

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Criminal Appeal No.S-30 of 2022

Appellants/Accused: 1. Abdul Qadir s/o Muhammad Ismail.
2. Imamuddin s/o Kouro Khan.
3. Sadique s/o Muhammad Azeem
Through Mr. Asif Ali Abdul Razzak Soomro, Advocate.

Respondent: The State,
Through, Mr. Nazir Ahmed Bhangwar,
learned D.P.G.

Date of hearing: 30.05.2025.

Date of Judgment: 16-07-2025

J U D G M E N T

Jan Ali Junejo, J.— This criminal appeal is directed against the judgment dated 19.05.2022 (hereinafter referred to as the “*Impugned Judgment*”) passed by the learned Additional Sessions Judge-II, Jacobabad (hereinafter referred to as the “*Trial Court*”) in Sessions Case No. 295/2018, arising out of Crime No. 31/2018 of P.S. Saddar, Jacobabad, registered under Sections 302, 114, 337-H(ii), 148, 149 PPC, whereby the present appellants Abdul Qadir, Imamuddin, and Sadiq, all by caste Machhi, were convicted and sentenced to life imprisonment under Section 302(b) PPC, along with additional sentences under ancillary offences, with all sentences to run concurrently. The appellants have assailed their conviction and sentence through this appeal.

2. The case emanates from an FIR lodged by the Complainant Ali Muhammad on 26.03.2018 at 7:30 PM, alleging that on 26th March 2018, at approximately 10:30 AM, a fatal incident occurred in Village Essa Machhi, within the jurisdiction of Police Station Saddar, District Jacobabad. Earlier that morning, a verbal quarrel had taken place between the children of the complainant’s family and those of accused Muhammad Ibrahim, which caused tension between the parties. Subsequently, while the complainant Ali Muhammad Machhi, his brother Muhammad Juman, uncle Khamiso Khan, and

cousin Khuda Bux were standing outside their house, a group of ten accused—all by caste Machhi and residents of the same village—arrived armed with deadly weapons. The accused were: (1) Sadiq S/o Muhammad Azeem (armed with Kalashnikov), (2) Muhammad Ibrahim S/o Muhammad Essa (armed with TT pistol), (3) Muhammad Hanif S/o Kouro Khan (armed with gun), (4) Muhammad Ismail S/o Muhammad Essa (armed with gun), (5) Abdul Qadir S/o Muhammad Ismail (armed with TT pistol), (6) Muhammad Farooq S/o Muhammad Azeem (armed with Kalashnikov), (7) Imamuddin S/o Kouro Khan (armed with gun), (8) Habibullah S/o Kouro Khan (armed with TT pistol), (9) Nizamuddin S/o Kouro Khan (armed with TT pistol), and (10) Kouro Khan S/o Hazoor Bux (armed with a stick). Upon arrival, the accused surrounded the complainant party and, at the instigation of Kouro Khan who commanded them not to spare the complainant's side, accused Sadiq, Muhammad Ibrahim, and Muhammad Hanif opened direct fire with intent to kill. The firing struck Muhammad Juman, causing multiple firearm injuries to his chest, back, forehead, and right leg. The remaining accused resorted to indiscriminate aerial firing to spread fear and panic in the area. Despite pleas for mercy, the accused fled the scene with their weapons. The complainant and his companions found Muhammad Juman dead on the spot, with blood oozing from his wounds. The body was immediately shifted to the Civil Hospital Jacobabad where the postmortem was conducted through police facilitation. Following the funeral and burial, the complainant proceeded to Police Station Saddar, Jacobabad the same evening and lodged the FIR under Sections 302, 114, 337-H(ii), 148, and 149 PPC.

