

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

**PRESENT:**

Mr. Justice Umar Ata Bandial  
Mr. Justice Syed Mansoor Ali Shah  
Mr. Justice Qazi Muhammad Amin Ahmed

**Criminal Appeal No.416 of 2020**

*(Against the judgment dated 23.04.2015 of the Lahore High Court Bahawalpur Bench passed in Cr. Appeal No.125/2014)*

***Ghulam Abbas***

*...Appellant(s)*

**Versus**

***The State***

*...Respondent(s)*

For the Appellant(s): Mr. Fakhar Hayat, ASC

For the State: Mirza Abid Majeed,  
Deputy Prosecutor General Punjab

Date of hearing: 18.10.2021.

**JUDGMENT**

**Qazi Muhammad Amin Ahmed, J.-** Muhammad Ashraf (PW-2) was in the village mosque when on 3.8.2013 the appellant splashed acid on his body, as a result whereof, he sustained nine burn wounds on various part of his body; the latter was accompanied by a co-accused, seen by the complainant with muffled faces while leaving the mosque; he was later identified by the victim when he regained his senses. The co-accused was exonerated and the appellant alone contested indictment before the learned Judge Anti Terrorism Court Bahawalpur; the trial culminated into his conviction under section 336-B of the Pakistan Penal Code, 1860 read with section 7(c) of the Anti Terrorism Act, 1997 vide judgment dated 8.03.2014, upheld by a learned Division Bench of the Lahore High Court at Bahawalpur vide impugned judgment dated 23.04.2015, vires whereof, are being assailed through leave of the court dated 05.06.2020. It is argued that that as per prosecution's own case lodged by no other than victim's real brother two unknown assailants were seen leaving the mosque shortly after the occurrence and, thus, there was no occasion for the learned trial Court, in the absence of test identification parade, to return a guilty verdict, an error concurred by the High Court as well. In the absence of any motive,

there was no earthly reason for the appellant to take alleged drastic step, that too, within the sanctity of place of worship, concluded the learned counsel. The learned Law Officer has defended the impugned judgment.

2. Heard. Record perused.

3. We are not impressed by the argument that muffled description narrated in the First Information Report in the absence of a test identification parade was fatal to the prosecution case. The occurrence took place inside the mosque and the victim while in the witness-box unhesitatingly pointed his finger on the culpability of the appellant. Extensive burn injuries with instant impact certainly debilitated the victim with suspended faculties; it is but obvious that he was not in a position to communicate with the complainant; absence of appellant's name in itself amply demonstrates that no deliberations or consultations were resorted to before registration of the case. Multiple burn injuries, extensive in nature, involving different parts of body rule out the possibility of an accident or self infliction. Victim survived the assault and, thus, was able to disclose assailant's identity, a circumstance found by us as confidence inspiring and, thus, required no test identification parade, as he himself identified his tormentor. Motive is not a constituent of the crime and the complainant or victim could have trotted out thousand and one reasons but they preferred none. View concurrently taken by the learned trial Judge as well as the High Court on appellant's culpability for having targeted the victim with acid is not open to any legitimate exception except that his conviction under section 7(c) of the Anti Terrorism Act, 1997, set aside accordingly. Appeal partly allowed.

**Judge**

**Judge**

**Judge**

Islamabad, the  
18<sup>th</sup> October, 2021  
Azmat/-