**Ex. No.30**

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-X, KARACHI WEST**

**(Model Court for Gender Based Violation Cases)**

**Before: Irshad Hussain**

**Sessions Case No. 1717 of 2020**

T H E S T A T E

V e r s u s

1. Ziauddin alias Jami S/o Muhammad Jameel

2. Muhammad Shahid son of Abdul Razzaq

3. Muhammad Kashif son of Abdul Razzaq

4. Aqib Khan son of Behram Khan

5. Muhammad Imran alias Rana son of Naimat Ali……………...….Accused Persons

 Crime No.147/2020

 U/S: 365-B/376(ii)/34 PPC

 P.S: Pakistan Bazar

*Mr. Ali Gohar Masroof, counsel for all accused except accused Ziauddin alias Jimmi*

*Mr. Abdul Malik Raja, counsel for the accused Ziauddin alias Jimmi*

*Mrs. Jameela Saeed Otho, ADPP for the state assisted by*

*Ms. Asiya Munir, counsel for the complainant*

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

22.07.2022

01. The accused persons named above have been facing trial for the offence punishable under section 3765-B/376(ii)/34 PPC registered through FIR No.147/2020 at Police Station, Pakistan Bazar, Karachi.

02. Facts of the prosecution case in nutshell are that on 13.05.2020 at about 5:30 p.m. the complainant Mst. Anamata wife of Shah Rukh, R/o rented house situated near Azza Khana, Nishan-e-Hyder, Aziz Nagar, Sector No. 11-1/2, Orangi Town, Karachi came at the police station Pakistan Bazar and alleged that on 12.05.2020 she was going to her mother’s house situated at Street No.3, Aziz Nagar, Sector 11-1/2, Orangi Town, Karachi and when she crossed the road and reached inside the street at about 8:30 p.m. two boys identifiable riding on one motor cycle came behind her and stopped their motor cycle near to her and one of them pointed out pistol upon her and forcibly asked her to sit on motor cycle and then they managed to sit her on their motor cycle and then pointed pistol on her back and put hand on her mouth and folded her eyes with cloth. Thereafter they crossed Nishan-e-Hyder Chowk and then they changed the motor cycle and also opened her eyes and further threats to remain calm and then proceeded towards the main road going towards Sector 12 and then they took her in a house situated at Altaf Nagar where three persons were already present there inside the room. Meanwhile two persons out of three persons who were already present in the room and one person out of two persons who brought her in the room, total three persons committed her rape while one person who brought her molested her body but not committed her rape and meanwhile owner of the house came who asked said boys to take away her from said house and then accused persons took her out from the room and she saw that five persons were present in the courtyard. Meanwhile two boys managed to sit her in their motor cycle in between while two other motor cycle were chasing their motor cycle who asked the rider her motor cycle to take her to Ustad who was in a park and further asked him to leave her not be fruitful and forger directed him to take her to the park and after doing job they will kill and through her somewhere. Meanwhile their motor cycle reached at Islam Chowk and one boy who was sitting on the back side of her get down from the motor cycle and the rider of motor cycle hold her hand and threatened her to remain quiet and as the motor cycle reached near Al-Hamra Hall near main road Islam Chowk she jumped from the bike and area people who gathered there tried to apprehend the accused persons who were on motor cycle but they escaped good and meanwhile cousin of her husband namely Waqas brought her at her husband’s house, wherefrom they went to Qatar Hospital for medical and after that she came to PS and lodged the instant FIR against the unknown accused persons.

03. After registration of FIR, Investigation Officer conducted the investigation of the present crime and brought the victim for her medical examining where WMLO examined her and issued MLO certificate NO. 38/2020 and secured anal swabs of the victim and handed over the same to the I/o for the purpose of chemical. I/o recorded the statement under section 161 Cr.P.C of the victim/complainant and other witnesses and secured the clothes of the victim and sealed the same. I/o also inspected the place of occurrence from where victim was kidnapped on the pointation of complainant. I/o tried to trace the place / house where victim was raped however the complainant was unable to point out such place where she was raped. Meanwhile complainant and her mother produced one picture of one accused namely Ziauddin alias Jimmy as they got the said picture from Whatsapp as accused Ziauddin has given his cell number to victim at the time of said offence. Meanwhile on spy information he arrested the accused Ziauddin alias Jimmy. I/o also arrested the accused Aqib on the pointation of accused Ziauddin. Said Aqib disclosed the names of other co-accused persons as Shahid, Kashif and Imran and on his pointation he arrested accused Kashif,Shahid and Imran. Meanwhile I/o produced all the accused persons before MLO at Abbasi Shaheed hospital for the purpose of their male potency test and MLO examined all the accused persons and secured their blood sample for the purpose of DNA. Meanwhile I/o arranged identification test parade of all the above named accused persons through victim before the learned Judicial Magistrate and during the identification parade said victim identified all the five accused persons. I/o also got recorded statement under section 164 Cr.P.C. of the victim. During the course of interrogation the accused persons admitted their guilt while accused Imran also pointed out the place/house where the victim was subtend to rape. Meanwhile I/o obtained chemical and DNA report and after completing the investigation I/o submitted final Charge Sheet against the accused persons named above for the offence punishable under section 365/376(ii)/34 PPC.

04. Meanwhile during the trial Copies under section 265-C Cr. P. C. were supplied to the above named accused persons vide receipt at exhibit 1 and a formal charge was framed at exhibit 2 to which they pleaded not guilty and claimed to be tried vide their plea at Ex.2/A to Ex.3/E.

05. The detail of prosecution witnesses and the material/documents produced by the prosecution is as under:-

(1) PW NO. complainant / victim Mst. Anamta at exhibit 3 who produced FIR No.147/2020 at exhibit 3/A, memo of seizing the parchajat of the victim at exhibit 3/B, sealed envelope at exhibit 3/C ,copy of notices under section 160 Cr.P.C served upon her and accused persons for identification test parade at exhibit 3/D and 3/E, memo of identification test parade of accused Aqib Khan at exhibit 3/F, Memo o identification test parade of accused Muhammad Shahid at exhibit 3/G, Memo of Identification Test parade of accused Muhammad Khashif at exhibit 3/H, Memo of Identification Test Parade of accused Muhammad Imran alias Rana at exhibit 3/I, copy of another notice served upon her under section 160 Cr.P.C. at exhibit 3/J, Memo of identification Test Parade of accused Muhammad Ziauddin alias Jimmi at exhibit 3/K, her statement under section 164 Cr.P.C at exhibit 3/L.

(II) PW NO.2 Syed Wasi u Zaman at exhibit 4. He produced memo of site inspection at exhibit 4/A Memo of arrest of accused Ziauddin alias Jimmi and Aqib Khan at exhibit 4/B, Memo of arrest of accused Kashif, Shahid and Imran at exhibit 4/C, Memo of pointation of alleged place of rape by accused Imran at exhibit 4/D, Memo of recovery of motor cycle used in the crime at exhibit 4/E.

(III) PWs Farzana, Shah Rukh and Khalid Baloch were given up by the learned ADPP for the state vide her statements at exhibit 5 and 6.

(IV) PW No.3 ASI Ahmed Ali at exhibit 7. He produced Roznamcha entry NO.; 28 under which he lodged the FIR.

(V) PW NO.4 learned CJ and Judicial Magistrate Sajjad Hussain at exhibit 8 He produced application dated 19.05.2020 moved by the I/o for identification test parade at exhibit 8/A, copy of notice served upon accused persons to hide their faces and arrange counsel at exhibit 8/B application dated 20.05.2020 for further time for arranging further dummies at exhibit 8/C and application dated 21.05.2020 for identification test parade at exhibit 8/D.

(VI) PW No. 5 learned CJ and Judicial Magistrate Kulsoom Mustafa at exhibit 9. She produced order passed by the Honorable District and Sessions Judge, Karachi West upon Reference letter sent by concern CJ and Judicial Magistrate for appointment of female Judicial Magistrate for recording statement under section 164 Cr.P.C. at exhibit 9/A and application of I/o dated 24.05.2020 for recording statement under section 164 Cr.P.C. of the victim at exhibit 9/B.

(VII) PW NO.6 Dr. Abid Haroon at exhibit 10. He produced letter of I/o addressed to him for medical of accused persons at exhibit 10/A, MLC NO.4184 of accused Muhammad Ziauddin and Emergency SOPD slip of accused Ziauddin at exhibits 10/B and 10/C, MLC NO.4185 of accused Aqbi Khan and Emergency OPD Slip of accused Aqib Khan at exhibit 10/D and 10/E, MLC NO. 4186 of accused Muhammad Imran and his Emergency OPD Slip at exhibit 10/F and 10/G, MLC NO. 4187 of accused Muhammad Khashif and his Emergency OPD Slip at exhibits 10/H and 10/I, MLC NO.4188 of accused Muhammad Shahid and his Emergency OPD Slip at exhibits 10/J and 10/K.

(VIII) PW NO. 7 Maqsood Akhtar at exhibit 11.

(IX) PW NO.8 Dr. Saima Sehar the WMLO at exhibit 12. She produced police letter at exhibit 12/A, MLC NO.38/20 of victim Anamta at exhibit 8/B, Chemical Report NO.13994 at exhibit 12/C, DNA Report NO. SFDL-2020-392 at exhibit 12/D, Final Supplementary Medico legal report of victim Anamta at exhibit 12/E and OPD Slip of victim Anamta at exhibit 12/F.

