ***"prima facie case"*** with **"sufficient ground"** at the summoning stage; *Muhammad Farooq v. Muhammad Nawaz Jagirani* (**PLD 2016 SC 55**), which clarified that the trial court is not to minutely examine material but only to see whether *prima facie* case exists; and *Muhammad Jawad Hamid v. Mian Muhammad Nawaz Sharif* (**2019 PCr.LJ 665 Lahore**), which stated that the complainant must establish a *prima facie* case and the Court assesses truth or falsehood only to this limited extent.

12. Recently, the Hon'ble Supreme Court of Pakistan in *Muhammad Rajar v. The State* (**PLR 2025 SC 6; PLD 2025 SC 40**) reiterated that, before issuing process under Sections 202 Cr.P.C., the trial court must scrutinize not only the factual basis but also the underlying object of the complaint to guard against

victimization or harassment. The Apex Court emphasized that frivolous or vexatious complaints must be buried at inception, but conversely, a complaint supported by credible inquiry evidence warrants issuance of process.

13. In the present case, after a full inquiry under Section 202 Cr.P.C., the learned Inquiry Judge recorded the statements of the complainant and two supporting witnesses, examined documentary as well as digital evidence, including blockchain records, and concluded that the allegations against the accused persons, including the present petitioner, were *prima facie* well-founded. This squarely meets the threshold under *Muhammad Farooq v. Muhammad Nawaz Jagirani* (PLD 2016 SC 55) and *Muhammad Rajar v. The State* (supra), which consistently hold that at the summoning stage only sufficiency, not conclusiveness, of evidence is required.

14. From the material placed before it, the learned SSJC, Islamabad appears to have followed the legal steps required by Sections 200 and 202 Cr.P.C. before issuing summons. The order shows that an inquiry was first held, evidence was recorded, and only thereafter process was issued. This demonstrates compliance with the statutory safeguards meant to prevent arbitrary or mechanical summoning of an accused. It is also settled law that the Revisional Jurisdiction under Sections 435 and 439 Cr.P.C. is supervisory rather than appellate; it is exercised only to correct jurisdictional errors, illegalities or material irregularities, and not to reassess the sufficiency of evidence already examined by the trial court at the preliminary stage.

15. The objections raised by the petitioner, such as delay in filing the private complaint, alleged contradictions between earlier statements and the complaint, or accusations of *mala fide* intent, are essentially factual matters. Under the settled law, including *Muhammad Rajar v. The State* (supra), such issues must be evaluated during the trial on the basis of evidence and cross-

examination. These considerations, by themselves, do not undermine the limited finding of *prima facie* sufficiency under Section 202 Cr.P.C. and therefore do not provide grounds for interference at the revisional stage.

16. For these reasons, and in view of the binding precedents discussed above, the impugned order dated 29.04.2025, passed by learned SSJC, Islamabad admitting the private complaint and summoning the petitioner, discloses no jurisdictional error, legal infirmity or perversity. The instant Criminal Revision Petition is, therefore, **dismissed**. The trial court shall continue the proceedings strictly in accordance with law, uninfluenced by any observation in this order, and the petitioner shall be free to raise all legal and factual defences available at the proper stage of the trial.

(MUHAMMAD ASIF)
JUDGE

ISLAMABAD: **08.09.2025**
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BLUE SLIP ADDED

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