Ex. No.17

IN THE COURT OF ADDITIONAL DISTRICT JUDGE-X, KARACHI WEST

BEFORE:- (Irshad Hussain)

Sessions Case No.2202/2021

The State

Versus

1. Anwar Ali S/o Muhammad Zareen.……..………………….. Accused confined in jail

2. Muhammad Ismail S/o Samat Gul. …………………….Accused/Proclaimed offender

 FIR No.131/2021

U/S: 376/511/34 PPC

 P.S: Shershah

*M/s. Pervaiz Kamran and Aswad Ali Chohan, counsel for the accused*

*Mrs. Jameela Saeed Otho, ADPP for the state duly assisted by Ms. Asiya Munir, Counsel for complainant*

J U D G M E N T

24.12.2022

 The above named accused was sent up by SHO of PS Shershah to face his trial, for offence punishable under sections 376/511/34 PPC being crime No.131/2021 registered at PS. Shershah, Karachi.

2. The brief facts of the prosecution case as per FIR is that complainant Umar Ali stated that his wife informed him that their daughter Saiba did not return home and after asking from people he came to know through Baby Hina, aged about 13 years that she saw the Saiba, Sana and Komal at Akbar Road, Street No.16. On such information he alongwith his friend, accompanied with Baby Hina, reached at pointed place at about 2030 hours when one door of room was opened of the Godown and Baby Hina saw the slippers of the children and pointed out. In the meantime the boy who came out from room suddenly fled away and as soon as they entered in the room another boy run away while they saw one boy (Anwar Ali) in naked condition and all three children named above were present there. The companion of the accused locked the room from outside and complainant made a call to his nephew Asghar Ali who alognwith Mohallah people came and broke the lock. They called police and lodged the subject FIR.

03. After registration of FIR, Investigation Officer conducted the investigation of the present crime and recorded the statements of the prosecution witnesses and also inspected the place of wardat under a written mushirnama. After usual investigation the above named accused persons were challaned for the offence punishable under section 376/511/34 PPC. During the trial NBW was issued against the accused Muhammad Ismail and statement of process server was recorded who deposed that there is no possibility of arrest of accused Muhammad Ismail and returned back his NBW along with his report and statements and CNIC of the area people. Meanwhile process under section 87 and 88 Cr.P.C. were issued and statement of process server was recorded in which he deposed that there was no moveable or immovable property of accused Muhammad Ismail. Meanwhile accused was declared as proclaimed offender under section 512 Cr.P.C.

04. Copies under section 265-C Cr. P. C. were supplied to the present accused vide receipt at Exh. No.03.

05. During trial, the charge containing prosecution allegation against the present accused was framed on 05.11.2021 at Ex.4, to which he pleaded “not guilty” and claimed to be tried vide his plea at Ex.4/A.

06. Just to strengthen its case, the prosecution has examined the following witnesses who also produced the relevant documents:-

i. PW NO.1 HC Muhammad Arif at Ex.5. He produced FIR at exhibit 5/A, entry NO.17 at exhibit 5/B and memo of arrest of accused at exhibit 5/C.

ii. PW NO.2 learned Judicial Magistrate Ms.Kalsoom Mustafa was examined at Ex.6. She produced reference order NO. A/W.1577/2021, Karachi, Dated 19.05.2021 passed by the Honourable District and Sessions Judge, Karachi West at exhibit 6/A, written request of learned concern Judicial Magistrate addressed to the Honorable District and Session Judge at Exh. 6/B, application of I/o at exhibit 6/C, another application of I/o at exhibit 6/D, another application of I/o at exhibit 6/E, three statements under section 164 Cr.P.C. of the victims namely Baby Sana, Baby Saiba and Baby Kanwal at exhibits 6/F,6/G and 6/H.

iii. PW NO.3 WMLO Dr. Sangeeta Kumar at Ex.7. She produced police letter at exhibit 7/A, MLC NO. 47/2021 of baby Sahiba at exhibit 7/A, MLC NO. 48/2021 of baby Sana at exhibit 7/C, MLC No.49/2021 of baby Kanwal alias Komal at exhibit 7/D, DNA report at exhibit 7/E and final medico legal reports of all the three victims at exhibit 7/F to 7/H.

 iv. PW NO.4 Baby Kanwal at Ex.8.

 v. PW NO.5 Baby Sana at Ex.9.

 vi. PW NO.6 Baby Sahiba at Ex.10.

 vii. PW NO.7 MLO Dr. Abdul Jabbar at Ex.11. He produced police letter at exhibit 11/A, MLC NO. 2617 at exhibit 11/B.

viii. PW NO.8 Umar Ali was examined at Ex.12. He was the complainant and mashir of arrest of accused and recovery and also acted as mashir of site inspection. He identified his signature on the FIR at exhibit 5/A and memo of arrest of accused at exhibit 5/C. He also produced memo of site inspection at exhibit 12/A.

ix. PW NO.9 ASI Muhammad Shahid was examined at Ex.13. He produced entry NO.18 at exhibit 13/A, sketch of SITE plan at exhibit 13/B, photographs at exhibit 13/C,13/C-1 to 13/C-5, entry NO.19 at exhibit 13/D, entry NO.26 at exhibit 13/E, entry NO.16 at exhibit 13/F, application addressed to the learned Judicial Magistrate at exhibit 13/G, entry NO.15 at exhibit 13/H, entry NO.34 at exhibit 13/I, entry NO.31 at exhibit 13/J, bill at exhibit 13/K, challan at exhibit 13/L, paid challan at exhibit 13/M, certificate at exhibit 13/N, application addressed to learned Judicial Magistrate at exhibit 13/O, memo of seizing Qinkchi at exhibit 13/P, entry NO.26 at exhibit 13/Q, letter dated 24.05.2021 at exhibit 13/R, entry NO.20 at exhibit 13/S, letter dated 25.05.2021 at exhibit 13/T, letter dated 26.05.2021 at exhibit 13/U, entry NO.15 at exhibit 13/V, covering letter through which samples and clothes were submitted to the DNA laboratory at exhibit 13/W, letter of 15 under which complainant made telephone call to 15 police on the day of alleged incident at exhibit 13/X, entry NO.15 at exhibit 13/Y and copy of register NO.19 at exhibit 13/Z. He also produced the case property.

