

**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.444/2022**

Against the judgment dated  
14.10.2022 of the High Court of  
Sindh, Circuit Court, Hyderabad  
passed in CrI. J.A. D-92/20,D-93,  
Confirmation Case No. 20/2020

Muhammad Arab

...Petitioner(s)

**VERSUS**

The State

...Respondent(s)

For the Petitioner(s):

Mr. Riaz Hussain Azam, ASC

For the State:

Ms. Rahat Ehsan, Addl. P.G. Sindh

Complainant:

Nemo

Date of Hearing:

05.05.2025

**ORDER**

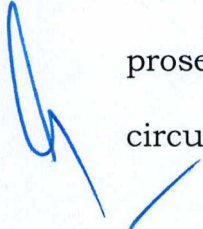
**Athar Minallah, J.-** The petitioner has sought leave against the judgment of the High Court dated 14.10.2022. The petitioner was nominated in crime report No. 88 of 2020 registered at Police Station A-Section Nawabshah under sections 302, 504, PPC. It was alleged that the petitioner had murdered his wife Mst. Hajran. The Trial Court, upon conclusion of the trial, convicted the petitioner and he was sentenced to death with the direction to pay compensation of Rs.200,000/- to the legal heirs/walis of the deceased as required under section 544-A Cr. P.C. or in default thereof to suffer simple imprisonment for six months. The appeal preferred by the petitioner before the High Court was dismissed and the reference was answered in the affirmative. The sentence of death was, therefore, confirmed.



2. We have heard the learned counsel for the petitioner and the learned Additional Prosecutor General, Sindh appearing for the State.

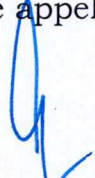
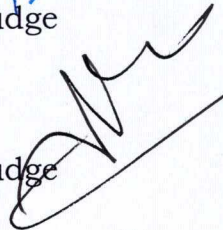
3. The petitioner was the sole accused nominated in the crime report and he was alleged to have murdered his wife. The crime scene was the house of the petitioner where he was living with his deceased wife. The prosecution in order to prove its case had produced Abdul Kareem and Wakeel Ahmed as PW.6 and PW.7 respectively to depose the ocular account. The latter was a natural witness since he was inhabitant of the house where the crime had taken place and was also the son of the petitioner. The testimonies of both witnesses were consistent and we have found them to be reliable, trustworthy and confidence-inspiring. The ocular account was supported by the medical evidence brought on record by Dr. Sidra Majeed who had entered the witness box as PW.2. The petitioner was arrested on 17.05.2020 and the crime weapon was also recovered on the same day. The prosecution had produced nine witnesses to prove its case. The prosecution had indeed proved its case beyond a reasonable doubt regarding the guilt of the petitioner. The concurrent findings by the two competent courts regarding the guilt of the petitioner are unassailable and we have not been able to persuade ourselves that they suffer from any illegality let alone mis-reading or non-reading of evidence. The conviction of the petitioner is, therefore, upheld. Moreover, the compensation ordered by the Trial Court and later upheld by the High Court and the imprisonment required to be undergone in default thereof are maintained. The appeal to the extent of the conviction, compensation under section 544-A of Cr.P.C and the sentence required to be undergone in default thereof is dismissed.

4. The learned counsel for the petitioner, however, has argued that the prosecution had not proved the factum of motive and, therefore, in the facts and circumstances of the case, the sentence of death was not justified.





5. We have perused the record with the assistance of the learned counsel for the petitioner. It was alleged that the petitioner had threatened to kill the deceased victim and used to mistreat her. But nothing was brought on record to prove this factum. The learned Additional Prosecutor General, Sindh has not been able to persuade us that the factum of motive was proved by the prosecution. We, therefore, convert this petition into an appeal and partly allow to the extent of modifying the sentence of death to imprisonment for life. The benefit under section 382-B Cr. P.C is extent in favour of the appellant.

  
Judge  
Judge  
Judge

ISLAMABAD  
05.05.2025  
Naseer

*"Not Approved for Reporting"*