

Notice

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT**

Mr. Justice Jamal Khan Mandokhail  
Mr. Justice Syed Hasan Azhar Rizvi

**Criminal Petition No. 87-K of 2022**

(On appeal from the judgment of the High Court of Sindh, Karachi dated 22.04.2022 passed in CrI. A. No. 126 of 2020, Confirmation Case No. 03 of 2020 and CrI. Jail Appeal No. 185 of 2020)

***Mst. Hajra Bibi @ Seema and another***

*Petitioner(s)*

Versus

***Abdul Qaseem and another***

*Respondent(s)*

For the Petitioner(s)

: Mr. Mahmood Habibullah, ASC/AOR

For Respondent No.1

: Mr. Amir Mansoob Qureshi, ASC

Date of Hearing

: 23.12.2022

**ORDER**

**Jamal Khan Mandokhail, J.-** The learned counsel for the petitioners states that the allegation of conspiracy has been levelled against the petitioners, but the prosecution has failed to prove the same. He states that, the only evidence in order to prove the allegation of the conspiracy is the WhatsApp message, allegedly received by the petitioners from the main accused, if believed to be true, does not constitute the offence. He adds that, at the best, the message can only be considered as an information regarding the preparation of the commission of the alleged offence by the principal accused.

2. The contentions so raised require consideration. Therefore, leave is granted, *inter alia*, on the grounds raised by the petitioners. The learned counsel for the appellants to prepare the appeal stage paper books. Office to call for the record. The learned counsel for the respondents has

pointed out that against the impugned judgment, a criminal petition (Crl. Petition No. 613 of 2022) is pending before the Principal Seat of this Court at Islamabad, therefore, suggested that the same be clubbed with this petition. Order accordingly.

To be fixed in the next session before three members bench.

**Crl. M.A. No. 113-K of 2022**

Notice.

Sd/-Jamal Khan Mandokhail, J  
Sd/-Syed Hasan Azhar Rizvi, J

CERTIFIED TO BE TRUE COPY

Karachi  
23<sup>rd</sup> December, 2022  
K.Anees



Judicial Assistant  
Supreme Court  
Karachi  
03/12/2022