

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Omar Sial
Mr. Justice Muhammad Hassan (Akber)

SPL. CR. ANTI TERRORISM JAIL APPEAL NO. 215 OF 2023

Appellant : Ishaq Shah S/o Pir Shahnawaz Shah
Through Mr. Muhammad Javed
Tanoli, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan,
Additional Prosecutor General Sindh

Date of Hearing : 22.04.2025

Date of Decision : 05.05.2025

JUDGMENT

Omar Sial, J.: The appellant was nominated as accused in a case arising out of F.I.R. No. 214 of 2022 registered under sections 353 and 324 P.P.C. read with Section 7 of the Anti-Terrorism Act, 1997 at Police Station Gulshan-e-Maymar, Karachi. He was also charged in F.I.R. No. 215 of 2022 registered under section 23(1)(a) of the Sindh Arms Act, 2013. The case against the appellant is that on 21.04.2022, a police party on regular patrol saw a suspicious person coming speedily on Honda 125 motorcycle, he was signaled to stop, but instead of stopping, the motorcyclist opened fire on the police. In retaliation police party also made firing in their defence, resultantly the present appellant sustained firearm injuries and fell down on earth from the motorcycle and he was arrested at

the spot in injured condition. One unlicensed pistol was also recovered from appellant. He was taken to hospital for treatment.

2. After a full dress trial, the learned A.T.C. No. 10 at Karachi convicted the appellant and sentenced him to seven years for offences under section 324 P.P.C. and section 23(1)(a) of the Sindh Arms Act, 2013. He was also sentenced to two years for an offence under section 353 P.P.C.

3. The learned counsel for the appellant submitted that the case against the appellant was not one of terrorism and that he would not argue the case on merits; however, he requested that the sentence already undergone by the appellant be treated as his final sentence.

4. We have heard the learned counsel for the appellant and the learned Additional Prosecution General. Our findings and observations after re-appraising the evidence are as follows.

5. A jail roll was called for that showed that the appellant had completed 03 years, 05 months and 06 days of the sentence awarded to him. After reviewing the record and confirming that the appellant had no previous crime record, the learned Additional Prosecutor General conceded that reduction of sentence from seven years to five years would be an appropriate punishment. While considering the request made by the appellant, we have also considered that the appellant, remorseful and repentant for what he had done, wish to spend the rest of his life as law-abiding citizens. His admission has

saved the time and money of the State. The jail authorities have reported that his conduct in jail has been satisfactory. We have also considered that the learned Additional Prosecutor General, on behalf of the State, very correctly and wisely, does not object to a reasonable reduction in sentence.

6. Given the above, the appeal stands dismissed. The convictions and sentences awarded to the appellant for the offenses under the Penal Code and the Sindh Arms Act, 2013 are reduced from seven years to five years. This will also include imprisonment instead of a fine. The Appellant be released once he completes his five years sentence for which he will also be entitled to remissions.

JUDGE

JUDGE