IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No.09 of 2026

Applicants	:	Ghulam Nabi & Rehan, Through: Mr. Shahnawaz Teevno, advocate
The State	:	State Through: Ms. Rukhsana Mirjat, ADPP
Date of hearing	:	03.06.2026
Date of Order	:	03.06.2026

O R D E R

Jan Ali Junejo, J:-- Through this judgment, I intend to decide the instant Criminal Revision Application preferred by the applicants/accused under Section 439 Cr.P.C., assailing the judgment dated 23.12.2025 (hereinafter referred to as the *"Impugned Judgment"*) passed by the learned II Additional Sessions Judge, Karachi West (hereinafter referred to as the *"Appellate Court"*), whereby Criminal Appeal No.47/2022 was dismissed and the conviction and sentence recorded by the learned Judicial Magistrate-II, Karachi West (hereinafter referred to as the *"Trial Court"*) vide judgment dated 22.11.2022 were maintained. By the said judgment, the applicants were convicted for offence punishable under Section 392 read with Section 34 PPC and sentenced to undergo rigorous imprisonment for three years each with fine of Rs.30,000/- each, and in default whereof to further undergo simple imprisonment for three months each, with benefit of Section 382-B Cr.P.C.

2. Briefly stated, prosecution case as set out in FIR No.136/2022 is that complainant Asif Ali lodged report at Police Station Manghopir on 15.02.2022 alleging that on 14.02.2022 at about 4:00

p.m., he along with his friends Samiullah and Ali Raza was present near Gulshan Usman Society, near Zebu Village, Manghopir, when three young boys riding a motorcycle, armed with pistols, intercepted them. It was alleged that the culprits robbed Rs.4,000/- cash and one OPPO mobile phone from the complainant, Rs.300/- cash and one Infinix mobile phone from Samiullah, and Rs.2,300/- from Ali Raza. It was further alleged that while fleeing, the culprits made aerial firing and escaped from the spot. Consequently, the above FIR was registered. After usual investigation, the police arrested the present applicants on 21.02.2022 and submitted challan before the competent Court. Copies of police papers were supplied to the accused in compliance with Section 241-A Cr.P.C. Thereafter, formal charge was framed against them under Sections 392/411/34 PPC, to which they pleaded not guilty and claimed trial.

3. To substantiate the charge, prosecution examined six witnesses. PW-1 complainant Asif Ali deposed in line with the FIR and identified the applicants before the trial Court. PW-2 Samiullah and PW-3 Ali Raza, eye-witnesses/victims, supported the prosecution case and also identified the accused. PW-4 mashir PC Muhammad Asif was examined regarding arrest proceedings. PW-5 ASI Syed Faisal Ali, the Investigating Officer, produced documentary evidence including roznamcha entries, recovery memos, applications for identification parade and other investigation papers. PW-6 learned Judicial Magistrate, who conducted the identification parade, produced the identification parade proceedings. Thereafter, prosecution side was closed.

4. Statements of both accused were recorded under Section 342 Cr.P.C., wherein they denied the allegations levelled against them, professed innocence and claimed false implication. The applicants did not examine themselves on oath under Section 340(2) Cr.P.C. nor did they produce any defence witness in rebuttal.

5. The learned trial Court, after appraisal of evidence, found the prosecution case proved beyond reasonable doubt and convicted both accused under Section 392/34 PPC, sentencing them as stated above. Being aggrieved, the applicants preferred Criminal Appeal No.47/2022 before the learned II Additional Sessions Judge, Karachi West, which was dismissed vide judgment dated 23.12.2025, maintaining the conviction and sentence.

6. Learned counsel for the applicants contended that both Courts below failed to appreciate material contradictions in the statements of prosecution witnesses; that no names of accused were mentioned in the FIR; that identification parade was conducted after delay of nine days and thus lost evidentiary value; that no independent witness was associated despite availability; that no CCTV footage or ownership documents of mobile phones were produced; that recovery was doubtful; and that applicants being juveniles had already undergone substantial part of sentence. He prayed for acquittal, or in the alternative, reduction of sentence to the period already undergone.

7. Conversely, learned ADPP supported the concurrent findings of both Courts below and argued that ocular account was confidence

inspiring, fully corroborated by identification parade and recovery of robbed articles. She submitted that no material contradiction had surfaced so as to discredit the prosecution case. However, learned ADPP fairly conceded that the applicants were juveniles at the relevant time and had already undergone substantial sentence; therefore, if this Court was not inclined to interfere with conviction, sentence may be modified to the period already undergone.