07. Thereafter ADPP for the State closed the side of prosecution at Ex.15.

08. The Statement U/s. 342 Cr.P.C of accused was recorded at Ex.16, wherein he denied the prosecution allegations and claimed to be innocent and falsely implicated by the complainant and prayed for his acquittal and justice.

09. The learned counsel for the accused mainly contended that accused is innocent and falsely been implicated in this case. It is further contended that there is no allegations of rape or attempt to commit rape than how FIR under section 376 /511 PPC was lodged; none of the victim stated that nay objectionable act or any molestation was committed with them event he complainant and I/o admits that nothing regarding rape or attempt to rape was mentioned anywhere; in FIR, in statements under section 164 and 161 statements of victims nothing regarding removing of shalwar of accused is mention but surprisingly in examination in chief the improvements regarding the removing of shalwar of accused was mentioned; In FIR three accused persons were mentioned but in statements of victim under section 161 and in cross examination nothing regarding other accused persons were mentioned; in 164 statement of victim Sana, she admits that the victims went to police station on the next day of occurrence, she also admits that from the place of occurrence first they went to the house of friend of her uncle, she also admits that at first her uncle arrived at the place of occurrence and then he called his friend; in 164 statement of victim Sana she admits that at first Ghulam Mustafa ( friend of her father ) arrived at the place of occurrence and then he called her father / complainant, she also states that at first they went to the house of friend of her father namely Shahid ( investigating officer of this case ) and also took accused with themselves and from their they went to the house of Ghulam Mustafa and later on the same day the said Shahid recorded their statement; in 164 statements of victim Kanwal she admits that at 10 pm they went for taking swings, she also admits that the father of victim Sahiba had a fight with the accused prior to alleged occurrence she also admits that her mother and father of Sahiba has given their stamens to police, she also admits that they went to police station on the next day of alleged occurrence; In FIR nothing regarding rape or attempt to rape was mention then how and under what law the medical examination was conducted; medical report do not support the prosecution version as per medical report hymen of the victims were old torn and healed, moreover there were no marks of violence or any kind of lacerations which clearly shows that no such act was committed by the present accused, WMLO admits in her cross examination that in takes at least 6 weeks for a torn hymen to be healed, she also admits in her cross examination that minor lacerations of hymen can be healed within two to three seeks while the sever laceration can be healed in 5 to 7 weeks, she also admits that in case of forceful sexual intercourse there must be tenderness and laceration; the DNA Reports are also in negative and WMLO admits that on the basis of DNA reports no fresh act of sexual intercourse was observed; the learned Judicial Magistrate admits that the children/victim were produced before this court by their father namely Rasheed Ali who is also complainant of this case and learned Judicial Magistrate also admits that Rasheed Ali is neither the complainant nor father of any of the victims; The learned judicial magistrate who recorded the 164 statements of the victims also admits that at the time of recording of 164 statements of the victim the I/o of the case was also present there; the learned judicial magistrate also admits that none of alleged victims, alleged rape or attempt against the present accused; no such alleged offence took placed and the accused is totally innocent, as such the victims have so many times changed their statement, they have made improvements in their statements regarding date/time of occurrence and regarding the commission of offence by the present accused the statements of the victims are full of doubts and not confidence inspiring and not appealable to the common sense; none of the persons from the locality who allegedly beaten the accused was produced by the prosecution and neither their statements were recorded by the investigating officer which creates serious doubts in the prosecution case; the statements of the victims under section 161, 164 and statements recording in this court are totally different and contradicts each other on material facts, moreover the prosecution badly failed to prove their case against the present accused under section 376/511 PPC. Lastly it is prayed that more so the complainant has admitted that he has no objection if the accused be acquitted from this case.

10. On the other hand the learned ADPP for the state mainly contended that accused is very much nominated in the FIR. It is also contended that accused was red handed apprehended by the complainant and from his possession all the three minor victims were recovered. It is also contended that all the three minor victims have fully implicated the present accused with the alleged crime in their statements recorded under section 161 Cr.P.C, in their statements recorded under section 164 Cr.P.C and as well as before this court. It is also contended that accused failed to point out any malice or any ill will on the part of the victim or on the part of the complainant to falsely implicate the above named accused. Lastly she prayed that since the prosecution has proved the case against the above named accused beyond any reasonable shadow of doubt therefore the above named accused be convicted according to law.

11. I have heard the learned counsel for accused, learned ADPP for the State and perused the record and evidence with great care. Now the points for determination would be as under:-

P O I N T S

1. *Whether on 13.05.2021, at 2030 hours the above named accused took minor babies Sahiba 11 years, Sana 10 years and Kanwal 13 years at inside Room of Godown known as Paper godown situated at Street NO.16, Akbar Road, Sher Shah Karachi, where accused Anwar Ali tied the legs and hands of baby Sana, removed the shalwar of baby Sahiba and thrice attempted to remove shirt of baby Kanwal and molested their bodies beside removing his own clothes and such acts of accused are amounts to attempted to commit rape of victims Sahiba, Sana and Kanwal alongwith absconding co-accused?*

*ii) What offence, if any, has been committed by the accused?*

12. For reasons stated herein below my findings on the above points are as under:-

F I N D I N G S

Point No. 1. Proved.

