

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

*Mr. Justice Mohammad Karim Khan Agha
Justice Mrs. Kausar Sultana Hussain*

SPL. CRIMINAL ATA NO.118 OF 2022
CONFIRMATION CASE NO.04 OF 2022

Appellant	Shamshair Ali Mirza s/o. Muhammad Sadiq through Barrister Muhammad Asad Ashfaq Tola, Advocate.
Respondent	The State through Mr. Muhammad Iqbal Awan, Additional Prosecutor General, Sindh.
Complainant	Muhammad Ali through M/s. Muhammad Arshad and Arif Awan, Advocates.

SPL. CRIMINAL ATA NO.120 OF 2022

Appellant	Abdul Sattar s/o. Ahsan-ul-Haq, Through Mr. Muhammad Farooq, Advocate.
Respondent	The State through Mr. Muhammad Iqbal Awan, Additional Prosecutor General, Sindh.
Complainant	Muhammad Ali through M/s. Muhammad Arshad and Arif Awan, Advocates.

SPL. CRIMINAL AT A NO.122 OF 2022

Appellant	Muhammad Salman s/o. Muhammad Asad through M/s. Ghulam Shabbir Babar and Abdul Sami Malik, Advocates.
Respondent	The State through Mr. Muhammad Iqbal Awan, Additional Prosecutor General, Sindh.
Complainant	Muhammad Ali through M/s. Muhammad Arshad and Arif Awan, Advocates.

Date of Hearing : 29.05.2023

Date of Judgment : 01.06.2023

JUDGMENT

Mohammad Karim Khan Agha, J. Appellants Shamshair Ali Mirza, Muhammad Salman and Abdul Sattar were charge sheeted to face their trials in Special Case No.68 of 2021 (Old Special Case No.157/2021), arising out of FIR No 19/2021 u/s. 365-A/302/201/203/34 PPC 25 Telegraph Act r/w Section 7 ATA 1997 and FIR No 25/2021 u/s. 4/5, Explosive Subs. Act r/w section 7 of ATA 1997 lodged by private complainant namely Muhammad at PS Saeedabad, Karachi and vide Judgment dated 30.05.2022 appellants were convicted and sentenced as under:-

- a) For offence of abduction for ransom punishable under section 365-A r/w 34 PPC all the present accused (1) Shamshair Ali Mirza s/o Muhammad Sadiq (2) Muhammad Salman s/o Asad (3) Abdul Sattar s/o Ahsan-ul-Haq are sentenced to death subject to confirmation by this court and property of all the accused is ordered to be forfeited.
- b) For offence of Qatl-e-Amd, punishable under section 302 r/w 34 PPC all the present accused (1) Shamshair Ali Mirza s/o Muhammad Sadiq (2) Muhammad Salman s/o Asad (3) Abdul Sattar s/o Ahsan-ul-Haq are sentenced to death subject to confirmation by this court.
- c) For offence of disappearing of evidence i.e. by burning the dead body of the deceased u/s. 201 PPC all the present accused (1) Shamshair Ali Mirza s/o Muhammad Sadiq (2) Muhammad Salman s/o Asad (3) Abdul Sattar s/o Ahsan-ul-Haq are sentenced to seven years of Rigorous Imprisonment and fine of Rs.100,000/- on each accused, and in default of such payment the accused shall undergo SI for six months.
- d) All the present accused are also directed to pay an amount of Rs.2,00,000/- (two lacs) each to the legal heirs as compensation, as provided under Section 544-A Cr.P.C. and in default of such payment the accused shall undergo SI for six months.

The benefit of section 382-B Cr.P.C. is extended in favour of the accused.

2. The brief facts of the prosecution case are that complainant Muhammad Ali lodged FIR stating therein that on 06.01.2021 his brother called him with information that his son Shahid Ali aged 12 years had not returned after playing, accordingly he rushed to his house and contacted his relatives about his missing son. At about 08:30 pm he reported the matter to police station about missing of his son. During the search of his child, he received a phone call from mobile No.0317-2788792 of kidnapper who demanded Rs.1,00,00,000/- (Rupees one crore only) as ransom amount,

