

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

**Bench:**

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

**Jail Petition No.508 of 2022**

(Against judgment dated  
14.09.2022 of the High Court of  
Sindh, Karachi passed in Crl.  
Appeal No.571 of 2021 and  
Confirmation Case No.15 of  
2021)

Sartaj Khan alias Sartaja ...Petitioner

**Versus**

The State ...Respondents

For the petitioner: Syed Ali Imran, ASC

For the State: Mr. Khadim Hussain, Additional Prosecutor  
General, Sindh

For the complainant: Mr. Ghulam Rasool Mangi, ASC/AOR  
(From Karachi Registry *via* video-link)

Date of hearing: 01.07.2025

**ORDER**

**Athar Minallah, J.-** The petitioner has sought leave against the judgment of the High Court dated 14.09.2022. The petitioner was nominated in crime report No.960/2012 registered at P.S. Jackson, Karachi for commission of the alleged offences under sections 324 and 302 of the Pakistan Penal Code, 1860 ('PPC'). The completion of the investigation had led to the filing of the report under section 173 of the Cr. P.C. and pursuant thereto the charge was framed. The petitioner did not plead guilty to the charge and claimed trial. Upon conclusion of the trial, he was convicted by the trial court under section 302(b) PPC and was sentenced to death. The appeal preferred by the petitioner did not find favour with the High Court and therefore, it was dismissed *vide* the impugned judgment dated 14.09.2022. The sentence of death was confirmed since the reference was answered in the affirmative.

2. We have heard the learned counsel for the petitioner, the learned counsel for the complainant who has appeared from Karachi Registry via video-link as well as the learned Additional Prosecutor General on behalf of the State. The record has been perused with their able assistance.

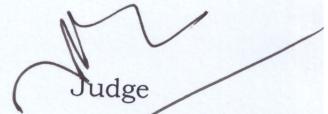
3. The occurrence in this case had taken place at 5.45 p.m. on 21.05.2012. It was a daylight occurrence and the petitioner was the sole nominated accused. The ocular account in this case was deposed by Aziz ur Rehman (PW-2), Inayat ur Rehman (PW-3) and Shah Faisal (PW-4). The medical evidence brought on record by Dr. Qarar Ahmed Abbasi (PW-5) fortifies the ocular account. The witnesses who had deposed the ocular account remained consistent on all material facts and we have found them to be reliable, trustworthy and confidence-inspiring. The petitioner was arrested in another case in the province of Khyber Pakhtunkhwa on 13.04.2013 and thereafter he was only arrested in this case on 29.04.2013. The crime-weapon recovered by the police officials of District Mardan at the time of registering a case against the petitioner, had matched the firearm empties recovered in this case. However, the report of the Forensic Science Laboratory (FSL) indicates that the crime-empties and the weapon of offence were received together. The motive set up by the prosecution that the deceased-victim had registered criminal cases against the petitioner could not be proved beyond a reasonable doubt because the case in which the petitioner was nominated was decided in his favour since he was acquitted. The record also indicates that there were some civil disputes between the deceased-victim and the petitioner. However, in our opinion, the prosecution had proved the guilt of the petitioner beyond a reasonable doubt and we have no reason to interfere with the concurrent findings regarding the guilt of the petitioner which had led to his conviction. The

conviction being unexceptionable requires no interference. The same is upheld. However, on account of the mitigating factors highlighted above, i.e. the failure on part of the prosecution to prove the factum of motive beyond a reasonable doubt and the doubt regarding recovery of the crime-weapon, did not justify handing down the sentence of death. This petition is, therefore, converted into an appeal and it is partly allowed only to the extent of modification of the sentence of death to that of imprisonment for life. However, the conviction of the appellant is upheld and to that extent the appeal is dismissed. The benefit under section 382-B of the Cr. P.C. is extended in favour of the appellant.

3. The appeal stands disposed of in the above terms.



Judge



Judge

**Islamabad, the**1<sup>st</sup> July, 2025.

M. Azhar Malik/\*