

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

Spl. Cr. A.T Jail Appeal No.36 of 2021

Date

Order with signature of Judges

1. For hearing of M.A No.2314/2021
2. For hearing of main case.

09.08.2021.

Mr. Muzaffar Ahmed Solangi, Advocate for Appellant.

Mr. Muhammad Iqbal Awan, DPG

This is an appeal against conviction whereby the appellant Abdul Rehman alias Sindhi son of Mohammad Yameen was convicted by the Judge, Anti-Terrorism Court No.XII, Karachi in Special Case No.16 of 2021, FIR No.194 of 2020 under Section 265-H (II) Cr.PC and sentenced him for offence u/s. 11-F(2) with six months R.I. and fine of Rs.10,000/- in case of failure to pay fine, he shall suffer S.I. for 04 months more. He was also sentenced for offence u/s.11-H(1) to (3) with five years R.I. and fine of Rs.100,000/-, in case of failure to pay fine, he shall suffer 04 months more.

2. At the very outset learned counsel for the appellant has contended that the appellant had no counsel at the time when he recorded his plea of guilty which was in violation of Article 10-A of the Constitution and furthermore the mandatory requirement of Section 243 Cr.P.C. was not followed and as such the impugned judgment should be set aside and the case remanded for re-trial.

3. Under these circumstances, we are of the view that in order to ensure the fair trial of the appellant it would be in the interest of justice to set aside the impugned judgment and remand this case back to the Judge, Anti-Terrorism Court No.XII, Karachi for de-novo hearing. Learned trial Court shall ensure that when the accused is called he either have has own counsel present or counsel shall be appointed for him on State expense. Learned DPG has no objection to this proposition. Order accordingly.

4. Resultantly impugned judgment dated 13.01.2021 is set aside and the matter along with R&Ps remanded back to the learned Judge, Anti-Terrorism Court No.XII, Karachi for a fresh de-novo hearing and this exercise shall be completed within 03 months of the date of this order.

5. Copy of this order shall be facsimiled to the Judge, Anti-Terrorism Court No.XII, Karachi for compliance.

6. The above appeal stands disposed of along with all listed applications.

JUDGE **JUDGE**