

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT**  
**LARKANA**

Cr. Appeal No. D-20 of 2022  
Cr. Appeal No. D-21 of 2022  
Cr. Appeal No. D-22 of 2022  
Cr. Appeal No. D-23 of 2022  
Cr. Appeal No. D-24 of 2022  
Cr. Appeal No. D-25 of 2022  
Cr. Appeal No. D-26 of 2022

**Present:**

**Mr. Justice Amjad Ali Sahito**  
**Mr. Justice Jan Ali Junejo**

Appellant  
(in Cr. Appeal No. D-20/2022)

Sanaullah s/o Muhammad Laiq Jat,  
Through Mr. Ali Azhar Tunio,  
advocate

Appellant  
(in Cr. Appeal No. D-21/2022)

Sanaullah s/o Muhammad Laiq Jat,  
Through Mr. Ali Azhar Tunio,  
advocate

Appellant  
(in Cr. Appeal No. D-22/2022)

Sanaullah s/o Muhammad Laiq Jat  
Through Mr. Ali Azhar Tunio,  
advocate

Appellants  
(in Cr. Appeal No. D-23/2022)

1). Aijaz Ahmed s/o Muhammad Qasim  
2). Anwar s/o Jalaluddin Kaladi,  
Through Mr. Athar Abbas Solangi,  
advocate

Appellants  
(in Cr. Appeal No. D-24/2022)

1). Aijaz Ahmed s/o Muhammad Qasim  
2). Anwar s/o Jalaluddin Kaladi,  
Through Mr. Athar Abbas Solangi,  
advocate

Appellant  
(in Cr. Appeal No. D-25/2022)

Aijaz Ahmed s/o Muhammad Qasim,  
Through Mr. Athar Abbas Solangi,  
advocate

Appellant  
(in Cr. Appeal No. D-26/2022)

Anwar s/o Jalaluddin Kaladi,  
Through Mr. Athar Abbas Solangi,  
advocate

The State

Through Mr. Aitbar Ali Bullo,  
D.P.G for the State

Date of hearing

06-05-2025

Date of Judgment

15-05-2025

**JUDGMENT**

**Jan Ali Junejo, J;** These are seven criminal appeals viz.  
Criminal Appeals No.D-20/2022, D-21/2022, D-22/2022, D-23/2022,

D-24/2022, D-25/2022 and D-26/2022, which have been preferred by the appellants Sanaullah Jat, Aijaz Ahmed Mahar and Anwar Kaladi, challenging the common judgment dated 18.06.2022, passed by learned Special Judge, Anti-Terrorism Court, Shikarpur in Special Cases Nos.35/2021 (Re.State Vs. Aijaz & others), arising out of Crime No.49/2021, U/S 365-A, 427, 468, 471, 148, 149 P.P.C & 6/7 of ATA, P.S Lakhi, Ghulam Shah, District Shikarpur, Special Case No.36/2021 (Re.State Vs. Aijaz & others), arising out of Crime No.53/2021, U/S 324, 353, 468, 471, 148, 149 P.P.C, 23(i)-A 25 S.A.A & 6/7 of ATA, P.S Lakhi Ghulam Shah, District Shikarpur, Special Case No.36-A/2021 (Re.State. Vs. Aijaz Ahmed Mahar), arising out of Crime No.54/2021, U/S 23(i)-A, 25 S.A.A, 2013, P.S Lakhi Ghulam Shah, District Shikarpur, Special Case No.36-B/2021, (Re.State Vs. Anwar Ali Kaladi), arising out of Crime No.55/2021, U/S 23(i)-A, 25 S.A.A, 2013, P.S Lakhi Ghulam Shah, District Shikarpur, Special Case No.36-C/2021 (Re.State Vs. Sanaullah Jatt), arising out of Crime No.56/2021, U/S 23(i)-A, 25 S.A.A, 2013, P.S Lakhi Ghulam Shah, District Shikarpur. The trial Court, after evaluating the evidence, found the appellants Aijaz Ahmed, Anwar and Sanaullah guilty for the offence charged with punishable u/s 365-A, 427, 465, 324, 353 P.P.C r/w section 149 P.P.C, 7 (1) (b) (e) (h) and (2) of ATA 1997 and 23(i)-A of Sindh Arms Act 2013, therefore, were convicted u/s 265-H(ii) Cr.PC as under;-

