

Ph: 9082235  
Fax: 9220406

REGISTERED  
No. Cr.L.P.1125/2017- SCJ  
SUPREME COURT OF PAKISTAN  
Islamabad, 20 Mar 2018

From The Registrar,  
Supreme Court of Pakistan.  
Islamabad.

To The Registrar,  
Peshawar High Court.  
Peshawar.

Subject: CRIMINAL PETITION NO. 1125 OF 2017

Zair Ullah  
Versus  
Shehriyar & another

Peshawar High Court	
Receipt No. _____	
Date: <u>21/4/18</u>	
1- MIT	6- PSO
2- Dir (HR)	7- DBA
3- Dir (Sec)	8- DIT
4- Dir (HR.W)	9- AR(U)
5- DPO	10- ARIG

On appeal from the Judgment/Order of the Peshawar High Court, Peshawar dated 26/09/2017 in Cr.A.677-P/2016 & M.R.17-P/2016 in case FIR No.146/2000 dated 12/03/2000 registered at Police Station Sheikh Maltoon Town, Mardan

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment of this Court dated 20/02/2018 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. 1125 of 2017**

(Against the judgment dated 26.09.2017 passed by the Peshawar High Court, Peshawar in Criminal Appeal No. 677-P of 2016 and Murder Reference No. 17-P of 2016)

***Zair Ullah***

*...Petitioner*

***versus***

***Shehiryar, etc.***

*...Respondents*

For the petitioner:

Sardar Muhammad Aslam, ASC  
Chaudhry Akhtar Ali, AOr

For the respondents:

N.R.


Date of hearing:

20.02.2018

**ORDER**

**Asif Saeed Khan Khosa, J.:** It is not disputed that Mst. Taj Mohallah, an injured eyewitness, had not been produced during the trial and in her earlier statement recorded under section 512, Cr.P.C. she had not implicated respondent No. 1 in the alleged murder or murderous assault. The eyewitnesses produced by the prosecution were residents of different places and no independent proof had been adduced before the trial court establishing the stated reasons for their availability with the deceased at the relevant time. The said eyewitnesses had claimed that their hands and clothes had been stained with blood due to handling of the deceased immediately after the occurrence but no proof was available in that regard on the record of the case. The eyewitnesses

**ATTESTED**

  
Court Associate  
Supreme Court of Pakistan  
Islamabad

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ATTENTION: Mr. [illegible]  
[illegible] to [illegible] [illegible]  
[illegible]

produced by the prosecution were equally relevant to the alleged motive but they had not been harmed by respondent No. 1 in any manner. An FIR in respect of the alleged occurrence had been registered after preliminary investigation denuding it of its worth. The medical evidence had contradicted the eyewitnesses in many ways. The alleged abscondance of respondent No. 1 had not been established in a proper and lawful manner. 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 in the circumstances of the case we have not been able to take a view of the matter different from that taken by the High Court. This petition is, therefore, dismissed and leave to appeal is refused.

*Arif Iqbal Chaudhary Sd/-, J*  
*Dost Muhammad Sd/-, J*  
*Syed Manzoor Ali Shah Sd/-, J*

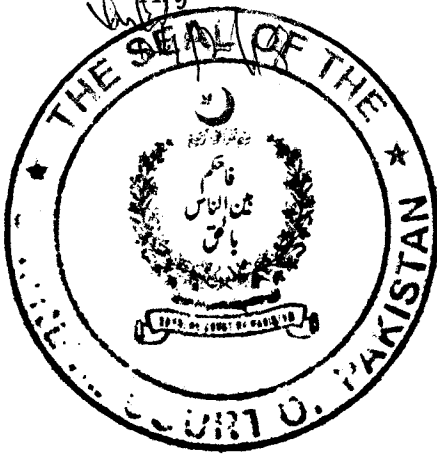
**Certified to be True Copy**



**Court Associate  
 Supreme Court of Pakistan  
 Islamabad**

Islamabad  
 20.02.2018

Not approved for reporting.



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