

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Omar Sial
Mr. Justice Syed Fiaz ul Hassan Shah

**Special Criminal Anti-Terrorism
Appeal No. 79 of 2024
[Zeeshan Ali vs. The State]**

Appellant : through Chaudhry M. Saeed-uz-Zaman, Advocate.

Respondent : through Mr. Muhammad Iqbal Awan, Additional Prosecutor General

Date of Hearing : 07.08.2025

Date of Decision : 25.08.2025

JUDGMENT

Omar Sial, J: Zeeshan Ali was accused in F.I.R. No. 422 of 2023 registered under sections 384 and 385 P.P.C. read with section 7 of the Anti-Terrorism Act, 1997 at the Orangi police station. He was tried in the 9th Anti-Terrorism Court at Karachi. The Trial Court convicted and sentenced him to one year imprisonment for offences under section 384 and 385 each and 5 years imprisonment for an offence under section 7 A.T.A.

2. Learned counsel submits that he does not wish to argue the appeal on merits but says that a terrorism offence was not made out and seeks an acquittal for the conviction and sentence pursuant to the ATA. Learned Additional Prosecutor agrees with the proposition.

3. We have heard the learned counsel for the appellant and the learned Additional Prosecutor General.

4. We are of the view that the learned trial court erred in holding that the events of the incident and evidence produced at trial showed that this was a case falling under the ambit of terrorism. For an offence to fall within the ambit of terrorism, it was essential to show that the conditions stipulated in section 6(1)(b) or (c) of the ATA 1997 were satisfied. This was not done. The evidence does not reflect that there was a design or intent to cause terrorism.

5. Given the above, the appellant is acquitted of the sentences given to him under section 6 and 7 of the ATA. His conviction and sentence for offences under section 384 and 385 are upheld. He will be entitled to remissions under section 382-B Cr.P.C. and both sentences will run concurrently. He may be released if he has already completed his sentence.

JUDGE

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