

Judgment Sheet
IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Criminal Appeal No.67614 of 2021
(Sajjad Ali v. The State & another)
and
Criminal Revision No.44600 of 2023
(Robina Kausar v. The State & another)

JUDGMENT

Date of hearing: 19.09.2025

Appellant by: M/S Asghar Ali Gill & Muhammad Aftab Janjua, Advocate.
State by: Ch.Muhammad Ishaq, Additional Prosecutor General.
Complainant by: Sardar Zulfqar Umer Khan Thaheem, Advocate.

Abher Gul Khan, J. This judgment shall dispose of **Criminal Appeal No.67614 of 2021** filed by the appellant Sajjad Ali under Section 410 Cr.P.C. and **Criminal Revision No.44600 of 2023** filed by the complainant Robina Kausar in terms of Sections 435 & 439 Cr.P.C. seeking enhancement of sentence awarded to the appellant Sajjad Ali. In both these matters, the legality of the judgment dated 30.09.2021 is under challenge, whereby the learned Additional Sessions Judge/Judge MCTC, Lahore, upon conclusion of the trial in case FIR No.266/2017 dated 21.02.2017 registered under Section 302 PPC at Police Station Nawan Kot, Lahore convicted and sentenced the appellant, Sajjad Ali, as follows:-

Under Section 302(b) PPC to suffer imprisonment for life. He was also directed to pay compensation of Rs.3,00,000/- in terms of Section 544-A, Cr.P.C. to the legal heirs of the deceased, Faqir Hussain which was ordered to be recovered as arrears of land revenue and in default whereof to further undergo simple imprisonment for 06-months. Benefit of Section 382-B Cr.P.C., however, was extended to the appellant.

2. Succinctly stated the version of the prosecution's case as stated by the complainant, Mst. Robina Bibi (PW.1) in FIR (Exh.PH) is that she is residing at Babu Sabu Bund Road, Lahore

and her husband, Faqir Hussain, had returned from Dubai two years prior and started a business of rickshaws. He was owed Rs.600,000 by the accused, Sajjad Ali. On 21.02.2017, at about 5:00 p.m., a neighbourer, Mehar Khadim Hussain, passed away, and the husband of the complainant namely, Faqir Hussain deceased was busy with his funeral arrangements. At 7:00 p.m., Faqir Hussain deceased called the complainant Robina Bibi, informing her that accused Sajjad Ali had asked him to come to Bakar Mandi to collect his money. Faqir Hussain left for the location but did not return. Being worried, the complainant, along with her brothers-in-law, Munir Hussain (PW.2) and Shabbir Hussain (given up PW), went to Bakar Mandi, and found a crowd gathered outside Muhammad Shakeel's godown. Inside, they saw Faqir Hussain's blood-soaked dead body and accused Sajjad Ali standing nearby holding a *chhurri* (knife). When questioned, accused Sajjad confessed that he had killed the deceased Faqir Hussain for demanding his money back and threatened the complainant and witnesses with the same fate. As Munir Hussain (PW.2) tried to apprehend him, accused Sajjad injured himself with the *chhurri*, but with help from locals, he was subdued and taken to Jinnah Hospital. The motive behind the murder was the financial dispute over Rs.600,000/-.

3. On 21.02.2017, Muhammad Rafique ASI (PW.7), along with other police officials, arrived at the scene of the incident upon receiving information about the occurrence. At the spot, the complainant, Robina Bibi (PW.1), appeared before him and got recorded her statement (Exh.PA), which was then sent to the police station through Constable Muhammad Shahzad for the registration of a formal FIR. Upon receiving the complaint (Exh.PA), Shakeel Ahmad ASI (PW.8) formally registered the FIR (Exh.PH). Subsequently, the investigation was assigned to Muhammad Arshad Toor SI (PW.11), who on the same day (21.02.2017), visited the crime scene, prepared a rough site plan (Exh.PL), and

collected blood-stained earth using cotton, which was secured vide memo Exh.PB. He further prepared the injury statement (Exh.PM), inquest report (Exh.PN), application for issuance of a docket (Exh.PP), and the application for postmortem examination (Exh.PQ). Later, on 16.03.2017, the appellant Sajjad Ali was arrested. On 23.03.2017, he made a disclosure, leading to the recovery of a *chhuri* (P.1), which was seized and taken into possession through memo Exh.PC. After completing all necessary legal formalities, the investigating officer submitted the report under Section 173 Cr.P.C.

