

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Omar Sial
Mr. Justice Miran Muhammad Shah

Special Criminal Anti-Terrorism Appeal No. 89 of 2024
[Kamran vs. The State]

Special Criminal Anti-Terrorism Appeal No. 90 of 2024
[Kamran vs. The State]

Appellant : Kamran
through Mr. Nadeem Ahmed Azar,
Advocate

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

Date of Hearing : 11.11.2025

Date of Decision : 11.11.2025

J U D G M E N T

Omar Sial, J.: Complainant Syed Fahad lodged a report at Taimuria P.S. that on 22.05.2023 he along with his friend Syed Noor was standing near Mega NADRA Office, North Nazimabad, Karachi, when two persons on a motorcycle came there and by show of weapons snatched his mobile phone and wallet of his friend. Suddenly, a police party on routine patrol duty came there. Upon seeing the police party, both the accused opened fire on the police party. As a result, PC Areeb received fire arm injury on his foot while complainant received fire arm injury on his left hand finger. The police as well as complainant with his 9 mm pistol also fired in retaliation and both the accused sustained firearm injuries and fell down. The public gathered there and started beating to both the accused. Both the accused were apprehended and one of the accused disclosed his name Kamran (present appellant) while other could not disclose his name due to severe injuries. One unlicensed 30 bore pistol along with magazine containing one live bullet and mobile phone of the complainant were recovered from accused Kamran. One unlicensed 9mm pistol along

with magazine containing one live bullet was also recovered from other accused who subsequently succumbed to his injuries. F.I.R. No. 362 of 2023 was registered under sections 353, 324, 397, 337-F(v), 337-F(iii), 411 and 34 P.P.C., read with section 7 of the Anti-Terrorism Act, 1997. F.I.R. No. 363 of 2023 was also registered for an offence under section 23(1)(a) of the Sindh Arms Act, 2013.

2. After a full-dress trial, on 29.06.2024, the learned Ant-Terrorism Court No. 8 at Karachi while observing that the provisions of Anti-Terrorism Act, 1997 does not attract to the facts and circumstances of the case, convicted and sentenced the appellant as follows:

- (i) Seven years imprisonment for an offence under section 397 P.P.C.
- (ii) Two years imprisonment for an offence under section 353 P.P.C.
- (iii) Seven years imprisonment for an offence under section 324 P.P.C.
- (iv) Two years imprisonment for an offence under section 411 P.P.C.
- (v) Three years imprisonment for an offence under section 337-F(iii) P.P.C. with compensation of Rs.10,000 to be paid in lump-sum or in installment to PC Areeb and in case of failure he shall suffer S.I. for 3 months more.
- (vi) Three years imprisonment for an offence under section 337-F(v) P.P.C. with compensation of Rs.10,000 to be paid in lump-sum or in installment to Syed Fahad and in case of failure he shall suffer S.I. for 3 months more.
- (vii) Seven years imprisonment for an offence under section 25 of the Sindh Arms Act, 2013, and sentenced to seven years in prison.

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

3. Learned counsel for the Appellant at the very outset submits that under instructions from his client, he does not wish to press these appeals on merits; however, he requests that a lenient view in sentencing be taken. The Additional Prosecutor General submits that he would have no objection if the sentences given to the appellant were reduced to the one he has already undergone.

4. We have heard the learned counsel for the appellant and the learned Additional Prosecution General. Our findings and observations after re-appraising the evidence are as follows.

5. Although counsels argued about whether or not the offences with which the appellant is charged fall within the terrorism legislation, we notice from the impugned judgment that the learned Trial Court, correctly in our opinion, has not convicted or sentenced the appellant under the ATA 1997.

6. A Jail Roll was also called which shows that the convict has completed 08 years, 02 months and 10 days of the 7-year sentence given to him. The jail authorities have reported that his conduct in jail has been satisfactory. The convictions and sentences awarded to the appellant for the offenses under the Penal Code and the Sindh Arms Act, 2013 are upheld, however the sentences awarded to the appellant are reduced to the one which he has already undergone. The fine amount, the compensation amount and the imprisonment in lieu thereof shall remain as ordered by the trial court. The appellant may be released if not required in any other custody case.

7. The appeals stand disposed of in the above terms.

JUDGE

JUDGE