

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Nazar Akbar

Mr. Justice Zulfiqar Ahmad Khan

Special Cr. Anti-Terrorism Appeal No. 64 of 2020

Special Cr. Anti-Terrorism Appeal No. 65 of 2020

Appellant : Shahbaz Ahmed through
Mr. Tariq Mehmood A. Khan, Advocate.

State : Through Mr. Muhammad Iqbal Awan,
Additional Prosecutor General, Sindh.

Date of Hearing : 02.12.2020

Date of Judgment : 02.12.2020

J U D G M E N T

Zulfiqar Ahmad Khan, J:- Appellant Shahbaz Ahmed son of Shabbir Ahmed was tried by learned Judge, Anti-Terrorism Court-X, Karachi in Special Case No.410 of 2019 [Crime No.151/2019, under sections 393/353/324/34 PPC read with Section 7 of ATA 1997 and Special Case No. 410-A of 2019 [Crime No. 152 of 2019, under section 23(I)(a) of the Sindh Arms Act, 2013], registered at P.S. Nazimabad, Karachi. On conclusion of the trial, vide judgment dated 28.02.2020, the appellant was convicted and sentenced under section 265-H Cr. P.C. as under:-

- a. For the offences under Section 393 PPC and sentenced to undergo R.I. for five years each with fine of Rs.1,00,000/-. In default in payment of such fine, he shall further suffer R.I. for one year.

- b. For the offence under Section 7(h) of ATA, 1997 r/w Sections 353/324 PPC and sentenced to undergo for five years with fine of Rs.1,00,000/-. In default in payment of such fine, he shall suffer further R.I. for one year.
- c. For the offence under Section 23(1)(a) of Sindh Arms Act, 2013 and sentenced to undergo R.I. for five years with fine of Rs.50,000/-. In default in payment of such fine, he shall further suffer R.I. for six months.

All sentences were ordered to run concurrently. Benefit of Section 382-B, Cr. P.C. was also extended to accused.

2. The prosecution story unfolded in the crime reports (Exh.9/B and 9/C) are that on 28.05.2019 at about 0415 hours, opposite Abi Saleh Kheer House, Nazimabad No. 03, Karachi two robbers duly armed were available on a Motorbike No. KKF-6422 and attempted to commit robbery with the complainant of the case, namely Mehboob Alam son of Fakhruddin Qureshi on gunpoint, putting him under instant fear of death, who was having Cash of Rs. 113,000/with him, but, said robbers could not succeed to rob the cash amount from the Complainant. It is also a claim of the prosecution that during such attempt to commit robbery, the Police party headed by HC Abrar Sikandar had reached at the spot and on seeing the Police party, both robbers made direct firing upon them with the intention to cause their death and endangered their lives and also deterred them from discharging their lawful duties during their official functions. In retaliation, Police party also fired back on the robbers, using the right of self-defence, in result whereof, one of the robbers sustained bullet injury and fell down on the ground. Later on, Police got succeeded to apprehend/arrest the injured robber, on the spot along with the Motorcycle, whereas the other robber made escape good. On query, the apprehended robber/assailant disclosed his name as Shahbaz Ahmed S/o Shabbir Ahmed, whereas, he also disclosed the name of his absconding accomplice as Farhan son of not known, being resident of Ranchorline. More so, it is also claimed by the prosecution that on

search of the injured robber, the Head of Police party secured an unlicensed 30 bore Pistol along with loaded magazine containing 03 live Rounds and 01 Round loaded in the chamber from his right hand in the presence of mashirs, which was used by him during encounter with the Police as mentioned supra. According to the prosecution episode, Police also secured a Motorcycle bearing Registration No. KKF-6422, CD 70, maker Super Power, black colored from the spot (used by the robbers), which was seized U /s 550 Cr.P.C. as the injured robber failed to produce its Registration Papers. The Head of Police party also demanded valid license of the recovered Pistol from the apprehended/injured robber, but, he failed to produce the same. Accordingly, Head of Police party sealed the recovered Articles at the spot in sealing parcels and also prepared Memo of Arrest, Recovery and Seizure and obtained signatures of concerned Mashirs. The Complainant of the case had narrated the entire above episode in his statement U/s 154 Cr.P.C, which was recorded by HC Abrar Sikandar at the spot and later on, such statement was incorporated into FIR book, bearing Crime No. 151/2019 U/s 393/353/324/34 PPC R/w 7 ATA, 1997 at P.S Nazimabad, Karachi. Whereas, HC Abrar Sikander had also registered another FIR bearing Crime No. 152/2019 U/s 23 (1)(a) SAA, 2013 against the injured/arrested robber Shahbaz Ahmed, being the Complainant on behalf of the State.

