

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate jurisdiction)

**PRESENT:** Justice Muhammad Hashim Khan Kakar  
Justice Salahuddin Panhwar  
Justice Ishtiaq Ibrahim

**Criminal Appeals No. 174 to 176/2020 and**  
**Crl. Misc. A. No. 1701/2024**

(Against the judgment/order dated 30.09.2015  
passed by the Lahore High Court, Lahore  
in Crl. A. No. 2038/2012)

Muhammad Ramzan @ Jani	(in Crl. A. 174/2020)	
Sheikh Asim Azeem	(in Crl. A. 175/2020)	
Muhammad Aslam	(in Crl. A. 176/2020)	Appellant(s)

Versus

The State	(in all)	Respondent(s)
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For the Appellant(s)  
(in Crl. As. 174 & 176/20):  
(in Crl. A. 175/20):

Syeda B. H. Shah, ASC  
Mr. Basharatullah Khan, ASC

For the State:

Mr. Sajid Hussain Bhatti, DPG

For the Complainant:

Mr. Burhan Latif Khaisori, ASC

Date of hearing:

21.04.2025

**JUDGMENT**

**Muhammad Hashim Khan Kakar, J.** Through these appeals, with the leave of the Court, the appellants have challenged the judgement dated 30.09.2015, passed by the Lahore High Court, Lahore whereby their appeal against their convictions and sentences was dismissed.

2. Briefly, the facts of the case are that on 05.09.2010 Ahmed Farooq (PW-5), the complainant, published an advertisement in the Daily Jang for the sale of his Toyota Corolla bearing registration No. LEF-8382-08. On the following day, three individuals namely Sheikh Asim Azeem, Muhammad Aslam, and Muhammad Ramzan visited the complainant's residence in Canal View, Lahore, under the guise of being potential buyers. They requested a test drive, during which Farooq Zafar, father of

the complainant, accompanied them in the vehicle. One accused remained behind in a Suzuki Mehran. During the drive, Farooq Zafar was abducted. Later, the complainant received a ransom call from his father's phone demanding Rs. 3,000,000. On the intervening night of 14 and 15 September 2010, the complainant and a witness, Ali Haji (PW-6), delivered the ransom amount at Sakha Koi, Mardan, to Sheikh Asim Azeem and co-accused Maqsood Khan (P.O.), whereafter Farooq Zafar was released. The accused were arrested after raids conducted by a police team headed by Inspector Tariq Mehmood (PW-15), and several recoveries were made. Sheikh Asim Azeem was found in possession of a .30-bore pistol and six bullets; Rs. 51,000 in ransom money and identity documents were recovered from his person. Muhammad Ramzan alias Jani led to the recovery of Rs. 30,000 and later Rs. 20,000 of the ransom amounts. Test identification parades were conducted under the supervision of Special Judicial Magistrate, Khalid Sarpar, and the abductee duly identified the accused.

3. Learned counsel appearing on behalf of appellants contended that no description of unknown person was mentioned in the FIR which was lodged after one day of the occurrence and in that eventuality any subsequent identification during identification parade has no value. He further contended that the vehicle which was used for the abduction of the abductee allegedly belong to the complainant party was never produced before the Trial Court although the complainant claimed that the same was left abandoned by the culprits. As per learned counsel the place where allegedly the abductee was kept was not pointed out by the abductee himself and police in order to crop up an evidence claimed that it was Sheikh Asim Azeem and Muhammad Aslam, appellants, who jointly pointed out the said place and that even the said pointation is inadmissible as nothing was recovered from the said place and that the conviction of the appellants under section 7(e) of the Anti-Terrorism Act, 1997 ("the Act") is not sustainable as offence under section 365-A PPC although is triable by the Anti-Terrorism Court but conviction under the Act is not sustainable until prosecution proves that it has some nexus with terrorism and he placed reliance on the case of *Ghulam Hussain v State* (PLD 2020 SC 61). While concluding his arguments, he maintained



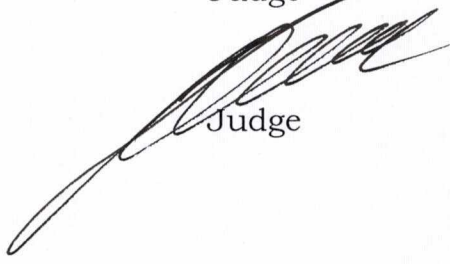
that the case of appellants attracted the provisions of section 365 PPC and, therefore, he shall be satisfied if their convictions are recorded by this Court for an offence under section 365 PPC as the prosecution has failed to establish the payment of ransom amount. On the contrary, learned State counsel feebly opposed the request of the appellants' counsel.

4. After hearing the learned counsel for the parties at length and perusal of record, we have straightaway observed that the prosecution has failed to establish the payment of ransom amount to the appellants. The facts and circumstances of the case also clearly demonstrate that the alleged abductee was not recovered from the captivity of the appellants and the joint pointation of place, where the abductee was kept, is also of no avail to the prosecution being not permissible under the law. Similarly, no description of the unknown persons was mentioned in the FIR, which was lodged after one day of the occurrence and in that eventuality any subsequent identification during identification parade also has no value in the eyes of law. There is also no evidence to show that the abduction was committed with the design or purpose mentioned in clauses (b) and (c) of subsection (1) of section 6 of the Act.

5. For the aforesaid reasons, this appeal is partly allowed and the convictions and sentences of the appellants under section 365-A PPC and section 7(e) of the Act are converted into section 365 PPC and they are sentenced to suffer 7-year imprisonment each and fine of Rs.50,000 each. Benefit of section 382-B is also extended in favour of the appellants.

  
Judge

  
Judge

  
Judge

Islamabad  
21.04.2025  
(Farrukh)