

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Before:*

*Mr. Justice Amjad Ali Bohio, J.*

*Mr. Justice Khalid Hussain. Shahani, J.*

## **Confirmation Case No. D-09 of 2021**

The State v. Abdul Rehman Malhan

## **Criminal Jail Appeal No. D-55 of 2021**

Abdul Rehman s/o Muhammad Nawaz Malhan vs. The State  
(Against Conviction u/s 302(b) PPC – Death Sentence)

## **Criminal Jail Appeal No. S-73 of 2021**

Fahad s/o Muhammad Nawaz Malhan v. The State  
(Against Conviction u/s 302(b) PPC – Life Imprisonment)

## **Criminal Jail Appeal No. S-72 of 2021**

Abdul Rehman s/o Muhammad Nawaz Malhan v. The State  
(Against Conviction u/s 25 Sindh Arms Act)

## **Criminal Acquittal Appeal No. D-34 of 2021**

Nadeem Ahmed Malhan v. Abdul Jabbar & Others  
(Against Acquittal of co-accused)

Mr. Achar Khan Gabol, Advocate for appellants  
in Cr. Jail Appeal Nos. D-55/2021, S-72/2021,  
S-73/2021 & for respondents in Cr. Acq. Appeal  
No. D-34/2021

Complainant : Nadeem Ahmed s/o Khair MUhammad, Malhan  
Through M/s Ubedullah Ghoto & Naeemuddin  
Chachar, Advocates

The State : Through Syed Sardar Ali Shah, Addl. P.G

Date of hearing : 29.10.2025

Date of judgment : 16.01.2026

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

**KHALID HUSSAIN SHAHNI, J.**— By this common judgment, we intend to dispose of the captioned Confirmation Case, Criminal Jail Appeals, and the Criminal Acquittal Appeal. All these matters arise out of the common judgment dated 07.09.2021, passed by the learned 1<sup>st</sup> Additional Sessions Judge/Model Criminal Trial Court (MCTC), Ghotki, in Sessions Case No.246/2019 (Crime No.39/2019, P.S Sarhad, offence u/s 302, 34 PPC) and Sessions Case No.166/2019 (Crime No.40/2019, P.S Sarhad, offence u/s 25 Sindh Arms Act).

2. Through the impugned judgment, the learned trial Court convicted appellant Abdul Rehman for the offence under Section 302 (b) PPC and sentenced him to Death, subject to confirmation by this Court. He was also directed to pay compensation of Rs.500,000/- to the legal heirs of the deceased. Appellant Fahad was convicted for offence under Section 302 (b) PPC and sentenced to Imprisonment for Life, with compensation of Rs.500,000/-. Appellant Abdul Rehman was further convicted under Section 25 of the Sindh Arms Act, 2013, and sentenced to rigorous imprisonment for 10 years. Co-accused Abdul Jabbar was acquitted of the charge by extending the benefit of the doubt, which has been challenged by the complainant in the acquittal appeal.

3. The brief facts of the prosecution case are that on 19.09.2019, the complainant Nadeem Ahmed Malhan, along with his brother Parvaiz Ali (the deceased, aged 18) and cousins Imran and Saleem, was returning to their village from village Esso Malhan with their cattle. At about 2030 hours, when they reached a "Kachi Sarak" near village Meenhon Malhan, they saw four persons in the light of their torches. They identified three of them as Abdul Rehman, Fahad, and Abdul Jabbar (all sons of Muhammad Nawaz Malhan), while one was unidentified. All accused were armed with pistols. They intercepted the complainant party. It is alleged that accused Abdul Jabbar and the unidentified person overpowered the complainant party at gunpoint. Accused Abdul Rehman, with the intention to kill, fired directly at Parvaiz Ali, hitting him below the right armpit. Accused Fahad also fired directly, hitting Parvaiz Ali on the upper right arm. The deceased fell down, and the accused fled. The injured was shifted to Taluka Hospital Ghotki, where he succumbed to his injuries. The motive was stated to be an exchange of harsh words between accused Abdul Rehman and the deceased

