

IN THE ANTI-TERRORISM COURT NO. X, KARACHI

BEFORE: AMINA NAZEER ANSARI-(JUDGE)

Special Case No. 633/2018

The State

Versus

Amjad Ali @ Zakir @ Sajid S/o Khairat Ali.....Accused.

FIR No. 659/2017

U/s: 376 PPC

R/w 7 ATA, 1997.

P.S. Shah Latif Town, Karachi.

Ms. Tania Allahdad, learned APG for the State.

Ms. Asiya Muneer, learned counsel for the Complainant.

**Mr. Liaquat Hussain Khokhar, learned counsel for the accused
Amjad Ali @ Zakir @ Sajid.**

JUDGMENT

29.10.2022.

The accused namely **Amjad Ali @ Zakir @ Sajid S/o Khairat Ali** was sent up by **P.S Shah Latif Town, Karachi** for his Trial in instant Case and accordingly, the present accused was charged and tried by this Court.

The Factual Matrix of the Prosecution case is that on **22.12.2017**, at **2145 hours** Complainant namely **Shahid Mehmood S/o Faiz Muhammad** recorded his Statement U/s 154 Cr.P.C. before the Police narrating therein that on the said day, viz. **22.12.2017**, he was present at his Work. In the meantime, his Wife namely **Mst. Sumaira Yasmeen** informed him through Mobile Phone Call to immediately reach Home as some Problem had occurred with their



while crying and her worn Shalwar was stained with Blood since, somebody had forcibly committed Zina with her. To this, Complainant inquired from his Daughter **Umm-e-Tayyaba** {Aged 08 Years} as to what had happened to which, she informed to her Father that She had been taken by someone in the **Bushes besides Railway Line** and as per Victim, said Person had forcibly committed **Zina** with her. Thereafter, Complainant along with his Wife took their injured Daughter {Victim} **Umm-e-Tayyaba** {Aged 08 Years} to **Emergency Ward No. 08, Gynae Ward at JPMC, Karachi** where the Minor Victim was given medical Treatment and her Medical Examination was also conducted by the concerned WMLO. Subsequently, in the light of above referred Statement U/s **154 Cr.P.C.** of the Complainant, instant FIR bearing No. **659/2017 U/s 376 PPC** was registered at P.S. **Shah Latif Town, Karachi** against an Unknown Accused.

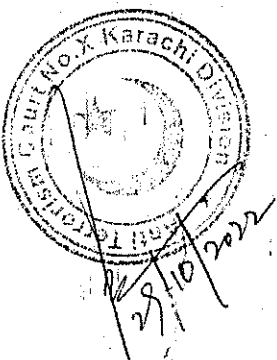
After completing Investigation of instant FIR as warranted by Law, I.O submitted his Charge-Sheet in this case against the present accused before the **Administrative Judge of ATCs, Hon'ble High Court of Sindh at Karachi** wherefrom, the same was marked/transferred to **ATC-I, Karachi** for its disposal in accordance with law.

Thereafter, Necessary Case Papers were supplied to the present accused vide Receipt at **Ex. 01**.

Following which, **R&Ps** of instant case were received to this Court from **ATC-I, Karachi** by way of Transfer on the Administrative Grounds for disposal of this Case in accordance with law.

The earlier Presiding Officer of this Court took Oath as prescribed U/s 16 of ATA, 1997 at **Ex. 02**.

Then, Formal Charge was framed against the present



During Trial, the Prosecution in order to bring home the Guilt of present accused, firstly relied upon the Testimony of **PW-01 Dr. Aiman Khursheed** (WMLO, JPMC, Karachi) who during her Statement in Court recorded at **Ex. 05** produced Documents viz. Police Letter, Provisional MLC including Final Medico-Legal Report of Minor Victim **Umm-e-Tayyaba** at **Ex. 05/A** to **Ex. 05/C** respectively. Thereafter, Evidence of **PW-02 ASI Saleem Ahmed Khan** was recorded by the Prosecution at **Ex. 06**, who produced Documents viz. Roznamcha Entry No. 37, Statement U/s 154 Cr.P.C. of the Complainant, FIR No. 659/2017 U/s 376 PPC of P.S Shah Latif Town, Karachi and Roznamcha Entry No. 47 at **Ex. 06/A** to **Ex. 06/D** respectively. Then, Evidence of **PW-03 Muhammad Hussain Soomro** (Forensic DNA Analyst, Focal Person of DNA Laboratory, LUMHS, Jamshoro) was recorded at **Ex. 07**, who produced Documents in the shape of Two Request Letters of SSP Investigation-II, East Zone, Karachi, DNA Test Report along with Covering Letter at **Ex. 07/A** to **Ex. 07/D** respectively. Following which, Statement of **PW-04 Complainant Shahid Mehmood** was recorded at **Ex. 08** whereby, he produced Documents viz. Memo of Site Inspection and Seizure including Notice U/s 160 Cr.P.C at **Ex. 08/A** and **Ex. 08/B** respectively.

Thereafter, learned **APG** for the State filed a Statement to give up PW namely **Atiq Ur Rehman** at **Ex. 09**.

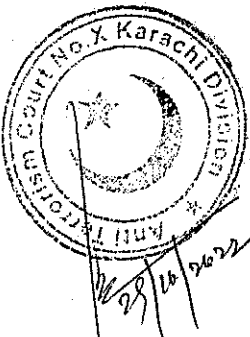
Following which, Evidence of **PW-05 Victim Umm-e-Tayyaba** was recorded at **Ex. 10** whereby, Signature Specimen of Victim was obtained and attached with her Statement as **Ex. 10/A** for its Authenticity. Then, an Application U/s **540 Cr.P.C.** was preferred and filed by learned **APG** for the State at **Ex. 11** for re-calling/re-examining **PW-04 Complainant Shahid Mehmood** on the Ground that an Important Piece of Evidence viz. **Memo of Pointation of Crime Scene by the present Accused** had to be produced through Complainant since, had act as a Mashir of such Memo. Accordingly,



Besides, Evidence of **PW-06 ASI Shahid Ali** was recorded at **Ex. 12**, who while recording his Statement produced Documents viz. Roznamcha Entry No. 06 and Roznamcha Entry No. 25 at **Ex. 12/A** and **Ex. 12/B** respectively. Thereafter, Prosecution preferred and relied upon Testimony of **PW-07 Hafeez Ur Rehman** who was examined at **Ex. 13**. After which, **ASI Arsalan Akbar** stepped into the Witness Box as **PW-08** having been examined at **Ex. 14** and he produced Documents viz. Roznamcha Entry No. 16, Roznamcha Entry No. 22, Memo of Re-Arrest of the present accused and his Personal Search at **Ex. 14/A** to **Ex. 14/C** respectively.

Furthermore, Prosecution also relied upon Testimony of **PW-09 P.I {R} Muhammad Nasrullah** who during his Statement recorded at **Ex. 15** produced Documents in shape of Roznamcha Entry No. 37, Seven {07} CCTV Camera Photos pertaining to Victim, Accused and Crime Scene, Letter addressed to Chemical Examiner, Karachi, Report issued by Chemical Examiner Sindh, Karachi and Roznamcha Entry No. 44 at **Ex. 15/A** to **Ex. 15/H** respectively. Then, learned APG for the State preferred and filed an Application U/s 540 Cr.P.C. at **Ex. 16** for calling/summoning **Mr. Azhar Ali Kalhoro**, the then learned **IXth Civil Judge/Judicial Magistrate District Malir, Karachi** on the Ground that his Evidence was very important since, he had conducted/supervised I.T.P. of the present accused through Victim Umm-e-Tayyaba and due to Human Error, Name of said Judicial Magistrate had inadvertently not been mentioned by the I.O in Calendar of Witnesses in the Charge-Sheet. Accordingly, Notice of such Application was given to the other side and my learned Predecessor after hearing both Parties in detail passed Order dated **20.04.2021**, whereby, such Application preferred and filed by the Prosecution was allowed in the larger interest of Justice.

Subsequently, Evidence of **PW-10 Mr. Azhar Ali Kalhoro** {learned Civil Judge/Judicial Magistrate} was recorded at **Ex. 17** whereby, he produced Documents viz. Request Application of I.O,



and **Ex. 18/B** respectively. Then, Evidence of **PW-12 Dr. Afzal Ahmed** (Former MLO, JPMC, Karachi) was recorded at **Ex. 19** and he produced Documents viz. Police Letter, MLC and Slip of Blood Sample of the present accused at **Ex. 19/A** to **Ex. 19/C** respectively.

Apart from the above, Prosecution also relied upon the Testimony of **PW-13 DSP Ali Hassan Shaikh** (Final I.O) who was examined at **Ex. 20** and he produced Documents viz. Order issued by SSP Investigation-II, East Zone, Karachi, Emergency Slip of JPMC, Karachi pertaining to the present accused, MLC of the present issued by JPMC, Karachi, Roznamcha Entry No. 23, Roznamcha Entry No. 26, Roznamcha Entry No. 39 and Notice U/s 160 Cr.P.C. served on the present accused at **Ex. 20/A** to **Ex. 20/G** respectively. Finally, the Prosecution preferred and relied upon the Testimony of **PW-14 Aziz Ullah** who was examined at **Ex. 21**. Subsequently, Prosecution closed its Side via Statement filed by learned APG for the State at **Ex. 22**.

Following which, the Undersigned upon assumption of charge of this Court, took fresh Oath as prescribed U/s 16 of ATA, 1997 at **Ex. 23**.

Thereafter, Statement U/s 342 Cr.P.C. of Accused **Amjad Ali @ Zakir @ Sajid** was recorded at **Ex. 24** wherein, he fully denied the Allegation levelled against him by the Prosecution and claimed to be Innocent. **However, the present accused Neither examined him on Oath Nor produced any Witness in his Defence!**

In order to prove accusation leveled against the present accused, "14" PWs stepped into Witness Box, who were also cross-examined at length by learned counsel for the accused and their Evidences with Cross-Examinations are part and parcel of the R and Ps of this case therefore, it is not necessary to reproduce the same here for the sake of avoiding repetition as per dictum laid down by the **Honorable High Court of Sindh** in a Case Law reported in **S B L R**



Ms. Tania Allahdad, learned APG for the State at the very outset, argued that present accused is fully involved in this case and as per the Evidence led by the Prosecution, on 22.12.2017, in between 1800 to 1830 hours at Railway Line, Bushes, Zafar Town, Malir, Karachi the present accused Amjad Ali @ Zakir @ Sajid forcefully committed Rape with baby/victim Umm-e-Tayyaba D/o Shahid Mehmood, aged 08 years and consequently, the baby/victim got severely injured and by such act, present Accused also created terror, panic and sense of fear and insecurity in the minds of the baby/victim, her family members and public in general. She further argued that on 10.04.2018, at 1300 hours present accused being already arrested in Case Crime No. 236/2018 of P.S Shah Latif, Karachi was Re-Arrested in the present case by DSP/I.O Ali Hassan Shaikh under a Fard of Re-Arrest in presence of Mashirs, upon his disclosure and admission for committing the instant offence of Zina with the Minor Victim. She further argued that after being Arrested in instant case, the present accused voluntarily led the Police party headed by DSP/IO Ali Hassan Shaikh and pointed out the Place of committing Zina with the minor Victim Umm-e-Tayyaba and such Fard of Pointation of Crime Scene by the present accused was also prepared by the I.O at the spot in presence of Mashirs.

Besides, she argued that during Trial, 14 PWs were brought forwards into Witness Box, who during their Testimonies in Court fully confirmed the Incident as reported in the instant FIR and corroborated the entire case of the Prosecution. She also argued that during Trial, the entire Case Property in sealed condition along with relevant Documents in the shape of Police Letters, Statement U/s 154 Cr.P.C. of the Complainant, Memo of Site Inspection, Letters addressed to different Authorities for collecting Evidences, Departure and Arrival Entries of Daily Roznamcha, CCTV Camera Photos of Crime Scene including minor Victim, FIR No. 659/2017, Notices U/s 160 Cr.P.C. served upon the Complainant and present accused were also produced by the Prosecution and other relevant and concerned PWs in Court. which were duly identified/verified by them to be same

Accused who committed Rape with her and she further asserted that present accused was also rightly identified during his I.T.P. held by learned Judicial Magistrate, with specific Role of committing Rape with Minor Victim.

The learned APG for the State further argued that Evidence of Victim is also being corroborated through Medical Evidence in shape of MLCs prepared and issued by WMLO wherein, She opined that fresh act of sexual intercourse had been committed on the Victim and as per Chemical Analysis Report No. S-513/2017, Human Sperm was detected on vaginal Swab. Moreover, She while referring to the DNA Report issued by Forensic and Molecular Biology Laboratory for DNA Testing, LUMHS, Jamshoro contended that as per DNA Analysis/Test, the preserved Male DNA Profile found on clothes of victim Umay Tayyaba shares the required Alleles with the DNA Profile obtained from blood sample of present accused, which according to the learned APG for the State has fully established the entire case of the Prosecution.