Point No. 2. The accused is hereby convicted under section 265-H(ii) Cr.P.C for the offence punishable under secant 376 R/w 511 PPC and sentenced to suffer RI for five years and to pay fine of Rs.1,00,000/- and in default of payment of fine he will further suffer SI for three months. He is also awarded benefit of section 382-B Cr.P.C. and his conviction will be counted from 13.05.2021.

**R E A S O N S**

**POINT NO.01**

13. The allegation against the above named accused is that on 13.05.2021, at 2030 hours at inside Room of Godown known as paper godown situated at Street NO.16, Akbar Road, Sher Shah Karachi, accused Anwar Ali attempted to commit rape of victims Sahiba, Sana and Kanwal alongwith absconding co-accused. Appraisal of the evidence shows that the prosecution has examined 9 witnesses in this case in order to establish the guilt of the accused.

14. In order to prove its case, at first prosecution examined HC Muhammad Arif at exhibit 5, who deposed that on 13.05.2021, he was posted as Duty Officer at P.S Shershah. His duty timing was from 2000 hours to 0800 hours. On the same day, at about 2130 hours, complainant Umer Ali S/o Mustafa disclosed facts of the case cognizable in nature punishable U/s. 376/511/34 PPC. Therefore, he registered the instant FIR No. 131/2021 as per verbatim of complainant against the nominated accused person Anwar Ali S/o Muhammad Zareen who was already apprehended by the complainant and his two companions namely Ismail S/o Not Known and another not know, who escaped from the spot, U/s 376/511/34 PPC and he read over the contents of FIR before complainant, who accepted the same as true and correct and then put his signature. He produced such FIR at Ex. 05/A and identified his signature on it. Thereafter, he kept the Qyami entry No. 17, which he produced at Ex. 05/B. Meanwhile, on the same day complainant also produced accused Anwar Ali S/o Muhammad Zareen, who was in injured condition and blood was oozing from his head and mark of injury was seen on his left elbow of arm. Meanwhile, he arrested the accused Anwar Ali who was produced by the complainant at about 2145 hours in presence of complainant and Ghulam Mustafa and prepared such memo of arrest and recovery and during his search one mobile phone touch Motorola was recovered. He produced such memo at Ex. 05/C and identified his signature on it. Thereafter, he handed over the investigation of case to SIO of P.S Shershah along with memo of arrest, copy of Roznamcha and case property. Later on I.O recorded his statement U/s. 161 Cr.P.C. He identified in open court. He was cross examined in length by the learned counsel for the accused.

15. During the cross he deposed that he is Matric pass. He has mentioned the sections U/s. 376/511/34 PPC in FIR as per the contents of FIR after consulting with his high ups. He admitted that it is mentioned in contents of FIR that all the three babies Sahiba, Sana and Komal disclosed to complainant and area people that accused persons have not committed their rape but accused persons were threatening them and they were tiding their hands. He does not know what section will apply in case of threatening someone. There were about 10 to 15 area people who came with complainant at the time of lodging of FIR at the police station. The complainant and area people reached at the police station at 2130 hours when he lodged the FIR. At first he lodged the FIR and then he kept such fact in Roznamcha registered. He admitted that such fact is not mentioned in the memo of arrest or in the FIR that area people were also accompanied with the complainant. He has lodged the FIR within 10 minutes. He admitted that color of mobile phone of accused is not mentioned. He himself has written the FIR. He denied that hand writing of memo of arrest, FIR and Roznamcha entry is different with each other. He denied that he deposed falsely.

16. PW-2 learned Judicial Magistrate Ms. Kalsoom Mustafa was examined at Ex.6 who deposed that on 20.05.2021 he was posted at XXIII Civil Judge and Judicial Magistrate, Karachi West. She received an order/letter No. A/W/1577/2021, Karachi, Dated 19.05.2021 passed by the Honorable District and Sessions Judge, Karachi West upon a Reference letter sent by learned II- Civil Judge and Judicial Magistrate, the then duty Magistrate, Karachi West in case FIR NO. 131/2021 U/s 376/511/34 PPC of PS Sher Shah with direction to record the statements under section 164 Cr.P.C. in the subject matter. She produced such copy of reference order as exhibit 6/A. She also produced the reference letter dated 15.05.2021 at exhibit 6/B. Meanwhile on 20.05.2021 he received an application moved by the I/o of the case for recording statements under section 164 Cr.P.C. of three victims / minor girls namely (1) Baby Sana D/o Naeem, (2) Baby Saiba D/o Umer Ali and (3) Baby Kanwal D/o Rizwan. She allowed such application with direction to the I/o to produce the witnesses on 24.05.2021 and since accused was in jail therefore, she also directed the concern court to issue P.O. She produced such application dated 20.05.2021 at exhibit 6/C. She identified her signature and order on it. On 24.05.2021 all the witnesses were produced but the custody of accused was not produced therefore, she again directed the concern court to issue PO for accused and fixed the matter on 25.05.2020. She produced letter of I/O dated 24.05.2021 at exhibit 6/D. On 25.05.2020 again the custody was produced very late therefore, she fixed the date as 26.05.2020 for recording statement under section 164 Cr.P.C. She produced the letter of I/O dated 25.05.2020 at exhibit 6/E. On 26.05.2020 all the witnesses / minor girls were produced and accused was also produced from the jail and she accordingly recorded statements under section 164 Cr.P.C. of all the three witnesses / minor girls namely (1) Baby Sana D/o Naeem, (2) Baby Saiba D/o Umer Ali and (3) Baby Kanwal D/o Rizwan respectively in presence of accused and his counsel, as per their verbatim in Urdu language and all the three witnesses / minor girls were also cross examined by the learned counsel for the accused. Thereafter she read over the contents of their statements before them to which they admitted the same as true and correct and then they put their signatures and as well as their thumb impression and thereafter she also issued her certificates in the bottom of all the statements recorded under section 164 Cr.P.C. She produced all the three statements recorded under section 164 Cr.P.C. as exhibits 6/F,6/G and 6/H, and identified her signatures on the same and on certificates. She identified accused Anwer Ali in open court being the same accused in whose presence she recorded the statements under section 164 Cr.P.C. of all the three minor victim girls. She was cross examined in length by the learned counsel for the accused.

