

**IN THE HIGH COURT OF SINDH, KARACHI.**

**BEFORE**  
**MR. JUSTICE MOHAMMAD KARIM KHAN AGHA**  
**MR. JUSTICE ZULFIQAR ALI SANGI**

**Spl. Anti.Ter.Jail Appeal No.304 of 2016**

Appellant Saindad through, Mr. Ajab Khan Khatak,  
Advocate.

Versus

The State through Mr. Muhammad Iqbal Awan,  
Deputy Prosecutor General Sindh.

**Spl. Anti.Ter.Jail Appeal No.320 of 2016**

Appellant Rajab Ali  
@ Nadeem through Mrs. Abida Parveen Channar,  
Advocate.

Versus

The State through Mr. Muhammad Iqbal Awan,  
Deputy Prosecutor General Sindh

Date of Hearing: **15.04.2020**  
Date of Announcement: **06.05.2020.**

**J U D G M E N T**

**Zulfiqar Ali Sangi, J:** Through instant appeals, the appellants Saindad and Rajab Ali challenged their conviction and sentences awarded to them by the learned Judge Anti-Terrorism Court No.VII through a common judgment dated 25.11.2016, in Special Case No.355(VIOI) of 2015, FIR No.124/2011, U/s 13(e) of Arms Ordinance, 1965, registered at Police Station AVCC, and in Special Case No.353(VII) of 2015 and Special Case No.354(VII) of 2015, FIR No.256/2011, U/s 365-A/34 PPC r/w section 7 (e) of ATA, 1997 and FIR No.123/2011 U/s 13(e) of Arms Ordinance, 1965 registered at Police Station AVCC, whereby they were convicted and sentenced as under:-

1). Accused Rajab Ali @ Nadeem S/O Muhabat Ali and Saindad S/O Mir Muhammad for offence U/S 6 (e) punishable under section 7 (e) of Anti-Terrorism Act 1997, and sentenced to suffer R.I for life and forfeiture of their movable and immovable property.

ii). Accused Rajab Ali @ Nadeem S/O Muhabat Ali and Saindad S/O Mir Muhammad for an offence punishable under section 365-A and 34 PPC, and sentenced to suffer R.I for life and forfeiture of their movable and immovable property.

iii). Accused Rajab Ali @ Nadeem S/O Muhabat Ali and Saindad S/O Mir Muhammad for an offence punishable under section 13 (e) of Pakistan Arms Ordinance 1965, committed by each of them and sentenced each of the accused to suffer R.I for seven years each and to pay a fine amount of Rs.10,000/- (Ten thousand) each, in case of default they shall suffer S.I for six months each.

The benefit of section 382 (b) was extended to the appellants and the conviction was ordered to run concurrently.

2. The brief facts of prosecution case as set out in the FIR No.256/2015, U/s 365-A/34 R/W Section 7 (e) of ATA, 1997 recorded by complainant Ms. Mona Qutab on 23.10.2011 are that on 21.10.2011 accused named above in furtherance of their common intention abducted Qamaruddin husband of complainant from the footpath in front of the water pump station, Civil Aviation Authority near Jinnah Terminal Airport, Karachi, when abductee left his Pajero No.BC-0810 for a usual walk at Airport road. According to the complainant on 25.10.2011 accused named above made phone call from cell No.03322-

2236681 at PTCL No.021-34571638 installed at the house of the complainant, demanded ransom amount of Rs.20,00,000/- for release of the abductee and after negotiation the ransom amount was fixed at Rs.5,00,000/-. On 31.10.2011 at about 1930 hours brother of complainant namely Arif Qutub came at Airport road in front of Jinnah Terminal and paid the ransom amount as directed by the accused. The abductee was released at 12.00 on the same night and returned home. On 04.11.2011 accused named above were arrested by AVCC on receipt of spy information from house No.35/B, ground floor Khosa Goth Malir Halt Karachi and on 14.11.2011 during interrogation voluntarily led the police party to the aforementioned house wherefrom accused Rajab Ali produced 44 bore rifle along with 10 live rounds and accused Saindad produced 32 bore revolver with four live bullets along with Rs.35,000/- being his share of the ransom in presence of witnesses, hence, separate FIRs were lodged by Inspector Bashir Ahmed of AVCC under section 13(e) Arms Ordinance, 1965 against each of the accused.