- a. Accused Aijaz Ahmed, Anwar and Sanaullah are convicted for an offence of kidnapping for ransom of Abdul Majeed punishable under section 365-A P.P.C. r/w section 149 P.P.C. and sentenced them to suffer imprisonment for life.
- b. Accused Aijaz Ahmed, Anwar and Sanaullah are convicted for an offence of kidnapping for ransom of Abdul Majeed punishable under section 7(1) (e) of Anti Terrorism Act 1997 and sentenced them to suffer imprisonment for life.
- c. Accused Aijaz Ahmed, Anwar and Sanaullah are further convicted for an offence of causing damage to Mehran car of complainant party punishable under section 427 P.P.C. r/w section 149 P.P.C. and sentenced them to suffer R.I for two years. They are also ordered to pay (each accused) Rs.10,000/-(Ten thousands) fine to the complainant. In case of default to pay fine amount, they shall further undergo for one month more.

- d. Accused Aijaz Ahmed, Anwar and Sanaullah are further convicted for an offence for using car with forged registration No.AET-595 as genuine, punishable under section 465 P.P.C. r/w section 149 P.P.C. and sentenced them to suffer R.I for two years. They are also ordered to pay (each accused) Rs.10,000/- (Ten thousands) fine. In case of default to pay fine amount, they shall further undergo for one month more.
- e. Accused Aijaz Ahmed, Anwar and Sanaullah are further convicted for an offence of firing at police party with intention to kill them, punishable under section 324 P.P.C. r/w section 149 P.P.C. and sentenced them to suffer R.I for ten years. They are also ordered to pay (each accused) Rs.50,000/- (Fifty thousands) fine. In case of default to pay fine amount, they shall further undergo S.I for three months more.
- f. Accused Aijaz Ahmed, Anwar and Sanaullah are further convicted for an offence of firing at police party with intention to kill them, punishable under section 7 (1) (b) of Anti Terrorism Act 1997 and sentenced them to suffer R.I for ten years. They are also ordered to pay (each accused) Rs.50,000/- (Fifty thousands) fine. In case of default to pay fine amount, they shall further undergo S.I for three months more.
- g. Accused Aijaz Ahmed, Anwar and Sanaullah are further convicted for an offence to deter the police party in discharging of their lawful duty, punishable under section 353 P.P.C. r/w section 149 P.P.C. and sentenced them to suffer R.I for two years.
- h. Accused Aijaz Ahmed, Anwar and Sanaullah are also convicted for an offence of committing act of terrorism, punishable under section 7(1) (h) of Anti Terrorism Act 1997 and sentenced them to suffer R.I for ten years. They are also ordered to pay fine of Rs.1,00,000/- (One lac each accused). In case of default to pay fine amount, they shall further undergo S.I for six months more.
- i. Accused Aijaz Ahmed Mahar was also further convicted for an offence of possessing unlicensed Kalashnikov used in the commission of offence, punishable under section 23 (i)-A Sindh Arms Act 2013 and sentenced him to suffer R.I for (10) ten years and to pay fine of Rs.30,000/- (Thirty thousands). In case of default to pay fine amount, he shall further undergo S.I for three months more.
- j. Accused Anwar Kaladi was also further convicted for an offence of possessing unlicensed Kalashnikov used in the commission of offence punishable under section 23 (i)-A Sindh Arms Act 2013 and sentenced him to suffer R.I for (10) ten years and to pay fine of Rs.30,000/- (Thirty thousands). In case of default to pay fine amount, he shall further undergo S.I for three months more.
- k. Accused Sanaullah Jatt was also further convicted for an offence of possessing unlicensed Kalashnikov used in the

commission of offence punishable under section 23 (i)-A Sindh Arms Act 2013 and sentenced him to suffer R.I for (10) ten years and to pay fine of Rs.30,000/- (Thirty thousands). In case of default to pay fine amount, he shall further undergo S.I for three months more.

