

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Manzoor Ahmad Malik  
Mr. Justice Syed Mansoor Ali Shah  
Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Appeal No.319-L/2017**

*(Against the judgment dated 26.10.2016  
passed by the Lahore High Court, Lahore in  
Criminal Appeal No.608/2015)*

***Qari Muhammad Ishaq Ghazi***

...Appellant(s)

**VERSUS**

***The State***

...Respondent(s)

For the Appellant(s): Rai Bashir Ahmad, ASC

For the State: Ch. Muhammad Mustafa, DPG

Date of Hearing: 27.6.2019.

**JUDGMENT**

**Qazi Muhammad Amin Ahmed, J.-** Surprised on 21.1.2015 by a contingent of Police Station A-Division Okara, Qari Muhammad Ishaq Ghazi, appellant herein, was found in possession of pamphlets, fraught with incendiary contents, calculated to incite hatred towards a particular sect; indicted before an Anti Terrorism Court at Lahore, he was convicted under Section 9 of the Anti Terrorism Act, 1997 and sentenced to 5-years RI with fine of Rs.100,000/-, to be recovered as arrears of land revenue with benefit of Section 382-B of the Code of Criminal Procedure, 1898 *vide* judgment dated 24-3-2015; his appeal in the High Court met with no better fate on 26-10-2016 *vires* whereof are being impugned through leave of the Court. The appeal came up before the Court after appellant's release in the wake of completion of sentence, however, the learned counsel has opted to argue the case at full length with a view to vindicate his position.

2. A multipronged tirade includes submissions, both on factual as well as legal aspects of the case; it ranges from denial, non-association of public witnesses as well as prosecution's failure to establish distribution of impugned material in the public, a *sine*

*qua non*, according to the learned counsel to attract the mischief of Section 9 *ibid*.

3. Contents of the impugned pamphlets are repugnant and abhorrent to say the least; too nauseatic to be reproduced; capable of causing most grievous offence; these contravene all the limits of decency, an obligation sanctimoniously upheld by every faith. The argument that mere possession of the impugned material by itself would not attract the mischief of the section *ibid*, without actual distribution, is naively beside the mark. A plain reading of Section 9, unambiguously, suggests that possession of the inflammatory material by itself is an offence even before it is distributed; the legislature intended to *nip the evil in the bud* and rightly so given the inflammatory potential of the crime. Arrested red-handed, objection over non-association of public witnesses to confirm the possession does not hold water either. Police officials, being functionaries of the State, are no less credible witnesses to drive home the charge in a milieu of pervasive apathy towards civic responsibilities; people prefer to recuse behind safety instead of coming forward in aid of justice. The officials who testified in the witness-box had seemingly no axe to grind, otherwise, found by us in a comfortable unison with one another. Police officials are as good witnesses as any other and their evidence is subject to same standard of proof and principles of scrutiny as applicable to any other category of witnesses; in the absence of any animus, infirmity or flaw in their depositions, their statements can be relied without demur. View taken by the Courts below, well within the remit of law, calls for no interference. Criminal Appeal fails. *Dismissed*.

JUDGE

JUDGE

JUDGE

Lahore, the

27<sup>th</sup> of June, 2019

Not approved for reporting

Azmat Ali/\*