

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT: Justice Muhammad Hashim Khan Kakar
Justice Salahuddin Panhwar
Justice Ishtiaq Ibrahim

Criminal Appeal No. 91/2024
(On appeal against the judgment/order dated 02.05.2019
passed by the Islamabad High Court, Islamabad
Crl. Appeal No. 118/2015)

Muhammad Kamran	Appellant(s)
Versus	
The State and another	Respondent(s)

For the Appellant(s):	Mr. Basharat Ullah Khan, ASC Syed Rifaqat Hussain Shah, AOR
For the Respondent(s):	Mr. Faisal Younas Abbasi, ASC
For the State:	Ms. Chand Bibi, DPG
Assisted by:	Ms. Mahnoor Omer, Law Clerk
Date of Hearing:	05.05.2025

JUDGMENT

Muhammad Hashim Khan Kakar, J. The appellant, Muhammad Kamran, had allegedly committed the murder of Mst. Maimoona Shaheen by means of firing inside the house of deceased as well as her father, namely, Naseer Akhter complainant, in the area of police station Nilor, District Islamabad at about 7:15 a.m. on 27.01.2011 in the backdrop of a motive according to which the appellant had asked for the hand of the deceased in marriage which offer was declined by the latter and this grudge had led to the commission of the offence. With the said allegations the appellant was booked in case FIR No. 7 registered at the above police station on the same day and after a regular trial the appellant was convicted by the Trial Court for an offence under section 302(b) PPC and was sentenced to death and to pay compensation, which conviction and sentence of the appellant were

subsequently upheld and confirmed by the High Court. Hence, the present appeal by leave of this Court.

2. The occurrence in this case had taken place in broad daylight and inside the house of complainant. An FIR in respect of the alleged occurrence had been lodged with reasonable promptitude wherein the present appellant was named with specific role of firing. Naseer Akhter (PW-9), Muhammad Noman (PW-10) and Mst. Jamila (PW-14) were natural witnesses of the occurrence being the inmates of the house wherein the occurrence had taken place and the time of occurrence was such that they were likely to be present in their house at that time. The appellant has a close relationship with the complainant i.e., he is the son of his maternal aunt. The complainant had absolutely no reason to falsely implicate the appellant in the murder of his daughter. The medical evidence had provided full support to the ocular account furnished by the aforementioned witnesses. Both the courts below had undertaken an exhaustive analysis of the evidence available on the record and had then concurred in their conclusion regarding guilt of the appellant having been established to the hilt and upon our independent evaluation of the evidence we have not been able to take a view of the matter different from that concurrently taken by the courts below.

3. So far as the quantum of sentence is concerned, we have straightaway observed that the evidence against the appellant is direct and convincing. The motive is established. The appellant, upon being refused for marriage by the deceased, resorted to violence culminating in her murder. The act of firing a single shot at the chest demonstrates clear intent to kill targeting a vital organ, which negates any argument for mitigation based on the nature of the act. No one has the right to force another into marriage and the autonomy and dignity of women are protected by law. The act of taking a life because of refusal to marry is an affront not only to the individual but to the principle of justice and the autonomy of women.

4. The defense's argument that a single shot constitutes a mitigating factor is untenable. Targeting the chest with a firearm is a deliberate act aimed at causing death, not an act done in the heat of passion or without

intent to kill. Furthermore, it is no mitigating circumstance to shoot a woman in the chest and then plead for leniency on the basis that only one shot was fired. A single fatal shot to the chest is sufficient to demonstrate lethal intent. The absence of a second shot does not dilute the severity of the crime. In this regard, reference can be made to the case of *Syed Hamid Mukhtar Shah v Muhammad Azam* (2005 SCMR 427) wherein it has been held as under:

“Needless to add that in the case where a fire-arm is aimed at the chest of the victim and causes fatal injuries on the said vital area then non repetition of the said act is hardly of any consequence in the matter of determining the quantum of punishment deserved by the assailant.”

5. Marriage is a sacred bond that must be contracted through mutual consent - not coercion. Yet, as seen in this case, it is shameful/horrible when a man, unable to win a woman's love, responds not with acceptance but with violence - taking of life when he is unable to gain her hand in marriage to avenge his ego. Such acts are not born in isolation; they are nurtured by a social mindset that devalues a woman's agency and treats her and her family's consent as optional. This Court cannot condone, excuse or soften crimes rooted in gender-based violence. These practices must not only be condemned but they must end. The law must affirm, unequivocally, that a woman's right to choose is not a provocation, but a protected inalienable right.

10. We agree with the prosecution's case and the arguments submitted by the complainant side as to there being no mitigating circumstances which call for a lighter sentence. Any leniency in cases of this nature set a dangerous precedent in which harmful patriarchal practices are propagated, such as when women are treated as property instead of citizens who have full rights to consent and decide who they want to marry. These rights are enshrined in the Constitution of the Islamic Republic of Pakistan, namely, Article 9, which guarantees that no person shall be deprived of life or liberty – in this case the appellant tried to interfere with her liberty to choose her own spouse, and when he was unsuccessful in obtaining her hand in marriage, he deprived her of her life.

11. For what has been discussed above, no occasion has been found by us to interfere with the impugned judgements passed by the courts below. Therefore, this appeal is dismissed.

Judge

Judge

Judge

ISLAMABAD
05.05.2025
(Farrukh/Mahnoor Omer LC)

Announced in open Court at Islamabad on 16.05.2025

Judge

Approved for Reporting