Apart from the above, the learned APG for State also argued that admittedly, I.T.P. of the accused was held in this case with delay however, such delay is not fatal for the case of Prosecution since as per Law, I.T.P. is to be conducted within 15 days of the Arrest of an Accused whereas, in the present case I.T.P. was conducted on 24.04.2018 while the present accused was arrested in this case on 10.04.2018, hence, such delay which was neither intentional nor deliberate would not be fatal for the case of Prosecution. She further contended that minor contradictions, discrepancies and even technical lapses on the part of Investigation Agency would not be fatal for the case of Prosecution since, there is direct Evidence available on the record against the present accused in shape of Testimony furnished by Minor Victim which is also being supported by Medical Evidence and other circumstantial Evidence. She further pointed out that as per Evidence led by the Prosecution, fear and terror was evident from the face of the victim while she was identifying the present accused in

attendance of Children had reduced/lessened a lot, due to frequent incidents of Child Rapes at that time in the Area. As per learned APG for the State, I.O of this case also recorded Statements U/s 161 Cr.P.C. of Teachers and People of the locality and due to element of fear and terror, Section 7 of ATA, 1997 was inserted/added in this case. It was further argued that apart from the Evidences of Minor Victim and Complainant, the Prosecution also relied upon Testimonies of Two Independent/Private Witnesses viz. Local Residents of the Area namely PW-07 Hafeez Ur Rehman and PW-14 Aziz Ullah in order to strengthen its Version, who during their Testimonies fully affirmed the Incident of Rape with Minor Victim Umm-e-Tayyaba and also confirmed the element of Terror and Panic which prevailed in the Area due to such heinous Act of Rape.

The learned APG for the State further argued that in view of the Evidence led by the Prosecution, it is apparent that present Accused is Involved in Five Rape Cases including present Case and his DNA Profile has matched with Five Samples taken from Victims being Minor Girls which includes the Victim of this case and such Fact is also being fully confirmed through DNA Test Report brought on record during Evidence. Furthermore, she contended that the present accused Neither examined him on Oath, Nor produced any single Witness in his Defence and mere verbal assertions were made by the present accused while recording his Statement U/s 342 Cr.R.C regarding his alleged false implication in this case, which is not sufficient to discard the case of the Prosecution, which is being supported through strong tangible Evidence. She also pointed out that Neither any Enmity Nor ill-will has been brought on record by the Defence which could hint towards possibility of false implication of the present accused in this case by Victim/Complainant and Police. Lastly, she while summing up her Arguments, prayed for "convicting" the present accused.

Whereas, Ms. Asiya Muneer, learned counsel appearing on behalf of the Complainant while relying upon the entire Evidence



including Victim of this case in different Areas of Sindh and Punjab Provinces at different intervals from the year 2007 till 2018. She further argued that Five Cases including the present case pertaining to Rapes of Minor Girls are pending against the present accused before this Court, which shows that present accused is a habitual criminal. Besides, she argued that during Evidence, Victim Umm-e-Tayyaba fully implicated the present accused with Role and also positively/rightly identified him in Court. According to her, Evidence furnished by the Victim is quite Natural and direct. She further contended that Medical Evidence available on the record has given major corroboration to the case of the Prosecution. **Lastly, she also adopted the Arguments advanced by the learned APG for the State and prayed for "convicting" the present accused.**

On the contrary, **Mr. Liaquat Hussain Khokhar**, learned defence counsel argued that present accused **Amjad Ali @ Zakir @ Sajid** is innocent and has been falsely implicated in this case by the Complainant/Police with malafide intentions and ulterior motives. He also argued that present accused is not nominated in the present FIR and the same was lodged against unknown person. He further argued that alleged Incident was shown to have occurred on 22.12.2017, in between 1800 to 1830 hours, while Complainant lodged the instant FIR on 22.12.2017, at 2330 hours and such un-explained delay creates doubt. He further argued that no Hulya/Description of the Perpetrator is mentioned in the instant FIR. He also argued that accused was booked in this case by the Police on the basis of Extra-Judicial Confession which is not admissible in Evidence. It was further argued that no any Confessional Statement of the present accused U/s 164 Cr.P.C. is available on the record. Besides, he argued that said Tandoor Wala where the Victim had gone for purchasing Roti was not cited as Witness in this case by the I.O. He also argued that Complainant's Wife, who had informed the alleged Incident to her Husband (Complainant) was also not cited as Witness in this case, creating doubt. He also argued that alleged Incident as reported in the



defence counsel, None of the Mohallah Persons who had allegedly caught the present accused was cited as a Witness in this case.

Besides, the learned defence counsel argued that I.T.P of the present accused was held in this case with 14 days delay, creating doubt since, he was arrested in this case on 10.04.2018, whereas, the I.T.P. of the accused through Minor Victim was conducted by the learned Judicial Magistrate on 24.04.2018, for which, no reasonable explanation has been furnished on record. He was also of the view that I.T.P. of the accused was not conducted in accordance with Law. He also argued that during Evidence, Photostat Copies of Documents were produced in Court instead of original ones, which are not admissible in Evidence. It was further argued that there are major contradictions amongst Testimonies of the PWs damaging the case of the Prosecution and in this regard, he relied upon the Cross-Examinations of the PWs. He also asserted that Evidence furnished by the PWs are not reliable and trustworthy. He further argued that separate Blood Samples of the present accused were not taken during Investigation and single Blood Sample was taken/collected which was preferred for instant case including other case crimes. It was further pointed out that during Cross-Examination, WMLO admitted that No Marks of Violence were seen on any part of the Victim's Body and she had mentioned the Word "Epistaxis" and as per learned defence counsel, WMLO also admitted that in the first column of P/A {Per Abductee} No Marks of Violence, which according to learned defence makes the case of Prosecution doubtful.

The learned defence counsel further argued that DNA Test was not conducted according to law. He also argued that both I.Os of this case did not properly investigate this case and accused was falsely challaned in this case by the Final I.O without collecting solid Evidence against him. He further argued that as per settled SOPs, in offences involving Rape of Minor Female Victims, I.O should be a Female Officer but, in the present case, Investigation was conducted by a Male Police Officer, which is violation of settled SOPs. It was



Pakistan}, 2009 SCMR 230 {Supreme Court of Pakistan}, 1991 P.Cr.L.J. 433 [Lahore] and 2020 SCMR 761 {Supreme Court of Pakistan}.

IN Rebuttal to the above Arguments advanced by the learned defence counsel, learned APG for the State also contended that FIR is not an Encyclopedia of Facts but it contains initial/firsthand Information given by the Informer/Complainant and FIR is a corroboratory piece of Evidence hence, it is not necessary to mention each and every detail in the FIR. She further contended that as per dictum laid down by the Hon'ble Apex Court, Marks of Violence in Rape Incidents are Neither required Nor relevant and the Medical Evidence is sufficient proof of commission of Zina. She further contended that as per dictum laid down by the Hon'ble Apex Court, consent of Accused is not required for conducting DNA Test or any Blood Test in order to ascertain truthfulness of the allegation. As regards to the production of Attested Photostat Copies of relevant Documents instead of original ones, learned APG for the State contended that such Documents were duly attested by the Doctor who had also verified the same while producing them in Court and as per learned APG for the State, during Evidence, learned defence counsel did not raise any Objection in this respect and such objection of the learned defence counsel at belated stage cannot be taken into consideration and as per settled principle of law, if anything stated in the Examination in Chief is not crossed/confronted by learned defence counsel, the same is to be presumed to be true to its entirety as per Article 133 of the Qanoon e Shahadat Order, 1984. She also asserted that Confession before Police is admissible in Evidence subject to the availability of strong circumstantial and corroboratory Evidence as it is the position in this case and in this regard, she referred to the provision of Section 21-H of ATA, 1997 whereby confession of an accused made before a Deputy Superintendent of Police may be admissible and can be used against the accused making such Confession.



In his further **Cross-Examination**, he stated that Ex. 08/C was not produced by him during his earlier Statement and it was produced by him on that day, during his further statement before this Court. Since, the Place where, he was called is near to his Residence, therefore, it took about Five (05) minutes to reach there.

He further stated that the Place which was pointed out by the accused, No House is constructed there but, only Factory Wall is built there. He admitted that in Ex. 08/C, there is no mentioning about Jamia Masjid Madina.

He denied the suggestion that neither, the accused was present at the crime scene at the time and place as mentioned in Ex. 08/C nor, it was prepared at the Place of occurrence. He also denied the suggestion that he had produced a fake document, today in the Court.

PW-05 Umm e Tayyaba (Victim) in her Evidence recorded at **Ex. 10** deposed as under:-

Note: Since, the victim of this case is a Minor, accordingly, all the codal formalities as per directions of Hon'ble Supreme Court were fully complied with.

Note: "The witness was underage of 10 years. She was asked by the Court that for what purpose, she had come before the Court. The Witness replied that she had come to record her evidence in Court. My learned Predecessor put a question that who was He? She answered/replied that he was a Judge. This witness also rightly identified the counsels in Court. The Court was satisfied that she was able to record her evidence."

On 22.12.2017, it was Friday and after 06:00 PM, She went for purchasing Bread (Roti) as her mother told her. As such, She went to Hotel, which is situated in front of her house. When She reached there, a person appeared to her and informed that he was a friend of her father and he offered her to purchase a Ball for her and told her to go with him. She was not willing to go with him, to which, he



Thereafter, said person went away from there. From the Bushes (Jhariaan), Victim came to her house and informed the above incident to her mother, who informed her Abbu. Her Abbu then reported this matter to the Police. Thereafter, her mother took her to JPMC, Karachi, She again stated father also whereby, She remained admitted for Two (02) days and thereafter, She came back to her house. On 24.04.2018, She went to Malir Court whereby, she saw 20 to 25 persons standing there, amongst whom, She had identified the person who forcefully committed Zina (Ziyadti) with her, before a Judge. **She being a Victim rightly identified the present Accused in Court to be the same Person who did Ziyadti with her.**

Note: It had been observed that fear and terror was evident from the face of the victim while she had identified the accused Amjad in Court during her Evidence.

Note: Since, in this case, an Identification Parade was conducted by concerned learned Judicial Magistrate, who had not been examined at that relevant Period therefore, the specimen signatures of the Witness/Victim had been obtained on a Plain Piece of Paper, which had been duly embossed by learned APG and learned defence counsel with date in Court, which was also duly signed by my learned Predecessor for its authenticity and it was marked as Ex. 10/A. The signature specimen of Victim was attached with her Statement.

In **Cross-Examination**, she affirmed that her mother sent her at 06:00 PM for purchasing Rotis from Tandoor. The Tandoor is situated in front of her House at a distance of about 12 feet (This distance had been demonstrated by victim in Court from one wall to another). She further stated that there are other Houses located near the Tandoor. Many persons were present at Tandoor on the said day, when She reached there. **At that time, She had not purchased any Roti from Tandoor.** At the time, when the said person was taking her, She did not raise any voice and at that time, She did not call her mother or anybody. The place of occurrence (Zyaadti) is situated



Father regarding the incident and thereafter, they reached at JPMC, Karachi. She affirmed that she went to the Hospital on the same day of the incident.

She fully denied that present accused Amjad did not commit Zyadti with her on the day of incident as above. She also denied the suggestion that accused present in the Court was not the same person, who had taken her away from Tandoor. She further denied the suggestion that accused had not committed the above act as described by her. She stated that the accused was wearing Shalwar Kameez at that time. At that time, he was also wearing waist Coat having black color.

PW-06 ASI Shahid Ali in his Testimony recorded at **Ex. 12** deposed that on 23.12.2017, he was posted at PS Shah Latif Town, Karachi as ASI in Investigation Wing and he had no particular timing schedule for joining his duty. On the same day, vide entry No. 06 at about 09:30 AM SIO Nasrullah handed over him a Letter (Ex. 06/A) addressed to WMLO for conducting Medical checkup of victim Umm e Tayyaba. Accordingly, after reaching at Jinnah Hospital, he handed over such Letter to Lady MLO, whose name, he did not remember during his Evidence. He had produced entry No. 06 at **Ex. 12/A** and verified it to be same and correct.

Thereafter, Lady MLO conducted medical examination of the victim Umm e Tayyaba. Thereafter, Lady MLO handed over him a sealed packet of the clothes of the victim, including Slides and sample for Chemical examination and DNA Analysis. Thereafter, he came back to P.S and handed over MLC No. 119/2017 along with slides, samples and sealed Parchajaat to SIO/PI Nasrullah. He had returned back to his P.S vide entry No. 25, which he produced at **Ex. 12/B** and verified it to be same and correct. Thereafter, his statement U/s 161 Cr.P.C. was recorded by PI/SIO Nasrullah.