(X) PW NO.9 SIP Gul Faraz Awan at exhibit 13.He produced entry No.36 under which he called the complainant after receiving investigation at Exh.13/A, entry No.41 under which he left the police station for medical of victim at Exh.13/B, arrival entry No.52 at Exh.13/C, Entry No.27 under which he prepared memo of seizing of clothes of the victim at Exh.13/D, sketch/map of place of occurrence at Exh.13/E, picture of accused Ziauddin at Exh.13/F, departure entry No.24 for the purpose search of accused persons at Exh.13/G, arrival entry No.27 at Exh.13/H, departure entry No.28 at Exh.13/I, entry No.33 at exhibit 13/J, arrival entry No.23 at Exh.13/K, entry No.41 at Exh.13/L, 7 photographs at Ex.13/M, Exh.13-M/1 to 13-M/6, arrival entry No.43 at Exh.13/N, notice duly served upon complainant at Exh.13/O, entry No.40 at Exh.13/P, Covering Letter addressed to Chemical Examiner at Exh.13/Q, letter addressed to SP investigation at Exh.13/R for permission to DNA, entry NO.12 at Exh.13/S and arrival entry No.22 at Exh.13/T, entry No.36 at Exh.13/U, converting letter addressed to DNA Laboratory at Exh.13/V, Fess Assessment Form issued by forensic lab at Exh.13/W, entry No.26 at Exh.13/X, Application for recording statement under section 164 Cr.P.C. of the victim dated: 15.07.2020 at Exh.13/Y, Application for calling accused persons from at Exh.13/Z, A notice upon accused persons in Central Jail with direction to arrange their counsel for the purpose of statement under section 164 Cr.P.C at Exh.13/AA, a notice served upon complainant for appearing on 24.07.2020 for the purpose of her statement under section 164 Cr.P.C at Exh.13/BB, application for recording statement of the victim under section 164 Cr.P.C at Exh.13/CC and DNA Report No.SFDL-2020-392 DATED: 26.08.2020 containing two pages at Exh.13/DD.

06. Thereafter, learned DDPP for the state closed the side of the prosecution vide his statement at Exh.14.

07. Statement of accused Aqib Khan was recorded at exhibit 15, wherein he denied the prosecution allegations and claimed to be innocent and falsely implicated by the complainant. He alleged that charge against him is false. He also claimed that MLC of the alleged victim is managed one. He claimed that DNA report is negative to the extent of his blood sample. He also claimed that victim has already seen him prior identification parade at the police station therefore identification test parade is managed one. He claimed that Motor cycle was not recovered on his pointation and same was recovered after his arrest. He also claimed that all the prosecution witnesses are interested witnesses. He lastly alleged that he is innocent and he has falsely been implicated in this case by the complainant on the instigation of I/o who demanded bribe to from him and in failure I/o booked him in this case. He further claimed that on 10.03.2020 area people moved an application against the complainant and her mother at PS Iqbal Market in which it is mentioned that Anamat is ill reputed lady. She is married with Shah Rukh and the Mohallah people also kicked out her from previous mohallah. The character of her mother is also bad and her mother solemnized three Nikah and she used to drag the innocent boys and after blackmailing them used to demand heavy amount. He produced application at exhibit 15/A. He further claimed that neither he kidnapped the victim Anamta and nor committed her rape. It is pertinent to mention here that accused Aqib Khan has not examined himself on oath under section 340 (2) Cr. P. C. However he has produced following Defence witnesses:-

(i) DW NO.1 Mehrunisa who was examined at exhibit 20 who claimed that accused Aqib is innocent and further claimed that victim Anamata and her mother were ill reputed ladies of the area.

08. Statement of accused Muhammad Khashif was recorded at exhibit 16, wherein he denied the prosecution allegations and claimed to be innocent and falsely implicated by the complainant. He alleged that charge against him is false. He also claimed that MLC of the alleged victim is managed one. He claimed that DNA report is negative to the extent of his blood sample. He also claimed that victim has already seen him prior identification parade at the police station therefore identification test parade is managed one. He also claimed that all the prosecution witnesses are interested witnesses. He lastly alleged that he is innocent and he has falsely been implicated in this case by the complainant on the instigation of I/o who demanded bribe to from him and in failure I/o booked him in this case. He further claimed that on 10.03.2020 area people moved an application against the complainant and her mother at PS Iqbal Market in which it is mentioned that Anamat is ill reputed lady who was married with Shah Rukh and the Mohallah people also kicked out her from previous mohallah. The character of her mother is also bad and her mother solemnized three Nikha and she used to drag the innocent boys and after blackmailing them used to demand heavy amount. He identified application at exhibit 15/A. He further claimed that neither he kidnapped the victim Anamta and nor committed her rape. It is pertinent to mention here that accused Muhammad Khashif has not examined himself on oath under section 340 (2) Cr. P. C. However he has produced following Defence witnesses:-

(i) DW NO.2 Mst. Nasreen Bano who was examined at exhibit 21 who claimed that accused Muhammad Kashif is innocent and further claimed that victim Anamata and her mother were ill reputed ladies of the area.

(ii) DW NO.3 Nusrat Ali at Exh.22 who claimed that police demanded bribe of Rs.7,00,000/- and on failure police booked the accused in this case. He claimed that accused Muhammad Kashif is having good character while the complainant was enjoying bad reputation in the area.

(iii) DW NO.4 Abdul Razzak at exhibit 23 who deposed that police demanded bribe of Rs.7,00,000/- for release of accused Muhammad Kashif. He alleged that accused Muhammad Kahsif is having good character while complainant was enjoying bad reputation in the area.

(iv) DW NO.5 Muhammad Hanif who was examined at exhibit 24 who deposed that police demanded Rupees Seven to Eight lacs for release of accused Muhammad Kashif. He claimed that accused has falsely been booked in this case due to non payment of bribe. All the Defence witnesses produced by the accused Muhammad Kahsif were cross examined in length by the learned DDPP for the state.

09. Statement of accused Muhammad Shahid was recorded at exhibit 17, wherein he denied the prosecution allegations and claimed to be innocent and falsely implicated by the complainant. He alleged that charge against him is false. He also claimed that MLC of the alleged victim is managed one. He claimed that DNA report is negative to the extent of his blood sample. He also claimed that victim has already seen him prior identification parade at the police station therefore identification test parade is managed one. He also claimed that all the prosecution witnesses are interested witnesses. He lastly alleged that he is innocent and he has falsely been implicated in this case by the complainant on the instigation of I/o who demanded bribe to from him and in failure I/o booked him in this case. He further claimed that on 10.03.2020 area people moved an application against the complainant and her mother at PS Iqbal Market in which it is mentioned that Anamat is ill reputed lady who was married with Shah Rukh and the Mohallah people also kicked out her from previous mohallah. The character of her mother is also bad and her mother solemnized three Nikah and she used to drag the innocent boys and after blackmailing them used to demand heavy amount. He identified application at exhibit 15/A. He further claimed that neither he kidnapped the victim Anamta and nor committed her rape. It is pertinent to mention here that accused Muhammad Shahid has not examined himself on oath under section 340 (2) Cr. P. C. However he has produced the same defence witnesses who were already produced by the co-accused Muhammad Kashif i.e. following Defence witnesses:-

(i) DW NO.2 Mst. Nasreen Bano who was examined at exhibit 21 who claimed that accused Muhammad Shahid is innocent and further claimed that victim Anamata and her mother were ill reputed ladies of the area.

(ii) DW NO.3 Nusrat Ali at exhibit 22 who claimed that police demanded bribe of Rs.7,00,000/- and on failure police booked the accused in this case. He claimed that accused Muhammad Shahid is having good character while the complainant was enjoying bad reputation in the area.

(ii) DW NO.4 Abdul Razzak at exhibit 23 who deposed that police demanded bribe of Rs.7,00,000/- for release of accused Muhammad Shahid. He alleged that accused Muhammad Shahid is having good character while complainant was enjoying bad reputation in the area.

(iii) DW NO.5 Muhammad Hanif who was examined at exhibit 24 who deposed that police demanded Rupees Seven to Eight lacs for release of accused Muhammad Shahid. He claimed that accused has falsely been booked in this case due to non payment of bribe. All the Defence witnesses produced by the accused Muhammad Shahid were cross examined in length by the learned DDPP for the state.

10. Statement of accused Muhammad Imran was recorded at exhibit 18, wherein he denied the prosecution allegations and claimed to be innocent and falsely implicated by the complainant. He alleged that charge against him is false. He also claimed that MLC of the alleged victim is managed one. He claimed that DNA report is negative to the extent of his blood sample. He also claimed that victim has already seen him prior identification parade at the police station therefore identification test parade is managed one. He also claimed that neither he pointed out alleged place or house where the alleged victim was subjected to rape nor he is the owner of said house. He also claimed that all the prosecution witnesses are interested witnesses. He lastly alleged that he is innocent and he has falsely been implicated in this case by the complainant on the instigation of I/o who demanded bribe to from him and in failure I/o booked him in this case. He further claimed that on 10.03.2020 area people moved an application against the complainant and her mother at PS Iqbal Market in which it is mentioned that Anamta is ill reputed lady who was married with Shah Rukh and the Mohallah people also kicked out her from previous mohallah. The character of her mother is also bad and her mother solemnized three Nikah and she used to drag the innocent boys and after blackmailing them used to demand heavy amount. He identified application at exhibit 15/A. He further claimed that neither he kidnapped the victim Anamta and nor committed her rape. It is pertinent to mention here that accused Muhammad Imran has not examined himself on oath under section 340 (2) Cr. P. C. However he has produced the following Defence witnesses namely

(i) DW NO.6 Mst. Shazia who was examined at exhibit 25 who claimed that she is wife of accused Imran and further claimed that on 12.05.2020 accused came to home at 5:30 pm and thereafter since 5:30 p.m. till whole night the accused remained in the house with her and children. She claimed that on 18.05.2020 police arrested accused Imran and demanded Rupees seven to eight lacs for his release. She claimed that accused Imran is innocent and further claimed that victim Anamta is ill reputed lady who has falsely implicated accused Muhammad Imran. The DW was cross examined by the learned DDPP for the state.