1. The property of accused Aijaz Ahmed, Anwar and Sanaullah was also forfeited to the state as required under section 7 (2) of Anti Terrorism Act 1997.

All the aforesaid sentences awarded to the accused shall run concurrently. The benefit of section 382 (B) Cr.PC has been extended to convicts.

2. Brief facts of the case/Crime No.49/2021 are that complainant Abdul Hameed s/o Abdul Majeed Sarki lodged the FIR on 01.05.2021 at 0130 hours at P.S, Lakhi Ghulam Shah, District Shikarpur, stating therein that on 24.04.2021, he alongwith his father Abdul Majeed s/o Abdul Hakeem, aged about 62 years, and friend 1). Ashiq Ali s/o Umed Ali Jamali, 2).Ghulam Shabir s/o Shah Mohammad Kehar, r/o Larkana, had gone to Sukkur for their own work in Mehran Car bearing registration No.BJB-722 and were returning towards Larkana. At about 05:30 pm, when they reached on main road leading from Lakhi turn to Larkana near railway Phatak No.2, a white color XLI Car crossed them and stopped at Phatak No.2 and five persons with open faces alighted from the said Car who could be identified if see again, were armed with Kalashnikovs and stopped their Car on the force of weapons. Due to fear of weapons, the complainant stopped the Car, meanwhile, one accused caused butt blow of his Kalashnikov to the Car of complainant party and broke the glass of driver side window. Two unknown accused got alighted Abdul Majeed from the Car on the force of weapons and kidnapped and made him to sit in XLI Car. The other accused sat in the Car of complainant party and thereafter both Cars started to go towards Lakhi. On the way, XLI Car went to unknown place and the complainant party reached within the jurisdiction of P.S Rustam at Labani shakh, the accused sitting with them alighted and directed the complainant party that they had kidnapped Abdul Majeed Sarki and demanded Rs.7/8 Lacs for his release, thereafter, accused escaped away towards jungle side. Later-on, complainant party returned to their house at Larkana, but their

nekmard was not available at his house and after meeting with him, the complainant appeared at P.S and lodged the FIR, to the above effect.

3. Brief facts of case/Crime No.53/2021 are that complainant I.O/Inspector Syed Hajan Shah lodged FIR on 14.05.2021 at 2230 hours at P.S Lakhi Ghulam Shah, District Shikarpur, stating therein that on the same day, he received spy information that abductee of case/crime No.49/2021, u/s 365-A, 427 P.P.C & 6/7 of ATA of P.S Lakhi Ghulam Shah namely Abdul Majeed s/o Abdul Hakeem Sarki at present r/o Grid Station Mohalla Larkana will be shifted by the culprits in a white color XLI Car bearing registration No.AET-595 from Lakhi Phattak towards Ruk link road katcha area. On receiving tip-off, Inspector Syed Hajan Shah alongwith his subordinate staff namely ASI Zaheer Khan Baloch, PC Imdad Ali, PC Niaz Ali, PC Mehtab Ali and PC Fayaz Ahmed left P.S in Govt. vehicle No.SPD-765, driven by PC Riaz Ahmed vide roznamcha entry No.26 at 2000 hours, towards pointed place. When at about 2030 hours, complainant/police party reached on link road leading from Lakhi towards Ruk near Jamal Phattak and started nakabandi, at about 2100 hours, they saw on the head lights of vehicle, one white XLI Car bearing registration No.AET-595 came from Lakhi, the police party signaled the Car to stop to which 05 persons having K.Ks alighted from the Car who on seeing police party started firing directly upon them with intention to kill them, the complainant/police also retaliated the firing in their defence and firing continued for about five minutes, during which police succeeded to apprehend three accused on the spot alongwith weapons and two accused escaped away from the scene taking the benefit of darkness and jungle. Complainant/police party saw one person was sitting in the XLI Car who on inquiry disclosed his name to be Abdul Majeed s/o Abdul Hakeem Sarki and further disclosed that same accused had kidnapped him on this Car for ransom and on pressure of police, accused were shifting him towards katcha area. On inquiry, apprehended accused disclosed their names as 1.Aijaz s/o Mohammad Qasim Mahar, r/o village Ghulam, Taluka Lakhi Ghulam Shah, 2.Anwar s/o Jalal din Kaladi, r/o village Allah Dino Kaladi,

