



IN THE COURT OF MUHAMMAD AMIR MUNIR
ADDITIONAL SESSIONS JUDGE,
DEPALPUR

The State Vs Muhammad Nadeem

(Sessions case No.1634/2024)

(Sessions Trial No.) 23/2025

Case File No.198/2025
Case FIR No. 1634/2024
Offences u/s 302/363/376(3) PPC.
Police Station: Saddar Depalpur
CMS No.113144425
Date of decision. 11.03.2026.

Present: Accused Muhammad Nadeemis under judicial custody.
Mr. Attique Khan Randhu Advocate, learned counsel
for the accused.
Complainant in person.
Ch. Mohsin Shah Nawaz Kabir Advocate, learned
counsel for the complainant.
Rai Amir Raza, learned ADPP for the State.

JUDGMENT

11.03.2026

Brief facts of the case as narrated by the complainant in FIR are that on 07.10.2024 at about 01:00 PM, the minor daughter of the complainant Iram Bibi went at tube well which is situated near her house, for washing the clothes and her minor daughter(SR) ¹, aged 11/12-years and also intellectually challenged, went behind her elder sister. Allegedly, neither said minor daughter(now deceased/victim) reached to said elder sister nor back to home. On this, the complainant and her family alerted. Alongwith the witnesses Ashiq Ali and Muhammad Imtiaz, efforts were made to search said minor daughter of the complainant from the locality but she could not be traced. The complainant has shown her strong suspicion that unknown accused persons have allegedly abducted said minor daughter of the complainant and thus police to take necessary action for her recovery.

2. On application of the complainant bearing E-tag No.SD-07/10/2024-3072, the above mentioned FIR was lodged on 08.10.2024 at 12:10 AM (past midnight) under sections 363 PPC.


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¹ The name of the victim/deceased is withheld to maintain the dignity of said child victim.

3. The investigation started. The police visited the place of occurrence. Afterwards, on a call by the complainant that someone has murdered the said victim child and her dead body is found present in maize crop. Thereafter, offence u/s 302/376(iii)/364 PPC were added. The dead body was shifted to THQ hospital, Okara for postmortem. Through a supplementary statement, the complainant nominated the accused Muhammad Nadeem who was then arrested on 21.10.2024. DNA testing was initiated but initially a polygraph test was conducted. Thereafter, the accused was sent behind the bars to face the trial.

4. Thereafter, the incomplete challan was accordingly submitted in the court of learned Area Magistrate. A reference was made on 25.03.2025 to the learned DSJ, Okara this being a Sessions Trial. Vide orders dated 14.04.2025, the challan was entrusted to this Special Court by the Worthy District & Sessions Judge, Okara for trial. The accused was distributed all the relevant documents u/s 265-C of CrPCon 15.04.2025. He was charge-sheeted on 30.04.2025.

5. Now, for better understanding of the charge against the accused (Muhammad Nadeem) same is reproduced as under:

“Firstly that you above named accused on 07.10.2024 at about 01:00 PM, have allegedly kidnapped minor daughter of complainant (SR)² aged about 11/12-years, (who was intellectually challenged) within the territorial jurisdiction of P.S Saddar Depalpur with intention to commit her rape and murder and hence you have committed an offence punishable u/s 364-A PPC which is within the cognizance of this court.

Secondly, that you the above named accused at the above date and time took said minor/victim to the nearby fields of one Allah Nawaz son of Jamal Deen at Parveenabad and thereafter, committed rape with her and hence you have committed an offence punishable u/s 376 (iii) of PPC which is within the cognizance of this court

Thirdly, That you the above named accused at the above time and place, have committed Qatl-i-Amd of said minor daughter of complainant by suffocating etc hence you have committed an offence punishable u/s 302 of PPC, which is within the cognizance of this court. ”


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²Name of the victim is withheld in this judgment to ensure her privacy and dignity.

