

(Appellate Jurisdiction)

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

(Against the judgment dated 18.04.2017 of the Lahore High Court, Lahore passed in Crl. Appeal No.21 of 2015 and C.S.R. No.09-T of 2015)

...Petitioner(s)

Versus

...Respondent(s)

For the Petitioner(s): Mr. Salman Safdar, ASC a/w
Umar, Qamar, Sabahat and Mobina
(sons and daughters of the Maaf Ali)

For the State: Mirza Abid Majeed, DPG, Punjab

Respondent No.2: M. Nawaz, in-person.

Date of hearing: 22.09.2025

ORDER

Athar Minallah, J.- This case involves the shocking and gruesome murder of Mst.Naeema Bibi (**'deceased victim'**) who was approximately 28 years old. The appellant, Maaf Ali, was the husband of the deceased. He committed the heinous offence of taking the life of his wife inside the courtroom of the Family Court, Gujrat, in presence of Ms. Nasira Parveen, Family Judge, who was presiding over the proceedings at that time.

2. Through our short order of even date, the petition was converted into an appeal and was partly allowed to the extent of acquitting the appellant from the charge under section 7(a) of the Anti-Terrorism Act, 1997 ('**Act of 1997**'). The conviction of the appellant under section 302(b) of the Pakistan Penal Code, 1860 ('**PPC**'), the compensation awarded under section 544-A of the Code of Criminal Procedure, 1898 ('**Cr.P.C.**') and the default sentences in case of non-payment were maintained. By a

majority of two to one (Justice Malik Shahzad Ahmad Khan dissenting), the sentence of death confirmed by the High Court under section 302(b) of PPC was also upheld and the appeal was dismissed to that extent. By the same majority, it was held that the manner in which the offence was committed by the appellant was brutal and shocking, amounting to an act outrageous to the public conscience and, therefore, falling within the ambit of "*fasad-fil-arz*" as defined under section 299 (ee) of PPC. We now record our reasons in support of the short order of even date.

3. The complainant of this case, Muhammad Nawaz, Sub-Inspector (PW-8) was directed on 24.1.2014 to escort Mst.Naeema Bibi, deceased victim, from Dar-ul-Aman, Gujrat to the Family Court, Gujrat where her suit seeking dissolution of marriage was fixed for hearing. The direction was issued pursuant to the execution of "robkar" Ex.PB sent by the Judge, Family Court, Gujrat to the incharge of the concerned police station for securing the appearance of the deceased victim. The record reflects that the deceased victim had been admitted to Dar-ul-Aman, Gujrat on 18.12.2013. Muhammad Nawaz, Sub-Inspector (PW-8) along with Sania Noreen, Lady Constable (PW-10), Naeem Akhtar, Constable (PW-9), and other police officials had brought the deceased in an official vehicle from Dar-ul-Aman to the Family Court, Gujrat. The deceased victim was seated on the litigant's bench inside the courtroom, and awaiting her case to be called, when the appellant entered, and in the presence of the Presiding Officer, fatally shot his wife, Mst.Naeema Bibi multiple times. Upon receipt of information, Crime Report No.67 dated 24.01.2024 was registered at Police Station Civil Lines, Gujrat for the offences under sections 324 of the PPC and sections 13 and 20 of the West Pakistan Arms Ordinance, 1965 (**Ordinance of 1965**). Subsequently, upon the death of Mst. Naeema Bibi, section 302 of the PPC was added. After completion of the investigation, the report under

section 173 of Cr.P.C. was filed and the charge was framed on 24.2.2014. The prosecution examined its witnesses and brought on record evidence to prove the guilt of the appellant. The appellant neither opted to be examined on oath nor expressed any intention to produce witnesses in his defense. His statement under section 342 of Cr.P.C. was recorded, wherein he admitted to have committed the gruesome murder of his wife inside the courtroom.

4. The trial court, upon conclusion of the trial, convicted the appellant under section 302(b) of the PPC, section 7(a) of the Act of 1997 and section 13 of the Ordinance of 1965. He was sentenced under section 302(b) of the PPC to death and in addition ordered to pay Rs.100,000/- as compensation under section 544-A of the Cr.P.C. to the legal heirs of the deceased and in default to undergo simple imprisonment for six months. He was also sentenced to death under section 7(a) of the Act of 1997 and ordered to pay fine of Rs.100,000/- and serve simple imprisonment for six months in default. He was sentenced to five years rigorous imprisonment under section 13 of the Ordinance of 1965. A reference was sent by the trial court under section 374 of the Cr.P.C. for confirmation of the death sentences. The High Court vide impugned judgment dated 18.4.2017 answered the reference in the affirmative and thus confirmed the sentences of death. The convictions, compensation and sentences in default handed down by the trial court were upheld and the appeal of the appellant was dismissed.

5. We had heard the learned counsel for the appellant who had appeared along with the children of the deceased victim. We had also heard the learned Deputy Prosecutor General, Punjab. The record has been perused with their able assistance.