subsequently he called again and demanded Rs.70,00,000/-. He therefore, contacted to police station whereupon ASI Ghulam Murtaza transferred the case to AVCC/CIA. On 11.01.2021 the investigation was transferred to Inspector Nisar Awan. During investigation he received information that one accused Shamshair arrested in FIR No.25/2021 PS Saeedabad u/s. 4/5 Expl. Substance Act during interrogation had disclosed about the abduction of the abductee Shahid Ali. Accordingly he reached there and interrogated the accused who during interrogation admitted the guilt of abduction and disclosed that he and his accomplices namely Abdul Sattar and Salman had killed the abductee after kidnapping him. The accused, therefore, was arrested in this case and on the pointation of accused he inspected the house of accused where on his pointation, the police discovered clothes, Taveez and slipper of abductee from a bathroom, which was identified by the complainant. Later on the accused Salman and Abdul Sattar were also arrested on the pointation of accused and informer from Landhi, Karachi. During interrogation of the accused disclosed that they had buried the dead body of the abductee in KDA Scheme 33 and led the police party there; where on their pointation the dead body was recovered from a Gutter in burnt condition, which was sent to hospital for post mortem. The accused Shamshair also made confessional statements. After collection of evidence investigation ended in submission of Challan against the three accused.

3. After usual investigation the matter was challaned and the appellants were sent up to face trial. They pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined 12 witnesses and exhibited various items and other documents. The appellants recorded their statements under Section 342 Cr.P.C. whereby they claimed that they are innocent. Only appellant Shamshair gave evidence on oath and called 4 DW's in support of his defence case.

5. After appreciating the evidence on record, the learned trial court convicted and sentenced the appellants as set out earlier in this judgment and hence the appellants have filed these appeals against their convictions and sentences.

6. The facts of the case as well as evidence produced before the trial court find an elaborate mention in the impugned judgment dated 30.05.2022.

passed by the trial court and, therefore, the same may not be reproduced here so as to avoid duplication and unnecessary repetition.

7. Learned counsel for the appellants have contended that the appellants are completely innocent and have been falsely implicated in this case; that there is no eye witness to either the abduction or murder; that there is no lost seen evidence; that no ransom demand was made and no ransom paid; that the retracted judicial confession of the appellant Shamshair was made after torture and as such could not be relied upon as against either himself or the co-accused (the other appellants) who he named in his retracted judicial confession; that the recovered items of the abductee had been planted by the police at the house of appellant Shamshair and he did not lead the police to them on his pointation; that the CDR did not link him either to the complainant from whom the ransom demand was allegedly made nor to any of the other co-accused; that the recovery of the body of the abductee on the joint pointation of two of the appellants was inadmissible in evidence and for any or all of the above reasons the appellants should be acquitted of the charge by extending them the benefit of the doubt. In support of their contentions they placed reliance on the cases of *Orangzaib v. The State* (2018 SCMR 391), *The State through P.G. Sindh and others v. Ahmed Omar Sheikh and others* (2021 SCMR 873), *Adil and another v. The State* (2022 PCRLJ Note 47), *Muhammad Ismail and others v. The State* (2017 SCMR 898), *Mir Zaman and 5 others v. The State and others* (2012 SCMR 580), *Mazar alias Fouji and another v. The State* (2016 YLR 2815), *Ghulam Mustafa v. Ali Nawaz and 2 others* (2020 MLD 1260), *Muhammad Mushtaq v. Mustansar Hussain and others* (2016 SCMR 2123), *Mian Khalid Perviz v. The State through Special Prosecutor ANF and another* (2021 SCMR 522), *Azeem Khan and another v. Mujahid Khan and others* (2016 SCMR 274), *Muhammad Moin v. Haji Pathan and 7 others* (2017 PCRLJ 535), *Shahzaib v. The State* (2022 MLD 950), *Rasab Khan v. The State* (2003 SCMR 1385), *Intekhab Ahmad Abbasi v. The State and others* (2018 SCMR 495), *Muhammad Rafique alias Feeqa v. The State* (2019 SCMR 1068), *Naveed Asghar and 2 others v. The State* (PLD 2021 Supreme Court 600), *Ibrahim and another v. The State* (PLD 1963 (W.P.) Karachi 739), *Joygun Bibi v. The State* [PLD 1960 Supreme Court (Pak.) 313], *Maqbool Hussain vs. The State* [PLD 1960 Supreme Court (Pak.) 382], *Savlimiya Miyabhai and another v. Emperor* [A.L.R. (31) 1944 Bombay 338], *Muhammad Mushtaq v. Mustansar* }

Hussain and others (2016 SCMR 2123) and Azeem Khan and another v. Mujahid Khan and others (2016 SCMR 274).