3. The investigation was conducted by Inspector Bashir Ahmed, who inspected the place of occurrence; prepared such memo in the presence of abductee where the vehicle was left; recorded S.161 Cr. P.C. statements; collected entry No.34 regarding missing of abductee Qamaruddin, prepared memo of place wherefrom Qamaruddin was abducted and Arif Qutub had paid ransom amount. I.O. issued a letter for call Data of Cell No.0332-2236681 and PTCL No.021-3457163, thereafter investigation officer arrested accused Rajab Ali, Saindad and Ameen. During interrogation, Dr. Roshan Aara appeared in AVCC office, produced a tenancy agreement between Madad Ali and Muhammad Ameen in respect of house No.35/B Khosa Goth. Thereafter, I.O. moved an application for identification parade of accused through PWs and issued a notice under section 160 Cr. P.C. to the accused and witnesses to appear before Judicial Magistrate concerned; identification parade was conducted, wherein witnesses identified accused Rajab Ali and

Saindad. On 13.11.2011 accused Muhammad Ameen was released under section 497 (2) Cr. P.C. After completing legal formalities I.O. submitted challan before the Administrative Judge Anti-Terrorism Court showing accused named above in custody whereas accused Madad Ali S/O Muhabat Ali was shown as absconding who was subsequently declared proclaimed offender. Learned trial court amalgamated all the above cases vide order dated 26.03.2012. The formal charge was framed against both the appellants and the same was read over to them to which they pleaded not guilty and claimed to be tried.

5. The prosecution to prove its case against the appellants examined 16 prosecution witnesses and exhibited numerous documents and other items in support of its case and thereafter the side of the prosecution was closed. Statements of the accused under section 342 Cr.P.C were recorded in which they denied all the allegations leveled against them and pleaded false implication.

6. Learned Judge Anti-Terrorism Court No.VII, Karachi after hearing the learned counsel for the parties and assessment of the evidence available on record vide the impugned judgment dated 25-11-2016, convicted and sentenced the appellants as stated above hence the appellants have filed these appeals against their convictions.

7. The facts of the case, as well as evidence produced before the trial court, find an elaborate mention in the impugned judgment; therefore, the same is not reproduced here so as to avoid duplication and unnecessary repetition.

8. Learned counsel for appellant Rajab Ali contended that the appellant is innocent and implicated falsely; that there are major contradictions in the evidence of prosecution witnesses and prosecution did not prove the case against the appellant beyond a reasonable doubt; that neither appellant was named in the FIR nor any of the witnesses

gave hulia/description of the appellant in their statement under section 161 Cr.P.C.; that identification parade was conducted after the delay of 8 days and was joint identification parade which has no evidentiary value in the eyes of law and as such for any of the above reasons he should be acquitted by extending to him the benefit of the doubt.

9. Learned counsel for the appellant Saindad in addition to the contentions of the learned counsel for the appellant Rajab Ali, contended that the appellant Saindad is innocent and was falsely implicated in the case; that no sim which was used for demand of ransom was recovered from the appellant; that identification parade was conducted with the delay of about 8 days and the same was a joint identification parade which loses its evidentiary value; that nothing was recovered from the appellant which connects the appellant with the commission of offence; that there is no direct evidence of abduction and receiving the ransom amount against the appellant; that statement under section 161 Cr.P.C of the abductee was recorded with a delay of three days and the same has not been explained by the prosecution; that the recovery of the weapon was foisted by police against the appellant and same was shown after the identification parade was conducted; that recovered weapons were not sent for FSL; that IME number of the mobile phone allegedly recovered from the appellant did not match with the IME number of the mobile phone used for demand of the ransom amount and as such for any of the above reasons he should be acquitted by extending to him the benefit of the doubt. She relied upon the cases of Kanwar Anwar Ali (PLD 2019 SC 488), Waqar Ahmed and another V. The State (2012 P.Cr.L.J 170), Muhammad Hayat alias Liaquat V. The State (PLD 2008 Karachi 603), Kamal Din alias Kamala V. The State (2018 SCMR 577) and Sabir Ali alias Fauji V. The State (2011 SCMR 563).

