

## IN THE HIGH COURT OF SINDH, KARACHI.

Before:

Mr. Justice Omar Sial.

Mr. Justice Miran Muhammad Shah.

### Spl. Crl. Anti-Terrorism Appeal No.98 of 2024

Appellants : 1. Amjad Jawed @ Choudhary Amjad  
@ Choudhary Tarique son of Ashique Ali.

2. Mumraiz Hussain son of Amjad Jawed @  
Choudhary Amjad @ Choudhary Tarique.

3. Zahoor Illahi son of Abid Hussain.  
Through M/s Habib Ahmed and Muhammad Hanif  
Kashmiri, Advocates

Respondents : The State.  
Through Mr. Muhammad Iqbal Awan,  
Additional Prosecutor General, Sindh.

### (2). Spl. Crl. Anti-Terrorism Appeal No.101 of 2024

Appellant : Zaheer @ Siddique son of Muhammad Boota.  
Through M/s Kashif Ali & Mudasar Iqbal, advocates.

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

Date of hearing : 22.10.2025.

Date of Judgment : 14.11.2025.

## J\_U\_D\_G\_M\_E\_N\_T

Miran Muhammad Shah, J:- Through these Special Criminal Anti-Terrorism Appeals, the appellants namely Amjad Jawed @ Choudhary Amjad @ Choudhary Tarique son of Ashique Ali, 2). Mumraiz Hussain son of Amjad Jawed @ Choudhary Amjad @ Choudhary Tarique, 03). Zahoor Illahi son of Abid Hussain and 4) Zaheer @ Siddique son of Muhammad Boota, have called into question the Judgment dated 10.08.2024, passed by the learned Special Judge Anti-Terrorism Court No.XIX, Karachi in Special Case No.36 of 2023 (Re: The State Vs. Amjad Jawed @ Choudhary Amjad @ Choudhary Tarique others) arising out of Crime/F.I.R No.399 of 2023, for offences under Sections 365-A/34 PPC, 512 Cr.P.C, 21-L Anti-Terrorism Act 1997 along with Section 7 of Anti-Terrorism Act 1997, whereby all the appellants were convicted under Section 265-H(ii) Cr.PC, for committing an offence punishable under Section 7(e) of the Anti-Terrorism Act, 1997 and were sentenced to suffer Life Imprisonment (25) years. The benefit of section 382-B Cr.P.C was extended to the appellants/accused persons.

2. The brief facts of the prosecution case are that the complainant

Muhammad Arif lodged an FIR, stating that he along with his family have been residing at House No.57/1, Sector 5-G, Karachi for the past 40/50 years. On 17.06.2023, at about 4:10 a.m., while complainant was asleep, he heard knocking at the back door. His niece called to inform him that Rangers were outside. He saw men in Rangers uniform, who asked him to open the gate. Once inside, they said that they needed to search the house. He woke his wife up, and the search was carried out. When he asked what they were searching for, they told him to remain silent. Three men were involved, one in Rangers uniform, one in black shalwar qameez with a belt, and one in blue shalwar qameez. They took him, claiming it was for an inquiry. They covered his face and drove him around for about 40 minutes before taking him to a location where he was tortured. After his release, the complainant submitted a complaint to the Governor's House and sent copies to the DG Rangers. He also filed applications with the CPLC, Clifton, and Gulberg police stations. Eleven days later, Rangers visited his house and confirmed his complaint. He was later contacted by Police Station Gulberg, where his statement under section 154 Cr.P.C. was recorded and incorporated into the FIR against unknown accused persons.

3. After completing the investigation, the police submitted the charge-sheet against the appellants/accused. After completing the requisite formalities, the trial Court framed the charges against the appellants/accused, to which they pleaded not guilty and claimed to be tried.

4. To prove their case, the prosecution examined PW No.1, the complainant Muhammad Arif was examined at Ex.07, he has produced the copies of the statement under Section 154 Cr.P.C, FIR bearing No.399 of 2023, memo of place of occurrence, Identification Parade test and place of captivity of abductee on the pointation of accused persons at Ex.07/A to 07/F. PW No.-2 Tasleem Arif was examined at Ex.08. PW No.3, Muhammad Faraz was examined at Ex.09. PW No.4, P.C. Tariq Mehmood was examined at Ex.10, he has produced the copies of memo of handing over the CDR record of abductee/complainant from AVCC/CIA and CDR record (37 leaves), memo of place of receiving the ransom amount on the pointation of accused persons, memo of handing over the CDR record of accused persons and CDR record (08 leaves) at Ex.10/A to 10/C-1. PW No.5, ASI Tariq Hussain was examined at Ex.11, he has produced station diary No.40 and Qaimi entry No.51 regarding lodging of FIR at Ex.11/A and 11/B. PW No.6, PC Nasir Khan was examined at Ex.12, he has produced the memo of arrest and recovery of accused Zahoor