3. The case was investigated by the police, during which statements of witnesses were recorded under Section 161 Cr.P.C., and recoveries were effected from the Appellants Abdul Qadir and Imamuddin. Upon conclusion of the investigation, the final challan was submitted. The case was then sent up to the Sessions Court, which transferred it to the Court of Additional Sessions Judge-II, Jacobabad for trial. Prior to the commencement of the trial, copies of the FIR, statements, medical reports, and other relevant documents were duly supplied to

the appellants and co-accused. Thereafter, formal charge was framed against the accused persons, to which they pleaded not guilty and claimed trial. To establish its case, the prosecution examined the following key witnesses and produced documentary evidence before the learned Trial Court. The prosecution brought the following witnesses for examination and produced the exhibits listed below:

- PW-1 Dr. Manzoor Hussain (Ex.09) conducted the postmortem of deceased Muhammad Juman and opined that death occurred due to shock and hemorrhage from multiple firearm injuries. He produced the dead body inspection form (Ex.09/A) and postmortem certificate (Ex.09/B).
- PW-2 Tapedar Kamil Lashari (Ex.10) prepared the site sketch/map (Ex.10/A) after visiting the scene on 29.03.2018.
- PW-3 Ali Muhammad (complainant, Ex.11) was an eyewitness who fully implicated the accused and produced a copy of the FIR (Ex.11/A).
- PW-4 Khamiso Khan (Ex.12), another eyewitness, corroborated the complainant's version and produced following memos and documents:
 - Danistnama (Ex.12/A)
 - Memo of seeing dead body (Ex.12/B)
 - Memo of receiving blood-stained clothes (Ex.12/C)
 - Memo of place of wardhat (Ex.12/D)
 - Memo of arrest (Ex.12/E)
- PW-5 PC Ghulam Nabi (Ex.14) deposed about the delivery of the body, receipt of blood-stained clothes, and the recovery of weapons, and produced:
 - Receipt for dead body (Ex.14/A)
 - Memo of arrest and recovery (Ex.14/B)
 - Roznamcha entries (Ex.14/C and Ex.14/D)
- PW-6 SIP Shabir Ahmed (Ex.15) carried out the post-FIR investigation, including the inspection of the crime scene, recovery of empties, and weapons from the accused. He produced:
 - Roznamcha entries (Ex.15/A)
 - Ballistic expert report (Ex.15/B)
 - Chemical report (Ex.15/C)
 - Memo of arrest and recovery (Ex.15/D)
 - Copies of FIRs 38/2018 and 39/2018 (Ex.15/E & Ex.15/F)
- PW-7 ASI Sikandar Pathan (Exh.18), the first Investigating Officer, deposed that on 26.03.2018, he received a phone call from the complainant, Ali Muhammad, informing him about the murder of his brother, Muhammad Juman, and that the body was being shifted to Civil Hospital Jacobabad. He recorded Roznamcha Entry No.08 and promptly

proceeded to the hospital along with WHC Anwar Banglani. At the hospital, in the presence of mashirs Khamiso and Khuda Bux, he conducted the inspection of the deceased's body and observed multiple firearm injuries on the chest, abdomen, forehead, and leg. He prepared the Danistnama (Ex.12/A), Dead Body Inspection Memo (Ex.12/B), and Dead Body Description Form. Later, he received the blood-stained clothes of the deceased from PC Ghulam Nabi, sealed them in a cloth parcel, and prepared a memo of recovery (Ex.12/C) in the presence of the same mashirs. He then handed over the sealed parcel and documents to WHC for placement in the Malkhana.

4. Additionally, the statements of the Appellants were recorded under Section 342 Cr.P.C., who also produced two defence witnesses: DW-1 Yar Muhammad (brother of the deceased) and DW-2 Ashiq Hussain (nephew of the deceased), both of whom suggested that the murder was committed by members of the Jatoi community, not the appellants. However, their testimony was disbelieved by the trial Court as an afterthought without corroboration. Upon conclusion of trial and after appraisal of the entire evidence, the learned trial Court, vide judgment dated 19.05.2022, convicted the appellants Sadiq S/o. Muhammad Azeem, Abdul Qadir S/o. Muhammad Ismail, and Imamuddin S/o. Kouro Khan under Section 302(b) PPC, and sentenced them to imprisonment for life, along with payment of compensation of Rs. 500,000/- each to the legal heirs of the deceased, under Section 544-A Cr.P.C., with a default clause for recovery as arrears of land revenue. Additionally, all three Appellants were also convicted as under:

- Section 337-H(ii) PPC and sentenced to 3 months R.I. with a fine of Rs.10,000/- each (with one-month S.I. in case of default), and
- Section 148 PPC, with 1 year R.I. and Rs.20,000/- fine each (with 6 months S.I. in default).

