

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Appeal No. S-118 of 2024

Appellants : 1) Mst. Shahnaz d/o Ranjhan, w/o Riaz Hussain,
2) Ahmed Ali s/o Ranjhan, Siyal
3) Riaz Ahmed s/o Shafi Muhammad, Siyal
Through Mr. Rukhsar Ahmed Juenjo, Advocate

Complainant : Qadir Bux son of Peer Bux, Siyal
Through Mr. Jameel Ahmed Memon, Advocate

The State : *Through Mr. Muhammad Raza Katohar, DPG*

Date of hearing : 09.10.2025

Dated of decision : 23.10.2025

J U D G M E N T

KHALID HUSSAIN SHAHANI, J.– The present Criminal Appeal has been preferred by the appellants against the judgment dated 22.10.2024 passed by the learned Additional Sessions Judge, Moro, in Sessions Case No.40 of 2020, whereby all three appellants were convicted for offence under Section 302(c), Pakistan Penal Code, 1860 and sentenced to undergo rigorous imprisonment for ten (10) years each. In addition, each appellant was directed to pay compensation of Rs.200,000/- (Rupees Two Hundred Thousand only) to the legal heirs of the deceased in terms of Section 544-A, Code of Criminal Procedure, 1898, and in default of such payment, to further suffer simple imprisonment for six months. The learned trial court also extended to them the benefit of Section 382-B Cr.P.C for computation of the period of sentence.

2. The origin of the present appeal lies in the unfortunate and suspicious death of Mst. Sakina Siyal, which occurred on 21.09.2019. The prosecution story, as unfolded in the First Information Report lodged on 01.10.2019 at 1500 hours by complainant Qadir Bux Siyal at Police Station Moro, attributes the death to a homicidal act rather than an accident. According to the complaint, the deceased Mst. Sakina, aged about 47 years, was lawfully married to appellant Riaz Hussain Siyal. The couple remained childless, a circumstance that allegedly became a source of domestic tension and emotional estrangement. In the year

2017, with the apparent consent of Mst. Sakina, Riaz Hussain contracted a second marriage with co-appellant Mst. Shahnaz, from which union two children were subsequently born. Thereafter, the household environment reportedly deteriorated. The complainant alleged that Mst. Shahnaz, aided by her brother Ahmed Ali, began to maltreat and subject the deceased to persistent physical and verbal abuse. Despite repeated complaints by Mst. Sakina to her maternal uncle Dr. Muhammad Sadiq Siyal, no remedial steps were taken by her husband, Riaz Hussain. Matters reached a critical point when, on the 10th of Muharram, in the presence of Qadir Bux (complainant) and Mst. Hakimzadi, the deceased voiced serious apprehensions regarding her life, explicitly stating that Shahnaz and Ahmed Ali intended to kill her. On 21.09.2019 at about 1100 hours, Riaz Hussain informed the complainant telephonically that Mst. Sakina had died of electrocution while pressing clothes. Believing the version, Qadir Bux transported the body to their ancestral village, where funeral rites were arranged. However, during the ritual ablution (*ghusl-e-mayyat*), Mst. Hakimzadi discovered visible injury marks on the neck, arms, and other parts of the body, contradicting the claim of accidental electrocution and suggesting possible violence. This discovery profoundly alarmed the family. After preliminary consultations and reflections, the complainant lodged the formal FIR on 01.10.2019, nearly ten days after the occurrence, accusing Mst. Shahnaz and Ahmed Ali of murdering Mst. Sakina, while expressing suspicion upon the conduct of Riaz Hussain.

3. Following registration of the FIR, investigation was undertaken by the local police. Upon completion, a charge-sheet (challan) was submitted before the trial court, initially nominating only Mst. Shahnaz and Ahmed Ali as accused. After supplying statutory copies of the case record, a formal charge was framed at Exh.02, to which both pleaded not guilty and claimed trial. The prosecution, to substantiate its allegations, examined eleven (11) witnesses, encompassing the

complainant, relatives of the deceased acquainted with material circumstances, medical experts who conducted exhumation and post-mortem examination, and the investigating officers responsible for the inquiry. Their collective testimony sought to establish that the deceased had sustained ante-mortem injuries inconsistent with electrocution, thereby supporting the prosecution hypothesis of homicidal death. Subsequently, during the course of trial, the complainant moved an application under Section 193 Cr.P.C, seeking cognizance of offence against Riaz Hussain Siyal, contending that his conduct, silence, and supportive stance towards the co-accused reflected possible participation or abetment. The trial court dismissed the application vide order dated 12.04.2022. Aggrieved, the complainant preferred Criminal Revision Application No. S-37 of 2022 before this Court, which was allowed; the impugned order was set aside, and Riaz Hussain Siyal was joined as an accused by order dated 04.11.2022, with directions for a *de novo* trial. In consequence, a fresh trial commenced. The accused were furnished with all requisite documents under Section 265-C Cr.P.C. A revised charge (Exh.-19) was framed, to which all three accused pleaded not guilty. Thereafter, upon an application under Section 227 Cr.P.C filed by the complainant's counsel for alteration of charge, the same was allowed vide order dated 11.05.2023, and an amended charge (Exh.-20) was settled accordingly. During the *de novo* proceedings, the prosecution re-examined its witnesses, who reaffirmed their earlier depositions and medical findings. Upon closure of the prosecution side, all three appellants were examined under Section 342 Cr.P.C, during which they categorically denied the allegations levelled against them, asserting their complete innocence and alleging false implication at the behest of the complainant party. None of the appellants opted to appear as witnesses under Section 340(2), Cr.P.C, nor did they produce any substantive defence evidence, except as noted herein below. Appellant Mst. Shahnaz, despite being specifically named in the FIR as one of the principal accused, did not enter the witness box