In his **Cross-Examination**, he stated that on the same day (23.12.2017) his Statement U/s 161 Cr.P.C. was recorded by SIO after his return from the Hospital.



the incident, on the very next day, in the prayer of Fajar, he came to know about the incident with his Student namely Umm e Tayyaba Daughter of Muhammad Shahid, who had been Raped behind Madina Masjid, situated at Railway Phattak whereby, a Government School is also situated. After the above rape incident, a wave of panic, terror and fear spread, which is still existed due to which, other Girls are hesitant to attend his School. In those days, another incident of similar nature had also occurred in jurisdiction of PS Sukkun, Karachi, so also similar incident also occurred within jurisdiction of P.S Quaidabad, Karachi. As he is a Chairman of Bain ul Masalik, Ulma Committee of Karachi, therefore, he come to know about such activities through such sources. Accordingly, this Witness requested the Court to provide Justice in this case.

In Cross-Examination, he affirmed that he is the owner of the above said School and also the owner of the school building, so also he himself teaches in the School. He is Hafiz e Quran and also qualified Saba e Ashra, he has also done Qirat Course and Naat Sharif Course and Dor e Hadees, which is equivalent to M.A.

He further stated that he had personally confirmed the above said incident from the victim Umm e Tayyaba. It was Saturday i.e. 23.12.2017, at about 08:00 AM. On the next day of incident, i.e. 23.12.2017, his statement was recorded by the Police and thereafter, on different dates, which, he did not remember, Police had approached him for recording his statement. He denied the suggestion that his Statement (161 Cr.P.C) as recorded by the Police was not read over to him after recording the same. He also fully denied the suggestion that he was deposing in Court on the saying of Police and voluntarily stated that he had sworn Qalm e Tayyaba before this Court.

PW-08 ASI Arsalan Akbar in his Evidence recorded at Ex. 14 deposed that on 10.04.2018, he was posted at P.S Malir Cantt and his duty timings were from 08:00 AM to 08:00 PM as a Duty officer



Khan had appeared at his P.S as mentioned above at **Ex. 14/A** and verified it to be same, correct.

Thereafter, SIP Sahib Khan got busy in interrogation of the already arrested accused Amjad Ali @ Zakir as mentioned above in his presence. Then, vide Rapat No. 22, DSP Ali Hassan Shaikh also appeared at his P.S, who in his presence as well as in presence of SIP Sahib Khan also interrogated the arrested accused Amjad in Crime No. 34/2018 of P.S Sukkun, Karachi U/s 376 PPC with 7 ATA, 1997 Crime No. 334/2017 U/s 376 PPC R/w 7 ATA, 1997 of P.S Quaidabad, Karachi as well as Crime No. 659/2017 U/s 376 PPC R/w 7 ATA, 1997 registered at P.S Shah Latif Town, Karachi. He produced Rapat No. 22 at **Ex. 14/B** and verified it to be same, correct and bearing his signature. Following which, DSP Ali Hassan Shaikh got busy in interrogating the accused Amjad Ali @ Zakir Son of Khairat Ali in his presence, so also in presence of SIP Sahib Khan. During interrogation, the arrested accused Amjad Ali @ Zakir confessed to his guilt for committing Zina with Three (03) Minors in different cases i.e. in Crime No. 34/2018 of P.S Sukkun, Crime No. 334/2017 of P.S Quaidabad, Karachi as well as Crime No. 659/2017 of P.S Shah Latif Town, Karachi.

After the above disclosure and admission of accused Amjad Ali @ Zakir, he was also Arrested in above Crimes bearing No. 34/2018, 659/2017 and 334/2017. On the same day, at about 01:00 PM, a proper Memo of Re Arrest was prepared by DSP Ali Hassan Shaikh in this case in his presence. He produced Memo of Re-Arrest of this case at **Ex. 14/C** and verified it to be same, correct and bearing his signature. Thereafter, DSP Ali Hassan Shaikh left his P.S after re-arresting the accused in this case. Later on, his statement was also recorded by I.O/DSP Ali Hassan Shaikh i.e. 14.04.2018. **He rightly identified the present accused in Court and stated that previously, he was having very thin Beard now, he was having proper trimmed Beard.**

In **Cross-Examination**, he affirmed that at the time, when



the Room of Duty officer. He was the Duty officer at that time. During interrogation, the I.O/DSP Ali Hassan Shaikh was preparing Memo of Re-Arrest of the present accused.

Note: **The learned Advocate had confronted Ex. 14/C to this Witness, who on seeing this document replied that his signature was available as second sign on this document.**

No name of victim is mentioned in Ex. 14/C and he voluntarily stated that that Crime Numbers with Sections of all the crimes are mentioned in this document along with names of P.S. He denied the suggestion that no such interrogation of the accused had taken place in front of him, at the time of preparing Ex. 14/C. He also denied that suggestion that during above interrogation, present accused had not disclosed the guilt of his crimes in front of him and also voluntarily stated that he (Accused) admitted his guilt before them.

PW-09 Police Inspector (R) Muhammad Nasrullah during his Evidence recorded at **Ex. 15** deposed that he was the First Investigating Officer of this case. On 22.12.2017, he had received investigation of FIR No. 659/2017 U/s 376 PPC. In this regard, he had also received copy of FIR along with Parchajaat of victim Umm e Tayyaba as collected by ASI/Duty officer Saleem. Since, it was night and the date was changed to 23.12.2017, therefore, in the daytime, he vide Rapat No. 37, dated 23.12.2017, at 1715 hours accompanied by Complainant Mehmood and another person namely Atiq proceeded to Crime scene situated near to Railway Track within Jurisdiction of their P.S Shah Latif Town, Karachi. He produced such departure entry No. 37 at **Ex. 15/A** and verified it to be same and correct. At that time, they also took with them, Victim of the incident namely Umm e Tayyaba, for identifying/pointing the place of occurrence.

Then, they reached at the crime scene i.e. next to Railway Track but, exact place, he did not remember as Four (04) years had passed after the incident. After reaching at the scene of crime, the



Inspection at Ex. 08/A and verified it to be same, correct and bearing his signature including signatures of Complainant Mehmood and Atiq.

He further stated that during Site Inspection, the Complainant also pointed out regarding CCTV Cameras installed/available near the crime scene. Accordingly, he took Seven (07) Photos from the CCTV Cameras of the Area wherein, as per pointation of the victim, the Person who took her on the day of incident was visible as pointed out by her. He produced Seven (07) Snaps of CCTV Cameras comprised on 04 Leaves at Ex. 15/B to Ex. 15/E respectively and verified them to be same, correct and bearing his signatures.

During investigation, he continued tracing out the culprit of this case. Thereafter, he continued the investigation/search of the culprits, meanwhile (Two) 02 holidays had come due to which, on 25.12.2017, he had sent Parchajaat of victim as received from the MLO along with blood stained mud as collected by him from the crime spot during Site Inspection, to Chemical Examiner's office through his Letter dated 25.12.2017 addressed to I/C Chemical Examiner, which was received on 28.12.2017. He produced the same at Ex. 15/F and verified it to be same, correct and bearing his signature. Then, he continued searching the culprits of the case during which, on 12.01.2018, he received Report from Chemical Examiner, which he produce at Ex. 15/G and verified it to be same and correct.

He further stated that after obtaining Permission from his high ups, he submitted his Challan as untraceable accused under A-Class. He also produced his arrival entry as regards to returning back from the Crime scene at Ex. 15/H and verified it to be same and correct. Thereafter, he was transferred from the P.S to District West, Karachi. During the course of his above investigation, various Suspects were interrogated and also shown to the victim, who did not identify them. He had also recorded statements of PWs U/s 161 Cr.P.C. He identified the blood stained Mud collected from the spot marked as Article P/2 and also verified the signatures of the

Tandoor, therefore, they did not need to record statement of the said Tandoor Wala. During the query from the victim, she had explained that at the time of incident, she made hue and cry also.

He had asked the victim that whether, on making her hue and cry, any local person came for her rescue, to which, victim stated that none of the person came to her, there. Since, it was 1750 hours of the 22nd day of December, 2017, the Magrib Prayer was held earlier.

He affirmed that the Photos (Ex. 15/B to Ex. 15/E) were taken out from the CCTV footages. There might be some light darkness at Place of occurrence at the time of incident. Since, the worn clothes of the victim at the day of incident were already sent to MLO concerned, therefore, he had not asked the color of the dress worn by the victim on day of incident.

He denied the suggestion that in Pic No. 03 of Ex. 15/C the accused is not visible. Likewise, he denied the suggestion that all the pictures from Ex. 15/B to Ex. 15/E are not the real pictures but, they were managed by the Police. He also denied the suggestion that blood stained mud produced in Court during Evidence was not taken by him from the spot. He also denied the suggestion that he had not visited the Place of occurrence. He also fully denied the suggestion that he had obtained signatures of all the PWs on a plain piece of paper and thereafter, he prepared its contents. He had mentioned in his entry No. 44 (Ex. 15/H) regarding detail of keeping Parchajjat of victim into Maalkhana of P.S due to holidays.

He further stated that ASI Tanveer was deputed for taking the Parchajjat of victim with blood stained mud for Chemical Examiner. He had bound down ASI Tanveer to take out the above Case Property from Maalkhana and shall submit the same to Chemical Examiner's office, after passing of holidays to which, he submitted the same on 28.12.2017. He had only prepared and submitted A-Class Report in the Court. He had not submitted Charge-Sheet of this case before the Court. He denied the suggestion that he had not done

this case namely DSP Ali Hassan Shaikh appeared and moved a Request Application for conducting I.T.P of suspect namely Amjad Ali S/o Khairat Ali. The suspected accused was then produced with muffled face. On inquiry, the suspect namely Amjad Ali did not cry for maltreatment at the hands of Police. He then passed an Order on the Application moved by the Investigating Officer by allowing it. He produced such Application at **Ex. 17/A** and verified it to be same, correct and bearing his signature with endorsement including Stamp and seal of Court.

Accordingly, Handcuffs of the suspect Amjad Ali were removed and I.O along with Police officials were directed to leave the Court Room. The suspect was made to sit at the Place where, he could not be seen by anybody. Then, 10 Dummies were arranged for holding I.T.P of the suspect. Then, suspect Amjad Ali was set at liberty to stand elsewhere in the Row of Dummies at his own choice to which, he stood at Serial No. 05 from left side of Row and at Serial No. 07 from right side of the Row. Thereafter, victim namely Umm e Tayyaba D/o Shahid Mehmood was called from outside in to Court Room through Naib Qasid namely Zohaib Niazi. The victim entered into Court Room and she was advised to go through the Row of Dummies to which, she went through the Row of Dummies after which, she identified one suspect namely Amjad Ali who stood at Serial No. 05 from left side and at serial No. 07 from the right side. The victim Umm e Tayyaba also disclosed that present accused had committed Rape with her at the time of incident. Again, the victim was sent outside the Court Room, whereas, suspected accused was again advised to stand elsewhere in the Row of Dummies if, he desired to do so, to which, he stood at Serial No. 05 from left side and serial No. 07 from right side.

He further stated that again, the victim Umm e Tayyaba was called inside the Court Room through the Naib Qasid named above to which, the victim rightly identified the suspect Amjad Ali stood at Serial No. 05 from left side and at serial No. 07 from right



victim/identifier were also obtained: He rightly identified the present accused in Court.

He produced original Memo of I.T.P of the accused at **Ex. 17/B** and verified it to be same, correct and bearing his Endorsement, handwritten Certificate, his signature, official seal and Stamp with signature and Thumb Impression of Identifier/Victim. He had also sent the Memo of I.T.P in Khaki Colored envelope to the Nazarat for safe custody of I.T.P of the accused, which he produced at **Ex. 17/C** and **Ex. 17/D** respectively and verified them to be same, correct and bearing his endorsements, signatures and Stamps.

In **Cross-Examination**, he stated that he had not asked the question from the accused regarding his date of arrest in this case and voluntarily stated that he had inquired from him regarding maltreatment at the hands of Police, to which, he replied that he was not maltreated at the hands of Police. He fully denied the suggestion that prior to conducting I.T.P., the accused had informed him that he was already shown to witnesses and victim at the time of producing the accused before him. He denied the suggestion that description of the accused was not resembling with the Dummies of I.T.P. Likewise, he denied the suggestion that ITP was not conducted by him in accordance with Rules and Regulations. He also denied the suggestion that no specific role has been attributed to the present accused in the I.T.P.

PW-11 Dr. Nazeer Ahmed Malik (Former SMLO posted at JPMC, Karachi) in his Testimony recorded at **Ex. 18** deposed that on **29.04.2018**, he was posted at JPMC, Karachi as SMLO. On the said day, at about **01:46 PM**, he had received a Police Letter with reference to FIR bearing No. **236/2018 U/s 363/511 PPC** of P.S Shah Latif Town, Karachi, FIR No. **516/2016 U/s 376 PPC** of P.S Shah Latif Town, Karachi, FIR No. **659/2017 U/s 376 PPC** of P.S Shah Latif Town, Karachi, FIR No. **34/2017 U/s 376 PPC** of P.S Sukkun, Karachi, FIR No. **390/2015 U/s 376 PPC** of P.S Quaidabad,



During General Examination, it was found that said Amjad Ali @ Zakir was adult, male of average built. Then, his clothes were changed and bath taken. Secondary Sex developed, no any abnormality seen. On Prostatic Massage, erection of Penis seen.

