

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Manzoor Ahmad Malik  
Mr. Justice Sardar Tariq Masood  
Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Petition No.140-P of 2014**

*(Against the judgment dated 15.10.2014  
passed by the Peshawar High Court,  
Peshawar in Criminal Appeal No.207 of  
2011).*

***Nazeer Khan***

...Petitioner(s)

**VERSUS**

***The State and another***

...Respondent(s)

For the Petitioner(s) : Mr. M. Amjad Iqbal, ASC

For the State : Mr. Anis M. Shahzad, ASC

Date of Hearing : 10.06.2019

**JUDGMENT**

**Qazi Muhammad Amin Ahmed, J.-** In the wake of absconsion, commencing from January 1992, Nazeer Khan, petitioner, accused in a case of homicide, was finally tried by a learned Additional Sessions Judge at Kohat, in the year 2011; he stood convicted and sentenced *vide* judgment dated 15.3.2011, upheld by a learned Division Bench of the Peshawar High Court *vide* impugned judgment dated 15.10.2014.

On the fateful day i.e. 22.1.1992 at about 1.30 p.m., over a dispute of land, the petitioner shot Nisar Muhammad, whereas his brother, Jan Muhammad, targeted Ghaffar Gul, PW; the former succumbed to the injuries leaving behind his last declaration pointed upon petitioner's culpability; his brother though exonerated from being in the community of intention, nonetheless, was held guilty for murderous assault; he was convicted and sentenced without challenge. Upon

petitioner's arrest, the same prosecution evidence has been pressed into service to drive home the charge.

2.           Though wounded critically, the last declarant was found by the medical officer well within capacity to share details of the incident, a narrative found by us as straightforward and confidence inspiring besides being in harmony with ocular account and medical evidence. Petitioner's absence from law sans any justification. Given petitioner's advance age, he has already been dealt with leniently. Impugned judgment being well within the remit of law as well as facts applicable thereto does not call for interference. Petition is dismissed and leave to appeal refused.

JUDGE

JUDGE

JUDGE

Islamabad, the  
10<sup>th</sup> of June, 2019  
Ghulam Raza/\*