

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

**PRESENT:**

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

**Criminal Petition No.1001 of 2016**

*(Against the judgment dated 11.05.2016 passed by the Peshawar High Court Peshawar in J. Cr.A. 224-P/2013)*

***Asfandiyar***

*...Petitioner(s)*

**Versus**

***The State, etc.***

*...Respondent(s)*

For thePetitioner(s): Mr. Muhammad Ilyas Siddiqi, ASC

For the State: Mr. Anis M. Shahzad, ASC

Date of hearing: 01.02.2021.

**ORDER**

**Qazi Muhammad Amin Ahmed, J.**-Indicted for committing *Qatl-i-Amd* of Muhammad Ali Shah, 26, on 15.4.2010 within the precincts of Police Station Lahore, District Swabi, in the backdrop of a monetary dispute, the petitioner was returned a guilty verdict by a learned Addl. Sessions Judge vide judgment dated 30.04.2013; convicted under clause (b) of section 302 of the Pakistan Penal Code, 1860, he was sentenced to imprisonment for life. The High Court declined to interfere both with conviction as well as quantum of sentence, through consolidated judgment dated 11.5.2016. The convict seeks leave to appeal on the ground that there was no occasion for the High Court to maintain conviction resting upon flawed and discrepant evidence, furnished by a lone witness, related in first degree to the deceased and that prosecution's failure to establish alleged motive completely demolished its case; that casings secured from the spot did not tally with the weapon allegedly recovered from the petitioner; the bottom line is that it would be unsafe to place implicit reliance on the statement of solitary eye witness, clamouring corroboration so as to maintain conviction on a capital charge. The learned Law Officer has faithfully defended the judgment.

2. Heard. Record perused.

3. Ahmad Ali Shah (PW-4) furnished ocular account about the incident, a daylight affair within thick of the locality, reported promptly to

the police within one hour; formal FIR was recorded at 1:45 p.m. whereas autopsy followed at 2:30 p.m. The brief interregnum does not admit possibility of deliberations or consultations, particularly in the face of nomination of single accused. Durations between injuries and death as well as death and postmortem are synchronized with the time of occurrence mentioned in the crime report. Though droppage of Abbas Ali Shah, real brother of the deceased, as being unnecessary, sans any apparent explanation, nonetheless, this fact by itself, does not militate against the testimony of his father Ahmad Ali Shah (PW-4), found by us consistent, straightforward and confidence inspiring, subjected to a grueling cross-examination at inordinate lengths, he returned from the witness box unscathed. Parental concerns seem weighing with a father as an overriding consideration for recusing the surviving son from treading a path fraught with hazards and, thus, taking solely upon himself onerous responsibility of prosecuting the case. Law does not require a particular number of witnesses to prove a criminal charge and statement of a solitary witness with a ring of truth is more than sufficient to drive home the charge; corroboration is a rule of prudence and not law and cannot be invariably insisted in every case. Belatedly taken plea of substitution by the petitioner that the deceased was done to death by one Ashfaq is nothing but a far cry; it is inconceivable that a father would substitute the assassin of his son with an innocent without rhyme or reason. Longstanding absconsion with arrest as late as on 2.5.2012 is yet another predicament bracing the petitioner. On an overall analysis of the evidence, we have not been able to find space to admit any hypothesis other than petitioner's guilt; view concurrently taken by the Courts below, being unexceptionable, calls for no interference. Petition fails. Leave declined.

**Judge**

**Judge**

Islamabad, the  
1<sup>st</sup> February, 2021  
Not approved for reporting  
Azmat/-