

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

**PRESENT:**

Mr. Justice Sajjad Ali Shah

Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Petition No.143-K of 2020**

*(Against the judgment dated 07.07.2020 passed by the High Court of Sindh at Karachi in Cr. A. No.615 of 2019)*

***Faheemullah***

*...Petitioner(s)*

**Versus**

***The State***

*...Respondent(s)*

For the Petitioner(s): Syed Shau-un-Nabi, ASC  
Ms. Abida Parveen Channar, AOR

For the State: Mr. Hussain Bux,  
Addl. Prosecutor General Sindh

Date of hearing: 06.09.2021

**ORDER**

**Qazi Muhammad Amin Ahmed, J.-** Surprised with 5080 grams of cannabis by a contingent of Police Station Pirabad, the petitioner was sent to Court of Session (West) Karachi; upon indictment, he claimed trial that resulted into his conviction under section 9(c) of the Control of Narcotic Substances Act, 1997; he was sentenced to 7-years 6-months with a direction to pay fine vide judgment dated 30.8.2019, upheld by a Division Bench of the High Court of Sindh vide impugned judgment dated 7.7.2020, vires whereof, are being assailed on the grounds that the High Court as well as the Court of Session, concurrently ran into error by placing implicit reliance on the prosecution's evidence, inherently flawed and tainted, maliciously produced to secure an unjustified conviction; the bottom line is that a false case was cooked up, through abuse of process of law, to hush up an unauthorized raid on petitioner's house, during the course whereof, cash, gold ornaments as well as other valuables were taken away by a police mobile, an incident that according to the learned counsel was witnessed by the neighbourhood. The learned Law Officer has faithfully defended the impugned judgment being based upon confidence inspiring evidence.

2. Heard. Record perused.

3. Prosecution case is consistent and straightforward. The petitioner was apprehended during a routine patrol and his arrest along with contraband were incorporated in the daily diary, entry whereof, is placed on record as Exh.3/A; site plan and inspection note also coincide with the details, elaborated in the crime report. These are also consistent with the investigative details. There is nothing on the record that could even obliquely support the plea belatedly taken by the petitioner and, thus, preponderance of prosecution evidence comprising safe custody of contraband, transmission of sample to the office of chemical examiner with a positive report supported by a unison account furnished by the official witnesses remained unscathed during an inconsequently cross-examination. Learned trial Court as well as the High Court concurrently found the prosecution evidence sufficient to successfully constitute "*proof beyond doubt*"; we on our own independent analysis, in the absence of any material to support the hypothesis canvassed at the bar, have not been able to persuade ourselves to take a different view. Impugned judgment being well within remit of law and inconsonance with the principle of safe administration of criminal justice calls for no interference. Petition fails. Leave declined.

**Judge**

**Judge**

Karachi, the  
6<sup>th</sup> September, 2021  
Not approved for reporting  
Azmat/-