District Ghotki, 3.Sanaullah r/o Mohammad Laiq Jatt, r/o village Mehboob, Taluka Lakhi Ghulam Shah. Due to non availability of private mashirs, complainant/Inspector appointed ASI Zaheer Khan Baloch and PC Imdad Ali Jaferi as mashirs, checked the secured K.K of accused Aijaz and found one bullet in its chamber and 20 bullets loaded in magazine, secured K.K of accused Anwar was found with one bullet in its chamber and 17 bullets loaded in magazine, secured K.K of accused Sanaullah was found with one bullet in its chamber and 24 bullets in magazine. The arrested accused further disclosed the names of escapees as Rahmatullah s/o Khan Mohammad Kakepoto Abro, r/o Sasti Basti Sukkur and one unidentified was their friend. The arrested accused failed to produce valid license and documents of Car, therefore, the complainant secured the Car and prepared such mashirnama of arrest of accused, recovery of abductee and recovery of unlicensed weapons in presence of same mashirs and thereafter returned to P.S alongwith secured abductee Abdul Majeed, property and arrested accused and lodged the FIR of encounter case as well as under Arms Act separately against the accused on behalf of state to the above effect.

4. The facts relating to registration of FIRs, for offence under Sindh Arms Act, vide Crime Nos.54, 55 and 56 of 2021 are to the effect that on 14.05.2021 at 2105 hours, accused Aijaz Ahmed Mahar s/o Mohammad Qasim Mahar, 2). Anwar Ali s/o Jalal din Kaladi and 3). Sanaullah s/o Mohammad Laiq Jatt were arrested by I.O/Inspector Syed Hajan Shah after an armed encounter, who recovered one unlicensed Kalashnikov with folding butt in working condition alongwith magazine loaded with 21 live bullets from possession of accused Aijaz Ahmed and one unlicensed Kalashnikov with folding butt in working condition alongwith magazine loaded with 18 live bullets from accused Anwar Ali and from accused Sanaullah s/o Mohammad Laiq Jatt recovered an unlicensed Kalashnikov with folding butt in working condition alongwith magazine loaded with 25 live bullets.

5. After registration of aforesaid FIRs, the investigation was followed by Inspector Syed Hajan Shah, who visited place of vardat of abduction of case/crime No.49/2021 as well as encounter case, secured empty bullets allegedly fired by both parties, recorded 161 Cr.PC statements of PWs/police officials, got recorded statement of abductee Abdul Majeed, PWs Ghulam Shabir and Ashique Ali u/s 164 Cr.PC through concerned learned Magistrate, sent the secured weapons and empty bullets to ballistic expert, FSL Larkana, got verification report of secured XLI Car and after completing investigation, submitted final reports/challan before concerned Court.

6. The N.B.Ws issued by learned trial Court against the absconding accused in Crime Nos.49 & 53/2021 bore no fruit and they after observance of codal formalities were declared as proclaimed offenders. The formal charge was framed against the present appellants/accused, who pleaded not guilty and claimed trial.

7. To substantiate the charge, the prosecution examined following witnesses:-

**PW-1** Abdul Hameed Sarki, complainant of case/crime No.49/2021, u/s 365-A, 427 P.P.C.& 6/7 of ATA at Exh.12. He produced FIR at Exh.12/A.