3. After usual investigation, challan was submitted against the accused under the above referred sections. All the cases were amalgamated by the trial court under section 21-M of the Anti-Terrorism Act, 1997, vide order dated 05.12.2019 at Exh.05.

4. Trial court framed charge against the accused at Exh.07 in both the cases, to which accused pleaded not guilty and claimed to be tried.

5. At trial, prosecution examined four witnesses. Thereafter, prosecution side was closed.

6. Statements of accused under Section 342 and 340 (2) Cr. P.C were recorded at Exh.13 and 14, respectively, wherein the accused denied all the incriminating pieces of prosecution evidence brought against him on record and claimed false implication in these cases. In a question what else he has to say, he replied that he is innocent and prayed for acquittal.

7. Trial Court after hearing the learned counsel for the parties and assessment of evidence, by judgment dated 28.02.2020 convicted and sentenced the appellant as stated above. Hence these appeals.

8. Learned counsel for the appellants contended that the impugned judgment is illegal, unlawful, arbitrary and is unwarranted by law. He further contended that learned trial Court did not consider the improvements, discrepancies, and contradictions in the statements of PWs while deciding the case, that appellant/accused was booked by the police in these cases falsely by foisting arms upon him. He further contended that no specific role has been assigned to the appellant. He further contended that official weapons of police were not sent for FSL which makes the whole story doubtful and the alleged recovered weapons were sent for FSL with inordinate delay without any explanation. He also contended that the learned trial Court has erred in holding that the prosecution has proved the case against the appellants while there was contradictory evidence which is not trustworthy due to material contradictions and conviction handed down to the appellant is illegal and the same is result of mis-reading of facts and evidence on record. Learned counsel further contended that the appellant is innocent and has falsely been implicated in these managed cases of

encounter and pistol by the police and learned trial Court did not consider the improvements, discrepancies, and contradictions in the statements of PWs while deciding the case, that appellant/accused was booked by the police in these cases falsely by foisting arms upon him. Learned counsel further contended that the learned trial Court has miserably failed to appreciate the evidentiary value of evidence and also failed to prove the case beyond any shadow of doubt and only accused has sustained bullet injury and no police official or mobile has been hit by any bullet which sole ground is sufficient to create doubt in the prosecution story. Learned counsel further contended that no independent witness has been cited by the prosecution in these cases despite the fact that the place of occurrence was thickly populated area. In support of his contentions, reliance is placed upon the cases of (1) *MUHAMMAD AYOUB V. THE STATE* (2020 YLR 2367), (2) *MOMIN ALI and others V. THE STATE* (2020 YLR 1160), (3) (2019 YLR Note 88), (4) *AZEEM KHAN and another V. MUJAHID KHAN and others* (2016 SCMR 274) and (5) *NASIR alias NASRI V. THE STATE* (2011 YLR 576).

9. Learned Additional Prosecutor General has argued that the prosecution has examined four PWs and they have fully implicated the accused in the commission of offence. He further argued that police officials had no enmity to falsely implicate the accused in these cases and trial court has rightly convicted the accused. Learned Additional Prosecutor General prayed for dismissal of the present appeals.

10. We have carefully heard the learned Counsel for both the parties and scanned the entire evidence available on record.

11. At the trial, prosecution examined P.W.1/Complainant Mehboob Alam has deposed that on 28.05.2019 he along with his cousin namely

