

THE HIGH COURT OF SINDH AT KARACHI

Special Criminal Anti-Terrorism Jail Appeal No. 125 of 2023

Present:
Naimatullah Phulpoto, J.
Irshad Ali Shah, J.

Appellant: Imran @ Lamba through Mr. Mukesh Kumar Khatri, advocate

Respondent: The State through Mr. Ali Haider Saleem, Additional Prosecutor General Sindh

Date of hearing: 07.08.2024

Date of announcement: 07.08.2024

J U D G M E N T

IRSHAD ALI SHAH, J- On completion of the trial, the appellant based on the recovery of the Hand Grenade from him was convicted u/s. 5 of the Explosive Substances Act, 1908 and sentenced to undergo imprisonment of three years with the benefit of Section 382(b) Cr.PC by learned Judge Anti-terrorism Court No.IV Karachi vide judgment dated 22.05.2023 which he has impugned before this Court by preferring the instant Jail Appeal.

2. It is contended by learned counsel for the appellant that the appellant is innocent and has been involved in this case falsely by the police and such aspect of the case has been lost sight of by the learned trial Court, therefore, he is entitled to his acquittal by extending him the benefit of the doubt, which is opposed by learned Addl. P.G for the state by supporting the impugned judgment by stating that the appellant has already been released from jail on completion of jail terms.

3. Heard arguments and perused the record.

4. Evidence of complainant SIP Shaikh Ismail suggests the arrest of the appellant and recovery of the Hand Grenade from him; it takes support from the evidence of P.W Mashir Muhammad Ashraf

Kazi; it was kept in *Malkhana* by ASI Muhammad Amir under the relevant entry; there is a positive report of Forensic Expert. The case was investigated professionally by I.O /Inspector Abid Farooq. None of the witnesses so examined by the prosecution had enmity with the appellant to have involved him in this case falsely, therefore, it would be hard to disbelieve them solely based on the statement of the appellant recorded u/s. 342 Cr.PC wherein he has pleaded innocence by denying the prosecution allegation against him.

5. No illegality, infirmity, misreading or non-reading of the evidence is noticed in the impugned judgment which may justify this Court to interfere with the same. Consequently, instant Crl. Jail Appeal is dismissed.

JUDGE

JUDGE

Nadir/PA