

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

**PRESENT:**

MR. JUSTICE ATHAR MINALLAH  
MR. JUSTICE IRFAN SAADAT KHAN  
MR. JUSTICE MALIK SHAHZAD AHMAD KHAN

**CRIMINAL PETITION NO. 1638 OF 2021**

*(On appeal against the judgment dated 23.11.2021  
of the Peshawar High Court, Peshawar passed in  
Cr. Appeal No. 616-P/2020 and Murder Reference  
No. 05/2020)*

Kashif Ali s/o Zahid Bacha and Amjad Ali

... Petitioners

**Versus**

The State through AAG KPK and another

... Respondents

For the Petitioners: Mr. Astaghfirullah, ASC

For the Complainant: Nemo

For the State: Mr. Muhammad Inam Yousafzai, Addl. A.G.  
KPK

Date of Hearing: 25.04.2025

**ORDER**

**ATHAR MINALLAH, J.-** The petitioners have sought leave against the judgment of the Peshawar High Court, Peshawar dated 23.11.2021. The petitioners were nominated in Crime Report No. 153 dated 28.04.2014 registered at Police Station Risalpur, District Nowshera. They were charged along with another co-accused and tried for the offences under Sections 302/324/34 PPC and Section 15 of the KPK Arms Act, 2013. The investigation led to the filing of report under Section 173 Cr.P.C. and pursuant thereto charge was framed. The petitioners did not plead guilty and, therefore, upon conclusion

of the trial, they were convicted under Section 302(b) PPC and were sentenced to death on three counts each. They were also directed to pay compensation amounting to Rs.500,000/- each to the legal heirs of the deceased or in default thereof to further undergo simple imprisonment for six months each. They were also convicted under Section 324 PPC and each one of them was sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.50,000/- each. In default of payment of fine, each of the petitioner was ordered to further undergo simple imprisonment for six months. The fine when recovered was ordered to be paid to the complainant Bakhti Rawan as compensation within the terms of Section 544-A Cr.P.C. Petitioner Kashif Ali was also convicted under Section 15 of the KPK Arms Act, 2013 and was sentenced to undergo three months simple imprisonment and to pay a fine of Rs.15000/- or in default thereof to further undergo simple imprisonment for one month. In appeal, the learned High Court while maintaining the convictions of the petitioners under Section 302(b) PPC, altered the sentences of death into imprisonment for life on three counts. Their convictions and sentences under Section 324 PPC and Section 15 of the KPK Arms Act were maintained. Likewise, the amounts of compensation and fines and the sentences in default thereof, as ordered by the Trial Court, were maintained. Benefit of Section 382-B Cr.P.C. was also extended in favour of the petitioners.

2. We have heard learned counsel for the petitioners as also learned Law Officer at length and have perused the record with their able assistance.

3. The occurrence had taken place on 28.04.2014 at daytime and the same led to the murders of three victims. The crime scene was the house of the petitioners. Kashif Ali, one of the petitioners, was apprehended after the commission of the offence from the crime scene and the firearm weapon was also recovered from his possession. The report of the Forensic Science Laboratory was positive because the recovered spent bullet had matched with the firearm weapon. It is noted that one of the petitioners namely Amjad Ali remained fugitive from law and was arrested after almost two years from the date of the occurrence. The prosecution had produced Bakhti Rawan (PW-8) and he had deposed the ocular account. The deposition of the said witness was supported by the medical evidence, which was brought on the record by Dr. Iftikhar Ahmed who had entered the witness box as PW-13. The testimonies of the witnesses have been found to be trustworthy, reliable and confidence inspiring. The High Court had modified the sentences of death into imprisonment for life because in its opinion the motive was not proved and the commission of the offence did not appear to be premeditated. The prosecution had indeed proved the guilt of the petitioners beyond a reasonable doubt by bringing on record unimpeachable evidence. The discretion exercised by the High Court whereby the sentences of death awarded to the petitioners were altered to imprisonment for life do not require any interference. Learned counsel for the petitioners has not been able to show or to point out that the concurrent findings regarding the guilt of the petitioners, which had led to their convictions, suffer from any legal infirmity let alone any

misreading or non-reading of the evidence. We have not been able to persuade ourselves that a question of law has arisen for our consideration. Consequently, leave is refused and the petition is dismissed.

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Islamabad, the  
25<sup>th</sup> of April, 2025  
Not Approved For Reporting  
*Khurram*