6. It would be pertinent to mention that before any evidence is recorded, an application u/s 540 Cr.P.C read with Section 15 of the Punjab Forensic Science Agency was moved by the prosecution for conducting the DNA test of the accused. This application was contested by the defence but vide order dated 16.06.2025, same was allowed by this Special Court. Thereafter, the accused was sent for his DNA sampling to see if they matched with the already available samples of the child victim/deceased. The PFSA, after doing the necessary matching, submitted its report which was also brought on record by the prosecution through supplementary challanas well for trial purposes.

7. To establish the above charges, the prosecution produced the following evidence:

PW-1: Abdul Munaf ASI/D.O (He lodged the FIR No.1634/2024 P.S Saddar Depalpur).

PW-2: Ghulam Fatima (she is complainant).

PW-3: Imtiaz Hussain (he is the eye witness).

PW-4: Ashiq Ali (he is also the eye witness).

PW-5: Iftikhar Ahmad (he is the witness of last scene).

PW-6: Nasir Khan (he is the witness of last seen).

PW-7: Zulfiqar (he is the father of victim and witness to the last seen witnesses).

PW-8: Hameed Nazami Draftsman (he prepared scaled site plan).

PW-9: Dr. Humaira Liaqat WMO presently posted at THQ Hospital, Depalpur (She conducted exhumation proceedings).

PW-10: Naseem Akhtar 1359/LC, (During post-mortem she was present there and one box, one bottle, one phile and one white envelope were handed over to her and she same handed over to Daniyal Liaqat SI).

PW-11: Muhammad Iqbal 1123/HC, (he was the moharrar at that time of P.S Saddar Depalpur. One box, one phile and one white envelope, three sealed Khaki/envelopes of crime sponce Unit and last worn clothes were handed over to him by Daniyal Liaqat SI for keeping the same into safe custody which the same were kept in safe custody at Malkhana P.S Saddar Depalpur).

PW-12: Daniyal Liaqat SI (he is the I.O of this case).

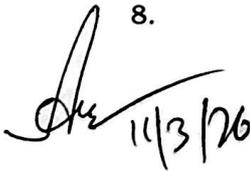
8.

Documentary evidence of the prosecution is as under:

Ex.PA: Computerized of FIR No.1634/2024.

Ex.PA/1: Moharrari note on Ex.PA.

Ex.PB: Application for registration of FIR.



Ex.PC:Recovery memo of one box, one phile and one white envelope.
Ex.PD:Scaled map of the place of occurrence.
Ex.PDD:Recovery memo of last worn clothes of deceased.
Ex.PE:Statement of Ghulam Fatima u/s 161 Cr.P.C.
Ex.PF: Map of injuries.
Ex.PG: Application for postmortem of the deceased/child victim.
Ex.PH:Marg report.
Ex.PJ:Map without scales of place of rectory of dead body of deceased.
Ex.PK: Recovery memo of three envelopes containing samples obtained from the victim by Crime Scene Unit Team.
Ex.PL:(including Ex.PL/1-6)PMR No.54/2024 of victim/deceased issued by THQ hospital, Depalpur.
Ex.PM:Application for medico legal examination of deceased with respect to allegation of rape.
Ex.PN:Final opinion of WMO/PW-9 on PMR of deceased.
Ex.PO:Forensic Toxicology Analysis Report for body organs.
Ex.PP: Forensic Histopathology Report about hyoid bone.
Ex.PQ: Polygraph Examination Report.
Ex.PR: (including Ex.PR/1)Forensic DNA and Serology Analysis Report.

9. The prosecution, vide statement of learned ADPP, closed its evidence on 09.02.2026.

10. The defence during cross-examination upon the PWs, the defence has confronted the following documents:

Ex.DA: Statement of complainant u/s 161 Cr.P.C.

Ex.DB:Statement of Ashiq Ali u/s 161 Cr.P.C as witness of abduction of victim.

Ex.DC: Statement of Ashiq Ali u/s 161 Cr.P.C. as identifier of dead body and recovery witness of samples obtained by hospital.

Ex.DF: Statement of Nasir Khan PW.

Ex.DG: Statement of Mst. Naseem Akhtar 1359/LC.

Ex.DH: Summery of recording of statement of incharge Crime Scene Unit u/s 161 Cr.P.C.

Ex.DJ: Statement of Abdul Rehman, incharge Crime Scene Unit.