11. Statement of accused Ziauddin was recorded at exhibit 19, wherein he denied the prosecution allegations and claimed to be innocent and falsely implicated by the complainant. He alleged that charge against him is false. He also claimed that MLC of the alleged victim is managed one. He claimed that alleged positive DNA report against him is managed one. He also claimed that victim has already seen him prior identification parade at the police station therefore identification test parade is managed one. He also claimed that all the prosecution witnesses are interested witnesses. He lastly alleged that he is innocent and he has falsely been implicated in this case by the complainant on the instigation of I/o who demanded bribe to from him and in failure I/o booked him in this case. He further claimed that on 10.03.2020 area people moved an application against the complainant and her mother at PS Iqbal Market in which it is mentioned that Anamta is ill reputed lady. She is married with Shah Rukh and the Mohallah people also kicked out her from previous mohallah. The character of her mother is also bad and her mother solemnized three Nikah and she used to drag the innocent boys and after blackmailing them used to demand heavy amount. He identified application at exhibit 15/A. He further claimed that neither he kidnapped the victim Anamta and nor committed her rape. It is pertinent to mention here that accused Ziauddin alias Jimmy has not examined himself on oath under section 340 (2) Cr. P. C. However he has produced the following Defence witnesses:-

(i) DW NO.7 Mst. Dua who was examined at exhibit 26 who claimed that accused Ziauddin is her brother and is innocent and further claimed that on 10.04.2020 some boys came outside the house at 4 p.m. where they were selling charas upon which her brother Ziauddin asked them not to sell charas. Thereafter there was altercation in between her brother and said accused persons. One person was Shah Rukh who issued threat to her brother Ziauddin for dire consequences and for sending him jail. Thereafter on police arrested his brother and demanded Rs.4,00,000/- for his release but they did not pay such amount therefore her brother was falsely booked in this case.

(ii) DW NO.8 Muhammad Jameel who was examined at exhibit 27 who also deposed that accused Ziauddin is his son who is innocent and further claimed that on 10.04.2020 some boys came outside the house at 4 p.m. where they were selling charas upon which his son Ziauddin asked them not to sell charas. Thereafter there was altercation in between his son and said accused persons. One person was Shah Rukh who issued threat to his son Ziauddin for dire consequences and for sending him jail. Thereafter on police arrested his son and demanded Rs.4,00,000/- for his release but they did not pay such amount therefore his son was falsely booked in this case by the complainant who is the wife of said Shah Rukh and enjoying bad reputation in the area. Both the DWs produced by the accused Ziauddin were cross examined in length by the learned DDPP for the state.

12. Thereafter the learned counsel for the accused persons closed their side vide their statements at exhibits 28 and 29.

13. Now the points for determination would be as under:-

**P O I N T S**

1. *Whether on 12.05.2020 at about 2030 hours at inside street No.3, Aziz Nagar, Sector 11-1/2, Orangi Town, Karachi accused Aqib Khan and Muhammad Kashif in furtherance of their common intention abducted the complainant Mst. Anamta wife of Shah Rukh in order to commit her rape?*
2. *Whether on 12.05.2020 the accused persons Aqib Khan and Muhammad Kashif after abducting the complainant Mst. Ansamta brought her to a house situated Sadiqabad, Altaf Nagar, Sector 11-1/2, Orangi Town Karachi at about 9 p.m. and kept her in the house upto half hour where accused persons Muhammad Shahid, Ziauddin alias Jimmi and Muhammad Kashif in furtherance of their common intention committed gang rape of Mst. Anamta one by one?*
3. *Whether on 12.05.2020 at about 9 p.m. to 9:30 p.m. at inside the house situated at Sadiqabad, Altaf Nagar, Sector 11-1/2, Oarngi Town Karachi the accused persons Muhammad Imran alias Rana and Aqib Khan facilitated the co-accused persons who committed gang rape of complainant and they also touched the body and molested the body of the complainant which amounts to attempt to commit rape of complainant?*
4. *What offence(s), if any, have been committed by the accused persons?*

14. Learned ADPP contended that the prosecution has successfully proved its case against the accused beyond reasonable doubt as eye witness who is rape victim and other witnesses, recovery mashir, medical officer, investigating officer and supported the case. She contended that all necessary documents collected during investigation were produced at the trial and placed on record to show that accused in furtherance of their common intention abducted the victim from the road and then committed her rape. She submitted that the victim is natural witness to the occurrence who had no motive to depose falsely and to implicate the accused for ulterior motives. She submitted that the contradictions pointed out by learned counsel for the accused are minor and do not affect truth of the statements made by the complainant and the witnesses and further that due to lapse of time such contradictions are bound to surface. She submitted that learned defence counsel cross examined the complainant and the witnesses but could not shake them. She submitted that the Investigating Officers conducted investigation efficiently and fairly towards collection of evidence against the accused. She submitted that the defence could not controvert the position as reflected in the evidence and the documents produced therewith. She further contended that the accused did not examine themselves on oath and defence witnesses produced by them in defence are interested witnesses and immaterial. She submitted that the accused have not been able to establish as to why they were falsely implicated. She prayed for exemplary punishment to the accused persons.

15. The learned counsel for the complainant adopted the arguments of the learned ADPP for the state and further contended that since the accused persons were not known to the victim therefore she lodged FIR against unknown accused persons but victim identified the accused persons during identification parade before the learned Judicial Magistrate where she also assigned the role of every accused such as accused Muhammad Shahid committed her firstly, then accused Ziauddin committed her rape and thereafter accused Kashif committed her rape while she assigned the role to accused persons namely Imran and Aaqib Khan that they have not committed her rape but they molested her body. It is also contended that accused persons namely Aqib Khan and Muhammad Kahsif have abducted the victim from the Aziz Nagar and then took her to house of accused Imran situated at Sadiqabad, Sector 11 -1/2, Orangi Town, where accused persons Ziauddin alias Jimmi, Muhammad Kashif and Muhammad Shahid have committed her rape one by one while accused Aqib and Imran molested her body. It is also contended that accused Imran provided his house and also issued threats to complainant to disclose the area people if someone made inquiry that she came in order to see rented house; victim has also fully implicated all the five accused persons in her statement recorded under section 164 Cr.P.C; victim has also fully implicated and identified all the five accused persons with their specific role before this court during the trial; victim has also received some injuries on her body i.e. fore head and chin and her foot when she jumped from the motor cycle riding by accused Muhammad Shahid after the alleged offence and such injuries verified by the WMLO; victim was seen by one witness namely Maqsood when she jumped from the motor cycle of accused, who has also supported such fact before this court; according to the chemical report human sperm were detected from the internal vaginal swab of the victim and according to the DNA report such human sperm were of accused Ziauddin and DNA report is in positive which is inclusive proof of commission of rape by the accused Ziauddin and other persons; no such malafide or enmity of complainant with the accused persons are established while the alleged application moved by the area people against the victim are after though as the victim family are residing in the same area without any complainant however after such incident the accused persons managed such application; victim has become ill after the alleged incident and she has unable to give birth and facing metal agony, torture and physical pain till date; the prosecution has succeeded to establish that the victim was subjected to gang rape; the accused Imran has also not produced any proof that someone else is owner of subject house; and the DWs produced by the accused persons are interested persons and they failed to support the contention of the accused persons. Lastly she prayed for conviction of accused persons according to law.

