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REGISTERED
No. CrI.P.407/2017- SCJ
SUPREME COURT OF PAKISTAN
Islamabad, 08 Feb 2018

From The Registrar,
Supreme Court of Pakistan.
Islamabad.

To The Registrar,
Peshawar High Court.
Peshawar.

Subject: CRIMINAL PETITION NO. 407 OF 2017

Abdul Ghaffar
Versus
Said Umar and another

Peshawar High Court Peshawar	
Receipt No.	3634
Date:	11/3/18
1. MIT	6. PSO
2. Dir (HRC)	7. DBA
3. Dir (ReG)	8. DIT
4. Dir (HR.W)	9. AR(J)
5. DPD	10. AR(G)

On appeal from the Judgment/Order of the Peshawar High Court, Peshawar dated 16/03/2017 in CrI.A. 12-P/2016 in case FIR No.944/2012 dated 08/10/2012 registered at Police Station Shaheed Gulfat Hussain, Peshawar

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment of this Court dated 23/01/2018 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

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Asif Saeed Khan Khosa
Mr. Justice Dost Muhammad Khan
Mr. Justice Sajjad Ali Shah

Criminal Petition No. 407 of 2017

(Against the judgment dated 16.03.2017 passed by the Peshawar High Court, Peshawar in Criminal Appeal No. 12-P of 2016 and Murder Reference No. 2 of 2016)

Abdul Ghaffar

...Petitioner

versus

Said Umar, etc.

...Respondents

For the petitioner:

Mr. Arshad Hussain Yousafzai, ASC
Syed Rifaqat Hussain Shah, AOR

For the respondents:

N.R.

Date of hearing:

23.01.2018

ORDER

Asif Saeed Khan Khosa, J.:

Criminal Miscellaneous Application No. 759 of 2017

This miscellaneous application is allowed in the terms prayed for therein. Disposed of.

Criminal Miscellaneous Application No. 806 of 2017

2. This miscellaneous application is allowed and the documents appended therewith are permitted to be brought on the record of the main petition. Disposed of.

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

1917-1918

1917-1918

Criminal Petition No. 407 of 2017

3. After hearing the learned counsel for the petitioner and going through the record of the case appended with this petition we have found ourselves in agreement with the High Court that the claimed presence of the eyewitnesses produced by the prosecution was highly doubtful. The petitioner/complainant was not an eyewitness of the occurrence and he had claimed to have been informed about the occurrence by his son namely Abdullah (PW6). Abdullah (PW6) had, however, failed to mention before the trial court that his father had been informed by him about the occurrence. No record of any telephonic conversation between PW6 and the petitioner/complainant had been brought on the record. PW6 did not report the matter to the police upon arrival of the police at the spot. The other eyewitness produced by the prosecution, i.e. Usman Ali (PW5) was not even mentioned in the FIR in any capacity whatsoever and he had made his first statement before the police under section 161, Cr.P.C. after eight days of the alleged occurrence. The said beleaguered ocular account furnished by the prosecution had failed to receive any independent corroboration and the pieces of evidence produced by the prosecution as corroboration had been discarded by the High Court after recording cogent reasons in that regard. In these circumstances no occasion has been found by us for interference with the impugned judgment of acquittal passed by the High Court. This petition is, therefore, dismissed and leave to appeal is refused.

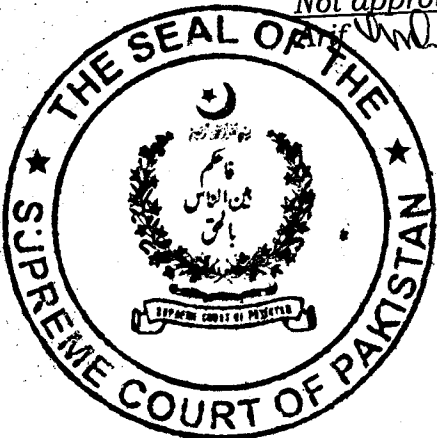
Asif Saeed Khan Khosa, Sd/-, J
 Dost Muhammad Khan, Sd/-, J
 Sajjad Ali Shah, Sd/-, J

Certified to be True Copy

Islamabad
 23.01.2018

Not approved for reporting.

[Signature]
 Court Associate
 Supreme Court of Pakistan
 Islamabad



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