

## IN THE HIGH COURT OF SINDH AT KARACHI

**Present:**  
**Mr. Justice Omar Sial**  
**Mr. Justice Miran Muhammad Shah**

**Spl. Cr. Anti-Terrorism Appeal No. 111 of 2024**  
**[Manzoor & another Vs. The State]**

**Spl. Cr. Anti-Terrorism Jail Appeal No. 116 of 2024**  
**[Aqib & another Vs. The State]**

Appellants		(1) Manzoor and (2) Abu Bakar (in Appeal No. 111/2024) through Mr. Saith Ali Baloch, Advocate
Appellant	:	(1) Aqib and (2) Umar (in Appeal No. 116/2024) through Mr. Liaquat Ali Khan, Advocate
Respondent	:	Mr. Muhammad Iqbal Awan, Additional Prosecutor General, Sindh along with SIP Abdul Ghani
Date of Hearing	:	29.10.2025
Date of Judgment	:	29.10.2025

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

**Omar Sial, J.**: Appellants have impugned the Judgment dated 31.08.2024 passed by the learned 18<sup>th</sup> Anti-Terrorism Court, Karachi, whereby the appellants Manzoor, Abu Bakar, Aqib and Umar were convicted under section 365-A/34 PPC, read with Section 6(2)(e) of A.T.A. 1997 punishable under Section 7(i)(e) of A.T.A. 1997 and sentenced them to life imprisonment and their movable and immovable properties were also ordered to be forfeited to the State. They were further convicted under sections 353, 324, 34 PPC read with Section 7(1)(b) of A.T.A. 1997 and sentenced them to undergo R.I. for 10 years each and

fine of Rs.25,000/- each. Appellants Aqib and Umar were further convicted under Section 23(i)A, Sindh Arms Act, 2013 and sentenced to suffer RI for five years each and fine of Rs.10,000/-.

2. Facts of the case are that on 11.11.2022 Raheel Toufiq, the Complainant, reported at Police Station Shah Faisal Colony that on the same day at about 1800 hours his sons namely Muhammad Rahim aged 8 years and Muhammad Rouhan aged 3 years left house for tuition. At about 1829 hours Raheel received a call from unknown person who claimed that his both sons are in their custody and he demanded Rupees Five Crore for their release, as such, on the report of complainant FIR No. 513 of 2022 was registered against unknown persons at police station Shah Faisal Colony, Karachi.

3. During course of investigation and search of abductees, on 12.11.2022, a police party led by SHO/PI Muhammad Ali of PS Shah Faisal Colony along with Complainant Raheel Toufiq, raided at House No. 175, Gali No.1, Doud Shoro Goth, Karachi and after a police encounter police party succeeded to recover both abductees and four accused persons were arrested out of them two received injuries during police encounter. Injured accused persons disclosed their names as Aqib and Umar and the remaining two disclosed their names as Manzoor and Abu Bakar. From possession of Aqib and Umar pistols were recovered, as such FIR No. 1300 of 2022 under sections 324, 353, 34 PPC read with Section 7 of A.T.A. 1997 was registered at Police Station Shah Latif Town, Karachi. Separate FIRs bearing No. 1301/2022 and 1302/2022 regarding recovery of unlicensed pistols were also registered against Appellant Aqib and co-accused Umar respectively.

4. After a full-dress trial, on 31.08.2024, the learned Ant-Terrorism Court No. 18 at Karachi convicted and sentenced the appellants as detailed above.

5. The Complainant was served on 21.10.2025 and told SIP Abdul Ghani that he will come but he did not appear. As an indulgence we had adjourned the case for 29.10.2025, however, today again he told the policeman that he will come but preferred to remain absent. In the circumstances, no further notice is required to be issued to of the complainant.

6. At the very outset, the learned counsels for the appellants submitted that the case against the appellants was not one of terrorism and if keeping in view the recent judgment pronounced by the Hon'ble Supreme Court reported as *Muhammad Yamin and another Vs. The State (2025 SCMR 1552)* the punishment awarded under Anti-Terrorism Act is set aside, they would not argue the case on merits. Learned Additional Prosecutor General agrees that it is not a terrorism case and that he would concede if the sentence awarded under Anti-Terrorism Act, 1997 is set aside.

7. 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.

8. In *Muhammad Yamin and another Vs. The State (2025 SCMR 1552)*, the Supreme Court held:

“In Ghulam Hussain 's case (supra), this court after thorough discussion arrived at the conclusion that reading of the Third Schedule of the Act of 1997 shows that an Anti-Terrorism Court has been conferred jurisdiction not only to try all those offences which attract the definition of terrorism provided by the Act of 1997 but also some other specified cases involving heinous offences which do not fall in the definition of terrorism. For such

latter category of cases it was provided that although those offences may not constitute terrorism yet such offences may be tried by Anti-Terrorism Court for speedy trial of such heinous offences. This distinction between cases of terrorism and cases of specified heinous offences not amounting to terrorism but triable by an Anti-Terrorism Court has already been recognized by this Court in the cases of Farooq Ahmed v. State and another (2020 SCMR 78), Amjad Ali and others v. The State (PLD 2017 SC 661) and Muhammad Bilal v. The State and others (2019 SCMR 1362). It has been clarified by this Court in those cases that such specified heinous offences are only to be tried by Anti-Terrorism Court and that court can punish the person committing such specified heinous offences only for commission of those offences and not for committing terrorism because such offences do not constitute terrorism. For the purposes of further clarity on this issue it is explained for the benefit of all concerned that the cases of the offences specified in entry No. 4 of the Third Schedule to the Anti-Terrorism Act, 1997 are cases of those heinous offences which do not per se constitute the offence of terrorism but such cases are to be tried by an Anti-Terrorism Court because of their inclusion in the Third Schedule. It is also clarified that in such cases of heinous offences mentioned in entry No. 4 of the said Schedule an Anti-Terrorism Court can pass a punishment for the said offence and not for committing the offence of terrorism. It may be pertinent to mention here that the offence of abduction or kidnapping for ransom under section 365-A, P.P.C. is included in entry No. 4 of the Third Schedule and kidnapping for ransom is also one of the actions specified in section 7(e) of the Anti-Terrorism Act, 1997. Abduction or kidnapping for ransom is a heinous offence but the scheme of the Anti-Terrorism Act, 1997 shows that an ordinary case of abduction or kidnapping for ransom under section 365-A, P.P.C. is merely triable by an Anti-Terrorism Court but if kidnapping for ransom is committed with the design or purpose mentioned in clauses (b) or (c) of subsection (1) of section 6 of the Anti-Terrorism Act, 1997 then such offence amounts to terrorism attracting section 7(e) of that Act. In the former case the convicted person is to be convicted and sentenced only for the offence under section 365-A, P.P.C. whereas in the latter case the convicted person is to be convicted both for the offence under section 365-A, P.P.C. as well as for the offence under

section 7(e) of the Anti-Terrorism Act, 1997.

For what has been discussed above this petition is converted into appeal and is partly allowed. The conviction and sentences of the petitioner under section 7(e) of the Act of 1997 recorded by the two courts below are set-aside, whereas, his conviction and sentences under section 365-A P.P.C. recorded by the two courts below are upheld.”

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 appellant received fire arm injury during encounter. 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.

8. Given the above, the convictions and sentences awarded to the appellants under the provisions of Anti-Terrorism Act, 1997 are set aside, however, the convictions and sentences awarded to the appellants for the offenses under the Pakistan Penal Code and Sindh Arms Act, 2013 are upheld.

9. Both the appeals stand disposed of in the above terms.

JUDGE

JUDGE