over a cattle dispute about 15 days prior. The FIR was lodged on 20.09.2019 at 01:00 hours (Crime No.39/2019). Subsequently, on 21.09.2019, the police arrested appellant Abdul Rehman and recovered the crime weapon (a 30-bore pistol) and three live bullets. A separate FIR (Crime No.40/2019) was registered. The FSL report later confirmed that the empties found at the scene matched the pistol recovered from Abdul Rehman.

4. After the usual investigation, the Investigating Officer submitted the report u/s 173 Cr.P.C against the accused. On the establishment of the Model Criminal Trial Court (MCTC), the R&Ps were received on 18.11.2019. The charge against the accused was framed by the trial Court, to which they pleaded not guilty and claimed trial. The prosecution led evidence through nine prosecution witnesses, including the complainant Nadeem Ahmed (PW-1), eyewitness Imran Ali (PW-3), the Investigating Officer SIP Ghulam Rasool (PW-6), and Medical Officer Dr. Altaf Ahmed (PW-8). The statements of the accused were recorded under Section 342 Cr.P.C, wherein they denied the allegations.

5. Learned Counsel for the appellants has raised the following contentions before this Court: (i) The judgment is based on misreading of evidence; (ii) There exists a delay of about 4.5 hours in lodging the FIR (incident at 20:30, FIR at 01:00), and this time was utilized to consult and falsely implicate the entire male lineage of the accused due to prior enmity; (iii) All three ocular witnesses are close relatives of the deceased (brother/cousins), and no independent person from the nearby village Meenhon Malhan was cited despite the place of incident being a thoroughfare; (iv) The incident occurred at night, and identification by torchlight is weak and unsafe for a capital charge; (v) The Medical Officer

admitted there was no blackening or charring on the wounds, yet the ocular account suggests close-range firing, creating a conflict between ocular and medical evidence; (vi) The injury attributed to Fahad was on the arm (non-vital), and he cannot be held liable for *Qatl-i-Amd* under section 302 PPC as his act did not cause death; (vii) The acquittal of Abdul Jabbar on the same set of evidence renders the entire prosecution case doubtful qua the appellants as well (*falsus in uno, falsus in omnibus*). He relied upon the case laws cited at (2010 SCMR 97) regarding motive, for one day delay in FIR he put reliance on (2015 SCMR 2073), (2022 SCMR 1494), (2017 SCMR 525), (2008 SCMR 707), (2025 YLR 1545), (2020 SCMR 676), (2020 P.Cr.L.J Note 170), (2020 SCMR 328), (2017 SCMR 486), (2021 P.Cr.L.J 328). Regarding identification on torch light he relied upon the case law cited at (2017 SCMR 960), (2017 SCMR 564), (2017 SCMR 622), (2017 SCMR 344), (2017 SCMR 2002), (2018 SCMR 2118) and (2019 SCMR 956). Regarding the contradiction in ocular and medical accounts, he put reliance on the case laws cited at (2019 SCMR 1306), (2016 SCMR 2073), (2019 SCMR 527), (2017 SCMR 486) and regarding the benefit of doubts he relied upon (2018 SCMR 772).

6. On the other hand, the learned DPG for the State, duly assisted by learned counsel for the complainant, has argued that the witnesses were returning home with cattle, which is a natural reason for their presence. Their testimony regarding time, place, and specific roles is consistent and unshaken. The medical evidence (two gunshot wounds) perfectly corroborates the ocular account (two shooters). The 30-bore pistol recovered from Abdul Rehman matched the empties found at the scene. This is clinching evidence against the principal accused. Accused Abdul Jabbar facilitated the crime by overpowering the witnesses. His acquittal