4. To prove its case against the appellant, the prosecution produced a total of 11 witnesses. Among them, Robina Bibi (PW.1), the complainant, and Munir Hussain (PW.2) appeared in the witness box and stated that when they arrived at the crime scene they found the dead body soaked in blood and the appellant was standing nearby the dead body along with blood stained *Chhurri*. Medical evidence was provided by Dr. Muhammad Akmal Kareem (PW.9) and Dr. Ghulam Ghazi (PW.10). The investigation was carried out by Muhammad Arshad Toor SI (PW.11). The remaining witnesses were primarily formal in nature and performed procedural roles to aid and support the investigation..

5. On 22.02.2017 Dr.Muhammad Akmal Kareem (PW.9) conducted the autopsy of Faqir Hussain (deceased) and noted the following injuries:-

- (1). An incised wound 15 cm x 3 cm on back of head on right side, 3 cm from right ear, 8 cm above nape of neck, 5 cm below occipital protuberance. It was extending into cranial cavity. On exploration, soft tissue of scalp was cut along with fracture of skull and atlas vertebra and damage to brain matter i.e. medulla oblongata and midbrain.
- (2). An abraded area measuring 32 cm x 18 cm, 3 cm present on the neck.

According to the doctor's opinion, injury No.1 was inflicted with a sharp-edged weapon, while injury No.2 resulted from a blunt force. The cause of death was determined to be brain damage and a skull

fracture caused by injury No.1, which led to coma and subsequently death. The doctor further stated that the injuries and death occurred almost immediately, and the postmortem examination was carried out within 17 to 24 hours of death.

Dr.Ghulam Ghazi (PW.1) conducted the medico legal examination of the appellant Sajjad Ali on 21.02.2017 and observed the following injuries:-

1. An incised wound sized 12 cm x 1 cm on left side of neck involving skin and subcutaneous tissues, 6 cm from left clavicle and 11 cm below left ear.
2. An incised wound sized 6 cm x 1 cm on front and left side of neck involving flesh just above the injury No.1 at its lateral edge.
3. An incised wound sized 4 cm x 1 cm on front and left side of neck 2 cm below injury No.2.

According to the doctor the injuries were caused by sharp means.

6. After the prosecution evidence was concluded, the appellant was examined under Section 342 of the Cr.P.C. In response to the question, "Why this case is against you and why the PWs have deposed against you?" he made the following reply:-

“All the witnesses are inter se related with one another and are inimical towards me. That is why, they deposed against the real facts just to make me in scapegoat of the occurrence. I received three injuries on my neck and I was smeared with blood at the place of occurrence and I received injuries at the hand of actual accused persons namely Munir Hussain and Shabbir Hussain and I was shifted by my witnesses to the hospital empty handed. Subsequently, the local police and the I.O of this case visited the place of occurrence and the alleged place of occurrence remained in possession of the local police for many days after the alleged occurrence and at the time of spot inspection, nothing was recovered by the police and subsequently when I was arrested by the police, the I.O of this case made a fictitious recovery proceedings and planted a Chhurri upon me from the said place of occurrence. It is also pertinent to mention here that nothing has been shown in the site plan earlier and the room from which the recovery has been planted, was not locked and was open for local police, I.O and for the witnesses and for the complainant when they visited for the purpose of preparing site plan of the alleged occurrence. I.O of this case did not investigate the matter regarding the injuries received by me and he did not even receive my medical (MLC) from the concerned authorities and never questioned the real accused persons. The complainant party has failed to prove the motive part of the case as they are living their life from hand to mouth and they cannot afford to lend money to any other person and this motive part has been introduced with mala fide intention just to connect me

with the alleged occurrence. The witnesses have made dishonest improvements in their statements just to bring in line with the prosecution case. I also filed a private complaint with the real facts of the case against the real accused persons. I am totally innocent in this case. In fact, I am the aggrieved/injured in this occurrence but the police after joining hands with the complainant party made me a scapegoat and also threatened my witnesses at the behest of the complainant party. I have nothing to do with the alleged occurrence. I may very kindly be acquitted from this false case. ”

