

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

PRESENT: Justice Musarrat Hilali  
Justice Muhammad Hashim Khan Kakar  
Justice Ishtiaq Ibrahim

**Criminal Appeal No. 78/2023**

(On appeal against the judgment dated 13.05.2019  
passed by the Islamabad High Court, Islamabad in  
J. A. No. 29/2011 and M. R. No. 11/2011)

Muhammad Miskeen

Appellant(s)

Versus

The State

Respondent(s)

For the Appellant(s):

Mr. Anis Muhammad Shahzad, ASC

For the Respondent(s):

Mr. Jan Muhammad Khan, ASC  
Syed Rifaqat Hussain Shah, AOR

For the State:

Mr. Ghulam Sarwar, APG

Date of Hearing:

10.04.2025

**JUDGMENT**

**Muhammad Hashim Khan Kakar, J.** The appellant, Muhammad Miskeen son of Sher Zaman, had allegedly murdered two persons, namely, Munir Mughal and Mst. Zahida Perveen, and had injured Muhammad Ramzan and Shahid Iqbal in an incident taking place at about 10:30 a.m. on 02.03.2007 in the area of police station Bhara Kahu, District Islamabad in the backdrop of a domestic dispute some time prior to the present occurrence. With the aforesaid allegation the appellant and their co-accused were booked in case FIR No. 27/2007 registered at the above-mentioned police station during the same morning and after a regular trial the appellant was convicted by the Trial Court on two counts of an offence under section 302(b) PPC and was sentenced to death on each count and to pay compensation besides having been convicted and sentenced for offence under section 324 PPC. The appellant challenged his convictions and sentences before the Islamabad High Court which by filing an appeal which was dismissed and all his convictions and sentences recorded by

the Trial Court were upheld and confirmed. Hence, the present appeal with the leave of the Court.

2. Leave to appeal was granted to reappraise the evidence and with the assistance of the learned counsel for the parties we have undertaken that exercise.

3. Mr. Anis Muhammad Shahzad, learned counsel for the appellant, argued that: prosecution could not prove its case beyond a reasonable doubt; he stressed that it was not a case warranting handing down the maximum sentence; in this regard he has argued that the prosecution could not prove motive against the appellant; and, the appellant had acted under the influence of his father and, therefore, in the facts and circumstances of the case death sentence was not warranted. On the contrary, the learned Assistant Prosecutor General argued that the prosecution had successfully shown the appellant's guilt to the hilt so the instant appeal warrants dismissal.

4. In the instant case, the date and location of the incident are acknowledged as facts. In the same vein, the appellant's attendance at the crime scene at the time of the incident is uncontested. It is also undisputed that the appellant's residence was in close proximity to the residences of the deceased and injured individuals. The present appellant was identified as the primary perpetrator and a specific role was assigned to him in the FIR that was promptly lodged in response to the incident that occurred in broad daylight. The prosecution had presented three eyewitnesses in the Trial Court, including Imran Munir (PW-5), Muhammad Ramzan (PW-6), and Arsalan Rasheed (PW-7), who were natural witnesses. These witnesses were inmates of the same street where the incident occurred and one of them was physically injured. There is no possibility of mistaken identification as the appellant and the witnesses are close relatives and inmates of the same street. The ocular account provided by the aforementioned eyewitnesses was adequately supported by the medical evidence and they had made consistent statements before the Trial Court. After conducting a thorough examination of the evidence on record, both the courts below reached a unanimous conclusion that the appellant's guilt had been fully established. Upon our own independent assessment



of the evidence, we have not been able to adopt a stance that differs from the concurrent stance of the courts below.

5. Perhaps for the aforesaid reasons emphasis of the learned counsel of the appellant was to persuade us to reduce the sentence from death to life imprisonment. The learned counsel's assertion that the appellant had acted under the influence of his father, as evidenced by Arsalan Rasheed (PW-7), is also unconvincing in light of the appellant's age. The principle of influence of elders is limited to offenders of impressionable ages who are living under the influence of elders. Therefore, an accused of mature age and comprehension cannot be considered to have acted on instigation. Under the guise of elders, including the father, no universal authority could be granted to adult and elderly individuals to commit brutal, gruesome, and wanton murder. In this regard, the judgments in the cases of *Muhammad Ilyas v Muhammad Sufian* (PLD 2001 SC 465) and *Sakhawat v State* (2001 SCMR 244) may be consulted. We have noted that the appellant launched an attack with a firearm and hatchet over a trivial matter, resulting in the deaths of two individuals and the merciless injury to innocent neighbors who were attempting to transport the injured individuals to a hospital in order to save their lives. We have observed the appellant as a person who is exhibited and does not elicit any sympathy from us regarding his death sentence. Consequently, this appeal being devoid of merits is dismissed and the appellant's convictions and sentences are maintained.

ISLAMABAD  
10.04.2025  
(Farrukh)

Approved for Reporting