8. I have considered the arguments advanced by learned counsel for the parties and minutely gone through the record. At the outset, it is settled law that revisional jurisdiction is limited in scope. Unless gross illegality, misreading, non-reading of evidence, jurisdictional defect or miscarriage of justice is shown, concurrent findings of fact recorded by two Courts below ordinarily do not call for interference. In the present case, the complainant and eye-witnesses consistently narrated the occurrence and attributed specific roles to the culprits. Their evidence remained materially unshaken in cross-examination. Nothing substantial has been brought on record to establish previous enmity or motive for false implication of the applicants.

9. So far as non-mentioning of names in FIR is concerned, admittedly the culprits were previously unknown to the complainant party; therefore, omission of names in the FIR is natural and does not by itself dent the prosecution case when subsequent identification is legally conducted. The record further reveals that identification parade was held before a Judicial Magistrate and the applicants were picked out by the witnesses. No material illegality in conduct of identification parade has been pointed out. Mere lapse

of some days in holding identification parade is not always fatal unless prejudice or prior exposure is established, which is absent here.

10. Likewise, non-production of CCTV footage or independent private witnesses is not fatal where direct ocular evidence of victims inspires confidence. In street crime cases, independent witnesses often avoid participation. Law does not require plurality of witnesses if testimony of available witnesses is trustworthy. The recovery of robbed property and documentary evidence produced by the Investigating Officer further furnished corroboration to the prosecution case. The defence, on the other hand, led no evidence nor offered any plausible explanation in statements under Section 342 Cr.P.C.

11. Thus, I find no illegality, perversity or misreading of evidence in the concurrent findings regarding conviction of the applicants under Section 392/34 PPC. While the Applicant, Ghulam Nabi, is also involved in FIR No.163/2022 registered under Section 23(1)(a) of the Sindh Arms Act, 2013, wherein the learned trial Court extended the benefit of Section 397, Cr.P.C. by directing that the sentences shall run concurrently, no such direction has been passed in the present matter to the effect that all the sentences shall run concurrently under Section 397, Cr.P.C. Insofar as Section 397, Cr.P.C. is concerned, the same provides as under:

> *"When a person already undergoing a sentence of imprisonment is sentenced on a subsequent conviction to imprisonment or imprisonment for life, such imprisonment or imprisonment for life shall commence at the expiration of the imprisonment to which he*

> *has been previously sentenced, unless the Court directs that the subsequent sentence shall run concurrently with such previous sentence".*

Section 397, Cr.P.C., creates a default of consecutive running for a "subsequent conviction", while conferring discretion on the court to order concurrency. The Honourable Supreme Court has recognized that the High Courts may, in appropriate cases, exercise powers under Section 561-A read with Section 397, Cr.P.C., to direct that sentences run concurrently so as to avert undue harshness, particularly where the convictions arise out of the same transaction. In this regard, Section 35 of the Criminal Procedure Code, 1898, is also relevant for consideration, which provides that: *"When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 71 of the Pakistan Penal Code(XLV of 1860)] sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict; such punishments, when consisting of imprisonment, to commence the one after the expiration of the other in such order as the Court may direct, unless the Court directs that such punishments shall run concurrently"*. In Case of ***Rahib Ali v. The State (2018 SCMR 418)***, it was observed by the Honourable Supreme Court of Pakistan that: *"In the light of discussion made above, there remains no doubt that the High Court and so also this Court have jurisdiction under Section 561-A, read with Section 35 and or section 397, Cr.P.C. as the case may to order such multiple sentences in same transaction/trial or in a separate and subsequent trial to run concurrently"*. However, the question of sentence requires separate consideration. The record reflects that the applicants were juveniles at the time of the commission of the offence and were accordingly remanded to

the Juvenile Rehabilitation Centre. They are admittedly first offenders. Learned ADPP has also fairly conceded that the applicants have already undergone the entire sentence awarded to them and that no further sentence remains to be served for their continued detention. It is a settled principle that sentencing is not merely punitive in nature but also reformative, particularly in cases involving juvenile offenders. In the circumstances of the case, the ends of justice would be adequately met if the sentence awarded to the applicants is reduced to the period already undergone by them, while maintaining their conviction.

12. For the foregoing reasons, this Criminal Revision is dismissed to the extent of the conviction of the applicants under Section 392 read with Section 34, P.P.C., which is hereby maintained. However, the revision is partly allowed to the extent of sentence, and it is directed that all sentences awarded to the applicants in the connected cases shall run concurrently, which sentences have already been undergone by them including conviction period in lieu of fine, same also include the sentence already undergone by them. The applicants shall be released forthwith, if not required in any other case. The Office is directed to communicate this judgment to the learned trial Court as well as the concerned Superintendent Jail for compliance.

JUDGE