

# THE HIGH COURT OF SINDH AT KARACHI

Spl. Cr. Anti-Terrorism Jail Appeal No.57 of 2019  
Spl. Criminal Anti-Terrorism Appeal No.69 of 2019

Present: *Mr. Justice Nazar Akbar*  
*Mr. Justice Zulfiqar Ahmad Khan*  
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Appellants: (1) Jahangir son of Ashraf (Spl. Cr. ATJA No.57/2019)  
(2) Muhammad Waqas son of Abdul Jabbar (Spl. Cr. ATA No.69/2019 through Mr. Raja Rashid Ali, advocate.

Respondent: The State through Mr. Hussain Bux Baloch, Additional Prosecutor General

Date of Hearing : **14.12.2020**

## **J U D G M E N T**

**NAZAR AKBAR, J.--** Appellants Jahangir son of Ashraf and Waqas alias Viki son of Abdul Jabbar were tried by learned Judge, Anti-Terrorism Court-XVIII, Karachi in Special Cases Nos.2651 and 2651-A of 2016, arising out of FIRs Nos.335/2016 and 336/2016, registered at P.S. Azizabad, Karachi for offences under sections 392, 353, 324, 34 PPC read with section 7 of the Anti-Terrorism Act, 1997 and Section 25 of the Sindh Arms Act, 2013. On conclusion of trial, vide judgment dated 29.01.2019, the appellants were convicted and sentenced as under:-

- (1) Accused Jahangir son of Ashraf:
  - (i) He is found guilty for offence under section 392, PPC and sentenced to R.I. for 10 years, with fine of Rs.10,000/-, in default thereof, to undergo R.I. for six months more.
  - (ii) He is found guilty for offence under section 353, PPC and sentenced to R.I. for 2 years.
  - (iii) He is found guilty for offence under section 324, PPC and sentenced to R.I. for 10 years, with fine of Rs.25,000/-, in default thereof, to undergo R.I. for six months more.
  - (iv) He is found guilty for offence under section 7(1)(c) of the Anti Terrorism Act, 1997 and sentenced to R.I. for 10 years, with fine of Rs.25,000/-, in default thereof, to undergo R.I. for six months more.

- (v) He is found guilty for offence under section 25 of the Sindh Arms Act, 2013, and sentenced to R.I. for 7 years, with fine of Rs.5,000/-, in default thereof, to undergo S.I. for 3 months more.
- (2) Accused Waqas alias Viki son of Abdul Jabbar:
- (i) He is found guilty for offence under section 392, PPC and sentenced to R.I. for 10 years, with fine of Rs.10,000/-, in default thereof, to undergo R.I. for six months more.
- (ii) He is found guilty for offence under section 353, PPC and sentenced to R.I. for 2 years.
- (iii) He is found guilty for offence under section 324, PPC and sentenced to R.I. for 10 years, with fine of Rs.25,000/-, in default thereof, to undergo R.I. for six months more.
- (iv) He is found guilty for committing offence under section 7(1)(c) of the Anti Terrorism Act, 1997 and sentenced to R.I. for 10 years, with fine of Rs.25,000/-, in default thereof, to undergo R.I. for six months more.

All the sentences of both the accused were ordered to run concurrently. Benefit of section 382-B, Cr.PC was extended to the appellants.

2. Brief facts of the prosecution as narrated in the FIR are that on 10.12.2016, complainant Fakhar Abbas lodged FIR bearing Crime No.335/2016, under Sections 392, 353, 324, 34, PPC, stating therein that he is working in Savaira Plastic Factory and went to purchase toffees from nearest shop, when he was coming back to Factory on the way behind a wall of Tanzeem-ul-Momineen Imam Bargah, Block-8, Azizabad, at about 10:30 pm suddenly two dacoits duly armed riding on motorcycle came, one alighted from motorcycle, directly aimed pistol upon him and asked him to handover whatever he possess otherwise he will shoot him. Upon his resistance, the dacoit loaded his pistol and again warned that now he will shoot him. Due to fear, he become nervous and dacoit snatched his black color wallet containing cash Rs.2200/-, one black small diary and NIC copy of his brother Sajjad Hussain. Thereafter, he boarded on motorcycle with his another accomplice and both dacoits escaped away towards Bhangoria Goth.