OPINION

In his opinion, the above said person is capable to do intercourse as present.

However, Semen was taken to prove Erection and Potency. Accordingly, he issued MLC No. **J-4211/2018**. He produced Police Letter and his MLC at **Ex. 18/A** and **Ex. 18/B** respectively and verified them to be same, correct and bearing his signatures.

In **Cross-Examination**, he affirmed that he had conducted Medical Examination in Special case No. 629/2018 of accused Amjad Ali @ Zakir. He affirmed that he had not collected a separate sample of accused Amjad with reference to Crimes bearing No. 516/2016 of P.S Shah Latif Town, Karachi, 659/2017 of P.S Shah Latif Town, Karachi, 34/2017 of P.S Sukkun, Karachi, 390/2015 of P.S Quaidabad, Karachi and 334/2017 of P.S Quaidabad, Karachi.

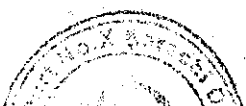
PW-12 Dr. Afzal Ahmed (SMLO, Civil Hospital, Larkana) in his Evidence recorded at **Ex. 19** deposed that on 12.04.2018, he was on duty as MLO at JPMC, Karachi. In the evening shift, on the same day, accused Amjad Ali Son of Khairat Ali, aged about 31 years was brought to him for getting his blood sample, for his DNA Test. SIP Saheb Khan of Investigation of P.S Shah Latif Town, Karachi had also given him a Letter in this regard with reference to FIR bearing No. **236/2018 U/s 363/511 PPC of P.S Shah Latif Town, Karachi**, FIR No. **516/2016 U/s 376 PPC of P.S Shah Latif Town, Karachi**, FIR No. **659/2017 U/s 376 PPC of P.S Shah Latif Town, Karachi**, FIR No. **34/2017 U/s 376 PPC of P.S Sukkun, Karachi**, FIR No. **390/2015 U/s 376 PPC of P.S Quaidabad, Karachi** and FIR No. **334/2017 U/s 376 PPC of P.S Quaidabad, Karachi** for such samples

Besides this, he also gave a Slip of sample of seal for above samples to the same Police official. He produced Police Letter, MLC and Slip of blood Sample at Ex. 19/A, Ex. 19/B and Ex. 19/C respectively and verified them to be same, correct and bearing his endorsements and signatures.

In his Cross-Examination, learned defence counsel had again put a question to this witness regarding Consent of the accused for taking his Blood Sample for DNA Test Purpose, to which, learned Prosecutrix of this Court had raised an objection by stating that no Consent is to be taken from the accused in the light of dictums laid down by the Hon'ble Apex Courts.

He affirmed that since, he had received a letter from one SIP Saheb Khan of P.S Shah Latif Town, Karachi, therefore, on his Request Letter, in all, Three (03) Samples of blood of Amjad were obtained/collected for the purpose of DNA Test. The Result of drawn Sample of blood for DNA from any person/accused could be relied for any other purpose/matching relating to said person, which is the fact of this case also. He confirmed that he had drawn blood sample of accused Amjad Ali of this case.

He denied the suggestion that Result of sample of blood drawn from a person cannot be used twice for other purpose. He also denied another suggestion that he had not drawn any blood sample of the accused Amjad Ali. Besides, he affirmed that SIP Saheb Khan had brought the accused Amjad in JPMC at 05:20 PM on 12.04.2018, who was examined by him at the same relevant time. He further stated that it took almost 20 to 30 minutes in the entire process for drawing/obtaining blood samples of the accused. He fully denied the suggestion that Documents produced by him in the shape of Ex. 19/A to Ex. 19/C are not according to law. **Similarly, he denied the suggestion that above Exhibits were prepared on the saying of Police. He again denied the suggestion that he had not drawn the blood samples of the accused in accordance with law.**



Meeting was held wherein, SSP Malir, Khalid Khan being SDPO Sachal and he were called by DIGP East. In the said Meeting, it was discussed that in Five (05) FIRs pertaining to Rapes of Victims of District Malir, a common accused is involved, which was ascertained through LUMHS, Jamshoro where, Samples were referred and sent for their Examination and Report. Thereafter, in the said Meeting, Three (03) FIRs bearing No. 34/2018 registered at P.S Sukkun, Karachi, 334/2017 of P.S Quaidabad and 659/2017 of P.S Shah Latif, Karachi registered U/s 376/34 PPC (subject case Crime, whose further investigation was already assigned to him).

After that, he visited the place of occurrence pertaining to instant FIR whereby, he found that Area People were under Fear/Terror, due to which, they were hesitant in sending their Children to Schools/Madressahs. He also visited Schools and Madressahs of the Area, so also met with Teachers where, he came to know that attendance of Children had reduced/lessened a lot, due to frequent incidents of Child Rapes at that time in the Area. Accordingly, he recorded Statements U/s 161 Cr.P.C. of Teachers and People of the locality. Due to element of fear and terror, he added/inserted Section 7 of ATA, 1997 in this case.

During the course of investigation, he having used modern techniques, via. Geo-Fencing of the Area obtained CDRs and investigated/interrogated various Suspects in the instant matter. On 07.04.2018, another Meeting was called by DIGP in pursuance of instant FIRs, wherein, DIGP got information through call that a Person had been apprehended, who had abducted a minor Girl and was taking her away for committing Rape (Zina) but, he was caught by the People of the Area on the hue and cry of Victim. The said accused was also beaten up by the Mohallah People to which, he became injured at the time of getting caught and at the time of his handing over to the Police of P.S Shah Latif, Karachi for proper arrest, wherefrom, he was referred to Jinnah Hospital, Karachi.

It was further informed to DIGP that FIR No. 236/2018



At that time, Doctor advised them not to interrogate him due to sustaining injuries. At JPMC, Karachi, he also obtained/collected Documents in the shape of MLC No. 3333/2018, dated 07.04.2018 and Emergency Slip of Jinnah Hospital as well as Blood Sample of injured Amjad @ Zakir from SIP Saheb Khan, the then I.O of FIR No. 236/2018 U/s 363/511 PPC of PS Shah Latif, Karachi. He produced Emergency Slip of Jinnah Hospital and MLC of accused at **Ex. 20/B** and **Ex. 20/C** respectively and verified them to be same and correct.

After that, they appeared before SSP office with above referred Documents and Blood Sample. The Blood Sample was then sent/referred to LUMHS, Jamshoro through ASI Abdul Rehman vide Letter of SSP. He had seen Ex. 07/B (Request Letter of SSP-Inv, Malir, Karachi addressed to LUMHS, Jamshoro) and verified it to be same and correct. Accordingly, on 09.04.2018, he received DNA Analysis Report from LUMHS, Jamshoro. He had seen such Report at Ex. 07/C and his Receiving on a Letter at Ex. 07/D and verified them to be same and correct. Following which, on 10.04.2018, SIP Saheb Khan of P.S Shah Latif, Karachi got noted through Phone that custody of accused Amjad @ Zakir had been shifted to PS Malir Cantt due to security measure and as per SIP Saheb Khan, during interrogation conducted by him, the accused Amjad @ Zakir disclosed and confessed to his guilt of committing Rapes with Five (05) minor Victims/Girls pertaining to the respective FIRs of Rape, so he was advised by him to interrogate the accused in his cases also.

He further deposed that on such information furnished by SIP Saheb Khan, he along with DSP Khalid Khan went to PS Malir Cantt vide Entry No. 22, dated 10.04.2018 at about 1150 hours. He had seen such entry at Ex. 14/B and verified it to be same and correct. At P.S Malir Cantt, he interrogated the accused Amjad @ Zakir (herein called as Amjad) in crime No. 34/2018 of P.S Sukkun, Karachi, Crime No. 334/2017 of P.S Quaidabad, Karachi and Crime No. 659/2017 of P.S Shah Latif Town, Karachi during which, he admitted his guilt for committing the above offences of

ASI Arsalan Akbar. He had seen Ex. 14/C (Memo of Re-Arrest) and verified it to be same, correct and bearing his signature including signatures of Mashirs.

After that, at about 1300 hours, he left P.S Malir Cantt, vide Rapat No. 23, which he produced at **Ex. 20/D** and verified it to be same and correct. Accordingly, on 11.04.2018, the accused Amjad was produced before the Administrative Judge of ATCs at Hon'ble High Court of Sindh at Karachi for seeking his Remand, to which, he obtained 15 days PC Remand of the accused Amjad. **On the next day, i.e. 12.04.2018, SIP Saheb Khan (I.O of FIR No. 236/2018) took the present accused to JPMC, Karachi for obtaining his "Saliva Swab" for the purpose of DNA Analysis at Punjab since, frequently such type of incidents were happening at that time in Punjab also for Matching Purpose.** In this regard, MLC No. 3536/2018, dated 12.04.2018 was issued and obtained.

Then, on 13.04.2018, he took out the custody of arrested accused Amjad @ Zakir from the Lockup of P.S Shah Latif Town, Karachi so as to interrogate him during which, he disclosed that since, the year 2003 till the year 2018, he committed Rape (Zina) with almost Nine (09) Victims in Sindh and Punjab Province.

Following which, on 23.04.2018, he along with DSP Khalid Khan arrived at P.S Shah Latif, Karachi at about 1500 hours vide Rapat No. 26 and under the same entry, the present accused was further interrogated in the FIRs during which, he voluntarily agreed to point out the Crime Scenes where, he committed Zina (Rape) with minor Victims. At that time, during further interrogation, DSP Khalid Khan had also accompanied him, who was I.O of FIRs bearing No. 516/2016 of P.S Shah Latif, Karachi and 390/2017 of P.S Quaidabad, Karachi. He produced entry No. 26 at **Ex. 20/E** and verified it to be same and correct. Accordingly, vide Rapat No. 26, he along with DSP Khalid Khan proceeded for Pointation of Crime Scene in pursuance of Crime No. 516/2016 and 659/2017 of PS, Shah Latif, Karachi (instant case crime). The accused while making pointation of the Crime scene, led

Pointation of Crime Scene in above FIRs, they returned back to P.S Shah Latif, Karachi. After which, he marked his arrival vide Rapat No. 39 and under the same entry, at 1730 hours, he again left P.S Shah Latif for proceeding to P.S Sukkun for the purpose of Pointation of Crime Scenes of other FIRs. He produced such entry at **Ex. 20/F** and verified it to be same and correct.

Thereafter, on the same day, viz. 23.04.2018, he issued Two (02) Notices U/s 160 Cr.P.C. addressed to Complainant of this case and Accused Amjad @ Zakir for Identification Test Parade of the accused Amjad through Victim. He had seen one Notice at Ex. 08/B and verified it to be same, correct and bearing his signature with endorsement and signature/receiving of Complainant. He produced Notice U/s 160 Cr.P.C served upon the accused Amjad at **Ex. 20/G** and verified it to be same and correct. Then, on 24.04.2018, he produced the custody of accused Amjad @ Zakir before the Court of learned Judicial Magistrate concerned, District Malir, Karachi and submitted his request Letter for holding of I.T.P of present accused Amjad through Victim Umm e Tayyaba in this FIR. He had seen his written Request at Ex. 17/A and verified it to be same, correct and bearing his signature with Order issued by the learned Judicial Magistrate. Accordingly, I.T.P of the accused Amjad @ Zakir was supervised/held by learned Judicial Magistrate at District Malir, Karachi through Victim Umm e Tayyaba. Following which, custody of the accused Amjad was handed over back to him by the Court. He then went back to P.S Shah Latif, Karachi, where, he sent back the accused into the Lockup of PS. After which, he went back to his office.

Then, on 26.04.2018, he produced the custody of arrested accused Amjad @ Zakir before the Administrative Judge of ATCs at Hon'ble High Court of Sindh at Karachi for seeking his PC Remand wherefrom, he obtained Five (05) Days PC Remand from the learned Court. Then, on 29.04.2018, SIP Saheb Khan (I.O of Crime No. 236/2018 U/s 363/511 PPC of P.S Shah Latif) took the accused Amjad @ Zakir from Lockup of P.S to Jinnah Hospital, Karachi for his

the accused was remanded to Jail Custody and vide entry No. 848 at 1555 hours, he handed over the custody of present accused to the Jail Administration of Central Prison, Karachi. On having sought Approval/Permission on his Report U/s 168 Cr.P.C, he submitted his Charge-Sheet against the present accused before the Court of law on 11.05.2018. **He rightly identified the present accused in Court.**

In **Cross-Examination**, he affirmed that Mother of the Victim was not cited as a Witness of this case in the Charge-Sheet since, according to the Family of the Victim, the Females of their Family are not allowed to appear in Court. **He denied the suggestion that no such incident took place near the Younus Textile Mill as he had mentioned in Ex. 08/C. Likewise, he denied the suggestion that in the present case, no blood sample of the accused was obtained by concerned Doctor and voluntarily stated that as per MLC No. 3333/2018 (Ex. 20/C), sample of the accused Amjad was obtained. He again denied the suggestion that no blood sample of the accused was taken in this case and voluntarily stated that firstly, present accused was arrested in FIR No. 236/2018 of P.S Shah Latif Town, Karachi whereby, I.O of that FIR namely SIP Saheb Khan had obtained blood sample of the accused Amjad @ Zakir S/o Khairat Ali in that particular FIR after which, they also obtained such Blood sample of the accused following which, after seeking Permission, the same was sent for DNA Analysis/Test through LUMHS, Jamshoro for Matching Purpose.** He affirmed that the Identification Test/Parade of the accused Amjad Ali @ Zakir S/o Khairat Ali was got conducted on 24.04.2018.

