

**JUDGMENT SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Cr. Appeal No.768 of 2024**

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Date	Order .with signature of Judge
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Appellants: Mst. Azra & others through Mr. Liaqat Ali  
Khaskheli, advocate.

Respondent: State through Mr. Faheem Hussain Panhwar, DPG.

Date of hearing and decision: 15.01.2025.

Date of Judgment: 18.01.2025.

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

**MUHAMMAD IQBAL KALHORO J:** Appellants were charged for throwing acid on daughter in law of complainant namely Chanda on 13.08.2019 at the door of her house as a result of some dispute between the parties causing her multiple injuries and tried in S.C. No.2241/2019. They have been returned guilty verdict by way of impugned judgment dated 30.10.2024 rendered by Additional Sessions Judge-II, Karachi West, in the terms to suffer SI for 14 years for committing offences u/s 336-B, 34 PPC. In addition, they have been burdened to pay fine of Rs.One Million, and in case of failure, to undergo extra sentence of six months with benefit of section 382-B Cr.P.C duly extended to them.

2. As per brief facts of the case revealed in FIR, on 11.08.2019 complainant was busy in draining out rainy water accumulated in the street, when he found electricity wire belonging to the appellants running through the water, hence he sent a boy to the appellants to make a request to remove the wire so that nobody could get electricity shock but appellants misbehaved with him and went away without removing electricity wire. On 13.08.2019 the appellants came at the house of complainant, they knocked the door, when wife of his son Zeeshan namely Chanda came out of the house, the appellants threw acid on her and escaped from the scene. She as a result got multiple burnt injuries and rushed to the police station for a letter after which she was taken to Abbasi Shaheed Hospital for treatment. Next day complainant came and registered the FIR as above.

3. During investigation, appellants Jibrán and Farhán were arrested on 14.08.2019 whereas appellant No.1 Mst. Azra got bail. After usual investigation the Challan was submitted and the trial was commenced after the appellants pled not guilty to a formal charge. In order to prove the case, prosecution has examined 05 witnesses. Complainant Shamshad Masih as P.W.1, victim Chanda as P.W.2, SI Muhammad Ismail, I.O. of the case as P.W.3, Women Medico Legal Officer Dr. Samya Sahar as P.W.4 and ASI Muhammad Arshad as P.W.5. After prosecution evidence, statements of appellants were recorded u/s 342 Cr.P.C in which they have denied the allegations and have submitted that due to property dispute, they have been implicated in this case. The learned trial court, however, has convicted and sentenced the appellants in the terms as above through impugned judgment, hence this appeal.

4. Learned counsel for appellants has argued that appellants are innocent and have been falsely implicated in this case; there is no recovery of acid from the place of incident; nor the pot etc. in which allegedly the acid was brought by the appellants was procured during investigation. The letter dated 13.08.2019 whereby victim Chanda was referred to Medico Legal Officer shows that she burnt herself by throwing acid; there is inconsistency in medical report, chemical report is not available; the incident took place on 13.08.2019, whereas she went to hospital next day on 14.08.2019 which is sufficient to cause a dent in the prosecution case; no specific role has been assigned to any of the appellants, in absence of which each appellant is entitled to a benefit of doubt. He has relied upon 2022 YLR 999, 2020 P. Cr. L J 1419, PLD 2021 SC 600, 2018 SCMR 772, PLD 2007 SC 637 and 1997 SCMR 866 to support his arguments.

5. On the other hand, learned DPG has supported the impugned judgment and stated that prosecution has succeeded in proving the case against the appellants.

6. I have considered submissions of the parties and perused material available on record. Prosecution in all has examined five witnesses. P.W.1 is complainant, he has narrated entire story as revealed by him in FIR and has stated that after his daughter in law was injured at the hands of appellants, he took her to P.S., got a letter for treatment and then proceeded to Abbasi Shaheed Hospital, where she was given medical treatment. Next day he

lodged the FIR, which he has produced in his evidence alongwith the letter dated 13.08.2019 issued by police of P.S. Surjani town referring the victim to the hospital for treatment. In his evidence, he has also described the reason/motive inciting appellants to get angry and commit the alleged offence on 13.08.2019. He has also produced memo of arrest of appellants Jibrán and Farhan, who were arrested on 14.08.2019. He has also produced memo of place of incident in his evidence.

7. Next witness examined by the prosecution is the victim herself namely Chanda. She in her evidence has disclosed that on the day of incident she was present in her house when they heard a knock on the door, hence her younger brother in law namely Ronit went to open the door. After that, she heard voices, hence her mother in law went outside, she followed her. Outside the house, she spotted the appellants present who threw acid on her. Her mother in law called her father in law, who took her to P.S. and after obtaining the letter for treatment, he took her to Abbasi Shaheed Hospital where she was provided medical treatment. She has also described various steps of investigation consisting of inspection of place of incident, recording of her statement, handing over of her burnt clothes to the I.O. She has also revealed that at the time of incident she was pregnant.