to testify on oath nor examined any witness in her defence. Her silence, though a legal right, was treated by the trial court as neutral and not adverse to the prosecution case. Appellant Ahmed Ali, brother of Mst. Shahnaz, took the plea of false implication due to enmity over landed property, alleging that disputes existed between his father and the father of the complainant. In support of this contention, he produced a photocopy of a *faisla* (decision) marked as Ex-34/A, purportedly evidencing prior litigation between the families. However, he too abstained from entering the witness box and produced no independent defence witness to substantiate the claim of enmity or to prove that the said *faisla* had any nexus with the alleged murder. Appellant Riaz Hussain, husband of the deceased, put forth a distinct plea of alibi, contending that he was not present at the place of occurrence at the relevant time. He produced documentary evidence in the form of his attendance certificate (Ex-35/A), daily attendance register (Ex-35/B), and earned leave letter (Ex-35/C), asserting that he was on duty at his workplace when the incident allegedly occurred. To support this version, he examined one defence witness, namely Ghulam Mustafa Dahri, whose statement was recorded as DW-1 (Ex-36). The defence witness purportedly confirmed that the appellant Riaz Hussain was indeed present at his place of employment on the day of occurrence. After recording of defence evidence, and upon conclusion of the trial, the learned Additional Sessions Judge, Moro, after hearing arguments from both sides, convicted all three appellants for offence under Section 302(c), PPC and sentenced them as previously detailed in paragraph 1 of this judgment.

4. The learned counsel for the appellants strenuously argued that the prosecution has failed to prove its case against the accused persons beyond a shadow of reasonable doubt. He emphasized that the occurrence was not witnessed by any person, and that the entire case rests upon circumstantial evidence, which is inherently weak in nature. He submitted that one piece of weak evidence cannot support another piece of weak evidence, and that in the absence

of direct ocular evidence, the prosecution's case must fail. The learned counsel submitted that there were no eyewitnesses to the alleged occurrence. He argued that in the absence of direct evidence of the commission of the offence, and in the absence of any specific role being attributed to any of the accused persons, the appellants are entitled to the benefit of doubt and should be acquitted. The learned counsel contended that all prosecution witnesses are closely related to the deceased and are therefore interested witnesses whose testimony cannot be relied upon without independent corroboration. He submitted that the complainant and his family members, including Dr. Muhammad Sadiq Siyal and Mst. Hakimzadi, are all inter-related and have a vested interest in seeing the appellants convicted. He argued that their evidence should be treated with great caution and should not form the basis for conviction in the absence of corroborative evidence from independent sources. The learned counsel pointed out that according to the statement of Mst. Hakimzadi, the deceased Mst. Sakina "used to reside" in her house, suggesting that Sakina was not actually residing in the house of appellant Riaz Hussain at the time of the alleged incident. He argued that this fact demolishes the prosecution's theory that Sakina was murdered in the house of the appellants, and that the entire case is based on false assumptions. The learned counsel emphasized that there was an inordinate and unexplained delay of about ten days in lodging the FIR. He submitted that the FIR was lodged on 01.10.2019 at 1500 hours, whereas the alleged incident occurred on 21.09.2019 at 1100 hours. He argued that this significant delay provides sufficient time for consultation and deliberation, and indicates that the FIR is an afterthought designed to falsely implicate the appellants. He submitted that the explanation offered by the prosecution for this delay is neither cogent nor convincing, and creates serious doubts about the veracity of the prosecution case. The learned counsel submitted that there are material contradictions in the statements of prosecution witnesses, which were not properly appreciated by the learned trial