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11. After closure of the prosecution evidence, the accused deposed without oath u/s 342 Cr.P.C. on 11.02.2026. The defence has also relied upon the following documents:

Mark-DA: Receipt of front desk online complaint application No.SD-30/04/2025-1133.

Mark-DB: Photocopy of application for lodging FIR by one Muhammad Akram against the complainant party.

Mark-DC: Photocopy of NikahNama of accused Muhammad Nadeem.

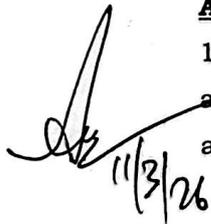
12. Further, to a material question No.7 that why this case has been registered and why PWs have deposed against him, the accused Mukhtiar Ahmad responded as under:

"A few month prior to this occurrence the father of the deceased namely, Zulfiqar and other relative made aggression upon my house for purpose of taking illegal possession of my house. Zulfiqar alongwith other companion of the deceased's father Zulfiqar came at our house and made criminal intimidation to vacant your house. Upon our hue and cry the person of the locality reached at our house and they patched up our matter due to which we did not move any application before the S.H.O regarding the registration of FIR. Due to said grudge complainant and PWs boarded a grudge against me and my family members, after the registration of FIR complainant approached to the SH.O and falsely implicated me in this case. Thereafter they again made aggression upon my house and illegally dispossessed my parents from our house and committed the occurrence. Thereafter my father filed an application for the registration of case in police station Saddar Depalpur regarding illegal dispossession and theft on 30.04.2025 but police being connivance with the complainant party did not register our FIR in this regard. Due to said reason complainant and PWs bore a grudge and inimical towards me and falsely giving evidence against me. I am innocent. I may please be acquitted from this case."

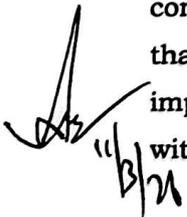
13. The accused did not opt to appear in the witness box u/s 340(2) of Cr.P.C or to produce his defence evidence.

ARGUMENTS:

14. The defence has opened the arguments. They have argued that delay in FIR is not explained; that last seen witnesses are concocted witnesses; that there is no evidence of the two


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witnesses who have witnessed the statements of last seen witnesses; that Murg Report does not show any other thing at the place of occurrence; that statement of PW-8 was not recorded as a boiled statement although he was father of the victim; that last witnesses are also real relations of the complainant party and their depositions have shown that they were already aware of the occurrence of missing of the victim then why they have not disclosed this fact until the next morning of the occurrence; that Ex.DH does not show the name of CSU; that name of one Abdul Rehmanon Ex.DJ was concocted there; that the DNA result cannot be relied upon because the chain of custody of the samples is in serious doubt; that the tube well operator was never joined in investigation; that the witnesses are in line with each other about place of occurrence; that there is no evidence that the victim was intellectually challenged; that the instant case is due to previous enmity between the parties; that the PMR/MLC have shown that the hyoid bone was intact of the victim; that there are chances that she suffered with epilepsy and thus died by falling into the water; that there is no statement of Mst. Iram Bibi, the elder sister of the victim; that all PWs are interest witnesses; that the DNA report is inconsequential (2016 SCMR 274); that the chain of evidence is also broken (PLD 2021 SC 600); that PW Nasir lives 50-km away while PW Iftikhar works in a hotel; that the other two eye witnesses also lives away from the place of occurrence; that statement of the owner of land/place of occurrence has not been recorded; that I.O states the place of occurrence as residence of the complainant; that no independent witness is taken up by the prosecution; that there is contradiction as to who informed the police about the recovery of the dead body of the victim; that the dead body was shifted to hospital with reasonable delay which is not explained; that BushraKhushi lady constable was not on duty then how she signed Ex.PL; that there is no supplementary statement of the complainant having her thumb mark to nominate the accused; that all the evidence to nominate the accused etc. is dishonest improvement by the prosecution witnesses; that why the last seen witnesses have not disclosed the name of the accused when the


Handwritten signature and initials, possibly 'B/M'.

