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REGISTERED
No. CrI.P.1069/2017- SCJ
SUPREME COURT OF PAKISTAN
Islamabad, 19 Mar 2018

From The Registrar,
Supreme Court of Pakistan.
Islamabad.

To The Registrar,
Peshawar High Court.
Peshawar.

Subject: CRIMINAL PETITION NO. 1069 OF 2017

Asghar Jan
Versus
Basit & another

Peshawar High Court Peshawar	
Receipt No	SP 46
Date:	3/4/18
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 05/09/2017 in Cr.A.766-P/2016 & M.R.19-P/2016 in case FIR No.169/2014 dated 04/07/2014 registered at Police Station Purmoli, Swabi

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment of this Court dated 23/02/2018 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

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Asif Saeed Khan Khosa
Mr. Justice Dost Muhammad Khan
Mr. Justice Syed Mansoor Ali Shah

Criminal Petition No. 1069 of 2017

(Against the judgment dated 05.09.2017 passed by the Peshawar High Court, Peshawar in Criminal Appeal No. 766-P of 2016 and Murder Reference No. 19-P of 2016)

Asghar Jan

...Petitioner

versus

Basit, etc.

...Respondents

For the petitioner: Sardar Abdul Raziq, ASC


For the respondents: N.R.

Date of hearing: 23.02.2018

ORDER

Asif Saeed Khan Khosa, J.: According to the prosecution respondent No. 1 and three others (Proclaimed Offenders) had collectively fired at Zard Ali deceased and Asghar Jan complainant (PW8) and had injured them. The medical evidence showed that all the four injuries sustained by the deceased and the complainant were of the same size and dimension and, thus, it could well be a case of a single accused firing at and injuring the deceased and the complainant. Asghar Jan complainant (PW8) had a motive to falsely implicate respondent No. 1 and, thus, exaggeration by him to the extent of respondent No. 1 could not safely be ruled out of consideration. Liaqat Ali (PW9) was the other eyewitness produced by the prosecution but we note that there was a visible interpolation in the *Murasila qua* the said witness and, thus, it

ATTESTED


Court Associate
Suprem. Pakistan
Islamabad

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could well be that he had been falsely introduced in this case as an eyewitness. Apart from that Liaqat Ali (PW9) was a related and chance witness who had failed to establish the stated reason for his availability with the deceased through any independent evidence. Apparently respondent No. 1 had no connection with the alleged motive and during the investigation no weapon had been recovered from his custody. For all these reasons the High Court had concluded that the prosecution had failed to prove its case against respondent No. 1 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.

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

Certified to be True Copy

Court Associate

Supreme Court of Pakistan
 Islamabad

Islamabad

23.02.2018

Not approved for reporting.



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