

Hg/case

- 1- For order in f. i. b. A
- 2- For Hg of main case

10.02.2025

- Mr. Shaleel Ahmad G. Anwar  
Adv. for the Appellants.
- Mr. Sh. Anwar Adv. RL  
for Arguments heard. Reserved  
for Judgment.

2mlh

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Appeal No.S-48 of 2024

Manzoor Ali and 2 others

V/S

The State

Appellants:

1. Manzoor Ali.
2. Barkat Ali.
3. Asif Ali alias Sanhro, all sons of Sher Ali Bangwar  
Through Mr. Shakeel Ahmed G. Ansari,  
Advocate.

The State:

Through Mr. Ali Anwar Kandhro,  
Additional Prosecutor General, Sindh.

Date of Hearing:

10.02.2025

Date of Decision:

12.02.2025

**J U D G M E N T**

**Omar Sial, J.-** Manzoor Ali, Barkat Ali, and Asif Ali were accused of committing an offense under section 324 P.P.C.

2. Necessary facts are that on 16.06.2023, Liaquat Ali provided information at the A-Section police station in Kandhkot, upon which F.I.R. No. 156 of 2023 was registered. Liaquat narrated that on 14.06.2023, he and two others (Altaf Hussain and Mohammad Rafique) were going for some work when they were intercepted by six armed men identified by the complainant, including the three appellants. Manzoor shot at Altaf Hussain and hit him on his lower leg. Altaf fell, and the assailants then left the scene, allegedly resorting to aerial firing.

3. The three appellants pleaded not guilty and claimed trial. At the end of the trial, the learned 2<sup>nd</sup> Additional Sessions Judge, Kandhkot on 27.06.2024, convicted the appellants for offenses under sections 324, 337-F(iii), 337-H(ii), and 148 P.P.C. and sentenced them to ten years imprisonment for an offense under section 324 P.P.C. and three years

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each for the remaining crimes. Various amounts of daman and fines were also imposed.

4. At the very outset, the learned counsel for the appellants submits that he will not argue the case on merits if the sentence already undergone by the appellants is treated as their final sentence. I have also heard the learned Additional Prosecutor General. The complainant, despite notices, did not affect an appearance.

5. It is clear from the reading of the evidence recorded at trial that mere presence and aerial firing are attributed to the appellants Barkat Ali and Asif Ali. No questions were asked of the prosecution witness to establish that the two appellants shared a common intention with Manzoor, who is said to have shot at and injured Altaf. No recovery has been affected by either appellant. Given the foregoing, the appeals of these two appellants are allowed. They may be released forthwith if not required in any other custody case.

6. The case of appellant Manzoor is on a different footing. He was accused of shooting and then remained an absconder for three months. Nothing was stopping him from shooting to kill, but instead, he shot at the lower leg of the injured. The medical report shows that the bullet hit the calf muscle of the injured. Historically, courts have shown leniency when the injury sustained is on a non-vital body part. There is only one injury, and that has not fractured the bone. The doctor found no other injuries. Looking at the case holistically, the conviction and sentence awarded to Manzoor under sections 324 P.P.C, 337-H(ii), and 148 P.P.C. are set aside. The conviction and sentence to Manzoor under section 337-F(iii) are maintained.

7. The appeal stands disposed of in the above terms.

  
12/4/25  
JUDGE