He denied the suggestion that prior to I.T.P of the accused Amjad, he was already shown to the Victim and his Father at P-S Shah Latif Town, Karachi. He also denied the suggestion that he had also identified the present accused in I.T.P on 24.04.2018 conducted by PW-10. He also denied the suggestion that Ex. 20/G, dated 23.04.2018 was not given to the accused Amjad Ali @ Zakir S/o Khairat Ali.



not sending their Children to Schools out of fear. Because of this, most of the Parents used to accompany their Children for dropping them to Schools and picking them from there. He affirmed that his Statement U/s 161 Cr.P.C. was also recorded by the Police in this regard at P.S Shah Latif, Karachi.

Note: This Witness was not cross-examined by the learned defence counsel albeit, full opportunity was given.

After Scrutinizing the Evidences of **14 PWs** (highlighted supra), relevant Record (R & Ps) and hearing the Arguments advanced by learned **APG** for the State, learned counsel for the Complainant and learned defence counsel, it crystal clearly transpires that the Minor Victim **Umm-e-Tayyaba {PW-05}** during her Evidence had rightly identified the present Accused in Court as to be the real culprit who had committed Zina with her on the day of Incident as reported in the instant FIR as in the instant case, the Evidence of Minor Victim is of great importance and the **Positive Identification** of the present accused by the Victim in Court fully connects him with the present case. It is Noteworthy to mention here that during Evidence Victim fully affirmed that the accused was wearing Shalwar Kameez at that time and he was also wearing waist Coat having black color.

It is also worth mentioning here that during Trial, my learned Predecessor had observed that fear and terror was evident from the face of the victim while she had identified the accused Amjad in Court during her Evidence.

In the above context, the **Mental Intelligence** of the Minor Victim was also observed at the time of her Evidence by my learned Predecessor which is reflected in her Evidence (highlighted supra) and she gave **Rational Answers** of all the Questions put to her before recording her Evidence in Court.



During Cross-Examination She fully denied that present accused Amjad did not commit Zyadti with her on the day of incident as above. She also denied the suggestion that accused present in the Court was not the same person, who had taken her away from Tandoor. She further denied the suggestion that accused had not committed the above act as described by her.

Apart from the above, during Site Inspection, the Complainant also pointed out regarding CCTV Cameras installed/available near the crime scene. In this respect, PW-09 Police Inspector (R) Muhammad Nasrullah (First I.O of this case) obtained/collected Seven (07) Photos from the CCTV Cameras of the Area wherein, as per pointation of the victim, the Person who took her on the day of incident was visible as pointed out by her. The Seven (07) Snaps of CCTV Cameras comprised on Four (04) Leaves were produced at Ex. 15/B to Ex. 15/E respectively.

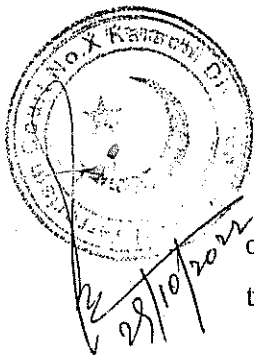
Moreover, during the course of Investigation, Victim **Umm-e-Tayyaba** also pointed out the Place of Incident where, the Incident of Rape took place and in her presence including her Father's presence, I.O had secured the Blood Stained Mud and I.O after securing it, sealed the same and sent it for **Chemical Examination**.

With reference to the above context, **Chemical Examiner's Report** was produced in Court by **PW-09 P.I (R) Muhammad Nasrullah** during his Evidence, pertaining to **off white colored Trouser, Yellow and black colored striped Frock of Victim Umm e Tayyaba, Vaginal Swab and Blood Stained Earth**. The **Result of Chemical Analysis** reveals that:-

"Human Sperm detected into the above mentioned Article No. (01). Articles No. (03) and (04) are stained with human blood."

The above referred **Positive Result** of Chemical Analysis of the Articles (Case Property) has given corroboration to the case of the Prosecution.

Without any Doubt, the Evidence of Victim is reliable and confidence inspiring as she disclosed the time, date and place of



Incident thoroughly during her Evidence which finds corroboration through Circumstantial/Further Evidence.

The Ill-fated Rape Incident as narrated and described by the Minor Victim has been further corroborated through **Medical Evidence** in the Shape of **Medico Legal Certificate** and **Final Medico-Legal Report/Opinion** of Victim as produced by **PW-01 Dr. Aiman Khursheed** during her Testimony in Court who narrated that on **23.12.2017**, at 12:00 Noon while She was posted as **WMLO** at **JPMC, Karachi ASI Shahid Ali of P.S Shah Latif Town, Karachi** brought Minor Victim Umay Tayyaba D/o Shahid Mehmood, aged 08 years with a request of her Medical Examination vide Police Letter (**Ex. 05/A**). Upon Examination of Victim, She was of the Opinion that:-

“Fresh act of sexual intercourse had been committed on the Victim. However, case was reserved for discharge card and gynae opinion.

Whereas, as per Findings of WMLO in the light of Chemical Analysis Report No. S-513/2017, Human Sperm was detected on vaginal Swab. Hence, the Medical Evidence stands parallel to the version of the Victim.

In this relevancy, I have relied upon a Case Law reported in **2017 P.Cr.L.J. 452 [Lahore (Rawalpindi Bench)]** wherein, it was held as under:-

“Sole Statement of Victim---Evidentiary value---Marks of Violence not necessary to prove rape---Statement of the Prosecutrix/victim was well corroborated with the medical history brought on record by a doctor, who had examined the victim and prepared the Medico-Legal Report---Report of the Chemical Examiner showed that sexual assault had taken place with the victim---Statement of the victim was



Besides, I have also fortified my Views from another Case Law reported in 2018 P.Cr.L.J. 1275 {Balochistan} wherein it was held as under:-

- (a) *"Facts remained that the crime had taken place in the abandoned Area, where the presence of general public or third person to witness the crime was not possible-- Prosecution had produced direct and medical evidence against the accused--Accused had failed to take any specific plea regarding false implication--Medical evidence was in line with the ocular testimony-- Prosecution had produced corroborative and confidence inspiring evidence and the defence had failed to cause any dent in the evidence of Prosecution."*
- (b) *"In presence of direct evidence supported by medical evidence, report of serologist was always deemed to be corroborative piece of evidence."*
- (c) *"Slight contradictions in the statements of witnesses who were minors--Effect--Record showed that accused remained fugitive from law for a decade--Witnesses, who were minors were not expected at the relevant time, to give tape-recorded statement after lapse of such a long period--Memories became fade after lapse of some time-- Minor or slight contradictions in the statements of such witnesses were not fatal."*
- (d) *"Evidentiary value--In case of sodomy or Zina, the solitary statement of the victim was sufficient to convict the accused."*

In yet another Case Law reported in 2020 MLD 588 {Lahore} it was held that:-

"Besides, there was no time or occasion to manipulate semen stains on victim's clothes--Clothes of victim were



victim--After short span of the incident, medical examination of the victim and accused was conducted and DNA Report was positive--Medical evidence had corroborated the evidence of the victim--Testimony of victim was cogent and credible not only due to her social background but also due to the fact that her version had been clearly corroborated by the other materials--Appeal was dismissed."

Moving forward, the Vaginal Swab, Clothes of Victim along with Blood Samples were sent for **DNA Analysis** by the I.O in the present case crime during the course of his Investigation and when the present accused was arrested, his Blood Samples were also taken, which were accordingly preserved for "Matching" purpose with Minor Victim Umm-e-Tayyaba's Profile.

In this respect, Prosecution had relied upon **PW-03 Mr. Muhammad Hussain Soomro [Forensic DNA Analyst, Focal Person of DNA Laboratory, LUMHS, Jamshoro]** who during his Testimony in Court deposed that on **26.12.2017** and **06.03.2018**, he had received case property of FIR No. 659/2017 U/s 376 PPC of P.S Shah Latif Town, Karachi District Malir, Karachi including HVS, clothes and blood sample of victim namely **Ummay Tayyaba D/o Shahid Mehmood** and parcel of blood stained soil recovered from the crime scene. **He had received above case property through Letter of SSP Investigation-II, East Zone, Karachi, dated 25.12.2017, regarding DNA Test of victim. He produced such Letter at Ex. 07/A and verified it to be same, correct.**

As per **PW-03** in this case, Male DNA Profile obtained from semen stains/sperm fraction identified on clothes of the victim Umay Tayyaba D/o Shahid Mehmood had been preserved for further matching because no any accused had been arrested nor, any sample of the accused was provided at that time. Whereas on 07th April

With reference to the above context, it is pertinent to mention here that **PW-12 Dr. Afzal Ahmed Memon, the then MLO, JPMC, Karachi** after conducting Medical Examination of the present accused drew his **Blood Sample**, which was accordingly, sealed and labelled by him and also handed over to the Police official for the purpose of **DNA Test** of the present accused in the instant case crime, vide **MLC No. J-3536/2018**.

More Importantly, as per the Result of PW-03 {Forensic DNA Analyst} the above preserved Male DNA Profile found on clothes of victim namely Umay Tayyaba D/o Shahid Mehmood shares the required Alleles with the DNA Profile obtained from blood sample of Accused Amjad Ali S/o Khairat Ali.

Accordingly, **PW-03** had issued such **DNA Test Report** bearing No. 226/2018 dated 09.04.2018 (**Ex. 07/C**). Thereafter, such DNA Report and case property were handed over to I.O of this case namely DSP Ali Hassan Shaikh vide Letter No. 226/2018, dated 14.01.2020 (**Ex. 07/D**).

The Perusal of the **Conclusion** of such DNA Test Report further reveals that:-

“The DNA Profile obtained from Item: 1.0 [Blood sample of accused Amjad Ali @ Zakir] shares the required alleles with the male DNA Profile obtained from the evidences of Five (05) sexual assault cases mentioned as above.”. Moreover, as per Conclusion of DNA Analysts of LUMHS, Jamshoro, “Mr. Amjad Ali S/o Khairat Ali. (Item 1.0) {Present Accused herein} is the contributor of Male DNA/Sperm fractions identified on all the mentioned above evidences of sexual assault case of District Malir, Karachi.”

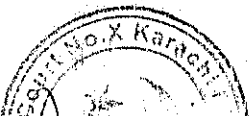
The above highlighted **DNA Test Result** of the present



I.O confirmed that DNA Profile obtained from Swab Sample of Victim matched with DNA Profile obtained from Sample of Accused. Nobody had witnessed the occurrence but strong circumstantial evidence was available which led to the conclusion that it was accused who had committed the crime. No plausible explanation was furnished to establish that the Complainant had involved the accused in commission of alleged offence on account of ill-will or enmity or for any ulterior motives. Prosecution had succeeded in Proving its case beyond reasonable doubt against accused. High Court declined to interfere in conviction and sentence awarded to accused by trial court. Appeal was dismissed in circumstances."

Furthermore, Complainant **PW-04 Shahid Mehmood** during his Evidence in Court gave full corroboration to the Victim's version being her Father which inspires confidence and stated that after the ill-fated Incident with her Minor Daughter (Victim), he along with her (victim) and his wife namely Mst. Sumaira Yasmeen went to P.S Shah Latif Town, Karachi where, ASI Saleem accompanied them to JPMC, Karachi in Gynae Ward for medical examination of their daughter. He had affirmed that the Police also recorded his Statement U/s 154 Cr.P.C. at Gynae Ward.

Following which, Complainant's daughter was referred for Medical Examination in the Gynae Ward. The concerned Lady Doctor present in the Gynae Ward also obtained his sanction/permission of medical examination of his daughter, which permission was duly given. Thereafter, medical examination of victim was conducted after which, blood stained clothes of Complainant's daughter were also handed over by the WMLO to the Police officer concerned. Thereafter, FIR of this incident was lodged in light of his Statement U/s 154 Cr.P.C. He also verified the MLC of his daughter (Ex. 05/B) issued by WMLO as to be same, correct and bearing his signature.



