

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. 443 OF 2022

*(On appeal against the judgment dated
27.09.2022 of the Lahore High Court, Lahore
passed in Murder Reference No. 226/2018
and Cr. Appeal No. 214337/2018)*

Sana Ullah

... Petitioner

Versus

The State

... Respondent

For the Petitioner: Mr. Saeed Khurshid Ahmed, ASC

For the Complainant: Mr. Muhammad Jameel, in person

For the State: Mirza Abid Majeed, DPG

Date of Hearing: 04.07.2025

ORDER

ATHAR MINALLAH, J.- The petitioner has sought leave against the judgment of the Lahore High Court dated 27.09.2022. The petitioner was the sole nominated accused in Crime Report No. 290 dated 17.11.2014 registered at Police Station Karrianwala, Gujrat for the commission of the alleged offences under Sections 302/324/337-A(i) and 337-F(ii) PPC. The Trial Court upon conclusion of the trial, convicted the petitioner under Section 302(b) PPC and sentenced him to death on two counts. He was also directed to pay compensation amounting to Rs.300,000/- to the legal heirs of the deceased on each count or in default to further undergo simple imprisonment for three months under each count. He was also convicted under Section 324 PPC and was sentenced to 04 years rigorous imprisonment with fine of



Rs.50,000/- or in default thereof to further undergo six months simple imprisonment. Benefit of Section 382-B Cr.P.C. was also extended in favour of the petitioner. The appeal preferred by the appellant was dismissed by the High Court and the murder reference was answered in the affirmative.

2. We have heard learned counsel for the petitioner as well as learned Law Officer at great length. The complainant of this case has also appeared and he had stated that he did not intend to engage a counsel and, therefore, he would be satisfied with the arguments advanced by the learned Law Officer. The record has also been perused with the able assistance of the learned counsel.

3. The occurrence had taken place at 09:30 PM on 17.11.2014 and the crime scene was the house of the complainant Muhammad Jameel (PW-13). The petitioner was alleged to have caused the unnatural death of his mother-in-law and father-in-law namely Mst. Nazeer Begum and Muhammad Nazeer respectively. The petitioner was arrested from the crime scene immediately after the commission of the offence and the crime weapon, a knife, which was stained with blood was also recovered from his possession. The crime weapon was sent for analysis to the Forensic Science Laboratory and its report was positive. The Trial Court after observing the safeguards provided under Section 361 Cr.P.C. had concluded the trial because the petitioner was deaf and mute. The prosecution in order to prove its case produced Muhammad Jameel (PW-13), Mirza Taseer Baig (PW-12) and Muhammad Idrees (PW-14) to depose the ocular account. The account deposed by these witnesses was consistent on all material facts and we have found the testimonies to be reliable, trustworthy and confidence



inspiring. The ocular account was supported by the medical evidence brought on record by Dr. Muhammad Ansar (PW-7), Dr. Naseem Zameer (PW-8), Dr. Saad (PW-9) and Dr. Abdul Qadeer (PW-11). As already noted above, the crime weapon was recovered from the possession of the petitioner when he was apprehended at the crime scene immediately after the commission of the offence. The positive report of the Forensic Science Laboratory supports the prosecution case. In our opinion, the prosecution had indeed proved its case regarding the guilt of the petitioner beyond a reasonable doubt and, therefore, insofar as the convictions of the petitioner under Sections 302(b) and 324 PPC are concerned, the same do not require any interference and the same are upheld. So far as the quantum of punishment is concerned, learned counsel for the petitioner has argued that the prosecution had failed in proving its case regarding the motive set out in the crime report. We have perused the record carefully with the assistance of the learned counsel and are of the opinion that the argument raised by the learned counsel for the petitioner is not without force. The motive set out by the prosecution was that the father-in-law and the mother-in-law of the petitioner had restrained his wife Mst. Bilqees from returning to her house. However, the prosecution did not bring on record any evidence whatsoever to show that there was a dispute regarding return of the petitioner's wife. It does not appeal to a prudent mind that in the facts and circumstances of this case, he would have brutally murdered the two victims. Moreover, Mst. Bilqees, wife of the petitioner, was also not produced by the prosecution as witness to prove the factum of



motive. We are, therefore, of the view that the prosecution had failed in proving its case insofar as the motive was concerned.

4. In view of the above, while maintaining the conviction of the petitioner under Section 302(b) PPC on two counts, the sentence of death is converted into imprisonment for life on two counts. The amounts of compensation on two counts and the sentences required to be undergone in default thereof, as ordered by the Trial Court and upheld by the High Court, are maintained. The conviction and sentence under Section 324 PPC along with payment of fine and the sentence required to be undergone in default thereof, as ordered by the Trial Court and upheld by the High Court, are also maintained. All the sentences, except those required to be undergone in default of the payments of compensation and fine, shall run concurrently. Benefit of Section 382-B Cr.P.C. is also extended in favour of the petitioner.

5. For what has been discussed above, this petition is converted into an appeal and partly allowed and the impugned judgment is modified accordingly in terms noted above.

JUDGE

JUDGE

JUDGE

Islamabad, the
4th of July, 2025
Not Approved For Reporting
Khurram