

**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.354/2018 and Crl. M.A. 1882 in Jail**

**Petition No.354/2018 and Crl. P. 507-L/2018**

Against the judgment of the 27.03.2018 of the Lahore High Court,  
Lahore passed Crl.A. 292/J/15, in M.R. 215/15,

Azmat @ Kali  
(in J.P.354/2018)

...Petitioner(s)

Walayat Bibi  
(in Crl.P.507-L/2018)

**VERSUS**

The State, etc.  
(in both cases)

...Respondent(s)

For the Petitioner(s):

Mr. Azmat Hussain Sidhu, ASC  
(in J.P.354/2018) (V.L. Lahore)

Complainant:  
Walayat Bibi (in-person)

For the State:

Mirza Abid Majeed, DPG, Punjab

Date of Hearing:

25.06.2025

**O R D E R**

**Athar Minallah, J.**- The petitioner, Azmat alias Kali in Jail Petition No. 354 of 2018 has sought leave against the judgment of the High Court and has challenged his conviction and sentence. While in Criminal Petition No. 507-L of 2018 the complainant of this case Walayat Bibi widow of Nazeer has also sought leave against the same judgment seeking enhancement of the sentences of Azmat @ Kali and Muhammad Anwar. She has also challenged the acquittal of Muhammad Asif. The petitioner, Azmat @ Kali was nominated along with seven other co-accused in crime report No.972/2011 registered at Police Station Bhikhi District Sheikhupura for commission of the alleged offences under Sections 302, 324, 148, 149 and 109, PPC. The trial court, upon conclusion of the trial, had acquitted five co-accused while the petitioner and two others were

convicted and sentenced. The petitioner, Azmat alias Kali was convicted under section 302(b)/34, PPC and sentenced to death for murder of the deceased, also convicted under section 324/34, PPC and sentenced to seven years R.I. for attempt of murderous assault upon Piran Ditta injured (PW.4) alongwith fine of Rs.45,000/- and in default whereof to further undergo 6-months S.. The petitioner was further convicted under section 452, PPC and sentenced to three years R.I with fine of Rs.45,000/- and in default thereof to further undergo 6-months S.I. with the direction to pay compensation of Rs.500,000/- under section 544-A, Cr.P.C to the legal heirs of the deceased and in default whereof to further undergo simple imprisonment for six months. The High Court acquitted the co-accused Muhammad Asif while maintaining the conviction of the petitioner, Azmat @ Kali modified his sentence from death to imprisonment for life and to this extent the appeal was partly allowed.

2. We have heard the learned counsel for the petitioner as well as the learned State counsel. We have also perused the available record with their able assistance.

3. The occurrence in this case had taken place at 07:30 a.m. on 28.10.2011. The prosecution in order to prove its case had produced three witnesses to depose the ocular account i.e. Walayat Bibi (PW.2), Allah Ditta (PW.3) and Piran Ditta (PW.4). The latter two witnesses had also sustained injuries during the occurrence. The testimonies of these three witnesses were consistent to the extent of the petitioner in all material particulars and we have found them to be a reliable, trustworthy and confidence-inspiring. The credible ocular account was supported by the medical evidence brought on record in this case by Dr. Afzaal Ahmad (C.W 4) and Dr. Zahoor Ahmad (C.W.5). The report of the Forensic Science Laboratory was not positive and, therefore, the High Court had declared the recovery as inconsequential. The motive in this case also was not proved by



the prosecution. On account of these mitigating factors the High Court was justified in modifying the quantum of sentence from death to imprisonment for life. The prosecution, in our opinion, had indeed proved the guilt of the petitioner beyond a reasonable doubt and, therefore, the concurrent findings by two learned counsel for the petitioner took us through the evidence but he could not point out any mis-reading or non-reading of evidence nor was able to persuade us that a question of law has arisen for our consideration.

4. In view of the above, no case is made out for grant of leave which is refused and, consequently, the Jail Petition No. 354 of 2018 is dismissed.

5. Criminal Petition No. 507-L of 2018: The petitioner who is the complainant of the case is seeking enhancement of the sentence of the respondent, Azmat @ Kali and the other co-accused Muhammad Anwar. She has also challenged the acquittal by the High Court in case of Muhammad Asif.

6. We have carefully perused the record and we are of the opinion that since no recovery was effected from Muhammad Asif and he was also declared as not having been involved in the commission of the offence during the investigation, therefore, extending the benefit of doubt, the High Court was justified in acquitting him from the charge. Likewise, the acquittal of Muhammad Anwar in case of charge framed against him under section 302(b), PPC also does not require any interference since the High Court after correctly appreciating the evidence brought on record by the prosecution had concluded that he was not guilty of causing the untoward death of the deceased victim. As already noted above, the recovery was declared as inconsequential by the High Court and since the motive could not be proved by the prosecution, therefore, these mitigating factors justify modification of the sentence from death to imprisonment for life.



We have not been able to persuade ourselves that a question of law has arisen for our consideration. Leave is, therefore, refused and, consequently, petition stands dismissed. The compromise application bearing Criminal Misc. Application No. 1882 of 2023 is also dismissed.

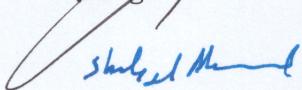
7. It is noted that this decision shall not prejudice any matter which may be pending before the High Court. In case the State or the complainant may have challenged the acquittal and the matter is pending before the High Court then it shall be decided independently and without being prejudiced ~~by~~ the decision in this case.



Judge



Judge



Judge

ISLAMABAD  
25.06.2025  
Naseer

"Not Approved for Reporting"