IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Criminal Appeal No. 131 of 2019

Appellant	Shahnawaz @ Shandino son of Allah Rakhio @ Haji Khan Magsi through Mr. Habibullah G. Ghouri, Advocate.
Complainant	Sherdil son of Dilijan Magsi through Mr. Ashique Hussain Kalhoro, Advocate.
Respondent	The State through Mr. Nazir Ahmed Bhangwar, DPG.
Dates of hearing	**07-08-2025**
Date of Judgment	**28-08-2025**

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JUDGMENT

Shamsuddin Abbasi, J. Shahnawaz @ Shahdino son of Allah Rakhio @ Haji Khan Magsi, appellant, was tried by learned Additional Sessions Judge-I [MCTC], Shahdadkot, in Sessions Case No.43 of 2016 [FIR No.50 of 2015] registered at Police Station B-Section, Shahdadkot, for offences under Sections 302 and 34, PPC. By a judgment dated 07.12.2019 he was convicted under Section 302[b], PPC, and sentenced to suffer life imprisonment and to pay a sum of Rs.500,000/- as compensation to the legal heirs of deceased and to undergo simple imprisonment for six months more in lieu of compensation. The benefit in terms of Section 382-B, Cr.P.C. was, however, extended to the appellant.

2. FIR in this case has been lodged on 08.11.2015 at 4:00 pm whereas the incident is shown to have taken place on 07.11.2015 at 12:00 pm. Complainant Sherdil son of Dilijan Magsi has stated that his daughter Mst. Shabeeran was married to Shahnawaz @ Shahdino and the sister of Shahnawaz @ Shahdino namely Mst. Roshan was in the Nikah of his son Jeeo Khan. After sometime of the marriage, due to some matrimonial affairs, Shahnawaz wanted to have returned his wife [Mst. Shabeeran] to the complainant and got his sister [Mst. Roshan] back to his house, but the matter stood resolved due to intervention of Nekmards, however, Shahnawaz remained annoyed and he used to say that he would kill Mst. Shabeeran. On the fateful day complainant alongwith his relatives namely, Habibullah and Jan Muhammad went to the house of Shahnawaz @ Shahdino. It was about 12:00 noon when

they reached near the house of Shahnawaz @ Shahdino, they heard cries of Mst. Shabeeran and as soon as they reached there, they saw Shahnawaz @ Shahdino throttling Mst. Shabeeran with his hands while Mashooque had caught Mst. Shabeeran with her hairs whereas Abdul Ghani, armed with hatched, threatened the complainant party not to come near them. Thereafter, all of them made their escape good. The complainant saw his daughter and found her dead. He went to P.S. B-Section Shahdadkot and informed the incident to police. The police came at the place of incident and after completing proceedings under Section 174, Cr.P.C. referred the dead body to Taluka Hospital Shahdadkot where her post-mortem was conducted and thereafter handed over the dead body to complainant and after completing funeral rites he went to P.S. and lodged FIR.

3. Pursuant to the registration of FIR, the investigation was followed and in due course the challan was submitted before the Court of competent jurisdiction under the above referred Sections, whereby appellant was sent-up to face the trial whereas accused Abdul Ghani was shown as absconder whereas the case of accused Mashooque Ali was bifurcated from the case of the appellant as he jumped bail.

4. A charge in respect of offences under Section 302 and 34, PPC, was framed against the appellant. He pleaded not guilty to the charged offence and claimed a trial.

5. At trial, the prosecution has examined as many as seven witnesses. The gist of the evidence, adduced by the prosecution in support of its case, is as under:-

6. Jan Muhammad appeared as witness No.1 [Ex.9], Dr. Qamar Nisa as witness No.2 [Ex.10], Sherdil [complainant] as witness No.3 [Ex.11], Saddar Hussain as witness No.4 [Ex.14], Habibullah as witness No.5 Ex.15, ASIP Liaquat Ali as witness No.6 Ex.17, HC Sardar Ali as witness No.7 [Ex.18]. All of them have exhibited certain documents in their evidence and were subjected to cross-examination by the defence. Thereafter, the prosecution closed its side vide statement Ex.19.

7. Statement of appellant under Section 342, Cr.P.C. was recorded at Ex.20. He has denied the allegations imputed upon him by the prosecution, professed his innocence and stated his false implication in this case by the police at the instance of complainant. He opted not to make a statement on Oath under Section 340(2), Cr.P.C. nor produce any witness in his defence.