Suddenly, police mobile of P.S. Azizabad reached there, to which he signaled and narrated to the mobile officer SIP Tasaduq Hussain about the incident. Police party followed both the dacoits, meanwhile accused sitting on rear seat of motorcycle started fires from his pistol upon police party in order to save themselves from arrest. The police party retaliated in self-defense, due to which, accused sitting on rear seat of motorcycle got injured, fell down from motorcycle while his another accomplice, the rider of motorcycle escaped away on motorcycle towards the streets of F.B. Area Block-8. Police party apprehended accused in injured condition with unnumbered and unlicensed 30 bore pistol loaded with 4 live rounds in magazine holding by him in right hand. Apprehended accused disclosed his name as Jahangir son of Ashraf to the police and disclosed the name of his escaped accomplice as Waqas alias Vicky S/o Abdul Jabbar aged about 22 years. The Police Officer conducted physical search of the injured accused Jahangir in his presence, and recovered his snatched wallet containing cash of Rs.2200/, one small black diary and CNIC copy of his brother Sajjad from right side pocket of his pent. Police Officer arrested injured accused Jahangir at the spot and recovered arms and ammunitions from his possession were sealed and prepared such memo at the spot and obtained his signatures on the same. Then, he came to police station accompanied by police and arrested injured accused Jahangir, registered FIR against both the injured accused and absconder Waqas. A separate FIR on recovery of 30 bore pistol loaded with 04 live rounds in magazine from the possession of injured accused Jahangir was also registered against him under **Section 25** of the Sindh Arms Act, 2013. Investigation of the cases was entrusted to SIO of P.S. Azizabad. Thereafter, SIP Tasaduq Hussain brought the accused to Abbasi Shaheed Hospital in police mobile on the same day, where absconding accused Waqas in wounded condition was lying on the stretcher to

whom, accused Jahangir identified as accomplice of the said incident. He was also arrested and such memo of arrest was prepared at emergency ward of Abbasi Shaheed Hospital.

3. On conclusion of investigation, challan was submitted on 03.01.2017 before learned Administrative Judge, ATCs, Karachi Division, against both the accused under the above referred sections. Learned Judge, Anti-Terrorism Court, vide his order dated 07.04.2017 ordered joint trial in both the cases as provided under Section 21-M of the Anti-Terrorism Act, 1997 and framed charge against both the accused under the above referred sections at Ex.4. Both the accused pleaded not guilty and claimed to be tried.

4. In order to substantiate its case, prosecution examined **PW-1** Fakhar Abbas at Ex.8, **PW-2** SIP Tasaduq Hussain at Ex.9, **PW-3** HC Shahid Zubair at Ex.10, **PW-4** ASI Muhammad Afzal at Ex.11, **PW-5** PC Nouman at Ex.12, **PW-6** Inspector Deen Muhammad at Ex.13, **PW-7** Dr. Sirichand at Ex.14. Thereafter, prosecution side was closed vide statement dated 21.12.2018 at Ex-15.

5. Statements of accused were recorded under section 342 Cr.PC at Ex.16 and 17 respectively, wherein they denied prosecution allegations and claimed their innocence. Accused Jahangir in his statement raised plea that, *"I was returning after finishing my work, as such, when I reached at Ghareebabad overhead where police mobile of P.S Azizabad was available who stopped me on the pretext of personal search. They recovered cash Rs.5000/- from me. I demanded back my money on which they were annoyed and took me to Yaseenabad Graveyard where fired bullet on me, hence the injury was not received by me during encounter. I am innocent and falsely implicated in this case by police. I was already acquitted in the connected cases therefore this is also a*

*false case and pray for justice.”* Accused Waqas in his statement raised plea that, *“I am working on the shop of Haji Ghaffar as mechanic. One day prior to this incident I was coming after finishing my job when police stopped me and conducted my personal search thereby recovered Rs.1300/- from my possession. I insisted to return back my money, hence police officials annoyed and took me to P.S. where detained for one night. On the next day I was blind folded and brought at unknown place, where bullet was fired on me, thus the injury was caused by police at unknown place, while the story of receiving injury during encounter is fake. I am innocent and falsely implicated in this case by police. I pray for justice.”* Both the accused neither opted to examine themselves on oath nor led any evidence in their defence.

6. The trial Court on evaluation of evidence brought by the prosecution, found the appellants guilty for the alleged offences and convicted and sentenced them accordingly by judgment dated **29.01.2019**. The appellants have impugned their conviction before this Court in their separate appeals.