 16. On the other hand the learned counsel for all accused persons except accused Ziauddin has mainly contended that the victim was not aware with the date of alleged offence or what was the date of Ramzan or what was the day or date of English Calendar month; that victim has not informed such fact that from where she was coming and where she was going at the time of alleged abduction; no such details of the area from where she was kidnapped provide by the victim as to whether there was light or not and where the motor cycle was parked as no specific point was pointed by the victim; that recovery of motor cycle is doubtful; that the motor cycle produced in court was first motor cycle, second motor cycle or third motor cycle as allegedly three motor cycles were used in the crime; victim failed to point out the alleged place where the alleged offence was taken placed; under article 22 of Qanoon e Shahdat identify of place of occurrence is mandatory but here in this case the victim failed to point out the alleged place of occurrence; so many improvements made by the victim and deposed such facts before the court which are not mentioned in the FIR or in her statement under section 161 Cr.P.C. or in statement under section 164 Cr.P.C. even the using of pistol is not mentioned in the FIR; according to the victim accused Aqib molested the body of the victim but the victim has not specifically mentioned that which part of the body was touched by the accused Aqib; victim has not informed the source under which she came to know about the ownership of alleged house belongs to accused Imran; medical report of the victim is not supporting the version of the complainant; identification test parade memo is doubtful as the victim has already seen the accused persons at the police station prior the alleged identification test parade; such facts are not mentioned in FIR that at the time of alleged offence of rape the accused persons were holding her hands; victim has not used the word Zina and instead used word Zaberdasti; such fact is also not mentioned in the FIR that accused persons asked with meeting with one Ustad; victim has stated in the memo of identification parade that accused Kashif committed her rape at second number while before the court she deposed that accused Kashif committed her rape at third number; statement under section 164 Cr.P.C. is doubtful as there is no official stamp of court on the picture of victim and so also no thumb impression of the victim is mentioned on the picture; victim has not given the name of any accused in her statement under section 164 Cr.P.C.; such fact is not mentioned in the statement under section 164 Cr.P.C that the contents of the same were read over before the victim or not; MLO has not identified the accused persons properly as the identification marks of the accused persons Ziauddin and Shahid were same; identification marks of Kashif and Imran were also same; MLO has not secured human sperm of all the accused persons; no signatures of accused persons were taken on their MLCs; PW NO.7 has not identified any of accused as he has not seen the face of any of accused who was riding the motor cycle at the time when the complainant allegedly jumped from the motor cycle; PW NO.7 has also not identified the motor cycle produced in court; WMLO has admitted that victim has already passed the urine and stool; victim was allegedly raped by the three accused persons but surprisingly not a single injury was found on the private parts of the victim; all the memos i.e. Ex.4/A being the Memo of site inspection, Ex.4/B being the Memo of arrest of accused Aqib and Ziauddin, Ex.4/C being the Memo of arrest of accused Kashif and Imran, Ex.4/D being the Memo of pointation by accused M. Imran and Ex.4/E being the Memo of recovery of motorcycle all these were prepared at PS; all the mashirs of above memos are not residents of same area where such memos were prepared; all the places where subject memos were prepared are located in thickly populated areas and no such reasons are mentioned in any memo in respect of non-association of mashirs from same area; such fact is not mentioned in any memo that due to non-cooperation I/o served notice(s) to them who refused; no lady PC who was accompanied with him and victim to Abbasi Shaheed Hospital for medical examination as no such statement of LPC who was accompanied with victim is available in police file; the alleged incident taken place on 12.05.2020 as per contents of FIR and I/o failed to produce any written proof that victim Anamta was intended to herself medically examined through doctor as I/o has not recorded such statement of victim wherein she stated that she herself intended to get medically examined nor such fact is not mentioned in her statement that she gave consent for medical examination; such fact in respect of alleged consent of victim is intentionally not mentioned in the statement us/ 161 with malafide intention for managing false medical certificate; I/o had not issued any letter to victim for medical examination; at the time of lodging of FIR no such medical letter was issued to victim by duty officer; no such incident of rape was committed with the victim on 12.05.2020 therefore medical letter was not issued to her on the same date; on 13.05.2020 the medical examination of victim was not conducted up to 11:59:59 a.m and same was conducted on 14.05.2020 at 01:30 a.m after delay of 7 hours and during such period the victim was missing; victim provided mobile number in the FIR which belonged to one lady of Rahim Yar Khan which shows that complainant intentionally given wrong number for taking some time for creating some alleged drama; at the time of medical examination the wearing clothes were not seized or sealed by WMLO or by I/o; I/o provided time to the victim to manage the clothes allegedly wearing at the time of alleged occurrence; according to DNA report the DNA profile of accused persons Kashif, Imran, Shahid and Aqib were not matched with the vaginal samples of victim or her clothes; I/o has not recorded the statement of any witness who said that he saw the victim while going with the accused persons; I/o has not collected independent evidence in shape of any statement of witness who verified such act of alleged kidnapping; alleged place of occurrence is not existed anywhere and I/o has planted the place of occurrence; complainant had already shown the picture of accused Ziauddin on her mobile phone to the I/o; cell number as 0318-1234819 is not in the name of accused Ziauddin; FIR is against unknown accused persons in which I/o has booked the accused persons due to non payment of bribe; defence witnesses have clearly deposed before the court that police demanded bribe for release of accused persons and on failure booked them; alleged motor cycle was not produced before the learned judicial Magistrate for the purpose of identification from the complainant and said motor cycle was also not produced before the court; neither the accused Aqib pointed out any motor cycle nor the same was used in the crime; I/o admitted that victim had not pointed out the alleged place where she was allegedly raped; accused Imran has neither pointed out any place to I/o nor has concern with the alleged house where the alleged offence is taken placed and alleged pictures of accused Imran showing the alleged place is managed one as no address is showing on the pictures; police has not verified from any government department about ownership of said house as to whether its belongs to Imran or not; when I/o came to know that accused Imran was ready to point out alleged place of rape, he did not associate the complainant/victim with the police party and also not made any enquiry at the time of alleged pointation by the accused Imran of alleged place of occurrence from the locality in respect of ownership of said house; neither the father of complainant nor co-mashir Khalid Baloch were the residents of same area, where the alleged house is situated; I/o has not inspected the alleged place, where victim jumped from the motorcycle of the accused persons; I/o has not recorded statement of any person belonging to the same area, where victim jumped out from the motorcycle of accused persons; victim has not disclosed any number of any motor cycle in FIR or in her statement under section 161 Cr.P.C. or in her statement under section 164 Cr.P.C.; police has not provided copies of statement U/s 161 Cr.P.C of victim to the accused persons prior recording of statement U/s 164 Cr.P.C of victim; according to DNA report no semen stain were observed on Shalwar, Qameez and Chadar of Anamta; human sperm detected from the vaginal swabs of victim Anamta were not matched, according to their DNA report, with blood samples of accused persons Shahid, Aqib, Imran and Kashif; I/o has falsely challaned accused persons Shahid, Aqib, Imran and Kashif as they have not allegedly fulfilled his demand of illegal gratification; beside five accused persons, who have been challaned, I/o also arrested two other accused persons, who were later on released by him after taking illegal gratification; I/o has not done free fair investigation in present case against accused persons; neither the accused persons allegedly kidnapped the victim Anamta nor committed her rap as alleged by her; accused persons namely Shahid and Kashif moved application against complainant party for their alleged illegal activities to the Police Station Iqbal Market prior the alleged offence therefore complainant under her personal grudge involved the above named accused in this crime; complainant party used to buy the grocery items from the shop of accused Imran and his brother Aslam Shahzad on credit basis and there were dues were about Rs.1,10,000/- against them; therefore, victim has allegedly booked him in this case; all such facts are creating serious doubt in the prosecution case, therefore doubt has been created in the prosecution case and prosecution has miserably failed to prove the case against the above named accused persons, therefore the accused persons are entitled for their acquittal. In support of his contention he relied upon the case laws cited as 2021 YLR 260, 2021 YLR 1291 and 2021 YLR 808.

17. On the other hand the learned counsel for the accused Ziauddin adopted the same arguments contended by the learned counsel for the co-accused persons and further contended that accused Ziauddin has not committed her rape as alleged by her. It is also contended that no such alleged incident of rape with her committed by the accused persons has been taken place with her. It is further contended that complainant is a character less lady and her evidence is not trustworthy and reliable as she improved her statement totally divergent and contradictory to her version in the FIR, her statement under section 161 Cr.P.C. and her statement under section 164 Cr.P.C. It is also contended that infact the husband of complainant fought with the accused Ziauddin who used to sell charas in front of his house and there was altercation in between the accused and husband of the complainant and husband of the complainant issued threats that he will book the accused Ziauddin in false case through police and later on he booked the accused Ziauddin through his wife. It is also contended that there are so many contradictions and inconsistencies in the case of the prosecution and specially there are so many improvement which made by the complainant which shows that complainant is not trustworthy or reliable persons to be believed. It is also contended that there is delay of 22 hours in lodging of FIR and no such explanation is given for such delay; such delay is clearly shows that the subject FIR has been lodged after consultation; the alleged victim is already a married woman who is resident of the same area where the accused Ziauddin was residing and had saved his Whatsapp number in her mobile phone which shows that she was aware about the accused Ziauddin but she concealed such fact; victim has admitted that clothes produced by her were not in torn condition; while deposing before this court complainant improved her version with a view to strengthen the prosecution case. It is further contended that during the trial the complainant improved her statement and deposed so many facts which are not mentioned in the FIR, her statement under section 161 Cr.P.C. or in her statement under section 164 Cr.P.C. such as it was the time of Taraweeh or lock down; the facts of about Covid-19 era; such specific place in street No.3 from where she was allegedly abducted; name of any witness in whose presence accused persons abducted her from street No.3; she raised any hue and cry when accused persons abducted her; after passing some distance she raised hue and cry upon which accused persons threatened her to be keep quiet otherwise they would kill her, therefore she remained silent; that accused persons got seated her on the bike and then folded her eyes with some cloth Pati; that within a moment accused persons took her on bike and folded her eyes; that she raised hue and cry upon which accused persons showed her pistol and then she became silent; that face and features and other descriptions of accused persons who committed the alleged offence; that which of accused had removed her clothes prior committing alleged offence of Zina; that which accused had committed Zina with her firstly an which lastly; that accused persons committed Zina on ground; that the house was empty without any household articles; that after jumping from motorcycle she received injuries on her body; that stiches were applied on her injuries; that names of area people who tried to apprehend the accused persons are not mentioned in FIR except the name of his cousin Waqas; that house number is not mentioned where the alleged offence of commission of Zina was taken place; that one of accused asked her to reply if someone ask that she came to see the house; that after jumping from the motorcycle at first she was taken to the house of her aunty; that her mother was brought by her husband and then they took her to Qatar hospital within next 15 minutes; that Whatsapp number of accused Ziauddin; that accused Zia-u-din started phone calls on her mobile number; that accused persons were armed with pistol; and that accused persons kept their hands on mouth during her abduction. It is also contended that all such improvement in the prosecution case shows that the case of prosecution has become doubtful. It is also contended that complainant is a married lady and alleged MLC has been managed one while the DNA report is also managed one. Lastly he prayed that accused is innocent and has falsely been implicated in this case and since prosecution has miserably failed to prove its case beyond reasonable shadow of doubt therefore the accused Ziauddin is entitled to be acquitted in this case. In support of his contention he relied upon the case laws cited as 2020 SCMR 761, 2019 SCMR 1920, 2000 MLD 995 Sindh and 2016 SCMR 274.

18. I have given due consideration to the arguments advanced by learned counsel for all accused persons and learned DDPP for the State assisted by the counsel for the complainant and have carefully gone through the material placed so far. My findings on the above points with reasons are as under:-

**F I N D I N G S**

Point No. 1. Proved.