10. On the other hand Learned APG appearing on behalf of the State has fully supported the judgment of the trial court and contended that

prosecution produced trustworthy, reliable and confidence-inspiring evidence; that the identification parade in this particular case is not a requirement of law and the joint identification parade provided there is other supportive evidence can be used for awarding conviction based on particular facts and circumstances of the case; that the appellants were correctly identified at the identification parade which was carried out in accordance with the law; that delay in identification parade is not fatal to the prosecution case; that private and independent prosecution witnesses have fully deposed against the appellants on each aspect of the case; that unlicensed weapons were recovered on the pointation of the appellants; that since the weapons were not used by the appellants while committing the offence therefore there is no need to send weapons for FSL; lastly, he prayed that the appeals filed by the appellants may be dismissed. He relied upon the cases of State through Advocate, general Sindh, Karachi V. Farman Hussain and others (PLD 1995 SC 01), Muhammad Zaman V. The State (2007 SCMR 813), Mst. Naseem Akhtar and another V. The State (1999 SCMR 1744), Ghulam Hussain Soomro V. The State (PLD 2007 SC 71), Said Muhammad V. The State (1999 SCMR 2758) and Muhammad Akbar V. The State (1999 SCMR 693).

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

12. On our reassessment of the evidence, we have found that the prosecution has proved its case beyond a reasonable doubt against the appellants by producing reliable, trustworthy and inspiring confidence evidence.

13. To prove the case, the prosecution examined **PW- 01** Ayoub Bux who deposed that on 21-10-2011 he received a call from the wife of abductee namely Mona Qutab who informed him that her husband Qamaruddin went for walk as per his routine and till 11 pm had not

returned then he with Arif went to Jinnah Terminal and noticed the vehicle of Qamaruddin being Pajero silver/grey colour registration No.BC/810 standing in abandoned condition and searched for Qamaruddin but could not find him. Looking at the circumstances they went to the airport police station and made the report for the missing of Qamaruddin. He further deposed that on 23-10-2011 he along with Mona Qutab and Arif went to the police station where Mona Qutab registered the crime as she received calls for ransom amount for release of her husband. **PW-2**, Mona Qutab was examined being the complainant of the case; she deposed that on 21-10-2011 her husband went for walk at 8.00 pm towards Jinnah Terminal in his Pajero Registration No.BC/810 and he did not return till 11.00 pm. She informed Arif and Ayoub Bux and they went to Jinnah Avenue, noticed Pajero was available and mobile phone and purse of her husband found on dash board of Pajero and brought the said Pajero at her home. She further deposed that she received a call on 22-10-2011 at about 8.00 am and the caller informed her that her husband is in their captivity but the caller not did demand any ransom. Such fact was informed at police station Airport where FIR was registered. On 24-10-2011 she time and again was receiving calls from the abductors who were demanding a ransom of RS.20,00,000/= and she also informed the police. She deposed that finally Rs. 5,00,000/= was settled with kidnappers who directed her to bring the same which she replied being a lady she could not do the same and she will send her brother Arif Qutab. She deposed that she handed over Rs.5,00,000/= to her brother in different denominations for delivering the same to the kidnappers who were paid and thereafter her husband was released by the kidnappers and returned home at about 12.00 midnight. Both the witnesses were cross-examined but their evidence has not been shattered by the defence counsel.