court. He pointed out that the complainant and witnesses have made improvements in their statements regarding the receiving of information about the incident, which casts serious doubt on the prosecution's version. He argued that these contradictions and improvements indicate that the prosecution case is fabricated and designed to falsely implicate the appellants due to pre-existing enmity arising from the second marriage of Riaz Hussain. The learned counsel argued that the complainant's family was annoyed with appellant Riaz Hussain due to his second marriage with appellant Shahnaz. He submitted that this resentment and anger motivated the complainant to falsely implicate the appellants in this case. He pointed out that family members of the complainant, including Dr. Muhammad Sadiq Siyal, were present during the funeral and stayed in the village for three days without forwarding any complaint to the police regarding any suspicious circumstances, which suggests that the subsequent lodging of the FIR was motivated by malice rather than genuine concern for justice. The learned counsel for appellant Riaz Hussain specifically argued that his client was not present at the scene of the alleged crime, as he was on duty at his workplace at the time of the incident. He produced documentary evidence in the form of attendance certificate, daily attendance register, and earned leave letter to substantiate this plea of alibi. He submitted that the prosecution has failed to disprove this alibi, and that the presence of documentary evidence supporting the appellant's whereabouts at the time of the incident entitles him to acquittal. The learned counsel emphasized that even if it is assumed that the deceased died an unnatural death, the prosecution has failed to establish any specific role played by any of the appellants in causing that death. He submitted that mere presence or relationship with the deceased cannot be the basis for conviction in a murder case, and that the prosecution must prove beyond reasonable doubt that each accused person played a specific role in the commission of the offence. The learned counsel argued that the prosecution has failed to establish any clear and

convincing motive for the alleged murder. While the prosecution suggests that the motive was related to the second marriage and alleged maltreatment, the learned counsel submitted that this is mere speculation and conjecture, unsupported by concrete evidence. He argued that in the absence of a proven motive, the circumstantial evidence becomes even weaker and cannot sustain a conviction. In conclusion, the learned counsel submitted that the prosecution has failed to establish an unbroken chain of circumstances pointing inevitably to the guilt of the appellants. He argued that there are several missing links in the chain of circumstantial evidence, and that the infirmities, contradictions, and irregularities in the prosecution case create reasonable doubt about the guilt of the appellants. He prayed that the instant appeal be allowed, the impugned judgment be set aside, and the appellants be acquitted of all charges. He relied upon the case laws cited at (2025 SCMR 730), (2021 SCMR 873), (2017 SCMR 724), (PLD 2017 SC 681), (2016 SCMR 1628), (2011 SCMR 941), (2022 P.Cr.L.J Note 80), (2024 YLR 2433) and (2024 YLR 881).

5. The learned counsel for the complainant has advanced arguments in opposition to the appeal. He argued that although the case is based on circumstantial evidence, the prosecution has successfully established a complete and unbroken chain of circumstances pointing inevitably to the guilt of the appellants. He submitted that the circumstantial evidence in this case is of such quality and nature that it excludes every hypothesis except the guilt of the accused persons. The learned counsel emphasized that the fact of unnatural death is undisputed and has been conclusively established through medical evidence. He submitted that the medical evidence, particularly the findings of bilateral fractures of the hyoid bone and multiple rib fractures, clearly indicates that the deceased died due to forceful compression of the neck and chest, resulting in asphyxia. He argued that this medical evidence completely contradicts the claim of the appellants that the death was caused by electrocution. The learned counsel

relied upon the principle of "last seen evidence" and submitted that the deceased was last seen alive in the company and custody of the appellants. He argued that when a person is last seen alive in the company of the accused, and is subsequently found dead under suspicious circumstances, a strong presumption arises against the accused, and the burden shifts to them to explain the circumstances of death. He submitted that the appellants have failed to provide any satisfactory explanation for the death of Mst. Sakina. The learned counsel argued that the prosecution has successfully established a clear motive for the crime. He submitted that the deceased, being issueless, had consented to her husband's second marriage, but subsequently suffered maltreatment at the hands of the second wife and her brother. He argued that the deceased had become an impediment to the peaceful life of the second wife, and that the appellants had a strong motive to eliminate her. He submitted that the deceased had expressed her fears about being killed by the appellants on multiple occasions prior to her death, which demonstrates the existence of motive. The learned counsel emphasized that the deceased had repeatedly complained about maltreatment and had expressed explicit fears for her life prior to her death. He submitted that these complaints and expressions of fear, which were corroborated by multiple witnesses, establish that the deceased apprehended danger from the appellants. He argued that the subsequent death of the deceased under suspicious circumstances, shortly after expressing such fears, strongly supports the prosecution's case. The learned counsel argued that the failure of appellant Riaz Hussain to request a post-mortem examination of the deceased's body, despite claiming that she died due to electrocution, is highly suspicious and indicates consciousness of guilt. He submitted that if Riaz Hussain genuinely believed that his wife had died due to accidental electrocution, the natural course of action would have been to involve medical authorities to confirm this cause of death. The fact that he did not do so, and instead hastily arranged for burial without