Point NO.2. Proved.

Point NO.3. Proved.

Point No. 4. (i) The accused Ziauddin alias Jimmi, Muhammad Kashif and Muhammad Shahid are hereby convicted U/s. 265-H(ii) Cr.P.C for the offence punishable under section 376(ii)/34 PPC and sentenced to suffer R.I. for life imprisonment.

(ii) The accused persons Muhammad Imran alias Rana son of Naimat Ali and Aqib Khan son of Behram Khan are hereby convicted U/s.265-H(ii) Cr.P.C for the offence punishable under section 376(ii)/511/34 PPC and sentenced to RI for Twelve and Half Year (12.5) years each.

(iii) The accused persons Aqib Khan son of Behram Khan and Muhammad Kashif son of Abdul Razzaq are hereby convicted U/s. 265-H(ii) Cr.P.C for the offence punishable under section 365-B/34 PPC and sentenced R.I. for life and they are also liable to pay fine of Rs.100,000/- (One Hundred Thousand Rupees) each. In case of default in payment of fine, the accused persons shall further undergo simple imprisonment for a period of six (6) months each.

The accused persons are also awarded benefit of section 382-B PPC. The accused persons are in custody since 18.05.2020. All the sentences will run concurrently.

**R E A S O N S**

**POINT NOS.01 to 03**

19.I have given due consideration to the arguments advanced by learned counsels for the accused persons, learned counsel for the complainant and learned ADPP for the state and have carefully gone through the material placed so far. In the criminal cases, each accused has his own specific role in the crime, and yard stick to assess the evidence, though may be believable for one accused may at the same time fail to incriminate the other set of the accused persons. A careful perusal of the FIR would show that two unknown accused persons abducted the victim on gun point while three unknown accused persons committed her rape and one accused touched/molested her body while one accused provided his house to co-accused where alleged offence was taken placed, who also warned the victim not to disclose all such fact. It appears that meanwhile accused persons were arrested and during their identification test parade the victim identified all five accused persons and assigned the role to accused persons Aqib Khan and Muhammad Shaid that on 12.05.2020 at about 8:30 p.m. from inside street No.3, Aziz Nagar, Sector 11-1/2, Orangi Town, Karachi they abducted her and brought her to a house situated Sadiqabad, Altaf Nagar, Sector 11-1/2, Orangi Town Karachi at about 9 p.m. and kept her in the house upto half hour where accused persons Muhammad Shahid, Ziauddin alias Jimmi and Muhammad Kashif her rape one by one respectively and assigned the role to accused Muhammad Imran alias Rana and Aqib Khan facilitated the co-accused persons who committed her rape and further assigned the role to accused Aqib Khan that he touched her body and molested her and assigned the role to accused Muhammad Imran being the accused who provided subject house to the accused persons who committed her rape and also assigned him role of issuing threats not to disclosed such fact of rape with anyone.

20. From the minute sifting of evidence of prosecution witnesses as well as available material and record, it appears that the entire case of prosecution revolved around its star witness/alleged victim Mst. Anamta who deposed that she was going by foot and was available in street NO.3 Aziz Nagar, Sector NO.11-1/2, Orangi Town Karachi. Meanwhile two persons who were on motor cycle on gun point abducted her after issuing threat of her killing if she cries and make noises and after folding her eyes took her towards area of Nishan-e-Hyder where they opened her eyes one and shifted her to another motor cycle and unfolded her eyes and then took her in a house and sat him in a room with direction to sit their calmly where three boys were already present there. She further deposed that one taller boy hit 2 to 3 slaps and issued threats not to make hue and cry. She further alleged thereafter all three boys committed her rape one by one. She further alleged that beside three accused who committed her rape one boy who abducted her on his motor cycle also molested her body while one accused who was looking like the owner/care taker of the house threatened her not inform public about this offence. She further alleged that thereafter two persons who brought her remained in the house while two other persons brought her to the Islam Chowk on motor cycle with the threat that if she makes hue and cry she will be shoot and thereafter near Al-Harmain Hall she jumped from the motor cycle due to which she received injuries. It is pertinent to mention here that during the trial she clearly identified all the five accused persons in open court and assigned the role of committing her rape to accused Ziauddin alias Jimmi being the person who committed her rape secondly and also assigned her role of slapping her, accused Muhammad Kashif being the accused who committer her rape in the last and also assigned her role of pointing pistol at the time of her abduction on motor cycle and accused Muhammad Shahid being the person who committed her rape at first and also being the person who after alleged incident was taking her on his motor cycle from where she jumped and assigned the role to the accused Muhammad Imran being the owner / care take of said house where the alleged offence was taken placed and being the person who issued threats to the victim not to disclose facts of alleged offence to the public and accused Aqib Khan being the persons who molested her body by saying that she will be use full in future and also assigned him role being the person who abducted her on her motor cycle with co-accused Kashif on gun point. It is pertinent to mention here that she has not assigned the role of her rape to accused Muhammad Imran and accused Aqib Khan. It appears that according to victim at the time of alleged offence victim was not familiar with present accused persons prior the alleged offence therefore she lodged the FIR against unknown five accused persons. It appears that accused Ziauddin has given her cell number and later victim provided said cell number to the police and thereafter police arrested the accused Ziauddin alias Jimmi by using their sources and on the pointation of accused Ziauddin accused Aqib was arrested and later on the pointation of accused Aqib accused Kashif, Shahid and Imran were arrested. It is pertinent to mention here that after arrest of all the five accused persons I/o moved application before the learned judicial Magistrate for their identification test and same was allowed and learned Judicial Magistate conducted identification parade of all the five accused persons and prepared such memos which brought on record as memo of identification test parade of accused Aqib Khan at exhibit 3/F, Memo of identification test parade of accused Muhammad Shahid at exhibit 3/G, Memo of Identification Test parade of accused Muhammad Khashif at exhibit 3/H, Memo of Identification Test Parade of accused Muhammad Imran alias Rana at exhibit 3/I and Memo of identification Test Parade of accused Muhammad Ziauddin alias Jimmi at exhibit 3/K and it appears that during the identification test parade victim identified all the five accused persons and clearly assigned them their role which has been mentioned by the learned judicial magistrate in urdu language along with objections raised by the accused persons. It appears that at first victim Mst. Anamta pointed her finger upon accused Muhammad Ziauddin alias Jimmy S/o M. Jameel after identifying and stated role of such accused, which are incorporated in the memo of identification parade in the Urdu language as per her verbatim as under:-

“***Ya Banda Jis Ko Meny Pehchana hay wo Kamray may Majod tha iss nay mujhay dhamkaya tha, chamat mara tha ur phir us no mujh say boht zaydati sa teesry number per zina kiya tha. Iss nay kaha tum khrab larki ho may police may ho mujhay sawalo kay jawab do. Yay mujha bike per lay arhay thay, mairay mobile iss kay sath dosray banday nay liya tha***”.

Thereafter, accused Ziauddin was asked whether he had any objection to record and his objection was recorded in Urdu language as per his verbatim wherein he stated that

“***yah larki ghalat beyani kar rahi ha menay aisa kuch nehi kiya tha, mujhay thanay par aik larkay (boy) nay dekha tha***”.

Thereafter victim Mst. Anamta identified and pointed her finger upon accused Aqib Khan and stated the role of accused which was recorded in Urdu language as per her verbatim as

“***may apni ammi kay ghar ja rahai the iss banday nay joo yaha mojood hay aur manay pechana hay iss nay isskay sath pechay aik aur banda tha mujay bike per bethaiya or kaha agar awaz karo gi tu goli mar daingay, gun pechay walay banday kay pass the, iss nay kaha hamay tum ko aik banday say milana hay jo sawal kary jawab dena phir ghar chor dengay iss nay kaha may police wala hon aur wardi may tasveer dekahi the phir mujhay ghar lay gay iss nay Zina nehi kiya tha wahiyat harkat ki the, iss nay kaha tum agay kam aaogi, iss nay mera number liya tha kaha rabatay may rehana, may roii the per nehi chora”***.

Objections of accused Aqib Khan were also recorded in Urdu language as per his verbatim who stated that

“***Sir yah larki jhot kaha rehai hay menay kuch nahi kiya tha, police ka ilzam bhi jhoot hay, maynay kuch nahi kaha tha***”.

Thereafter victim / Mst. Anamta identified accused Muhammad Imran alias Rana by pointing her finger and stated role of accused in Urdu language which was recorded accordingly as per her verbatim as

***“jab mujhay doo larkay ghar may lay gaya to yah banda ghar may mojhod tha aur jab ham log ghar say arhay thay tu iss nay mujh say mera mobile liya aur meray mobile say apana number dial kar rehay thay aur dosaray larko ko bol rahay thay kay iss ko park lay kar chalo aur mujhay dara kay bol rahay thay bhair koi pochay tu bolana makan dekhanay ayi hoon aur nikaltay iss nay tala lagaya tha aur bike kay bechay ya bhetah tha, menay issko kaha mujhay ghar choro tu iss nay mujhay damkaya tha”***.