The appellant opted not to get recorded a statement under Section 340(2) Cr.P.C., but produced certain documents in his defence. Upon conclusion of the trial, the appellant was convicted and sentenced as stated above, hence the instant criminal appeal and criminal revision.

7. Arguments heard. Record perused.

8. It is evident from the examination of the record that the instant case stems from an incident which occurred on 21.02.2017 at about 9:30 p.m. in a godown owned by Muhammad Shakeel, located at Bakar Mandi, about two kilometers from Police Station Nawan Kot, Lahore. Allegedly, during the incident the appellant, Sajjad Ali, inflicted injuries with a *chhuri* (knife) on the deceased, Faqir Hussain, resulting in his death at the scene. As per the contents of the FIR (Exh.PH), when Robina Bibi (PW.1), Munir Hussain (PW.2), and Shabbir Hussain (given up PW) entered the godown, they found the dead body of Faqir Hussain lying there, while the appellant Sajjad Ali was standing nearby holding a *chhuri*. When Munir Hussain (PW.2) attempted to apprehend him, the appellant inflicted injuries upon his own neck with the *chhuri*. Thereafter, Munir Hussain, with the help of other local residents, shifted him to Jinnah Hospital for medical treatment.

9. In light of the aforementioned facts, it has come to this Court's attention that the information regarding the incident was allegedly conveyed to the police at 10:05 p.m. on the night of occurrence by Robina Bibi (PW.1) through an oral statement/Fard Bian made to Muhammad Rafique, ASI (PW.7), upon his arrival at the crime scene. On the basis of this statement, the formal FIR

(Exh.PH) was registered at 10:30 p.m. This would ostensibly suggest that the matter was reported to the police within about 35-minutes of the occurrence, giving an impression of prompt reporting. However, upon a careful review of the entire record, this Court is compelled to form a different opinion. It is the prosecution's stance that Muhammad Rafique, ASI (PW.7), was the first police officer who arrived at the scene after the receipt of information regarding the incident. He recorded the complainant's statement and dispatched it to the police station for formal FIR registration through Constable Shehzad. Accordingly, in order to prove the timely registration of the FIR, it was necessary for the prosecution to produce Constable Shehzad as a witness. However, not only was he not listed as a prosecution witness, but he was also not summoned before the Court to verify the prosecution's version regarding the dispatch of the complaint (Exh.PA) to the police station. Additionally, the Investigating Officer, Muhammad Arshad Toor (PW.11), testified that he reached the crime scene at around 11:00/11:15 p.m. and prepared the inquest report (Exh.PN), in which the time of police receiving information is recorded as 9:30 p.m. on 21.02.2017. It further states that Muhammad Rafique, ASI (PW.7), reached the spot at 10:05 p.m., i.e., within 35 minutes of the incident. This discrepancy raises concerns, particularly due to the delayed arrival of the Investigating Officer at the scene, which suggests possible foul play, such as the withholding of the *roznamcha*/daily diary and the absence of private witnesses at the crime scene. Moreover, the postmortem examination on Faqir Hussain's body was conducted at about 3:30 p.m. on 22.02.2017, reflecting a delay of nearly 18-hours. This delay becomes even more significant considering that the medical officer (PW.9) received the relevant police documents at the same time 3:15 p.m. on the 22.02.2017. Despite thorough examination of the record with the assistance of learned counsel from both sides, no plausible explanation for this delay has been found. This unexplained delay

casts a significant shadow of doubt over the actual time of FIR registration and undermines the prosecution's claim of prompt reporting. The Supreme Court of Pakistan in the case of Muhammad Ilyas v. Muhammad Abid alias Billa (2017 SCMR 54) while dealing with the delayed postmortem observed as under:-

“Post-mortem examination of the dead body of Muhammad Shahbaz deceased had been conducted after nine hours of the incident which again was a factor pointing towards a possibility that the time had been consumed by the local police and complainant party in procuring and planting eye-witnesses and cooking up a story for the prosecution.”