All sentences were directed to run concurrently, and benefit of Section 382-B Cr.P.C. was extended to the Appellants. The appellants Abdul Qadir and Imamuddin, who were on bail, were taken into custody following conviction. The Appellant Sadiq was already in judicial custody. The remaining co-accused were declared absconders, and the case against them was kept on dormant file until their arrest or surrender.

5. Learned counsel for the appellants has argued that there was an unexplained delay of over 9 hours in lodging the FIR, raising suspicion of afterthought. It is further argued that contradictions existed between the complainant and eyewitnesses regarding the distance of fire, arrival time at hospital, and role of the accused. It is further argued that ballistic and recovery evidence was tainted, with no independent mashirs and recoveries made from publicly accessible areas. It is further argued that no independent witnesses from the locality were examined, despite availability. It is contended that medical evidence did not conclusively match multiple weapons allegedly used. It is further contended that alternate defence theory involving Jatoli tribesmen was ignored despite being supported by the deceased's own relatives. Lastly, the learned counsel prayed for the setting aside of the impugned judgment and acquittal of the appellants.

6. Learned Deputy Prosecutor General supported the trial court's findings, arguing that the delay in FIR was reasonably explained due to funeral and logistical arrangements. It is further argued that the eyewitnesses were natural, consistent, and had no reason to falsely implicate close relatives, unless true. It is further contended that weapons were recovered from accused, and ballistic expert reports matched empties recovered at the crime scene. He further contends that minor contradictions are natural over time and do not shake the core prosecution narrative. Lastly, he prayed for dismissal of the appeal.

7. I have carefully considered the arguments advanced by the learned counsel for the Appellants and the learned Deputy Prosecutor General (DPG) for the State, and have meticulously examined the record and evidence presented before the trial Court, including the testimonies of prosecution witnesses (PWs), defence witnesses (DWs), documentary exhibits, and the reasoning provided in the Impugned Judgment dated 19.05.2022. The factum of the unnatural death of Muhammad Juman S/o Muhammad Moosa Machhi on 26.03.2018 due to multiple firearm injuries stands undisputed and is conclusively established by the

medical evidence. PW-1 Dr. Manzoor Hussain (Ex.09), the Medico-Legal Officer who conducted the postmortem examination, provided detailed findings in his testimony and the postmortem report (Ex.09/B). He documented nine external firearm injuries (entry and corresponding exit wounds) on various parts of the deceased's body, including the chest, abdomen, and leg, along with significant internal damage to vital organs. Dr. Hussain opined that death resulted from shock and hemorrhage caused by firearm discharge, specifically noting that Injuries Nos.1, 3, and 5 were individually sufficient to cause death in the ordinary course of nature. All injuries were determined to be ante-mortem. This medical evidence provides a firm foundation for the prosecution's case regarding the cause and nature of death. The core of the prosecution case rests on the ocular testimony provided by PW-3 Ali Muhammad (the complainant and brother of the deceased) and PW-4 Khamiso Khan (uncle of the complainant and deceased). Both were present at the scene and witnessed the incident unfold. Learned counsel for the appellants contended that their evidence should be discarded due to their close relationship with the deceased and alleged contradictions. However, it is a settled principle of law that relationship *per se* is not a valid ground for rejecting testimony, especially when the witnesses are natural witnesses present at the scene. Rather, their evidence requires careful scrutiny. In this case, both PW-3 and PW-4 gave consistent accounts regarding the genesis of the incident (a prior quarrel between children/womenfolk), the arrival of the ten accused persons armed with specific weapons, the instigation by accused Kouro Khan, and the specific roles played by the accused. They consistently attributed the direct fatal shots to accused Sadiq, Muhammad Ibrahim, and Muhammad Hanif, while stating that the present appellants Imamuddin and Abdul Qadir, along with others, provided support and engaged in aerial firing. Their presence at the scene is natural, and they had no apparent motive to falsely implicate their own relative (the Appellant Sadiq) while letting the real culprits go free.