(Victim) in Court for the purpose of Identification of the Accused during I.T.P, whereby, the Victim rightly identified the present accused in Court as to be Actual Culprit who had committed Rape with her. It is worth mentioning here that Complainant was subjected to lengthy cross-examination by the learned defence counsel however, Nothing came out from his Mouth, which could favor to the present accused and this Evidence furnished by the Complainant is further corroborated by the Evidence of learned Judicial Magistrate whereby, on 24.04.2018, during **Identification Test Parade** held/supervised by **PW-10 Mr. Azhar Ali Kalhoro**, the then learned Xth Civil Judge/Judicial Magistrate, Malir, Karachi as well as Link Judge of Judicial Magistrate's Court No. IXth, Malir, Karachi Victim **Umm-e-Tayyaba D/o Shahid Mehmood** rightly pointed out and identified the present accused amongst the row of Dummies as to be the real culprit who had committed Zina with her and during such I.T.P, she also described his Role in the commission of instant offence in detail and such Memo of I.T.P of present accused was also prepared by the then learned Judicial Magistrate, which he had produced in Court at **Ex. 17/B.**

Another Important Aspect of the Prosecution's case is that on 02.03.2018, a Meeting was held wherein, SSP Malir, Khalid Khan being SDPO Sachal and Final I.O. of this case namely **PW-13 DSP Ali Hassan Shaikh** were called by DIGP East. In the said Meeting, it was discussed that in Five (05) FIRs pertaining to Rapes of Victims of District Malir, a common accused is involved, which was ascertained through LUMHS, Jamshoro where, Samples were referred and sent for their Examination and Report.

Following which, on 07.04.2018, another Meeting was called by DIGP in pursuance of instant FIR and similar cases of Rapes, wherein, DIGP got information through call that a Person had been apprehended, who had abducted a minor Girl and was taking her away for committing Rape (Zina) but, he was caught by



Moreover, during such Meeting, it was further informed to DIGP that FIR No. 236/2018 U/s 363/511 PPC at P.S Shah Latif, Karachi was also registered against the said apprehended accused. Accordingly, in the said Meeting, Final I.O of this case DSP Ali Hassan Shaikh and DSP Khalid Khan (I.O of other Rape Cases) were directed by DIGP to go to Jinnah Hospital, Karachi so as to interrogate the said apprehended accused.

Thereafter, upon reaching at Jinnah Hospital, Karachi Final I.O of this case and DSP Khalid Khan (I.O of other Rape Cases) found an Accused over there, who was lying in injured condition. On query, said Person disclosed his identity as to be Amjad @ Zakir S/o Khairat Ali (Present Accused herein). At that time, Doctor advised them not to interrogate him due to sustaining injuries. At JPMC, Karachi, Final I.O of this Case had also obtained/collected Documents in the shape of MLC No. 3333/2018, dated 07.04.2018 and Emergency Slip of Jinnah Hospital as well as Blood Sample of injured accused namely Amjad @ Zakir from SIP Saheb Khan, the then I.O of FIR No. 236/2018 U/s 363/511 PPC of PS Shah Latif, Karachi.

Subsequently, on the Information furnished by **SIP Saheb Khan**, on 10.04.2018, at **1300 hours** Final I.O/DSP **Ali Hassan Shaikh** went to P.S Malir Cantt, Karachi vide Entry No. **22**, where inside the Room of Duty Officer of **P.S Malir Cantt, Karachi**, present Accused being already arrested in Case Crime No. **236/2018** of **P.S Shah Latif, Karachi** was **Re-Arrested** in the present case by Final I.O **DSP/I.O Ali Hassan Shaikh** under a Fard of Re-Arrest in presence of Mashirs upon disclosure and admission of present Accused for committing the instant offence of Zina with the Minor Victim.

Thereafter, on 23.04.2018, at **1700 hours**, present Accused voluntarily led the Police party headed by **DSP/IO Ali Hassan Shaikh** and pointed out the Place of committing Zina with the minor Victim **Umm-e-Tayyaba D/o Shahid Mehmood** and such Fard of



“Present Accused is capable to do intercourse as present and He is potent in normal course of life.”

From the above highlighted Facts and circumstances of the case in hand, it is crystal clearly Evident that present Accused is Involved in Five Cases including present Case of same Nature and his DNA Profile has matched with Five Samples taken from Victims being Minor Girls which includes the Victim of this case. This Prima Facie shows that such type of Heinous Offences are increasing day by day.

In the present case, Minor Victim Umm-e-Tayyaba was a Student of Second Standard in Nishan e Hyder School at the Time of reported Incident and after this Incident, she became mentally and physically affected and while deposing in Court, my learned Predecessor observed Fear and Terror being evident on the Face of Victim while she had identified the present Accused in Court during her Evidence.

Besides, it is also apparent from the perusal of Evidence led by the Prosecution that Parents do not take care about their Children and it was observed that Time is a very Crucial Essence in such Type of Heinous offences. It is further emphasized here that in the Month of December, i.e. **22.12.2017**, during Evening Hours viz. **06:00/06:30 PM** and in the Month of **December**, there was Darkness as per Depositions of PWs but even then, Minor Victim was sent to bring Roti from Tandoor by her Mother.

Apart from the Evidences of Minor Victim and Complainant, the Prosecution has also relied upon other Circumstantial Evidence in the Shape of Testimonies of **Two Independent/Private Witnesses** viz. **Local Residents** of the Area, in order to strengthen its Version.



Fajar, he came to know about the incident with his Student namely Umm e Tayyaba Daughter of Muhammad Shahid, who had been Raped behind Madina Masjid, situated at Railway Phattak whereby, a Government School is also situated.

The most significant Aspect of the Evidence furnished by this Witness is that after the above rape incident, a wave of panic, terror and fear spread, which is still existed due to which, other Girls are hesitant to attend his School. In those days, another incident of similar nature had also occurred in jurisdiction of PS Sukkun, Karachi, so also similar incident also occurred within jurisdiction of P.S Quaidabad, Karachi. As he is a Chairman of Bain ul Masalik, Ulma Committee of Karachi, therefore, he come to know about such activities through such sources. Accordingly, this Witness requested the Court to provide Justice in this case.

So far as Evidence of PW-14 Aziz Ullah recorded at Ex. 21 is concerned, he narrated that in between the year 2014 to 2019, Rapes (Zina) were being committed with minor girls/victims and would be murdered in Area of Malir. Some of the victims of Rape would survive also out of rape incident. There was fear, terror and panic prevailing in the minds of Area People due to which, they were not sending their Children to Schools out of fear. Because of this, most of the Parents used to accompany their Children for dropping them to Schools and picking them from there.

The above highlighted Testimonies of Two Local Residents of the Area also find corroboration from the Evidence furnished by PW-13 DSP Ali Hassan Shaikh (Final I.O of this case) as per whom, during the course of Investigation, he had visited the place of occurrence pertaining to instant FIR whereby, he found that Area People were under Fear/Terror, due to which, they were hesitant in sending their Children to Schools/Madressahs. He also visited



While going through the Facts and Evidence, It transpires and observed that these Types of Atrocious Crimes are increasing day by day and upon reading Newspapers, we find that such Incidents are very frequently occurring in every corner of our Country and to Curb such Ghastly Incidents, Police and other Authorities would have frame Policies and in my Suggestion, Awareness is to be necessarily given in Schools, Masajid and more specifically to the Parents of Minor Children that they should Never send their Innocent Children Anywhere outside their Homes at odd Hours of Night that too, all alone for any Purpose whatsoever and it is also needed to be emphasized here that Parents should strictly forbid their Children to take Anything from Strangers.

However, it is very astonishing to note here that Police had not taken serious Efforts even after lodging of instant FIR to trace out and Arrest the Perpetrator of such Gruesome Offence of Rape and First I.O of this case namely PW-09 Police Inspector (R) Muhammad Nasrullah after obtaining Permission from his high ups had submitted his Challan as untraceable accused under A-Class. This shows that the Perpetrator of such Heinous offences was roaming freely in the Area and was not nabbed by the Police promptly, which raises question on the Efficiency of Police as no serious/hectic Efforts were shown to have been taken in this regard albeit, Panic and Fear prevailed in the Area and People were reluctant to send their Minor Children to Schools and Madressahs.

On the contrary, as per Record, on 07.04.2018, in another Meeting called by DIGP in pursuance of instant FIR and other case crimes, DIGP got information through call that a Person had been apprehended, who had abducted a minor Girl and was taking her away for committing Rape (Zina) but, he was caught red handed by the People of the Area on the hue and cry of Victim. The said accused was also beaten up by the Mohallah



Yasmeen was not cited as Witness by the I.O, I am of the view that the contents of instant FIR, Evidence of Complainant so also Evidence of the Minor Victim namely Umm-e-Tayyaba prima facie show that at 06:00 PM, Mother of Minor Victim told her for purchasing Roti from Hotel and Father of the Victim (Complainant) deposed in his Evidence that his Wife further informed that at 06:30 PM, their Daughter (Victim) had returned back to the House and She was crying and his wife also Noticed that their Daughter's Clothes were stained with blood. The Mother of Victim Umm-e-Tayyaba had informed the Incident to her Husband and also went to the Hospital with Baby Umm-e-Tayyaba along with her Husband. In this regard, Final I.O of this case namely **PW-13 DSP Ali Hassan Shaikh** (Examined at **Ex. 20**) deposed that Mother of the Victim was not cited as a Witness of this case in the Charge-Sheet since, according to the Family of the Victim, the Females of their Family are not allowed to appear in Court but, in the present case, the Father of the Victim Umm-e-Tayyaba to whom her Mother had informed the entire Incident became a Complainant in this case and he was also cited as a Mashir of Memo of Pointation of Place of Incident and duly lodged the instant FIR and he fully deposed the Material Facts of the Prosecution case during his Evidence in Court.

In the above context, I have relied upon a Case Law reported in **2015 YLR 249** wherein, it was held that:-

Testimony of Child Witness, which was straightforward, reliable and confidence inspiring could not be thrown away, merely on the ground that he was solitary witness of the incident, when the law permitted a Fact to be proved through the statement of single witness, there was no reason or logic to call more witness than one. Conviction could be awarded on the basis of solitary statement and sentence recorded by trial court against accused was maintained in circumstances.

circumstantial and Medical Evidence. Evidence of a Child Witness, in circumstances would require corroboration and could not in Isolation be basis of any conviction."

Here, in the present case, Minor Victim **Umm-e-Tayyaba** (aged 08 Years) intelligently gave Rational Answers of all the Questions put to her during her Evidence. The Victim is a School going Child studying in Second Standard and her Evidence appears to be fully Reliable and during her Evidence, she confidently narrated the Incident before Court. She was also subjected to Cross-Examination by the learned defence counsel but, she remained firm on her stance and Nothing was brought out on Record which could favor the present accused. Furthermore, the Ill-fated Rape Incident as narrated and described by the Minor Victim is being fully corroborated through **Medical Evidence** and **DNA Test Result** (highlighted supra).

Besides, the Complainant being Father of Minor Victim also gave full corroboration to the version furnished by the Victim by narrating all the Material Details pertaining to the Incident. In addition to the Evidences of Minor Victim, Medical Evidence and Testimony of Complainant, the Prosecution has also relied upon other Circumstantial Evidence in the Shape of Testimonies of **Two Independent/Private Witnesses** viz. **Local Residents** of the Area, in order to strengthen its Version and their Testimonies have already been discussed/highlighted supra wherein, they fully confirmed the Incident of Rape with Minor Victim and also specified that due to such Incident, there was fear, terror and panic prevailing in the minds of Area People and resultantly, they were not sending their Children to Schools out of fear and most of the Parents used to accompany their Children for dropping them to Schools and picking them from there and in those days, another incident of similar nature had also occurred in jurisdiction of PS Sukkun, Karachi, so also similar incident also occurred within jurisdiction of P.S Quaidabad, Karachi.



accused after which, he took her to the nearby Bushes (Jharian) and committed Rape with her.

During Arguments, the learned defence counsel contended that as per Evidence of Victim, She made hue and cry. Perusal of Evidence furnished by the Victim depicts that at the time of ill-fated Incident, She made hue and cry but, Nobody came forward.

As per the Prosecution Evidence, the Place of Incident is a deserted place which is usually used for passing Urine and other such Conveniences and the Place of Incident was covered with Bushes at that relevant time. Moreover, at the place of incident, towards southern side, the Wall of Younis Textile Mills is situated whereas, towards Northern side at that time, Jamia Masjid Madina was under construction whereas, towards Eastern and Western side, the Railway Track is situated. In this context, the Photographs taken by the I.O also depict that Bushes were available there and Crime Scene appears to be a deserted Place. Therefore, due to hue and cry made by the Victim at the time of commission of Rape by the Accused at 06:00 PM that too in the Month of December, Nobody got attracted and the Accused committed Zina/Rape with her.

During the Arguments, learned defence counsel had also raised the contention that it was admitted by the WMLO that No Marks of Violence were seen on any part of the Victim's Body. As per learned defence counsel, WMLO also admitted that in the first column of P/A (Per Abductee) No Marks of Violence, which according to the learned damaged the case of Prosecution.

Moreover, it was also asserted by the learned defence counsel that consent of the present accused was not taken in respect of conducting his DNA Test and obtaining his Blood Sample.

In this relevancy, perusal of Medico-Legal Certificates



Perusal of Evidence further depicts that Minor Girl aged about 08 Years was feeble and She being a Victim could not even put up any Resistance at the time of commission of Rape with her by the present Accused.

