

THE HIGH COURT OF SINDH KARACHI

Spl. Cr. Appeal No. 29 of 2026

[Abdul Rauf Sanji v. The State]

Petitioner : Abdul Rauf Sanji through Raja Qasit Nawaz Khan, Advocate along with Mr. Pervez Ali, Advocate.

Respondent : The State through Collectorate of Customs JIAP, Karachi through Mr. Naimat Ullah Soomro, Advocate along with I.O. namely, Waqar.

Date of hearing : 28-07-2026

Date of decision : 28-07-2026

ORDER

Adnan Iqbal Chaudhry J.- Mr. Naimat Ullah Soomro, Advocate undertakes to file vakalatnama for the Customs. Learned counsel for the Appellant prays for suspension of sentence under section 426 Cr.P.C. He submits that the sentence is a short one and the Appellant was on bail throughout trial. He further submits that the Appellant has been convicted on a mis-reading of the evidence.

2. The Appellant was arrested at Jinnah International Airport, Karachi on arrival from Qatar while attempting to smuggle 595 tola of silver jewelry concealed on his person. For such offence he has been convicted and sentenced vide impugned judgment dated 15.07.2026 passed by the Special Judge (Customs, Taxation & Anti-Smuggling-II), Karachi as follows:

“Consequently the accused Abdul Rauf Sanji son of Abdul Sattar is hereby found guilty of Contravening the section 2(s), 16, 17 and 139(2) of the Customs Act, 1969. Accordingly, accused is convicted under 8(iii)(a) of section 156(1) of Customs Act 1969 and sentenced to RI for One (1) years. The benefit of section 3982-B Cr.P.C. is extended to the Accused. Office shall prepare the conviction warrant after competition of all codal formalities.”

3. Learned counsel for the Appellant submits that silver jewelry was not concealed as alleged, rather it was wrapped in a piece of cloth and therefore, the Appellant intended to declare the same under the Baggage Rules, however, he was detained by the Customs before he could do so.

4. Though counsel for the Customs opposes the application, in my view, the point raised by Appellant's counsel is sufficient for reappraisal of evidence. The sentence is also a short one and the Appellant remained on bail through-out trial.

5. For the forgoing reasons, the sentence awarded to the Appellant by judgment dated 15.07.2026 in the Case No.178/2024 (New Case No. 399 of 2024) arising from FIR No. P-4164/2024-JIAP (Int Arrival), is suspended, and the Appellant is granted bail under section 426 Cr.P.C. subject to furnishing solvent surety in the sum of Rs.500,000/- (Rupees Five Hundred Thousand only) and P.R. bond in like amount to the satisfaction of the Nazir of this Court. MA No.11367/2026 stands allowed in said terms.

JUDGE

****PS/SADAM***