Muhammad Rashid left the house on foot towards the Truck, which was called by them and was parked at Kheer House, Nazimabad, Karachi, while they were sitting in Truck, one Motorcycle having two riders on it, came there, while we were opening door of the truck and one of them pointed a pistol to him and his brother by saying to hand over money to him, meanwhile his brother fled away from the scene and his brother saw a police mobile at the spot and narrated them about the entire incident, who reached immediately at the spot and signaled the assailants to stop but instead of stopping they tried to flee away from the scene and thereafter an encounter took place between the police and culprits and one culprit sustained bullet injury of police while another culprit managed to escape away from the scene, police chased the injured culprit and put him inside the police mobile and he was directed to come at Police Station, Nazimabad and no search of the accused took place in his presence. During his cross-examination he admitted that he was not present at the time when police recovered a pistol along with 03 live rounds and it was a fact that one motorcycle on which the culprits came at the spot was also taken into custody by the police in his presence and the police officials secured/picked the crime empties from the spot and the proceedings of this case were done at P.S. and since the incident took place in front of Abe Saleh Kheer House/Hotel, where about 30 persons witnessed the above incident as the hotel was running at that relevant time, further admitted that no witness from those 30 persons was obtained by the police and at the time of incident from both sides firing took place and it took approximately 07 minutes during encounter between police and culprits and the name of the head of police mobile on that day was Abrar.

12. PW-02 HC Abrar Sikandar has deposed that on 27.05.2019 at about 04:15 A.M. one person approached the police mobile in a hasty manner

and disclosed his name as to be Rashid and further informed that two robbers were looting his brother, on such information they rushed to the pointed place where two culprits started firing upon them and in self-defence they also made firing upon the assailants and in result whereof one robber sustained bullet injury and fell down on the ground, whereas, second robber managed to flee away from the scene and one pistol was secured by him from the right hand of the injured accused having 01 round loaded in the chamber while 03 rounds loaded in the magazine and secured one brown colored wallet from the back pocket of his pant, having colored copy of NIC in the name of Shahbaz (accused) and cash of Rs.250/- from his personal search, he also secured one Nokia Mobile phone and Touch system mobile (Infinix) from his possession and also secured/picked 02 empties of 30 bore pistol and 03 empty shells of SMG from the spot. During his cross-examination he admitted that it was a fact that pistol available in the Court is rubbed number and he had mentioned in Ex.08/B that the recovered pistol is without number but he had not mentioned that the same was a rubbed number pistol, he himself made 04 fire shots at the spot while 03 bullets were fired from the SMG by the other police officials and both the accused persons fired 02 bullets and no fired bullet hit t the tyres of the police mobile and at that time no person was available and the place of incident is a busy area and traffic is running in all four dimensions and the accused became injured by my firing through 9 MM Pistol's bullet. The four empties of 9 MM Pistol were present in Court he did not know wherefrom the fired bullet was taken out.

13. PW-03/MLO Dr. Muhammad Naeemuddin has examined the appellant and noted following injuries:-

INJURY No. 01

Lacerated and penetrating firearm wound of entry, left posterior lower chest, 0.6 CM x 0.6 CM. Cavity deep, inverted margins, corresponding mark seen over the shirt, grey colored, perfused bleeding.

EXIT WOUND

Right antero lateral and middle of chest, 1 CM x 1 CM, everted margins.

During his cross-examination he stated that the injury was sustained by the accused by low velocity weapon and the bullet received by the accused was through and through. The accused was fired from the distance of more than 06 feet and no blackening was seen around the wound of the injured.

14. PW-04 Inspector Riaz Ahmed has deposed that on 28.05.2019, he was posted as SIO P.S. Nazimabad, Karachi and completed all the codal formalities. During his cross-examination he stated that he visited place of occurrence, due to non-availability of private persons, he opted police officials as mashirs of this case and admitted that neither any police official received any injury nor any bullet hit on police mobile during incident and HC Abrar Sikandar (Complainant) had produced the TT Pistol recovered from the accused and on 30.05.2019, a letter was written by him addressed to FSL, Sindh regarding the recovered pistol.

15. Record reflects that recovered weapon viz. one 30 bore pistol (rubbed number) and four live cartridges were recovered from the possession of the appellant on 28.05.2019 and four 9mm bore crime empties and three 7.62x39mm bore crime empties were received by the Ballistic Expert on 30.05.2019, who has furnished his opinion as follows: -

05. OPINION: The examination of the case as led that.

- i) The above mentioned pistol is in working condition at the time of examination.
- ii) Two 30 bore crime empties marked as “C1 and C2” were ‘fired’ from the above mentioned 30 bore pistol rubbed number in question, in view of the fact that major points i.e. striker pin marks, breech face marks are ‘similar’.
- iii) Four 9mm bore crime empties marked as “C3 to C6” are ‘fired’ empties of 9mm bore fire arm/weapon.
- iv) Three 7.62x39 mm bore crime empties marked as “C7, C8 and C9” are ‘fired’ empties of 7.62x39 mm bore fire arm/weapon.