was based on a technicality (lack of overt act) and deserves to be set aside to punish all perpetrators of this brutal murder. He further argued that delay in FIR is explained as to injured taken to hospital for treatment. Crime weapon recovered from Abdul Rehman. It was I.O to collect torch as complainant illiterate person. He relied upon (2008 SCMR 1228), which reflects about the defective investigation did not spoil the case. Medical evidence supports only one difference. Learned advocate for complainant further relied upon the case laws cited at (2023 SCMR 795), (2005 SCMR 1568), (1996 SCMR 773), (PLD 1971 W.P Lahore 781), (PLD 1958 W.P Lahore 395) and (1984 P.Cr.L.J 1897).

7. Having considered the rival submissions with meticulous care and examined the record in detail, we now proceed to address each contention with reference to established legal principles enunciated by the honorable apex court. The issues arising in this case concern fundamental questions about the evaluation of ocular evidence, the corroboration between medical and eyewitness accounts, the significance of delay in lodging the FIR, the value of forensic evidence, and the proper application of legal principles regarding common intention and joint criminal enterprise.

8. The prosecution case rests fundamentally upon the ocular testimony of three witnesses, namely PW-1 Nadeem Ahmed Malhan (the complainant), PW-2 Saleem Ahmed, and PW-3 Imran Ali Malhan. Upon careful reading of their evidence in extenso, we find a remarkable and striking consistency on all material points notwithstanding the rigorous cross-examination to which each was subjected. The evidence discloses that PW-1 Nadeem Ahmed deposed in clear and unambiguous terms that *"Accused Abdul Rehman directly fired from his pistol upon his brother*

*Parvaiz Ali with intention to kill him, and such fire hit him under his right armpit and accused Fahad had directly fired from his pistol upon him and such fire hit him on his upper right arm."* PW-2 Saleem Ahmed corroborated this account by deposing that *"Accused Abdul Rehman had fired pistol shot which hit to deceased Parvaiz Ali below his right armpit and accused Fahad fired pistol shot which hit to deceased on his upper part of right arm."* PW-3 Imran Ali similarly deposed in identical terms: *"Abdul Rehman made straight fire and hit Parvaiz Ali below right armpit, Fahad made straight fire and hit Parvaiz Ali at right arm."* These three witnesses remained firm and unwavering regarding the time of occurrence (20:30 hours), the place of incident (*Kachi Sarak near Meenhon Malhan*), the source of light by which they could see the accused (torches carried by themselves), and the specific roles assigned to each accused in the commission of this brutal crime.

9. With respect to the argument advanced by learned counsel for the appellants regarding the delay in lodging the FIR, we find the same to be based upon a misapprehension of the facts and circumstances of the case. It is true that the incident occurred at about 20:30 hours on 19<sup>th</sup> September, 2019, and the FIR came to be lodged at 01:00 hours on 20<sup>th</sup> September, 2019, constituting a delay of 4.5 hours. However, this delay is not only explained but is entirely natural and consistent with human conduct in such tragic circumstances. The first priority of the complainant party upon witnessing the horrific shooting was not to rush to the Police Station but to save the life of the injured brother. The deceased Parvaiz Ali was grievously injured by multiple gunshot wounds. The natural human instinct of the complainant would have been to immediately shift the injured person to the nearest hospital for medical assistance. According to the medical evidence

on record, the deceased was admitted to Taluka Hospital Ghotki, where medical procedures were undertaken. It was only after the death of the deceased at the hospital and after the completion of the initial hospital procedures that the complainant would reasonably have come to the Police Station to lodge the FIR. Such conduct is not indicative of malafide fabrication or false consultation but is perfectly consistent with the natural and human response to such a tragedy.