**PW-2** abductee Abdul Majeed Sarki at Exh.13. He produced his statement recorded u/s 164 Cr.PC at Exh.13/A.

**PW-3** Ghulam Shabir Kehar, eye-witness of kidnapping, mashir of place of vardat of kidnapping and seeing damage Mehran Car of complainant party by I.O at Exh.14. He produced mashirnama of vardat at Exh.14/A, inspection of Mehran Car by I.O at Exh.14/B and his statement recorded u/s 164 Cr.PC at Exh.14/C.

**PW-4** ASI Jamal din Sanjrani, author of FIR of case/crime No.49/2021 at Exh.15. He produced copy of entry of roznamcha regarding registration of FIR at Exh.15/A.

The learned APG for the state gave up PW Ashique Ali with consent of learned counsel for complainant vide statement at Exh.16.

**PW-5** I.O/Inspector Syed Hajan Shah at Exh.17. He produced copy of departure entry of roznamcha at Exh.17/A, photograph of place of vardat of kidnapping at Exh.17/B, copy of departure entry at Exh.17/C, mashirnama of arrest of present accused Aijaz Ahmed, Anwar Ali and Sanaullah, recovery of kidnappee, weapons from possession of accused and

XLI Car at Exh.17/D, copy of return entry at Exh.17/E, FIR of Crime No.53/2021 u/s 324, 353, 148, 149 P.P.C at Exh.17/F, FIRs of off-shoot under Arms Act bearing Crime No.54/2021 at Exh.17/G, Crime No.55/2021 at Exh.17/H, Crime No.56/2021 at Exh.17/I, copy of departure entry at Exh.17/J, mashirnama of place of vardat of encounter case at Exh.17/K, copy of letter sent to Motor Registration Authority for verification of recovered XLI Car at Exh.17/L, CROs of arrested accused Aijaz Ahmed, Anwar Ali and Sanaullah alongwith photocopies of FIRs at Exh.17/M to Exh.17/O, report of FSL Larkana at Exh.17/P, copy of Excise and Taxation Department Karachi letter at Exh.17/Q, photographs of recovered XLI Car alongwith copies of its registration documents at Exh.17/R.

**PW-6** ASI Zaheer Khan Baloch, eye-witness of encounter, mashir of arrest of present accused Aijaz Ahmed, Anwar Ali and Sanaullah, recovery of XLI Car, weapons and place of vardat of encounter at Exh.18.

**PW-7** PC Imran Ali Bhayo, who kept the case properties of case/crime No.49/2021, No.53/2021, No.54/2021, No.55/2021 and 56/2021 in malkhana of P.S Lakhi Ghulam Shah at Exh.19.

The learned APG for the state gave up PW/PC Imdad Ali vide statement at Exh.20.

**PW-8** learned Civil Judge & J.M Lakhi Ghulam Shah Mr. Fayaz Ali Maitlo at Exh.21. He produced copy of application of I.O for recording 164 Cr.PC statements of PWs Abdul Majeed Sarki, Ghulam Shabir Kehar and Ashiq Ali Jamali at Exh.21/A, 164 Cr.PC statement of PW Ashiq Ali at Ex.21/B.

The learned APG for the state closed side of prosecution vide statement at Exh.22.

8. Accused Aijaz Ahmed Mahar in his statement recorded u/s.342 Cr.PC at Exh.23, denied the allegations of prosecution case, claimed innocence and further stated that on 12.05.2021 he was arrested when police conducted raid at village Ghulam in this case and recovered a Car from the house of one Pervez Mahar but on the same time, he was arrested falsely. He produced copy of news-clipping published in Daily Kawish dated 13.05.2021 at Exh.23/A and prayed for justice.

9. Accused Anwar Ali Kaladi in his statement recorded in terms of Section 342 Cr.PC at Exh.24, denied the allegations of prosecution case, claimed innocence and further stated that on 10.05.2021, SHO Sikandar Ali Chandio of P.S Lakhi arrested him



from his village Allah Dino Kaladi and implicated him in this case falsely and prayed for justice.