search was being made of the victim; that it is also in doubt as to where the last worn clothes were taken into possession by the I.O; that initial allegation was one AbidBaloch but due to some compromise with him by the complainant party, he was not nominated; that the story of the last seen witnesses that they were going to Depalpur when they saw the victim with the accused is not established; that if the dead body was found from a *Khaali*, then it is not established that the clothes and the body of the victim was wet with muddy water etc; that the scaled map also does not established the presence of last seen witnesses; that the WMO/PW-9 have not signed the police papers; that delay about postmortem is also a doubtful situation; that if rigor mortise was present, then the time of the occurrence did not match with the occurrence of murder of the victim; that the WMO has not given her expert opinion about the duration of injuries and death as also from death to postmortem; that the samples prepared by the WMO were not established to be sealed as per law; that original PMR is not produced and thus a corbin copy has no legal status; that the PW-10 and 12 have given contradictory statement about presence of BushraKhushi SI; that Moharrar/PW-11 admits that the lady police official BushraKhushi SI and NaseemAkthar LC have not attendance in police station on 07.10.2024 to 08.10.2024; that the road certificate does not bear signatures of any relevant person; that the I.O admits that when he initially visited the place of occurrence, last seen witnesses were also present there; that actually the witnesses and the police are hiding some critical information from the court to seek conviction of the accused in this concocted case against him due to previous grudge between the parties; that documentary evidence confronted to the PWs has shown that sufficient damage to the case of the prosecution is already there; that if map without scales was at first visit, then how it can bear the name of the accused; that I.O has not prepared any other map of the occurrence; that the I.O has not declared the accused as well connected with the commission of offence; that accused is a married person having two marriages and children and hence cannot consider the commission of alleged


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offences; that the occurrence is an unknown occurrence as also against unknown accused persons; that as per 2016 SCMR 274, PLD 2021 SC 600, 2024 Pcr.L.J 2014, 2021 SCMR 810, 2015 SCMR 1002 and 2025 SCMR 723, the case of the prosecution is full of dents and doubts and call for the acquittal of the accused as in such like situation a positive DNA report is merely concoction of the evidence. Seeks acquittal accordingly.

15. Conversely, learned ADPP duly assisted by learned counsel for the complainant, has argued that the nomination of the accused is genuinely made; that there was no grudge against him by the complainant party; that a minor child has been murdered after rape and hence a positive DNA links the accused with the commission of offence; that the death of the victim was due to strangulation and fact of commission of rape is established through scientific evidence; that injuries were even reported on organs of generation; that the medical and scientific evidence is clearly against the accused; that the statement of the accused u/s 342 Cr.P.C is afterthought; that the victim was a minor child; that the accused remained absent from his home after the occurrence; that the last seen witnesses and other PWs have naturally deposed; that technicalities about the police proceedings cannot be taken to benefit the accused; that time lapse also causes the witnesses to depose in little bit different way the same things; that no chain of safe custody broken about the samples; that photographic picture of the occurrence cannot be deposed by the PWs; that a video of the recovery was available with the complainant party; that it is irrelevant if the clothes of the victim were wet or not; that she was necked when recovered and hence this arguments; that any lapses by the police during investigation can never be taken to favour the accused when otherwise the evidence reaches his neck; that I.O has declared him as connected with the occurrence; that 2025 SCMR 1399 and 2025 Pcr.L.J 1354 are relevant to the case of the prosecution; that even if there is any contradiction or minor discrepancy in the prosecution's deposition of the witnesses, still the medical and scientific evidence is fully to link the accused with the commission of offence; that the private


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parts of the victim were ruptured and injuries were also found on minor labia; that virginal swabs were blood stained; that even if the WMO has not disclosed the duration of injuries and the death as also the time between and postmortem, still it is not fatal for the prosecution's case; that the attendance of the police officials in police station register is not a compulsory fact to find them on duty; that unnecessary cross-examination has been conducted on the PWs; that all the injuries on the victim are anti-mortem; that the prosecution has fully established its case beyond any reasonable doubts and that the accused be convicted and be awarded maximum punishment.