Note: One 30 bore test empty is being sent in the sealed parcel of the above mentioned fire arm/weapons.”

The above report of Ballistics Expert shows that one 30 bore pistol allegedly recovered from the accused was a rubbed number along with four 30 bore live cartridges but PW-02 Abrar Sikandar in his cross-examination has admitted that he had mentioned in Ex.08/B that the recovered Pistol was without number, which creates serious doubt in the prosecution case. No evidence of modern devices to that extent has been produced by the prosecution before the trial court.

16. Record further reveals that on 28.05.2019 PW-01/complainant was going with his cousin namely Muhammad Rashid, who fled away from the scene and who according to PW-02 has approached to police mobile and informed them about the incident but neither the said Muhammad Rashid has been cited as witness by the prosecution nor the other police officials i.e. PC Shehryar, PC Umair and DPC Faisal Raees, who according to PW-02 were patrolling with him at the time of incident. Furthermore, PW-01 admitted that about 30 persons witnessed the above incident but the prosecution has failed to cite any witness from those 30 persons, which were present at the time of incident. While PW-02 in his deposition has stated that at the time of incident no person was

available despite the fact that the place of incident was a busy area and traffic was running in all four dimensions. No registration number of police mobile has been given by any of the prosecution witness. PW-04 Inspector Riaz Ahmed has admitted in his cross-examination that he cited police officials as *mashirs* of this case due to non-availability of private persons and further admitted that neither any police official received any injury nor any bullet hit the police mobile during incident. In his cross-examination, PW-01 stated that encounter was continued for 07 minutes but no official vehicle was damaged. Prosecution has also failed to show that despite being a well-populated area when police had sufficient time to associate private *Mushirs*, why such was not done. From the perusal of above evidence, it transpires that the encounter took place for about 07 minutes but not a single injury was caused to police party, which cuts the roots of prosecution case. The above prosecution evidence shows glaring contradictions/ambiguity. This fact has totally been ignored by the learned trial Court while passing the impugned judgment. Mashirnama of recovery does not disclose the number of recovered pistol but the report of Laboratory (FSL) discloses rubbed number of pistol, and such contradiction/infirmity has also created serious doubt in the prosecution case.

17. According to the statement of accused under section 340(2) Cr. P.C., on 28.05.2019 at 03:30 to 03:45 a.m. he went to get *Sehri* and near Abe Saleh Kheer House he received a bullet injury from firing of Police of P.S. Nazimabad, Karachi due to which his both legs were paralyzed and after three days he came to know that the bullet entered from main backbone from the lower side and went through from the other side and after receiving injury he rushed to Abbasi Shaheed Hospital and when he reached near the Nazimabad Petrol Pump he collapsed and fell down on the turning and he lost his senses and he remained unconscious for three days but such plea has been disbelieved

by the trial Court without assigning any reason. No doubt, police officials as citizen are as good witnesses in Court proceedings as any other person yet, some amount of care is needed when they are the only eye witnesses in the case. It is not on account of an inherent defect in their testimony, but due to the possibility that an individual police official in mistaken zeal to see that the person he believes to be a culprit is convicted, might blur line between duty and propriety. It is settled law that in the exercise of appreciation of evidence it is necessary as prerequisite, to see whether witness in question is not such an overzealous witness.

18. Prosecution failed to prove that appellants assaulted or used criminal force to police officials to deter from discharge of their duty. In our view, appellants had been convicted under section 324, PPC without any evidence. From the prosecution evidence available on record, offence had no nexus with the object of Anti-Terrorism Act, 1997 as contemplated under sections 6 and 7 of the Anti-Terrorism Act, 1997. Therefore, evidence available on record makes it clear that encounter had not taken place. Above stated circumstances created doubt about the very commencement of the encounter.