Then objections of accused were recorded who stated that

***“may beqasoor hon mujay ghaltfami may mulavis kiya gaya ha”***.

Thereafter victim identified accused Muhammad Kashif as one of accused and stated his role which she recorded as per her verbatim as

“***Sir iss banday nay mujhay bike per bethaya tha, pechay beth kar bandook lagai the, iss nay kaha mujhay kuch nehi karaingay, hamay tum ko kisi sa milvana ha tum issko kuch sawalo kay jawab dena, may tumaha Ramzan say tarr raha ho kabhi tum Sohar kabhi bacho kay sath aati ho, aik dafa bara bajay akelay arhai the tum aur tumhari shahdi aik saal phelay pasand say hoi, may tumharay susral ko janata ho, iss nay mujhay dosary number Zina kiya, iss nay meray shohar, abu aur susar ka naam bataya tha, kamaray may iss nay kaha iska kaam tamam kartay hain, iss nay chehray dekh liay hain, mery roonay per iss nay kaha chup ho jao warana tumharay shohar ko bhi maar daingay, wapasi may ya banda nehi tha***”.

Accused Muhammad Kashif also recorded his objections as per his verbatim in Urdu language, who stated that

***“Yah larki jhoot bol rehai ha menay aisa kuch nehi bola, may beqasoor hon aisa kuch nehi hoa tha, iss larki nay mujh sa paisa mangay thay menay nehi diya”***.

Thereafter victim Mst. Anamta identified accused Muhammad Shahid as one of the accused and assigned the role of him which was recorded in Urdu language as per her verbatim as

“***Sir Jab mujhay ghar may lay jaya gaya tu pechay say yah banda bike per aya tha aur bakio ko iss nay bola pechay gali say lekay aao aur jab mujhay ghar may pechay sa lay jaya gaya to ya ghar may mojood thay, inhoonay zabardasti say mujhay pakarr laya tha aur may cheekh rehai the tu iss nay apnay hath say mera munh bandah kar liya, menay issko kaha mujhay chakar arahay hain tu iss nay kaha tumharai saans bhair karta ho, iss nay phelay meray sath Zina kiya tha, Islam chowk pay yah bike per agay bethay thay aur bike chala rehay thay tu menay chalanag mari the iski bike say”***.

The objections of accused Muhammad Shahid were recorded as per his verbatim in Urdu language wherein he stated that

***“Mujhay doo banday thanay pa dakh gayay thay, yah larki ghalat beyani kar rehai hay, yah larki dosaray banday kay sath ghomti rahi hay, issnay ham say paisay managay thay”***.

It also appears from the record that learned Judicial Magistrate who conducted identification parade of all the five accused persons has also identified accused persons Muhammad Ziauddin alias Jimmy 2) Muhammad Imran alias Rana 3) Atif Khan 4) Muhammad Shahid and 5) Muhammad Kashif in open court being the same the accused who were identified during the identification parades conducted by him through identifying witness Mst. Anamta W/o Shahrukh. It is also pertinent to mention here that learned judicial Magistrate has also produced statement recorded under section 164 Cr.P.C. and verified the contents of the same being the same contents recorded by the victim before her in presence of above named accused persons and the learned judicial magistrate also identified all the five accused persons in open court.

21. It appears that victim was cross examined in length by all the five learned counsel for all the five accused persons respectively as discussed above which shows during the cross the victim remain intact and her evidence could not be shaken. It appears that during the cross she admitted that during the course of Zina by all the three accused persons she has not received any injury on her body in person despite of the fact that offence of alleged Zian was taken place on the ground on the solid surface. She deposed that at the time of alleged offence she tried to resist but accused persons were holding her hands. She admitted that during the alleged offence her clothes were not torn. She admitted that she does not remember the date of identification test parade. She admitted that she does not remember the number in row of dummies were the accused persons were standing. She admitted that she does not remember the number of dummies in which accused persons were standing at the time of identification test parade memo. She admitted that in identification test parade memo she deposed that accused Kashif committed her rape at second number while in court she deposed that accused Kashif committed her rape at third number. She deposing that she has not found any police or rangers in the way when the accused persons were taking her on their motor cycle from Aziz Nagar to alleged place of occurrence. She admitted that she has not raised hue and cry at the place where she was kidnapped. She deposed that she raised hue and cry at Nishan-e-Hyder Chowk. She deposed that motor cycle ran upto half hour and then they reached at the place where the alleged offence was taken placed. She deposed that there was only one room and at the time of alleged incident there was darkness. During the cross she denied that accused Aqib and Kashif have not abducted her on gun point. She also denied that accused persons. She denied that accused persons have not taken her in any house. She also denied that accused persons have not committed her rape. She also denied that she implicated the accused Imran on the ground that she used to take household articles from the shop of accused Imran and an amount of Rs.60,000/- was due upon her and an amount of Rs.50000/- was due upon her mother. She denied that accused Imran has no concern with said house where the alleged offence was taken placed. During cross she deposed that all the three accused persons continuously committed her rape one by one upto half hour and did not allow her to take a break or to clean her parts. She denied that she has seen the accused persons prior the identification test parade. She admitted that she has not singed the memo of identification test parade. She deposed that there was darkness in the house and the accused persons were using mobile phone torch/lights during the course of alleged offence. She denied that since the area people including the accused and their relatives filed application against her being ill-reputed lady therefore she has falsely booked the accused persons. She deposed that no private person was available at the time of her abduction. She deposed that accused persons committed her rape on the ground as the house was empty. She admitted that cell number of accused Ziauddin is not mentioned in FIR. She deposed that after the alleged incident I started receiving telephone call of accused Ziauddin therefore I handed over the cell number of accused Ziauddin to police. She denied that WMLO has not secured her vaginal swabs. She denied that her husband is drug addicted. She denied that she falsely implicated the accused persons at the instance of police as police demanded bribe from them.

22. It appears from the facts and evidence as discussed herein above that victim Mst. Anamta has clearly implicated three accused persons Ziauddin alias Jimmi, Muhammad Kashif and Muhammad Shahid with the role that they have committed her rape one by one despite of the fact that she resisted but they did not stop to commit her rape and according to victim during the rape she requested the accused persons she was not properly breathing upon which accused Shahid replied that he will take out her all breath. She also implicated accused Muhammad Imran and Aqib Khan with the role that they were in helping hands with the other co-accused persons who committed her rape and further implicated them that they have molested her body but not committed Zina with her. She also implicated accused Muhammad Aqib and Muhammad Kashif being the accused persons who kidnapped her on gun point and brought in the house where accused persons committed her rape. It appears that victim further alleged that after committed her rape the accused persons were taking her to one park on motor cycle but she jumped due to which she received injuries and she also raised hue and cry and then accused Shahid who was riding the motor cycle escaped good and such version of the complainant is supported by the PW Maqsood that he has seen the victim while jumping from the motor cycle and receiving injuries to her and that escaping of accused who was riding motor cycle. It appears during the lengthy cross the victim denied that the accused persons Ziauddin alias Jimmi, Muhammad Kashif and Muhammad Shahid have not committed her rape. She also denied that accused Aqib Khan and Muhammad Kahsif have not abducted her on gun point. She also denied that accused Muhammad Imran and Aqib Khan has not molested her body during the offence. She also denied that she has falsely implicated all the five accused persons on malafide on the different alleged grounds as claimed by the accused persons as discussed above.

23. Nothing came on record that there was any ill-will, malice and malafide on the part of victim or on part of police to falsely implicate the accused persona in the present offence. Though, learned counsel for the accused claimed that the victim has falsely implicated the accused persons as they have raised objection upon bad activities of the victim therefore said victim was annoyed upon them and resultantly she has falsely implicated them in this case. It appears that during the lengthy cross as discussed above the victim denied that she has falsely implicated the above named accused persons.

24. It appears that the vaginal swab of the victim were secured and sealed by the WMLO and handed over to the I/o for DNA and Chemical examination. It is also admitted fact that the blood samples of the accused persons were also secured and handed over to the I/o for DNA and chemical examination. It appears that the I/o has deposited the said samples of vaginal swabs of the victim and clothes of the victim to the DNA laboratory Karachi University and after analyzing the samples issued its DNA test report No. SFDL-2020-392 dated 26.08.2020 available on record at Ex 12/D and chemical report No.13994/95, Dated 16.06.2020 was also produced on record at exhibit 12/C and MLC NO.38/2020 of the victim was also produced on record at exhibit 12/B and final medical corticated at exhibit 12/E. It is admitted fact that according to the chemical report human sperms detected from vaginal swab of Mst. Anamat. It is pertinent to mention here that five items i.e. (1) Vaginal swab of Anamta (2) Shalwar of Anamta, (3) Qameez of Anaamta, (4) Dupatta of Anamta and (5) Chadar of Anamta were sent being marked as Item NO.1 to Item No.5 while the blood samples of all the five accused persons Muhammad Shahid, Qaib Khan, Muhammad Imran, Muhammad Kashif and Muhammad Ziauddin were sent to being marked as S1 to S5 respectively. Perusal of result and conclusion of DNA report shows that Seminal material was identified on vaginal swab of Anamta (Item No.1) and accordingly DNA profile was obtained from Item No.1 and it was found that seminal material found from item NO.1 is a mixture of at least two individuals with major and minor components. It is opinioned that the DNA profile obtained from major component of item NO.1 matches with the DNA profile obtained from blood sample of accused Muhammad Ziauddin (Item No.S5). It is further opinioned that in the absence of an identical twin Muhammad Ziauddin (Item NO.S5) is the source of the DNA obtained from the sperm fraction of Item NO.1 to a reasonable degree of scientific certainty. It is further opinioned that partial DNA profile obtained from minor component of item NO.1 is inconclusive. It is further opinioned that the DNA profiles of bloods samples of rest of accused persons i.e. Items S1 to Item S4 can be eliminated as possible contributors to the DNA profile obtained from item NO.1. It is further opinioned that blood sample of Anamata marked as item V1 also matched with the DNA profile obtained from epithelial fraction of vaginal swab of Anamta Item No.1. It is further opined that no seminal material was detected from other items i.e. Items NO.2 to 5 of Anamta therefore no DNA analysis (STR analysis) was performed. In short the DNA report shows that human semen detected from the vaginal sample of victim Anamta secured by the WMLO at the time of her medical examination and same was matched with the DNA profile of blood sample of accused Ziauddin which a conclusive proof against the accused Ziauddin that he had sexual intercourse with the victim Anamta and this proof is undeniable proof. It is pertinent to mention here that accused failed to reply satisfactory against this proof which came on record against him. However he simply denied that he has not committed rape of victim.

