

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. 952 OF 2017

(On appeal against the judgment dated 24.11.2015 of the Lahore High Court, Multan Bench passed in Cr. Jail Appeal No. 628/2010 and Murder Reference No. 121/2010)

Muhammad Sabir

... Petitioner

Versus

The State

... Respondent

For the Petitioner: Syed Ali Imran, ASC

For the Complainant: Nemo

For the State: Mr. Sajjad Hussain Bhatti, DPG

Date of Hearing: 09.04.2025

ORDER

ATHAR MINALLAH, J.- The petitioner has sought leave against the judgment of the Lahore High Court, Multan Bench dated 24.11.2015. The petitioner was nominated in Crime Report No. 605 dated 06.10.2009 registered at Police Station Luddan, District Vehari under Sections 302/34 PPC. The investigation led to the filing of report under Section 173 Cr.P.C. and pursuant thereto charge was framed. The petitioner did not plead guilty and, therefore, upon conclusion of the trial, he was convicted under Section 302(b) PPC and was sentenced to death.

He was also directed to pay compensation amounting to Rs.100,000/- to the legal heirs of the deceased or in default thereof to further undergo simple imprisonment for six months. In appeal,

the learned High Court while maintaining the conviction of the petitioner under Section 302(b) PPC altered the sentence of death into imprisonment for life. The amount of compensation and the sentence in default thereof was maintained. Benefit of Section 382-B Cr.P.C. was also extended in favour of the petitioner.

2. We have heard learned counsel for the petitioner as also learned Deputy Prosecutor General at length and have perused the record with their able assistance.

3. It was a daytime occurrence and specific role was attributed to the petitioner. He was the only accused who was attributed causing harm to the victim, which had led to her death. The ocular account in this case was deposed by Muhammad Fayyaz (PW-4) and Bashir Ahmed (PW-5). Their testimonies have been found to be reliable, confidence inspiring and trustworthy. They were also consistent regarding all material facts. The ocular account was supported by the medical evidence, which was brought on the record by Dr. Sobia Younis (PW-10). The petitioner also led to the recovery of weapon of crime. The report of Forensic Science Laboratory was positive. The High Court did not consider the motive to have been proved by the prosecution and, therefore, the sentence of death was altered to imprisonment for life. The impugned judgment of the High Court has been found by us to be unexceptionable. The learned counsel for the petitioner has not been able to point out any misreading or non-reading nor any question of law has arisen for our consideration. We have no reason to interfere with the well reasoned findings rendered by the High Court. The High Court had rightly modified the sentence because the prosecution had failed to prove the factum of motive.



Since, no question of law has arisen for our consideration, therefore, leave is refused and the petition is accordingly dismissed.

Islamabad, the
9th of April, 2025
Not Approved For Reporting
Khurram