medical examination, strongly suggests that he was aware of the true cause of death and was attempting to conceal it. The learned counsel submitted that appellant Riaz Hussain, by informing the complainant that the deceased had died due to electrocution while knowing the real facts of the incident, has actively concealed the true circumstances of death with the intention of screening himself and the other accused persons from legal punishment. He argued that this conduct falls within the ambit of Section 201 PPC and demonstrates the complicity of Riaz Hussain in the crime. The learned counsel argued that the prosecution witnesses, although related to the deceased, are natural witnesses in the circumstances of this case. He submitted that there is no rule of law that the statement of a related witness cannot be relied upon without corroboration. He argued that the term "interested witness" is not equivalent to "related witness," and that a witness can only be called interested if he or she derives some benefit from seeing the accused person punished or has some rancor or enmity which would motivate false testimony. He submitted that no such motive has been established in the present case, and that the mere fact of relationship does not make the witnesses unreliable. The learned counsel submitted that the delay of ten days in lodging the FIR has been properly and satisfactorily explained by the prosecution. He argued that the complainant party was initially unaware of the suspicious circumstances surrounding the death, as they had been informed by Riaz Hussain that the death was due to electrocution. It was only when Mst. Hakimzadi discovered injuries on the body during the ablution that suspicions were aroused. He submitted that the delay was not due to any malafide intention but was a result of the time taken to discover the true facts and to make the necessary arrangements for exhumation and proper medical examination. The learned counsel argued that the minor discrepancies and variations pointed out by the defense in the statements of prosecution witnesses are natural and do not go to the root of the prosecution case. He submitted that it is well settled law that

minor omissions and discrepancies are bound to occur with the passage of time, especially in a *de novo* trial where witnesses are required to testify many years after the incident. He argued that these minor variations do not shake the salient features of the prosecution version and should not be given undue importance. The learned counsel submitted that the plea of alibi raised by appellant Riaz Hussain is weak and has not been substantiated with cogent and convincing evidence. He pointed out that the attendance certificate produced by the appellant shows that he was present at school at 1:30 PM, whereas the incident occurred at 11:00 AM. He argued that there was a significant time gap during which the appellant could have been present at the scene of the crime. He further argued that the failure of Riaz Hussain to rush home immediately after being informed of his wife's death is highly suspicious and indicates his involvement in the crime. The learned counsel relied upon several case laws in support of his arguments, including (2023 SCMR 1375), (2007 SCMR 518), (2004 SCMR 331), (2007 SCMR 525), (2007 SCMR 876), (2024 P.Cr.L.J 1535), (2024 P.C.r.LJ 444). In conclusion, the learned counsel prayed that the instant appeal be dismissed, the conviction and sentence awarded by the learned trial court be maintained, and the appellants be made to suffer the punishment imposed upon them.

6. The learned Deputy Prosecutor General for the State has supported the arguments advanced by the learned counsel for the complainant. He has submitted that the prosecution has successfully proved its case beyond reasonable doubt through strong circumstantial evidence, medical evidence, and the testimony of credible witnesses. He has emphasized that the learned trial court has properly appreciated the evidence on record and has rightly convicted the appellants. He has prayed for dismissal of the appeal and maintenance of the conviction and sentence.

7. I have heard the learned counsel for the appellants, the learned counsel for the complainant, and the learned Deputy Prosecutor General for the

State. I have also examined the entire record, the impugned judgment, depositions of witnesses, statements of the accused, and the precedents relied upon by both sides. The following points arise for determination:

- i) Whether the prosecution has successfully established that Mst. Sakina died an unnatural death?
- ii) Whether the prosecution has proved beyond reasonable doubt that the appellants committed *Qatl-e-Amd* of Mst. Sakina in furtherance of their common intention?
- iii) Whether the impugned judgment of conviction and sentence is liable to be set aside and the appellants are entitled to acquittal?

8. The first and most crucial question upon which the entire prosecution case rests is whether the death of Mst. Sakina was natural, accidental, or the result of human agency. The answer to this question lies in the medical and forensic evidence, which, when viewed through the lens of evidentiary law and medical jurisprudence, establishes beyond reasonable doubt that the death was homicidal and not accidental.

9. The post-mortem examination, conducted upon judicially supervised exhumation by the Special Medical Board comprising Dr. Waheed Ali (PW-05) and Dr. Nusrat Zia Bughio (PW-06) on 14th November 2019, provides the scientific foundation of the prosecution case. Both doctors, qualified forensic specialists, performed the examination at the graveyard of village Imam Abad, Miran Shah, in the presence of the Civil Judge & Judicial Magistrate, Moro, and investigating police officers. The Board's findings were meticulously recorded and later confirmed through the Chemical Examiner's report (Ex-11/C, Ex-11/D). The post-mortem disclosed the following pathological features: bilateral fracture of the greater cornua of the hyoid bone; extensive hemorrhagic staining of chest wall tissues; and fracture of eight ribs on each side, both medial and lateral to the costochondral junctions. From these observations, the Board unanimously concluded:

“Bilateral fractures of the hyoid bone and multiple rib fractures are suggestive of forceful compression of the neck with heavy pressure applied on the chest, resulting in asphyxia and death.”

10. The findings were free from any electrical burns, current-entry or exit marks, or cardiac lesions typically associated with electrocution. The Chemical Examiner confirmed the absence of toxins or electrical damage, establishing that the death did not result from electricity, poisoning, or disease.