Illahi at Ex.12/A. PW No.07 PC Syed Taqadus Ali Shah was examined at Ex.13, he has produced the memo of arrest of accused Amjad Javed, Mumraiz Hussain and Qadeer at Ex.13/A. PW No.08 P.C Ghazanfar Ali was examined at Ex.14, he has produced the memo of captivity of abductee on the pointation of accused persons and the memo of receiving the ransom amount on the pointation of accused at Ex.14/A and 14/B respectively. PW No.09, Judicial Officer Munawar Ali Shar was examined at Ex.15, he has produced the copies of the letter of I.O and Identification Parades test of accused Amjad Javed and Mumraiz and memo of Identification test parade of accused Zahoor Illahi and memo of Identification Parade Test of accused at Ex.15/A to Ex.15/D-1. PW No.10. HC Syed Majid Shah was examined at Ex.15, he has produced attested copy of the memo of arrest of accused Zaheer alias Siddiqui at Ex.16/A. PW No.11 I.O/Inspector Muhammad Ali was also examined at Ex.17, he has produced the station diary No.22, colored copy of photograph of place of occurrence, station diaries No.29, 31, 51, 60, 42, 44, 54 and station diary No.38 at Ex.17/A to 17/K, then APG for the State filed statement to close the prosecution side vide Ex.18.

5. After recording of the statement under Section 342 Cr.P.C of accused persons (appellants) and after hearing of the final arguments, the learned trial Court convicted and sentenced for life imprisonment to the appellants vide judgment dated 10.08.2025.

6. The learned counsel for the appellants submits that the impugned judgment is contrary to law and facts and liable to be set aside; that there is an unexplained delay of one month in lodging the FIR, as the incident occurred on 17.06.2023 while the FIR was registered on 16.07.2023; that the complainant recorded his statement under Section 154 Cr.P.C. on plain paper at 0030 hours in the office of the Duty Officer, P.S. NKIA, instead of having the FIR registered on his oral statement; that the complainant and witnesses failed to disclose the features (Hulia) of the accused persons, mentioning only their clothing; that the complainant did not specify the dates or times of key events after the FIR, including his release, calls from the police, identification parades, and inspection memos; that after the arrest, complainant saw the accused at Police Station Garden before the identification parade, rendering the parade doubtful; that the memo of the place of wardat was allegedly prepared at the police station rather than on-site. Further, inconsistencies exist regarding the dates and conduct of identification parades; that the learned Magistrate stated that the parade for Amjad Javed and Mumtaz Hussain was

held on 01.08.2023 with 10 dummies, while that of Zahoor Illahi was on 12.12.2023 whereas Identification parade of accused Zaheer @ Siddique in connected appeal was never held; that the witnesses PW-2 and PW-3 did not participate in any identification parade, making their in-court identifications without evidentiary value; that the prosecution also failed to prove how and when the recovered car came into police possession; that apart from the unreliable statements of the complainant and his relatives, no corroborative or recovery evidence supports the prosecution case, which is riddled with material contradictions ignored by the learned trial Court. He lastly prayed for setting aside the judgment passed by the learned trial Court and for acquittal of the appellants from the charges against them.

7. On the other hand, Mr. Muhammad Iqbal Awan, Additional Prosecutor General, Sindh opposed the instant Criminal Jail Appeal. He argued that the testimonies of the PWs remained unshattered and fully corroborated the version of the complainant. He further contended that accused were arrested and I.D parade test was held in which they were identified by the complainant, police witnesses are as good witnesses as private witnesses, therefore, on the basis of material brought on record, the prosecution has successfully established the case of abduction. Moreover, the evidence brought on record is reliable, all the PWs supported the case of prosecution on all counts and in case some contradictions appears in the evidence are minor in nature and did not drop the case of prosecution, thus accused persons are liable to be convicted and impugned judgment upheld, keeping in view the evidence brought on record. The chain of circumstances inspires confidence regarding the commission of the offence by the present appellants/accused persons. Therefore, he prayed for the dismissal of the instant Criminal Jail Appeal.