8. The minor discrepancies highlighted by the defence—such as variations in the estimated distance of firing or the exact time of arrival at the hospital—are natural inconsistencies that often arise in witness testimony, particularly when given after a traumatic event and with the passage of time. Such variations are not unusual and, in fact, are expected in human recollection under distressing circumstances. Importantly, these minor inconsistencies do not undermine the fundamental credibility or the overall consistency of the eyewitness account with respect to the material aspects of the incident. In support of the well-established legal principle that minor contradictions or discrepancies in the testimony of prosecution witnesses do not necessarily weaken the prosecution’s case, reliance is placed on the judgment of the Hon’ble Supreme Court of Pakistan in ***Nazir Ahmed v. The State (2023 SCMR 1299)***. In this case, the Apex Court observed that: *“It is a well settled proposition of law that as long as the material aspects of the evidence have a ring of truth, courts should ignore minor discrepancies in the evidence. The test is whether the evidence of a witness inspires confidence. If an omission or discrepancy goes to the root of the matter, the defence can take advantage of the same. While appreciating the evidence of a witness, the approach must be whether the evidence read as a whole appears to have a ring of truth. Minor discrepancies on trivial matters not affecting the material considerations of the prosecution case ought not to prompt the courts to reject evidence in its entirety. Such minor discrepancies which do not shake the salient features of the prosecution case should be ignored”*. The incident occurred in broad daylight, and the accused, being close relatives residing nearby, were well-known to the witnesses, eliminating the possibility of mistaken identity. In similar circumstances, the Honourable Supreme Court of Pakistan in the case of ***Abid Hussain and another v. The State and others (2024 SCMR 1608)*** observed that: *“In view of this, the question arises as to whether relationship of deceased with the witnesses is sufficient to discredit their testimonies. It is a settled principle of criminal law that mere close relationship of the deceased with witnesses is not the criteria to believe or disbelieve a piece of evidence”*. It was further observed by the Honourable Apex Court that: *“Complainant undoubtedly was a witness of the*

occurrence which took place in broad daylight with no possibility of mistaken identity. Being a father of the deceased, he would not allow the real culprit to escape by implicating an innocent person”. Regarding the delay of approximately 9 hours in lodging the FIR, the explanation provided by the complainant and corroborated by PW-4 Khamiso Khan appears plausible and satisfactory in the circumstances. They stated that immediately after the incident, they were occupied with informing the police, shifting the body to the hospital for postmortem, receiving the body back, performing funeral rites and burial, and attending to condolences from relatives. This sequence of events, common in rural settings following a murder, reasonably accounts for the time taken before formally lodging the FIR. The trial Court correctly found the delay to be adequately explained, and this Court finds no reason to disagree. The prompt lodging of an FIR is desirable, but delay itself is not fatal if reasonably explained, as it is in this case.

9. The medical evidence, as previously discussed, confirms that the cause of death was firearm injuries and broadly aligns with the ocular account presented by the prosecution witnesses. The nature and multiplicity of the injuries are consistent with coordinated firing by several individuals, as alleged in the FIR and established through eyewitness testimony. The trial Court, in its Impugned Judgment, has meticulously evaluated the entire body of evidence. Its reasoning for accepting the testimony of the prosecution witnesses, who were natural, consistent, and present at the scene, and rejecting the defence version offered by Appellant Sadiq, is both cogent and firmly rooted in the evidentiary record. No instance of misreading, non-reading, or perverse appreciation of evidence is discernible that would constitute a legal infirmity justifying interference by this Court. In light of the direct, credible, and corroborated ocular testimony, supported by unimpeached medical evidence, I find that the trial Court’s findings are well-reasoned and sustainable in law. I am, therefore, of the considered view that the prosecution has successfully proved its case against Appellant Sadiq beyond reasonable doubt. This conclusion is consonant with the principles reaffirmed by the Honourable Supreme Court of Pakistan in case of *Sohail*

Akhtar and another v. The State and another (2024 SCMR 67), wherein it was observed that: “*The ocular account of the occurrence is in line with the medical evidence brought on the record. The prosecution witnesses have not been shattered during cross-examination and their evidence is confidence inspiring. The judgment passed by the High Court is well reasoned and based on proper appreciation of evidence available on the record*”.

10. However, a critical examination of the evidence reveals a distinction in the roles attributed to the Appellants. The specific role of incriminating firing, causing fatal injuries to the deceased, has been consistently attributed to the Appellant Sadiq, Muhammad Ibrahim, and Muhammad Hanif. The ocular testimony of PW-3 and PW-4 clearly states that these three accused opened direct fire with intent to kill, striking Muhammad Juman. The medical evidence corroborates that Muhammad Juman died due to multiple firearm injuries. Therefore, the conviction and sentence passed against the Appellant Sadiq are appropriate and need no interference.