14. The important witness of the prosecution was **PW-5** Qamaruddin (Abductee) who deposed that he is running a business of repair of motor vehicle workshop and used to park his vehicle at link road leading to Jinnah Terminal and started walk, since he is diabetic and was advised by the doctor to walk. He deposed that on 21-10-2011, at about 8.00 pm as per his routine he was walking at the link road leading to Jinnah Terminal Airport and when he reached at the left side of the road all of a sudden four persons came from behind him and they caught hold of him forcibly and took him into the bushes by dragging. He also pointed out weapons which they were armed with. He deposed that they kept him for about 30/60 minutes in the bushes thereafter; they blindfold at his eyes and also put black colour glasses/optics over his eyes. After that accused person brought a motorcycle and one accused started driving whilst he was made to sit on the said motorcycle. The second accused armed with a gun was seated on the motorcycle behind him. They took him to a house and detained him in a room therein on the first floor of the said house. He deposed that accused put a chain in his left leg/ankle, thereafter removed his blindfolds and glasses and demanded his mobile phone. He provided them phone No.021-34571638 of his house and the accused persons contacted with his family. The accused persons detained him for about **ten days** and thereafter they released him near Civil Aviation, Dispensary Barrak No. A-9, Jinnah Terminal No.2, by saying that they had received the ransom amount of Rs.5,00,000/= as per their demand, therefore they are releasing him. He was also informed by his wife that an amount of Rs.5,00,000/= was paid for his release. He deposed that on 03-11-2011 he showed the place of the wardat to the Investigation Officer wherefrom he was abducted and where he was released by the abductors. The investigation officer prepared the mashirnamas, the I/O also prepared the mashirnama of the place where Arif handed over the ransom money to the abductors on pointation of Arif who paid ransom money. On 11-1-



2011 he received a notice and on 12-11-2011 he along with Arif Qutab appeared before the Magistrate at Malir court where the identification parade was conducted and identified present appellants as accused from the row of about 25/30 persons who along with others abducted him. He also identified the chain and the lock available at the time of evidence in the court to be the same with which he was chained/ tied. He identified accused Saindad in the court while at that time appellant Rajab absconded away after breaking the lockup and on his arrest, this witness was recalled and his evidence was recorded as **PW-9**, he deposed as almost same as earlier and on both the occasions he was cross-examined at some length by the defence counsel but we do not find any material contradiction in his evidence which would render it unreliable.

15. **PW-06**, Arif Qutab was examined by the prosecution who paid the ransom amount to the abductors and after receiving the amount they released the abductee. He deposed that on 21-10-2011 he received a phone call about the missing of Qamaaruddin and then he along with Ayoub Bux arrived at the house of his sister and then went towards the Airport road where they failed to find Qammaruddin but found his vehicle which they brought home. He deposed that on 22-10-2011 he again received a call from his sister who informed him that she received a call from abductors who demanded a ransom of Rs.20,00,000/= for release of Qammaruddin. After some negotiations the amount of Rs.5,00,000/= was settled which was handed over to him by his sister for the handing over to the abductors. He took the said cash and went at a place on a motorcycle and when he reached there he received a call from the culprits who directed him to come on Airport road through the wrong side on foot along with a motorcycle. When he reached near a small building there were some bushes wherefrom a voice commanded him to stop. He stopped and in the meanwhile a young man armed with pistol emerged and came to him and took away the shopping bag

containing ransom amount and disclosed that after one hour the abductee Qammaruddin will return home and then ran away into the bushes. He returned home and at about 12.00-midnight the abductee Qammaruddin arrived at home. He deposed that on 03-11-2011 he showed police the place where he delivered the ransom amount to the culprits for release of Qammaruddin. Such memo was prepared and Qammaruddin was also present there and at the same time Qammaruddin also showed the police the place wherefrom he was abducted and the memo was prepared by the police. He further deposed that on 11-11-2011 he received a notice for an identification parade and on 12-11-2011 he appeared at Malir court where identification parade was conducted and he identified the accused who received the ransom amount from him for the release of Qammaruddin. He was not cross-examined by the appellant Saindad though the chance was given to him while the appellant Rajab was not present who he identified during identification parade as appellant Rajab escaped away from police custody and when he was re-arrested the other PWs were re-called but this witness was murdered by unknown accused persons, therefore, his evidence attained finality.