7. Mr. Raja Rashid Ali, learned counsel for the appellant has made submissions that it is a case of police encounter but no empties were collected by the police from the place of occurrence; it has not come on record whether the complainant, who claimed to be robbed at the hands of accused, accompanied the police party or he followed the police mobile to the place of encounter; complainant is claiming to be the eyewitnesses but no such evidence of proof is placed on record; there are material contradictions in the evidence of prosecution witnesses on the material particulars of the case. In support of his submissions, learned counsel for the appellant has relied upon **2019 PCr.LJ 108** (Syed Maroof Shah versus The State).

8. Mr. Hussain Bux Baloch, learned Additional Prosecutor General Sindh argued that all prosecution witnesses have fully supported the prosecution case. He further argued that sophisticated weapon was recovered from the possession of the accused and the trial court for the sound and valid reasons has convicted and sentenced the accused in the instant case. He supported the impugned judgment passed by the trial court and prayed for dismissal of appeal.

9. We have carefully heard the learned counsel for the parties and minutely examined the prosecution evidence available on record.

10. PW.1 Fakhar Abbas deposed that he was working in Sawaira Plastic Factory, situated at Azizabad, Karachi. On 10.12.2016, his duty hours were from 08:00 PM to 08:00 AM in night shift. It was about 10:30 PM when he came out from factory in order to purchase some candies from nearby cabin. After purchasing the articles he was returning back to his job, when he reached near Imam Bargah Tanzeem-ul-Momineen, Block-8, Bhangoria Goth, F.B. Area, Azizabad, where all of sudden two dacoits emerged from backside road of Imam Bargah. Out of both accused one was armed with pistol, pointed the pistol towards him and directed him to handover all his valuables to them. On gunpoint they snatched cash Rs.2200/-, one black colour diary and copy of CNIC of his brother Sajjad. He handover all above mentioned valuables to accused as they put him in fear of death. After robbery both accused escaped away on motorcycle form the spot. In the meanwhile, one police mobile was coming. He stopped police mobile and informed them about the incident. Police chased the accused, therefore, accused in order to resist their arrest shot straightway fire on them, police party also fired on accused, in result whereof accused sitting on backside of motorcycle sustained firearm injury, who fell down on ground while driver of motorcycle succeeded to escape away on

motorcycle. Injured accused was arrested. On inquiry, he disclosed his name as Jahangir and the name of absconder accused as Waqas. One 30 bore pistol loaded with four live bullets was recovered from the possession of accused Jahangir in his presence. On his further personal search wallet containing cash Rs.2200/- one small black colour diary and copy of CINC of his brother snatched from him were recovered. Accused failed to produce license of recovered arms and ammunition, therefore case property was sealed at spot, where memo of arrest and recovery was prepared to which he and HC Shahid Zubair acted as mashirs. After preparation of memo accused was brought to Police Station Azizabad, where on his narration FIR was registered.

11. PW-1 in his cross-examination he stated that, ***"It is correct that at the time of incident, heavy traffic was plying on the road. It is correct that none from public came near accused, vol. says that due to fear. Police arrived at place of incident immediately after the incident may be within 05 minutes of robbery. I had not noted the manufacturing company of motorcycle on which accused were escaped, vol. says that I was scared due to robbery on gunpoint. Police chased the accused for a distance of 500 paces and then arrested them after encounter. I had not counted the shots fired by the accused as well as by police party. It is correct that people of vicinity were attracted on the spot on the noise of firing. At the time of firing when accused fell down from motorcycle I was available with police party near to police mobile. I saw the accused, who was injured, from whom recovery was effected. I don't properly remember the locale of injury received by accused during encounter. Accused was holding pistol in his right hand. Except me nobody from public was called by police to act as mashir of arrest and recovery, vol. says no one was coming forward due to fear, I don't know that at what time accused was brought***

*by police at hospital, vol. says that I went to PS where I lodged FIR subsequently was returned to my home.”*

