

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: Justice Muhammad Hashim Khan Kakar
Justice Ishtiaq Ibrahim
Justice Ali Baqar Najafi

Criminal Petition No. 1022/2018

(Against the judgment/order dated 04.10.2018
passed by the Lahore High Court, Lahore
in CrI. Appeal No.2243 of 2015)

Abdul Latif

Petitioner(s)

Versus

Majid Ali and another

Respondent(s)

For the Petitioner(s):

Mr. Muhammad Saced Ansari, ASC
(via video link from Lahore)

For the State:

Mr. Tariq Siddique, APG

Date of Hearing:

21.08.2025

JUDGMENT

Muhammad Hashim Khan Kakar, J. Through this petition for leave to appeal, the petitioner, Abdul Latif, has assailed the judgement dated 04.10.2018, passed by the Lahore High Court, whereby the appeal filed by the respondent No. 1, Majid Ali, was accepted and his conviction and sentence were set aside.

2. The facts of the case, as written in the impugned judgement are reproduced below:

"2. Prosecution story, as set out in the FIR (Ex.PG) registered on the written application (Ex.PD) of Abdul Latif, complainant (PW.8) is that he (complainant) was resident of mouza Marali Hithar. His younger brother Muhammad Naveed was working with Usman Rice Traders Chunian Road, Ilahabad and was residing in 2d floor of Saleem Plaza. The complainant party used to contact with him on telephone and their last contact was made with him on 24.07.2014 at 9:00 p.m. and in the following morning they tried to contact with him but his cell phone was off. They tried to contact with him till 5:00 p.m. continuously but in vain whereupon they got worried. Complainant along with his brother Muhammad Rafique and Muhammad Nawaz reached Saleem Plaza to enquire about him but

his office was locked from outside. They contacted with Muhammad Riaz and Muhammad Rafique who also came there. The complainant's side also contacted with one Abid who used to work with Muhammad Naveed at Usman Traders. The said person told them that second key of the office was with Muhammad Zakriya Rehman resident of Babber Khai. The complainant and other PWs went to Babber Khai and came back after taking key of the office. They opened the lock, entered the room and found Muhammad Naveed lying dead on the carpet who was wrapped with blanket etc. It was further alleged in the FIR that unknown persons had committed the murder of Muhammad Naveed."

3. We have heard the learned counsel for the parties at some length and have perused the record with their able assistance. It is evident from the impugned judgment that the High Court, after a meticulous appraisal of the evidence, found the prosecution case to be filled with material doubts and contradictions. The evidence of last seen was neither proximate in time nor credible in manner; the alleged extra-judicial confession was discarded for being inherently weak and untrustworthy; and the recoveries relied upon by the prosecution were not of such nature as could be linked with the crime in any legally sustainable manner.

4. It is a settled proposition of law that once an accused person has been acquitted by a Court of competent jurisdiction, the presumption of innocence in his favour stands fortified rather than diminished. We find that the findings of the High Court are neither shown to be perverse, arbitrary, or wholly unsupported by the evidence on record. Where two views are possible from the evidence, the one favoring the accused must be adopted, and the acquittal cannot be lightly overturned.

5. In the present case, we find no illegality or misreading or non-reading of evidence in the judgment of the High Court. On the contrary, the acquittal rests on cogent reasons duly supported by the record. The prosecution's case being entirely circumstantial was required to form a complete chain, incompatible with the innocence of the accused, but the links in that chain were not established. As rightly observed by the High Court, the FIR was delayed without explanation, the last-seen witnesses surfaced belatedly without plausible justification, and the alleged recoveries were inconsequential in the absence of their mention in the FIR or independent corroboration and there was insufficient evidence to connect the recoveries to the accused.

6. In light of the above, the State has failed to discharge its burden of proof beyond reasonable doubt. We find ourselves in full agreement with the reasoning and conclusions drawn by the High Court. Consequently, this petition being devoid of merits is dismissed and leave to appeal is refused.

ISLAMABAD

21.08.2025

(Farrukh/Mahnoor Omer LC)