25. It is crystal clear that complainant alleged that accused Ziauddin, Kashif and Shahid committed her rape and the victim was medically examined by the WMLO who secured her vaginal swabs samples and the blood samples of accused Ziauddin, Kashif and Shahid were also secured and all such samples were sent for DNA and chemical examination and according to the chemical report human sperm were detected in the sample of vaginal swabs of the victim and according to the DNA report the sperm fraction of sample Swab of victim were matched with DNA profile of blood sample of accused Ziauddin. Hence it is proved that accused Ziauddin has committed the rape of the victim. Admittedly the DNA report in this case against the accused Ziauddin is positive which clearly shows that sample of vaginal swab taken from the victim was matched with the DNA profile of blood sample of accused Ziauddin which a conclusive proof that accused Ziauddin has committed the rape of the victim.

26. I am not convinced with the contention of the learned counsel for the accused persons that accused Muhammad Kashif and Muhammad Shahid are innocent as the DNA report is negative to their extent. No doubt that the DNA report is in negative to the extent of accused Kahsif and Shahid but I am not convinced with the contention of the learned counsel for the accused persons Kashif and Shahid are innocent on the same ground that their DNA report is negative due to the reason that victim has clearly implicated the accused Muhammad Kashif and Muhammad Shahid being the accused who one by one committed her rape in a spell of half hour along with co-accused Ziauddin which amounts to gang rape and I am of the view that if testimony of victim girl was confirmed by chemical Examiner’s report and the report of Medico Legal Officer showing her to have been sexually assaulted, the report of DNA was immaterial as held in the recent judgment cited as **PLD 2020 Supreme Court 312.**

27. I am also not convinced with the contention of the learned counsel for the accused persons Imran and Aqib that victim has not identified the accused Imran and Aqib being the accused who committed her rape. No doubt that victim has deposed that accused Imran has not committed her rape but deposed that accused Imran facilitated the co-accused by providing his house and he was very much available when the co-accused persons committed her rape while accused Imran instead of committing her rape molested her body and asked the victim if someone asked about her presence then she should reply that she came for looking rented house. No doubt that accused Aqib has not committed rape of victim but victim Mst. Anamta implicated the accused Aqib with the role that he kidnapped her on the force of pistol and brought her to the house of accused Imran where co-accused committed her rape while accused Aqib molested her body. It appears that victim Anamta has clearly identified accused Aqib and Imran and deposed their roles as discussed herein above. It appears that PW Anamta was subjected to cross examined in length but despite of that she denied that no such alleged incident was taken placed. She also denied that accused Aqib and Kashif have not kidnapped her and took her to the house of accused Imran. She also denied that accused persons Ziauddin, Kashif and Shahid have not committed her rape.

28. It appears that 8 defence witness have been examined by the accused persons in support of their claims that victim has falsely implicated them in this case due to alleged complaint made by the accused persons against the complainant before the police in respect of her alleged character but it appears that accused persons have not examined themselves on oath however they produced defense witness in support of their claim. It appears that DW NO.1 Mehrun Nisa produced by the accused Aqib deposed such fact of the case which were taken placed after arrest of accused related to the police in respect of alleged demand of amount of police for releasing the accused from the case. The DW NO.1 also alleged that complainant is ill reputed lady but she has not produced any written proof which shows that complainant is a bad character lady. It appears that the evidence of DW No.1 is a general type evidence which is not fruitful for accused Aqib. It appears that accused persons Muhammad Shahid and Muhammad Kashif have produced DWs NO.2, 3, 4 and 5. DW NO.2 Mst Nasreen Bano who is the real mother of both the accused Muhammad Shahid and Muhammad Kashif alleged that on 12.05.2020 at about 2030 hours to 2200 hours her both sons were available in their house. During the cross conducted by the learned DDPP for the state she deposed that she does not know where were the accused persons during such period as she was in Aitikaf. She also alleged that complainant is a bad character lady but she has not produced any record showing that complainant is a bad character lady. I am of the view that defence witness Mst. Nasreen Bano being the real mother has supported the version of accused persons that they were at home otherwise the DW was in Aitikaf as alleged by her. DW NO.3 Nusrat Ali produced by the accused persons Muhammad Kashif and Muhammad Shahid disposed that complainant was ill reputed lady for him he moved application to the police against the complainant but she has not produced such application on record. He also claimed that on 12.05.2020 at the time of alleged offence the accused persons were at their homes but on the other hand during the cross he admitted that during such period on 12.05.2020 he was not in house of accused persons. More so the accused persons produced one receiving copy of application moved by the area people but the name of DW Nusrat Ali is not appearing on said application. DW NO.4 Abdul Razzak produced by the accused persons Muhammad Shahid and Muhammad Kashif is their father who deposed the same facts as deposed by the her wife DW NO.2 Mst. Nasreen Bano. DW NO.5 Muhammad Hanif produced by both the accused Muhammad Kashif and Muhammad Shahid has deposed the facts of arrest of both the accused persons by police and alleged demand of police from the father of accused persons. He was not aware about the facts of dated 12.05.2020. DW NO.6 Mst. Shazia produced by accused Imran deposed that on 12.05.2020 from 5:30 p.m. till late night accused Imran was at home with her. She was cross examined and during cross she deposed that usually Imran used to come after 8 p.m. but on that day he came early at 5:30 p.m. It appears that DW NO. 6 is the real wife of the accused and admittedly is an interested witness. It appears that accused Imran has not produced any witness of the area who can support the version of accused Imran that he was at home on the date and alleged time of alleged occurrence. It appears that DW NO.7 Mst. Dua is the sister of the accused Ziauddin while DW NO.8 is the father of accused Ziauddin who alleged about one incident took place in the month of April, 2020 in between the husband of the complainant and accused Ziauddin and they alleged that accused Ziauddin asked Shah Rukh the husband of complainant not to sell charas and one altercation was taken placed and said Shah Rukh threatened the accused that he will book the accused Ziaudin in cases and later on accused Ziauddin was booked in this case by complainant Anamta who is wife of Shah Rukh. It appears that both the DWs are interested persons being real sister and father and admittedly the accused has not produced any persons from the area who can support his version that he was available at his home. The evidence of the defence witnesses as discussed above I am of the view that all the defence witnesses are interested witnesses being close relatives of the accused persons. It appears that the evidence of the complainant which is supported by the medical evidence is more trustworthy and reliable then the evidence of the defence witnesses.

29. I have also not found any force in the contention of the learned counsel for the accused persons that there is delay of about 22 hours in lodging of FIR and such fact admitted by the victim. It appears that victim has clearly deposed that after the such incident of gang rape she became injured due to jumping from the motor cycle of accused persons therefore her cousin took her to Qatar Hospital in the same night where stitches were applied in her injuries and then on the following day she went to lodge FIR after consulting from her husband and parents and then she has lodged FIR. Under such circumstances I am of the view that such delay of 22 hours in lodging of FIR in rape cases is not fatal when such delay is well explained and same was lodged against unknown accused persons.

30. I have also not found any force in the contention of the learned counsel for the accused persons that since the relatives of accused persons moved applications against the complainant therefore she has falsely implicated all the accused persons. It appears that the FIR is against the unknown persons which shows that complainant was not aware with the accused persons prior the alleged incident it is therefore I have not found any force in the contention of the learned counsel for the accused persons. I have also not found any force in the contention of the learned counsel for both the accused persons that the there are some improvement and contradictions in respect of deposition of the complainant. No doubt that learned counsel for the accused persons have pointed out or suggested so many facts which have been deposed by the complainant before this court during her examination in chief or during her cross but such facts are missing in the contents of FIR, statements under section 161 Cr.P.C or statements under section 164 Cr.P.C. It appears that during the cross complainant has cleared all such reasons for not mentioned all such facts which are the natural and routine things or facts in the FIR that duty officer advised her to inform the important facts related to commission of crime. It appears that all the relevant facts stated by the complainant in her FIR, statement under section 161 Cr.P.C. or statement under section 164 Cr.P.C. have deposed by the complainant before the court and admittedly she has not deposed such facts which she deposed in court in FIR, her statement under section 161 Cr.P.C. or in her statement under section 164 Cr.P.C. such as the fact that which accused committed her rape first, which one second and which accused committed her rape thirdly and which accused touched her body. It appears that before this court victim has clearly deposed all such facts and during cross she replied that when she was not aware with the names of accused persons then how she can deposed such facts in FIR that which accused committed her rape first and which accused committed her rape lastly. It appears that during identification parade the victim at the time of identifying accused persons before the learned judicial magistrate has also clearly deposed the specific role of every accused in detail which is evident from the memo of identification test parade and as well such facts deposed by the learned judicial magistrate who conducted identification test parade memo before this court. It also appears that learned judicial magistrate who recorded statement under section 164 Cr.P.C. also verified the contents of the statement under section 164 Cr.P.C. before this court. I am of the view that some facts which are pointed out by the learned counsel for the accused persons such as using darkness, using of lights of mobile phones, missing of bed or cart and using fact of emptiness of house are facts which are natural facts and missing such facts in FIR do not hamper the prosecution case and deposing of such natural facts does not come under the definition of improvement and I am of confirmed view that all such suggested improvements are not improvement and such facts are natural in nature and related to the same offence while all such suggest contradictions in respect of non association of mashir of the same area while preparation of memo of arrest of accused person but I am of the view that the point for determination in this case is that whether the accused persons committed the alleged offence of abduction and then committed rape of victim and admittedly the determination of memo of arrest is not the point to be proved, therefore alleged contradictions suggested by the learned counsel for the accused persons are immaterial and is not hampering the prosecution case in any manner.