With reference to the above context, I sought guidance from a Case Law reported in **2018 MLD 1164** {Sindh} wherein, it was held as under:-

(b) "Sole Statement of Victim---Evidentiary Value---Marks of violence not necessary to prove Rape---In the present case, though DNA Test was not conducted to establish nexus with the sperm found, but the solitary statement of Victim, which was confidence inspiring was sufficient to award conviction---Circumstances established that accused committed rape with the complainant---Appeal against conviction was dismissed in circumstances."

(d) "S. 376---Rape---Appreciation of evidence---No sign of violence---Allegation against the accused was that he committed rape with the complainant---Defence had alleged that no signs of violence were noticed on the victim and as such a case of rape was not made out---Validity---Mere absence of injuries on the body of a victim of rape was not enough proof of the crime not having been committed---Rape could be committed without injuries by putting a victim under fear."

Hence, keeping in view the above referred Dictums laid down by the Hon'ble Apex Court, the Objections raised by the learned defence counsel as regards to No Marks of Violence on any part of the Victim's Body causing damage to the case of the Prosecution, have become devoid of any force.

So far as the contention raised by the learned defence



Hence, keeping in view the above referred Dictum laid down by the Hon'ble Apex Court, the Objections raised by the learned defence counsel as regards to consent of the present accused not been taken in respect of conducting his DNA Test and obtaining his Blood Sample, have become devoid of any force.

Besides, as per further contention of learned defence counsel, Tandoor Wala was not cited as Witness in this case. In this regard, Complainant in his Cross-Examination stated that he had asked regarding his daughter from Tandoor Wala but, he did not know her/see her and further stated that he had not asked the question as to whether, anybody had witnessed the incident and voluntarily stated that his daughter was not in such a condition at that time. Moreover, the Victim **Umm-e-Tayyaba** also stated in her Evidence before the Court that there are other Houses near the Tandoor and as per Victim, on the said day, She had not purchased any Roti from Tandoor. This piece of Evidence prima facie shows that Minor Victim could not reach at Tandoor Wala and admittedly, she did not purchase Roti therefore, Tandoor Wala had no knowledge in this regard since, he did not know/see Victim on said day hence, he was not cited as Witness in this case.

It is Noteworthy to mention here that in such Types of Cases i.e. Rape of Minor Girls [376 PPC], the Evidence of Victim/Girl is of great importance. In the present case, Minor Girl/Victim **Umm-e-Tayyaba** disclosed the Incident with Time, Date and Place which fully confirms that such ill-fated Incident had happened. Furthermore, Victim rightly identified the present accused during I.T.P. and also positively identified the present accused before this Court during her Evidence and it was specified by the Victim that at the time of Incident, the present accused was wearing Shalwar Kameez with black Waist Coat and more importantly, Victim also rightly identified the present accused through Pictures obtained through CCTV Cameras. Hence, Statement of Victim is reliable and confidence inspiring. In this



"Version of the Victim corroborated with the evidence of Medico Legal Report that she has been subjected to fresh act of sexual intercourse. Charge proved without any shadow of doubt."

In the present case, the version of Minor Victim appears to be crystal clearly reliable and confidence inspiring which finds corroboration from Medical Evidence since, as per Opinion of WMLO, Fresh Act of Sexual Intercourse had been committed on the Victim and her Clothes viz. Off-White colored Trouser, Yellow and Black Stripped Frock were sealed for Chemical Analysis and for DNA Analysis, so also Vaginal Swab including Blood stained Clothes were taken, the Report of which is Positive including Positive **DNA Test Report** (highlighted Supra).

Besides, I have placed reliance upon another Judgment wherein **Hon'ble Apex Court** upheld the Conviction and it was held that:-

"The solitary statement of Victim is sufficient for conviction of accused under Tazir, if it is inspired confidence and found necessary corroboration from an Independent source. In the present case, besides unexplained extremely long abscondence of accused, independent corroboration of testimony of the victim is abundantly available on record. Nothing is to doubt the veracity of deposition made by the Prosecution Witnesses. Alleged contradictions are very minor in nature and does not affect the main case in any way."

[Reliance is placed upon Case Law reported in 2014 P.Cr.L.J. 1280]

Here, in the present case, Minor Girl **Umm-e-Tayyaba** is the Victim and she is solitary Eye Witness, who also positively/rightly identified the present accused before Court and during I.T.P. and

pertaining to this case were produced by relevant PWs in Shape of **Attested Photostat Copies** since, the original Documents of such Attested Photostat Copies had already been produced during Evidence in a similar Rape case against the present accused pending before this Court viz. Special Case No. 629 of 2018 and in all, there are **Five Cases** pending before this Court against the present accused including present case involving Rape of Minor Girls. It is worth mentioning here that during Evidence, learned defence counsel did not raise any Objection regarding production of Attested Photostat Copies of the relevant Documents instead of original ones due to the Reason referred to above, however during Arguments, he raised such Objection at belated stage, which is devoid of any force.

Apart from the above, Testimony furnished by **PW-13 DSP Ali Hassan Shaikh** (Final I.O) transpires that on 08.02.2018, he was posted as DSP, District Malir in Investigation Wing and on the said day, he received a Letter from SSP Malir, Karachi, whereby, he was assigned further investigation of Crime No. 659/2017 U/s 376 PPC R/w 7 ATA, 1997 (instant Case). Thereafter, on 02.03.2018, a Meeting was held, wherein, SSP Malir, Khalid Khan being SDPO Sachal and He (PW-13) were called by DIGP East. In the said Meeting, it was discussed that in Five (05) FIRs pertaining to Rapes of Victims of District Malir, a common accused is involved, which was ascertained through LUMHS, Jamshoro, where, Samples were referred and sent for their Examination and Report. In the said Meeting, Three (03) FIRs bearing No. 34/2018 registered at P.S Sukkun, Karachi, 334/2017 of P.S Quaidabad and 659/2017 of P.S Shah Latif, Karachi registered U/s 376/34 PPC (subject case Crime, whose further investigation was already assigned to him) were entrusted to him for Investigation purpose.

Besides, as per Final I.O of this Case, on 07.04.2018, another Meeting was called by DIGP in pursuance of instant FIRs, wherein, DIGP got information through call that a Person had been apprehended, who had abducted a minor Girl and was taking her



registered against the said apprehended accused (which is Not Pending before this Court). Accordingly, in the said Meeting, **PW-13 DSP Ali Hassan Shaikh** (Final I.O of this case) and DSP Khalid Khan were directed by DIGP to go to Jinnah Hospital, Karachi so as to interrogate the said apprehended accused. On reaching at Jinnah Hospital, Karachi, They found an Accused over there, who was lying in injured condition. On query, said Person disclosed his identity as to be Amjad @ Zakir S/o Khairat Ali. At that time, Doctor advised them not to interrogate him due to sustaining injuries.

More Importantly, at JPMC, Karachi **PW-13 DSP Ali Hassan Shaikh** (Final I.O of this case) also obtained/collected Documents in the shape of Photocopies of MLC No. 3333/2018, dated 07.04.2018 and Emergency Slip of Jinnah Hospital as well as Blood Sample of injured Amjad @ Zakir from **SIP Saheb Khan**, the then I.O of FIR No. 236/2018 U/s 363/511 PPC of PS Shah Latif, Karachi (which is Not Pending before this Court). Due to this Reason, **PW-13** had produced Photocopies of Emergency Slip of Jinnah Hospital and MLC of accused at Ex. 20/B and Ex. 20/C respectively and verified them to be same and correct.

Following which, on 10.04.2018, SIP Saheb Khan of P.S Shah Latif, Karachi got noted through Phone that custody of accused Amjad @ Zakir had been shifted to PS Malir Cantt, due to security measure and as per SIP Saheb Khan, during interrogation conducted by him, the accused Amjad @ Zakir disclosed and confessed to his guilt of committing Rapes with Five (05) minor Victims/Girls, pertaining to the respective FIRs of Rape, so DSP Ali Hassan Shaikh was advised by him to interrogate the accused in his cases also. On such information furnished by SIP Saheb Khan, DSP Ali Hassan Shaikh along with DSP Khalid Khan went to PS Malir Cantt, vide Entry No. 22, dated 10.04.2018 at about 1150 hours. He had seen such entry at Ex. 14/B and verified it to be same and correct. At P.S Malir Cantt, Final I.O of this case interrogated the accused Amjad @



Cantt having been arrested in case crime No. 236/2018 U/s 363/511 PPC of P.S Shah Latif, Karachi therefore, He had re-arrested the present accused in Crime No. 34/2018 at P.S Sukkun, Karachi, Crime No. 334/2017 of P.S Quaidabad, Karachi and Crime No. 659/2017 of P.S Shah Latif Town, Karachi under a Fard of Re-Arrest in presence of Witnesses/Mashirs namely **SIP Saheb Khan** and **ASI Arsalan Akbar (PW-08)** in this case). He had seen **Ex. 14/C** (Photocopy of Memo of Re-Arrest) and verified it to be same, correct and bearing his signature including signatures of Mashirs. Whereas, the Original Memo of Re-Arrest of the present Accused is available in Special Case No. 629 of 2018 (FIR No. 34/2018 U/s 376 PPC R/w 7 ATA, 1997 of P.S Sukkun, Karachi) which was produced at **Ex. 11/C**.

The Evidence furnished by **PW-13 DSP Ali Hassan Shaikh** (Final I.O of this case) further transpires that on **29.04.2018**, **SIP Saheb Khan (I.O of Crime No. 236/2018 U/s 363/511 PPC of P.S Shah Latif)** took the accused Amjad @ Zakir from Lockup of P.S to Jinnah Hospital, Karachi for his Potency Test. Accordingly, vide MLC No. J-4211/2018, Potency Test of the accused Amjad @ Zakir in this FIR was conducted by concerned MLO, JPMC, Karachi and the Copy of the subject MLC was also obtained by PW-13 DSP Ali Hassan Shaikh (Final I.O of this case) from SIP Saheb Khan. He had seen such MLC at Ex. 18/B and verified it to be same and correct.

Viewing to the above discussed Facts and Circumstances, Attested Photostat Copies of some Documents were relied upon and produced in this case by the Prosecution since, Original Documents had already been produced in Special Case No. 629 of 2018 (FIR No. 34/2018 U/s 376 PPC R/w 7 ATA, 1997 of P.S Sukkun, Karachi) pending before this Court against the present accused.

In the above context, I have fortified my views from a Case Law reported in **PLD 2016 13 and 8, 2005 SCMR 152** wherein, it was



In yet another Case Law reported in 2004 SCMR 1777 it was held that:-

“Document exhibited in Evidence without Objection, admissibility cannot be denied.”

Photocopy of National Identity Card brought without Objection presumed to be true.

[Reliance in this regard is placed upon 1991 CLC 1774 and 1988 SCMR 753]

Besides, I have also sought guidance from yet another Case Law reported in PLD 2002 Peshawar I wherein, it was held that:-

“No secondary evidence could be produced unless allowed by the Court--Where entry on the stamp paper was non-existent in the register of the stamp vendor produced in the Trial Court and it was not proved that the Court had allowed to produce the secondary evidence.”

But, in this case, from the Evidence furnished by Final I.O of this case namely PW-13 DSP Ali Hassan Shaikh, it has come on record that Original Copies are lying in Case No. 236/2018 of P.S Shah Latif Town, Karachi.

Another Noteworthy aspect of the present case is that during Site Inspection, the Complainant also pointed out regarding CCTV Cameras installed/available near the crime scene. Accordingly, I.O of this case took Seven (07) Photos from the CCTV Cameras of the Area wherein, as per pointation of the victim, the Person who took her on the day of incident was visible as pointed out by her. The I.O had produced Seven (07) Snaps of CCTV Cameras comprised on Four (04)



In this relevancy, it is worth mentioning here that as per Article 164 of **The Qanoon-e-Shahadat Order, 1984** Photographs and CCTV Footages/Photos are admissible in Evidence due to modern Techniques/Devices, which cannot be discarded. Hence, the Photographs collected during Investigation and brought on record during Evidence have great Importance. In this regard, I would like to refer to one of the Chapter of the Book authored by **BR Sharma** Revised by **Mohammad Mumtaz Faridi** wherein, it is emphasized that:-

“Visuals are more effective than oral descriptions. It is said that one Picture may describe a scene better than a thousand words.”

Besides, it is further quoted that:

“It is rather rare for the Judges, the Jury and the Lawyers to visit the scene of occurrence. Proper photographs bring the scene in the Court. They depict the scene far better than the verbal or written description of the scene.”

Apart from the above, during Arguments, learned defence counsel also raised an objection that I.T.P of the present accused was held in this case with 14 days delay, creating doubt since, he was arrested in this case on 10.04.2018, whereas, the I.T.P. of the accused through Minor Victim was conducted by the learned Judicial Magistrate on 24.04.2018. Furthermore, learned defence counsel was also of the view that I.T.P. of the accused was not conducted in accordance with Law.