17. During the cross conducted by the learned counsel for the accused she identified statements recorded U/s 164 Cr.P.C by her and produced before this Court at Ex.6/F, Ex.6/G and Ex.6/H of all the three victims minor girls and admitted that no time of recording the same is mentioned therein. She deposed that however she has recorded such statements within Court hours in presence of accused and his counsel. She admitted that that such fact is not mentioned in statements recorded by her that whose statement was recorded first. She deposed that she has recorded their statements respectively and separately. She admitted that since all the witnesses were minor baby girl; therefore, she put some rational questions to everyone prior recording their statement. She admitted that such questions put to them are typed by computer. She deposed that such typing was under her dictation as such typed proforma in respect of rational questions was already available with her. She admitted that it is mentioned that the child named above was produced before the Court by her father namely Rasheed Ali who is the complainant of the case. She admitted that Rasheed Ali neither the complainant nor the father of any witness. She deposed that in fact it was typing mistake however name of every witness with her father name is already mentioned on the top of statement. All the three statements U/s 164 Cr.P.C were recorded in her chamber. She admitted that IO of the case was also present at the time of recording statements U/s 164 Cr.P.C as accused was produced by the IO. She admitted that a question is not included in rational questions put before the witness whether she was recording her statement. She deposed that however she made enquiry from every witness and they confirmed that they were recording their statements voluntarily. She admitted that all the three minor girls/victims were produced by the IO and obviously their relatives were also accompanied with them but they were outside the Court. She identified that statement of PW Sana and admitted that in her statement she has not clearly alleged against the accused or accused persons about commission of her rape. She deposed that PW Sana clearly stated that accused persons took them in a godown where they tied her alongwith other girls and slapped them and thereafter accused was removing the clothes of Saiba, meanwhile their relatives came there. She identified statement of PW Saiba and admitted that PW Saiba has also not clearly alleged in her statement that accused or accused persons committed her rape. She deposed that however she has deposed that accused took her and her cousin Komal or Kanwal and Sana to godown and then accused removed her shalwar and thereafter tied her and other girls upon which they raised hue and cry and meanwhile their relatives and other people came there. She identified statement of PW baby Kanwal and admitted that PW Kanwal has also not clearly alleged in her statement that accused or accused persons committed her rape. She deposed that however she has deposed that accused persons took them in a godown where accused tied them and committed rape of one of girl and have also beaten and threatened them that they would also kill and then would throw them in Nadi. She admitted that the specific word of Zina is not mentioned in the statement of PW Kanwal. She deposed that however she has uttered a word ‘Galat Kaam’ and all the three witnesses are minor baby girls; therefore, they were using word Galat Kaam.

18. PW-3 WMLO Dr. Sangeeta Kumar examined at Ex.7 who deposed that on 14.05.2021, she was posted as WMLO at Civil Hospital, Karachi and on the same day, one lady namely Seeba (Saiba) D/o Umair Ali, aged about 11 years brought by ASI Muhammad Shahid of P.S Shershah for medical examination in case FIR No.131/2021, with history of attempted to sexual assault on 13.05.2021. She produced such police letter at Ex.07/A and identified her counter signature on it with official stamp. She examined the victim having marks of identification i.e (1) Scar on the right eye-brow and (2) Mole on left side forearm. She further examined her and observed the following things on her body.

1. Her cloths were changed.
2. Her body parts were washed.
3. Bath was taken by her.
4. Her secondary Sex characters were under developed.
5. Urine and stool passed.
6. Private parts washed.
7. Unmarried.
8. Gait is normal.

Upon Clinical Examination, no marks of violence over any part of body was present.

PER-VAGINAL EXAMINATION

* External Genitalia: Normal, No Erythema, No Laceration, No Tear seen.
* Pubic Hairs: Not developed.
* Vestibule: Normal, No Erythema, No Laceration, No Tear seen.
* Vulva: Normal, No Erythema, No Laceration, No Tear seen.
* Vagina: Normal, one finger introduced easily. Two fingers introduced but with paid and tenderness although fingers were introduced easily.
* Hymen: Old torn and healed.
* Bleeding P/V: Nil.
* Discharge P/V: Nil.

She obtained two vaginal swabs, one each and blood sample of the victim and sealed the same for chemical analysis and DNA.