10. Accused Sanaullah Jatt in his statement u/s.342 Cr.PC recorded at Exh.25, denied the allegations of prosecution case, claimed innocence and further stated that on 12.05.2021, he was arrested from his house by police. He produced such photographs at Exh.25/A and copies of news-clipping published in various newspapers at Exh.25/B to Exh.25/K respectively. He further stated that no any incident of encounter took place nor any weapon was secured from his possession and prayed for justice. However all three present accused did not examine themselves on oath u/s 340(ii) Cr.P.C nor led any defense.

11. After hearing the arguments presented by the counsel for the appellants and the learned A.P.G representing the State, the trial Court rendered its judgment, convicting and sentencing the appellants, as outlined above. Aggrieved by the said judgment, the appellants have exercised their legal right to challenge the decision through filing of the present appeals separately.

12. Learned counsels for the appellants/accused submit that the impugned judgment is against the law; that the present appellants are innocent and have no nexus with the alleged offence; that PW Ghulam Shabir in his evidence deposed that accused Sanaullah was known to him prior to the incident but he was not named in the FIR and even during his statement under section 164 Cr.PC, he did not nominate any of the accused, which creates a serious dent in the prosecution case; that the FIR of incident has been lodged by the complainant with inordinate delay of six days, for which no plausibly explanation has been furnished; that no such encounter had taken place nor was the abductee secured from the accused but the police by concocting a flimsy story has shown discovery of the abductee from the accused after their arrest from the village, just to show their efficiency to their high-ups; that astonishing to say that none from the police party sustained any injury during an armed encounter with the accused; that the

recovery of alleged crime weapons have been foisted against the appellants/accused in order to strengthen the main case; that there are multiple contradictions in the evidence of prosecution witnesses which have shattered the veracity of their evidence; that learned trial Court without considering the infirmities in the evidence of prosecution witnesses has erred in awarding conviction to the appellants, which requires interference by this Court. Summing up their contentions, the learned Advocates submitted that the present appellants were arrayed as accused on account of dispute over money transaction and thus lastly concluded that the case of prosecution was not free from doubt, therefore, the present appellants deserve to be acquitted in the circumstances of the case

13. Conversely, the learned Deputy Prosecutor General while supporting the impugned judgment contended that the prosecution had successfully established its case against the appellants/accused beyond the shadow of reasonable doubt and learned trial Court has committed no illegality by recording conviction against the appellants vide impugned judgment, which is based upon well founded reasons and thus requires no interference by this Court by way of instant criminal appeals, the same being meritless are liable to its dismissal.

14. We have heard learned counsel for the appellants and learned Deputy Prosecutor General. Having given due consideration to the submissions put forth by the learned Counsel for both parties, we have meticulously examined the evidence available on record.

15. On deeper analysis of the evidence brought on record, we found that the prosecution case merely depends upon the ocular testimony furnished by the prosecution in shape of evidence of PW-01 Abdul Hameed Sarki, complainant of case Crime No.49/2021, PW-02 abductee Abdul Majeed Sarki, PW-03 eye-witness of kidnapping Ghulam Shabir Kehar and their evidence is corroborated by PW-04 ASI. Jamal Din Sanjrani, author of F.I.R, PW-05 I.O/Inspector Syed Hajan Shah, PW-06 ASI Zaheer Khan Baloch who during encounter arrested the appellants on 14.05.2021, PW-07 PC Imran Ali Bhayo, who kept the case

properties of case/crime No.49/2021, No.53/2021, No.54/2021, No.55/2021 and 56/2021. All these witnesses have supported the prosecution story.