19. It appears that the Investigation officer to conduct fair investigation in this case has failed as no independent person of locality was examined in order to ascertain the truth beyond any reasonable doubts. The above stated circumstances in our view created serious doubt about the very occurrence of the encounter. The standard of the proof in such a case should have been far higher as compared to any other criminal case when according to the prosecution it was a case of police encounter. It was desirable that it should have been investigated by some other agency. Such dictum has been laid down by the

Honourable Supreme Court in the case of *Zeeshan alias Shani versus The State (2012 SCMR 428)*. Relevant portion is reproduced as under:-

“11. The standard of proof in this case should have been far higher as compared to any other criminal case when according to the prosecution it was a case of police encounter. It was, thus, desirable and even imperative that it should have been investigated by some other agency. Police, in this case, could not have been investigators of their own cause. Such investigation which is woefully lacking independent character cannot be made basis for conviction in a charge involving capital sentence, that too when it is riddled with many lacunas and loopholes listed above, quite apart from the afterthoughts and improvements. It would not be in accord of safe administration of justice to maintain the conviction and sentence of the appellant in the circumstances of the case. We, therefore, by extending the benefit of doubt allow this appeal, set aside the conviction and sentence awarded and acquit the appellant of the charges. He be set free forthwith if not required in any other case.”

20. According to PW-02 he made four fire shots of 9mm pistol while three bullets were fired from the SMG by the other police officials but the official weapons, which were used in the alleged encounter, have also not been sent for FSL report. Furthermore, Incharge Maal-khana on the point of safe custody of weapons, has also not been examined by the prosecution. Sending the weapon and empties to the forensic division with the delay of one day has also not been explained properly, as such no sobriety can be attached to the positive report, with regard to the safe custody of the weapon at police station and its safe transit, the Honorable apex court in the case of *Kamaluddin alias Kamala V/S The State (2018 SCMR 577)* has held as under:

“As regards the alleged recovery of Kalashnikov from the appellant’s custody during the investigation and its subsequent matching with some crime-empties secured from the place of occurrence suffice to it to observe that Muhammad Athar Farooq DSP/SDPO (PW18), the investigating officer, had divulged before the trial court

that the recoveries relied upon in this case had been affected by Ayub, Inspector in an earlier case and thus, the said recoveries had no relevance to the criminal case in hand. Apart from that safe custody of the recovered weapon and its safe transmission to the Forensic Science Laboratory had never been proved by the prosecution before the trial court through production of any witness concerned with such custody and transmission”

22. We are unable to rely upon the evidence of the sole police officials with regard to police encounter for the reason that there was cross-firing for about 07 minutes but no injury/scratch was caused to the police party. The distance between police officials and accused was 10 to 15 paces/steps at the time of encounter and none from the police party sustained any bullet injury and bullet marks were also not found on the walls and gates of shops where the incident had taken place and it is questionable that accused Shahbaz Ahmed sustained bullet injury with what kind of weapon. Mashirnamas were prepared at the Police Station. Non-production of the arrival and departure entries of police station also cut the roots of the prosecution case. Accordingly, the prosecution has failed to bring home guilt to the accused as the evidence furnished at the trial is full of factual, legal defects and is bereft of legal worth/judicial efficacy. Therefore, no reliance can be placed on the same, in all fairness.

23. Omissions are always fatal to the case of the prosecution and tempering with case property could not be ruled out where the same was not sealed or the same were sent for chemical examination with a delay. Lapse on the part of the police is clear and admitted. Wisdom behind sealing the weapons at the place of incident is to eliminate the possibility of manipulation of evidence after the recovery of the crime weapons. Sealing of weapons is essential, particularly in cases when it is alleged that weapon was used in the commission of crime and empties were secured from the *vardat*. In the circumstances at hand evidence of

police officials does not appear to be trustworthy thus required independent corroboration, which is lacking in this case. Reliance is placed on the case reported as **PLD 2004 Supreme Court 39** (*The State vs. Muhammad Shafique alias Pappo*), in which the Honourable Supreme Court has observed as under:-

“13. It has been established by the evidence of Muhammad Saeed Abid C.W. that the respondents were neither the owners of said house nor tenants. It being so, it is very hard to believe that they were occupying it B and were living therein. Learned High Court specifically noted that despite the fact that it was known to the prosecution that the house belonged to aforesaid witness, yet, no evidence was collected to show that the respondents were in its possession. Neither Chowkidar nor labourers nor neighbours were joined by the investigating agency to demonstrate that ever any of them was seen entering or coming out from it. The alleged recoveries of explosive substances, weighing about 30 k.gs. a kalashnikov with 25 live rounds loaded in the magazine from under the mattress of respondent Abdul Jabbar and a wooden box from under said bed of respondent Muhammad Shafique, containing 10 detonators 10 igniters, a T.T pistol loaded with six live rounds, do not inspire confidence, as so C much could not be concealed under said mattresses. Besides, Mashir of recovery namely, Muhammad Usman, as rightly held by High Court, was stock witness of the prosecution, as in the cases related to F.I.Rs. Nos. 58, 59, 61, 62, 68 of 1998 and 16 of 1999 he was cited as prosecution witness of recovery. It is a strong circumstance, which creates doubt about credibility of this witness, particularly when other witness Mushir Abdur Rehman was not examined.”