11. Conversely, the role attributed to the appellants Abdul Qadir and Imamuddin is limited to aerial and indiscriminate firing, which did not result in any injury to the deceased or the prosecution witnesses. The prosecution has failed to establish beyond reasonable doubt that their actions directly caused the fatal injuries or that they shared a common intention to commit murder. Their mere presence, unaccompanied by any overt act contributing to the homicide, creates reasonable doubt about their culpability under Section 302 PPC. In analogous circumstances, the Honourable Supreme Court of Pakistan in *Riasat Ali and another v. The State and another (2024 SCMR 1224)* held that: “*PW.14 and PW.15 have not explained as to how they escaped firearm injury despite indiscriminate firing by five accused persons from a close range. The above aspect also creates doubt about presence of PW.14 and PW.15 at the place of occurrence. It is not believable that by killing a person in presence of his close relatives, accused would not*

attempt to cause any injury to the prosecution witnesses leaving them for evidence to be hanged”.

12. Furthermore, the recovery of the weapons allegedly effected at the instance of the appellants Abdul Qadir and Imamuddin is fraught with serious doubts. Although the recovery was made in broad daylight, the Investigating Officer failed to associate any private witnesses with the proceedings, despite having prior information that the appellants had purportedly confessed and were willing to produce the weapons. This omission undermines the credibility of the recovery memo, as it departs from the settled legal requirement of securing independent witnesses for such significant evidence. Moreover, the alleged place of recovery, a heap of paddy straw, was not in the exclusive possession of the appellants but was located in an open area accessible to the public. As such, the prosecution has not established exclusive control or possession of the recovery site by Appellants Abdul Qadir or Imamuddin. This further diminishes the evidentiary value of the alleged recovery. The absence of independent mashirs, particularly when the recovery is from a public and accessible place, substantially weakens the prosecution’s claim. When considered alongside the non-lethal and peripheral role attributed to Abdul Qadir and Imamuddin, these factors collectively raise reasonable doubt regarding their direct involvement in the commission of murder. In similar circumstances, the Honourable Supreme Court of Pakistan in ***Sikandar Ali alias Bhola v. The State (2025 SCMR 552)*** held that: *“Insofar as the recovery of a rope on the pointing out of the petitioner is concerned, the same was recovered from an open place i.e., under the trees situated in the naval complex, Islamabad. The said place was accessible to the public and the same was not in exclusive possession of the petitioner”.*

13. With regard to the non-recovery of the weapon from the possession of the appellant, Sadiq, it is a settled principle of criminal jurisprudence that the failure to recover the weapon of offence is not, in itself, fatal to the prosecution’s case. The evidentiary value of recovery is merely corroborative in nature and does not

constitute the sole basis for conviction or acquittal. Where the prosecution case is otherwise supported by reliable, confidence-inspiring ocular testimony and corroborated by medical and circumstantial evidence, the non-recovery of the weapon cannot be deemed sufficient to create reasonable doubt or discredit the prosecution version. In the present case, the eyewitnesses have provided a consistent and trustworthy account of the incident. Their testimonies are not only coherent and free from material contradictions, but also gain further credibility from the fact that they are corroborated by the medical evidence on record. The consistency between the ocular account and the medical findings lends strong support to the prosecution case and reinforces the reliability of the witnesses. In such circumstances, the absence of weapon recovery is rendered immaterial and does not weaken the probative value of the other substantial evidence. This legal position has been reiterated in numerous authoritative pronouncements. In Case of ***Mukhtar Ahmed v. The State (2004 SCMR 220)***, the Hon'ble Supreme Court of Pakistan held that: *"He however, submitted that no recovery of .7 mm rifle was made which was allegedly used by the petitioner. He also admitted that no empty from the spot was also recovered, therefore, in our view, non-recovery of weapon of offence in the circumstances of the case was not fatal to the prosecution case. The ocular account given by the witnesses was such which could be sufficient to bring home guilt to the petitioner"*.