OPINION

On the basis of clinical examination, she was not a virgo intacta, she has had sexual intercourse. However, HVS have been taken for DNA and Chemical analysis to ascertain fresh act, if any. Meanwhile, she handed over the samples of vaginal swabs and blood to the ASI M. Shahid. She prepared M.L.C No. 47/2021, which she produced at Ex.07/B and , which is same, correct and bears his signature. She reserved the final opinion for want of DNA and Chemical report.

19. She further deposed that meanwhile on the same day another lady namely Sana D/o Naeem, aged about 10 years brought by ASI Muhammad Shahid of P.S Shershah for medical examination in case FIR No.131/2021, with history of attempted to sexual assault on 13.05.2021. She identified such police letter at Ex.07/A and identified her signature on it with official stamp. She examined the victim having marks of identification i.e (1) Scar on the forehead and (2) Mole on left cheek. She further examined her and observed the following things on her body.

1. Her cloths were changed.
2. Her body parts were washed.
3. Bath was taken by her.
4. Her secondary Sex characters were developed.
5. Urine and stool passed.
6. Private parts washed.
7. Unmarried.
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* Hymen: Old torn and healed.
* Bleeding P/V: Nil.
* Discharge P/V: Nil.

She obtained two vaginal swabs, one each and blood sample of the victim and sealed the same for chemical analysis and DNA.

OPINION

On the basis of clinical examination, she was not a virgo intacta, she has had sexual intercourse. However, HVS have been taken for DNA and Chemical analysis to ascertain fresh act, if any. Meanwhile, she handed over the samples of vaginal swabs and blood to the ASI M. Shahid. She prepared M.L.C No. 48/2021, which she produced at Ex.07/C and identified her signature on it. She reserved the final opinion for want of DNA and Chemical report.

20. She also deposed that thereafter, on the same day another lady namely Komal D/o Rizwan, aged about 12 years brought by ASI Muhammad Shahid of P.S Shershah for medical examination in case FIR No.131/2021, with history of attempted to sexual assault on 13.05.2021. She identified such police letter at Ex.07/A and identified her signature on it with official stamp. She examined the victim having marks of identification i.e (1) Mole on right cheek and (2) Mole on left cheek. She further examined her and observed the following things on her body.

1. Her cloths were changed.
2. Her body parts were washed.
3. Bath was taken by her.
4. Her secondary Sex characters were developed.
5. Urine and stool passed.
6. Private parts washed.
7. Unmarried.
8. Gait is normal.

Upon Clinical Examination, no marks of violence over any part of body was present.

PER-VAGINAL EXAMINATION

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* Vagina: Normal. Two fingers introduced but with lot of tenderness although.
* Hymen: Old torn and healed.
* Bleeding P/V: Nil.
* Discharge P/V: Nil.

She obtained two vaginal swabs, one each and blood sample of the victim and sealed the same for chemical analysis and DNA.

OPINION

On the basis of clinical examination, she was not a virgo intacta, she has had sexual intercourse. However, HVS have been taken for DNA and Chemical analysis to ascertain fresh act, if any. Meanwhile, she handed over the samples of vaginal swabs and blood to the ASI M. Shahid. She prepared M.L.C No. 49/2021, which she produced at Ex.07/D and identified her signature on it. She reserved the final opinion for want of DNA and Chemical report. She has also perused DNA report No. SFDL-2021-1015 dated: 26.07.2021, which shows that no seminal material was identified on vaginal swab of Komal (Item # 1), therefore, no further analysis was conducted. No seminal material was identified on vaginal swab of Seeba (Saiba) (Item # 2), therefore, no further analysis was conducted. No seminal material was identified on vaginal swab of Sana (Item # 3), therefore, no further analysis was conducted.DNA report further reveals that no seminal material was found over the shalwar with azarband recovered from the place of incident (item # 4), therefore, no further DNA analysis was conducted. DNA report further reveals that no seminal material was found over the condoms recovered from the place of incident (item # 5 and 6), therefore, no further DNA analysis was conducted.DNA report further reveals that no semen stains were found over the Qameez and Banyan recovered from the place of incident (item # 7 and 8) of accused Anwar Ali S/o Muhammad Zareen, therefore, no further DNA analysis was conducted.DNA report further reveals that human blood was found over the Qameez and Banyan recovered from the place of incident (item # 7 and 8) of accused Anwar Ali.DNA report further reveals that no analysis was conducted on blood sample of Komal (item # V1).DNA report further reveals that no analysis was conducted on blood sample of Seeba (item # V2).DNA report further reveals that no analysis was conducted on blood sample of Sana (item # V3).DNA report further reveals that no analysis was conducted on blood sample of accused Anwar Ali (item # S1).She produced DNA report at Ex. 07/E. On the basis of DNA report he issued Final Supplementary Medico-Legal Reports in respect of MLC Nos.47/2021, 48/2021 and 49/2021 of all three victims, which she produced at Ex.07/F to H, and identified her signature on the same with official stamps. She was cross examined in length by the learned counsel for the accused.

21. During the cross conducted by the learned counsel for the accused she deposed that she has examined 10 to 15 victims of rape or sexual assault before examination of present victims. She denied that a torn hymen can be healed within 2 to 3 weeks. She deposed that it takes at least 6 weeks. The minor laceration of hymen can be healed within two to three weeks while the severe laceration can be healed in 5 to 7 weeks. She admitted that in case of forceful sexual intercourse there must be tenderness and laceration might be. She admitted that as per DNA report no seminal material was found from Items No.1 to 8. She admitted that on the basis of DNA report she is of the view that no fresh act of sexual intercourse was observed. She admitted that she has not found any mark of injuries on the bodies in person of all three victims and as well as on their private parts.