10. It is well-established law that the timing of the lodging of an FIR, though relevant to assess the reliability of the prosecution case, is not an absolute bar to conviction if the delay is reasonably explained by the circumstances and the ocular evidence is otherwise credible and corroborated. The Supreme Court of Pakistan has held in the case of *Abdul Majeed v. The State* (2008 SCMR 1228) that the narration by the complainant was very natural and truthful, and that prosecution witnesses plausibly established their presence at the time of occurrence and their statements were fully supported by medical evidence and corroborated by circumstances of the case including lodging of F.I.R promptly. In the same judgment, it was held that "*Prosecution had successfully proved its case against the accused beyond doubt, as prosecution had successfully proved its case against the accused. Accused waylaid the deceased and repeated fire at him which showed his intention.*" We are satisfied that the delay of 4.5 hours in this case is fully explained by the circumstances and natural human conduct, and it cannot be held to be fatal to the prosecution case, particularly when the delay is immediately followed by the lodging of the FIR and when the ocular and medical evidence lend complete support to the account given by the eyewitnesses.

11. We now turn to the contention that the three ocular witnesses are close relatives of the deceased (brother/cousins) and therefore their evidence is suspect and biased. This argument, though superficially attractive, does not find support in the well-established principles of law governing the credibility of witnesses in criminal cases. It is a fundamental principle of criminal law that the relationship between a witness and the victim does not automatically disqualify the witness from testifying truthfully or render the evidence unreliable. If the law were to exclude the testimony of all relatives of the deceased, it would in many cases result in miscarriage of justice, as relatives are often the most credible witnesses being physically present at the scene of occurrence. What the Court is required to examine is not the relationship of the witness but the nature and quality of the evidence adduced by the witness, the consistency of that evidence, the manner in which the witness withstood cross-examination, and the corroboration provided by independent evidence. In the present case, the three eyewitnesses have given a consistent and natural account of the crime, they have not been shaken in cross-examination, and their testimony is corroborated by medical and forensic evidence in a manner that leaves no room for doubt. The contention that no independent person was cited is based upon a misunderstanding of criminal law. There is no requirement that in each and every case an independent witness must be produced. Circumstances often dictate that eyewitnesses to a crime are family members or acquaintances. The law does not exclude such witnesses. What is required is that their evidence must be evaluated on its merits with full regard to the totality of circumstances and corroborating evidence.



12. The contention regarding identification by torchlight at night also requires careful consideration. It is true that identification at night in poor lighting conditions requires greater scrutiny. However, the Supreme Court of Pakistan has consistently held that identification of known persons is a different matter from identification of strangers. In the present case, the accused and the complainant party were not strangers. They belonged to the same village and the same tribe (Malhan). They were co-villagers and relatives who would have been known to each other. In such circumstances, identification at night by torchlight is not weak but is established with certainty. The fact that the accused deliberately stopped and overpowered the complainant party in the dark also necessarily implies that they came into close proximity to each other. The ocular witnesses had the opportunity to observe the accused clearly by the light of their torches. This is not a case of fleeting observation from a distance but of sustained and close observation in circumstances where the accused themselves initiated the confrontation. Moreover, the incident occurred at 20:30 hours, which is not entirely dark. There would still be some natural twilight. The presence of torches carried by the witnesses would have illuminated the scene sufficiently for identification. Therefore, the contention that identification by torchlight is weak and unsafe for a capital charge cannot be accepted in the facts and circumstances of the present case.

13. We now address the argument that there exists a conflict between the ocular evidence and the medical evidence. The testimony of ocular account suggests, the accused stopped and overpowered the complainant party, suggesting close-range firing, yet the Medical Officer admitted that there was no blackening or charring on the wounds, which would be expected in cases of close-range firing. This argument is based