11. In forensic science, the hyoid bone, an isolated U-shaped bone in the upper neck, is among the most diagnostic structures for determining homicidal violence. Fracture of both greater cornua is almost pathognomonic of manual strangulation or throttling, resulting from strong lateral compression of the neck by human hands or ligature. It rarely occurs accidentally and is practically unknown in electrocution. Similarly, simultaneous fracture of sixteen ribs on both sides implies massive external pressure on the thoracic cage. The biomechanics of respiration render self-inflicted thoracic fractures impossible; they occur only when the chest is forcibly compressed, preventing ventilation and causing asphyxia. When neck compression and thoracic compression act together, death ensues rapidly from combined airway obstruction, venous congestion, and oxygen deprivation. Such a mechanism bears all hallmarks of intentional homicidal violence. The medical evidence thus demonstrates a deliberate and sustained application of external force, inconsistent with the accidental hypothesis advanced by the defense. Electrocution produces localized burns, skin charring, and metallization at the current's entry and exit, and internal cardiac arrhythmias, not skeletal fractures. The absence of any such lesions, when read with the presence of fractures, unequivocally negates the electrocution claim.

12. Under Article 59 of the *Qanun-e-Shahadat Order, 1984*, expert opinions are relevant and admissible when the experts possess specialized knowledge and their opinions remain unchallenged. In this case, the defense neither cross-examined the medical experts effectively nor produced counter-

expert testimony. Accordingly, the expert conclusions stand unrebutted and are entitled to full evidentiary weight. Courts have consistently held that when scientific evidence remains uncontroverted and is inherently credible, it must be accepted as conclusive proof of the fact in issue. Equally important is what the post-mortem did not reveal. The absence of electric burns, coagulative necrosis, or cardiac lesions excludes accidental electrocution. In evidentiary reasoning, the absence of expected pathology in a claimed mechanism of death constitutes negative corroboration, an inferential tool whereby omissions in medical findings affirm the falsity of the asserted cause.

13. The medical findings are independently reinforced by three corroborative circumstances recognized by law and common sense: (i) Conduct of Riaz Hussain Siyal (husband). His immediate statement that the deceased had been electrocuted while pressing clothes, followed by hasty burial without police or medical intimation, constitutes conduct relevant under Article 21 QSO. Such behaviour is inconsistent with innocence and reflects a conscious attempt to conceal evidence; (ii) Observation by PW-03 Mst. Hakimzadi. While performing the ritual ablution, she observed strangulation marks on the neck and bruises on the limbs. Her spontaneous observation, made before any investigation, was later validated by the exhumation. This natural witness testimony serves as early corroboration of the scientific findings. (iii) Judicially Supervised Exhumation: The exhumation was conducted under direct supervision of the Civil Judge & Magistrate, ensuring transparency, chain of custody, and integrity of samples. The procedural regularity of this process fortifies the reliability of the medical conclusions. These three strands, behavioral, observational, and forensic interlock to form what the Hon'ble Supreme Court in *Azeem Khan v. Mujahid Khan* (2016 SCMR 274) described as “a continuous and unbroken chain of evidence, one end touching the dead body and the other the neck of the accused”.

14. In cases of circumstantial and medical evidence, the rule of caution demands that each link be proved independently, and their cumulative effect must exclude all reasonable hypotheses of innocence (*Hashim Qasim v. State*, 2017 SCMR 986). Here, the independent links, the medical proof of asphyxial death, the absence of electrocution markers, the eyewitness observation of injury, and the false conduct of the husband, converge so completely that no alternate explanation survives. The Court may presume that a person in whose custody another dies an unnatural death knows the cause thereof. At the time of death, the deceased was under the domestic control of her husband and his co-residents Shahnaz Siyal and Ahmed Ali. Their joint failure to offer a credible explanation, coupled with a demonstrably false narrative, warrants an adverse inference under Article 129(g) that withheld or distorted evidence would have been unfavourable to them. This presumption, affirmed in *Muhammad Ismail v. State* (2017 SCMR 898) and *Kashif Ali v. State* (2014 SCMR 1144), is particularly compelling when the fatal event occurs within the privacy of the household and the accused alone possess knowledge of its circumstances. The rule of consistency in evidence requires convergence between oral, documentary, and scientific proof. In this case: the oral testimony of PWs 1–3 establishes a background of maltreatment and threats; the forensic evidence of PWs 5–6 scientifically demonstrates death by neck and chest compression; and the behavioural evidence of concealment by Riaz Hussain unites these strands into one logical narrative. Together, they present an internally consistent and externally corroborated account of homicide that satisfies the evidentiary threshold set in *Munawar Hussain v. Imran Waseem* (2013 SCMR 374).

15. Upon holistic appraisal of the forensic, logical, and circumstantial material, this Court finds that the prosecution has proved beyond reasonable doubt that Mst. Sakina died an unnatural and homicidal death caused by asphyxia due to forceful compression of the neck and chest. The defense plea of

electrocution stands scientifically impossible, medically untenable, and legally discredited. The false explanation, coupled with concealment of the injuries of the deceased, provides additional confirmation of guilt. The prosecution's case meets the highest standards of forensic reliability and evidentiary prudence. Accordingly, the learned Trial Court reached the correct conclusion that prosecution successfully established that Mst. Sakina died an unnatural death.

