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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Sajjad Ali Shah

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.101-K of 2021

(Against the judgment dated 16.06.2021 passed by the High Court of Sindh, Circuit Court, Hyderabad in Cr. A. No.D-250 of 2011 with Confirmation Case No.D-14 of 2011)

Mushtaque Hussain

...Petitioner(s)

Versus

The State through Prosecutor General Sindh

...Respondent(s)

For the Petitioner(s):

Mr. Wali Muhammad, ASC

Mr. Ghulam Rasool Mangi, AOR

For the State:

Mr. Hussain Bux Baloch,

Addl. Prosecutor General, Sindh

Date of hearing:

07.09.2021.

ORDER

Qazi Muhammad Amin Ahmed, J.- Petitioner is complainant in a case of homicide, reported vide FIR No.26 dated 29.5.1997 at Police Station Bhitainagar District Hyderabad; it was alleged that on the fateful day, Abdul Rahim accused shot dead Dr. Tanvir Hafeez, no other than his sister-in-law, in the backdrop of some domestic dispute; sent to trial, the accused was returned a guilty verdict; convicted under clause (b) of section 302 of the Pakistan Penal Code, 1860, he was sentenced to death by the learned Sessions Judge Hyderabad vide judgment dated 15.8.2011, altered into imprisonment for life by a Division Bench of the High Court of Sindh vide impugned judgment dated 16.6.2021, being assailed on the grounds that given the brutality inflicted upon the deceased, awfully reflected by as many as eight entry wounds with corresponding exits, there was no occasion for the High Court to alter penalty of death into imprisonment for life. The bottom line is that the wage settled by the learned trial Judge being most conscionable in circumstances did not warrant reduction and, thus, interference by this Court is not called for.

2. Heard.

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3. Be that as it may, the respondent who has not even been arrayed as a party in this petition, as per report submitted by the Superintendent Jail, has since been released on 1.7.2021 after serving out his sentence, reckoned in prison role as 16-years 5-months 1-day, remissions inclusive; it appears that after dismissal of his appeal albeit with reduction in sentence, he had contently retired to his fate. Imprisonment for life is a legal sentence and has already been served out by the petitioner and, thus, enormity of his crime, notwithstanding, he cannot be recalled so as to be dispatched to the gallows for the offence he has endured imprisonment for life; there being one life, he cannot be vexed twice. Petition fails. Leave declined.


Judge


Judge

Karachi, the
7th September, 2021
Azmat/-

