

**IN THE HIGH COURT OF SINDH, KARACHI**  
**Special Criminal Anti-Terrorism Appeals No. 48 & 49 of 2023**

**Before:**

***Acting Chief Justice Zafar Ahmed Rajput***  
***Justice Miran Muhammad Shah***

**Appellant** : Mudassir Javed s/o Muhammad Javed,  
through Mr. Muhamad Farooq, Advocate.

**Respondent** : The State, through Mr. Mumtaz Ali Shah,  
Assistant Prosecutor General (APG), Sindh.

**Date of hearing** : 10.10.2025  
**Date of order** : 10.10.2025

**JUDGMENT**

**ZAFAR AHMED RAJPUT, ACJ. -** By this common Judgment, we intend to dispose of both captioned Special CrI. Anti-Terrorism Appeals, as the same being arisen out of common judgment, have been heard by us together.

2. These Spl. CrI. Anti-Terrorism Appeals are directed against the single judgment, dated 02.03.2023, passed in New Special Case No. 47 of 2020 (*Old Special Case No. 389 of 2020*), arisen out of FIR No. 671 of 2020, registered at P.S. Jamshed Quarters, Karachi-East under sections 324, 109, 337-D, 34, PPC, r/w sections 7 of the Anti-Terrorism Act, 1997 (“**Act of 1997**”) and New Special Case No. 47-A of 2020 (*Old Special Case No. 389-A of 2020*), arisen out of FIR No. 672 of 2020, registered at said Police Station under section 23 (1) (a) of the Sindh Arms Act, 2013 (“**Act of 2013**”), whereby the Anti-Terrorism Court No. XV, Karachi (“**Trial Court**”) convicted the appellant for the said offences and sentenced him, as under:

- i. *Rigorous imprisonment for seven (07) years under section 324, PPC along with fine of Rs. 2,00,000/- to be paid to injured Muhammad Yameen @ Mufti Abdullah, and/or in case of default thereof, he should suffer S.I. for six (06) months more.*
- ii. *Rigorous imprisonment for ten (10) years under section 7 (1) (c) of the Act of 1997 along with fine of Rs. 2,00,000/- to be paid to injured Muhammad Yameen @ Mufti Abdullah.*
- iii. *Rigorous imprisonment for seven (07) years under section 337-D, PPC as Tazir along with fine of Rs. 14,39,508/- as Arsh being on third of Diyat to be paid to injured Muhammad Yameen @ Mufti Abdullah.*

- iv. *Rigorous imprisonment for seven (07) years under section 25 of the Act of 2013 along with fine of Rs. 50,000/-.*

All the sentences were ordered to run concurrently and the benefit of section 382-B, CrPC was extended to appellant.

3. As per prosecution's case, on 31.10.2020 at about 2020 hours, inside the street near Haji Biryani, Opposite Ayesha Residency, Jamshed Road, Karachi, the appellant/accused at the abetment of co-accused Muhammad Haris @ Farhan @ Langra @ Gul Plaza Wala s/o Muhammad Hanif and proclaimed offender Muhammad Zahid Khan @ Zahid Shooter s/o Ibrahim Khan and in furtherance of their common intention, fired at Mufti Abdullah, the *Pesh Imam* of Subhani Masjid, with intention to commit his murder, for the purpose of advancing a sectarian cause, who sustained serious firearms injuries in his abdomen; thereby the appellant created a sense of fear or insecurity in the society. It is further case of the prosecution that the appellant was arrested on the said day and time at the spot by the police party of P.S. Jamshed Quarters, headed by ASI Hakim Ali on being found in possession of an unlicensed 9mm pistol, loaded with magazine containing five live bullets, used in commission of aforesaid offence of committing attempt to murder of Mufti Abdullah; for that, he was booked in the aforesaid FIR.

4. After usual investigation, police submitted the charge-sheet against the appellant and co-accused Muhammad Haris, who was arrested on 15.11.2020, by showing one co-accused Muhammad Zahid Khan as absconder. The latter was subsequently declared as "proclaimed offender" by the Trial Court. At trial, the appellant and co-accused Muhammad Haris denied the charge and the prosecution to prove the same, examined ten witnesses. The appellant and said co-accused in their statements recorded under section 342, CrPC denied the prosecution's allegation and pleaded innocence. They, however, neither examined themselves on oath to disprove prosecution's allegations, nor even led any evidence in their defence. On completion of trial, the Trial Court acquitted the said co-accused of

the charge by giving him benefit of doubt and convicted the appellant and sentenced him as mentioned above, vide impugned judgment.

5. At the very outset, learned counsel for the appellant contends that there is no ingredient of offence under the Act of 1997, hence, conviction awarded to appellant under section 7 (1) (c) of the said Act is not sustainable in law. He also contends that the amount of fine for the offence under section 324, PPC is to be paid to State and not to injured, and for the rest of the conviction and sentence, he does not press these Appeals.

6. Learned APG also concedes to the fact that there is no convincing evidence on record to convict the appellant for the offence under section 7 (1) (c) of the Act of 1997.

7. We have heard the learned counsel for the appellant as well as APG, and have perused the material available on the record.

6. The requirement that needed to be satisfied for invoking clause (c) of subsection (1) of section 6 of the Act of 1997 are that the use or threat of action should be *inter alia* for “*the purpose of advancing a religious, sectarian or ethnic cause*”. According to accusation contained in FIR, complainant, ASI Hakim Ali, was on patrolling duty along with his subordinate staff, when he heard gunfire; he reached the spot and saw a mob was maltreating the appellant; he took him in his possession with one 9mm pistol. The persons present at the spot told him that two accused boarded on a motor cycle arrived and due to unknown reasons started firing on Mufti Abdullah with intention to commit his *Qatl-e-Amd* due to which Mufti Sahib injured seriously. There is no evidence on record regarding use of action within the meaning of S. 6(c) of the Act of 1997, suggesting that the alleged act was done for the purposes of advancing religious and sectarian cause. Hence, conviction and sentence awarded to appellant under section 7 (1) (c) of the Act of

1997 is not sustainable in law. Besides, the provisions of section 324, PPC do provide payment of fine to injured person.

7. Consequently, Special Criminal Anti-Terrorism Appeal No. 48 of 2023 is partly allowed by setting aside impugned judgment passed in New Special Case No. 47 of 2020 (*Old Special Case No. 389 of 2020*) to the extent of conviction and sentence recorded for an offence under section 7 (1) (c) of the Act of 1997 i.e. Rigorous imprisonment for ten (10) years and fine of Rs. 2,00,000/-.

The conviction for the offence under section 324, PPC and sentence recorded i.e. R.I for seven (07) years with fine of Rs. 2,00,000/- is maintained. The fine shall be paid to the State. In case of default thereof, the appellant shall suffer S.I. for six (06) months more.

The conviction for the offence under section 337-D, PPC and sentence recorded i.e. R.I. for seven (07) years as Tazir with fine of Rs. 14,39,508/- as Arsh being one third of Diyat to be paid to injured Muhammad Yameen @ Mufti Abdullah is also maintained.

Conviction and sentence of the appellant passed in New Special Case No. 47-A of 2020 (*Old Special Case No. 389-A of 2020*) is maintained.

All the sentences shall run concurrently and the appellant shall be entitled to benefit of section 382-B, CrPC.

8. With the above modification/alteration in the conviction and sentence, the Spl. CrI. Anti-Terrorism Appeal No.48 of 2023 stands partly allowed while the Spl. CrI. Anti-Terrorism Appeal No.49 of 2023 stands dismissed.

**ACTING CHIEF JUSTICE**

**JUDGE**