16. **PW-03** Naveed Asghar Shaikh, the Magistrate who conducted the identification parade was also examined by the prosecution who deposed that investigation officer of FIR No.256 of 2011 approached him for conducting the identification parade of three accused persons and he after completing the formalities fixed the date as 12-11-2011 for identification and on the same date he conducted identification in accordance with law wherein three accused persons were produced for identification out of whom two accused were identified by the witnesses whereas one of them was not identified by the witnesses. He deposed that the entire procedure adopted by him while conducting the identification parade was in accordance with the law. He was cross-examined by the defence counsel but we do not find any evidence to

suggest that the identification parade was not conducted in accordance with law a part from it being a joint identification parade.

17. **PW-4** Muhammad Akram was examined who deposed that on 14-11-2011 he was posted at P.S AVCC where accused Saindad and Rajab were confined in the lockup as they were involved in the kidnapping case of Police Station Airport. They were interrogated by Inspector Bashir Ahmed and they led the police party and brought them at an under-construction building Khosa Goth, near the airport. Accused disclosed that weapons and cash are lying in a room on the upper portion of the building where they also detained the abductee. Accused Rajab took the keys which were hidden at the corner of the window and gave them to Inspector Bashir who opened the lock of the room and police party along with accused entered in the room wherefrom accused Rajab Ali produced one 44 bore rifle, without number, without a license, along with magazine contained 10 live bullets, one chain with lock from loft constructed on the roof of bathroom. Accused Saindad produced one revolver from the said loft which was without a license, four live bullets in its magazine and Rs.35000/= each note of rupees five hundred in the denomination and disclosed about the amount being his share of the ransom money for kidnapping Qammaruddin. This witness also on the arrest of appellant Rajab was again examined as **PW-11** and was cross-examined by the defence counsel but his evidence was not shattered.

18. **PW-7** Muhammad Babar the mashir was examined and deposed that in his presence the investigation officer collected the CDR of mobile No.0332-2236681 containing on two pages from 23-09-2011 to 01-10-2011 and such memo was prepared in his presence. He was again examined after the arrest of appellant Rajab as **PW- 10** and was cross-examined but we do not find any material contradiction in his evidence.

19. **PW-12** Ali Muhammad was examined by the prosecution who deposed that on 24-10-2011 he along with the investigation officer Bashir Ahmed and other officials went to visit the place wherefrom

Pajero vehicle of abductee was available which was shown to them by Arif Qutab which was a service road near Jinnah Terminal Karachi and informed them that the vehicle bearing registration No.BC 0810 Pajero of gray colour of the abductee was found standing there. Memo of inspection of such place was prepared by the investigation officer. He further deposed that on the 14-11-2011 investigation officer recovered weapons and the chain and the lock used in the commission of an offence so also the ransom amount received by appellants as ransom for the release of Qammaruddin. **PW-13** Ishrat Rana was examined and deposed that in his presence the investigation officer visited the place of abduction on pointation of abductee Qammaruddin and prepared the memo so also the place of handing over the ransom amount to the culprits on the pointation of Arif Qutab and prepared the memo and the place where abductee was released by the abductors and prepared the memo. He further deposed that on 06-11-2011 Mst. Roshan Aara W/O Muhammad Amin in his presence produced the rent agreement in respect of the house where Qammaruddin had remained in captivity of accused persons.

20. **PW-15** Syed Asad Asghar Zaidi was examined as mashir of the arrest of the accused persons who deposed that on 04-11-2011 he along with inspector Tahir, inspector Bashir and other police officials left police station for the search of the culprits involved in a kidnapping in crime No.256/2011 of police station airport and at about 11.00 am they received spy information that culprits of this case are available in house No. C/35/B situated in Haji Natha Khan Khoso Village at Malir Halt where on information they reached and opened the door and entered in the house and found three persons namely Rajab alias Ali alias Nadeem, Saindad and Muhammad Ameen. On a search a mobile phone along with sim and Rs 25/= were recovered from accused Rajab, one mobile phone of Nokia and Rs.75/= and one coloured copy of CNIC from accused Saindad and nothing was recovered from Muhammad Ameen.