12. PW.2 SIP, Tassaduq Hussain had deposed that on 10.12.2016, he was posted as SIP at PS Azizabad, District Central, Karachi. On that night he was on duty from 08:00 PM to next morning 08:00 am. In his examination-in-chief he revealed how the appellant was arrested. It is interesting narration. He stated that **when he along with accused Jahangir arrived at Abbasi Shaheed Hospital in emergency ward, accused Jahangir himself pointed out towards one patient and informed that he is the same accused who accompanied him during robbery. He found that said accused was in injured condition. He proceeded to said accused, who disclosed his name as Waqas, who sustained firearm injury in his intercostal spaces. He prepared memo of arrest at Abbasi Shaheed Hospital in presence of HC Shahid Zubair and PC Ziaullah.** First aid and treatment was provided to accused Jahangir, who was discharged from hospital while **accused Waqas was admitted due to serious injury**, hence he deployed two constables as guard on him. Thereafter, he returned to police station along with accused Jahangir. Investigation of both crimes was entrusted to ASI Muhammad Afzal. In his cross-examination he stated that, *“We arrived at place of incident at about 10:30 PM, when complainant informed us, we saw **accused at a distance of less than half kilometer**, hence they chased them. Accused escaped away on 70 motorcycle. **With the chase of 02 to 3 minutes accused started firing on police party.** It is correct that his 161 Cr.PC statement does not speak that whether any bullet hit to bonnet of police mobile or otherwise. **Police party fired 09 shots from SMG. I fired two shots from 09 MM pistol holding by me. We fired on accused from backside during chasing. Accused Jahangir sustained injury on***



**his leg, while accused Waqas sustained injury from the side of his abdomen (Qamar).** Accused Jahangir was sitting on the rear seat while accused Waqas was riding motorcycle. **It is correct that houses and shops are situated near the place of incident. It is correct that many people of locality emerged from their respected houses and shops, who witnessed the incident.** It is correct that except complainant no private witness was cited, vol. says that no one was ready. It is incorrect to suggest that a **show cause notice for perjury u/s 193 PPC** was issued to me by learned JM Court No. XV. Karachi East. **I don't know whether the motorcycle used in commission of crime was recovered by the IO or otherwise. It is correct that I have not produced departure entry for my patrolling.** It is correct that FIR does not speak about description of accused Waqas.”

13. PW.3 PC Shahid Zubair in his deposition narrated the same story of the incident as deposed by PW.2 SIP Tasaduq Hussain. In his cross-examination he stated that, **“The accused were seen by police party at a distance of 50 paces.** During the encounter and chase complainant Fakhar Abbas was in police mobile. Accused were riding on a 70 Motorcycle. **The firing was exchanged between accused and police party from the distance of 50 feet.** It is correct that **none from the police officials sustained any firearm injury during encounter.** I don't particularly remember but may be the police **official fired 9 bullets from SMGs.** During encounter accused Jahangir sustained firearm injury on his leg. **It is correct that public came out from their respective houses and shops at the time of incident but they were scared and concealed themselves due to firing.** Within 30 minutes after arrival at PS we took the accused Jahangir to Abbasi Shaheed Hospital for treatment. **I don't know whether IO recovered motorcycle used in commission of offence or otherwise.”**

14. PW.4 ASI Muhammad Fazal deposed that on 10.12.2016, he was posted as ASI at PS Azizabal in investigation Wing. On that night investigation of two Crimes No.335/2016 u/s 392/353/324/34, PPC as well as FIR No.336/2016 under section 25 of the Sindh Arms Act, 2013 was entrusted to him. All relevant papers copies of FIRs, memo of arrest and recovery and case property were handed over to him. Custody of one accused Waqas was at Abbasi Shaheed Hospital where he was admitted for the purpose of treatment while custody of accused Jahangir was at P.S. Azizabad. On 11.12.2016 he inspected the site on the pointation of complainant and other PWs/police officials, prepared memo of inspection and sketch, then he returned back to Police Station. He recorded 161 Cr.PC statements of PWs, **sent parcels containing arms and ammunition as well as empty bullets to FSL for report.** Received positive FSL report. CRO of accused was obtained, Ex.11/G. After conclusion of investigation he submitted charge sheet, however, learned Magistrate inserted section 7 of the Anti-Terrorism Act, 1997 and returned the charge sheet with direction to submit the same before learned Administrative Judge ATCs, High Court of Sindh. Thereafter, the investigation of the case was transferred to Inspector Deen Muhammad Bufat as per requirement of Anti Terrorism Act, 1997, who proceeded further with the investigation. In his cross-examination, he stated that, ***“It is correct that no private witness was cited in memo Ex.11/B. It is correct that sketch 11/C does not speak the signatures of mashirs. It is correct that the sketch Ex11/C does not speaks the point and directions of she routes showing that accused were going from which direction, where alleged incident had taken place. It is correct that accused was not produced for his identification parade before Magistrate through witnesses. It is correct that all PWs stated in their 161 Cr.PC statements that***

