

**IN THE HIGH COURT OF SINDH AT KARACHI***Present: Ahmed Ali M. Shaikh, CJ and Omar Sial, J*

Spl. ATA Appeal No.46 of 2014

The State through P.G. Sindh v. Amjad Ali

Mr. Abrar Ali Khichi, Addl.P.G. for the State.

**ORDER**

Omar Sial, J: The State has impugned a judgment dated 26-4-2014 passed by the learned Anti-Terrorism Court No. II AT Karachi. In terms of the said judgment Amjad Ali (the respondent in this appeal) was acquitted of a case arising of F.I.R. No. 149 of 2012 registered under sections 365-A and 34 P.P.C. read with section 7 of the Anti-Terrorism Act, 1997 at the New Karachi police station.

2. A brief background to the case is that the aforementioned F.I.R. was registered on 17-6-2012 by Muhammad Ameen. Ameen narrated that on 7.6.2012 his son Awais left home for his tuition centre but did not return. In the evening the same day, Ameen received a phone call from the mobile number of his son from an unknown man who demanded Rs. 3 million for Awais's return. The unknown kidnapper subsequently made several calls to Ameen threatening to kill Awais if the ransom was not paid. On 8-6-2012, Ameen went and paid the kidnapper Rs. 1 million but Awais did not return. Ameen inquired from the friends of Awais as to his whereabouts, who gave him the number of Amjad and said that Awais was at Amjad's house. Ameen went to Amjad's house and found his son there. Awais told his father that he had come to visit Amjad and that Amjad had given him something to drink which made him unconscious. When he regained his senses Amjad told Awais that once he receives the ransom, Awais could go home.

3. Amjad pleaded not guilty to the charge and after a trial he was acquitted.

4. We have heard the learned Addl.P.G. Our observations are as follows.

5. At the outset we asked the learned Addl.P.G. to point out the defect in the judgment with which he was aggrieved. The learned Addl.P.G. tried his best but was unable to point out any flaw. To the contrary, the evidence reveals quite a different story than what was alleged by the prosecution.

6. The learned Addl.P.G. has been unable to show any non-reading or mis-reading of evidence nor any jurisdictional issues with the impugned judgment. The judgment is a well reasoned one and the learned judge has analysed the entire evidence. We also do not find the judgment capricious, arbitrary or perverse. Needless to say a doubly presumption of innocence also works in the respondent's favour. The appeal stands dismissed.

JUDGE

CHIEF JUSTICE