8. Upon completion of the trial, the learned trial Court found the appellant guilty of the offence charged with and, thus, convicted and sentenced him as detailed in para-1 (supra), which necessitated filing of the instant appeal.

9. The learned counsel appearing for the appellant has contended that he is innocent and has been falsely implicated in this case by the complainant party as otherwise he has nothing to do with the alleged offence and has been made victim of the circumstances. Next contends that the FIR has been lodged after more than 28 hours of the incident and that too without furnishing any plausible explanation. Also contends that the ocular account has been furnished by related and interested witnesses, whose testimony is unsafe to rely upon especially when they have not been corroborated by an independent witness. Next contends that the medical evidence contradicts the ocular account produced by the prosecution which is unsafe to rely upon more particularly when no other incriminating evidence in shape of circumstantial evidence has been brought on record. Per learned counsel, the prosecution has failed to discharge its legal obligation of proving the guilt of the appellant as per settled law and the appellant was not liable to prove his innocence. Next contents that the impugned judgment is bad in law and facts and based on assumptions and presumptions without assigning any valid and cogent reason. Next contents that the witnesses being interested and inimical to the appellant have falsely deposed against him, they were inconsistent with each other rather contradicted on crucial points benefit whereof must go to the appellant. The learned counsel while summing up his submissions has submitted that the learned trial Court while passing the impugned judgment has deviated from the settled principle of law that a slightest doubt is sufficient to grant acquittal to an accused and failed to appreciate the evidence in line with the applicable law and surrounding circumstances and based

its findings on misreading and non-reading of evidence and arrived at a wrong conclusion in convicting the appellant merely on assumptions and presumptions ignoring the neutral appreciation of evidence, hence the conviction and sentence awarded to the appellant, based on such findings, are not sustainable in law and liable to be set-aside and the appellant deserves to be acquitted of the charge and prayed accordingly.

10. The learned Deputy Prosecutor General, duly assisted by the learned counsel for the complainant, has supported the impugned judgment and submitted that the learned trial Court has rightly convicted the appellant for commission of murder of his wife on the basis of ocular account duly supported by medical evidence. Next contends that appellant is nominated in FIR with specific role of committing murder of his wife by pressing her neck. Addressing the point raised by defence, the learned DPG has responded that the delay in lodgment of FIR has been well-explained; the occurrence happened at 12:00 noon and the priority was to shift the dead body to hospital followed by her burial on the next day; the complainant lodged FIR immediately after funeral, which is a reasonable course in the circumstances; moreover, he stressed that a prompt oral report had already been made to police soon after the incident so any technical delay is hardly material in cases where parties known to each other prior to the incident and such a delay did not prejudice the case of the prosecution or indicate fabrication. Next contends that the witnesses while appearing before the learned trial Court remained consistent on each and every material point, they were subjected to lengthy cross-examination but nothing adverse to the prosecution story has been extracted which can provide any help to the appellant. Also contends that the medical evidence in this case is in line with the ocular account which fully corroborates the story narrated in the FIR. Next contends that the prosecution in support of its case has produced ocular as well as medical evidence, supported by strong motive, which was rightly relied upon by learned trial Court. Also contends that mere relationship is not a ground to discard the evidence of witnesses of ocular account until and unless some valid and cogent evidence is brought on record for false implication of the appellant, which is lacking in this case. While emphasizing their submissions, the learned DPG as well as

complainant's counsel have submitted that the findings recorded by the learned trial Court in the impugned judgment are based on fair evaluation of evidence and documents brought on record, to which no exception could be taken and that the prosecution has successfully proved its case against the appellant beyond shadow of reasonable doubt, thus, the appeal filed by the appellant warrants dismissal and his conviction and sentence, awarded through impugned judgment dated 07.12.2019 is liable to be upheld and prayed accordingly.

11. I have heard the parties' respective counsel, given my anxious consideration to their submissions, and also scanned the entire record carefully with their able assistance.

