ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 2659 of 2025

Anwar Ahmed

Vs.

The Superintendent, Adyala Jail, Rawalpindi.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	24.07.2025	Mr. Muhammad Usman Nawaz, Advocate for the petitioner. Ms. Sumaira Khursheed, State Counsel. Mr. Mehmood ul Hassan, Assistant Superintendent, Central Jail, Adyala, Rawalpindi.

MUHAMMAD ASIF J. Through this petition, the petitioner seeks direction to the Respondents to consider and grant the benefit of remission earned by the Petitioner, and further prays for requisition of the report from Respondent No. 1 detailing the substantial portion of the sentence already undergone by the Petitioner.

2. The learned counsel for the petitioner argued that the petitioner was not nominated in the FIR; that a consolidated challan for three separate occurrences, having different set of evidences against 3 different accused persons, was furnished in the said case before the trial court; that a 40-minute lecture, delivered by the petitioner was illegally recorded by PW. 4 (a student in the class), out of which only a 4-minute 49 seconds clip, without the context of the same, were used against the petitioner; that if the whole video of 40 minutes' lecture is taken into consideration, the same doesn't constitute any offence; that the section 295-A PPC is otherwise not attracted against the petitioner, as the proper sanction of the Federal Government to invoke Section 295-A PPC in term of section 196 Cr.P.C is missing; that the said lecture given by the

petitioner was in the class room before the students and the same cannot be termed as an act of terrorism, therefore section 7(g) of ATA is also not attracted; that the said case was registered without the correct knowledge of time and date of alleged occurrence, and the same is unknown till date; that the lecture given by the petitioner to students otherwise falls under the ambit of the protected speech for the purposes of drawing analogies and advance better understanding to the students; that the learned trial Court, while passing the judgement badly ignored the fact that the case of the petitioner doesn't relate to the dissemination of sacrilegious material and the same is evident from the fact; that during investigation neither Android Mobile Phone was recovered from the exclusive possession of the petitioner nor any Facebook or social media handle was ever attributed to him; that no formal complaint or application against the petitioner, was ever moved by the college authorities or any of the PWs; and that the transcript of the lecture of the petitioner is not in line with the video and there are many contradictions in the same, hence, the instant petition.

3. The learned State Counsel repelled the above submissions and argued that sufficient incriminating material is available on record which *prima facie* connects the petitioner with the commission of the alleged offence and the petitioner is sentenced under Anti-Terrorism Act, therefore, he is not entitled for any remission, therefore, the petition may be dismissed.

4. Arguments heard, record perused.

5. Perusal of the record reveals that the petitioner was arrested in case FIR No. 07 dated 19.03.2017 under Sections 295-A, 295-B, 295-C, 298-A, 298-B, 109, 86, 7,8,9 of the ATA and Section 11 of PECA, 2016 registered with police station Cyber Crime Rawalpindi/Islamabad, whereby under Section 295-A, the petitioner was sentenced to 10 years R.I and fine of Rs. 100,000/-

in case of default 06 months S.I and under Section under Section 7 (g) of ATA, 1997, 05 years R.I with fine of Rs. 50,000/- in case of default 06 months S.I. The petitioner filed an appeal against the Conviction order passed by the learned Anti-Terrorism Court vide Order dated 08.01.2021, which is still pending adjudication before this Court.

6. According to the report submitted by the Superintendent, Central Jail, Rawalpindi, the petitioner has served a total period of 8 years, 2 months, and 26 days in custody as of 16.07.2025. His tentative date of release has been fixed as 20.04.2027, subject to the payment of the fine imposed. However, with regard to the question of entitlement to remission, it is noted that, in view of Section 21-F of the Anti-Terrorism Act, 1997, the petitioner is not eligible for any form of remission in sentence. For ease of reference, Section 21-F of the Anti-Terrorism Act, 1997 is reproduced herein below:-

> "21-F. Remissions. Notwithstanding anything contained in any law or prison rules of the time being in force, no remission in any sentence shall be allowed to person, other than a child who is convicted and sentenced for any offence under this Act, unless granted by the Government."

7. The provision *supra* prohibits the automatic or general grant of sentence remission to any individual convicted under the Anti-Terrorism Act, 1997, with the exception of one defined category. It specifies that persons convicted under the aforementioned Act shall not be eligible for ordinary or special remissions usually granted on the basis of good behavior, educational activities, or other commendable conduct during incarceration. The sole exception to this prohibition pertains to a "child," as defined under the relevant juvenile justice legislation, including but not limited to the Juvenile Justice System Act, 2018. In such cases, remission may be granted in accordance with the standards and protections afforded to

juveniles under the applicable legal framework and prison regulations.

8. In view of the foregoing, the instant petition is **dismissed**.

(MUHAMMAD ASIF)
JUDGE

//Kamran//