24. Needless to mention that while giving the benefit of doubt to an accused, it is not necessary that there should be countless circumstances creating doubt, if there is a circumstance which creates reasonable doubt in a prudent mind about the guilt of the accused, then the accused would be entitled to the benefit of such doubt, not as a matter of grace and concession, but as a matter of right. It is based on the maxim, "it is better that ten guilty persons be acquitted rather than one innocent person be convicted". Reliance in this behalf can be made upon the cases of *Tariq Pervez v. The State* (1995 SCMR 1345), *Ghulam Qadir and 2 others v. The State* (2008 SCMR 1221), *Muhammad Akram v. The State* (2009 SCMR 230) and *Muhammad Zaman v. The State* (2014 SCMR 749).

25. No doubt, the Sindh Arms Act, 2013 is enacted to curb the proliferation of arms and ammunitions and punishment for possession of any fire arm is extended to 14 years and with fine and rule for safe administration of criminal justice is “the harsher the sentence the stricter the standard of proof”, therefore, for the purposes of safe administration of criminal justice, some minimum standards of safety are to be available so as to strike a balance between the prosecution and the defence and to obviate chances of miscarriage of justice on account of exaggeration by the investigating agency. Such minimum standards of safety are even otherwise necessary for safeguarding the fundamental rights of the citizens regarding life and liberty, which cannot be left at the mercy of police officers without production of independent evidence. It is therefore held that it would be unsafe to rely upon the evidence of police officials without independent corroboration which is lacking in this case. Consequently, in view of our above discussion, we form a view that appellants were picked up earlier by the personnel of Pakistan Rangers and later implicated in these bogus cases. Hence, no sanctity can be attached to the prosecution case as well as the deposition of prosecution witnesses.

26. Admittedly, the place of occurrence was a thickly populated area and the persons from the public despite being present and available were not called upon to become the mashirs of recovery of pistol and other ammunition except police officials who are interested witnesses. As such, prosecution case suffers from independent evidence regarding recovery, which creates serious doubt in the case of prosecution case, particularly in the circumstances when enmity has been alleged against police officials. The conviction or acquittal of an accused person depends upon the creditability of the witnesses. In the case at hand which was a case of alleged encounter, accused was arrested at about

0415 to 0445 a.m. (*Sehri* Time), it is clear that no efforts at all were made by PW-02 Abrar Sikandar to associate any independent person to witness the arrest and recovery. It is settled principle of law that judicial approach has to be cautious in dealing with such type of cases. We are conscious of the fact that provisions of section 103 Cr. P.C. are not attracted to the case of personal search of a person, but in this case accused was arrested on a road, omission to secure independent witnesses from the locality is significant and cannot be brushed aside lightly by this Court.

27. In presence of such lacunas in the prosecution case we are of the considered view that the conclusion drawn and reasons advanced by learned trial Court do not show fair evaluation of evidence, which is not in accordance with the settled principles in criminal cases, therefore, impugned judgment is a result of erroneous and unreasonable lines of reasoning and merits interference by this Court to erase the effect of miscarriage of justice.

28. From the above discussion, it is evident that the investigation and inquiry carried out is neither satisfactory nor free from *malice* and the appellants' implication in these cases is not free from doubts. They thus could not be left at the mercy of Police. The review of the impugned judgment shows that essential aspects of the case have slipped from the sight of the learned trial Court which are sufficient to create shadow of doubt in the prosecution story.

29. For the above stated reasons, we reach to an irresistible conclusion that prosecution has utterly failed to prove its case against the appellants and trial court failed to appreciate the evidence according to settled principles of law. False implication of the appellant could not be ruled out. Resultantly, these appeals were allowed vide our

short order dated 02.12.2020 and conviction and sentence recorded by the trial Court vide judgment dated 28.02.2020 were set aside and appellant was acquitted of the charges.

30. These are the reasons for our short order dated 02.12.2020.

JUDGE

JUDGE

Karachi,
Dated 07.06.2021
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