

THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

44/25

AD
DO

Bench:

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

Jail Petition No.504 of 2023

(Against judgment dated 19.09.2023
of the High Court of Sindh, Karachi
passed in Special Criminal ATJ No.08
of 2023 and Confirmation Case No.10
of 2022)

Amjad Ali alias Zakir

...Petitioner

Versus

The State

...Respondent

For the petitioner:

Mrs. Amna Bano, ASC

For the State:

Ms. Rahat Ehsan, Additional Prosecutor General,
Sindh

Date of hearing:

23.06.2025

ORDER


Athar Minallah, J.- Amjad Ali alias Zakir alias Sajid (petitioner) was alleged to have sexually abused Maria who at the time of occurrence was about 8/9 years old. The complaint was filed by her mother Mst. Farzana (PW-3) and pursuant thereto crime report No.34/2018 was registered at P.S. Sukhan, Karachi for commission of the alleged offences under sections 376, 363 of the Pakistan Penal Code, 1860 ('PPC') and section 7 of the Anti Terrorism Act, 1997 ('Act of 1997'). After submission of the report under section 173 of the Cr. P.C. in the trial court, the trial proceedings were commenced. The prosecution had produced as many as 11 witnesses while the petitioner did not opt to be examined under oath; therefore, his statement under section 342 of the Cr. P.C. was recorded. He did not produce any evidence or witnesses in support of his defence. The trial court upon conclusion of the trial convicted the petitioner under section 376(3) of the PPC and sentenced him to death. The appeal preferred by the petitioner before the High Court was dismissed *vide* the impugned



judgment dated 19.09.2023 and the reference was answered in the affirmative. Consequently, the sentence of death was confirmed.

2. We have heard the learned counsel for the petitioner as well as the learned Additional Prosecutor General for the State. The record has been perused with their able assistance.

3. The occurrence in this case had taken place on 2.2.2018 and the crime-scene was the house of one of the neighbors of the complainant. The victim in this case was Maria who was between 8/9 years old at the time of occurrence and she had entered the witness-box as PW-4. The testimony of this minor victim has been found to be trustworthy and confidence-inspiring. The petitioner was arrested on 10.04.2018. The minor-victim had also identified the petitioner during the test identification parade conducted by Mir Sagar Khan, Civil Judge/Judicial Magistrate (PW-7). The identification parade was conducted on 12.04.2018. The crucial aspect of this case is the positive report of DNA analysis. The forensic DNA analyst Muhammad Hussain had also appeared as (PW-2). He had deposed in detail the matching of the samples with the profile of the petitioner. The petitioner in this case was arrested while he was in confinement being an accused in another case registered against him under section 363 and 511 of the PPC. The DNA report further reflected that the samples in some other cases had also matched with the profile of the petitioner. However, it would not be appropriate to make any observation regarding the other cases lest it may prejudice the right to a fair trial in those cases. Nonetheless, the prosecution had proved the guilt of the petitioner beyond a reasonable doubt and the ocular account deposed by the minor-victim (PW-4) herself was supported by the medical evidence which had brought on record by Dr. Aiman Khursheed (PW-1), Dr. Nazeer Ahmed Malik (PW-8) and Dr. Afzal Ahmed (PW-9). The positive report of DNA analysis was



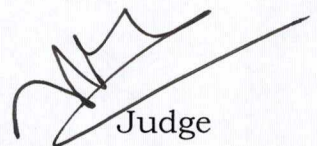
further corroborated by the confidence-inspiring evidence of the child-victim. The test identification parade was conducted in accordance with the principles and law highlighted in Subha Sadiq vs. The State (2025 SCMR 50). It is a case in which the prosecution had successfully proved the guilt of the petitioner and the nature of the crime was such that the sentence handed down by the trial court and later affirmed by the High Court was justified. The learned counsel for the petitioner was not able to point out any misreading or non-reading of evidence nor that interference was required with the quantum of sentence determined by the two competent courts concurrently. The learned counsel has also not been able to point out any question of law arisen for our consideration.

4. In view of the above, no case for grant of leave is made out. Leave is accordingly refused and this petition is consequently dismissed.


5. The above are the reasons of our short order of even date.



Judge



Judge



Judge

Islamabad, the
23rd June, 2025.
M. Azhar Malik/*

