

IN THE COURT OF ADDITIONAL DISTRICT JUDGE-X, KARACHI WEST  
BEFORE:- (IRSHAD HUSSAIN)

Ex. No. 19

Sessions Case No.1667/2015

The State

Versus

Muhammad Saleem S/o Abdul Rasheed

Offence under section 364-A/376 PPC  
(Cr. No. 106/2015 of PS Sher Shah)

*Mr. Farrukh Sharif, advocate for the accused*  
*Mrs. Jameela Saeed Otho, ADPP for the state*  
*Mst. Asia Mumtaz, the learned counsel for the complainant.*

**JUDGMENT**

14.02.2022

The above named accused was sent up by SHO of PS Sher Shah to face his trial, for offence punishable under sections 364-A/376 PPC being crime No. 106/2015 registered at PS, Sher Shah, Karachi.

2. The brief facts of prosecution case as narrated by complainant Muhammad Idrees S/o Abdul Hafeez are that on 13.06.2015, at about 0730 hours, her daughter Tayyaba aged 10 years went to know about availability of water at Baloch Para, Sher Shah but she did not return back. She was studying in the Pak Ansari Public School, Urdu Bazar, Sher Shah. He came to know after due diligence that one Saleem kidnapped her daughter with intention to commit zina with her. Hence, he lodged the subject FIR under section 365-B PPC.

03. After registration of FIR, Investigation Officer conducted the investigation of the present crime and recorded the statements of the prosecution witnesses and also inspected the place of wardat under a written mushirnama. However since the accused was not arrested and alleged abductee was not recovered therefore the subject FIR was disposed of under "A" Class however the learned judicial Magistrate directed to submit charge sheet showing the accused absconder. Meanwhile section 364-A PPC was added as the alleged abductee was minor and charge sheet was submitted showing the above named accused under section 512 Cr.P.C. Meanwhile vide order dated 09.07.2015 the investigation of the case was transferred to the police station SITE -B as per orders of SSP concerned. Meanwhile on 14.04.2015 the above named accused was arrested and alleged abductee was recovered from the possession of accused: medical examination of alleged victim was conducted which shows that she was subjected to sexual intercourse and medical examination of accused was also conducted which shows that accused was capable to perform sexual intercourse. After usual investigation the above named accused was challaned for the offence punishable under section 364-A/376 PPC.

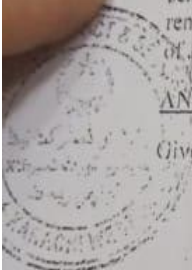
04. Copies under section 265-C Cr. P. C. were supplied to the present accused vide receipt at Exh:No.01.

05. During trial, the charge containing prosecution allegation against the present accused was framed on 26<sup>th</sup> day of January, 2017 at Exh:No.02, to which he pleaded "not guilty" and claimed to be tried vide his plea at Exh:No.02/A.

265-H(ii) Cr.P.C for the offence punishable under section 364-A PPC and sentenced to rigorous imprisonment for seven (7) years and he is also liable to pay fine of Rs.100,000/- (One Hundred Thousand Rupees). In case of default in payment of fine, the accused shall further undergo simple imprisonment for a period of six (6) months. The accused also is hereby convicted U/s. 265-H(ii) Cr.P.C for the offence punishable under section 376 PPC and sentenced to rigorous imprisonment for ten (10) years and he is also liable to pay fine of Rs.200,000/- (Two Hundred Thousand Rupees). In case of default in payment of fine, the accused shall further undergo simple imprisonment for a period of six (6) months. The accused is also awarded benefit of section 382-B PPC. He is in custody since 14.07.2015. Both the sentences will run concurrently. The accused is produced in custody by jail authority, he is remanded back to prison to serve out the sentence strictly in accordance with law. Let the copy of Judgment be supplied to the accused as required under the law.

ANNOUNCED IN OPEN COURT.

Given under my hand and seal of the Court on this 19<sup>th</sup> day of February, 2021.



*Handwritten signature of Irshad Hussain*

IRSHAD HUSSAIN  
ADDITIONAL SESSIONS JUDGE-X  
KARACHI WEST  
Xth Additional District & Sessions Judge  
Karachi West