upon a misconception regarding the nature of firearm injuries. Blackening or charring is caused by the discharge of hot gases, unburnt gunpowder particles, and soot from the barrel of the firearm. These phenomena are observed when the firearm is discharged in very close proximity (typically within 4-5 feet) to the victim. The absence of blackening or charring merely indicates that the fire was from a distance of more than 4-5 feet, which is entirely consistent with the ocular version. The witnesses deposed that the accused stopped and overpowered the complainant party, and during this process, the accused maintained some distance from the deceased before opening fire. The fact that the accused did not fire from point-blank range but maintained a distance of more than 4-5 feet is entirely consistent with both the ocular and medical evidence. There is, therefore, no conflict between the two. Rather, they complement each other and provide a complete picture of the crime. The Supreme Court of Pakistan has held in *Muhammad Younas v. The State* (1990 SCMR 1272) that "*There is no principle of law that in each and every case the doctor's evidence must have preference over the direct evidence. If the witnesses have seen the incident and they have implicated the accused and their statements have been accepted by the courts, then any conflict with the evidence of an expert does not detract the evidentiary value of the eyewitnesses.*" In the present case, there is not even a true conflict but rather a harmonious corroboration between the ocular and medical evidence.

14. The Post-Mortem Report prepared by PW-8 Dr. Altaf Ahmed, Medical Officer of Taluka Hospital Ghotki, reflects the following findings: *Firstly*, a firearm wound on the right side of chest on the mid-axillary line with a size of 01 cm diameter (wound of entrance), with through-and-through wound on the right side of lower 1/3<sup>rd</sup> of front of chest, size 2 cm

diameter with irregular margins (wound of exit). This wound was described as fatal by the Medical Officer as it damaged the right rib, cartilages, pleura, right lung, blood vessels, abdomen wall, peritoneum, diaphragm, and liver, causing massive internal injury and blood loss. *Secondly*, a firearm wound on the lateral side of upper part of the right upper arm with a size of 01 cm diameter with inverted margins (wound of entrance), with through-and-through wound on the medial side of arm, size 1.5 cm (wound of exit). The Medical Officer opined that death occurred due to shock and haemorrhage from these firearm injuries.

15. This medical evidence provides perfect and exact corroboration to the ocular account. The ocular witnesses stated that Abdul Rehman fired once and Fahad fired once, resulting in two injuries to the deceased. The Medical Officer found exactly two firearm wounds on the deceased's body. The first injury (fatal) was on the right side of the chest below the right armpit, exactly as described by the ocular witnesses regarding Abdul Rehman's shot. The second injury was on the upper part of the right arm, exactly as described by the ocular witnesses regarding Fahad's shot. This precise correspondence between the ocular account and the medical findings is not a matter of coincidence but is compelling evidence of the truthfulness of the eyewitness testimony and the accuracy of the identification of the shooters. The pattern and nature of injuries are entirely consistent with the ocular version. Such exact corroboration cannot be discarded or explained away.

16. We now consider the argument relating to the liability of accused Fahad under Section 302 PPC. It is contended that Fahad only caused an injury to the arm, which is non-vital, and therefore he cannot be held liable for *Qatl-i-Amd* (murder with intention to kill) under Section 302

PPC. This argument is based upon a fundamental misapprehension of the applicable law. Section 34 of the Pakistan Penal Code provides that "When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone." The liability of Fahad does not arise merely from the result caused by his individual shot but from his participation in the common intention shared with the co-accused to commit the murder of the deceased. The evidence clearly establishes that all four accused were armed with deadly weapons and together intercepted the complainant party on a deserted road at night. Two of them (Abdul Jabbar and the unidentified person) overpowered the complainant party at gunpoint, effectively restraining them and preventing them from escaping. The remaining two (Abdul Rehman and Fahad) fired at the deceased. The common design and common intention of all four was to commit the murder of the deceased as a result of the prior enmity relating to the cattle dispute.

