

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Revision Application No.10 of 2026**

Applicant : Ghulam Nabi, 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

### **ORDER**

**Jan Ali Junejo, J:**-- The instant Criminal Revision Application has been preferred under Section 439 Cr.P.C. by the Applicant Ghulam Nabi son of Qahar, challenging the impugned judgment dated 23.12.2025 (hereinafter referred to as the "*Impugned Judgment*") passed by the learned Additional Sessions Judge-II, Karachi West (hereinafter referred to as the "*Appellate Court*"), in Criminal Appeal No. 49/2022, whereby the learned Appellate Court dismissed the appeal filed by the Applicant and maintained the conviction and sentence awarded to him vide judgment dated 22.11.2022 by the learned Judicial Magistrate-II, Karachi West (hereinafter referred to as the "*Trial Court*"), in Sessions Case No.1246/2022 arising out of FIR No. 163/2022 registered at Police Station Manghopir, Karachi, for the offence under Section 23(1)(a) of the Sindh Arms Act, 2013. By the said judgment of the trial Court, the Applicant was convicted under Section 245(ii) Cr.P.C. for the offence punishable under Section 23(1)(a) of the Sindh Arms Act, 2013 and sentenced to undergo Rigorous Imprisonment for a period of three years along with fine of Rs. 30,000/-, and in default of payment of fine, to further

undergo Simple Imprisonment for three months; benefit of Section 382-B Cr.P.C. was also extended to the Applicant, with a further direction that the sentence shall run concurrently with any other sentence, if any, passed against him in any other case or crime.

2. The brief facts of the case, as narrated in the FIR and borne out from the record, are that on 21.02.2022 at about 0015 hours, ASI Muhammad Murtaza, while on patrolling duty at Chingchi Rikshaw Stop, Gulshan-e-Tauheed, Manghopir, Karachi, was informed by a private person namely Sanaullah Khan son of Qazi Khan that four persons, riding on two motorcycles, had committed robbery upon him at pistol-point and decamped with Rs. 65,000/- (Rupees Sixty-Five Thousand) and two mobile phones; whereupon the police party gave chase and at a short distance apprehended two persons, namely Ghulam Nabi son of Qahar and Rehan son of Qahar, riding on a motorcycle bearing no number plate, while the remaining two accused managed to escape; that upon personal search of the Applicant, one unlicensed 30-bore pistol with a loaded magazine containing two live rounds was recovered from the right side of the fold of his shalwar, a memo of arrest and recovery was prepared on the spot in the presence of mashirs, and the recovered weapon was sealed and taken into police custody; a case bearing FIR No. 163/2022 under Section 23(1)(a) of the Sindh Arms Act, 2013 was accordingly registered at Police Station Manghopir against the Applicant; after formal investigation the Investigating Officer submitted a charge sheet, trial was conducted before the learned Judicial Magistrate-II, Karachi West, three prosecution witnesses –

the complainant/arresting officer ASI Muhammad Murtaza, the Investigating Officer ASI Syed Faisal Ali, and the mashir PC Muhammad Uzair Siddiqui – were examined, and upon conclusion of trial, the Applicant was convicted and sentenced as aforementioned; that the private complainant Sanaullah Khan had separately registered an FIR for robbery in respect of the same incident, wherein both Ghulam Nabi and co-accused Rehan son of Qahar were correctly identified during an identification parade held before the learned Judicial Magistrate-I, Karachi West; that the Applicant's appeal before the learned Additional Sessions Judge-II, Karachi West, was dismissed vide impugned judgment dated 23.12.2025, hence the present revision.

3. At the very outset of the hearing, the learned counsel for the Applicant, Mr. Shahnawaz Teevino, Advocate, submitted that he would not press the revision on merits and would confine his arguments to the question of sentence alone; he contended that the Applicant, who was a juvenile at the time of commission of the offence, has already undergone the entire sentence awarded by the trial Court including the period spent in the Juvenile Rehabilitation Centre, and that since the trial Court itself had explicitly directed that the sentence shall run concurrently with any other sentence passed against the Applicant in any other case or crime, the continued incarceration of the Applicant is unjust, inequitable, and contrary to the spirit of the said concurrency direction; he further urged that in the peculiar facts and circumstances of the case, wherein the Applicant had no previous criminal antecedents, was a

young offender, and the offence related only to possession of an unlicensed weapon recovered as an offshoot of the main robbery case, this Court, in exercise of its revisional jurisdiction under Section 439 Cr.P.C., has ample power to reduce the sentence to the period already undergone by the Applicant, which would meet the ends of justice without further detention.

