

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Omar Sial
Mr. Justice Muhammad Hassan (Akber)

SPL. CR. ANTI TERRORISM JAIL APPEAL NO. 64 OF 2024

Appellant : Huzaifa S/o Sultan
through Mr. Ubedullah Ghoto,
Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan,
Additional Prosecutor General Sindh

Date of Hearing : 07.05.2025

Date of Decision : 14.05.2025

JUDGMENT

Omar Sial, J.: The appellant was nominated as accused in a case arising out of F.I.R. No. 17 of 2023 registered under sections 353 and 324 P.P.C. read with Section 7 of the Anti-Terrorism Act, 1997 at Police Station Pakistan Bazar, Karachi. He was also charged in F.I.R. No. 18 of 2023 registered under section 23(1)(a) of the Sindh Arms Act, 2013. The case against the appellant is that on 09.01.2023, a police party of Police Station Pakistan Bazar during the course of patrolling on receipt of spy information regarding presence of a person duly armed with weapon reached at main road near German School Bus Stop, Gulshan-e-Bihar, Sector 16, Orangi Town Karachi where they found one person standing there in suspicious condition. Police party tried to apprehend the said person, however, he started firing on the police. In retaliation police party also made firing in their defence, resultantly, the present appellant sustained

firearm injuries and he was arrested at the spot in injured condition. One unlicensed pistol was also recovered from his possession.

2. After a full dress trial, the learned A.T.C. No. 8 at Karachi vide Judgment dated 30.03.2024 was of the view that the provisions of the Anti-Terrorism Act, 1997 does not attract, as such, the learned trial Court convicted the appellant and sentenced him to seven years for offences under section 324 P.P.C. and section 25 of the Sindh Arms Act, 2013. He was also sentenced to two years for an offence under section 353 P.P.C. Benefit of Section 382-B Cr.P.C. was also extended.

3. At the very outset, learned counsel for the Appellant submits that he would not press the listed application CMA No. 5317 of 2024 for condonation of delay which was filed along with this Jail appeal through Superintendent Central Prison, as it appears that the appeal was filed within time as prescribed by the law. Order accordingly.

4. The learned counsel for the appellant submitted that the case against the appellant was not one of terrorism and that he would not argue the case on merits; however, he requested that the sentence already undergone by the appellant be treated as his final sentence.

4. We have heard the learned counsel for the appellant and the learned Additional Prosecution General. Our findings and observations after re-appraising the evidence are as follows.

5. A jail roll was called for that showed that the appellant had completed 07 years, 06 months and 10 days of the sentence awarded to him. After reviewing the record and confirming that the appellant had no previous crime record, the learned Additional Prosecutor General conceded that the sentence already undergone by the appellant would be appropriate punishment. While considering the request made by the appellant, we have also considered that the appellant, remorseful and repentant for what he had done, wish to spend the rest of his life as law-abiding citizen. His admission has saved the time and money of the State. The jail authorities have reported that his conduct in jail has been satisfactory. We have also considered that the learned Additional Prosecutor General, on behalf of the State, very correctly and wisely, does not object to a reasonable reduction in sentence.

6. Given the above, the appeal stands dismissed. The conviction and sentences awarded to the appellant for the offenses under the Penal Code and the Sindh Arms Act, 2013 are upheld; however, the sentences awarded to the appellant are reduced to the period he has already undergone. This will also include imprisonment instead of a fine. The appellant may be released if not required in any other custody case.

JUDGE

JUDGE