

**2006 S C M R 1539**

**[Supreme Court of Pakistan]**

**Present: Javed Iqbal, Mian Shakirullah Jan and Nasir-ul-Mulk, JJ**

**JOSHUA CHIGBOGU---- Petitioner**

**Versus**

**THE STATE----Respondent**

Criminal Petition No.204-L of 2004, decided on 13th July, 2005.

(On appeal from the judgment and order of the Lahore High Court, Lahore, dated 10-2-2004 passed in Criminal Appeal No.2195 of 2003).

**(a) Control-of Narcotic Substances Act (XXV of 1997)---**

---S. 9(c)---Constitution of Pakistan (1973), Art.185(3)---Sentence---Accused being a foreigner was not a consideration for determining the quantum of sentence as the penal law of the country had to be applied with same rigor to everyone subjected to it, regardless of his nationality---Sentence had to be proportionate to the heroin powder in the form in which it was marketable, regardless of its composition---Accused had already been dealt with leniently by the Trial Court by sentencing him to ten years' R.I. under S. 9(c) of the Control of Narcotic Substances Act, 1997, which carried the maximum punishment of death---Leave to appeal was declined to accused accordingly.

**(b) Control of Narcotic Substances Act (XXV of 1997)---**

---S. 9---Punishment---Sentence is to be proportionate to the heroin powder in the form in which it is marketable, regardless of its composition.

Sahibzada Anwer Hameed, Advocate Supreme Court and Ch. Muhammad Hanif Zahid, Advocate-on-Record for Petitioner.

Nemo for the State.

Date of hearing: 13th July, 2005.