

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
*Special Anti-Terrorism Jail Appeal No.D-61 of 2022.*

***Before:-***

*Mr. Justice Irshad Ali Shah.*  
*Mr. Justice Zulfiqar Ali Sangi*

Appellant: Waqar Ahmed son of Wahid Bux.  
Through Mr. Rukhsar Ahmed Junejo and Raja Iftikhar Hussain Ansari, advocates.

Respondent: The State, through Mr. Zulfiqar Ali Jaoti,  
Additional Prosecutor General.

Date of hearing: 01-02-2024

Date of decision: 01-02-2024

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

**IRSHAD ALI SHAH, J.** It is case of the prosecution that the appellant was found in possession of explosive substance, for that he was booked and reported upon by the police. On conclusion of trial he was convicted under Section 5 of Explosive Substances Act, 1908 and sentenced to undergo rigorous imprisonment for 14 years; he was further convicted under Section 7(1)(ff) Anti-Terrorism Act, 1997 with reference to Sections 6(2)(ee) of Anti-Terrorism Act, 1997 and sentenced to undergo R.I for 14 years with forfeiture of his property; both the sentences were directed to run concurrently with benefit of section 382-B Cr.P.C by learned Judge, Anti-Terrorism Court-I, Sukkur, vide judgment dated 19-04-2022, which the appellant has impugned before this Court by preferring the instant Special Anti-Terrorism Appeal.

2. At the very outset, it is stated by learned counsel for the appellant that the punishment awarded to appellant u/s 7(1)(ff) Anti-Terrorism Act, 1997 with reference to Sections 6(2)(ee) of Anti-Terrorism Act, 1997 is misplaced as Explosive Substance being Sulphur with non-electric detonator was not used

for explosive purpose and he would not press the disposal of instant appeal before this Court on merits provided sentence awarded to appellant u/s 5 of Explosive Substances Act, 1908 is reduced to one which he has already undergone, which is not opposed by learned Additional PG for the State.

3. Heard arguments and perused the record.

4. Admittedly, the Explosive Substances which the appellant was having was not used by him for any explosive purpose; therefore, his punishment for such Section being misplaced is set aside. As per jail roll the appellant has already undergone substantial sentence of 02 years 02 months and 29 days and besides this has also earned remission of 00 years 05 months and 05 days, which appears to be sufficient punishment for the offence punishable u/s 5 of Explosive Substances Act, 1908; therefore, the sentence awarded to the appellant for the appellants is reduced to one which he has already undergone

5. The instant Criminal Special Anti-Terrorism Appeal subject to above modification is dismissed accordingly.

Judge

Judge