

IN THE HIGH COURT OF SINDH, KARACHI

Present:

Mr. Justice Mohammad Karim Khan Agha
Mr. Justice Arshad Hussain Khan,

CRIMINAL APPEAL NO.82 OF 2022

Appellant	Muhammad Zubair @ Meer Balaj s/o Ibrahim through Mr. Ghulam Dastagir Chandio, advocate
Respondent	The State through Mr. Muhammad Iqbal Awan, Additional Prosecutor General Sindh.
Date of Judgment	07.12.2022

JUDGMENT

Mohammad Karim Khan Agha, J:- Appellant Muhammad Zubair @ Meer Balaj son of Ibrahim was tried in the Court of VII Additional Sessions Judge / Model Criminal Trial Court No.II (Central) Karachi in Special Case No.790 of 2020 under Crime No.341/2020 u/s. 6/9-C of CNS Act, 1997 registered at PS Super Market, Karachi and vide judgment dated 05.01.2022 was convicted for an offence punishable u/s.265-II(ii) Cr.P.C and sentenced to suffer R.I. for four years and six months with fine of Rs.20,000/- (Twenty Thousand). Appellant was also extended the benefit of Section 382-B Cr.P.C.

2. The brief facts of the prosecution case as narrated in the FIR are that on 15.11.2020 at about 0540 hours accused Muhammad Zubair @ Meer Balach s/o Ibrahim was arrested from inside graveyard gate, Eid Gah ground, C-1 Area, Liaqutabad, by police party led by Complainant ASI Ali Rizwan who recovered 1030 grams Charas with selling amount of Rs.1000/- from the possession of accused in presence of police mashurs. Hence, the FIR was lodged accordingly.

3. After usual investigation charge sheet was submitted against the accused to which he pleaded not guilty and claimed trial,

4. The prosecution in order to prove its case examined 03 Prosecution Witnesses and exhibited various documents and other items. The statement of accused was recorded under Section 342 Cr.P.C in which he denied the allegations levelled against him. Appellant did not examine himself on oath nor produce any DW in his defence.

5. After hearing the parties and appreciating the evidence on record, the trial court convicted the appellant and sentenced him as set out earlier in this judgment; hence, the appellant has filed this appeal against his conviction.

6. We have given notice to the learned counsel for the appellant Mr. Ghulam Dastagir Chandio, however, he has not put an appearance and we have been informed that the appellant has actually been released from jail after serving out his sentence.

7. We have gone through the evidence available on record with the able assistance of learned Addl. Prosecutor General Sindh and find that the appellant was arrested on the spot and 1030 grams Charas was recovered from him. No enmity or ill will has been suggested against either the arresting officer or mashirs who recovered the charas and we find the evidence to be reliable, trustworthy and confidence inspiring and believe the same. Prosecution has also produced a positive chemical report. As such we find that the prosecution has proved its case beyond a reasonable doubt and hereby dismissed this appeal alongwith pending applications.

8. The above criminal appeal stands disposed of in the above terms.