4. The learned ADPP, Ms. Rukhsana Mirjat, opposing the revision, submitted that the conviction of the Applicant rests on a solid foundation of evidence comprising the consistent and corroborated testimonies of three prosecution witnesses whose statements could not be shaken in cross-examination; that the recovery of an unlicensed 30-bore pistol with live ammunition from the person of the Applicant, immediately upon his arrest following a robbery, stands fully proved and supported by the FSL report confirming the weapon to be in working condition; that the learned trial Court and the learned Appellate Court have both concurrently found the guilt of the Applicant established beyond reasonable doubt; that the menace of armed robberies and illegal weapons in the metropolitan city is a grave law and order concern warranting deterrent punishment; and that no extraordinary circumstances exist in the present case to justify the interference of this Court in the concurrent findings of the two Courts below, and accordingly prayed for dismissal of the revision application.

5. I have considered the arguments advanced by the learned counsel for the applicant as well as the learned ADPP for the State, and have carefully examined the record and proceedings available

on file. Before dilating upon the question of sentence, it is pertinent to note that the learned counsel for the Applicant has categorically and unequivocally stated at the bar that he does not press the revision on merits and confines his challenge only to the quantum of sentence. This Court, therefore, refrains from re-appreciating the evidence on record or disturbing the concurrent findings of guilt recorded by both the Courts below, which upon a bare perusal of the record, appear to be well-reasoned, well-discussed, and based upon reliable, cogent and consistent testimony of the prosecution witnesses.

6. The pivotal question that survives for determination in the present revision is whether the sentence of the Applicant deserves to be reduced to the period already undergone by him, having regard to the fact that the trial Court had expressly directed that the sentence shall run concurrently with any other sentence, if any, passed against the Applicant in any other case or crime. In this regard, it is an undisputed position emerging from the record that the present crime bearing FIR No. 163/2022 was itself registered as an offshoot of the main robbery case arising from the same incident of 21.02.2022, and that the Applicant was simultaneously proceeded against in both matters. The trial Court, being cognizant of this very fact, had consciously incorporated a direction of concurrency of sentences in the judgment dated 22.11.2022, clearly indicating the judicial intent that the Applicant ought not to suffer multiple or duplicative periods of incarceration arising from the same transaction and incident.

7. Furthermore, it is a matter of record, and indeed a significant mitigating circumstance, that the Applicant was a juvenile at the time of commission of the offence, as expressly acknowledged by the learned trial Court itself, which had accordingly remanded him to the Juvenile Rehabilitation Centre in terms of Section 15(e) of the Juvenile Justice System Act, 2018, instead of a regular prison. This Court is alive to the well-established principle that juvenile offenders are to be treated with greater leniency and rehabilitative consideration, as the object of the juvenile justice framework is reformation rather than retribution.

8. It is also a settled principle of law that the revisional jurisdiction conferred upon this Court under Section 439 Cr.P.C. is wide and discretionary in nature, and this Court is competent to alter or reduce a sentence even where the conviction itself is not under challenge, if the ends of justice so require. Reference may usefully be made to the consistent jurisprudence of this Court and the Superior Courts of Pakistan, which recognizes the power of the revisional Court to exercise its jurisdiction to prevent injustice resulting from excessive or disproportionate sentencing, particularly in cases where the original Court itself has indicated the legislative and judicial intent of concurrency of sentences.

9. In the instant case, having regard to: (i) the fact that the present offence arose from the same transaction and incident as the main robbery case; (ii) the express direction of the learned trial Court that the sentence in this case shall run concurrently with any

sentence in any other case; (iii) the Applicant's status as a juvenile at the time of offence who was sent to a Juvenile Rehabilitation Centre; (iv) the period of incarceration already undergone by the Applicant in both cases taken together; and (v) the principle that the concurrency of sentences should not remain illusory or ineffective, this Court is of the considered view that the continued imprisonment of the Applicant beyond the period already undergone would be neither warranted nor just, and would be contrary to the very spirit of the concurrency direction contained in the trial Court's judgment, which became a part of the concurrent findings upheld by the appellate Court.

10. 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".*

11. However, the question of sentence requires separate consideration. The record reflects that the applicant was a juvenile at the time of the commission of the offence and was accordingly remanded to the Juvenile Rehabilitation Centre. He is admittedly a first offender. Learned ADPP has also fairly conceded that the applicant has already undergone the entire sentence awarded to him and that no further sentence remains to be served for his continued detention. It is a settled principle that sentencing is not merely punitive in nature but also reformatory, 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 applicant is reduced to the period already undergone by him, while maintaining his conviction.

12. For the foregoing reasons, this Criminal Revision is dismissed insofar as it concerns the conviction of the applicant under Section 23(1)(a) of the Sindh Arms Act, 2013, which conviction is hereby maintained. However, the revision is partly allowed with respect to the sentence, and it is directed that all sentences awarded to the applicants in the connected cases shall run concurrently. Since the applicant has already undergone the said sentences including conviction period in lieu of fine, same also include the sentence already undergone by him, he shall be released forthwith, unless required in any other case. The Office is directed to communicate this judgment to the learned trial court as well as the concerned Superintendent of Jail for compliance.

**JUDGE**