16. Heard and record perused.

POINTS FOR DETERMINATION:

17. The main points for determination before this Court are as under:

- a) Whether the charge has been established against the accused beyond reasonable doubts?
- b) Whether the oral and documentary evidence is unshaken on record?
- c) Whether if there is any discrepancy in the oral account of the prosecution, whether conviction is still possible on the basis of concept of silent witness/the positive reports of DNA/MLEC?
- d) Whether the accused can be convicted on the basis of available evidence, if so what may be the outcome of said discussion and conclusion?

DECISION THEREON AND REASONS FOR DECISION:

18. After going through the whole evidence and the arguments of the parties, this court has found that the charges against the accused are established beyond reasonable doubt. Hence, the above points are decided in favour of the prosecution and against the accused. The reasons are as under.

19. First of all, this court takes up the fact that whether the victim/deceased went with her elder sister Iram Bibi to the tube well for washing of the clothes. The whole story as narrated in the


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FIR and the depositions of the witnesses clearly suggest that the two daughters of the complainant have left at different times from their home and even if Mst. Iram Bibi is not brought on record as a witness, it is irrelevant for the defence. It is so because if a child left her house allegedly to go behind her elder sister and she never reaches the said elder sister, then unless it is not sufficiently shown that both went to a place together, the evidence of the other, even if not brought on record will not damage the case of the prosecution.

20. The FIR was lodged around 11-hours after the occurrence. However, E-tag number is of the same date of the occurrence. Hence, delay can only be seen on part of the police but not for the prosecution to manipulate the case against the accused because the FIR is against unknown person.

21. The victim/deceased was allegedly left the house at 01:00 PM of the day of occurrence. Her dead body was found around 03:00 PM on 08.10.2024 from the alleged place of occurrence, from the maize crop of one Allah Nawaz. This fact is stated by PW-2, PW-3 and PW-4. Likewise, PW-5 and PW-6 have also become the witnesses of the recovery of dead body of the victim. All of them have stated that it was strangulated and clothe was stuck in the mouth of the deceased, blood was oozing from her eyes and mouth and she was in necked condition. There is no material contradiction about this fact even during lengthy cross-examination upon the above witnesses. PW-7/father of the victim also deposed in same terms about said recovery.

22. Now, the witnesses have deposed that initially they tried to find out accused Nadeem as PW-5 and PW-6 have allegedly informed them that they have seen the victim with the accused on 07.10.2024 near the Watt of the land of Allah Nawaz but they both went to Depalpur and later on found that she is missing. They informed the complainant and other witnesses the next morning about this fact. This evidence of these two witnesses to show the link between the victim and the accused as a last seen witnesses is not believable because in cross-examination of these witnesses as also of other witnesses including the police, it has been established

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by the defence that these two witnesses were also present even when the initial search of the victim was being made even on the night between 07 and 08.10.2024. Hence, they are not reliable witnesses as last seen witnesses. The story does not end here. The other three witnesses i.e. PW-2 to PW-4 and PW-7 have sufficiently stated that the dead body was actually recovered and the victim was found dead in above mentioned physical condition.

23. Now, when we look at further evidence of the complainant about the nomination of the accused, Ex.PE/DA is to show that the complainant nominated the accused through this document. Although, it is mentioned therein that the source with the complainant and other two of her witnesses was the statements of PW-5 and PW-6 but even if this part of evidence is not established, still the prosecution has not lost its case at this stage for the fact that the witnesses have further deposed that when they checked with the presence of the accused in his house, his house was found locked. The conduct of the accused is also to show that something fishy was with him. As this is a very serious case of alleged abduction, rape and murder, therefore, the court has to look on every string of the rope to see if anyone of the strings still reaches his neck even if some are broken. It is to ensure that if probability of conviction is there, accused has to be convicted if evidence establishes his acts beyond reasonable doubts to link up with the alleged offences.

24. Now, when the nomination of the accused came on record, it becomes irrelevant even if the complainant filed a written supplementary statement or made a phone call to the police or to produce herself for her verbal statement u/s 161 of Cr.P.C for this purpose. It is so because there is evidence to connect the accused with the commission of offence though, it is in the nature of indirect circumstantial evidence/scientific evidence.