He further deposed that inspector Bashir Ahmed interrogated the accused at the spot to which accused disclosed their complicity in the commission of crime No. 256/2011 of PS Airport whereupon they were arrested and recovered articles were sealed at the spot and the memo was prepared. He was cross-examined but we do not find any material contradiction in his evidence. **PW-14** Muhammad Uris was examined by the prosecution who was the mashir of re-arrest of the appellant Rajab after he escaped away from custody and was not cross-examined by the appellants.

21. The **most important witness** of the prosecution was the Investigation Officer who was examined as **PW-16** and deposed that on 24-10-2011 he was posted at PS AVCC and on the same day he was entrusted the investigation of Crime No. 256 of 2011 Offence U/S 365-A of police Station Airport. He inspected the place where Pajero of Qammaruddin was standing after his abduction on the pointation of Arif Qutab and prepared a memo. He recorded the statements under section 161 Cr.P.C. of the Mona Qutab, Arif Qutab, Ayoub Bux and then went to PS Airport where he also recorded statements under section 161 Cr.P.C. of SI Mehar Ali who recorded the FIR of the complainant and collected entry regarding the missing of Qammaruddin. He deposed that on 31-10-2011 the abductee returned after payment of Rs.5,00,000/= as ransom and on 3-11-2011 he left the police station and inspected the place from where Pajero of abductee was taken by Arif and place where Arif paid the ransom amount to the culprits on the pointation of Arif Qutab and he also inspected the place wherefrom culprits abducted the Qammaruddin and the place where he was released on their pointation and he prepared the memos and recorded their statement under section 161 Cr.P.C. He deposed that there was a conversation between the culprits and the wife of the abductee for settlement of the ransom amount on Nos. 0315-2016273, 0332-2236681 and PTCL No.021-3457163, therefore, he wrote the letters to the CPLC officials for

providing CDR. He deposed that on 04-11-2011 he along with his police officials took CPLC officials Soukat Suleman and Shahid Gaffar for the search of the culprits on the basis of their mobile phones during the search they received information about the availability of the culprits in house No.C/38/B ground floor Village Natha Khosa. At about 1100 hours they reached there and saw the gate of the house was open and they arrested accused Rajab Ali, Saindad and Ameen from the house whom they searched and from the possession of accused Rajab Ali one mobile phone containing two sims and Rs.125 was recovered and from the possession of accused Saindad one mobile phone 1600 containing one sim, cash of Rs.75 and one CNIC was recovered whereas nothing was recovered from the possession of Muhammad Ameen and prepared the memo of arrest and recovery. He further deposed that on 11-11-2011 he moved an application to the Magistrate for conducting identification parade who fixed the date as 12-11-2011. He produced the accused before the Magistrate whereas witnesses reached their as was informed through notice U/S 160 Cr.P.C. The identification parade was held in which the witnesses identified accused Rajab Ali and Saindad as accused involved in the commission of the offence but did not identify the third person Muhammad Ameen. He deposed that on 14-11-2011 he interrogated accused person and accused Rajab agreed to hand over the weapon and the chain used in the commission of offence while accused Saindad agreed to hand over weapon and amount of ransom as he received Rs.80000/= as per his share. He then along with other police officials and the accused proceeded on the directions of accused and reached house No.C/35/B Khosa Goth. Accused Rajab took the keys and opened the door of the 2<sup>nd</sup> floor and pointed the place of captivity and produced 44 bore rifle loaded with 10 live bullets from the upper side of the washroom and also produced the chain with which the abductee was tied along with lock and key. Accused Saindad also produced from the same store Rs.35000/= wrapped in blue shopper