22. PW-4 Baby Kanwal was examined at Ex.8. She was minor therefore some rational questions were asked from her and she replied the same property which shows that minor witness can understand the questions and she has rightly replied all the questions put to her which shows that she was quiet competent to reply the rational questions put to her. She deposed that on 13.05.2021 there was Eid day. She herself, her friends Sana and Saiba went outside their houses for the purpose of playing in Muhammadi Road, Sher Shah. It was night time. The uncle (witness pointed out accused Anwer Ali) present in court was running his Chinkchi Rikshaw. He asked them to sit in his Chinkchi Rickshaw for swing, therefore, they all sat in his Chinkchi Rikshaw. The uncle (again pointed out accused Anwer Ali) gave them ride on his Chinkchi on Muhammadi Road and thereafter he took them to Akber road. There was darkness in Akber road, he took them in one godown situated at Akber road where one person was sitting without wearing any cloth. Meanwhile the accused present in court has also removed his clothes. Thereafter the accused present in court removed the shalwar of her friend Sahiba. Thereafter accused present in court tried to remove her shirt but she did not allow him. He tried to remove her shirt three times but she did not allow him. Thereafter they all three raised hue and cry. Meanwhile the accused present in court has broken her neck less and threatened her if she will not allow him to remove her shirt he will also break her body like said necklace (haar). Thereafter the accused present in court started slapping her and again threatened her to allow him to do bad work with her. Meanwhile the accused persons have tied the hands of her friend Sana with Dopta or with rope. Meanwhile due to their hue and cry and meanwhile father of Sahiba and other persons entered into godown as someone informed them about them and Chinkchi Rickshaw. Thereafter father of Sahiba has beaten the accused present in court, meanwhile another person has escaped good from the spot. Thereafter father of Sahiba brought them to the police station Sher Shah. She and her friends Sana and Sahiba also came to hospital. Lady doctor has also checked her and her both the friends. Police also recorded her statement. She also came in court before lady judge who also recorded her statement. She identified exhibit 6/H being her statement recorded under section 164 Cr.P.C and identified her thumb impression on it. She identified accused Anwer Ali in open Court being the who took her and her friends Sana and Sahiba to godown and attempted to commit her rape and rape of her friends with another co-accused. She was cross examined in length by the learned counsel for the accused.

23. During the cross conducted by the learned counsel for the accused she deposed that PW Sana is her friend and is also daughter of friend of her mother. PW Sana is residing at Jinnah road. PW Sahiba is her friend and she is maternal cousin of PW Sana. PW Sahiba is residing in the same Muhammadi Road where he is residing. She admitted that both Sana and Sahiba at first came at her house on that day and then they went for playing outside. Both Sana and Sahiba came together in her house for taking her. They came at her house at about near 5 or 6 p.m. They all left the house after completing their preparation at about 7 p.m. At first they remained busy in taking swings in different swings Kishti wala Jhola etc. Said jholay / swings were installed at Urdu Bazar. She does not remember the time when they reached at Urdu Bazar but they reached there after walking here and there. They reached Urdu Bazar on foot. They consumed 20 to 30 minutes for taking swings/ jholay. They left the Urdu Bazar in Chinkchi rickshaw of accused at about 7:30 p.m. Accused was standing near the swings / Jholas in the end with his Chinkchi. Accused consumed ten minutes in his Chinkchi Rickshaw at Muhammadi Road when they were boarded in his chinkchi rickshaw at the same Muhammadi Road. It is fact that other children were also boarded in the same chinkchi Rickshaw. She deposed that all the rest of children get down from Chinkchi Ricksha except them. Accused stopped chinkchi Rickshaw in the way twice for other children so that they can get down from his chinkchi Rickshaw. She denied that she deposed in her statement under section 164 Cr.P.C. before lady Magistrate that they went at 10 p.m. for taking swings / johlay. She deposed that she deposed that they went for swing / jholas at 7 or 8 p.m. She denied that there was so many other parents were present at the place of swings with other children. She admitted that she has deposed before the learned Judicial Magistrate that there were two uncles were present inside the godwon. She denied that she has not deposed before police about other uncles who were already present in the godown. She does not know whether police has not mentioned such facts of other uncles in her statement. She admitted that she has not deposed before police that accused present in court has also slapped her so many times. She admitted that she has deposed before police that her nackles / Haar was broken when accused was trying to take her inside the room. She denied that she has not deposed before police about removing of trouser of Sahiba. She admitted that she has not deposed before police that accused tried to remove her shirt. She deposed that she deposed such fact of removing her shirt to Judge Aunty. She admitted that it is not mentioned in her statement under section 164 Cr.P.C. that accused removed the shalwar of Sahiba and her shirt. She deposed that she was feeling shy before the police and judge aunty but she deposed that accused started bad activities. She does not remember the time which they remained in the godown. She denied that that accused Anwer Ali has not committed alleged act with her. She deposed that accused prior the alleged incident used to keep evil eyes on her. She deposed that he molested her body and tried to remove her shirt while doing bad activities. She does not remember the time when father of Sahiba knocked the door. She deposed that at first father of Sahiba raised noises that whether any girl is inside and accused persons replied in negative but their chappals were lying outside therefore father of Sahiba and other persons keep on knocking the door upon which the another uncle opened the gate and as father of Sahiba came inside said uncle escaped good after pushing them. She admitted that such fact is not mentioned in her statement under section 164 Crt.P.C. that one uncle who opened the gate escaped good. They went police station on the same day after 5/10 minutes from Godown. She deposed that at first some water was given to them by the area people of the same street and then they took them to the police station. They went to the police station on Rickshaw. They went in one rickshaw to the police station with father of Sahiba and one another uncle and she herself, Sana and Sahiba. She does not remember the time when they reached to the police station. She does not remember the time which they spent at the police station. Meanwhile police locked up the accused. She deposed that they went back to their house upto Fajar prayers time. She does not know if there was any quarrel in between the accused Anwer Ali and father of Sahiba prior the alleged incident. She admitted that it is not mentioned in her statement under section 164 Cr.P.C. accused committed her rape or attempted to commit her rape. She denied that neither accused took her or her friends Sana and Sahiba to godwon in chinkchi Ricksha. She denied that accused neither removed the trouser of Sahiba nor tried to remove her shirt as alleged by her. She denied that accused has not touched her body as alleged by her. She denied that accused has not beaten her as alleged by her. She denied that she deposed falsely at the instance of father of Sahiba.