6. The deceased victim, aged about 28 years, was the lawfully wedded wife of the appellant. She was sent to Dar-ul-Aman on 18.12.2013 and

remained under the protection of the State. The deceased victim had instituted a suit before the court of Family Judge, Gujrat seeking dissolution of her marriage. The suit was fixed for hearing on 24.1.2014. The Family Court had issued a "robkar" directing the incharge of the police station to ensure her attendance in court. In execution thereof, Muhammad Nawaz, Sub-Inspector (PW-8) and other police officials escorted the deceased to the Family Court, Gujrat. Sania Noreen, Lady Constable (PW-10) was seated beside the deceased victim on the litigants' bench. The Judge, Family Court was presiding over the proceedings when the appellant entered the courtroom with a firearm weapon and shot his wife.

7. The crime report was registered promptly. The occurrence had taken place at 1 pm. and the crime report was registered at 1:15 pm. The deceased was under the protection of the officials of the State and she was sitting in the courtroom waiting for her case to be called. The Presiding Officer was also present in the courtroom. The testimony of Muhammad Nawaz, SI (PW-8) was supported by Naeem Akhtar, Constable (PW-9) and Mst. Sania Noreen, Lady Constable (PW-10). The latter was sitting besides the deceased when she was shot. The testimonies were consistent, reliable and confidence inspiring. The petitioner was arrested from the crime scene immediately after commission of the offence and the crime weapon was recovered from his possession. The recovered firearm weapon and the crime empties were sent to the Forensic Science Laboratory and its report Ex.PO was positive.

8. The medical evidence tendered in evidence by Dr.Nazish Munawar (PW-3) supported the trustworthy and confidence inspiring testimonies of witnesses who had deposed the ocular account. The post mortem report described firearm injuries attributed to the petitioner. The motive was also not in doubt because the crime scene and the suit fixed for

hearing had established what had motivated the petitioner to take the life of an innocent young girl who was under the protection of the State. The prosecution had proved the guilt of the petitioner beyond a reasonable doubt.

9. The learned counsel for the petitioner had rightly argued that the offences under the Act of 1997 were not attracted. It was a dispute between husband and wife, and the ingredients of the offences under the Act of 1997 were not met. Reliance is placed on Ghulam Hussain' case.¹ The appellant, therefore, through the short order of even date was acquitted from the charge framed under section 7(a) of the Act of 1997.

10. It is noteworthy, that the deceased was young and she was under the protection of the State officials and sitting inside a courtroom. The Presiding Officer, was also present. The appellant was so desperate, hardened and dangerous criminal that the place of occurrence did not deter from taking the life of an innocent and helpless young woman who was also his children's mother. The motive was the exercise of right by the deceased bestowed upon her by law and the Islamic Injunctions. In the peculiar facts and circumstances of the case, the manner in which the crime was committed could not have been more gruesome, brutal and shocking. It was definitely an act "outrageous to the public conscience". The definition of '*fasad-fil-arz*' under clause (ee) of section 299 of PPC is definitely attracted in this case.

11. The award of sentence of death by the trial court and confirmed by the High Court was justified, keeping in view, the manner in which the crime was committed, the place of occurrence and conduct of the petitioner. We are, therefore, not inclined to interfere with the sentence and it is maintained.

¹ Ghulam Hussain and others v. The State (PLD 2020 SC 61)

12. Before parting with this judgment, we feel constrained to record out concerns regarding impunity for violent crimes against women. During the last twelve months, this Bench has dealt exclusively with the appeals arising from convictions involving capital punishment or imprisonment for life. Alarming, a significant number of these cases concern victims who are helpless women-mothers, sisters and wives - brutally killed for motives that are often petty, questionable, or grounded in misplaced notions of honour. These cases expose a deeper malaise than mere individual brutality; they reveal a justice system that appears to serve the privileged and not the weak. It is a reality that investigation in most of the cases relating to the deprived or underprivileged classes are either compromised, poorly conducted, or deliberately rendered ineffective. Public attention, institutional response, and media coverage appear to be disproportionately influenced by the social status of the victims when the crime occurs within a privileged class, the investigation tends to be vigorous, and the issue receives extensive coverage in both electronic and print media. However, violence against women belonging to the underprivileged and marginalized segments of the society rarely evokes similar urgency or institutional response.

13. The cases adjudicated by this Bench over the past year reveal a grave absence of deterrence in crimes of violence against women, particularly those from disadvantageous backgrounds. A State where such impunity prevails - where women can be killed or brutalized without consequence and justice depends on privilege - has failed in its most fundamental duty to protect the life, dignity and equality of half of its population. This selective application of justice exposes the moral collapse of governance and the society. A State that protects only the powerful and abandons its most vulnerable has ceased to function as a republic governed under the Constitution. It becomes a dominion of the

few, for the few. When the blood of the powerless is ignored, and impunity is the privilege of status, the promises set out in the Constitution becomes a hollow myth. Such a State no longer upholds the rule of law- it enforces the rule of power. We expect that the legislature and the executive shall take effective measures so as to put an end to such impunity.

Judge

Judge

Judge

Islamabad, the

22nd September, 2025

'APPROVED FOR REPORTING'

(Aamir Sh.)