8. On the other hand learned Additional Prosecutor General Sindh and the complainant fully supported the impugned judgment and contended that the prosecution had fully proved its case beyond a reasonable doubt through reliable trust, worthy and confidence inspiring evidence especially the judicial confession of the appellant Shamshair which directly implicated the other appellants in the abduction and murder of the abductee; that the police recovered items belonging to the deceased child from the house of appellant Shamshair whose CDR also linked him to the complainant and other co-appellants who lead the police to the place where the dead body was secretly hidden and that the death penalty was applicable to this case due to the grievous nature of the offence against a young child. In support of their contentions they placed reliance on the cases of Mst. Naseem Akhtar and another v. The State (1999 SCMR 1744), Khawaja Hasanullah v. The State (1999 MLD 514), Said Muhammad v. The State (1999 SCMR 2758), Muhammad Azad alias Javaid alias Jodi v. The State and others (2019 SCMR 1330), Khurram Malik v. The State and another and Haji Nazir v. Khurram Malik & another (2006 SCJ 813) and Ajab alia Rajab and another v. The State (2004 MLD 180) Sagheer Ahmed alias Bhaya v. The State (2020 MLD 1377), Jalal Ahmed and another v. The State (2020 PCRLJ Note 99), Muhammad Tariq Raza Attari v. The State (2015 YLR 1416), Nazir Shehzad and another v. The State (2009 SCMR 1440), Khan Muhammad and others v. The State (2011 SCMR 705), Noor Muhammad v. The State (1999 SCMR 2722), Muhammad Hayat and 2 others v. The State (2015 YLR 1326), Ali Muhammad and another v. The State (2022 YLR 710), Qasim Ali v. The State (2016 PCRLJ Note 113), Maj. (Retd.) Tariq Mehmood and others v. The State and others (2002 SCMR 1493), Majeed v. The State (2010 SCMR 55), Ghulam Nabi v. The State (2007 SCMR 808), Wilayat Ali v. The State (2004 SCMR 477), Khan alias Khani and another v. The State (2006 SCMR 1744) and Murad Ali v. The State (2007 SCMR 146).

9. We have heard the arguments of the learned counsel for the parties, gone through the entire evidence which has been read out by the learned counsel for the appellants and the impugned judgment with their able assistance and have considered the relevant law including the case law cited at the bar.

10. After our reassessment of the evidence we find that the prosecution has proved its case beyond a reasonable doubt against the appellants for the following reasons keeping in view that each criminal case must be decided on its own particular facts and circumstances and evidence on record.

(a) That the FIR was lodged on the same day and as such there was no delay in lodging the FIR and even the slight delay is accounted for by the fact that the parents and the other people in the Mohalla were searching for the missing child which was their immediate priority. What is of importance is that the FIR was lodged against unknown persons as the complainant did not know who had abducted his son and as such there was no intention to falsely implicate any body.

(b) There is no eye witness or last seen evidence relating to the abduction of the deceased and no eye witness to his murder. To some extent this is understandable as the deceased was abducted when it was dark as per the evidence on record.

(c) The case against the appellants is therefore based on circumstantial evidence as conceded by the prosecution. With regard to circumstantial evidence leading to a conviction in a capital case it was held as under in *Fayyaz Ahmed V State* (2017 SCMR 2026) at P.2030 para's 5 and 6 which are reproduced as under;

"To believe or rely on circumstantial evidence, the well settled and deeply entrenched principle is, that it is imperative for the Prosecution to provide all links in chain an unbroken one, where one end of the same touches the dead body and the other the neck of the accused. The present case is of such a nature where many links are missing in the chain.

To carry conviction on a capital charge it is essential that courts have to deeply scrutinize the circumstantial evidence because fabricating of such evidence is not uncommon as we have noticed in some cases thus, very minute and narrow examination of the same is necessary to secure the ends of justice and that the Prosecution has to establish the case beyond all reasonable doubts, resting on circumstantial evidence. "Reasonable Doubt" does not mean any doubt but it must be accompanied by such reasons, sufficient to persuade a judicial mind for placing reliance on it. If it is short of such standard, it is better to discard the same so that an innocent person might not be sent to gallows. To draw an inference of guilt from such evidence, the Court has to apply its judicial mind with deep thought and with extra care and caution and whenever there are one or some indications, showing the design of the Prosecution of manufacturing and preparation of a case, the Courts have to show reluctance to believe it unless it is judicially satisfied about the guilt of accused person and the required chain is made out without missing link, otherwise at random reliance on such evidence would result in failure of justice.