24. PW NO.5 baby Sana was examined at exhibit 9. She was also minor therefore some rational questions were asked from her and she replied the same property which shows that minor witness can understand the questions and she has rightly replied all the questions put to her which shows that she was quiet competent to reply the rational questions put to her. She deposed that on 13.05.2021 there was Eid day. She along with her friends Kanwal and Sahiba together went for playing and taking rides of swings/jholay at Urdu Bazar, Sher Shah at 8 p.m. She pointed out accused Anwer Ali and deposed that he was running one chinkchi Rickshaw. They along with other children of the area after taking swings also sat in his chinkchi and meanwhile other children get down from his chinkchi after some time, thereafter accused took them to Akber road in a dark street in his chinkchi and they raised hue and cry but no was available in the street. Thereafter accused took chinkchi rickshaw inside a godown along with them. Meanwhile accused pulled them inside and has broken the neck less of Kanwal and threatened them that he will also break them like said neck less of Kanwaal. She saw that one accused was already sitting inside without having any dress. Meanwhile accused present in court also removed his own shalwar and then tried to remove shirt of Kanwal but she did not allow him and accused again tried to remove shirt of Kanwal but again Kanwal did not allow him and accused again tried to remove shirt of Kanwal but she did not allow and meanwhile accused removed the shalwar of Sahiba. Thereafter her maternal uncle ( Khalo ) namely Umer who was the father of Sahiba also came there. Her maternal uncle has apprehended the accused present in court. Meanwhile the another accused escaped good. Meanwhile they were taken to the house of friend of her uncle who gave them water. Thereafter they went to the police station. They all three were also taken to the civil hospital where lady doctor examined them. Police also recorded her statement. She was also brought before Judge Aunty where her statement was recorded. She identified exhibit 6/F being the same her statement under section 164 Cr.P.C. and identified her thumb impression on it. She identified the accused Anwer Ali present in court being the same accused who took her, her friends Kanwal and Sahiba to the Akber road inside the godwon in his chinkchi and then he removed his shalwar and also removed shalwar of Sahiba and also tried to remove shirt of Kanwal and also beaten them. She was cross examined in length by the learned counsel for the accused.

25. During the cross she deposed that her house is situated at Jinnah road, Sher Shah. Kanwal is also residing at Jinnah road. Sahiba is residing at Muhammadi Road. PW Kanwal and Sahiba came to her house on the same day. They went for taking rides of swings / jholay at about 8 p.m. At first they went in the Chinkchi. They consumed some time at Chnikchi. It is fact that other children were also with them in the same chinkchi. She deposed that but said children were get down from said chinkchi and then accused took them in his chinkchi at Akber road. The Akber road is situated at the distance of two street from her house. She denied that there was so many person available there. The shops were closed at Akber road. They remained in the godown upto next ten to fifteen minutes. She admitted that she has not deposed to police about her. She denied that she has not stated before police that accused has also removed the shalwar of Sahiba. She denied that she has not stated before police that accused tried to remove shirt of Kanwal. Sahiba is her maternal cousin. She denied that she has not deposed before Judge Aunty that accused Anwer Ali also removed his own shalwar. They went to the house of friend of her maternal uncle by foot from godwon. They stayed about 10 minutes at the house of friend of her maternal uncle where were given water. They went to the police station in Rickshaw. She does not know the time which was consumed for reaching to police station. She does not know if there was quarrel in between accused Anwer Ali and her maternal uncle. They remained at the police station for about half hour. From police station they went to civil hospital. They went back to their house at Fajar time. She along with her maternal uncle, his friend, Kanwal and Sahiba went to the police station. She does not know the name of friend of her maternal uncle. She denied that accused Anwer Ali has not committed alleged act with them. She denied that neither accused took her or her friends Kanwal and Sahiba to godwon in chinkchi Ricksha. She denied that accused neither removed the trouser of Sahiba. She denied that accused present in court has not tried to remove shirt of Kanwal. She denied that accused has not touched her body as alleged by her. She denied that accused has not beaten her as alleged by her. She denied that she has deposed falsely at the instance of father of Sahiba/ her maternal uncle.