In this respect, I have sought guidance from a Case Law reported in **PLD 2001 Supreme Court 398**, wherein, it was held that:-

*“---Art. 22---Identification parade---Delay, in holding of--
More long interval in holding identification test/parade or*



counsel as regards to holding of I.T.P. of the present accused have become devoid of any force.

It is also Noteworthy to discuss/highlight here that the present accused was arrested on 07.04.2018 and his Blood Sample for the purpose of DNA Test was taken on 12.04.2018, by MLO, JPMC, Karachi and when DNA Test was concluded as Positive, then the present accused was produced by the I.O before the learned Judicial Magistrate for his I.T.P. through Minor Victim. Hence, such Delay in holding the I.T.P. of the present accused is Neither intentional Nor deliberate and as such, Not Fatal for the case of the Prosecution.

As far as Defence Version is concerned, while recording his Statement U/s 342 Cr.P.C, in all, 14 Detailed Questions were put to the present accused pertaining to the entire Evidence led by the Prosecution, in Reply to which, he simply *denied* those Questions by regarding them as to be **Incorrect** in an Evasive Manner (which are Reflected in the contents of Statement of Accused U/s 342 Cr.P.C.). More importantly, in Reply to Last **Question No. 14** as to whether he wanted to say anything else, the present accused stated that he was Arrested by **Ali Hassan Shaikh** (I.O of this case) on **07.04.2018**, at **01:00 PM** from the **Road near Bhains Colony, Karachi** while he was going for sending an **Amount of Rs. 40,000/-** to his **Brother in Punjab**. As per the version of the present accused, at that relevant time, he had his **ATM Card, CNIC, Cheque Book of MCB and Other Articles**, which were taken by the Police. It was further claim of the present accused that after interrogating him, Police (I.O DSP Ali Hassan Shaikh) had taken him in custody and he was locked up at P.S Shah Latif Town, Karachi and thereafter, he was fixed in this case. He claimed to be an Innocent and prayed for Justice.

Regarding the above Defence Version, it is pertinent to mention here that **PW-13 DSP Ali Hassan Shaikh** (Final I.O of this



Furthermore, on perusing the contents of **Memo of Re-Arrest** of the present accused in this case (Ex. 14/C), it transpires that **Nothing** was recovered from the possession of the present accused at the time of his Arrest and Personal Search. **This Contradicts and Negates the version of the present accused regarding possession of above referred Articles at the time of his Arrest.**

With reference to the above context, it is also Noteworthy to mention here that present accused in his Statement U/s 342 Cr.P.C. made verbal Assertions regarding his False Implication in this case by I.O but, he failed to produce any Solid/Tangible Evidence in the shape of ocular Account or Documentary Proof. The Record is found totally silent as to whether any Application or C.P. was filed by the Family of the present accused regarding his alleged Arrest by Police or his false implication in this case. It is surprising to Note here that the present accused in order to prove his Innocence, Neither examined him on Oath Nor even bothered to produce a Single Witness in his Defence, who could give corroboration to the version furnished by the present accused.

It is also pertinent to mention here that no any Verifiable Plea of Alibi has been suggested or brought on record by the Defence Side, which could reflect that present accused was not available at the Crime Scene at the relevant Date and Time as reflected in the instant FIR. Hence, mere verbal Assertions made by the present accused regarding his so called Arrest and False Implication in this case by the Police is not sufficient enough to discard the Case of Prosecution which is being fully corroborated through Strong and Tangible Evidence in the Shape of Victim's Testimony, Medical Evidence, Positive DNA Report and other strong Circumstantial Evidence.

Now, it is substantial to discuss and highlight here the conduct and behavior of the Present Accused, which is crystal clearly reflected from the contents of **Interrogation Report** available on the



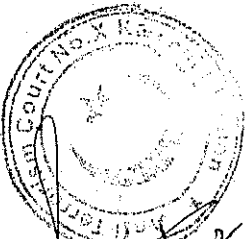
2. In the year 2013, Second Rape was committed by the present accused with an Innocent Minor Girl in the Area of Mubina Town, Karachi for which, he again went to Jail.
3. In the year 2015, on Sunday in morning time, the present accused committed Third Rape with another Innocent Minor Girl.
4. In the year 2016 it was Sunday, when the present accused committed Fourth Rape with 07/08 years old Minor Girl after alluring her in the Area of Shah Latif Town, Karachi.
5. In the year 2017 in the Month of June/July it was Friday, when the present accused committed Fifth Rape with another Innocent Minor Girl aged 06/07 years in the Area of Nipa Chowrangi, Karachi.
6. Furthermore, in the Month of December, 2017 the present accused committed Sixth Rape with another Minor Girl aged 06/07 years within the Area of Sherpao Colony, Lala Abad Road after alluring her.
7. Then, again in the Month of December, 2017 the present accused committed Seventh Rape with another Minor Girl aged 07/08 years within the Area of Zafar Town, Karachi after alluring her.
8. Whereas, in the month of February, 2018 on Friday, at Bhens Colony, Factory Zone, Karachi present accused committed Eighth Rape with another Minor Girl.

Viewing to the above highlighted Facts and Figures, it is apparent that in order to commit such heinous acts with Innocent Minor Girls he used to allure them on the pretext of offering Things to his Victims for which, the present accused mostly chooses **Friday/Sunday** and after taking Minor Innocent Girls to Isolate/Deserted Places particularly Bushy Areas, he forcibly commits Zina with Innocent Minor Girls, after which, he runs away and conceals himself.

getting caught and he was referred to Jinnah Hospital, Karachi and in this regard, the Medical Evidence is on the Record.

Without any Doubt, it is crystal clear that present accused is a Habitual Offender or to be more specific, he is a **PREDATOR** (**Shikari**) who had been alluring Minor Innocent Girls (Victims) and had been forcibly committing Rape with them since, the year **2007** in **Sindh** and **Punjab** Provinces (which has been established through DNA Test Result/Analysis) and to my utter Surprise, it is quite Shocking that even after committing Several Rapes with Minor Girls, he had been moving Freely without any Fear of getting Caught/Punished and still, he had the Audacity to commit more of such Heinous Crimes. This again raises a Big Question on the Efficiency and Competence of Police Force/Law Enforcement Agencies (which have already been highlighted in the Preceding Paras). Nevertheless, viewing to the conduct and behavior of the present accused, he does not deserve any kind of Clemency since, he is a habitual offender and a Precarious PREDATOR and in this regard, an Accused cannot claim benefits of any exception in his defence through reticent imputations alone; he is required to positively discharge onus, cast upon him in terms of **Article 121 of The Qanoon-e-Shahadat Order, 1984**. Reliance in this regard is placed upon the cases of **Muhammad Raheel alias Shafique v. The State (PLD 2015 SC 145)** as well as **Malik Muhammad Mumtaz Qadri v. The State (PLD 2016 SC 17)** wherein Parameters have been laid down for an accused claiming benefit/protection of any of the exceptions available under the law; however, it has nowhere been accused's case Nor, he ever opted to produce any Evidence either in disproof of the Charge or to Prosecute the plea of exception; totality of circumstances do not admit any such hypothesis as well.

Moreso, Conviction could well be recorded on Sole Evidence of the Victim in such like cases because normally the guilty mind would never prefer a place visible to naked eye or where the

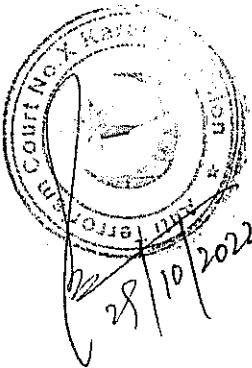


present accused had narrated the Facts in the detailed manner and again for the Second time, She corroborated her own version during recording her Evidence before this Court, which shows the sanctity of the Evidence regarding the offence of Rape. Besides, all the Prosecution Witnesses have fully supported the Prosecution Version in totality, without any material contradiction or exaggeration in their Evidences and there is no any discrepancy found on the part of the Prosecution. -

Admittedly, in the present case, there is no dispute regarding date, time, place of incident, Role and Conduct of present accused against the victim, therefore, it has been established that Prosecution has discharged its burden successfully. Circumstances have prima facie established that all the Witnesses are natural, confidence inspiring and sufficient to connect the present accused with commission of instant offence as reported in the FIR by the Complainant.

Unfortunately, we are living in an age where the sexual lust of Persons like Present Accused has gone to an extent which has made even small and young babies vulnerable to such Sexual Assaults. Though, the Courts are not the reformists but, still heavy duty lies on the Courts to award exemplary punishments in proved cases of sexual violence to make it a bad bargain for the likeminded philanderers. Therefore, in the given circumstances, I have dealt with the matter in hand with utmost care and caution.

Having looked into the Evidence led by the Prosecution from all the Dimensions, I am of the considered view that the Prosecution has been able to prove the charge against the present accused through cogent, reliable and confidence inspiring evidence. The Testimony of Eye-Witness/Minor Victim Umm-e-Tayyaba is quite natural and straightforward who raised her Accusing Finger towards none else but, the present accused being a Perpetrator of the instant offence. It is Tradition of our society to conceal such like offences, as it is difficult to approach the Police Station while taking the minor girl in the lap smeared with blood with the allegation of rape committed by somebody to take the stigma forever not only for the family but, also damaging the future of a minor girl. Nevertheless, the Ocular Account furnished by **PW-05** Victim **Umm-e-Tayyaba** stands corroborated with the **Medical Evidence** produced by **PW-01 Dr. Aiman Khursheed**



Accused's Profile as produced by PW-03 Muhammad Hussain Soomro (Forensic DNA Analyst, Focal Person of DNA Laboratory, LUMHS, Jamshoro), Chemical Examiner's Report pertaining to Clothes of Victim as produced by PW-09 P.I (R) Muhammad Nasrullah (First I.O of this case) and Positive Male Potency Test Report of the present accused as produced by PW-11 Dr. Nazeer Ahmed Malik (SMLO).

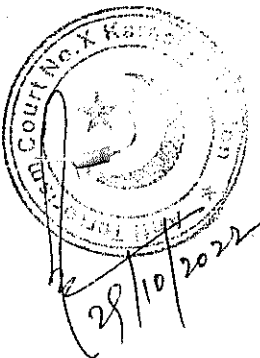
The present accused Amjad Ali @ Zakir @ Sajid crossed the limits ascribed by Allah Almighty, in a brutal manner and does not deserve any sympathy of this Court. While going through the Evidence from the four-corners, I have no legitimate exception to differ with the version brought on record by the Prosecution against the accused Amjad Ali @ Zakir @ Sajid. Accordingly, I reply the above determined Point in Affirmative/Proved.

POINT No. 2:-

The Epitome of what has been discussed above is that Prosecution has successfully Proved its case against the Present Accused without any shadow of doubt. Accordingly, I **Convict** the accused Amjad Ali @ Zakir @ Sajid S/o Khairat Ali U/s 376 (3) PPC and he is hereby, Sentenced to **DEATH** and He shall be **HANGED BY NECK TILL HIS DEATH**, under Intimation to this Court. However, such Death Penalty is subject to Confirmation by the Hon'ble High Court of Sindh, Karachi as provided U/s 376 Cr.P.C.

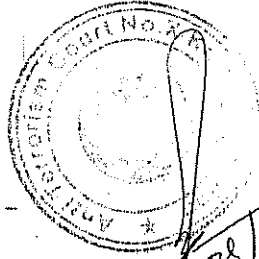
The Accused produced in Custody is remanded back to Jail for Execution of the above Sentence Awarded to the Accused in the Manner and Terms highlighted supra.

The copy of this Judgment shall be supplied to the present accused free of cost with acknowledgment Receipt. Let the R and Ps of this case be transmitted to the **Honorable High Court of Sindh** in terms of Section 25 (2) of **Anti-Terrorism Act, 1997** as well as for the **Confirmation of Death Sentence Awarded** to the Present Accused as required U/s 374 Cr.P.C and Death Sentence shall not be Executed unless, it is confirmed by the Hon'ble High Court of Sindh or otherwise.



Pronounced in open Court.

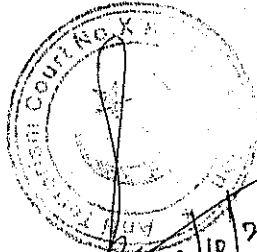
Given under my hand and seal of the Court, this the 29th day of October, 2022.



-sd-
29-10-2022
(AMINA NAZEER ANSARI)
Judge,
Anti-Terrorism Court No. X,
Karachi.

PROPERTY ORDER:-

The Case Property of this case as per instant Charge-Sheet, which was produced in Court during Evidence, marked as **Article P/1** and **P/2** is hereby, ordered to be disposed of as warranted by settled Rules and Procedures, after expiry of the Appeal Period under an Intimation to this Court.



-sd-
29-10-2022
(AMINA NAZEER ANSARI)
Judge,
Anti-Terrorism Court No. X,
Karachi.

sd
29/10/2022
Reader
Anti-Terrorism Court No. X,
Karachi Division