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REGISTERED

No. CrI.P.263/2018- SCJ

SUPREME COURT OF PAKISTAN

Islamabad, 19 May 2018

07-06-18

From The Registrar,
Supreme Court of Pakistan.
Islamabad.

To The Registrar,
Peshawar High Court.
Peshawar.

Subject: CRIMINAL PETITION NO. 263 OF 2018

Muhammad Ali
Versus
Hazrat Ali & others

Peshawar High Court Peshawar	
Receipt No	13/6/18
Date:	13/6/18
1- MIT	6- PSO
2- Dir (HRC)	7- DSA
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 24/01/2018 in Cr.A.280-M/2014. in case FIR No.2525/2006 dated 13/12/2006 registered at Police Station Mingora, Swat

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment of this Court dated 17/04/2018 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

100-44388-25

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Asif Saeed Khan Khosa
Mr. Justice Maqbool Baqar
Mr. Justice Mazhar Alam Khan Miankhel

Criminal Petition No. 263 of 2018

(Against the judgment dated 24.01.2018 passed by the Peshawar High Court, Peshawar in Criminal Appeal No. 280-M of 2014)

Muhammad Ali

...Petitioner

versus

Hazrat Ali, etc.

...Respondents


For the petitioner:	Mr. Asadullah Khan Chamkani, ASC
For the respondents:	N.R.
Date of hearing:	17.04.2018

ORDER

Asif Saeed Khan Khosa, J.: Respondent No. 1 had been convicted and sentenced by the trial court for offences under sections 324 and 337-F(ii), PPC but subsequently he was acquitted by the High Court. Hence, the present petition before this Court.

2. After hearing the learned counsel for the petitioner and going through the relevant record of the case appended with this petition we have observed that respondent No. 1 was not known to the complainant party previously and no test identification parade had been conducted in this case so as to positively incriminate him. No source of light at the spot had been mentioned in the FIR but subsequently the prosecution's case was improved upon and three electric bulbs had been secured from the place of occurrence.

ATTESTED

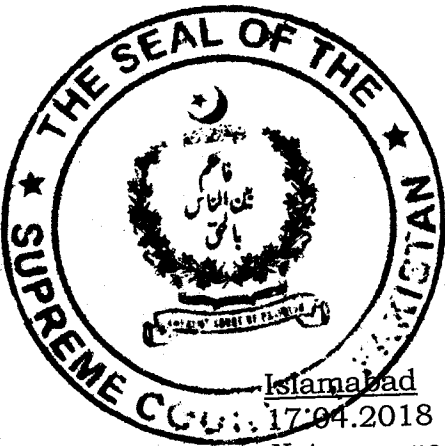

Court Associate
Supreme Court of Pakistan
Islamabad

ask

ATTESTED

WITNESSES
JAMES H. HARRIS
JAMES H. HARRIS
JAMES H. HARRIS

Jamshed and Rahat Ali co-accused of respondent No. 1 attributed firearm injuries to Humayun and Gohar Ali (PW3) had been acquitted by the trial court. One of the injured victims namely Humayun had not been produced during the trial. Javed Chowkidar, also attributed an effective role, had also been acquitted by the trial court. Admittedly there was no on-going motive and nothing had been recovered from the custody of respondent No. 1 during the investigation. In these circumstances the High Court had concluded that the case against respondent No. 1 was not distinguishable from that against some of the acquitted co-accused and, thus, he was entitled to the benefit of doubt. In the peculiar circumstances of the case we have not been able to take any legitimate exception to the approach adopted by the High Court *vis-à-vis* respondent No. 1. This petition is, therefore, dismissed and leave to appeal is refused.




Not approved for reporting.

Arif
25/4/18

Sd/-, J Arif Saeed Khan Khosa
Sd/-, J Magbool Bazar
Sd/-, J Marhan Alam Idan Mar Khan.

Certified to be True Copy


**Court Associate
Supreme Court of Pakistan
Islamabad**

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