8. P.W.3 SI Muhammad Ismail has narrated entire story of investigation i.e. that after receiving information, he went to place of incident, inspected the same and prepared such memo as well as sketch of place of incident. He also took photographs of place of incident and victim, which he has produced in his evidence and which shows burnt marks on her various parts of body. He also recorded statements of witnesses u/s 161 Cr.P.C, sending letter to Chemical Examiner for examination of clothes and chemical examiner's letter returning the property due to non-availability of such facility to verify kind of acid on the clothes of victim. He however has produced entire such property in the court in his evidence apart from sketch of place of incident and photographs of the victim and her clothes. Prosecution has then examined the Women Medico Legal Officer Dr. Samya Sahar. She has stated that on 14.08.2019 when she was available on duty at Abbasi shaheed Hospital, the victim was referred to her alongwith police letter. She examined her and found 9% burnt marks on her body. Detailing the same, she has revealed that neck was burnt 1 ½ %, interior trunk 2%, posterior trunk 3%, left arm half%, right leg half%, left leg half%. She has further stated that she reserved the final

report and referred the victim for plastic surgery opinion. After she received the opinion on 04.02.2020, she declared the injuries as Itlaf-e-salahiyat udw. The last witness examined by the prosecution is ASI Muhammad Arshad, he on 14.08.2019 had arrested accused Jibran and Farhan, the appellants.

9. A perusal of evidence of all the witnesses shows that prosecution has succeeded in discharging burden of proving the charge against the appellants. The victim has unequivocally revealed that all the appellants, who were already known to her being neighbors had thrown acid on her. Her evidence is consistent with the revelations made by WMLO, who has opined that there was 9% of burnt marks on various parts of her body including neck, arm, legs and trunk.

10. Learned counsel in defence has argued that no specific role has been assigned to any of the appellants. It may be stated that in the cases of acid throwing, it is not necessary to specifically name the accused out of multiple accused when all have been specifically stated to have acted conjointly in conjunction with each other in throwing acid on the victim. In this case, the victim was available in the house, when all three appellants came at the door of her house together and when she after hearing commotion between appellants and her family members, came out of the house, they threw acid on her. The act of appellant's i.e. coming at the house of victim together show meeting of their minds, besides the fact that they were acting conjointly in furtherance of their common intention. The victim sustained multiple injuries from the acid is not only established from the medical opinion of P.W.4 but the police letter, different memos prepared by the police during investigation and evidence of the victim herself.

11. Leaned defence counsel during arguments also drawn my attention to the statements of appellants u/s 342 Cr.P.C and urged that appellants have been implicated in this case due to property dispute. However, the entire record is silent regarding any proof of dispute between the parties over any property. Even description of the property or any details in respect of which, has not been disclosed by the appellants in their statements. Moreover, it is settled proposition of law that when specific plea is taken by the accused in defence, burden is upon him to establish the same. Here, the appellants have taken a specific plea of being arrayed in the case due to property dispute but have failed to bring on record any material remotely suggesting that parties

were on loggerhead on account of any dispute over property. It appears that over a petty issue viz. removing electricity wire belonging to them from rainy water, they disputed with complainant party and later on threw acid on the victim, as a result of which she sustained multiple burnt injuries on her body proved by the medical certificates.

12. Prosecution has also brought on record the fact that the clothes of the victim were in fact referred to the office of Chemical Examiner for his opinion but due to non-availability of facility, the clothes were returned by him. The WMLO has however given her opinion in evidence that injuries sustained by the victim have caused permanent disfigurement to her and are Itlaf-e-salahiat udw falling under section 336-B PPC which provides for punishment for hurt by corrosive substance. It spells out that whoever cause hurt by corrosive substance, shall be punished with imprisonment for life or the punishment which shall not be less than 14 years and minimum fine of Rs.One million. In the present case, the prosecution has established the fact that victim sustained injuries as a result of throwing acid on her body by the appellants by producing evidence of victim supported by outcome of the investigation and medical opinion.

13. There is nothing on record to show that the appellants have been falsely implicated in this case out of any motive or enmity between the parties. In the lengthy cross examination to which the complainant and victim have been subjected, no material contradiction has come on record suggesting false implication of the appellants in the case. The WMLO has not only produced initial notes prepared by her at the time of examination of the victim but the supplementary medical report on the basis of opinion of surgery department confirming that victim has sustained permanent disfigurement as a result of burnt injuries. The evidence from all aspects is complete and point to the common and joint role played by all the appellants. The appellants were charged u/s 336-B PPC and have been convicted and sentenced under the same provision of law, which provides minimum punishment as 14 years and which has been awarded by the appellant.

14. In the impugned judgment, leaned trial court has reproduced evidence of all the witnesses and then taken up discussion in para 14 onwards appreciating all aspects of the evidence. A holistic view of the entire evidence would show that no discrepancy or variation is available to give its benefit to

the appellants, who while acting jointly have caused permanent disfigurement to the victim by throwing acid on her.

15. In view of the above, I find no merits in the instant appeal and accordingly dismiss it.

The Appeal stands dismissed in the above terms.

These are the reasons of my short order passed on 15.01.2025, whereby this appeal was dismissed.

JUDGE

A.K