10. Upon the Court's conclusion that the incident was not communicated to the police at the time asserted by the prosecution, a duty is cast upon the Court to scrutinize the prosecution's evidence with the utmost circumspection. In this analytical exercise, it emerges that the principal witnesses namely, Robina Bibi, Munir Hussain, and Shabbir Hussain share a close relationship with the deceased Faqir Hussain, being his spouse and real brothers, respectively. As per the prosecution narrative, these individuals, while purportedly in search of the deceased, entered the godown of one Shakeel and discovered his corpse, soaked in blood. From this sequence of events, it becomes manifest that the deceased had already succumbed to the fatal injuries allegedly inflicted by the appellant, Sajjad Ali, prior to the arrival of said witnesses. The prosecution contends that the witnesses became apprised of the occurrence through the appellant himself, who allegedly confessed at the scene to having slain the deceased owing to a monetary dispute involving a sum of Rs.600,000/-. From the narration of facts stated above, it becomes evident that the version presented by the prosecution does not appeal to a prudent judicial mind. As per the prosecution's own case, when the three eyewitnesses arrived at the scene of the incident, they found the deceased, Faqir Hussain, lying on the ground soaked in blood, while the appellant, Sajjad Ali, was allegedly standing nearby holding a *chhurri* (knife). It is further claimed that, upon being questioned by the witnesses, the

appellant voluntarily confessed that he had taught a lesson to the deceased for demanding Rs.600,000/-. Such conduct, as attributed to the appellant by the prosecution, appears highly improbable and unnatural. Ordinarily, an accused would flee away from the crime scene to avoid being apprehended or creating evidence against himself, rather than remain there and confess to bystanders. Moreover, the prosecution also claims that when Munir Hussain (PW.2) attempted to intervene, the appellant inflicted injuries on his own neck, after which he was taken to the hospital by the witnesses for medical treatment. However, Dr.Ghulam Ghazi (PW.1), who examined the appellant and issued his Medico-Legal Certificate, testified that the injured appellant was brought before him on 21.02.2017 at 10:28 p.m. by Constable Amjad Hussain (14027/C), and that the medical examination was conducted immediately thereafter. The brief history provided by the appellant mentioned that a fight occurred at about 7:00 p.m. on the same date. This sequence of events clearly indicates that the police was aware of the injuries sustained by the appellant. Nevertheless, the investigating officer failed to obtain the hospital's treatment record for the injured appellant. This lapse was candidly admitted by Muhammad Arshad Toor SI (PW.11) during his cross-examination in the following terms:-

“It is correct that it is mentioned in the FIR that the accused Sajjad had also received injury. It is correct that I did not get the record of hospital regarding the treatment of the injured Sajjad.”

However, the fact that the appellant was shown to have been arrested on 22.03.2017 casts serious doubt on the entire prosecution case. If the police officials were already aware of the injuries sustained by the appellant and had themselves shifted him to the hospital for medical treatment, then it is unclear why he was not taken into custody at that time. The delayed arrest, despite prior knowledge of involvement of the appellant and medical condition, raises significant questions regarding the credibility of the prosecution's version of events.