16. Having established on Point No. 1 that the deceased, Mst. Sakina, met an unnatural and homicidal death by asphyxia due to forceful compression of the neck and chest, the next and pivotal inquiry is whether the prosecution has proved beyond reasonable doubt that it was the appellants who caused that death. Since there was no eyewitness to the actual act of killing, the Court must reach its conclusion through the combined application of circumstantial reasoning, scientific evidence, and the established rules of corroboration and inference that govern proof of human agency in cases of homicide resting upon indirect evidence. In criminal adjudication, circumstantial evidence, when properly evaluated, may reach the same degree of certainty as direct testimony, for facts, like witnesses, can speak if the law listens with the ear of reason.

17. The jurisprudential framework governing such evidence is well settled. Conviction can lawfully follow where the circumstances proved form a continuous, complete, and unbroken chain, each link established by independent proof, and the entire chain consistent solely with the guilt of the accused and inconsistent with any rational hypothesis of innocence. This principle, articulated authoritatively in *Azeem Khan v. Mujahid Khan* (2016 SCMR 274) and reaffirmed in *Hashim Qasim v. State* (2017 SCMR 986) and *Munawar Hussain v. Imran Waseem* (2013 SCMR 374), enjoins the Court to apply scientific caution and judicial vigilance to ensure that conjecture or fabrication finds no place in the evidentiary chain. In the case of *Azeem Khan and another v. Mujahid Khan and others* (2016 SCMR 274), the Hon'ble Supreme Court held: "The

principle of law, consistently laid down by this Court is that different pieces of such evidence have to make one chain, an unbroken one where one end of it touches the dead body and the other the neck of the accused. In case of any missing link in the chain, the whole chain is broken and no conviction can be recorded in crimes entailing capital punishment". Similarly, in *Hashim Qasim and another v. The State* (2017 SCMR 986), the Hon'ble Supreme Court emphasized: "In cases of circumstantial evidence, there are chances of procuring and fabricating evidence. Therefore, Courts are required to take extra care and caution to narrowly examine such evidence with pure judicial approach to satisfy itself, about its intrinsic worth and reliability, also ensuring that no dishonesty was committed during the course of collecting such evidence by the Investigator. Circumstantial evidence may sometimes appear to be conclusive but it must always be narrowly examined, if only because this count of evidence may be fabricated in order to cast suspicion on another." In *Munawar Hussain v. Imran Waseem* (2013 SCMR 374) has observed: "Even death penalty can also be awarded on circumstantial evidence but it should be beyond any shadow of doubt. The chain of facts be such that reasonable inference can be drawn that the accused has committed the offence. All the facts established should be consistent only with the hypotheses of guilt of the accused. If any link is missing that will destroy the whole links of such evidence and all the links of the circumstances must lead to the guilt of the accused. The circumstantial evidence should be so interconnected that it forms such a continuous chain that its one end touches the dead body and the other the neck of the accused thereby excluding all hypotheses of his innocence." Based on the settled principles, the following requirements must be satisfied for conviction based on circumstantial evidence: each circumstance must be proved independently and conclusively; the circumstances must be consistent only with the guilt of the accused; the circumstances must be inconsistent with the innocence of the accused; the chain of circumstances must

be complete and unbroken; the circumstances must exclude every reasonable hypothesis except the guilt of the accused; each proven fact must stand on its own foundation, yet conviction flows not from any single link but from the synergy and cumulative coherence of all links that converge upon the conclusion of guilt. These authorities collectively hold that the chain must be so complete that “one end touches the dead body and the other the neck of the accused”.

18. Applying those principles, the record reveals several circumstances of decisive probative force. It is admitted that Mst. Sakina was the legally wedded wife of appellant Riaz Hussain Siyal and that she resided with him, his second wife Mst. Shahnaz Siyal, and Shahnaz’s brother Ahmed Ali Siyal. The homicide occurred within that domestic enclosure, a place under the exclusive control of the appellants. When a person dies an unnatural death in the custody or control of another, a rebuttable presumption arises that those persons either know or caused the death. Article 129 empowers the Court to “presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct, and public and private business, in their relation to the facts of the particular case.” When a homicidal death occurs within the exclusive domain of certain persons, a bedroom, a kitchen, or a walled domestic enclosure, and those persons are the only ones who could possibly know the antecedent facts, the Court, applying Article 129, may presume that such knowledge exists and that their silence, evasion, or falsehood indicates culpability. This inference is strengthened by Article 121 QSO, which places upon the accused the burden of proving any fact “especially within his knowledge.” The cause and manner of death of a spouse within the matrimonial home are paradigmatic examples of such “special knowledge.” Hence, though Article 129 does not codify a domestic-death presumption verbatim, the joint operation of Articles 121 and 129 authorizes the Court to draw it, subject always to rebuttal. This reasoning mirrors the principle in the case of *Shambhu Nath*