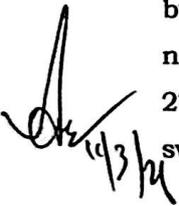
25. After the recovery of the dead body, the police prepared the Murg report and map without scales to show the said place of occurrence from where the dead body was found. We must note this fact that there is no directed/eye evidence to show that actually the accused has committed abduction, rape and murder of


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the deceased. Further, it is also not relevant that when exactly these offences have happened prior to the finding of the dead body of the deceased. Mere difference of time of these actual offences from the time of the recovery of dead body will have no bearing upon the final outcome of this case which is mostly residing on scientific and medical evidence. Thus, Murg report is sufficient to show that a brutal murder of the victim was committed. The question of abduction and rape will be discussed little latter.

26. When the dead body was recovered, the same was brought to the THQ Hospital, wherein same was examined for her postmortem report. PMR is conducted on 08.10.2024 at 07:30 PM while the dead body was brought in dead house at around 07:15 PM on said date. Merely, few hours are shown as lapse from the recovery of dead body from the place of occurrence to taking her to the THQ hospital, Depalpur. This is not material contradiction or any doubt in the prosecution story. Likewise, the PMR was conducted within shortest possible time and report Ex.PL was prepared, to show that her neck was strangulated with her shalwar. This evidence suggests that though, her hyoid bone was intact but there were sufficient anti-mortem injuries on the neck to cause abundant hemorrhages. There is nothing to suggest that the death was not due to suffocation, no matter the hyoid bone is intact. The evidence of the WMO/PW-9 have shown that victim's hymen was ruptured and vaginal swabs were blood stained. It is irrelevant at this moment that non-mentioning of time between injury and death and death to postmortem because it may be lapse by the WMO but cannot fall upon the case of the prosecution. As per final opinion of the WMO, the death was due to "hypoxic ischemic insert to brain leading to cardio pulmonary arrest and death". Hence, this much evidence is sufficient to see that her death was cause due to the above act. With respect to the PFSA report, the samples taken from the accused i.e. from his buccal swabs were matched with vaginal swabs, buccal swabs, and nail swabs taken from the victim by the WMO.

27. There is sufficient objection from the defence that the swabs were not in safe custody and chain of safe custody is


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damaged and hence the positive report of PFSA are not relevant to convict the accused. This objection is frivolous and not based on the reality that the samples were taken by the WMO and were handed over to the police officials as per Ex.PL. Even if the attendance of the lady constable and ASI is not marked in the police station by lady police officials who took the samples, it is not to doubt their factum of being transmitter of the samples to the I.O because there is nothing on record to suggest that these two police officials were on leave from the police station or away to some other District for official duties. The prosecution has sufficiently argued that sometimes witnesses are out to perform duty and thus their attendance is not marked in police station on any particular relevant time when the attendance is taken up. Thus, this court will ignore the arguments of defence on this point and do not doubt that the safe custody of the samples was compromised in any sense.

28. The arguments of the defence that if map without scales prepared by the I.O/PW-12 as Ex.PJ carries the name of the accused, then it is concocted, are not tenable. It is so because it is merely a document as corroboratory piece of evidence. Further, the accused was found nominated on 08.10.2024 through Ex.PE while this document is also of the same date. Even otherwise it is not relevant that all the three offences were committed by the accused at this place. It is the place from where only the dead body of the victim was recovered. Hence, we cannot give too much emphasis on this document in favour of the defence.

29. With respect to the question that the name of the Incharge Crime Scene Unit is missing in Ex.DH while it is mentioned with different hand in Ex.DJ are also not relevant for the defence because there is nothing to suggest that said witness Abdul Rehman have not been deputed for the purpose. Merely mentioning the name with different pen on Ex.DJ and for that matter non-mentioning of his name in Ex.DH are inconsequential for the defence to attack the prosecution's case. It is also because in the statement of PW-12, it is clearly mentioned that the statement of Incharge Crime Scene Unit was recorded by him and


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samples were handed over to PW-11/InchargeMalkhana for safe custody on the same day. The samples were then transmitted to the PFSA on 10.10.2024. This fact is also established from the report Ex.PR. Hence, this court is not considering that the taking up of the samples by the crime scene unit and then their safe custody and then producing them before the PFSA by the I.O was under any shadow of doubt. Mere technical lapses by the police, in such type of heinous case, cannot give any benefit to the accused to consider them as doubt or dent.