12. Occurrence took place inside house of appellant, situated at Aliabad Mohallah, Shahdadkot within the view of complainant Sherdil and two eye-witnesses namely, Habibullah and Jan Muhammad. The complainant is father of deceased Mst. Shabeeran. On the day of incident he went to the house of his son-in-law Shahnawaz @ Shahdino [appellant], accompanied by his two relatives namely, Habibullah and Jan Muhammad to see his daughter and as soon as reached near the house of appellant they heard cries of Mst. Shabeeran and saw appellant throttling her neck from his hands while Mashooque had caught Mst. Shabeeran with her hairs whereas Abdul Ghani, armed with hatched, threatened them not to resist and refrain them from any interference and after they decamped the complainant saw his daughter and found her dead. He went to P.S. and disclosed the entire incident to police. The police came at the site and after completing all legal proceedings referred the dead body to hospital for post-mortem and thereafter handed over the same to complainant, who after freeing from funeral rites appeared at P.S. B-Section Shahdadkot and lodged FIR.

13. As to the contention that FIR has been lodged after more than 28 hours of the incident, which has caused serious dent to the prosecution case, suffice to observe that soon after the incident the complainant went to P.S. and informed the incident to police. The police came at the place of occurrence, completed proceedings under Section 174, Cr.P.C. and then referred the dead body to hospital for post-mortem and after completion thereof handed over

the dead body to complainant who after freeing from funeral rites went to P.S. and lodged FIR under the advice of the elders. The complainant has reflected a natural conduct in registration of FIR which is absolutely inapt with the prevailing circumstances at that time. The explanation so furnished by the complainant in setting the machinery of law in motion has turned down the stance taken by the learned counsel for the appellant for his false implication after fabrication and consultation prior to the registration of crime report. The delay of 28 hours in lodgment of FIR is, thus, not fatal to the prosecution case. Guidance is taken from the case of *Muhammad Ashraf v Tahir alias Billoo and another* [2005 SCMR 383], wherein it has been held as under:-

> *"if owing to some anguish and shock some time is consumed in lodging F.I.R.; it cannot be considered fatal for prosecution case as it has been held in the case of Mst. Shamim Akhtar v. Faiz Akhtar PLD 1992 SC 211.*

14. The case of the prosecution is primarily structured upon ocular account furnished by complainant Sherdil [PW.3 Ex.11] and two eye-witnesses Jan Muhammad [PW.1 Ex.9] and Habibullah [PW.5 Ex.15]. They have furnished graphic details of the occurrence without being trapped into any serious narrative conflict and plausibly explained their presence at the crime scene. Complainant is real father of deceased Mst. Shabeeran and in his deposition has supported the story narrated in the FIR. He has been supported by two eye-witnesses, who while appearing before the learned trial Court have deposed in the same line as that of complainant and remained consistent on each and every point. The complainant in his deposition has supported the contents of the FIR and stated that in his presence Shahnawaz @ Shahdino pressed the neck of his daughter from his hands and committed her murder by throttling while Mashooque caught his daughter with her hairs and Abdul Ghani was holding a hatched and threatened not to come near them. The eye-witnesses have also testified that when they reached the place of incident they saw Mashooque holding Mst. Shabeeran from her hands while Shahnawaz @ Shahdino throttling her from his hands and Abdul Ghani resisted them to intervene on the pointation of hatchet. They have also supported the story narrated in the FIR and testified that they accompanied the complainant to P.S. for lodgment of FIR. The complainant and eye-witnesses have correctly explained

the manner and mode of taking place of the occurrence as well as their presence at the scene of occurrence. They remained consistent on each and every material point despite having undergone a lengthy cross-examination by the defence. Nothing has been extracted from their mouth during cross-examination favouring the appellant.

15. The prosecution has also examined ASI Liaquat Ali [PW.6 Ex.17]. He has deposed in his evidence that on 07.11.2015 he was present at P.S. B-Section Shahdadkot and it was 1:00 p.m. when complainant Sherdil came at P.S. and informed him about the murder of his daughter. He alongwith two policemen and two witnesses namely, Saddar Hussain and Ali Mardan came at the place of occurrence, accompanied by complainant, inspected the dead body, prepared Danishnama and last chakas and then referred the dead body to Taluka Hospital Shahdadkot through HC Sardar Ali. He further testified the complainant and eye-witnesses that on 08.11.2015 when he was duty officer, the complainant accompanied by eye-witnesses, appeared at P.S. and lodged FIR. He also visited the place of incident and prepared memo of site inspection on the same day and arrested the appellant on 13.11.2015. He has been supported by PW.7 HC Sardar Ali [18], who while appearing before the learned trial Court has testified that on 07.11.2015 ASI Liaquat Ali took him to the place of incident and after completing legal formalities at spot handed over him dead body of Mst. Shabeeran for her shifting to hospital for the purpose of post-mortem. He brought the dead body at hospital and after post-mortem handed over the same to complainant.