Mehra v. State of Ajmer, AIR 1956 SC 404 that where the accused alone possesses knowledge of the cause of an event, his failure to explain it supports an adverse inference. The presumption also rests upon forensic logic: the principle of exclusive opportunity. If the victim's death is proved to be homicidal and the accused had exclusive access or custody at the relevant time, the probability calculus of guilt shifts heavily toward that accused unless a credible alternative explanation is offered. This is not a reversal of burden but a shifting of the evidentiary onus, the risk of non-explanation falls upon the custodian. From the standpoint of medical jurisprudence, an accidental electrocution has objective, verifiable signatures: contact burns, metallization, current-entry and exit lesions, and cardiac arrhythmia without mechanical trauma. Where post-mortem findings reveal instead fractures of the hyoid and ribs, subcutaneous hemorrhages, and asphyxial congestion, the electrocution narrative collapses scientifically. Once that falsehood is exposed, the law treats the false exculpatory plea itself as an incriminating circumstance. The medical negation of the alleged accident thus becomes the evidentiary fulcrum upon which the presumption pivots. The presumption also draws its strength from the moral probabilities of conduct. In the ordinary course of social life, a spouse or household member confronted with a sudden accidental death would instinctively summon help, notify the authorities, and demand medical verification. Concealment, false explanation, or hurried burial are behavioral anomalies inconsistent with innocence. The appellants offered no truthful explanation; their silence and evasions therefore become incriminating circumstances. The first marriage of Riaz Hussain was childless; his second marriage with Shahnaz produced children, displacing the deceased from emotional and domestic centrality. Prosecution witnesses Qadir Bux (PW-01), Dr. Sadiq Siyal (PW-02), and Mst. Hakimzadi (PW-03) consistently testified to persistent maltreatment and humiliation of Sakina by Shahnaz and Ahmed Ali, and to Riaz Hussain's

deliberate inaction despite repeated complaints. Although motive is not a legal ingredient of the offence of Qatl-e-Amd, it provides a psychological bridge connecting intention to act. Here the motive, domestic jealousy, rivalry, and the emotional displacement of an issueless wife, is natural and compelling.

19. Equally significant are the deceased's pre-death declarations. Shortly before her death, she explicitly told her brother Dr. Sadiq Siyal, in the presence of family members, that "*Shahnaz and Ahmed intend to kill me.*" Such a statement, made in contemplation of death and relating directly to its cause, is admissible under Article 46 QSO and is treated in forensic psychology as a dying declaration reflecting a victim's perception of imminent danger. Its proximity in time to the actual death enhances its probative value; the subsequent realization of her expressed fear furnishes direct psychological corroboration of homicide by the very persons she named.

20. The deceased was last seen alive within the household of the appellants. Appellant Riaz Hussain himself informed the complainant that she had died of electrocution while pressing clothes. This explanation has been proven scientifically false by the post-mortem findings, which established bilateral fractures of the hyoid bone and multiple rib fractures with no electrical burns or current-entry lesions. According to the principle laid down in *Muhammad Sharif v. State* (PLD 2009 SC 709), a false exculpatory statement is itself a strong incriminating circumstance, evidencing consciousness of guilt and intent to deceive. When a husband in whose custody his wife dies offers a demonstrably false cause of death, such falsity becomes a decisive evidentiary link. Had the death truly resulted from accidental electrocution, the natural and expected course would have been to inform the police, seek a medico-legal examination, and obtain confirmation of cause. Instead, Riaz Hussain hurriedly arranged burial without post-mortem inquiry, a course of conduct completely inconsistent with innocence and strongly suggestive of guilty knowledge and

deliberate suppression of evidence. Under Article 21 QSO, such conduct is relevant as showing design to conceal an offence. While Section 201 PPC criminalizes disappearance of evidence, *Ahmad v. State* (2015 SCMR 993) clarifies that the principal offender cannot be separately convicted under that provision; nonetheless, concealment remains probative of culpability in the main offence.

21. The testimony of Mst. Hakimzadi (PW-03) constitutes another independent corroborative circumstance. During the ritual ablution, she observed strangulation marks on the neck and bruises on the left arm, spontaneous, natural observations made before any investigation began. These were later validated by the judicially supervised exhumation and post-mortem findings of the Special Medical Board, thereby satisfying the rule of corroborative reinforcement that interlinks oral, behavioral, and scientific evidence into one coherent narrative. The forensic configuration of injuries, fractured hyoid bones with symmetrical rib fractures on both sides, has biomechanical implications. Such dual compression injuries require at least two concurrent forces: one constricting the neck and another compressing the chest. This pattern is physiologically inconsistent with solitary assault and points toward joint participation by multiple individuals, aligning with the doctrine of common intention embodied in Section 34 PPC. The scientific inference of coordinated physical effort supports the prosecution's case that all three appellants acted in concert.