16. Complainant Abdul Hameed (PW-01) deposed that on 24.04.2021, he alongwith his father Abdul Majeed, friend Ghulam Shabir Kehar were returning from Sukkur on Mehran Car driven by him. One driver Ashiq Ali was also with them in the same Car. When they reached Phatak No.2 of Lakhi turn on the road leading from Lakhi to Larkana side, it was 05:30 pm. They saw five culprits closed the railway Phatak and thereafter when they stopped their Car who over-powered upon them. They could not identify the culprits who were with open faces, all the accused were having Kalashnikovs. One culprit while breaking his side glass of Car, opened the door and thereafter kidnapped his father Abdul Majeed and made to sit him in their vehicle with white color belonged to accused party. Thereafter the culprits also made them to sit in their Mehran Car and controlled upon them on the force of weapon and two culprits also sat in their Mehran Car, one on driving seat whereas other on front seat with driver. Thereafter, both the vehicles were driven up to Rustam turn on Labani Shakh and at some distance, the culprits released them while his father Abdul Majeed was kidnapped by the culprits in their own vehicle. The culprits further demanded Rs.7/8 Lacs from them as ransom for release of his father Abdul Majeed. Thereafter, the culprits escaped from the scene while getting benefit of jungle side. They returned to their house at Larkana on their Mehran Car. Their elders were not available therefore they waited their return and ultimately, he lodged the FIR at P.S Lakhi Ghulam Shah on 01.05.2021 regarding the incident against unknown culprits. The police recorded his FIR which he produced at Exh.12/A. On the next day, they again came at P.S Lakhi where I.O of this case Inspector Syed Hajan Shah was already available, who visited the place of vardat on their pointation and prepared such mashirnama etc. He also prepared mashirnama of inspection of Mehran Car on the same day at P.S Lakhi and also handed over the same Car to police. Thereafter, on 14.05.2021 his father Abdul Majeed was secured by

the police after the encounter and was then produced before the learned J.M Lakhi for his statement where his father had disclosed the names of culprits as 1.Sanaullah Jatt, 2.Aijaz Mahar, 3.Anwar Kaladi, 4.Rahmatullah Kakepoto alongwith one unknown culprit who were involved in the kidnapping. I.O did not record his any statement later on. He identified the accused Sanaullah, Aijaz and Anwar present in the Court to be same. In cross-examination, he has admitted that he and his father Abdul Majeed were knowing accused Sanaullah. However, he has denied the suggestion that accused Sanaullah had not committed any offence or that he has implicated the accused Sanaullah due to dispute over the transaction of money.

17. The prosecution examined abductee Abdul Majeed (P.W-2) and eye witness Ghulam Shabir (P.W-3), who in a same breath have endorsed the version of the complainant and almost narrated same story. However, the abductee added that he identified the culprits to be 1.Sanaullah, 2.Aijaz, 3.Rahmatullah, 4.Anwar alongwith one unknown culprit. Accused Sanaullah, Aijaz alongwith one unknown culprit sat with him in XLI Car of accused and thereafter proceeded from place of vardat, one unknown culprit was driving the same XLI Car. After 30 minutes drive, he/Abdul Majeed (Abductee) was kept in room with tied-hands and feet, he was also given torture by the culprits who were demanding Rs.7/8 Lacs as ransom for his release. He remained confined with the culprits and thereafter he was being shifted by the culprits to unknown place, in the meanwhile, encounter took place in between police and culprits, resultantly he was rescued by the police. The police also apprehended three culprits during the encounter.

18. On 14.05.2021, during encounter with police, appellants Aijaz Ahmed, Anwar Ali Kaladi and Sanaullah Jatt were arrested with recovery of following ammunitions including Car.

**1. Recovered from accused Aijaz Ahmed Mahar:** One Kalashnikov of 7.62 bore with folding butt, number erased, in working condition, along with magazine and (21) live bullets of 7.62 bore. (Sealed with stamps)

**2. Recovered from accused Anwar Ali Kaladi:** One Kalashnikov of 7.62 bore with folding butt, number erased, in working condition, along with magazine and (18) live bullets of 7.62 bore. (Sealed with stamps)

**3. Recovered from accused Sanaullah:** One Kalashnikov of 7.62 bore with folding butt, number erased, in working condition, along with magazine and (25) live bullets of 7.62 bore. (Sealed with stamps)

4. One white coloured XLI Car, registration No: AEI-595, Engine No:3ZZ-FE 1598, Chassis No: ZZE121-9003091, Model: unknown; worth about (8) lacs rupees.