containing Rs.500/= each. Accused Saindad also produced one revolver of 32 bore along with four bullets. The recovered articles were sealed at spot and memo was prepared. He further deposed that on 21-11-2011 he went to the office of CPLC along with PC Ashraf where Inspector Muhammad Babar was already present and obtained the CDR record of No.0332-2236681 and prepared memo. He deposed that CDR record establishes that the calls were made from the number on the PTCL and cell number of the complainant. The mobile phone from accused Saindad was having IME number matching with the CDR record and their connectivity. He was cross-examined at length but we do not find any material contradiction in his evidence. During cross-examination one suggestion was made to this witness on behalf of the appellant Rajab that he (I/O) has substituted the innocent persons in case of the real culprits in this case which in our view is an admission that the offence of abduction of the Qammaruddin was committed.

22. We have carefully scrutinized the evidence produced by the prosecution and found that the prosecution has proved its case beyond a reasonable doubt against both the appellants by producing reliable, trustworthy and confidence-inspiring evidence including the correct identification of the appellants as the kidnappers, the recovery of weapons, a part of the ransom amount and the chain and lock used to tie the abductee during his captivity. Importantly only the accused had knowledge about the place of captivity and nobody else and it was shown by the accused persons to the police with the admission that the abductee was kept in captivity in the said house and from said house accused persons also produced to the police the weapons and the said chain along with lock and the amount of ransom which fully supports the eyewitness evidence of the prosecution.

23. Learned counsel pointed out to us some irregularities in the identification parade which in our view are not sufficient to discard other evidence which otherwise is more than sufficient to convict the

appellants. In the present case, both the appellants were correctly identified by the witnesses during a test of identification and during the trial evidence of the witnesses also identified the appellants. The evidence of the Magistrate, who conducted the identification parade, was not shattered by the defence counsel which suggests that their evidence is reliable. It is now settled that even non-holding of identification test is no ground to discard the testimony of eyewitnesses and abductee, who remained in the custody of accused for a considerable period (**which in this case was 10 days**) and in such circumstances identification of accused in court at the time of evidence is sufficient. Further, identification parade is not a requirement of law but one of the methods to test the veracity of the evidence of an eyewitness who has had an opportunity to see the accused and claimed to identify him and is of a corroboratory nature. When the witness has spent considerable time with the accused and had an opportunity to take a good look at him holding of identification test would not be necessary. Reliance is placed on the cases of **Dr. Javed Akhtar V. The State** (PLD 2017 SC 249), **Muhammad Akbar V. The state** (1998 SCMR 2538) and **The State V. Haider Zaidi and 2 others** (2001 SCMR 1919).

24. It is now well settled that in the cases of abduction for ransom accused persons are playing different roles. Some are kidnapping the person, some are sheltering them, some of them are guarding the abductee, some are negotiating with the parents/relatives of the abductee for ransom, some are collecting the ransom amount on behalf of the main culprits and some are providing information and food to the culprits. All such persons who play a role in the kidnapping for ransom are equally responsible and are liable to be convicted without any leniency. In a case where accused only told the main abductors on the way that **the passage is clear** and did not play any other role in the abduction he was tried and the death sentence was awarded to him by the trial court and was confirmed by the High Court though Honourable



Supreme Court commuted the sentence of death to imprisonment for life in case of **Said Muhammad V. The State** (1999 SCMR 2758). Here in the present case learned trial court has already taken lenient view while awarding the sentence of life imprisonment to the appellants despite the role of appellants being for more serious than the cited case of **Said Muhammad** (supra) where only death was given.

25. It is also settled by now that the cases of kidnapping for ransom were to be dealt with iron hands and even if there were minor discrepancies and deviation in evidence or minor shortfalls on part of the investigation agency the courts were always to be dynamic and pragmatic in approaching true facts of the case and drawing correct and rational inferences and conclusions arising out of facts and circumstances of each case. Reliance can be placed on the case of **Ghulam Hussain Soomro V. The State** (PLD 2007 SC 71).

26. Thus, based on the particulars facts and circumstances of this case we uphold both the appellant's convictions and sentences and dismiss the appeals.

27. The appeals are therefore disposed of in the above terms

JUDGE

JUDGE