

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE MUSHIR ALAM
MR. JUSTICE SARDAR TARIQ MASOOD
MR. JUSTICE YAHYA AFRIDI

**Criminal Appeals No. 599, 600, 601 & 602 of 2020 and
Criminal Petitions No. 1085 & 1086 of 2020**

(Against the judgment dated 02.04.2020 passed by the High Court of Sindh at Karachi in Spl. Criminal Anti-Terrorism Appeals No. 66, 67 & 68 of 2002 and Confirmation Case No. 12 of 2002)

The State through Prosecutor-General, Sindh

(in Cr. A. 599, 600 & 601 of 2020)

Ahmad Omar Sheikh

(in Cr. A. 602 of 2020)

Ruth Pearl and another

(in Cr. P. 1085 & 1086 of 2020)

...Appellants/Petitioners

versus

Ahmed Omer Sheikh

(in Cr. A. 599 of 2020)

Fahad Nasim Ahmed, etc.

(in Cr. A. 600 & 601 of 2020)

The State, etc.

(in Cr. A. 602 of 2020)

The State through P.G. Sindh, etc.

(in Cr.Ps. 1085 & 1086 of 2020)

...Respondents

For the appellant-State:

Mr. Farooq H. Naek, Sr. ASC

Dr. Faiz Shah, P.G. Sindh

Assisted by:

Ms. Rahat Ahsan, Addl. P.G. Sindh

Mr. Hussain Bux Baloch, Addl. P.G. Sindh

Mr. Adnan Shuja Butt, ASC

Mr. Muhammad Kassim Mirjat, AOR

Mr. Feroze Jamal Shah, ASC

Mr. Usman Waleed Sh., Advocate

(Appellant in Cr.A. 599-601 of 2020 & Resp. in Cr.P. 1085 & 1086 of 2020 and Cr. A. 602 of 2020)

Barrister Mehmood A. Sheikh, Sr. ASC

Mr. Mehmood A. Sheikh, AOR

(in Cr. A. 602 of 2020)

For the petitioner:

Mr. Faisal Siddiqui, ASC

Assisted by:

Ms. Sheza Ahmed, Advocate

Ms. Amna Anjum, Advocate

Mr. Saad Fayyaz, Advocate
(in Cr.P. 1085 & 1086 of 2020)

For the respondents:

Barrister Mehmood A. Sheikh, Sr.
ASC
Rai Bashir Ahmed, ASC
Mr. Mehmood A. Sheikh, AOR
(in Cr.A. 599-601 of 2020 & in Cr.P. 1085 & 1086 of
2020)

Date of hearing:

28.01.2021

ORDER

MUSHIR ALAM, J. — For the reasons to be recorded later, by a majority of 2 to 1 (Yahya Afridi, J. dissenting), Criminal Appeals No. 599, 600 & 601 of 2020, Criminal Petitions No. 1085 & 1086 of 2020 are dismissed, the impugned judgment dated 02.04.2020 passed by the High Court of Sindh, Karachi is maintained to the extent of acquittal of all the four respondents from their charges. Criminal Appeal No. 602 of 2020 filed by Ahmed Omer Shaikh against his conviction under section 362, PPC, is allowed and he is acquitted of the charge by extending the benefit of doubt to him. Ahmed Omer Shaikh, Fahad Nasim Ahmed, Syed Salman Saqib and Shaikh Muhammad Adil shall be released from the jail forthwith if not required to be detained in connection with any other case. All the miscellaneous applications filed by the either party have lost their relevance, hence, disposed of as such.

Judge

Judge

Judge

YAHYA AFRIDI, J. — For the reasons to be recorded later, Criminal Appeals No. 599, 600 & 601 of 2020 and Criminal Petitions No. 1085 & 1086 of 2020 are partly allowed in the terms that Ahmed Omer Shaikh and Fahad Nasim are convicted under

sections 365-A & 120-B, PPC and section 7 of the Anti-Terrorism Act, 1997 each and sentenced to imprisonment for life on each count. All the sentences passed against both of the convicts shall run concurrently. The benefit under section 382-B, Cr.P.C. shall be extended to them. To the extent of Syed Salman Saqib and Shaikh Muhammad Adil Criminal Appeals No. 599, 600 & 601 of 2020 and Criminal Petitions No. 1085 & 1086 of 2020 are dismissed and their acquittal is maintained on all the charges, they shall be released from the jail forthwith if not required to be detained in connection with any other case. Criminal Appeal No. 602 of 2002 filed by Ahmed Omer Shaikh is dismissed.

Judge

Islamabad
28.01.2021

Arif