

IN THE HIGH COURT OF SINDH, KARACHI

Present:

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

CRIMINAL APPEAL NO.255 OF 2022

Appellant	Ikramullah s/o Asmatullah through Syed Samiullah Shah, advocate
Respondent	The State through Mr. Ali Haider Saleem, Additional Prosecutor General Sindh.
Date of Announcement.	06.12.2022

JUDGMENT

Mohammad Karim Khan Agha, J:- The appellant Ikramullah son of Asmatullah was tried in the Court of 1st Additional Sessions Judge / Model Criminal Trial Court (West) Karachi in Special Narcotics Case No.321 of 2020 under Crime No.366/2020 u/s.6/9(B) of CNS Act, 1997 registered at PS Docks, Karachi and vide judgment dated 26.03.2022 was convicted for an offence punishable u/s.265-H(ii) Cr.P.C and sentenced to suffer R.I. for one year with fine of Rs.9000/- (Nine Thousand). Appellant was also extended the benefit of Section 382-B Cr.P.C.

2. The brief facts of the prosecution case are that on 14.05.2020 ASI Talib Hussain of PS Docks Karachi along with PC Tariq Aziz, PC Ramzan and Driver PC Siddique left police station in official police mobile bearing No.SP-259 for suppression of crime in the area. During patrolling at 0100 hours reached at Jungle side road near TCF School, Machar Colony, Karachi where he saw one person was standing in suspicious condition near TCF School and he was apprehended. On query the apprehended person disclosed his name as Ikramullah son of Asmatullah. During search secured one blue color plastic shopper from right side pocket of his shirt containing one piece of Char like Chittar Numa weighing on digital scale 150 grams. Cash amount of Rs.120/- also secured from him. Such memo of arrest and recovery was prepared on the spot. Accused was

brought at Police Station where instant FIR was registered against accused to the above effect.

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 Syed Samiullah Shah, 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 150 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.