

THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Bench:

Mr. Justice Athar Minallah
Mr. Justice Irfan Saadat Khan
Mr. Justice Malik Shahzad Ahmad Khan

Criminal Petition No.1665 of 2021

(Against judgment dated 13.10.2021 of
the Lahore High Court, Multan Bench
passed in Crl. Appeal No.853 of 2012)

Muhammad Hafeez

...Petitioner

Versus

The State through Prosecutor General,
Punjab and another

...Respondents

For the petitioner:

Malik Muhammad Latif Khokhar, ASC
Syed Rifaqat Hussain Shah, AOR

For the State:

Mirza Abid Majeed, Deputy Prosecutor General,
Punjab

For the complainant: Nemo.

Date of hearing: 23.05.2025

ORDER

Athar Minallah, J.- The petitioner Muhammad Hafeez has sought leave against the judgment of the High Court dated 13.10.2021. In this case, Parveen Mail alias Pari who was about 13/14 years old and working as a domestic-help in the house of Abdur Rehman (PW-01) went missing on 21.01.2008. Crime report No.41/2008 was registered at P.S. New Multan, District Multan for commission of the alleged offences under sections 365-B and 376 of the Pakistan Penal Code, 1860 ("PPC"). The missing child was recovered from the house of the petitioner on 14.02.2008. The investigation was concluded and it had led to filing of the report under section 173 of Code of Criminal Procedure, 1898 ("Cr. P.C."). The trial court upon conclusion of the trial had convicted the petitioner under section 376 PPC and he was sentenced to 10 years rigorous imprisonment along with fine of Rs.50,000/- to be paid to the victim and in case of non-payment of fine

to further undergo simple imprisonment for six months. The High Court dismissed the appeal of the petitioner *vide* the impugned judgment dated 13.10.2021.

2. We have heard the learned counsel for the petitioner and the learned Deputy Prosecutor General who has appeared on behalf of the State. The record has been perused with their able assistance.

3. In this case the victim Parveen Mai alias Pari was 13/14 years old and she went missing on 21.01.2008 from the house of Abdur Rehman (PW-01). She was working in the latter's house as domestic-help. The child-victim was recovered from the house of the petitioner on 14.02.2008. The medical evidence brought on record by Dr. Shagufta Khatoon (PW-05) supported the allegation of commission of the offence under section 376 of the PPC. The petitioner while recording his statement under section 342 of the Cr. P.C. had taken a specific plea to the effect that he had entered into a marriage contract with the child-victim, however, he preferred not to be examined under oath nor did he produce any witness in his defence. We have noted that the *nikahnama* placed on record by the petitioner could not be relied upon since its particulars were distinct and they were required to be proved in accordance with law. The prosecution had produced credible witnesses i.e. Abdur Rehman (PW-01), Anwar-ul-Haq (PW-02) and Shahid Rafique (PW-03). Moreover, the star-witness of this case, Parveen Mai alias Pari had entered the witness-box as PW-04 and her statement has been found by us to be confidence-inspiring, trustworthy and reliable. It is further supported by the medical evidence. The prosecution, indeed, had proved the offence under section 376 of the PPC against the petitioner beyond a reasonable doubt. The trial court had acquitted the petitioner from the charge framed against him under section 365-B of the PPC. The quantum of sentence handed down by the trial court and later upheld by the High Court has not been found to have been

determined otherwise than in exercise of discretion in accordance with law. Learned counsel for the petitioner has not been able to point out any legal infirmity nor misreading or non-reading of evidence so as to require interference with the concurrent findings of the two competent courts. Learned counsel has also not been able to persuade us that a question of law has arisen in this petition for our consideration. Leave is accordingly refused and this petition stands dismissed.

Judge

Judge
Shahzad Khan

Islamabad

23rd May, 2025
M. Azhar Malik/*