

JUDGMENT SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Spl. Cr. A.T. Jail Appeal No.09 of 2025

Appellant: Mansoor & others through Ms. Ambreen Syal
Advocate.

Respondent: The State through Mr. Muhammad Iqbal Awan, Addl.
P.G.

10.12.2025.

JUDGMENT

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Muhammad Iqbal Kalhoro, J. Appellants Mansoor and Noman were arrested by police of P.S Khawaja Ajmer Nagri, Karachi from Rehmania More Sector 4 North Karachi on 25.01.2024 at 2200 to 2350 hours after an encounter in which one of police official received injuries. From appellant Mansoor an unlicensed 30 bore pistol with three live bullets was recovered whereas from appellant Noman, an unlicensed 32 bore pistol with one bullet. Accordingly, appellants were booked in three FIRs bearing Crime No.89/2024 U/s 353, 324, 337 F(iii), 34 PPC, 90/2024 and 91/2024 u/s 23(i) A, of Sindh Arms Act, 2013.

2. Appellants were tried against the same allegations and have been convicted U/s 324, 34 PPC r/w section 7(h) ATA to suffer R.I. for 07 years with fine of Rs.20,000/- each, in default to suffer S.I. for six months, U/s 353, 34 PPC to suffer R.I. for 01 year, and U/s 23(i) A, Sindh Arms Act, 2013 to suffer R.I. for 05 years with fine of Rs.20,000/- each, in default to suffer S.I. for 03 months more. All the sentences were ordered to run concurrently. Benefit under section 382-B Cr.P.C was also extended to them. By means of these appeals, the appellants have challenged their conviction and sentence as stated above.

3. Learned defence counsel at the very outset submits that the appellants are the first offenders; the appellants have remained in jail for a sufficient time, therefore, the period already undergone by them in jail may be treated as their sentence and they may be released. She further submits that there are certain discrepancies in the prosecution case which are sufficient for reduction of sentence.

4. Learned Addl. Prosecutor General has not opposed this proposal and has conceded that the appellants are the first offenders.

5. We have heard learned counsel for appellants, learned APG and perused the material available on record. In the trial, the prosecution has examined 07 witnesses, who have supported the prosecution case on salient features viz. arrest of the appellants on the spot at the time of encounter with police and recovery of an unlicensed pistols from them. However, there is no evidence to suggest that due to the alleged encounter the general public had gone into panic or suffered from sense of insecurity or that the offence was committed by the appellants with a design to achieve any of the objectives specified in clause (b) of subsection (1) of section 6 of ATA, 1997 or aimed to achieve any of the purposes mentioned in clause (c) of subsection (1) of section 6, ATA, 1997 to attract applicability of sections 7(1)(h), ATA, 1997 in the case. At the most the offences seem to fall u/s 324, 353, PPC and 23-A Sindh Arms Act. This legal position has not been disputed by the learned APG. No record has been produced to show that the appellants are previous convict. Learned defence counsel has stated that appellants are regretful of what went wrong in the past and want to improve themselves. The jail roll of appellants dated 11.12.2025 reflects that appellant Mansoor has served sentence of 01 year 10 months and 14 days whereas appellant Noman has served sentence of 05 years, 03 months and 06 days including remission. The punishment u/s 324 PPC is extendable to 10 years, section 353 PPC is punishable upto two years and fine, and punishment u/s 23(i), A of Sindh Arms Act, 2013 may extend to 14 years and fine. In such circumstances, we see no impediment legal or otherwise in acceding to the request of appellants for reduction of their sentence, when he has already served out sufficient sentence.

6. In view of above, conviction and sentence of the appellants u/s 7(1) (h) ATA, 1997 is set-aside. However, their conviction u/s 353, 324, PPC and u/s 23(i), A Sindh Arms Act, 2013 is maintained, but their sentence on all counts is reduced to the period already undergone by them. Fine in respect of all counts is also reduced to Rs.5,000/, in default, the appellants will have to undergo a period of 10 days more on each count.

The appeal in the terms as stated above stands disposed of.

Judge

Judge

A.K.