16. A careful look to the testimony of complainant and eye-witnesses reveals that they have established their presence at the place of occurrence, which has not been shattered by the defence. They have deposed same facts in their evidence, which are in line to that of their earlier statements recorded by police during investigation. They have also supported the case of the prosecution and deposed full account of the incident and also implicated the appellant in the commission of offence charged with. No doubt they are closely related to complainant and deceased, despite they cannot be considered as interested witnesses rather they are natural witnesses because they have explained their presence at the scene of occurrence by stating that as soon as they reached near the house of appellant, they heard cries of

Mst. Shabeeran and when they went there they saw Mashooque holding Mst. Shabeeran from her hairs while Shahnawaz @ Shahdino pressing her neck from his hands and Abdul Ghani resisted them to intervene on the pointation of hatchet and after their departure they saw Mst. Shabeeran and found her dead. Thus, the testimony of complainant and eye-witnesses cannot be disbelieved because the Court has to see the truthfulness and credibility of such witnesses.

17. The crux of the arguments of the learned counsel for the appellant is that the story set-forth in the FIR has been supported by the interested witnesses and no independent corroboration has been provided by any independent witness. I am unable to appreciate this submission of the learned counsel for the appellant because if this proposition is to be accepted, the evidence of witnesses, who are relatives of the victim/ deceased of a heinous crime, would be rendered unacceptable merely because they happened to be the relatives of deceased. The law has now well settled on the point that the fact of relationship of the witnesses with the complainant or with the deceased would not be sufficient to smash the evidence adduced by such witnesses or to disbelieve their credibility as well as legal sanctity. Guidance in this behalf may be taken from the case of *Muhammad Aslam v The State* (2012 SCMR 593), *wherein the ocular version had been furnished by PW-6, who was real son of deceased and PW-7, the other eyewitness, who was cousin of the complainant and their statements were not discarded on the ground that they made consistent statement against the accused and specific role of firing was attributed.* In another case of *Mirza Zahir Ahmed v The State 2003 (SCMR 1164), two eye-witnesses PW Muhammad Zaheer and Muhammad Shafiq were closely related to deceased, but they had furnished trustworthy evidence to support the prosecution case. It was held by the Hon'ble Supreme Court that "the statements of both the witnesses get corroboration from each other. As far as the medical evidence is concerned, it being in the nature of conformity has also substantiated their version, therefore, the evidence of these prosecution witnesses cannot be discarded merely for the reason that they were closely related to Tariq Javed deceased*". Even otherwise the rule requiring independent corroboration of testimony of related or interested witnesses is a rule of prudence which is not to be applied rigidly in each case especially when the Courts of law do not feel its

necessity. Mere relation of a witness with any of the parties would not dub him /her as an interested witness because interested witness is one who has, at his own, a motive to falsely implicate the accused, is swayed away by a cause against the accused, is biased, partisan, or inimical towards the accused, hence any witness who has deposed against accused on account of the occurrence, by no stretch of imagination can be regarded as an "interested witness". There can be cases like the present one where implicit reliance can be placed on the testimony of related witness if it otherwise inspiring confidence of the Court. It is noteworthy that witnesses having some relation with deceased, particularly in murder cases, may be found more reliable, because they, on account of their relationship with the deceased, would not let go the real culprit or substitute an innocent person for him. The complainant and eye-witnesses have deposed full account of the incident and fully involved the appellant in the commission of offence. I am, thus, of the firm view that complainant and eye-witnesses have sufficiently explained the date, time and place of occurrence as well as each and every event of the occurrence in clear cut manners. They while appearing before the learned trial Court provided full support to the case of the prosecution and also implicated the appellant in the commission of offence. They were subjected to lengthy cross-examination by the defence but could not extract anything from them as they remained stick to their stance. I am also cognizance of the fact that the parties are known to each other and the occurrence has taken place in broad daylight, hence questions of mistaken identity or substitution are the possibilities beyond comprehension and there is no chance of any misidentification.

