

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

**Criminal Appeal No. 03/2025**

**Rida Naheed**

*Vs*

**Samar Abbas, etc.**

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	04.02.2025	Mr. Aurangzeb Khan, Advocate for the appellant.

**MUHAMMAD AZAM KHAN, J.**

Through the instant Criminal Appeal the Petitioner, who is the Complainant of the case FIR No. 256/2020 registered under Sections 506(ii) and 34, Pakistan Penal Code, 1860 (“PPC”), has assailed the Order dated 25.11.2024 (“**Impugned Order**”) passed by the learned Senior Civil Judge-II/Judicial Magistrate whereby the accused/Respondents Nos. 1 to 4 have been acquitted in the above said case.

2. Brief facts as per the prosecution story is that, the accused/Respondents Nos. 1 to 4 extended threats of dire consequences to the Appellant/Complainant and threatened her to withdraw the criminal case which was registered by her against them. The Appellant/Complainant visited her plot situated in *Chatar* on 17.5.2020 at about 7:25 am where the accused/Respondents Nos. 1 to 4 along with 4-5 unidentified individuals were present duly armed with weapons. Upon noticing the complainant, they became violent and confronted her, stating that she had lodged an FIR against them, which they deemed unacceptable. The accused allegedly threatened her at gun point and

demanding that she has to withdraw the said FIR and in case of failure she would lose all rights to the plot. The Appellant/Complainant reportedly managed to escape from the scene with great difficulty and lodged the instant FIR against the accused/Respondents Nos. 1 to 4.

3. After submission of report under Section 173, Code of Criminal Procedure, 1898 (“Cr.P.C”), charge was framed and the prosecution produced 3 witnesses in support of their claim. The Appellant/Complainant Mst. Rida Naveed appeared as PW-1, Muhammad Ghuas as PW-2 and Irshad Ahmed, S.I as PW-3.

4. The Appellant/Complainant failed to produce any independent evidence in support of her version. In cross she admitted to have alienated the property before the date of alleged occurrence. If the Appellant/Complainant was not the owner of the disputed plot, then there is no explanation or justification on record as to why she would have visited the site. As per the version of the Appellant/Complainant in the FIR, the accused persons were armed with fire arms but no description of the weapons whether they were armed with pistols or short guns or rifles, was provided. Few of the accused persons were arrested by the police and remained in their custody but during that period no weapons were recovered from them.

5. In respect of offence under Section 506 (b), PPC the prosecution is required to prove the following ingredients: -

i. That the accused threaten the complainant with some injury:

- (a) To her person, reputation or property,  
or
- (b) To the person or reputation of any one  
in whom the complainant is  
interested.

ii. That the accused did so with intend to cause harm to that person or to cause that person to do any act which he has not legally bound to do or omit to do any act which he was legally entitled to do so means of avoiding the execution of such threat.

In case of sub-Section 2 in addition to above:

That the intended threat was to cause death or grievous hurt or to cause destruction of the property by fire or to cause an offence punishable by death or imprisonment for life etc.

6. The prosecution miserably failed to prove its case and conviction cannot be awarded on the sole statement of the complainant without corroboration and recording of independent witnesses, who could testify that the occurrence actually occurred.

7. The Supreme Court of Pakistan in its recent Judgment passed in the case of *Naveed Asghar* cited in **PLD 2021 SC 600** elaborated the principle of law. The relevant portion from the said Judgment is reproduced as under: -

*“The prosecution is under obligation to prove its case against the accused person at the standard of proof required in criminal cases, namely, beyond reasonable doubt standard, and cannot be said to have discharged this obligation by producing evidence that merely meets the preponderance of probability standard applied in civil cases. If the prosecution fails to discharge its said obligation and there remains a reasonable doubt, not any imaginary or artificial doubt, as to the guilt of the accused person, the benefit of that doubt is to be given to the accused person as of right, not as of concession. The rule of giving benefit of doubt to accused person is essentially a rule of caution and*

*prudence, and is deep rooted in our jurisprudence for safe administration of criminal justice. In common law, it is based on the maxim. "It is better that ten guilty persons be acquitted rather than one innocent person be convicted." While in Islamic Criminal law it is based on the high authority of sayings of the Holy Prophet of Islam (peace be upon him): "Avert punishments (hudood) when there are doubts"; and "Drive off the ordained crimes from the Muslims as far as you can. If there is any place of refuge for him [accused], let him have his way, because the leader's mistake in pardon is better than his mistake in punishment". A three -member Bench of this Court has quoted probably latter part of the last mentioned saying of the Holy Prophet (peace be upon him) in Ayub Masih v. State in the English translation thus: "Mistake of Qazi (Judge) in releasing a criminal is better than his mistake in punishing on innocent." (Emphasis supplied)*

8. In the given circumstances there is no supporting evidence with the version of the Appellant/Complainant in absence of which a conviction cannot be awarded. Hence, the instant Criminal Appeal is **dismissed in limine**.

(MUHAMMAD AZAM KHAN)  
JUDGE