19. The above said recovery was brought at police station and separate F.I.Rs under section 13, 23(i)-A, 25 of S.A.A, 2013 were lodged. On 15.05.2021, S.I.O Syed Hajan Shah again visited the place of incident of these cases and secured 18 empties of SMG rifle and 5 empties of G-3 rifle. He also secured 15 empties of Kalashnikovs from the place of incident. He prepared such mashirnama in presence of ASI Zaheer Ahmed and PC Imdad Ali.

20. All the PWs identified the appellants in Court at the time of recording of their evidence. The prosecution witnesses were subjected to lengthy cross-examination, but nothing came out in the favour of appellants which could have shattered their evidence. Furthermore, the appellants have failed to show any enmity/motive with the private or the official witnesses for their false implication in the cases.

21. Adverting to the contention of learned counsel for the appellants that there is delay in lodgment of FIR, it is necessary to mention here that delay in FIR is well explained by the complainant that after the incident he approached to his elders but they were not available in their houses then he lodged FIR. Even otherwise, in case of like nature, the complainant party uses to avoid to register the FIR immediately and try to make safe recovery of person kidnapped by the accused. Moreover, appellants have not alleged any enmity with the complainant party or with the police, hence delay in FIR is of no consequence. In case of **Ghulam Hussain Soomro v. The State(PLD 2007 SC 71)** the Honourable Supreme Court has held as under:-

***"Mere delay in lodging of FIR was not always fatal to prosecution cases, though in some cases it might***

***militate against bona fides of prosecution. In cases involving kidnapping of young persons for ransom, parents as well as police invariably try their best to locate the victim rather than promptly lodging FIR for fear of death of victim. No adverse inference was to be drawn against prosecution on ground of delay along in lodging of FIR."***

22. The minor discrepancies in statement of all the witnesses are not enough to demolish the case of prosecution because the discrepancies always occur on account of lapse of time which can be ignored. It is not a discrepancy or discrepancies which could be pressed for an acquittal but the defence has to bring on record the contradictions which too should be of a nature to cut a root of the prosecution towards their presence and manner of incident.

23. It is settled principle that the variations in the statements of witnesses which are neither material nor serious enough to affect the case of the prosecution adversely, are to be ignored by the Court. It is also a settled principle that statements of the witnesses have to be read as a whole and the Court should not pick up a sentence in isolation from the entire statement and ignoring its proper reference, use the same against or in favour of a party, the contradictions must be material and substantial so as to adversely affect the case of prosecution. In this respect, the reliance can be placed upon case of ***Ghulam Hussain Soomro v. The State (PLD 2007 SC 71)***, wherein the Honourable Supreme Court of Pakistan has observed as under:-

***"Case of kidnapping for ransom were to be dealt with iron hands and even if there were minor discrepancies and deviations in evidence or shortfalls on part of investigation agency, the Courts were always to be dynamic and pragmatic in approaching true facts of the case and drawing correct and rational inference and conclusions arising out of facts and circumstances of each case".***

24. The upshot of above discussion is that the prosecution has successfully established its case against appellants Sanaullah Jatt, Aijaz Ahmed Mahar and Anwar Kaladi beyond any shadow of doubt. Learned counsel for the appellants have failed to point out

any material illegality or serious infirmity committed by learned trial Court while passing the impugned judgment, which in our view is based on appreciation of evidence and thus requires no interference by this Court. Consequently, the conviction and sentence awarded to the appellants by the learned trial Court is hereby maintained and the instant appeals filed by the appellants' merit no consideration, which are **dismissed** accordingly.

**Judge**

**Judge**