

THE HIGH COURT OF SINDH AT KARACHI

Criminal Revision Application No.142 of 2012

Present:
Naimatullah Phulpoto, J.
Irshad Ali Shah, J.

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

Respondent: Faqir Hussain through Mr. Farhad Khan,
advocate

Date of hearing: 13.08.2024

Date of announcement: 22.08.2024

JUDGMENT

IRSHAD ALI SHAH, J. The facts, in brief, necessary for the disposal of the instant Revision Application are that the private respondent with one more culprit was found possessing/transporting 65 kg. of Charas through his car, for which the present case was registered by ANF police. At the subsequent stage of the trial, the private respondent by making an application accepted his guilt; it was considered his plea to the guilt and then was convicted for the said offence and sentenced to undergo RI for 05 years with the benefit of Section 382(b) Cr.PC without imposing a fine upon him which was mandatory by learned Special Judge CNS-1 Karachi vide judgment dated 16.01.2012, which is impugned by the State/ANF before this Court by preferring the instant Revision Application for awarding the adequate sentence to the private respondent.

2. Heard arguments and perused the record.

3. The plea of the guilt of an accused could be recorded once that too soon after framing of the charge. There is nothing in law or procedure which may permit the Courts to accept the plea of the guilt of an accused at subsequent stage of trial by making an application. Admittedly, the Narcotic Substance recovered in the present case was

more than 10 k.g, therefore, as per law it was entailing the punishment of death/imprisonment for life and fine. The imprisonment of five years to the private respondent based on his so-called plea of guilt was not the legal sentence to be sustained. Consequently, the impugned judgment being illegal patently is set aside with a direction to the learned trial Court to proceed with the case further against the private respondent per law and then to make its disposal preferably within three months after receipt of a copy of this judgment.

4. Since the case is old of 19 years of age, therefore, it would be unjustified to take the private respondent in custody. He is allowed to continue with the bail which was granted to him by this Court subject to furnishing a fresh surety in the sum of Rs.200000/- and PR bond in the like amount to the satisfaction of the learned trial Court on 29.08.2024 at about 09:00 a.m. positively.

5. Instant Crl. Revision Application is disposed of accordingly.

JUDGE

JUDGE