14. In view of the foregoing analysis, while the prosecution has succeeded in proving the guilt of Appellant Sadiq beyond reasonable doubt—with credible eyewitness testimony and corroborating medical and forensic evidence establishing his role in inflicting the fatal firearm injuries—the same standard of proof is not met in the case of Appellants Abdul Qadir and Imamuddin. The evidence connecting them to the murder is tenuous at best. Their alleged acts were limited to aerial firing, with no injuries attributed to them, and the recovery of weapons at their instance suffers from serious legal infirmities, including the absence of independent witnesses and the recovery being made from an open,

publicly accessible location. These deficiencies undermine the reliability of the prosecution's case against them. In criminal jurisprudence, where any reasonable doubt arises regarding the role or participation of an accused, the benefit of that doubt must be extended in favour of the accused. Accordingly, Abdul Qadir and Imamuddin are entitled to acquittal on account of such doubt, as their conviction for murder cannot be sustained on the basis of the evidence on record. The legal principle is well-established that it is unnecessary for multiple circumstances to create doubt. A single, substantial circumstance that raises suspicion about the prosecution's evidence can be sufficient to acquit the accused. The Honourable Supreme Court of Pakistan, in Case of ***Muhammad Riaz and others v. The State and others (2024 SCMR 1839)***, underscored this principle. The Apex Court held that: *"It is an established principle of law that to extend the benefit of the doubt it is not necessary that there should be so many circumstances. If one circumstance is sufficient to discharge and bring suspicion in the mind of the Court that the prosecution has faded up the evidence to procure conviction then the Court can come forward for the rescue of the accused persons as held by this Court in Daniel Boyd (Muslim Name Saifullah) and another v. The State (1992 SCMR 196); Gul Dast Khan v. The State (2009 SCMR 431); Muhammad Ashraf alias Acchu v. The State (2019 SCMR 652); Abdul Jabbar and another v. The State (2019 SCMR 129); Mst. Asia Bibi v. The State and others (PLD 2019 SC 64) and Muhammad Imran v. The State (2020 SCMR 857)"*.

15. As to Appellant Sadiq, the trial Court expressly found that, although he fired the fatal shots, several mitigating circumstances tempered the gravity of his act. The confrontation erupted spontaneously from a minor quarrel between the parties' children and womenfolk; there was no proven history of deep-seated enmity or pre-planned design to kill. All protagonists were close relatives living in the same village, and the incident occurred in broad daylight, suggesting a sudden loss of self-control rather than calculated assassination. No cruelty beyond the act of shooting was shown, and Sadiq was a first-time offender.

Weighing these factors against the statutory criteria for capital punishment, the trial Court concluded that life imprisonment, coupled with compensation to the heirs, satisfied the ends of justice while acknowledging the situational provocation that led to the offence, a conclusion that, on the record, appears both reasoned and proportionate. In similar circumstances, the Honourable Supreme Court in ***Khalid v. The State through PG Sindh (2024 SCMR 1474)*** held that: *“According to the settled principles, non-proving of the motive alleged by the prosecution can be considered as a mitigating circumstance for reducing the quantum of sentence awarded to an accused”*.

16. In view of the foregoing discussion and careful reappraisal of the evidence on record, this Court finds that the prosecution has proved its case against the Appellant Sadiq beyond reasonable doubt. His direct and incriminating role in causing fatal injuries to the deceased Muhammad Juman has been established through consistent ocular and medical evidence. Therefore, the conviction and sentence passed against the Appellant Sadiq by the learned Trial Court are hereby maintained, and his appeal is dismissed. However, with regard to Appellants Abdul Qadir and Imamuddin, the evidence on record attributes to them only the act of aerial and ineffective firing, which did not result in any injury to the deceased or the prosecution witnesses. Additionally, the alleged recovery of weapons at their instance is marred by significant procedural irregularities, most notably, the absence of independent witnesses, thereby casting serious doubt on the credibility and evidentiary value of the recovery. The fact that the weapons were recovered from an open area not exclusively owned or controlled by the appellants further undermines the prosecution’s claim of exclusive possession. When these deficiencies are considered collectively, they give rise to reasonable doubt regarding the appellants' direct involvement in the commission of murder. It is a firmly settled principle of criminal jurisprudence that if there exists any reasonable doubt, however slight, it must be resolved in favour of the accused. Accordingly, Appellants Abdul Qadir and Imamuddin are entitled to the benefit of doubt. Their conviction and sentences are, therefore, set

aside, and their appeal is allowed. The Appellants Abdul Qadir and Imamuddin shall be released forthwith if not required in any other case.

JUDGE