

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.606/2021, Criminal Petitions. No.1484 & 1595/2021

Against the judgment dated 06.10.2021 passed by Lahore High Court, Rawalpindi Bench
Rawalpindi in Crl. As. No.345 and 617/2018 & M.R. No.9 of 2020

Syed Taimoor Hussain Shah (in J.P. 606/2021)
Muhammad Kamran (in Crl.P. 1484/2021)
Yasir Mehmood (in Crl.P. 1595/2021)

...Petitioner(s)

The State and others

...Respondent(s)

For the Petitioner(s):

Mr. Rehan Iftikhar, ASC
(in J.P. 606/2021)

Mr. Muhammad Afzal Janjua, ASC
(in Crl.P. 1484/2021)

Sh. Muhammad Yaqoob, ASC
(in Crl.P. 1595/2021)

For the State:

Mr. Tariq Siddique, Addl. PG, Pb.

Date of Hearing:

10.09.2025

O R D E R

Athar Minallah, J.- Petitioners, Muhammad Kamran, through Criminal Petition No. 1484 of 2021 and Syed Taimoor Hussain Shah, through Jail Petition No.606 of 2021 have sought leave to appeal against the judgment of the High Court dated 06.10.2021. Both petitioners have challenged their respective convictions and sentences. The complainant of the case, Yasir Mehmood, through Criminal Petition No. 1595 of 2021 has also sought leave to appeal and seeks enhancement of the sentence in case of petitioner Muhammad Kamran.

2. The petitioners were nominated in Crime Report No.99 dated 28.02.2017, registered at Police Station Saddar Wah, District Rawalpindi, for commission of the alleged offences under sections 302, 376, 364 and 34 of the Pakistan Penal Code, 1860 ('**PPC**'). The investigation was concluded and report under section 173 of the Code of Criminal Procedure, 1898 ('**Cr.P.C.**') was submitted and followed by framing the charge on 08.06.2017. The petitioners did not plead guilty. The trial court, upon conclusion of the trial, convicted the petitioners under section 302(b) PPC read with section 34 PPC and sentenced each to death. They were further directed to pay an amount of Rs.2,00,000/- each as compensation under section 544-A, Cr.P.C., to the legal heirs of Mst. Ayesha Parveen deceased, to be recovered as arrears of land revenue, or in default thereof to undergo simple imprisonment of six months each. The Trial Court had also convicted them under section 376 PPC read with section 34 PPC and sentenced each to death, and in addition they were directed to pay Rs.1,00,000/- each as fine, or in default thereof, to undergo simple imprisonment for six months each. They were further convicted under section 364 PPC read with section 34 PPC and each was sentenced to undergo imprisonment for life and to pay Rs.1,00,000/- each as fine, or in default thereof, to undergo simple imprisonment for six months each. The benefit of section 382-B of the Cr.P.C. was extended in their favour.

3. The judgment of the trial court dated 07.04.2018 was assailed before the High Court. The High Court had partly allowed the appeal of the petitioners. The convictions under section 302(b) PPC and 376 PPC read with section 34 PPC in case of Syed Taimoor Hussain Shah, were maintained and upheld. The sentence of death handed down by the trial court was confirmed to his extent by answering the murder reference in affirmative. However, in case of Muhammad Kamran, the death sentence was modified to imprisonment for life, while the remaining convictions and sentences were maintained.

4. We have heard the learned counsel for the petitioners, the complainant and the learned Additional Prosecutor General at length and have also perused the record with their able assistance.

5. The case of the prosecution was based on circumstantial evidence. The testimony regarding last seen evidence was deposed by Sohail Abid (PW-7). Yasir Mehmood (PW-8) had deposed that the child victim had left the house on 27.02.2017 at 10:00 A.M. but she did not return. The last seen evidence deposed by Sohail Abid (PW-7) who had seen both the petitioners with the child victim on 27.02.2017 at 11:00 A.M. in vehicle No. G-3406 while going towards Rawalpindi. His evidence has been found to be reliable, confidence-inspiring and trustworthy. Both the petitioners were arrested on 28.02.2017 and they had led to recovery of the dead body of the child victim on 01.03.2017. The medical evidence was brought on record by Dr. Rayya Nadeem (PW-1). She had obtained samples and they were sent to the Forensic Science Laboratory ('FSL'). Likewise, the clothes and other articles on the body of the deceased victim when she was brought to the Hospital were also sent to the FSL. The report of the FSL confirmed that the DNA/sample had matched the profile of one of the petitioners, Syed Taimoor Hussain Shah. The vehicle No. G-3406 used for commission of the crime was also recovered. The incriminatory articles were also recovered from possession of one of the petitioners-Muhammad Kamran such as the watch of the deceased victim.

6. In our opinion, the prosecution had proved the guilt of the petitioners beyond a reasonable doubt. We see no reason to interfere with the convictions handed down by the trial court and later upheld by the High Court. Likewise, the sentences upheld and/or modified by the High Court also does not require any interference, since as they are based on exercise of discretion in accordance with law. The learned counsels for the petitioners were heard at length but they

7. In view of the above, we are not inclined to grant leave, and therefore, leave is refused and both these petitions are accordingly dismissed.

Criminal Petition No.1595/2021

8. We have noted that the FSL report has confirmed that the samples did not match the DNA profile of Muhammad Kamran. Moreover, the convictions and sentences in his case are based on sharing of common intention. The High Court was justified in converting his sentence from death to life imprisonment. Keeping in view his role and the facts and circumstances of the case. We are of the opinion that the High Court had correctly exercised its discretion in modifying the sentence, and therefore the judgment does not require any interference. The learned counsel was not able to persuade us that a question of law has arisen for our consideration. Leave is, therefore, refused and consequently the petition is dismissed.

ISLAMABAD
10.09.2025
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"Not Approved for Reporting"