8. We have heard the learned counsel for the appellants as well as learned Additional Prosecutor General, Sindh for the State and have perused the entire material available on record with their assistance. Admittedly, there is a delay of 30 days in the lodgment of the FIR, for which is no plausible explanation has been given. Furthermore, there is further delay of 14 days more in conducting the identification parade. Hence, a total delay of 44 days occurred in holding the identification parade. In fact, in Special Criminal Anti-Terrorism Appeal No.101 of 2024, the sole appellant/accused Zaheer @ Siddique was not even held to an identification parade. Even otherwise, the identification parade conducted did not inspire confidence and was not in line with Article 22 of the Qanun-e-Shahdat Order, 1984, as joint identification parade of the accused

persons was held, which is against the law and has no evidentiary value, as held by the Hon'ble Supreme Court of Pakistan. Since the FIR was lodged against unknown persons and no description (huliya) of any of the accused was mentioned either at the time of lodging the FIR or later during the recording of statements under Section 161 Cr.P.C, hence, it was mandatory that after the arrest of the accused persons, who had not been named or identified in the FIR, their identification parade be conducted at the earliest and before any interaction could take place between the complainant and accused. However, none of these legal requirements were upheld and there are distinctive discrepancies in the manner in which the identification parade was conducted. The accused were placed together in a joint identification parade, which is not permissible under the law and, therefore, creates a serious doubt in the prosecution's case. The appellants were merely picked up in the identification parade and no specific role was attributed to them by the witnesses. The identification parade, in such circumstances, is not in line with article 22 of the Qanon-e-Shahadat Order, 1984, therefore, carries no evidentiary value and cannot be relied upon. There is no ransom amount shown to have been recovered from the appellant/accused; hence, the allegations of the kidnaping for ransom (365-A PPC) becomes further doubtful. The identification parade and the recovery of the amount do not find any corroborative evidence to support contents of the FIR or the statements of the complainant and his witnesses. The trial Court while convicting the appellant has come to wrong conclusion by misappreciating the evidence and material available on record. The reliance is placed on the following case laws reported as 2024 SCMR 757, 2017 SCMR 1189 and 2011 SCMR 527.

9. Further reliance is placed on the case law reported as PLD 2019 S.C. 488, which elaborates in detail the requirements, evidentiary value and object of holding an identification parade in criminal cases. It further elaborates that Article 22 of the Qanon-e-Shahdat Order, 1984 provides guidelines, requirements and safeguards necessary for holding an identification parade in connection with the criminal cases.

10. Apart from the issue of identification parade, there are material contradictions in the evidence brought on record before the learned trial Court. PWs No.2 and 3 (the wife and nephew of the abductee) did not participate in any identification parade and claimed to have identified the accused only at the time of incident, such identification has no any

evidentiary value. The car in which the abductee was allegedly taken away was stated to have been recovered and taken into possession; however, no record or evidence of such recovery of property was brought before the trial Court. In fact, the prosecution evidence consists with material contradictions, which makes the prosecution case highly doubtful.

11. In light of the above observations, we are of the opinion that this is a weak type of case of kidnaping for ransom, where the accused remained unidentified at the time of lodging the FIR. Subsequently, after the arrest, the identification parade was held for three out of four accused, which was indeed a clear anomaly on the part of the prosecution for non-holding of the identification parade of one of the accused Zaheer @ Siddique, whereas the parade of the other three accused was not conducted in accordance with the law, making the whole prosecution case highly doubtful and such benefit of doubt must be given to the accused, as dicta laid down by the Superior Courts of this country.

12. In such circumstances, we acquit all three appellants/accused namely Amjad Jawed @ Choudhary Amjad @ Choudhary Tarique son of Ashique Ali, 02. Mumraiz Hussain son of Amjad Jawed @ Choudhary Amjad @ Choudhary Tarique and 03. Zahoor Illahi son of Abid Hussain in Spl. CrI. Anti-Terrorism Appeal No.98 of 2024 and Zaheer @ Siddique son of Muhammad Boota in Spl. CrI. Anti-Terrorism Appeal No.101 of 2024 from the charge framed against them and they shall be released forthwith, if not required in any other case. Consequently, the judgment dated 10.08.2024 passed by the learned Special Judge Anti-Terrorism Court No.XIX, Karachi in Special Case No.36 of 2023 (Re: The State Vs. Amjad Jawed @ Choudhary Amjad @ Choudhary Tarique others) is hereby set-aside.

13. The instant Special Criminal Anti-Terrorism Appeals stand disposed of in the above terms.

**JUDGE**

**JUDGE**