18. The direct evidence, as detailed above, is in shape of evidence of PW.3 complainant Sherdil and eye-witnesses namely, PW.1 Jan Muhammad and PW.5 Habibullah. They have supported the case of the prosecution and find corroboration from the other witnesses coupled with medical evidence in shape of PW.2 Dr. Qamar Nisa [Ex.10], who while appearing before the learned trial Court has testified the injuries caused to deceased Mst. Shabeeran and declared cause of death due to asphyxia resulting from throat ling. Here it would be conducive to reproduce the evidence of PW.2 Dr. Qamar Nisa, which reads as under:-

"On 07.11.2015 I was posted as woman medical officer at Taluka Hospital Shahdadkot. On that day I received dead body of deceased Mst. Shabeeran wife of Shahnawaz Magsi aged about 30 to 35 years, brought in Taluka Hospital Shahdadkot at about 06:30 pm by HC-2165 Sardar Ali Dated 07.11.2015. I found following injuries on person of female deceased who was young lady with average built, postmortem lividity were present, so also rigor mortis was also present staining present.

Surface Wound Injuries:

01. Bunch of hair pulled up from scalp.
02. Two bruises of 7 x 1 cm on each side of the neck. Swelling 5 x 3 cm on temporal region.
03. Three abrasions 2 x 2 cm on left cheek.
04. One abrasion 2 x 1 cm on the right side of mandible.
05. Two abrasions of 2 x 2 cm on both knee joint.

Internal Examination:

01. Skull NAD (No any Detail).
02. Neck: external and internal veins are full of blood.
03. Chest: lungs are congested: heart left ventricle full of blood.
04. Abdomen: Stomach contains semi-digested food particles.
05. Limbs NAD (No any detail).

From the external as well as internal examination of the deceased, I am of the opinion that death occurred due to shock and hemorrhage all injuries were ante-mortem in nature. Death has been occurred due to asphyxia resulting of throat ling. Time between death and injuries were instantaneously. Time between death and postmortem was about 07 and half hours. I conducted postmortem at 7:30 pm and finished the same at 09:00 pm. I produce police letter at Ex.10/A, and say that it is same and correct. I also produce mort-mortem report being No.2184 dated 11.11.2015 at Exh.10/B and say that it is same, correct and bear my signatures".

19. Reviewing the evidence of PW.2 Dr. Qamar Nisa, it is noted that ocular account furnished by the prosecution has been supported by the medical evidence, which fully corroborates the testimony of the complainant and eye-witnesses. The appellant while recording his statement under Section 342, Cr.P.C. did not discredit such confidence inspiring evidence. The cruel conduct of the appellant is evident from the record that he brutally committed murder of his wife by throttling and a bunch of her hair pulled up from scalp. I am not inclined, in the circumstances of the case, to show any leniency to the appellant more particularly when nothing could be extracted in favour of the defence during lengthy and searching cross-examination

showing that either the offence not happened in the manner as narrated in the FIR or deposed by the prosecution witnesses. I have taken into account what appellant said in his defence. I am of the view that when the dead body of the appellant's wife was found in their house, in the circumstances in which it was, the onus of proof has shifted on the appellant to give a reasonable defence to that extent, but he failed to furnish any explanation and simply stated that it is a fake case and police has implicated him at the instance of complainant. His defence, in my opinion, is unbelievable and perhaps even absurd.

20. The argument of the learned counsel for the appellant that prosecution has failed to place on record any incriminating evidence in shape of circumstantial evidence that could substantiate the involvement of the appellant in the commission of offence rendering the case of the prosecution extremely doubtful and benefit to that extent must go to the appellant. Prosecution firmly founded on ocular account furnished by the complainant and eye-witnesses, who have plausibly explained their presence at the crime scene, and their evidence is in line with the medical evidence adduced by the Medical Officer. I am, thus, of the view that this contention of the learned counsel for the appellant is not enough to demolish the case of prosecution.

21. In like cases every circumstance should be linked with each other and it should form such a continuous chain that it should start right from the toe of the deceased on one hand and the same should encircle a dense grip around the neck of the accused on the other hand. The learned counsel while arguing the case has pointed out some discrepancies and contradictions in the statements of prosecution witnesses, which are not of worth consideration and can be ignored when prosecution has proved its case through direct evidence, duly supported by the medical evidence. Reliance in this behalf may well be made to the case of *Said Akbar and another v Sardar Ghulam Hussain Khan through legal heirs and another* (2017 P.Cr.L.J 731). Guidance is also taken from the case of *Muhammad Ashraf v Tahir alias Billoo and another* [2005 SCMR 383], wherein it has been held as under:-