17. Fahad's participation in this common criminal enterprise is established by the fact that he was armed with a deadly weapon, he participated in stopping and restraining the complainant party, and he deliberately fired at the deceased. The circumstance that his bullet hit a non-vital part of the body (the arm) does not absolve him of liability under Section 34 PPC. His participation in the common criminal enterprise cannot be negated merely because his individual shot did not cause death. Moreover, when multiple injuries are inflicted by different persons acting in furtherance of a common intention, the cumulative effect of those injuries, if resulting in death, renders each person liable. The first injury to the right armpit (caused by Abdul Rehman) was fatal in itself, causing massive internal damage to the liver, lungs, blood vessels, and other vital

organs. The second injury to the arm (caused by Fahad) contributed to the overall blood loss and accelerated the onset of death. Both injuries together resulted in shock and haemorrhage leading to the death of the deceased. The trial Court's exercise of judicial discretion by awarding Life Imprisonment to Fahad instead of Death is a reasonable and permissible distinction, recognizing that while his liability under Section 302 (b) PPC is established, the quantum of punishment can differ based on the nature of his individual participation. We see no reason to interfere with this discretionary judgment.

18. The third significant piece of evidence in this case is the recovery of the 30-bore pistol from the possession of appellant Abdul Rehman on 21.09.2019, just two days after the commission of the crime. This recovery was made in strict compliance with the law, in the presence of the Investigating Officer SIP Ghulam Rasool and two independent mashirs (PC Lal Muhammad Labano and PC Muhammad Saleem Chandio). The recovery was properly documented through an Arrest and Recovery memo. Subsequent to this recovery, the Investigating Officer subjected the recovered pistol to forensic examination by the Ballistic Expert. The FSL Report (Ballistic Expert Report FD No./FA/1350/2020 dated 25.09.2019) conclusively establishes that the empty shells recovered from the place of the incident were fired from this very 30-bore pistol recovered from the possession of Abdul Rehman. This scientific and forensic evidence provides objective, independent, and irrefutable proof that the pistol in the possession of Abdul Rehman was the weapon used to commit the murder. The principle established in *Mujahid Ali Dawach and another v. The State* (2023 P Cr. LJ Note 65 [Sindh Larkana Bench]) is applicable here, wherein it was held that "*Recovery of crime weapon used*

*by the accused at the time of offence, was only a corroborative piece of evidence. If charge was proved by direct, natural and confidence inspiring evidence, then even non-recovery of crime weapon was not fatal to prosecution case."* In the present case, not only has the direct evidence been provided by three credible eyewitnesses, but the crime weapon has also been recovered with a positive FSL report establishing its use in the commission of the crime. This dual corroboration leaves no room for any doubt whatsoever regarding the guilt of Abdul Rehman.

19. We must address the reference made by the appellants' counsel to various case laws regarding the absence of serology reports and defects in evidence collection. It is true that best evidence practice would require blood-stained evidence from the scene to be collected and subjected to serological examination for blood grouping and DNA analysis. However, it is equally true that the absence of such evidence, when the case is otherwise proved beyond reasonable doubt through credible ocular, medical, and forensic evidence, is not fatal to the prosecution case. The Supreme Court of Pakistan has held that defective investigation does not automatically result in acquittal if the core of the prosecution case is otherwise proved. In the present case, the core of the case is amply and conclusively proved through multiple layers of corroborating evidence. The fact that the investigating officer may not have collected blood-stained earth from the scene does not negate the fact that two gunshot wounds were found on the deceased's body, that two bullets were fired according to the eyewitnesses, that the medical evidence confirms the presence of exactly two wounds, and that the 30-bore pistol recovered from Abdul Rehman has been scientifically established to have fired the empties found at the scene. Such evidence is more probative and reliable than blood grouping of stains on earth.

