

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Mushir Alam

Mr. Justice Yahya Afridi

Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Petition Nos.172 of 2020 & 140 of 2021

(Against the judgment dated 23.1.2020 passed by the High Court of Sindh, Sukkur Bench in CrI. Revision No.D-28/2013 – and against the judgment dated 01.02.2021 passed by the High Court of Sindh Sukkur Bench in CrI. Jail Appeal No.S-30/2013)

Abdul Sattar Mahar

(in both cases)

...Petitioner(s)

Versus

The State & another

(in both cases)

...Respondent(s)

For the Petitioner(s):

Mr. Aftab Alam Yasir, ASC
Syed Rifaqat Hussain Shah, AOR

For the State:

Mr. Hussain Bux Baloch,
Addl. Prosecutor General, Sindh

Date of hearing:

30.03.2021.

JUDGMENT

Qazi Muhammad Amin Ahmed, J.- Dodo son of Muhammad Azeem, indicted by a learned Additional Sessions Judge at Ubaro on the complaint of Abdul Sattar Mahar, no other than his nephew, for committing *Qatl-i-Amd* of his sister, 19; Rais Kouro (PW-1) survived the assault with a gunshot wound, statedly, on his chest, in the backdrop of a dispute over immovable property; convicted on both counts, he was sentenced to imprisonment for life and 10-years R.I. respectively with a direction to pay compensation as well as fine vide judgment dated 23.04.2013, assailed before the High Court of Sindh. The High Court despite noting “*sufficient discrepancies*” and while taking into account the period of incarceration underwent by the convict, proceeded to reduce the sentence to the period already undergone and disposed of the appeal vide impugned judgment dated 01.02.2021, vires whereof, are being assailed by the complainant through two separate petitions i.e. Cr.P. No.172 of 2021 and Cr. P. No.140 of 2021.

2. Learned counsel for the petitioner contends that notwithstanding certain observations apparently favouring the respondent, there was no occasion for the learned Judge-in-Chamber to reduce respondent's sentence to the period already undergone by him while maintaining his conviction under clause (b) of section 302 of the Pakistan Penal Code, 1860, that mandatorily provides penalty of death or life imprisonment. It is lastly argued that the prosecution had successfully driven home the charge on the strength of natural witnesses, i.e. inmates of the house of occurrence that included an injured as well in the face of motive clearly establishing a breach between the relations in the first degree.

Send for the respondent throughailable warrants in the sum of Rs.100,000/- with one surety in the like amount, returnable to the Deputy Registrar (Judicial) of this Court. District Police Officer Ghotki shall ensure execution of warrant within 30 days of receipt of this order.

Judge

Judge

Judge

Islamabad, the
30th March, 2021
Not approved for reporting
Azmat/-