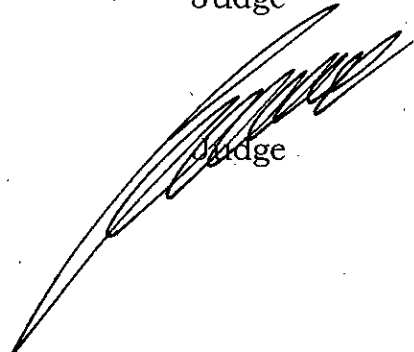


ISLAMABAD
05.05.2025
(Aqib Aman RO)


Judge


Judge

concurrently. The petitioners challenged their convictions and sentences before the High Court through separate appeals which were dismissed, hence these petitions.

2. Succinctly, facts of the case are that the complainant reported kidnapping of his 7 years old son, Arhum Waheed, by two unknown motorcycle riders who were allegedly witnessed by playmates of Arhum. Later on, the complainant received call from kidnappers demanding ransom in exchange of Arhum and after negotiation they agreed upon an amount of Rs.500,000/-. At the exchange point all the petitioners were present who received ransom and handed over the child. Shortly after the exchange all the petitioners were apprehended by the police.

3. The learned counsel for the petitioners while placing reliance on the judgment of this Court in the case of *Ghulam Hussain v. State* (PLD 2020 SC 61) stated that the offence under section 7(1)(e) of the ATA was not attracted due to lack of evidence, as such, the convictions and sentences awarded to the petitioners under the provisions of the ATA are liable to be set aside. While concluding their arguments they further submitted that the petitioners would be satisfied and will not press the petitions on merits provided their convictions and sentences under the provisions of the ATA are set aside.

4. The present case pertains to an offence under section 365-A PPC, which is triable exclusively by the Anti-Terrorism Court under the ATA, however, merely because an offence is triable by the Anti-Terrorism Court does not automatically mean it falls under the substantive anti-terrorism provisions (sections 6 to 11-E of the ATA). A conviction under the ATA cannot be sustained without proving a "terrorism-oriented design" behind the offence.

5. For the discussion made hereinabove, these petitions are converted into appeals and partly allowed and the conviction and sentences of the of petitioners under the ATA are set aside, however, their conviction and sentences under the PPC are upheld.


Judge

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: Justice Muhammad Hashim Khan Kakar
Justice Salahuddin Panhwar
Justice Ishtiaq Ibrahim

**Jail Petition Nos. 701 and 708/2018 and
Criminal Petition No. 1013-L/2018**

(On appeal against the judgment/order dated 06.09.2018
passed by the Lahore High Court, Bahawalpur Bench,
Bahawalpur in Crl. A. Nos. 45, 35 and 29/2014)

Amir Hussain	(in JP. 701/2018)	
Ashiq Hussain	(in JP. 708/2018)	
Mst. Gulshan Naheed	(in Crl.P. 1013-L/2018)	Petitioner(s)

Versus

The State, etc.	(in all)	Respondent(s)
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For the Petitioner(s):	Ch. Munir Sadiq, ASC Syed Rafaqat Hussain Shah, AOR (in JP. 701/2018) Mr. Sagheer Ahmed Qadri, ASC (in JP. 708/2018) Mr. Amjad Iqbal Khan, ASC (via V/L, Lahore in Crl.P No. 1013-L/2018)
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For the State:	Mr. Tariq Siddique, Addl. P.G
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Date of Hearing:	05.05.2025
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JUDGMENT

Muhammad Hashim Khan Kakar, J. The petitioners in JP Nos. 701 and 708/2018, namely, Amir Hussain and Ashiq Hussain, alongwith co-accused Mst. Gulshan Naheed (petitioner in Crl. P. No. 1013-L/2018) were tried by the learned Judge, Anti-Terrorism Court, Bahawalpur Division, Bahawalpur in case FIR No. 553/2013 for the offences under sections 365-A PPC and 7(1)(e) of the Anti-Terrorism Act, 1997 ("the ATA"), registered at police station Civil Line, Bahawalpur and were convicted under 365-A PPC as well as 7(1)(e) of the ATA and sentenced to imprisonment for life each with forfeiture of their property in favor of State for each of the offences. Benefit of 382-B Cr.P.C. was extended to the convicts and it was directed that the sentences shall run