22. The defence has offered several pleas which, upon scrutiny, collapse under their own weight. The suggestion that prosecution witnesses are "interested" merely because they are related to the deceased is legally untenable. In *Lal Khan v. State* (2006 SCMR 1846) and *Aqil v. State* (2023 SCMR 831), the Supreme Court held that relationship alone does not discredit a witness; in domestic crimes, relatives are often the most natural witnesses. Their credibility depends on internal consistency and congruence with surrounding circumstances,

tests which these witnesses pass. The defence's reliance on delay in lodging the FIR is similarly misplaced. Initially deceived by the electrocution narrative, the family suspected foul play only when injuries were observed during the funeral. Time was consumed in intra-family consultation, obtaining permission for exhumation, and initiating legal proceedings. The delay thus stands reasonably explained, and as *Muhammad Ashraf v. State* (2025 SCMR 1082) clarifies, explained delay is immaterial when the prosecution evidence is strong and scientifically certain.

23. Appellant Riaz Hussain's plea of alibi also fails. His school attendance record at 1:30 p.m. does not preclude his presence at home around 11:00 A.M, the estimated time of death. Alibi must prove physical impossibility, not mere improbability (*Muhammad Yaqoob v. State*, PLJ 1982 Cr 343). No independent witness or contemporaneous record corroborates his claim. Indeed, his later conduct, failing to inform authorities or return home upon hearing of his wife's alleged electrocution, negates the good-faith foundation of that plea. Minor discrepancies in testimony, pointed out by the defence, are natural after passage of time and do not affect the core narrative. As held in *Muhammad Ijaz v. State* (2023 SCMR 1375), trivial variations neither shake the salient features of the prosecution case nor erode its structural integrity.

24. The collective conduct of all three appellants reveals unity of purpose. Shahnaz and Ahmed Ali were the immediate aggressors who harbored open hostility; Riaz Hussain, by willful omission before the incident and active concealment after it, facilitated the crime. Their actions, from consistent maltreatment to falsification of the cause of death, constitute one continuous transaction animated by common intention. Under Section 34 PPC, once such intention to cause death or injury likely to cause death is established, individual roles become legally immaterial. The motive, pre-death apprehension, last-seen

evidence, false explanation, and concealment converge into a cohesive pattern that excludes coincidence or independent occurrence.

25. From the scientific and evidentiary standpoint, every link strengthens the next: the medical science proves the homicidal mechanism beyond controversy; the motive and pre-death fear provide psychological continuity; the last-seen and false explanation establish immediate causal connection; the concealment manifests guilty knowledge; and the biomechanics of injuries confirm multi-person participation. The convergence of these strands forms a self-reinforcing chain “*with one end touching the dead body and the other the necks of the accused,*” leaving no missing link or rational hypothesis of innocence. The holistic synthesis of medical jurisprudence and evidentiary inference compels only one conclusion, that Mst. Sakina was intentionally killed by the appellants acting in concert.

26. Accordingly, after careful appraisal of the entire evidentiary record, this Court holds that the prosecution has proved its case beyond reasonable doubt. The appellants Riaz Hussain Siyal, Mst. Shahnaz Siyal, and Ahmed Ali Siyal, in furtherance of their common intention, committed *Qatl-e-Amd* of Mst. Sakina Siyal. The chain of circumstances is complete and unbroken, scientifically anchored, logically coherent, and legally impregnable. The defence has offered neither credible refutation nor plausible alternative explanation. The finding of the learned trial court on Point No. 2 is therefore affirmed and fortified: the appellants stand guilty under Section 302(c) read with Section 34 PPC, their collective conduct extinguishing every hypothesis of innocence.

27. Having determined under Points No. 1 and 2 that the prosecution has successfully proved the charge of *Qatl-e-Amd* against the appellants, this Court now turns to the propriety of sentence. The learned trial court convicted the appellants under Section 302(c) PPC and sentenced each to rigorous imprisonment for ten (10) years, together with compensation of Rs.200,000/- to

the legal heirs of the deceased under Section 544-A Cr.P.C, with six months' simple imprisonment in default, extending to them the benefit of Section 382-B Cr.P.C. This determination reflects a balanced exercise of judicial discretion. The offence, though grave, rests wholly on circumstantial and medical evidence without direct ocular account, and the record discloses no proof of pre-planning, weapon use, or aggravated cruelty. The homicide occurred within a domestic setting, springing from accumulated hostility rather than calculated design. The trial court rightly treated these features as mitigating circumstances and opted for the lesser penalty permissible under clause (c). The sentence of ten years' rigorous imprisonment, coupled with reasonable compensation to the victim's heirs, proportionately reflects the gravity of the offence while acknowledging the evidentiary and moral constraints inherent in a circumstantial case.

28. Accordingly, this Court finds the conviction and sentence to be legally sound and commensurate with justice. The appeal stands dismissed, the conviction under Section 302(c) PPC and the sentences awarded are affirmed, and the appellants shall continue to serve out their respective sentences with the benefit of Section 382-B Cr.P.C. Let a copy of this judgment be sent to the learned trial court for information and necessary action.

J U D G E