***pistol was without number. It is correct that none of the PWs stated in their 161 Cr.PC statement that pistol was of rubbed member. It is correct that pistol and bullets along with empties were dispatched for FSL examination after 3 days of recovery. It is incorrect that accused Jahangir was acquitted in all cases mentioned is the CRO report E.11/H. It is correct that accused Waqas has no previous criminal history. It is correct that blood stained earth of accused was not secured by me for chemical examination. It is correct that "Sika" was not collected from the spot."***

15. PW.6 Inspector Deen Muhammad Burfat deposed that on **13.12.2016** investigation of Crime No.335/2016 u/s 392, 353, 324, 34 PPC as well as its offshoot case bearing Crime No.336/2016 under **Section 23(1)(a)** of the Sindh Arms Act, 2013 were entrusted to him on the ground that learned Magistrate before whom report under **Section 173 Cr.P.C** was presented has inserted **Section 7 of ATA, 1997** and returned the report. He produced the accused before learned Administrative Judge ATCs, High Court of Sindh Karachi for purpose of obtaining remand hence both accused were remanded to jail custody. He relied upon the same investigation and evidence collected by previous IO, prepared the charge sheet under section 173 Cr.PC and transmitted it to the concerned court for taking cognizance after taking the legal opinion from learned APG. Accordingly, the charge sheet was accepted.

16. PW.7 Dr. Srichand Talreja, MLO Abbasi Shaheed Hospital, deposed that on 10.12.2016 he was posted as MLO Abbasi Shaheed Hospital Karachi. On that day **at about 11:20 pm, injured Waqas son of Abdul Jabbar aged 22 years came from Baloch Hotel, near Essa Nagri with history of firearm injury during robbery.** He examined him, on examination noted following injuries on his person:

1. Firearm penetrating wound measuring 05cm x 05cm at right side of chest middle part anterolateral with inverted margin (wound of entry)
2. Firearm lacerated wound measuring 01cm x 01cm at right side of chest middle part posterior lateral with averted margin (wound of exit)

After completion of examination, **entry was given to police control bearing No.28**, ASI Khizar Hayat. He issued supplementary report, Ex.14/B. On same night i.e. 11.12.2016 at about **01:20** am, injured Jahangir son of Ashraf aged 38 years brought by PC Muhammad Sharif of Police Station Azizabad with history of fire arm injury during police encounter. On examination, he noted following injuries:

1. Firearm penetrating wound measuring 0.5cm x 05cm **at left thigh posterior** aspect with inverted margin (wound of entry). Firearm lacerated wound measuring 01cm x 01cm at left thigh medial aspect with averted margin (wound of exit).
2. Fire arm gutter shape wound at **right thigh anterior** aspect.
3. Firearm penetrating wound measuring 0.5cm x 05cm at left middle finger middle phalanx with inverted margin (wound of entry)
4. Firearm lacerated wound measuring 01cm x 01cm at left middle finger middle phalanx lateral aspect with averted margin (wound of exit)

In his cross-examination, he confirmed that, “**accused Waqas himself came to emergency of their hospital for treatment at about 11:20 p.m.** It is correct that **accused Jahangir was produced by police after two hours from first accused**, however, injuries of both accused were written in the medico legal certificates at Ex.14/A and Ex.14/C as fresh. Vol. says that in medical terminology the word fresh stands for 12 to 15 hours of injury. **It is correct that at the time of arrival of accused Waqas, no police official was available, therefore, the information was communicated to police control District Central under entry No.28 which was kept by ASI Khizar Hayat. Accused Waqas on my inquiry himself disclosed that he received injury**

***during robbery such fact is mentioned in Ex.14/A. It is correct that no blackening was found on the injuries of both accused, therefore, can conveniently say that injuries were received by both accused from far distance probably more than 10/12 feet. It is incorrect to suggest that ASI Afzal produced accused Waqas for medical treatment before me. It is incorrect to suggest that bullet was fired on both accused by police officials from close range.***

17. On perusal of prosecution evidence we are of the considered opinion that police encounter, without independent corroboration, which is lacking in the instant cases, is highly doubtful. Admittedly the alleged incident took place in the thickly populated area on a busy road, shops and houses were situated near the place of encounter, heavy traffic was plying on the road, but no effort was made by the PW.2 ASI Tassaduq Hussain to associate a single person of the locality to witness the incident and to act as mashir of arrest and recovery. The story appears to be unnatural and unbelievable and did not inspire confidence for the reasons that there was police party, consisting upon four trained police officials, armed with sophisticated weapons arrested only one injured and the other injured even two hours before the police reached at the same hospital for treatment of arrested injured accused. No empties from the crime scene were collected by the police nor the weapons used by the police causing injury to the appellants were sent for FSL.

