

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Manzoor Ahmad Malik
Mr. Justice Sardar Tariq Masood
Mr. Justice Qazi Muhammad Amin Ahmed

Jail Petition No.521 of 2017

*(Against the judgment dated 16.5.2017
passed by the Lahore High Court,
Rawalpindi Bench in Criminal Appeal
No.799 of 2016).*

Muhammad Kamran

...Petitioner(s)

VERSUS

The State

...Respondent(s)

For the Petitioner(s) : Malik Altaf Hussain, ASC

For the State : Mirza Abid Majeed, DPG

Date of Hearing : 11.06.2019.

JUDGMENT

Qazi Muhammad Amin Ahmed, J.- Surprised by a police contingent, the petitioner was found in possession of *Charas Garda*, weighing 1200-grams within the remit of Police Station Naseerabad Rawalpindi on 26-1-2016; upon conclusion of investigation, he was sent to face trial along with forensic report that confirmed the narcotic character of the substance; in the wake of a regular trial, he was returned a guilty verdict by a learned Additional Sessions Judge at Rawalpindi *vide* judgment dated 17-11-2016; convicted under Section 9 (c) of the Control of Narcotic Substances Act, 1997, he was sentenced to 4-years and 6-months RI along with fine of Rs.20,000/- or to suffer 2-months SI in default thereof with benefit of section 382-B of the Code of Criminal Procedure, 1898. Petitioner's appeal in the High Court met with no better fate *vide* impugned judgment dated 16-5-2017 and this brings him to this Court.

2. Learned counsel for the petitioner despite being at his best has not been able to point out any serious flaw or infirmity that may be viewed as material or substantial in nature in the statements of the prosecution witnesses. An alleged discrepancy in the description of the contraband recovered, between the complaint and statements of the witnesses went unchallenged during the trial and as such the petitioner cannot claim any benefit thereof in the absence of confrontation within the contemplation of Article 140 of the Qanun-e-Shahadat Order, 1984. No case for interference is made out. Petition stands dismissed.

JUDGE

JUDGE

JUDGE

Islamabad, the
11th of June, 2019
Azmat Ali/*