

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.12-P/2013

(Against the judgment dated 23.01.2007 passed by the Peshawar High Court, Peshawar in Criminal Appeal No.632 of 2005).

State thr. Deputy Attorney General ...Appellant(s)

VERSUS

Abdul Ali ...Respondent(s)

For the Appellant(s) : Mr.Manzoor Khan Khalil,
Additional Advocate General,
Khyber Pakhtunkhwa

Mr.Tariq Khan, ASC

For the Respondent(s) : Mr. Noor Alam Khan, ASC

Date of Hearing : 29.04.2019

JUDGMENT

Abdul Ali, respondent was returned a guilty verdict by learned Judge, Special Court (CNS), Peshawar; he was indicted for being in possession of seventeen kilograms of opium at an FC check post. The learned Peshawar High Court, however, acquitted him from the charge vide impugned judgment dated 23.1.2007, vires whereof are being challenged by the State.

It is argued that there was no occasion for the learned High Court to acquit the respondent in the face of overwhelming evidence, singularly pointed on respondent's culpability when intercepted with huge quantity of contraband that cannot be conceivably foisted upon him. Forensic evidence confirming the narcotic character of the contraband his next argument is to seek reversal of the impugned judgment.

Quantity of contraband notwithstanding, view taken by the learned High Court to acquit the respondent is neither artificial nor perverse inasmuch as discrepancy between the stated

date of respondent's arrest and his remission into police custody for registration of a criminal case sans any plausible explanation. Contradictions in the statements of Mir Badshah Khan, PW-3 and Sabz Ali, PW-4 in the above backdrop cannot be received as trivial and thus it is rightly held that the local police and FC personnel, being out of tune, the charge against the respondent is not free from doubt. Impugned view being a possible rendition warrants no interference. Appeal is dismissed.

JUDGE

JUDGE

JUDGE

Islamabad, the
29th of April, 2019
Ghulam Raza/*