30. The defence has also tried to show that infactthe nomination of the accused was due to some previous grudge. This remained an unsuccessful attack on the prosecution's case as there is nothing to show that the accused was having this point with him from the time when he was first time arrested by the police on 20.10.2024. Any other evidence in the case is formal and is not to damage the prosecution's case as such.

31. With respect to the evidence of father of the victim/PW-7, it is sufficient to observe that he was witness to the recovery of the dead body and other articles of the victim when they were handed over to the police. It is not necessary that every witness of an occurrence is to be produced on record. So, the prosecution has produced this witness and there is nothing to suggest that this witness is a concocted witness.

32. The arguments of the prosecution that all the witnesses are near relatives of the victim and complainant and thus are interested witnesses are not enough to damage the case of the prosecution. It is so because an unseen occurrence is subject matter of this case for its resolution on the basis of the circumstantial and scientific evidence. It is true that this court has disbelieved the "last seen" witnesses for the lapses shown by them during their cross-examination. However, the other evidence of the prosecution is still intact no matter the source of initial nomination of the accused is shown through them. Why it is so is not relevant to consider that the prosecution's case is damaged to its roots. As discussed above, the probability of the accused being


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convicted is still not ended even by this disbelieving these two witnesses.

33. Now, this court will turn towards the scientific evidence. It is found that as per Ex.PR, the swabs taken from the victim have been sufficiently matched with the buccal swabs standard of the accused Muhammad Nadeem. When this court has declared that the samples were safely taken up from the victim till their reaching the PFSA, then a positive report about DNA profile matching of the accused and the victim/deceased is sufficient to consider that he is the accused who has committed the above mentioned offences as charge sheeted against him. Medical evidence is to show that something happened with the victim in the form of injuries or rape or murder etc. However, it is well settled that this much evidence is not automatically sufficient to reach the neck of the accused. However, in modern times, the availability of scientific evidence in the form of DNA testing has made it possible to find out as to who did these offences. The prosecution has thus rightly relied upon this evidence in their favour and against the accused. This court has no doubt about the involvement of the accused in the above mentioned offences for the scientific link of the occurrence to reach the neck of the accused. Hence, by believing the medical and scientific evidence, this court considers that the prosecution has established its case beyond doubt, no matter direct evidence is not available. The silent witness (the DNA profile matching) is the key factor in this regard.

34. The statement of the accused u/s 342 Cr.P.Chas nothing sufficient to take the mind of the court to any other presumption but that it is the accused who has committed the brutal offences against a minor child of the complainant. Hence, his said statement and all the documents on which he has relied are of no use to the defence to shake the reliable evidence of the prosecution as discussed above.

CONVICTION OF THE ACCUSED:

35. Now, keeping in view the sequence of things, this court, on the basis of scientific and medical evidence, convicts the


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accused under Sections 364-A PPC for abduction of the minor victim, as there is no other probability that she was not abducted by him for commission of the other two offences. Likewise, on the basis of prosecution's evidence discussed above, this court has no doubt that the victim was subject to rape by the accused. Hence, he is also convicted under Section 376(iii) of PPC. In the sequence of the things, the child victim is found murdered to eliminate any evidence which may come against him from the mouth of the victim, he has also committed Qatl-i-Amd of child victim/deceased. He is thus also convicted under Section 302(b) of PPC as the prosecution has not established section 302(a) of PPC. The case law relied upon by the defence is found distinguishable in this regard and hence most humbly distinguished. The case law cited by the prosecution is relevant and relied upon while reaching the above conclusion.

