

IN THE HIGH COURT OF SINDH AT KARACHI

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

**Special Criminal Anti-Terrorism
Appeals No.156 & 157 of 2023
[Inayatullah vs. The State]**

**Special Criminal Anti-Terrorism
Jail Appeal No.46 of 2024
[Muhammad Younis vs. The State]**

Appellants : through Ms. Roopmala Singh and
Qadir Hussain Khan, Advocates

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

Date of Hearing : 11.09.2025

Date of Decision : 11.09.2025

J U D G M E N T

Omar Sial, J.: The appellants Inayatullah and Mohammad Younis were nominated as accused in the following F.I.Rs registered at the Korangi police station:

- (i) F.I.R. No.73/2023 registered under sections 324, 353, 186, 34 PPC r/w section 7 ATA 1997;
- (ii) F.I.R. No.74/2023 registered under section 23(i)(a) SAA 2013;
- (iii) F.I.R. No.75/2023 registered under section 23(i)(a) SAA 2013;

2. After a full dress trial, the learned Anti-Terrorism Court No. 13 at Karachi on 08.09.2023 convicted and sentenced both the appellants as follows:

- (a) Ten years imprisonment for an offence under section 324 P.P.C.
- (b) Two years' imprisonment for an offence under sections 353 P.P.C.
- (c) Ten years imprisonment for an offence under section 7 (h) A.T.A. 1997.
- (d) Seven years imprisonment for an offence under section 23(1)(a) of the Sindh Arms Act 2013.

3. Both the learned counsels submit that they will not argue the case of both the appellants on merits if a lenient view is taken so far as the sentences are concerned. They further submit 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 appellants under the terrorism legislation is set aside.

4. 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 appellants for the conviction and sentences under A.T.A. 1997. A jail roll was called, which reflects that the appellants have completed nearly 7 years of their sentence. The record further reflects that they are young boys and that both of them sustained firearms injuries on their legs while no damage or hurt was caused to the police party, any bystander or any property. The Senior Superintendent has also reported that their conduct while they have been in custody has been satisfactory. We also notice that they do not have a previous crime record. Taking a lenient view on the assurance of learned counsels that both the appellants wish to spend the rest of their

lives as respectable and law-abiding citizens, the conviction awarded to them under Pakistan Penal Code and Sindh Arms Act are upheld however sentence which was given to them is reduced to the one which they have already undergone. The fine amount shall remain the same and if they do not pay the fine they will stay in jail for further period of one month.

JUDGE

JUDGE