It may also be kept in mind that sometimes the investigating agency collects circumstantial evidence seems apparently believable however, if the strict standards of scrutiny are applied there would appear many cracks and doubts in the same which are always inherent therein and in that case Courts have to discard and disbelieve the same." (bold added)

11. Thus, keeping in view the law on circumstantial evidence what evidence is their to link the accused to the abduction, ransom demand and murder of the deceased through an unbroken chain of evidence.

- (i) The starting point is the FIR lodged in respect of the abductee who was later murdered. As mentioned above this is against unknown persons so there was clearly no intention by the complainant to falsely implicate any body.
- (ii) The first link is that on the same day the child went missing the complainant received ransom demands for the safe return of the child which he informed other witnesses about who also gave evidence to this effect. The complainant then informed the police of these demands and the case was transferred to AVCC for investigation who as is the usual practice in such like cases involved the CPLC.
- (iii) The first break which the police got in the case, and which forms the next link in the chain of circumstantial evidence, is provided by PW 1 Mumtaz Ali and Zakir Hussain who on 11.01.2021 arrested the appellant Shamshir in an unrelated case who then confessed to the abduction and murder of the deceased child in this case.
- (iv) The next link is when PW 12 Nisar Ahmed who was the IO in this case interrogated the appellant Shamshir who again confessed to the abduction for ransom and murder of the child before him.
- (v) The next link in the chain is appellant Shamshir only 5 days after his arrest in this case being brought before PW 3 Sohail Naeem who was a judicial magistrate who recorded the judicial confession of appellant Shamshir and through his evidence confirms recording the same which is set out as under for ease of reference.

"JUDICIAL CONFESSION U/S 164 CR.P.C. BY APPELLANT SHAMSHAIR ALI MIRZA:

Question: What have to say?

Answer: My name is Shamsher Ali Mirza S/o Muhammad Sadiq. About 10 to 12 days earlier, my two accomplices; Mohammad Suleman and Abdul-Sattar, we all three together intended to kidnap the child, we had absolutely no intention to kill the child, we thought that we will release the child after

extorting ransom amount. On 05-01-2021 at 0500 Hrs we saw the child while playing and as soon as he came in-front of my house door, we by finding the opportunity kept hand on child's mouth and eyes and took him in the room, then immediately after that we tied the cloth strip one child's mouth and eyes, then we put him in the bag. Thereafter, Abdul-Sattar went away for taking motorcycle from his home, while Mohammad Suleman by taking his Car stood-up about 1-1/2 kilometer far from my home. I and Abdul-Sattar took away the child bag to the vehicle of Suleman. Thereafter, Abdul-Sattar and Suleman both took away the child towards the house of Suleman. A three liter bottle was lying inside the bag. I returned back to home. After passing 2-1/2 Hrs, Suleman phoned me and called at Johar Morr at Balochistan Sajji Hotel, by making phone call to the father of child demanded ransom amount of Rs.70 lacs. Abdul-Sattar informed me that the child was died and they threw the dead-body there in some society. Thereafter, Muhammad Suleman said that you may go away to home, because the child's father was my neighbor, thus they told me that you take care of that side and we will take care of the rest. Beyond that, I don't know how the child died"

12. It is settled law that a retracted judicial confession can be legally admissible and used against its maker in certain circumstances. In the case of **Muhammad Amin V The State (PLD 2006 SC 219)** it was held at P.224 Para 9 as under;

"9. There is no cavil to the proposition that conviction could have been awarded on the basis of retracted confession which proposition was examined in case of Mst. Joygun Bibi v. The State PLD 1960 (SC (Pak) 313 as under:-

"We are unable to support the proposition of law laid down by the learned Judges in this regard. The retraction of a confession is a circumstance which has no bearing whatsoever upon the question whether in the first instance it was voluntarily made, and on the further question whether it is true. The fact that the maker of the confession later does not adhere to it cannot by itself have any effect upon the findings reached as to whether the confession was voluntary, and if so, whether it was true, for to withdraw from a self-accusing statement in direct face of the consequences of the accusation, is explicable fully by the proximity of those consequences and need have no connection whatsoever with either its voluntary nature, or the truth of the facts stated. The learned Judges were perfectly right in first deciding these two questions, and the answers being in the affirmative, in declaring that the confession by itself was sufficient, taken with the other facts and circumstances to support Abdul Majid's conviction. The retraction of the confession was wholly immaterial once it was found that it was voluntary as well as true."