31. I am not convinced with the contention of the learned counsel for the accused persons that since the complainant has not identified the motor cycle used in the crime or the place where the alleged offence was taken place, therefore doubt has been created in the prosecution case. It appears that the victim was kidnapped from the street on gun point and accused persons folded her eyes and kept her under the point of pistol and thereafter committed her gang rape and issuing threats of her killing and since the alleged offence was taken place in the night time and there was darkness. It appears that according to the I/o the victim was unable to trace out said house but I/o deposed that victim identified the accused Imran being the owner of said house who asked the accused persons to take away the persons from the house and during interrogation accused Imran admitted his guilt and also pointed out said house and police also produced some pictures in which accused Imran is pointing out the house. It is therefore I am of the considered view that missing of such evidence of pointation of alleged place of place of occurrence is not hampering the prosecution case at all when the version of the complainant is supported by other relevant supporting materials such as positive DNA report and MLC showing injuries on the body of the complainant who is fully supporting the version of the complainant.

32. In present circumstances, the offence of rape with victim has been established against the present accused persons Ziauddin, Kashif and Shahid beyond any shadow of doubt. No doubt that there is no allegation of committing rape against the accused Imran and Aqib but it appears that they were joined hands with the co-accused persons who committed rape of the victim Anamta as accused Aqib participated in abduction of Anamta while accused Imran provided the house and both remained present at the time of alleged offence of gang rape by the co-accused persons which shows that they are also fully involved in the commission of alleged crime. It also appears that both Imran and Aqib along with co-accused Ziauddin, Kashif and Shahid have entered in the house of the accused Imran where they brought the abducted victim Anamta and then committed her rape in the night time and both the accused took their turn after committing of rape of victim by co-accused one by one and they waited for their turn and it appears that they have also intention to commit rape of the victim but they remained failed to commit rape of the victim but they molested the body of the victim and their such act amount to attempt to commit rape of the victim.

33. It appears that despite of lengthy cross to the complainant and her other witnesses nothing fruitful came on record to provide any benefit to accused persons and to create any dent or doubt in prosecution case. The testimony of victim, supported by the medical evidence and DNA report appears to be true, genuine and confidence inspiring. Nothing has come on record that statement of victim was tutored to victim by anyone in any manner to falsely implicate the present accused persons. I am of the view that there appears no mixture of falsity in the statement of the victim as alleged by the learned counsel for the accused. It appears that victim has fully implicated the present accused persons for commission of act of rape with her. It appears that victim did not resign from the accusation she had made against the present accused persons despite of lengthy cross conducted by five different defence counsel of all the five accused persons. The victim proved her reliable witness and was physically examined by WMLO and the said WMLO has supported the version of victim and DNA report clearly confirmed that victim was subjected of sexual intercourse. More so the accused persons were also examined by the MLO who has confirmed that the accused have capabilities to perform sexual intercourse. It is suffice to say that the prosecution witnesses appeared in witness box with full confidence and appears to be reliable and confidence inspiring.

34. I am satisfied that in the present case, the prosecution has established its case against the accused persons named above beyond reasonable doubt. I am of the firmed view that the present accused persons Aqib Khan and Muhammad Kashif abducted the victim in order to commit the rape of the victim and thereafter accused Ziauddin alias Jimmi, Muhammad Kahsif and Muhammad Shahid committed the shameful offence of rape with the victim one by one.

35. I am not convinced with the contention of the learned counsel for the accused persons that since there is not allegation of commission of rape against the accused Imran and Aqib therefore I/o has wrongly challaned in this case. NO doubt that alleged offence of rape has not been proved against the accused Muhammad Imran and Aqib Khan but I am of the view that the acts and deeds of the accused Muhammad Imran and Aqib Khan as deposed by the victim shows that accused Muhammad Imran and Aqiba Khan attempt to commit rape of victim Anamta.

36. The requisite elements of an attempt to commit a crime are: intent to commit it; an overt act towards its commission; failure of consummation and the apparent possibility of commission. More so, attempt is an act done in part execution of a criminal design amounting to more than mere preparation, but falling short of actual consummation and possessing, except for failure to consummate, all the elements of the substantive crime. Another definition of attempt is that intentional act with a view to attain certain end but which fails to consummate its commission because circumstances beyond control of offender. Here in this case it appears that accused Aqib Khan with the help of accused Muhammad Kahsif brought the alleged victim Anamta in the house of accused Muhammad Imran where co-accused Ziauddin alias Jimmi, Muhammad Shahid and Muhammad Kahsif after removing shalwar of victim and holding her hands committed her rape one by one while accused Aqib Khan molested her body and the whole offence was performed in presence and control of accused Muhammad Imran and all such activities of accused Aqib Khan and Muhammad Imran constitute an attempt since no other intention would be possible except that of desire of accused persons to commit rape of victim.

37. From the above testimonies of prosecution witnesses, it appears that the prosecution has produced all the necessary documents prepared and collected during investigation. Evidence of the victim, mashirs, the medical officer and the investigating officer have also supported the prosecution case and corroborated the ocular evidence of victim. All the prosecution witnesses including victim Anamta were cross examined at length and nothing material came on record to shake and dent their testimonies. There are no major contradictions in the evidence of the complainant and the witnesses so as to negate the occurrence or commission of the offence by the accused. No doubt that there are some suggested natural improvement and immaterial contradictions in investigation which have not hampered the case of prosecution in any manner and prosecution case stands fully proved. No doubt that in order to discharge the burden to disprove the case of prosecution the accused persons have produced 8 defence witnesses but I am of the view that the evidence of defence witnesses who are close relatives of the accused persons is not reliable or trustworthy and is not of that standard which can support the versions of accused persons I am satisfied that in the present case, the prosecution has established its case against the accused person beyond reasonable doubt It is crystal clear that the accused Ziauddin alias Jimmi, Muhammad Kahsif and Muhammad Shahid have committed the shameful act of rape with the victim while accused Aqib Khan and Muhammad Kahsif also committed the offence of Abduction of victim with intention to commit her. It is also crystal clear that accused Aqib Khan and Muhammad Imran have also committed the shameful act of attempt to commit rape of victim Anamta. I do respect the case laws cited by the learned counsel for the accused persons but I am of the view that the facts of the present case is different from the facts of cases cited by the learned counsel for the accused persons.

38. In view of the foregoing discussion, I am of the considered opinion that the prosecution has successfully proved its case beyond any reasonable doubt, as such points 1, 2 and 3 under discussion are answered in affirmatives.

**POINT NO. 4:**

39. In view of forgoing facts, circumstances and discussions made in points No.1, 2 and 3 this Court has reached to the conclusion that prosecution case of alleged abduction of victim on gun point and thereafter alleged offence of gang rape of victim stands fully proved, as such accused persons require no leniency under the law. The offence of abduction with intention to commit rape punishable under section 365-B/34 PPC has been fully proved against accused persons Aqib Khan and Muhammad Kashif beyond shadow of any doubt. The accused persons Aqib Khan son of Behram Khan and Muhammad Kashif son of Abdul Razzaq are hereby convicted U/s. 265-H(ii) Cr.P.C for the offence punishable under section 365-B/34 PPC and sentenced R.I. for life and they are also liable to pay fine of Rs.100,000/- (One Hundred Thousand Rupees) each. In case of default in payment of fine, the accused persons shall further undergo simple imprisonment for a period of six (6) months each. The offence of committing gang rape of victim punishable under section 376(ii)/34 PPC has been fully proved against the accused persons Ziauddin alias Jimmi, Muhammad Kashif and Muhammad Shahid beyond shadow of any doubt. The accused persons Ziauddin alias Jimmi, Muhammad Kashif and Muhammad Shahid are hereby convicted U/s. 265-H(ii) Cr.P.C for the offence punishable under section 376(ii)/34 PPC and sentenced to suffer R.I. for life. The offence of attempting to commit rape of victim punishable under section 376(ii)/511/34 PPC has been fully proved against the accused persons Muhammad Imran alias Rana and Aqib Khan, therefore, accused persons Muhammad Imran alias Rana son of Naimat Ali and Aqib Khan son of Behram Khan are hereby convicted U/s. 265-H(ii) Cr.P.C for the offence punishable under section 376(ii)/511/34 PPC and sentenced to RI for Twelve and Half Year (12.5) years each. The accused persons are also awarded benefit of section 382-B PPC. The accused persons are in custody since 18.05.2020. All the sentences will run concurrently. The accused persons Ziauddin alias Jimmi, Muhammad Shahid, Muhammad Kashif, Aqib Khan and Muhammad Imran alias Rana are produced in custody by jail authority. They are 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 22nd day of July, 2022.

**IRSHAD HUSSAIN**

 **ADDITIONAL DISTRICT & SESSIONS JUDGE-X**

 **KARACHI WEST**

**ORDER OF CASE PROPERTY**

 The case property i.e. the clothes of the victim be disposed of after expiry of appeal period while the personal search articles including mobile phones and cash be returned to the accused persons after expiry of appeal period while motor cycle NO.KLT-6900 be returned to its owner after proper verification.

 Given under my hand and seal of the Court on this 22nd day of July, 2022.

**IRSHAD HUSSAIN**

 **ADDITIONAL DISTRICT & SESSIONS JUDGE-X**

 **KARACHI WEST**