The absence of the complainant Robina Bibi (PW.1) and Munir Hussain (PW.2) at the spot can further be verified from the fact that according to inquest report (Exh.PN), Faqir Hussain (deceased) was identified by Saleem Haider (PW.3) and Ali Raza (given up PW). In this way, the narration of events deposed by both the said witnesses falls on the ground. The non-identifying the dead body by Robina Bibi (PW.1) and Munir Hussain (PW.2), leads this Court to the conclusion that had they been present at the place of occurrence, they would have definitely identified him and such aspect makes the case of the prosecution highly doubtful. Reliance is placed upon the case reported as Iftikhar Hussain alias Kharoo v. The State (2024 SCMR 1449) wherein the Supreme Court of Pakistan held as under:-

“This fact also finds corroboration from the fact that perusal of postmortem report and inquest report reveal that dead body was brought to hospital at 11:00 PM by the Police and was identified by the Yasir Abbas and Ali Raza (PW.14). Thus, eye-witnesses were also not the ones who had identified the dead body of the deceased at the time of the postmortem report. In absence of physical proof qua presence of the witnesses at the crime scene, the same cannot be relied upon.”

11. This Court has also noticed that the incident is alleged to have occurred inside the godown of one Muhammad Shakeel. The complainant, Robina Bibi (PW.1), admitted during cross-examination that the distance between the place of occurrence and her residence was approximately five minutes by motorbike, the relevant portion of which is as under:-

“The distance between my house and the place of occurrence is about 5 minutes.”

However, despite examining the entire record, this Court has found no reference to the mode of conveyance used by the complainant and the two other witnesses to reach the scene of the incident. Furthermore, the owner of the godown, Muhammad Shakeel, was neither presented before the Investigating Officer nor produced during the trial. Admittedly, the individuals who were present at the time of the incident, as well as those who arrived afterward, were not joined with the investigation. This was candidly acknowledged

by Munir Hussain (PW.2) during his cross-examination, as reflected in the following excerpt for ease of reference:-

“We did not produce the owner of godown namely Shakeel before the police in investigation. We did not tell the names of those persons who were present at godown at the time of occurrence. We also did not produce those persons before the police. We did not produce those persons to the police who came inside the godown at the time of occurrence.”

The failure to present such crucial witnesses compels this Court to conclude that, had they been examined at trial, their testimonies would likely not have supported the prosecution's case.

12. According to the prosecution's case, the deceased, Faqir Hussain, was owed Rs.600,000/- by the appellant, Sajjad Ali. Allegedly, on the day of the incident, Sajjad Ali made a phone call to Faqir Hussain at about 5:00 p.m., summoning him to Bakar Mandi, and Faqir Hussain went there to collect the money. This information was reportedly conveyed to the complainant, Robina Bibi (PW.1). However, this aspect does not support the prosecution's version, as the specific location where Faqir Hussain was allegedly called is not mentioned either in the FIR or in Robina Bibi's (PW.1's) statement before the court. Moreover, if such a telephonic call had actually been made by the appellant, it could have easily been substantiated through the call data record of both the deceased and the appellant, yet the prosecution failed to produce such record. It is also worth noting that none of the key witnesses could even provide the mobile number of the deceased, Faqir Hussain on which he received the call of the appellant Sajjad Ali. Regarding the alleged amount of Rs.600,000/-, which was also the motive of the occurrence, the FIR (Exh.PH) states that the deceased Faqir Hussain went to recover this sum from the appellant Sajjad Ali. However, during her cross-examination, the complainant (PW.1) admitted that:-

“I did not produce any witness before police who could testify the lending of money of Rs.6 Lacs by my husband to the accused.”

Importantly, the complainant party failed to present any evidence, such as a receipt or testimony from a witness, demonstrating that the amount had ever been given to the appellant. Munir Hussain (PW.2) also stated during cross-examination that ***“We did not produce any witness before the police in whose presence accused Sajjad borrowed Rs.6,00,000/- from the deceased Faqeer Hussain.”*** Therefore, the main allegation upon which the entire prosecution case hinges stands unsubstantiated and collapses.

