

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mushir Alam
Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.224 of 2017

*(against impugned judgment dated
11.1.2017 passed by the Lahore High Court
Rawalpindi Bench in Crl. Appeal No.63 of
2016).*

Rifat Hussain

...Petitioner(s)

VERSUS

The State

...Respondent(s)

For the Petitioner(s) : Mr. Muhammad Munir Paracha, ASC

For the State : Mr. Muhammad Jaffar D.P.G.
Punjab.

Date of Hearing : 12.09.2019.

ORDER

Qazi Muhammad Amin Ahmed, J.- Indicted for homicide, Riffat Hussain, petitioner herein, was returned a guilty verdict by the trial Court; convicted under Clause (b) of Section 302 of the Pakistan Penal Code, 1860 he was sentenced to imprisonment for life with a direction to pay compensation alongside benefit of section 382-B of the Code of Criminal Procedure 1898; his appeal met with no better fate.

2. Habib is deceased of the case; he was allegedly done to death on the fateful day at 6:30 p.m. with multiple shots, fired by the petitioner as well as Ghulam Abbas co-accused, since killed in a police encounter, in the backdrop of a motive relating to the murder of petitioner's brother at his hands, way back in the year 1997. Incident was reported at 3:00 a.m. after mid night whereas autopsy was conducted at 9:00 a.m. Delay in recourse to law as well as autopsy is pressed into service to argue that the witnesses were staged managed as the

incident went un-witnessed; to substantiate further, it is next argued that it was for this reason that the dead body was shifted from the alleged venue wherefrom no casing was recovered despite allegation of multiple fire shots as confirmed by the autopsy report, rendering recovery of weapon as inconsequential as considered by the learned High Court itself. Elimination of co-accused in a police '*encounter*' has been pointed out to suggest that all was not well with the prosecution; non-appearance of the Investigating Officer without any valid cause, according to the learned counsel, cause serious prejudice to the petitioner in his quest to vindicate his position, circumstances that escaped notice downstairs. It would be expedient to re-appraise prosecution evidence with a view to ensure safe administration of criminal justice, leave is granted.

JUDGE

JUDGE

Islamabad, the
12th of September, 2019
Azmat/*