10. Similarly in the case of the State v. Minham alias Gul Hassan PLD 1964 SC 813 this Court has observed as under:-

"As for the confessions the High Court, it appears, was duly conscious of the fact that retracted confession whether judicial or extra judicial, could legally be taken into consideration against the maker of those confessions himself, and if the confessions were found to be true and voluntary, then there was no need at all to look for further corroboration. It is well-settled that as against the maker himself his confession, judicial or extra judicial, whether retracted or not retracted, can in law validly form the sole basis of his conviction, if the Court is satisfied and believes that it was true and voluntary and was not obtained by torture or coercion or inducement." (bold added)

13. Thus, the court laid down a two pronged test as under (a) whether the retracted judicial confession appears to have been made voluntarily, without any inducement, duress or coercion and (b) was made with the object to state the truth.

14. We find that there is no evidence that the retracted judicial confessions were not made voluntarily. Despite the appellant claiming that he was tortured by the rangers and the police into making the confession he did not raise this issue before the magistrate and when inspected by the magistrate there were no signs of torture on him. No family member even moved any application before any court or any other authority that the appellant was being tortured whilst in illegal detention. The judicial confession as seen from its content also has the object of telling the truth and fits in with the prosecution case as being a case of kidnap for ransom. We also find that all material safeguards regarding the recording of the judicial confession were complied with by the magistrate.

15. Thus we place reliance on the judicial confession of appellant Shamshair as well as against his co-accused subject to there being other corroborative/supportive evidence/material available on record which is set out as under along with other circumstantial evidence; In this respect reliance is placed on the cases of Khurram Malik (supra), Mir Zaman (Supra) and Muhammed Ismail (supra)

(vi) The next link in the chain is that appellant Shamshair was a next door neighbor of the complainant who was seen outside his house at the time of the abduction by PW 10 Siddiq who was the mother of the abducted child and even helped in the search of the abducted child according to PW 6 Muhammed Rizwan (which

defeats his claim that he was in illegal detention at the hands of the rangers at the time of his abduction). PW 10 Mrs Siddiqui who was not on visiting terms with the appellant Shamshair's family in her evidence also stated that Shamshair's family started to visit her which was out of character and she assumed later was to obtain information about the investigation into her missing son.

- (vii) The next link is that the appellant Shamshair took the police to his own house and on his pointation showed them where the abducted child was kept and murdered from where the police recovered Taveez, slippers and pant which belonged to the abducted child which mashirnama of recovery was signed by independent witness PW 5 Syed Walid Shah who was not a chance witness as he had his shop in the same street.
- (viii) The next link is the appellant Shamshair pointing out to the police his two co-accused appellants Salman and Sattar whose arrest was made in front of an independent mashir from the CPLC PW 11 Khurram Majeed who are usually involved in kidnap for ransom cases.
- (ix) The next link in the chain is the appellant Salman after his arrest pointing out the Vitz car in which they abducted the deceased child and where the watch of the abducted child was found to PW 9 Asif Illyas which car was produced in court as case custody.
- (x) The next link in the chain is the appellants Sattar and Salman leading the police to the place where the murdered child who had been suffocated and burnt was hidden inside a manhole which was a place which only they could have know about. Joint pointation is admissible under the law and in this respect reliance is placed on the case of Mst. Naseem Akhtar (Supra) and Nazir Shehzad (Supra)
- (xi) The next link in the chain is the CDR record which links Shamshair to the complainant around about the time of the abduction and also to Salman which when read in juxta position with the witnesses who gave evidence about the ransom demands i.e the complainant, his wife PW 10 Siddiqui and Muhammed Rizwan the only inference which we can draw is that the calls to the complainant by Shamshair were ransom demands (why else would Shamshair be calling the complainant whose families were not on visiting terms) and other calls between Salman and Shamshair were in connection with the disposal of the body and thus we find that the appellants did make a demand for ransom although it was not paid.
- (xii) The next link is the positive identification of the child by his mother based on a mole on his leg followed by a positive DNA report which by 99.99999% found the child to be the son of the complainant and his wife.

