

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Manzoor Ahmed Malik
Mr. Justice Sajjad Ali Shah
Mr. Justice Qazi Muhammad Amin Ahmed

Jail Petition Nos.480 & 594 of 2018

(Against judgment dated 2.5.2018 passed by High Court of Sindh, Circuit Court Larkana in Cr. Appeal Nos.D-62 & D-63 of 2017)

Abdul Wahab

(in J.P. No.480 of 2018)

Khan Muhammad

(in J.P. No.594 of 2018)

...Petitioner(s)

Versus

The State

(in both cases)

...Respondent(s)

For the Petitioner(s):

Mr. Siddique Baloch, ASC/AOR
(in both cases)

For the State:

Mr. Khadim Hussain Khooharo,
Additional Prosecutor General Sindh

Date of hearing:

17.10.2019.

JUDGMENT

Qazi Muhammad Amin Ahmed, J. Jail Petition No.594 of 2018, filed by Khan Muhammad is barred by 35 days, however, since the petitioner is in receipt of a guilty verdict with corporal consequences, we consider it expedient to attend his plea on merit alongside Jail Petition No.480 of 2018 filed by his co-convict Abdul Wahab.

2. The petitioners were surprised by a contingent of Police Station A-Section Thal, District Jacobabad, on patrol, and found in possession of *Charas*. According to the prosecution, Abdul Wahab was carrying 7.8 kilograms whereas Khan Muhammad 8.2 kilograms. Contraband was secured *vide* inventories. Separated samples were forensically examined with confirmatory results. Upon conclusion of trial, the petitioners were returned a guilty verdict by a learned Special Judge (CNSA) Jacobabad *vide* judgment dated 22-11-2017; convicted under

Section 9 (c) of the Control of Narcotic Substances Act, 1997, Abdul Wahab was sentenced to 10-years RI whereas Khan Muhammad to 11-years RI alongside fines and consequences in the event of default with benefit of section 382-B of the Code of Criminal Procedure, 1898; their appeals in the High Court met with no better fate *vide* impugned judgment dated 02-05-2018 and this brings them to this Court.

2. Heard. Record perused.

3. Prosecution case is, primarily, structured upon statements of Izhar Ali Shah, ASI (PW-1), Muhammad Ayub (PW-2) and Abdul Haq, Inspector (PW-4); we have gone through their statements and found them in a comfortable unison, despite flux of time, on all the salient aspects of the prosecution case, in terms of interception of the petitioners and recovery of contraband, they are consistent, straightforward and confidence inspiring and their statements cannot be discarded merely on account of absence of a witness from the public; people seldom come forward to perform their civic responsibilities and official witnesses are no less credible or trustworthy provided their statements rang true, as is the case in hand. Learned counsel for the petitioners, 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. Much stress laid by the learned counsel on a typographical error is not of much consequence, as the correct volume of contraband was put to the petitioners in the charge. Petitions fail. Dismissed.

Judge

Judge

Judge

Islamabad
17th October, 2019
Azmat/-