

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Sardar Tariq Masood
Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Qazi Muhammad Amin Ahmed

Jail Petition No.431 of 2019

*(Against judgment dated 11.03.2019 passed by the
High Court of Sindh, Circuit Court Hyderabad in Cr.
Petition No. S-188 of 2017)*

Bashir Ahmed Leghari

...Petitioner(s)

Versus

The State

...Respondent(s)

For the Petitioner(s): N.R.

For the State: Mr. Hussain Bux,
Additional Prosecutor General Sindh

Date of hearing: 25.2.2020.

JUDGMENT

Qazi Muhammad Amin Ahmed, J.- Bashir Ahmed Laghari, petitioner herein, alongside Muhammad Hussain and Waryam co-accused, since acquitted in a trial held earlier, had been arrayed in the Crime Report for murderous assault on Saleem Raza (PW-2) in the backdrop of a motive, arisen out of a brawl, settled in lieu of a compensation, partly paid to the injured. This happened in the view of the witnesses at 7:30 a.m. on 30-7-2008 within the precincts of Police Station Dadu. Multiple pellet injuries caused by a .12 caliber repeater wounded victim's both legs, one subsequently amputated.

Petitioner stayed away from law and it was during his absence that co-accused Muhammad Hussain and Waryam were acquitted on 31.1.2013; they were assigned no role qua the victim; the petitioner contested indictment in the year 2017; the trial culminated into his conviction on 10.8.2017 for murderous assault as well as *Itlaf-i-Udw*, he was sentenced to 10-years and 5-years rigorous imprisonment respectively, to run concurrently with pre-trial commutation, along with a direction to pay monetary compensation to the victim; his appeal in the High Court met with

no better fate vide judgment dated 11.3.2019, *vires* whereof are being assailed through the captioned Jail Petition.

2. Heard.

3. We have gone through the grounds taken by the convict in his petition and also the record with the assistance of the learned Law Officer to find that he absconded soon after the occurrence and remained away from law for a considerable span of time. In this backdrop, prosecution's failure to recover the weapon, statedly used in the occurrence, fades into insignificance; he is certainly not expected to keep the gun for such a long period of time with him as a souvenir of his crime; pellets sprayed by him grievously covered both the thighs and it was in consequence thereof that the victim lost one of his legs, a permanent reminder of the violence he endured during the assault. Clinical observations noted by the Medical Officer regarding the injuries, multiple in number, are consistent with the weapon held and used by the petitioner; duration whereof, recorded in the medico legal certificate coincides with the time of occurrence related in the crime report. The injured entered the witness box with aftermaths of violence as a writ large on his body and furnished graphic details of the occurrence with the support of other witnesses, each in comfortable unison with him. A directionless and inconsequential cross-examination hopelessly failed to create a space to admit any hypothesis other than petitioner's guilt. View concurrently taken by the Courts below has been found by us in accord with the principles of safe administration of criminal justice and thus, does not call for interference. Petition fails. Leave declined.

Judge

Judge

Judge

Islamabad, the
25th February, 2020
Not approved for reporting
Azmat/-