

THE HIGH COURT OF SINDH KARACHI

Spl. Criminal Appeal No. 50 of 2026

[Shafqat Samuel Masih v. The State]

Appellant : Shafqat Samuel Masih
Son of Samuel Masih
through Mr. Aqil Ahmed, advocate.

Respondent : The State through Collectroate of
Customs, through
Mr. Naimat Ullah Soomro, Advocate.

Date of hearing : 08-09-2026

Date of decision : 08-09-2026

ORDER

Jan Ali Junejo I.- Learned counsel for the Appellant prays for suspension of sentence under section 426 Cr.P.C [MA No.13914/2026]. He further submits that the sentence awarded to the Appellant is a short one. He further submits that the appellant has been convicted on a misread of the evidence.

2. By the impugned judgment dated 28.08.2026, the Appellant has been convicted by the Special Judge (Customs, Taxation & Anti-Smuggling-II), Karachi and sentences as follows:

- "1. Shafqat Samuel Masih is convicted under section 2(s)(ii) of the Customs Act, 1969, read with S.R.O. 566(I)/2005, dated 6 June 2005, item No. 30, and is punished under section 156(1), clause 8(i)(a), of the Customs Act, 1969. He shall undergo simple imprisonment for One Year, with the benefit of section 382-B, Cr.P.C., as stated above. His bail bond is cancelled and his surety stands discharged. He shall be taken into custody to serve the sentence, subject to any lawful appellate order.*
- 2. Shafqat Samuel Masih is acquitted under section 265-H(1), Cr.P.C. of the separate allegation under section 139(2), punishable under section 156(1), clause 70, and of any separate count under clause 89. No independent conviction is recorded against him under sections 16, 17, 178 or 187.*
- 3. Aman Khan, Muhammad Farhan Shamim and Shaikh Muhammad Imran are acquitted under section 265-H(1), Cr.P.C. of the charges under section 2(s), punishable under section 156(1), clause 8, of the separate section 139(2) and clause 70 allegation, and of the allegations sought to be brought under clause 89 and sections 16, 17, 178 and 187 of the Customs Act, 1969. Their bail bonds are cancelled and their sureties are discharged."*

Furthermore, benefit of section 382-B Cr.PC was allowed.

3. Learned counsel for the appellant submits that a prima facie arguable point has arisen from the finding recorded by the learned Court below on Point No.1, which has been answered in the affirmative only against Shafqat Samuel Masih on the allegation that he knowingly carried and attempted to remove fourteen mobile phone sets, notified under S.R.O. 566(1)/2005, and that the aggregate value of the said mobile phones exceeded PKR 500,000, thereby attracting Section 2(s)(ii), punishable under Section 156(1), clause 8(i)(a), of the Customs Act, 1969 and therefore, the finding recorded by the learned Court below requires examination with regard to the evidence and material available on record, particularly as to the applicability of the relevant provisions of the Customs Act, 1969 and the basis on which the liability of the appellant has been determined.

4. The sentence awarded to the Appellant is a short one, whereas he remained on bail throughout the trial. Though counsel for the Customs opposes the application, in view of the foregoing I am inclined to allow the same.

5. Therefore, the sentence awarded to the Appellant by judgment dated 28.08.2026 in the Case No.173/2024 [New Case No.306/2024] arising from FIR No.P-4042/2024/-JIAP is suspended, and the Appellant is granted bail under section 426 Cr.P.C. subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. bond in like amount to the satisfaction of the Nazir of this Court. MA No.13914/2026 is allowed in said terms.

JUDGE