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REGISTERED
No. CrI.P.1199/2017- SCJ
SUPREME COURT OF PAKISTAN
Islamabad, 29 Mar 2018

From The Registrar,
Supreme Court of Pakistan.
Islamabad.

To The Registrar,
Peshawar High Court.
Peshawar.

Subject: CRIMINAL PETITION NO. 1199 OF 2017

Rahat Shah
Versus
The State thr. A.G, KPK and another

On appeal from the Judgment/Order of the Peshawar High Court,
Peshawar dated 11/09/2017 in CrI.A. 582-P/2016 in M.R. 15-P/2016 in case
FIR No.481/2014 dated 28/08/2014 registered at Police Station Charsadda,
Charsadda

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment of
this Court dated 28/02/2018 dismissing the above cited case in the terms stated therein
for information and further necessary action.

Please acknowledge receipt of this letter along with its enclosure
immediately.

Encl: Order/Judgment:

Yours faithfully,


(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

Peshawar High Court Peshawar
Receipt No. SP 46
Date: 27/4/18
1- MIT ☐ 6- PSO ☐
2- Dir (HRC) ☐ 7- DBA ☐
3- Dir (ReG) ☐ 8- DIT ☐
4- Dir (HR.W) ☐ 9- AR(U) ☐
5- DPC ☐ 10- AR(U) ☐

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Asif Saeed Khan Khosa
Mr. Justice Sardar Tariq Masood

Criminal Petition No. 1199 of 2017

(Against the judgment dated 11.09.2017 passed by the Peshawar High Court, Peshawar in Criminal Appeal No. 582-P of 2016 and Murder Reference No. 15-P of 2016)

Rahat Shah

...Petitioner

versus

The State, etc.


...Respondents

For the petitioner:	Mr. Fazal Shah Mohammed, ASC
For the respondents:	N.R.
Date of hearing:	28.02.2018

ORDER

Asif Saeed Khan Khosa, J.: The case in hand is a case in which the father and a brother of Azeem Shah deceased and another had allegedly killed the deceased by firing at him. The motive set up by the prosecution was that there was a dispute between the parties over some landed property but no independent proof in support of the alleged motive had been adduced before the trial court. In the absence of an established motive there was no earthly reason why respondent No. 2 would join others in killing his own son. According to the FIR as well as the statement made by the solitary eyewitness namely Rahat Shah complainant (PW9) respondent No. 2 and two others had effectively fired at the deceased whereas the report received from the Forensic Science Laboratory established that all the five crime-empties secured from

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

the place of occurrence had been fired from one and the same .30 bore weapon. This meant that exaggeration to the extent of respondent No. 2 was quite possible. Rahat Shah complainant (PW9) was the solitary eyewitness and he had claimed that he had taken the deceased to the hospital in an injured condition whereas the doctor medically examining the injured deceased appearing before the trial court as PW5 had categorically stated that the deceased was brought to the hospital in an injured condition by Maaz Ullah, F.C. This was also indicative of the fact that the complainant was not with his injured brother when the said brother had been injured at the spot. According to the site-plan of the place of occurrence the deceased had been fired at from his front side whereas the medical evidence showed that five out of the eight firearm entry wounds received by the deceased were on his back which also suggested that the solitary eyewitness produced by the prosecution had in fact not seen the occurrence. For all these reasons the High Court had concluded that the prosecution had failed to prove its case against respondent No. 2 beyond reasonable doubt and we have not been able to take any legitimate exception to the said conclusion reached by the High Court. This petition is, therefore, dismissed and leave to appeal is refused.

Azif Saeed Khan Khosa Sd/-J
Sardar Tariq Masood Sd/-J

Certified to be True Copy

Islamabad
 28.02.2018

Not approved for reporting.



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Supreme Court Pakistan
Islamabad

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