

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

**Present:**

Mr. Justice Maqbool Baqar  
Mr. Justice Qazi Muhammad Amin Ahmed

**JAIL PETITION NO.333/2013 AND**  
**CRIMINAL PETITION NO.845-L/2013**

(Against the judgment dated 3.7.2013 of the Lahore High Court, Lahore passed in Criminal Appeal No.8-J/2009 and Murder Reference No.324/2008)

Aamir Hanif  
(In Jail Petition No.333/2013)

Mst. Shamim Akhtar  
(In Criminal Petition No.845-L/2013)

. . . Petitioner(s)

**Versus**

The State  
(In Jail Petition No.333/2013)

Aamir Hanif and another  
(In Criminal Petition No.845-L/2013)

. . . Respondent(s)

For the Petitioner(s)	Nemo. (In Jail Petition No.333/2013) Mr. A.G. Tariq Ch., ASC (In Criminal Petition No.845-L/2013)
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For the State	:	Mr. Muhammad Jaffar, Additional Prosecutor General Punjab
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Date of hearing	:	5.3.2020.
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**J U D G M E N T**

**Qazi Muhammad Amin Ahmed, J.-** Aamir Hanif, petitioner, along with his sister Samina Bibi, since acquitted, was indicted by a learned Additional Sessions Judge for committing *Qatl-i-Amd* of Mehboob Alam, no other than his brother-in-law and for murderous assault upon Hakeem Nazeer Ahmad (PW-8) on 22.2.2008 at 6:00 p.m. within the remit of Police Station Karana District Sargodha. The incident was reported on the spot by deceased's father Manzoor Ali (PW-7) at 5:30 p.m. It is alleged that the deceased was not getting along well with his wife and in this backdrop on the fateful day family elders gathered to settle the

differences; petitioner was also in the session and during the conversation after exhortation repeatedly targeted the deceased with a .30 caliber pistol; Hakeem Nazeer Ahmad PW tried to intervene but was shot instead. Casualties were attended; the deceased succumbed to the injuries at the spot while Hakeem Nazeer Ahmed (PW-8) was shifted to the hospital; he was medically examined at 5:30 p.m. followed by deceased's autopsy at 9:30 p.m. Deceased's wife Mst. Samina Bibi was arrayed as accused for abetment on the basis of supplementary statement dated 28.2.2008. Petitioner was arrested on 4.3.2008; pursuant to a disclosure on 8.3.2008 he led to the recovery of a .30 caliber pistol (P-1). Trial concluded on 13.11.2008 in petitioner's conviction under clause (b) of section 302 of the Pakistan Penal Code, 1860 as well as under section 324 of the Code *ibid*; he was sentenced to death and imprisonment on coordinate charge; Mst. Samina Bibi was acquitted *vide* the same judgment. The High Court maintained petitioner's conviction albeit with alteration of death penalty into imprisonment for life *vide* impugned judgment dated 03.07.2013, *vires* whereof are being challenged by the convict through a jail petition; the complainant seeks reversal of death penalty as well as Samina Bibi's acquittal; issues bound by a common thread are being decided through this single judgment.

2. Heard. Record perused.

3. The convict is unrepresented and for that we have gone through the entire record with caution and curiosity. Relationship *inter se* the deceased and the convict alongside his co-accused is admitted at all hands. Though no casing was secured from the spot, nonetheless, blood taken therefrom is forensically established that of human origin; that confirms the venue. Excluding the strained relations between the spouses, blessed with three siblings there was no motive left to bring the convict face to face with his brother-in-law. Autopsy report confirms three entry wounds, consistent with the weapon recovered on convict's disclosure. Events are recorded with a remarkable promptitude. Occurrence took place at 4:00 p.m; it is reported after one and half hour with medico legal examination of the injured soon thereafter; autopsy at 9:30 p.m. in a non tertiary

hospital cannot be viewed as delayed. Hakeem Nazeer Ahmed (PW-8), with a stamp of injury, in his early seventies, is an independent witness; he was requested to join reconciliation when he came out of a nearby mosque after prayer; he has no axe to grind and can be believed without demur. Witnesses are in a comfortable unison on all the relevant details of the incident; cross-examination on the complainant, though inordinately lengthy, merely sets up a case of substitution that merits outright rejection; deceased's murder by his brother Ilyas and his son Azhar, as suggested by the defence, is a story that may not find a buyer. Even the convict himself abandoned the plea in his examination under section 342 of the Code of Criminal Procedure 1898. Even a most stringent appraisal of prosecution evidence does not admit any space to entertain any hypothesis other than convict's guilt. View taken by the courts below being well within the remit of law does not call for interference. Quantum of sentence opted by the High Court has also been found by us as a conscionable wage. Petitions fail. Leave declined.

**Judge**

**Judge**

Lahore, the  
5<sup>th</sup> March, 2020  
Not approved for reporting  
Azmat/\*