

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Manzoor Ahmed Malik
Mr. Justice Sajjad Ali Shah
Mr. Justice Qazi Muhammad Amin Ahmed

Criminal Appeal No.20 of 2018

(Against judgment dated 19.01.2015
passed by Lahore High Court in
Criminal Appeal No.2264 of 2011 as
well as CSR No.46-T of 2011)

Muhammad Tariq Ramzan

...Appellant(s)

Versus

The State

...Respondent(s)

For the Appellant: Mr. Sagheer Ahmed Qadri, ASC

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

Date of hearing: 09.10.2019.

JUDGMENT

Qazi Muhammad Amin Ahmed, J. Muhammad Tariq

Ramzan, appellant tried alongside his real brothers Zahid Ramzan and Abid Ramzan, since acquitted, was returned a guilty verdict by the learned Special Judge Anti-Terrorism Court-I, Faisalabad, in the absence of Tahir *alias* Mana and Nazar Abbas, co-accused, since proceeded against as proclaimed offenders; alongside Tahir *alias* Mana, he is attributed fire shots to Muhammad Adeel deceased within the remit of Police Station Mansoorabad, District Faisalabad on 16.8.2011 at 2:30 p.m. It is prosecution's case that the accused used blasphemous and derogatory language against the holy personage and as the deceased admonished them, they harboured a grudge, finally settled on the fateful day. The accused were sent to face trial on both charges separately and it is admitted at all hands that they have been acquitted from the charges of

blasphemy. According to the prosecution, the appellant along with Tahir alias Mana targeted the deceased with multiple fire shots; autopsy report confirmed six entry wounds with corresponding exits. Arrested on 29.8.2011, the appellant pursuant to a disclosure, led to the recovery of .30 caliber pistol P-3, found wedged with two of the casings secured from the spot. Upon conclusion of investigation, indicted before the learned Special Judge, he alongside the co-accused claimed trial which culminated into his conviction with penalty of death on two counts *vide* judgment dated 15.12.2011; his appeal failed on all counts, however, with alteration of penalty of death into imprisonment for life *vide* impugned judgment dated 19.01.2015, *vires* whereof are being challenged by leave of the Court.

2. Acquittal of co-accused as well as failure of case of blasphemy besides the improbable presence of the witnesses at the relevant time have been pressed into service by Mr. Sagheer Ahmad Qadri, ASC to argue that it would be unsafe to maintain the judgment; contrarily defended by the learned Law Officer.

3. Heard. Record perused.

4. The prosecution case is primarily structured upon ocular account furnished by Muhammad Sarwar and Muhammad Iqbal, PWs; we are not impressed by the argument that they had no business at the crime scene, a small grocery outlet in the village; both of them from the same neighbourhood, i.e. Chak No.203/RB, Mananwala Faisalabad and as such in the absence of strong and positive evidence, to suggest the contrary, their presence cannot be viewed with suspicion. On an independent analysis of their statements, they are found in a comfortable unison on all the salient details of the occurrence as well as the issues collateral therewith nor there is even an oblique reference to any animus, propelling them to falsely implicate the appellant in a small locality within broad daylight. Though held inconsequential by the High Court, nonetheless, weapon recovered on appellant's disclosure is found consistent with the nature of injuries suffered by the deceased. Notwithstanding, prosecution's failure on the charges of blasphemy, the ocular account itself independently is

found by us sufficient to sustain the charge. The High Court has already exercised caution with regard to quantum of sentence to be exacted from the appellant. The evidence points inexorably upon appellant's culpability, leaving no space to entertain any hypothesis of his innocence, however, with failure of charges of blasphemy, the motive part of prosecution case plunges into darkness that casts away the charge under section 7(a) of the Anti Terrorism Act, 1997. Consequently, while maintaining appellant's conviction under clause (b) of Section 302 of the Pakistan Penal Code, 1860, he is acquitted from the charge under Section 7 of the Act *ibid*; amount of compensation and consequences in the event of default are kept intact with benefit of section 382-B of the Code of Criminal Procedure, 1898. Criminal appeal is partly allowed in the terms noted above.

Judge

Judge

Judge

Islamabad

9th October, 2019

Not Approved for reporting

Azmat/-