- (xiii) The next link is the cause of death of the child which was by suffocation and there after burning as per the medical evidence and reports.
- (xiv) That there are no material contradictions in the evidence of the PW's and exhibits and it is well settled by now that minor contradictions which do not effect the materiality of the evidence can be ignored. In this respect reliance is placed on the case of **Zakir Khan V State (1995 SCMR 1793)**.
- (xv) That none of the witnesses whether police or otherwise had any ill will or enmity with any of the appellants and as such had no reason to falsely implicate the appellants and under such circumstances it is well settled by now that inter related witnesses evidence must be taken at its own worth and cannot simply be discarded for this reason. In this respect reliance is placed on the cases of **Amal Sherin v The State (PLD 2004 SC 371)**, **Dildar Hussain v Muhammad Afzaal alias Chala (PLD 2004 SC 663)**. Like wise is the position with the evidence of the police officers who also had no enmity or ill will with any of the appellants and as such had no reason to falsely implicate the appellants in a false case. For example, by planting recoveries at the appellants house. Most of the witnesses gave their evidence in a straight forward manner, were not dented despite a lengthy cross examination and as such we believe their evidence. **Mushtaq Ahmed V The State (2020 SCMR 474)**.
- (xvi) As for the defence case all claim false implication but only shamshair gave evidence on oath and called 4 DW's who gave evidence that the rangers took him away before this incident. However all these witnesses are related, none of whom made any complainant at the time of the alleged illegal detention of the appellant Shamshair by the rangers to any authority and as such we disbelieve the defence case.
- (xvii) Thus, when the retracted judicial confession of the appellant Shamshair is placed in juxtaposition with the entire prosecution case it is quite clear that the confession ties in with, is corroborated by and supported by all other aspects/pieces of evidence in respect of the prosecution case and shows that the three appellants who knew each other very well and in one case were related kidnapped the child for ransom who died during the abduction after the making of a ransom demand and his body was disposed on in the most heinous manner. As was held in the case of **Said Muhammed (Supra)** each participant in a kidnapping for ransom is equally liable regardless of his role and in the instant case we find the roles of the appellant to be all of equal significance.

(xviii) In cases concerning kidnap for ransom there is a need to take a **dynamic approach**. The Supreme Court in *Noor Muhammad v. State* (1999 SCMR 2722) has also adverted to this aspect of the matter and has observed as under:-

"However, we may observe that the people are losing faith in the dispensation of criminal justice by the ordinary criminal courts for the reason that they either acquit the accused persons on technical grounds or take a lenient view in awarding sentence. It is high time that the Courts should realize that they owe duty to the legal heirs/relations of the victims and also to the society. Sentences awarded should be such which should act as a deterrent to the commission of offences. One of us (Ajmal Mian, C.J., as he then was) has highlighted this aspect, inter alia in the case of State through the Advocate General Sindh, Karachi v. Farman Hussain and others (PLD 1995 SC 1), relevant portion whereof at page 19 reads as follows:-

(3) It is a matter of public knowledge that in Sindh, on account of kidnapping for ransom, commission of dacoities and other offences, the people are feeling unsecured. The learned trial Court has dilated upon these aspects in detail. I am inclined to subscribe to the view found favour with it. The approach of the Court in matters like the case in hand should be dynamic and if the Court is satisfied that the offence has been committed in the manner in which it has been alleged by the prosecution the technicalities should be overlooked without causing any miscarriage of justice". (bold added)

16. Thus, for the reasons mentioned above, whilst ignoring technicalities without causing a miscarriage of justice and by using a dynamic approach, we find that the prosecution has ***proved an unbroken chain of evidence, where one end of the same touches the dead body and the other the neck of the accused and we maintain the convictions of the appellants.***

17. With regard to sentencing this is a case where a young child was abducted for ransom, was murdered and whose body was disposed of in the most brutal manner. Namely, he was suffocated, then burnt alive and then stuffed down a gutter. The life of a young child was snuffed out for a few lacs; his future lost; untold misery and trauma brought on his parents which will be never ending. Such acts are an abomination in any society and need to be stamped out. Those who commit them need to be made aware that if proven guilty of such horrific acts the courts will show no leniency as such horrific crimes fully warrant and justify the maximum sentence as a

deterrent. We can maintain the death penalty in cases such as this which are based on circumstantial evidence. In this respect reliance is placed on the case of **Muhammed Amjad V State** (PLD 2003 SC 704). Thus, for the reasons mentioned above we hereby uphold all the sentences in the impugned judgment including the death penalties to all the appellants.

18. The appeals are dismissed and the confirmation reference is answered in the affirmative in respect of each appellant.