

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No.11 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

ORDER

Jan Ali Junejo, J:-- This Criminal Revision Application is directed against the 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. 48/2022. Through the said judgment, the appellate court maintained the conviction and sentence awarded to the applicants by the learned Judicial Magistrate-II, Karachi West (hereinafter referred to as the "*Trial Court*"), in Criminal Case No. 567/2022 arising out of FIR No. 162/2022, P.S. Manghopir for an offence punishable under Section 392 PPC. The applicants were sentenced to undergo three years of rigorous imprisonment and to pay a fine of Rs. 30,000/- each and in default of payment of fine, to undergo three months S.I. with the benefit of Section 382-B Cr.P.C. extended to them.

2. The brief facts leading to this revision are that on 21.02.2022, the complainant, Sanaullah Khan, was robbed of Rs. 65,000/- and two mobile phones by four individuals on motorcycles at Chingchi stop, Gulshan-e-Tauheed. During the pursuit, the complainant

apprehended the present applicants, Ghulam Nabi and Rehan, while their accomplices escaped. A search of the applicants led to the recovery of an unlicensed pistol from Ghulam Nabi and a snatched mobile phone from Rehan. Consequently, they were booked in FIR No. 162/2022 at P.S. Manghopir, and a separate case was registered against Ghulam Nabi for the recovery of the unlicensed weapon.

3. Following the registration of FIR No. 162/2022 at P.S. Manghopir for offences under Section 392/34 PPC, the investigation was conducted by I.O./ASI Syed Faisal Ali, who ultimately submitted the final charge-sheet (challan) against the accused persons, Ghulam Nabi and Rehan. The trial court supplied copies of the police papers to the accused under Section 265-C of the Cr.P.C. (Exh.01), after which a formal charge under Sections 392 and 411 read with Section 34 PPC was framed (Exh.02), to which both accused pleaded not guilty. To prove its case, the prosecution examined several witnesses: PW-1, the victim Sanaullah (Exh.03), who produced the site inspection memo (Exh.3/A) and case property identification memo (Exh.3/B); PW-2, complainant/arresting officer ASI Muhammad Murtaza (Exh.04), who produced the arrest and recovery memos (Exh.4/A to 4/D); PW-3, I.O. Syed Faisal Ali (Exh.05), who produced various investigation documents (Exh.5/A to 5/J); PW-4, the learned 1st Judicial Magistrate (Exh.06), who produced the identification parade memos (Exh.6/A to 6/C); and PW-6, mashir of arrest, P.C. Muhammad Uzair Siddiqui (Exh.07). After the prosecution closed its evidence, the statements of the accused were recorded under Section

342 Cr.P.C. (Exh.09 & Exh.10), wherein they denied the allegations; however, they did not make a statement on oath under Section 340(2) Cr.P.C. nor did they lead any evidence in their defence. The learned Judicial Magistrate-II, in a brief but reasoned judgment dated 22.11.2022, found the evidence credible, convicted the accused under Section 245(ii) Cr.P.C. for the offence under Section 392 PPC R/w Section 34 PPC, and sentenced each to three years of rigorous imprisonment, a fine of Rs. 30,000/-, and the benefit of Section 382-B Cr.P.C., while also noting their juvenile status. This conviction and sentence were subsequently upheld by the learned Additional Sessions Judge-II, Karachi West, via its judgment dated 23.12.2025, which dismissed the appellants' criminal appeal.

4. The learned counsel for the applicants, at the very outset, stated that he does not wish to press the revision application on merits. He argued that the applicants have been in custody since their arrest in February 2022 and have already served a substantial portion of their sentence. He further contended that the applicants are the sole breadwinners for their impoverished families and have no prior criminal record. The learned counsel specifically prayed that since the applicants were involved in multiple cases arising from the same transaction or sequence of events, the sentences awarded in all such cases should be ordered to run concurrently, and the period already undergone should be considered sufficient for their release.

5. Conversely, the learned ADPP for the State vehemently opposed the revision application, arguing that the applicants were

caught red-handed and were correctly identified by the victim during the identification parade and before the trial court. She maintained that the offence of robbery is a serious crime against society and that the concurrent findings of the two lower courts do not warrant interference. She further submitted that the sentences awarded were already lenient given the nature of the offence and that the revision should be dismissed to maintain the deterrent effect of the law.

6. I have considered the arguments advanced by the learned counsel for the parties and perused the record with their assistance. It is observed that the applicants have been in continuous confinement since February 2022. While the conviction under Section 392 PPC is supported by the evidence on record, including the identification by the victim and the recovery of robbed property, the primary question before this Court is the quantum of sentence and the manner of its execution. The record indicates that the applicants have faced multiple proceedings, including the main robbery case and a separate case for the recovery of an unlicensed weapon. Under the principles of criminal jurisprudence, where an accused is convicted of several offences in separate trials arising out of the same set of circumstances, the Court possesses the discretionary power to order that the sentences run concurrently to ensure that the punishment is not disproportionately harsh.

7. Considering the period of incarceration already undergone by the applicants, which exceeds three years when accounting for the benefit of Section 382-B Cr.P.C., it appears that the ends of justice

would be met if the sentences are regularized. The applicants have shown remorse by not pressing the case on merits and have already spent a significant portion of their youth behind bars. The purpose of punishment is not only retribution but also reformation. Given their status as primary earners for their families and the lack of evidence suggesting they are habitual offenders, a compassionate view is justified regarding the remaining period of their sentence.

8. In the instant case, having regard to: (i) the fact that the Applicants' status as a juvenile at the time of offence who was sent to a Juvenile Rehabilitation Centre; (ii) the period of incarceration already undergone by the Applicants in both cases taken together; and (iii) 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 Applicants 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.

9. 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”.*

10. However, the question of sentence requires separate consideration. The record reflects that the applicants was a juvenile at the time of the commission of the offence and was 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 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 applicants is reduced to the period already undergone by him, while maintaining their conviction.

11. In light of the above, while maintaining the conviction of the applicants, the instant Revision Application is partly allowed to the extent of the sentence. It is hereby ordered that the sentences awarded to the applicants in Criminal Case No. 567/2022 arising out of the FIR No. 162/2022 P.S. Manghopir for an offence punishable under Section 392/34 PPC and connected cases arising from the same transaction shall run concurrently. Since the applicants have already remained in jail for a period exceeding the maximum sentence awarded when calculated concurrently, the sentence already undergone by them is treated as the final sentence in all cases 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 custody case, provided the fine amounts are deposited or the default sentences have also been served.

JUDGE