

## IN THE HIGH COURT OF SINDH AT KARACHI

**Present:**

Mr. Justice Omar Sial  
Mr. Justice Muhammad Hasan (Akber)

SPL. CR. ANTI TERRORISM JAIL APPEAL NO. 06 OF 2024

Appellant	:	Muhammad Ramzan through Mr. Ubedullah Ghoto, Advocate
Respondent	:	The State through Mr. Muhammad Iqbal Awan, Additional Prosecutor General Sindh
Date of Hearing	:	02.10.2025
Date of Decision	:	02.10.2025

### **JUDGMENT**

**OMAR SIAL, J.-** Muhammad Ramzan was nominated accused in FIR No. 526 of 2020 registered under Section 392, 397, 34 PPC read with Section 7 ATA 1997. He was also involved in FIR No. 527 of 2020 registered under Sections 353, 324, 34 PPC read with Section 7 ATA 1997 and FIR No. 528 of 2020 registered under section 23(i) A of Sindh Arms Act, 2013 all registered at Police Station Steel Town, Karachi.

2. After a full-dressed trial, the learned Anti-Terrorism Court-II, Karachi, vide Judgment dated 27.11.2023 convicted and sentenced the appellants as follows:-

1. For an offence under section 6(2)(m) which is punishable U/s 7(H) of ATA read with Section 353 PPC to undergo R.I. for 05 years and fine of Rs.5,000. In default of payment of fine, the convict shall further undergo SI for 3 months.
2. For an offence under section 6(2)(n) which is punishable U/s 7(H) of ATA read with Section 324 PPC to undergo R.I. for 05 years and fine of

Rs.10,000. In default of payment of fine, the convict shall further undergo SI for 3 months.

3. For an offence under section 23 (i) (a) of the Sindh Arms Act, 2013, to suffer RI for five years and fine of Rs.3,000. In default of payment of fine, the convict shall suffer further S.I. for 3 months.

All the above sentences were to run concurrently. The benefit of Section 382-B Cr.P.C. was extended to the accused.

3. It is pertinent to mention that earlier Judgment dated 29.12.2022 passed by the learned trial Court was set aside by this Court vide Judgment dated 27.09.2023 whereby the case was remanded back to re-record the evidence of complainant Shahid Khan and pass a fresh judgment after recording fresh statement of accused under Section 342 Cr.P.C., however, the impugned judgment reflects that due to non-appearance of complainant no conviction was awarded to the appellant under Sections 392 and 397 PPC.

4. Learned counsel submits that he will not argue the case of the appellant on merits if a lenient view is taken so far as the sentences are concerned. He further submits that this was not a case of terrorism. The learned Additional Prosecutor General submits that he agrees that the evidence which was led at trial does not reflect that the case falls within the ambit of terrorism. He submits that the conditions which were stipulated by the Supreme Court in ***Ghulam Hussain vs The State (PLD 2020 SC 61)*** case were not satisfied, hence he has no objection if the conviction and sentence awarded to the appellant under the terrorism legislation is set aside.

5. We agree with the stance of the learned Additional Prosecutor General that the requirements of section 6(1)(b) or (c) of the ATA 1997 were not satisfied at trial. We therefore acquit the appellant for the conviction and sentences under

A.T.A. 1997. A jail roll was called, which reflects that the appellant has completed nearly 8 years and 2 months and 5 days of his sentence. The record further reflects that during encounter the appellant sustained firearms injuries while no damage or hurt was caused to the police party, any bystander or any property. The Senior Superintendent has also reported that his conduct while he has been in custody has been satisfactory. We also notice that he does not have a previous crime record. Taking a lenient view on the assurance of learned counsel that the appellant wishes to spend the rest of his life as respectable and law-abiding citizen, the conviction awarded to Appellant under Pakistan Penal Code and Sindh Arms Act are upheld however sentence which was given to him is reduced to the one which he has already undergone. Jail Roll shows that the appellant has completed his sentence including imprisonment in default of payment of fine, he may be released forthwith if not required in any other custody case.

6. Given the above the appeal is dismissed.

JUDGE

JUDGE

Amjad PS