

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Athar Minallah
Mr. Justice Irfan Saadat Khan
Mr. Justice Malik Shahzad Ahmad Khan

Jail Petition No.457/2023

Against the judgment dated 25.10.2023 of
the High Court of Sindh, Circuit Court
Hyderabad passed in Crl. A. D-14/2020,
Confirmation case 08/2020

Mansab Ali

...Petitioner(s)

VERSUS

The State

...Respondent(s)

For the Petitioner(s):

Syed Muhammad Tayyab Shah, ASC

For the State:

Mr. Salim Akhtar Buriro, Addl. P.G.
Sindh

Complainant:

M. Siddique (in-person)

Date of Hearing:

15.09.2025


ORDER

Athar Minallah, J.- The petitioner has sought leave against the judgment of the High Court dated 25.10.2023. The petitioner and his wife Mst. Rukhsana were nominated in crime report No. 23/2018 registered at Police Station Baldia, Hyderabad for commission of the alleged offence under section 302(b) of the Pakistan Penal Code, 1860 ("**PPC**"). The trial court, upon conclusion of the trial, had convicted the petitioner under section 302(b) of the PPC and sentenced him to death with the direction to pay Rs.200,000/- as compensation to the legal heirs of the deceased. He was also convicted for the offence under section 201 of the PPC read with Section 34 of the PPC and sentenced to seven years rigorous imprisonment with fine of Rs.50,000/- or in default whereof to further suffer three months imprisonment. The petitioner was also convicted for the offence under section 404 of the PPC and he was sentenced to suffer RI for three years.

2. Likewise, Mst. Rukhsana was also convicted under section 302(b) of the PPC, and was sentenced to imprisonment for life, with a direction to pay Rs.200,000/- to the legal heirs of the deceased, or in default thereof, to suffer six months of imprisonment. She was also convicted for the offence under section 201 of the PPC, read with section 34 of the PPC and sentenced to seven years RI with fine of Rs.50,000/-, or in default whereof, to suffer three months of imprisonment. The High Court, vide the impugned judgment, had maintained the convictions and sentences to the extent of the petitioner, and the sentence of death was confirmed by answering the reference in the affirmative. However, in the case of Mst. Rukhsana, the appeal was partly allowed, and her conviction and sentence of life imprisonment under section 302(b) of the PPC, was set aside and she was acquitted from the charge to that extent. However, the conviction and sentence under section 201 of the PPC were maintained.

3. We have heard the learned counsel who has assisted us on behalf of the petitioner and the State counsel. We have also perused the available record with their assistance.

4. The prosecution in this case had based its story on circumstantial evidence. The petitioner as well as his co-accused had recorded confessional statements under section 164, of the Code of Criminal Procedure, 1898 ("**Cr.P.C**") and the proceedings were conducted by Shafia Memon, Judicial Magistrate who had entered the witness box as PW.7. We have carefully perused the latter's testimony and, we are of the opinion, that the confessional statements were recorded in accordance with law and after observing the necessary safeguards prescribed by this Court. The medical evidence was brought on record by Dr. Waheed Ali Nahioon and Dr. Syed Muhammad Khalid who had appeared as PW.1 and PW.2, respectively. The recovery of the crime weapon, i.e., a knife from the possession of the petitioner was sent for forensic



analysis and the report confirms that the samples had matched the hair on the crime weapon with that of the deceased victim and the petitioner. The recovery of other incriminating items at the instance of the petitioner, such as gold ornaments etcetera, further corroborated the confessional statements recorded by the petitioner and his co-accused.

5. In our opinion, the prosecution had proved the guilt of the petitioner beyond a reasonable doubt and, therefore, we see no reason to interfere with the findings recorded by two competent courts which led to his conviction. The learned counsel who has assisted us on behalf of the petitioner has contended that there ~~was~~^{was} mitigating factor^{1/2} which did not justify handing down the sentence of death. The crime committed in this case was so brutal and that the sentence of death was rightly awarded by the trial court and confirmed by the High Court. The head of the deceased victim was severed from her body, and the petitioner had also led to recovery of one of the body parts, i.e., a thigh. The nature of the offence and the manner in which it was committed indeed ^{justified} justify the sentence of death in the facts and circumstances of this case. The learned counsel for the petitioner has not been able to point out any misreading or non-reading of evidence so as to require interference. We have also not been able to persuade ourselves that a question of law has arisen for our consideration. In the circumstances, leave is refused and the petition is accordingly dismissed.