THE SENTENCE:

36. Now, with respect to the question of sentence, it is true that generally the death penalty is awarded where there is no mitigating circumstance on record. However, in the instant case, and as discussed above, the lapses in the prosecution's evidence are considered as mitigating circumstances particularly the smashing of "last seen" evidence by the defence. Still further as the case solely rest upon the medical and scientific evidence, therefore, it will be safe administration of justice if death penalty is not awarded. Hence, this declaration. The question of appropriate sentence is discussed in next paragraph.

37. The sentences shall be as under:

- a) For the offence u/s 364-A of PPC, the accused is sentenced to **14-years RI**.
- b) For the offence u/s 376(iii) of PPC, the accused is sentenced to **imprisonment for life with fine of Rs.5,00,000/-**.
- c) For the offence u/s 302(b) of PPC, the accused is sentenced to **imprisonment for life as Ta'zir**.


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38. It is also to be noted that u/s 544-A of Cr.P.C, compensation has also to be awarded to the legal heirs of the deceased. Accordingly, the accused is burdened with Rs.5,00,000/- under this provision of law to be paid to the said legal heirs of deceased. In case of non-payment of this amount, he shall suffer six months SI while recovery of this amount will be taken up as arrears of land revenue.

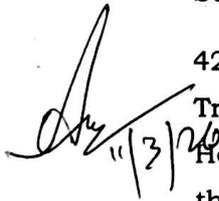
39. Still further, to look into the agony of the legal heirs of the victim, it is ordered u/s 545 of Cr.P.C. that out of the fine mentioned above, half of the amount will be paid to the legal heirs of the victim under this provision of law. However, this payment will be payable subject to lapse of period of appeal, or as the case may be, the decision of the appeal, if any.

40. With respect to the question of gravity of offence, as this court has not considered to award death penalty to the accused for the reasons already mentioned but it would be justified if accused is not extended the benefit of concurrent running of these sentences. He has to suffer the sentences to run consecutively as the offences are quite grave and brings down the morale of the society for free living and movement of the children for their safe upbringing. However, he is extended benefit of section 382-B of CrPC.

CONCLUSION:

41. Keeping in view the whole discussion above, the accused namely **Muhammad Nadeem/o Muhammad Akram, Caste Aud, r/o Probanabad, Tehsil Depalpur District Okara**, is hereby **CONVICTED** under the above mentioned offences and sentenced accordingly as per previous paragraphs. He is in custody. Let a committal warrant be issued in the name of the Superintendent, District Jail, Okara for execution of the warrant.

42. As per Section 24 of the Anti-Rape (Investigation and Trial) Act 2021, a copy of this judgment be also sent to NADRA Head Office Islamabad for entering the name of the convict under the register of sex offenders.


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43. Section 18 (2) of the Anti-Rape (Investigation and Trial)

Act 2021 reads as under:-

"Copies of the judgment of the special court shall be supplied to the accused and the prosecution free of costs on the day judgment is pronounced, thereafter record of the trial shall be transmitted to the concerned High Court within three days of the decision."

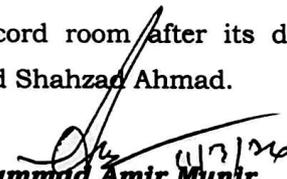
44. Therefore, Ahlmad Muhammad Shahzadis directed to provide the copy of this Judgment free of cost to the accused and the prosecution. Record of the trial be sent to Honorable Lahore High Court, Lahore as per codal formalities.

45. The case property, if any, be dealt with in accordance with law subject to end of limitation period of appeal or revision, if any. The last worn clothes to be handed over to the complainant, after lapse of above mentioned period.

46. A free copy of this judgment be given to the accused and the prosecution as per law.

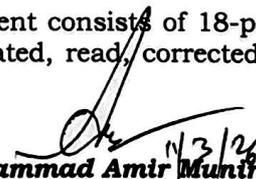
47. File be consigned to the record room after its due completion and compilation by the Ahlmad Shahzad Ahmad.

Announced:
11.03.2026


Muhammad Amir Munir
Addl. Sessions Judge, Depalpur

It is certified that this judgment consists of 18-pages, each of which has been dictated, read, corrected and signed by me.

Dated:
11.03.2026.


Muhammad Amir Munir
Addl. Sessions Judge,
Depalpur