> *"It is well-settled principle of law that the criminal Courts are supposed to take into consideration the overall effect of the prosecution case in order to ascertain as to whether crime has been committed or not and unless the discrepancies, contradictions etc. have impaired the intrinsic value of the prosecution evidence, the same is not liable to be discarded merely for technical reasons. Similarly if some delay has occasioned in lodging the F.I.R. that would also not be fatal in the circumstances because a young man had been killed in brutal manner and his dead body was found lying in the house to which the complainant party had no access".*

22. It is a well settled that onus to prove its case always rests on the shoulder of the prosecution and once the prosecution succeeded in discharging such burden with cogent evidence then the accused become heavily burdened to disprove the allegations levelled against him and prove his innocence through cogent and reliable evidence. The appellant in his statement under Section 342, Cr.P.C. though denied the commission of offence and stated his false implication in this by the police at the hands of complainant and the eye-witnesses who being his close relative have falsely deposed against him. Mere statement of appellant is not sufficient to disbelieve the trustworthy and confidence inspiring evidence adduced by the prosecution. He has also failed to speak a single word as to why the witnesses have deposed against him, which gives rise to a presumption that the plea taken by them in his defence is not a gospel truth, therefore, he avoided to appear and depose on Oath under Section 340(2), Cr.P.C. I am also conscious of the fact that law requires that if accused had a defence plea the same should be put to the witnesses in cross-examination and then put forward the same while recording statement under Section 342, Cr.P.C. which is lacking in the instant case. In the circumstances, since the specific defence plea has not been taken by the appellant either at trial or while recording his statements under Section 342, Cr.P.C. the learned trial Court has rightly discarded the same to be of untrustworthy. If both the versions, one put forward by the appellant and the other put forward by the prosecution, are considered in a juxtaposition, then the version of the prosecution seems to be more plausible and convincing and near to truth while the version of the appellant seems to be doubtful.

23. I am convinced that the learned trial Court has appreciated the evidence and scrutinized the material available on record in complete

adherence to the principles settled by the Hon'ble apex Courts in various pronouncements and has reached a just conclusion. There is no denial of the fact that the learned trial Court has not taken into account all the aspects of the matter as well as the defence taken by the appellant at trial minutely and found the appellant guilty of the offence with which he has been charged. No mala-fide, ill-will, or personal grudge has been established showing that evidence furnished by the prosecution was based on malice or ill-will. I am conscious of the fact a young woman, aged about 30 to 35 years, was done to death in a shocking and brutal manner, which disentitles the appellant from any leniency or mercy because such an act certainly would have created a sense of fear, panic and terror, which is directed against the Society. No one could be granted license to take the law of the land in his own hands, which is un-Islamic, illegal and unconstitutional.

24. The motive behind the occurrence is that prior to the incident the appellant demanded to return his wife [deceased] to the house of the complainant and take back his sister, who was in the Nikah of deceased brother, but on the intervention of elders the issue stood resolved, however, the appellant remained annoyed and used to say that he would kill his wife [deceased], which finds support from the testimony of complainant and eye-witnesses and they despite undergoing a lengthy cross-examination remained consistent on the point of motive. The defence has also failed to shatter the evidence of complainant and eye-witnesses on the point of motive rather admitted that the dead body of the deceased was found inside the house of the appellant and failed to furnish any plausible explanation as to what happened on the day of incident and as to how the deceased died. The motive, thus, cannot be discarded. Even otherwise, it is now a well settled that the motive is not a requirement of law and there is no bar or hindrance to award conviction and sentence to an accused when the chain of guilt is found not to be broken and irresistible conclusion of the guilt is surfacing from the evidence, which is connecting the accused with the commission of that offence without any doubt or suspicion.

25. In view of the analysis and combined study of the entire evidence by way of reappraisal, with such care and caution, I am of the

considered view that the prosecution has successfully proved its case against the appellant through reliable and trustworthy evidence. The learned counsel for the appellant also failed to point out any material illegality, or irregularity, mis-reading and non-reading of evidence or serious infirmity or defect in the judgment, impugned herein, which in my humble view is based on fair evaluation of evidence and documents brought on record. I find no reason to interfere with the wisdom of the learned trial Judge. This Criminal Appeal No.S-131 of 2019 is, therefore, bereft of any merit stands dismissed and the conviction and sentences awarded to the appellant by the learned trial Court through impugned judgment dated 07.12.2019 is upheld.

JUDGE

NAK/PA