18. The story of complainant, who has registered the FIR, is unbelievable for the simple reason that by the time the police arrived at the crime scene, the accused persons had already ran away on a motorcycle. The complainant though narrated the story to the police, but he did not boarded the police mobile to follow the culprits and yet he claims to be an eyewitnesses of the encounter in which not a single

fire was shot by the accused party but the accused persons were critically injured by police firing. ASI Tassaduq Hussain and Other PWs/Police officials had admitted in their evidence that police officials fired 9 shots of SMG and ASI himself fired 2 shot of 9MM pistol upon the culprits, but admittedly not a single empty of either of the weapons was collected and sent for FSL. Even official register of weapon showing the name of police official to whom weapon and bullets were provided was not produced in the evidence. In absence of any proof of encounter, irrespective of the fact that the police has injured the accused, the case of encounter is not established.

19. The story of the prosecution that both the accused were on motorcycle at the place of incident was contradicted by doctors of Abbasi Shaheed as according to the Dr. Srichand, PW-7 the appellant Waqas has already reached at the hospital at 11:20 p.m before even registration of FIR. The medical report of injury on the chest of Waqas was not possible when policed claimed to have been chasing them from behind. All the above facts make the case at hand, a case where the police party clearly attempted to kill the accused persons in the name of encounter. Learned Additional Prosecutor General Sindh says that he has nothing to say regarding above points.

20. The police has failed to recover motorcycle used in the offence and about 30 bore pistol allegedly recovered from appellant Jahangir all the PWs have stated that it was without number, whereas, perusal of FSL Report, Ex.11/F, reflects that after three days of incident the pistol sent for FSL was rubbed number and the positive report of FSL is of no help for the prosecution since it was not proved that it was used by the accused as neither any empty was sent with pistol to match with it nor the FSL report confirmed whether at the relevant time it was used. The failure of prosecution to send any of the empties of recovered pistol and

even official weapon led us to believe the plea raised by the appellants in their 342, Cr.PC statements that they have been falsely implicated in the instant cases, and weapon has been foisted upon them by the police was true and confidence inspiring.

21. We have also noted that there are material contradictions in the prosecution version. PW-1 complainant had deposed that after robbery accused persons escaped away on Honda 70 motorcycle and police mobile came after five minutes but police chased the accused only **for a distance of 500 paces** and arrested the accused after encounter. PW-2 in cross-examination stated that they saw the accused at a distance of **less than half kilometer**. It is strange that motorcyclist had covered only half kilometer distance in more than 5 minutes and they were identified around heavy traffic. PW-3 PC Shahid Zubair in his cross-examination stated that accused were **seen by the police party at a distance of 50 paces** whereas PW-5 PC Noman stated that encounter took place at a distance of 20 feet. None of the PWs have disclosed that some police officials were also running behind on foot, but PW-5 PC Noman in his cross-examination stated that ***“Policed party chased the accused in police mobile, however, some police officials were also running behind the accused by foot.”***

22. As a result of unsatisfactory state of evidence in this case by short order dated **14.12.2020** we acquitted the appellant as we were unable to uphold the conviction and sentence of appellants Jahangir son of Ashraf and Muhammad Waqas son of Abdul Jabbar recorded by the learned Judge, Anti-Terrorism Court-XVIII, Karachi in Special Cases Nos.2651 and 2651-A of 2016, arising out of FIRs Nos.335/2016 and 336/2016, registered at P.S. Azizabad, Karachi for offences under sections 392, 353, 324, 34 PPC read with section 7 of the Anti-Terrorism Act, 1997 and Section 25 of the Sindh Arms Act, 2013 and by

giving them benefit of doubt, instant appeals were allowed. Conviction and sentences recorded against the appellants were set aside. Appellants were acquitted of the charges and ordered to be released forthwith if not required in some other custody case.

15. These are the reasons of short order dated **14.12.2020**.

J U D G E

J U D G E

Karachi, dated  
April \_\_\_\_, 2021

Ayaz Gul