

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Omar Sial

Mr. Justice Miran Muhammad Shah

Special Criminal Anti-Terrorism

Jail Appeal No. 12 of 2024

[Syed Adeel Hyder & another vs. The State]

Appellant : Syed Adeel Hyder through
Ms. Sara Malkani, Advocate

Appellant : Abdul Rehman through
Mr. Anwer Zaib Khan, Advocate

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

Date of Hearing : 15.10.2025

Date of Decision : 15.10.2025

J U D G M E N T

Omar Sial, J.: A police party led by S.I. Mohammad Qasim was on routine patrol duty on 26.09.2023, when it signaled a motorcycle to stop on which two suspicious persons were riding. They opened fire on the police party. The police fired in retaliation and one accused sustained firearm injury on his right leg at below of his knee and fell down. Both the accused were apprehended and one unlicensed 30 bore pistol along with magazine containing two live bullets from accused Syed Adeel Hyder was recovered. F.I.R. No. 574 of 2023 was registered under sections 353, 324, 412, and 34 P.P.C., read with section 7 of the Anti-Terrorism Act, 1997 against both the accused. F.I.R. No. 575 of 2023 was also registered for an offence under section 23(1)(a) of the Sindh Arms Act, 2013 against accused Syed Adeel Hyder.

2. After a full-dress trial, on 20.12.2023, the learned Anti-Terrorism Court No. 13 at Karachi convicted and sentenced the appellants as follows:

- (a) Both the accused were convicted of an offence under section 324 P.P.C. and sentenced to ten years each in prison. Whole properties of both the accused were forfeited to the Government.
- (b) Both the accused were convicted of an offence under section 353 P.P.C. and sentenced to two years each in prison. .
- (c) Both the accused were convicted of an offence under section 7(h) of the ATA 1997 and sentenced to ten years each in prison.
- (d) Accused Syed Adeel Hyder was convicted of an offence under section 23(1)(a) of the Sindh Arms Act, 2013, and sentenced to seven years in prison.

3. The learned counsel for the appellant submitted that the case against the appellants was not one of terrorism and that she would not argue the case on merits; however, she requested that the sentence already undergone by the appellants be treated as their final sentence. Learned Additional Prosecutor General agrees it is not a terrorism case and that he would concede if the sentence is reduced to the one the appellants have already undergone.

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

5. **In Ghulam Hussain vs The State (PLD 2020 SC 61)**, the Supreme Court held:

“For what has been discussed above it is concluded and declared that for an action or threat of action to be accepted as terrorism within the meanings of section 6 of the Anti-Terrorism Act, 1997 the action must fall in subsection (2) of section 6 of the said Act and the use or

threat of such action must be designed to achieve any of the objectives specified in clause (b) of subsection (1) of section 6 of that Act or the use or threat of such action must be to achieve any of the purposes mentioned in clause (c) of subsection (1) of section 6 of that Act. It is clarified that any action constituting an offence, howsoever grave, shocking, brutal, gruesome or horrifying, does not qualify to be termed as terrorism if it is not committed with the design or purpose specified or mentioned in clauses (b) or (c) of subsection (1) of section 6 of the said Act. It is further clarified that the actions specified in subsection (2) of section 6 of that Act do not qualify to be labeled or characterized as terrorism if such actions are taken in furtherance of personal enmity or private vendetta.”

6. In the current case, no evidence was produced at trial to establish that the ingredients of section 6(1)(b) or (c) were satisfied. No witness was called at trial to prove the alleged insecurity. It is also evident from the very facts of the case that no design or intent was established for the offence to be categorized as a terrorism offence. An on-the-spot occurrence took place, which was not pre-planned or premeditated. We also find it unusual that none of the police party was hit by the alleged indiscriminate firing of accused persons, but the police still managed to injure one person. Insufficient evidence was led at trial to establish a charge under the terrorism legislation. The conviction and sentence under section 7 of the ATA 1997 is thus set aside.

7. The case against the appellants falling outside the ambit of terrorism would mean they would be entitled to section 382-B remissions. A jail roll was called for that showed that both the appellants had completed more than five years of the sentences awarded to them.

8. Given the above, the appeals are allowed only to the extent of the conviction for section 7 of the ATA 1997. The

convictions and sentences awarded to the appellants for the offenses under the Penal Code and the Sindh Arms Act, 2013 are upheld, however, the sentences awarded to the appellants are reduced to the one which they have already undergone. This will also include imprisonment instead of a fine. The appellants may be released if not required in any other custody case.

9. The appeal stands disposed of in the above terms.

JUDGE

JUDGE

Saleem/PS