

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mazhar Alam Khan Miankhel
Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition No.42-P of 2018

(Against the judgment dated 25.01.2018 passed by the Peshawar High Court Peshawar in Cr. A. No.446-P/2014)

Mst. Naseem

...Petitioner(s)

Versus

Farhad Khan and another

...Respondent(s)

For the Petitioner(s): Mr. Altaf Khan, AOR
 Mr. Muhammad Ajmal Khan, AOR

For the State: Ms. Abida Safdar,
 Addl. Advocate General, KPK

Date of hearing: 26.07.2021

ORDER

Qazi Muhammad Amin Ahmed, J.- Respondent was tried by the learned Sessions Judge Peshawar for committing *Qatl-i-Amd* of Haris Abdullah, 18/20, no other than his only son on 2.10.2012 within the precincts of Police Station Hayatabad; the incident was reported by his wife Mst. Naseem Khan who witnessed the occurrence alongside her two sisters; no motive was cited in the crime report, however, in his retracted confessional statement, he blamed the deceased for inaptitude in his academic pursuits. Upon indictment, he claimed trial that resulted into his conviction under clause (b) of section 302 of the Pakistan Penal Code, 1860 vide judgment dated 28.6.2014; he was sentenced to imprisonment for life, however, the High Court after converting his conviction into clause (c) of section ibid reduced the sentence to the period already undergone by him vide impugned judgment dated 25.1.2018, being assailed by the State.

2. Ms. Abida Safdar, learned Additional Advocate General, Khyber Pakhtunkhwa, contends that the shocking case of filicide is an open and shut episode, admitting no space to treat the respondent with any degree of leniency; after taking us through the ocular account furnished by Mst. Naseem Khan and Salma Khan, respondent's wife

and daughter respectively, the learned Law Officer read excerpts from respondent's confessional statement to demonstrate that he had acted most callously and in a manner deliberate and calculated and, thus, there was no occasion for the High Court to overstretch his culpability into the remit of clause (c) of the section *ibid*; she next argued that the deceased in his prime youth was '*Masoom-ud-Dam*' and his gruesome murder with five consecutive shots has inflicted indelible abiding trauma to his devastated sisters and mother and, thus, a proportionate sentence possibly presents them the only temporal solace; she next argued that the respondent contested the charge without remorse or regret and denied his culpability throughout and as such in the absence of any specific plea, High Court ran into grievous error to let him off with a brief period of incarceration which tantamount to denial of justice both to the deceased as well as the family. Contentions merit consideration; leave is granted to reappraise the entire evidence with a view to secure ends of justice. Send for the respondent throughailable warrants in the sum of Rs.200,000/-, returnable to the Assistant Registrar of this Court at Peshawar. Station House Officer shall execute the warrants within a fortnight.

Judge

Judge

Peshawar, the
26th July, 2021
Not approved for reporting
Azmat/-