13. In addition to the foregoing, it is evident that both Robina Bibi (PW.1) and Munir Hussain (PW.2), while testifying before the trial court, made material improvements in their statements. These changes are not only significant but appear to be deliberate, thereby casting serious doubt on their credibility as witnesses. During cross-examination, the complainant Robina Bibi (PW.1) stated that the deceased, Faqir Hussain, had received a telephone call from Sajjad, after which her husband left, saying he would return shortly. Robina Bibi (PW.1) also claimed that upon reaching the scene of the incident along with other prosecution witnesses, they found the deceased's body lying in the courtyard, soaked in blood, and that her brother-in-law (Dever) made calls to 15 and 1122. However, these assertions were directly contradicted when confronted with her (Exh.PA), where no such details were recorded. Similarly, Munir Hussain (PW.2), during cross-examination, stated that he had informed the police that the accused had inflicted an injury on his own neck with his own *Chhurri*. However, upon confrontation with his recorded police statement, it became clear that no such assertion had been made therein. These material contradictions in the testimonies of Robina Bibi (PW.1) and Munir Hussain (PW.2) significantly undermine their reliability and render their evidence unworthy of credence. Reliance is placed upon case reported as *Muhammad Nasir Butt and 2 others v. The State and others (2025 SCMR 662)* wherein it was held as under:-

“Complainant and other prosecution witnesses in their statements recorded at trial, made dishonest improvements for

assigning specific roles to each accused. Such improvements created serious doubt about veracity of their testimony and it was not safe to place reliance on such statements.”

14. This Court has also taken note of the fact that the appellant, Sajjad Ali was allegedly arrested on 16.03.2017 by Muhammad Arshad Toor, SI (PW.11). During interrogation on 23.03.2017, the appellant is said to have made a disclosure, leading to the recovery of a blood-stained *Chhurri* (P.1), which was taken into possession through recovery memo Exh.PC. However, it is noticed that as per prosecution’s own case, the appellant Sajjad Ali was shifted to hospital by the PWs in injured condition and the blood stained *Chhurri* was not with him. This fact was admitted by Munir Hussain (PW.2) with the following words:-

“It is correct that we ourselves shifted the accused Sajjad to the hospital. It is correct that in any of my statement before the police I did not mention what happened with the *Chhurri*. It is correct that said *Chhurri* was not with the accused when we shifted him to the hospital on 1122.”

It is further important to mention here that the place of occurrence was the godown, the key of which remained with Muhammad Arshad Toor SI (PW.11) for 4/5 days and this fact too was admitted by him during his cross-examination, relevant portion of which is mentioned hereunder:-

“It is correct that place of recovery is the godown of which key, I had kept in my possession for 4/5 days.”

Muhammad Arshad Toor SI (PW.11) during cross-examination also admitted that:-

“It is correct that the weapon of offence i.e. *Chhurri* was not sent to PFSA for examining the fingerprints thereon.”

Although the PFSA report (Exh.PS) confirms that the *Chhurri* (P.1) was stained with human blood, I am inclined to discard this report for sound and valid reasons. In this context, it is important to emphasize that, in order to lend credibility to the PFSA report (Exh.PS), the prosecution ought to have made efforts to establish blood group matching between the blood found on the *Chhurri* (P.1) and the blood-stained earth collected from the crime scene

because the appellant Sajjad Ali also caused injuries on his body by the same *Chhurri* blows as per prosecution's version and such matching would have demonstrated that both samples originated from the same source. This requirement aligns with the well-established principle of criminal law that mandates the prosecution to prove each element of its case beyond the shadow of a doubt. Furthermore, given the prosecution's failure to meet this standard, this Court is under no obligation to rely on the PFSA report. In support of opinion expressed above, reference is being made to the case reported as Muhammad Asif v. The State (2017 SCMR 486) wherein the Supreme Court of Pakistan observed as under:-

“18. Before parting with this judgment, we deem it essential to point out that, mere sending the crime weapons, blood stained to the chemical examiner and serologist would not serve the purpose of the prosecution nor it will provide any evidence to inter link different articles.

