

**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Appeal No. 221 of 2025**

**Before:**

***Justice Zafar Ahmed Rajput, ACJ***

***Justice Jan Ali Junejo***

**Appellants** : (1) Haq Nawaz s/o. Nobat Khan and  
(2) Muhammad Nazeer s/o. Khan Badshah,  
through Mr. Sheeraz Anjum, Advocate.

**Respondent** : The State, through Mr. Habib Ahmed,  
Special Prosecutor ANF.

**Date of hearing** : 18.11.2025

**Date of order** : 18.11.2025

**JUDGMENT**

**ZAFAR AHMED RAJPUT, J.-**

Impugned in this CrI. Appeal is

the judgment, dated 15.03.2025, passed in Special Case No. 807 of 2014, arisen out of Crime No.34 of 2014 registered at Police Station ANF, Muhammad Ali Cooperative Housing Society, Gulshan-e-Iqbal, Karachi, under sections 6, 9 (c), 14, 15 of the Control of Narcotic Substances Act, 1997 (the “Act”), whereby the learned Judge Special Court-I (CNS), Karachi convicted the appellants and sentenced them to suffer rigorous imprisonment for four years and to pay fine of Rs. 20,000/- each or, in default thereof, to suffer simple imprisonment for five months more. The appellants were, however, extended benefit of section 382-B, CrPC for the period, which they had remained in jail as under trial prisoners.

**2.** It is alleged that, on 18.07.2014 at 1700 hrs., a police party of ANF-Gulshan-e-Iqbal, Karachi headed by Inspector Tahir Ahmed arrested the appellants from in front of Habib University, Pehlwan Chowrangi, Gulistan-e-Johar, Karachi for possessing, respectively, 1250 and 1150 grams charas; for that, they were booked in the aforesaid FIR. After usual investigation, police submitted the charge-sheet against the appellants and the Trial Court framed the charge against them, to which they pleaded not

guilty, which followed their full-dressed trial, conviction and sentence, as mentioned above, vide impugned judgment.

**3.** Learned counsel for the appellants contends that, on 24.09.2025, the appellant No. 1, Haq Nawaz, has been released from Central Prison & Correctional Facility, Karachi on expiry of sentence on remission system; hence, he does not press this appeal to his extent. Accordingly, the instant appeal to the extent of appellant No. 1 stands dismissed as not pressed.

**4.** Learned counsel for the appellants, after arguing the case of appellant No. 2 at some length, does not press the Appeal on merits; however, prays that the sentences awarded to the said appellant for possessing 1150 grams charas may be reduced to a period, which he has already remained in incarceration, as he is not previously convicted of any offence, and with remission he has already served out more than two years and three months, whereby he has sufficiently been punished.

**5.** Learned Special Prosecutor ANF, after going through the record, concedes to the request of learned counsel for the appellant No. 2 for reduction of the sentence to already undergone.

**6.** We have scanned the record. As per the jail roll, dated 06.10.2025, furnished by the Senior Superintendent, Central Prison & Correctional Facility, Karachi, the appellant No. 2 has served out sentence, excluding the remissions, for a period of one year and five months and with remission about 02 years and 3 ½ months till the date of admitting him on bail i.e. 28.03.2025 and the unexpired portion of his sentence as shown in his jail roll is 02 years, 07 months and 14 days, with fine.

**7.** The alleged offence under section 9 (c) of the Act at the relevant time was punishable for death or imprisonment for life, or imprisonment for a term which may extend to 14 years with fine upto one million rupees.

8. We are conscious of the fact that the punishment for any offence committed by a person is awarded for retribution, deterrence and in order to strengthen the society by reforming the guilty. It is well established that punishment for an offence serves not only as a means of retribution but also as a tool for deterrence and a mechanism to strengthen the fabric of society through the rehabilitation of the offender. The law itself classifies offences distinctly. In some instances, punishment is mandated with the expression “*not less than*,” denoting a fixed minimum, while in others, the law provides flexibility through terms like “*may extend to*” or “*may extend up to*.” This legislative contrast signifies that, in the latter category, the courts are expected to exercise judicial discretion by taking into account the specific facts and circumstances of the case. These are the kinds of offences where a lesser punishment may serve the ends of justice by allowing room for the offender’s moral and social reformation.

9. In the case of Niaz-ud-Din v. The State (2007 SCMR 206) the Apex Court, in a case of recovery of 5-kilogram heroin, reduced the sentence of imprisonment from 10 to 6 years considering that the accused was not previously convicted and there was no instance of his involvement in drug trafficking, hence, he was given a chance in his life to rehabilitate himself. In the instant case, the appellant is neither previously convicted of any offence nor is there any instance of his involvement in narcotics cases. He has faced the agony of trial for eleven years; therefore, we are inclined to give him an opportunity for reformation. Consequently, the impugned judgment to the extent of conviction awarded to appellant No. 2 is maintained; however, the sentence awarded to him by the Trial Court is reduced to already undergone.

**10.** With the above modification in the sentence, the appeal to the extent of appellant No. 2 is also dismissed. He is present on bail. His bail bond stands cancelled and surety discharged.

ACTING CHIEF JUSTICE

JUDGE

Athar Zai