20. The argument of "*falsus in uno, falsus in omnibus*" raised by the appellants' counsel in reliance upon various case laws regarding the acquittal of Abdul Jabbar is misplaced and cannot be accepted. The acquittal of Abdul Jabbar does not render the entire prosecution case suspect or doubtful. The acquittal of co-accused arises from the application of the principle that when the evidence does not establish the guilt of an accused beyond a reasonable doubt, he must be given the benefit of that doubt and acquitted. This is a fundamental principle of criminal law in Pakistan. It does not mean that the evidence is false or unreliable with respect to other accused. In the present case, the evidence against Abdul Jabbar regarding his specific role in the shooting was weak, as no firearm was recovered from his possession and no injury was attributed to him. However, the evidence against Abdul Rehman and Fahad regarding their specific roles in firing the shots is strong, corroborated, and conclusive. The acquittal of Abdul Jabbar does not diminish the strength of the evidence against the appellants. The maxim "*falsus in uno, falsus in omnibus*" (false in one thing, false in all) is not applicable in a mechanical manner. It is a rule of prudence applicable when a witness is found to be unreliable on a material point, which may cast doubt upon other parts of his evidence. In the present case, the ocular witnesses are not found to be false on any material point, and the corroborating evidence lends credence to their entire account. Upon our complete and careful review of the evidence on record, the prosecution has proved its case against appellants Abdul Rehman and Fahad beyond any shadow of doubt. The conviction is based upon a solid foundation comprising ocular evidence of three credible eyewitnesses who were present at the spot and knew the accused, whose evidence is consistent, natural, and has withstood rigorous cross-examination. This is

fortified by medical evidence of the Medical Officer which perfectly corroborates the ocular account by establishing the presence of exactly two firearm injuries on the deceased, attributed to the two accused who fired at him. Additionally, forensic evidence in the form of the positive FSL report confirms that the empty shells recovered from the place of the incident were fired from the 30-bore pistol recovered from the possession of Abdul Rehman. Circumstantial evidence establishes the motive (cattle dispute and prior threats), the flight of the accused, and their subsequent arrest. All these pieces of evidence, when taken together, form an unbreakable chain of circumstances that establish the guilt of the appellants beyond any reasonable doubt.

21. Regarding the acquittal appeal filed by the complainant against the acquittal of co-accused Abdul Jabbar, we find the same to be without merit. The trial Court acquitted Abdul Jabbar on the ground that no specific injury was attributed to him and he was not shown to have fired any shot. He was alleged to have merely "overpowered" or "controlled" the complainant party along with an unidentified person. The principle of benefit of the doubt is a fundamental principle of criminal law, and when the evidence does not establish the guilt of an accused beyond a reasonable doubt, he must be given the benefit of that doubt and acquitted. In this case, the ocular witnesses consistently stated that Abdul Jabbar and an unidentified person "overpowered" the complainant party but did not attribute any specific act of violence or firing to him. The absence of independent corroboration for his participation in the commission of the murder (such as recovery of a weapon from his possession or evidence that he fired a shot) creates a genuine doubt regarding his involvement. We are not satisfied that the acquittal of Abdul Jabbar was erroneous or that the



benefit of the doubt was improperly extended to him. The trial Court's decision is a plausible view on the evidence on record, and we maintain the acquittal of Abdul Jabbar.

22. For all these reasons, the confirmation case is answered in the affirmative, and the death sentence awarded to Abdul Rehman is confirmed. Criminal Jail Appeal No. D-55 of 2021 filed by Abdul Rehman is dismissed. His conviction under Section 302(b) PPC and sentence of Death are maintained. Criminal Jail Appeal No. S-73 of 2021 filed by Fahad is dismissed. His conviction under Section 302(b) PPC and sentence of Life Imprisonment are maintained. Criminal Jail Appeal No.S-72 of 2021 filed by Abdul Rehman (Arms Case) is dismissed. His conviction under Section 25 of the Sindh Arms Act, 2013, and sentence of 10 years rigorous imprisonment are maintained. Criminal Acquittal Appeal No. D-34 of 2021 against the acquittal of Abdul Jabbar is dismissed. The impugned judgment regarding his acquittal is upheld. The death sentence awarded to Abdul Rehman shall be executed in accordance with law, subject to any further appeal to the Honourable Supreme Court of Pakistan.

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