19. We have noticed that the Punjab Police invariably indulge in such a practice which is highly improper because unless the blood stained earth or cotton or blood stained clothes of the victim are not sent with the same for opinion of serologist to the effect that it was human blood on the crime weapons and was of the same group which was available on the clothes of the victim and the blood stained earth/cotton, such inconclusive opinion cannot be used as a piece of corroboratory evidence.”

15. The argument put forth by the learned counsel for the complainant that the injuries found on the appellant are indicative of his guilt and, by themselves, sufficient to uphold his conviction is, with respect, unconvincing. While it is true that, according to the MLC (Mark-A), the appellant was shown to be injured on the day of the incident, the certificate itself was not issued on the day of examination. Instead, it was prepared by Dr.Ghulam Ghazi (PW.10) on 15.06.2017, pursuant to a court order. This delay of nearly four months in producing the MLC raises serious concerns. Furthermore, the matter is compounded by the fact that Muhammad Arshad Toor, SI (PW.11), during his cross-examination, admitted to have knowledge of the appellant being shifted to hospital early in the morning, yet he failed to interrogate the medical staff who provided treatment to the injured appellant. The relevant excerpt

from the cross-examination of Muhammad Arshad Toor SI (PW.11) is reproduced below:-

“It is correct that it is mentioned in the FIR that the accused Sajjad had also received injury. It is correct that I did not get the record of hospital regarding the treatment of the injured Sajjad”.

Muhammad Arshad Toor SI (PW.11) during his cross-examination also admitted that:-

“It is correct that the accused was medically examined on 21.02.2017 at about 10:28 p.m. I can read and understand the MLC. It is correct that as per MLC, the accused Sajjad received three injuries on his neck. It is correct that I did not make any investigation regarding the injuries received by the accused Sajjad.”

In these circumstances, had the appellant's medical record been produced during the investigation and the matter properly examined in that regard, the true nature of the occurrence could have come to light, potentially altering the outcome of the investigation altogether. Even otherwise, it requires no elaborate legal discourse to conclude that, since the prosecution has failed to establish its case against the appellant beyond even the slightest doubt, there is no need to delve into the defence version presented by the accused. It is sufficient to observe that, when assessing evidence in cases where the accused advances a specific defence plea, the trial court must evaluate the prosecution's case and the defence version separately. The primary task is to assess the prosecution's evidence, and if any doubt arises therein, the benefit of such doubt must be extended to the accused without the necessity of scrutinizing the defence case. Reliance is placed upon the case reported as Azhar Iqbal v. The State (2013 SCMR 383) wherein the Supreme Court of Pakistan observed as under:-

“After hearing the learned counsel for the appellant and the learned Additional Prosecutor-General, Punjab appearing for the State and having gone through the record of the case with their assistance it has straightway been observed by us that both the learned courts below had rejected the version of the prosecution in its entirety and had then proceeded to convict and sentence the appellant on the sole basis of his statement recorded under section 342, Cr.P.C. wherein he had advanced a plea of grave and sudden provocation. It had not been appreciated by the learned courts below that the law is quite settled by

now that if the prosecution fails to prove its case against an accused person then the accused person is to be acquitted even if he had taken a plea and had thereby admitted killing the deceased”.

16. In view of the foregoing discussion, it is evident that the prosecution has failed to discharge its burden of proving the case against the appellant beyond even a scintilla of doubt. As per the well-established principles governing the evaluation of evidence, the benefit of every reasonable doubt must be extended to the accused, which is most appropriately reflected through a judgment of acquittal. Accordingly, **Criminal Appeal No.67614 of 2021** is allowed, and by granting the benefit of doubt to the appellant, Sajjad Ali, his conviction and sentence are hereby set aside. He is consequently acquitted of the charge. The appellant is in jail and he shall be released forthwith if not required to be detained in connection with any other case.

17. For the foregoing reasons, **Criminal Revision No.44600 of 2023** being devoid any force is dismissed.

(ABHER GUL KHAN)
JUDGE

Approved for reporting.

JUDGE

The judgment was announced
on 19.09.2025, dictated,
prepared, and signed
on 23.09.2025
Najum*