26. Thereafter PW-6 Baby Sahiba was examined at Ex.10. She was also minor therefore some rational questions were asked from her and she replied the same property which shows that minor witness can understand the questions and she has rightly replied all the questions put to her which shows that she was quiet competent to reply the rational questions put to her. She deposed that on 13.05.2021 there was Eid day. She along with her cousin Sana and her friend went for taking rides of Swings/jholay at about 8 p.m at Urdu Bazar. She pointed out the accused present Anwer present in court and deposed that he was running one chinkchi Rickshaw. He was giving rides to the children on his chinkchi Rickshaw. They along with other children of the area also sat in his chinkchi and meanwhile other children get down from his chinkchi after some time, thereafter accused took her and Kanwal and Sana to Akber road in a street in his chinkchi and he took them inside one godown with his chinkchi. She saw that one accused was already sitting inside without having any clothes. Meanwhile accused has broken the neck less of Kanwal and threatened them that he will also break them like said neck less of Kanwaal and will threw them and no one will find them. Meanwhile accused present in court also removed his own shalwar and then he removed her shalwar upto her thighs but she has bitten him meanwhile another uncle also tried to remove shirt of Kanwal but she did not allow him and uncle tried thrice to remove shirt of Kanwal but she did not allow him to remove her shirt. They have also beaten them. Meanwhile they raised hue and cry. Thereafter her father Umer Ali came there, who rescued them and made inquiry from them and she replied that accused brought them in the godown. Her father has apprehended the accused present in court. Meanwhile the another accused escaped good. Meanwhile they were taken to the house of friend of her father namely Ghulam Mustafa who gave them water. Thereafter they went to the police station. They were all also taken to the civil hospital where lady doctor examined her and her friends. Police also recorded her statement. She was also brought before lady Judge who recorded her statement. She identified exhibit 6/G being her statement under section 164 Cr.P.C. and identified her thumb impression on it. She identified accused Anwer Ali present in court being the same accused who took her, her friends Kanwal and her cousin Sana to the Akber road inside the godwon in his chinkchi Rickshaw and then he removed his shalwar and he also removed her shalwar and another uncle also tried to remove shirt of Kanwal and he also beaten her and her friends. She was cross examined in length by the learned counsel for the accused.

27. During the cross she deposed that the house of Sana is situated at Jinnah Road. Kanwal was residing at Muhammadi Road at the time of incident now she has left and shifted to Bihar Colony. At first they went to the house of grandfather from where she received Eidi and then she reached the place where swings were installed and she saw that Kanwal and Sana were also present there. She does not remember the time when they reached at the place where swings were installed but it was after evening and night time. After coming out from her house she was with her another cousin and when she saw Kanwal and Sana then she joined them and her another cousin went away. They took rides of swing install there like a circle. They took three four rides of that swing and they also took ride on Kishti swing. They sat in the chinkchi Rickshaw at 8/9 p.m. They sat in the Chinkchi Rickshaw in the last when all the children get down from the rickshaw. At first accused gave them some rides and then he took them to deserted place. Accused at first gave them ride at Muhammadi Road and then suddenly he took them to Akber road. They remained in the godown about 15 minutes. Her father and Ghulam uncle both together came in the godwon. She denied that she has not stated before police that accused Anwer Ali removed her trouser. She denied that she has not stated before the Judge Aunty that accused removed her shalwar. After godwon they went to the house of Ghulam Uncle with her father. They remained at the house of Ghulam uncle for about 15 minutes. She denied that they also visited the house of Shahid Uncle from Godwon. She deposed that her father went to Shahid uncle but then he received a phone call to come directly to the police station therefore they went to police station from the house of Ghulam uncle. She went to the police station in a rickshaw with Ghulam uncle, Kanwal and Sana while her father was with accused. Her father reached police station at first with accused. She does not remember the time which was consumed at the police station but in the morning they went to the civil hospital. They went to the civil hospital at 10 a,m. in the morning. Her father, mother of Sana and mother of Kanwal were also with them at civil hospital. They went to civil hospital in the rickshaw. She admitted that she has not stated name of Ghulam Mustafa. She deposed that she stated as chachu. She does not know if there was any quarrel between accused Anwer Ali and her father prior the alleged incident. She denied that that accused Anwer Ali has not committed alleged act with them. She denied that neither accused took her or her friend Kanwal and her cousin Sana to godwon in chinkchi Ricksha. She denied that accused present in court has not removed her trouser. She denied that another accused has not tried to remove shirt of Kanwal. She denied that accused has not touched her body as alleged by her. She denied that accused has not beaten her as alleged by her. She denied that she has deposed falsely at the instance of her father.

28. Thereafter PW-7 MLO Dr. Abdul Jabbar was examined at Ex.11 who deposed that on 14.05.2021, he was posted as Medico Legal Officer at Civil Hospital Karachi. On the same date at about 02:30 PM a person namely Anwar Ali S/o Muhammad Zareef aged about 29 years came to him in police custody with handcuff for examination to do sexual intercourse in normal case of nature person was accompanied by ASI Muhammad Shahid from PS Sherhshah who has given him a police letter for his medical examination which he produced at Ex.P/11-A and identified his counter signature on it with official stamp. She has examined the person who was having identification marks (1) scar lateral to right eye and (2) Mole below left ear. The person was conscious, sustained injuries by the public on a body surface at the time of examination i.e. (1) lacerated wound 3 X 0.5 CM into bone not exposed on right parietal region (2) multiple abrasion of various size over left four arm movements are normal, Injury No.1 was declared Shuja-e-Khafifa and Injury No.2 declared as Jhara-e-Ghair Jifa Dahmiya. He also found that bath not taken, cloths not changed, parts was not washed, stool and urine and was pass, secondary character was well developed, no herinia, no hydrocele. After examining the accused he was of the opinion that accused Anwer Ali is fit to perform the sexual intercourse in normal condition. However, he secured blood sample of accused for the purpose of DNA and chemical and handed over the same to the 1/o under written endorsement. Meanwhile he issued MLC No.2617 dated 14.05.2021 which he produced at Ex.11/B and identified his signature on it. He also identified DNA report No.SFDL-2021-1015 at Ex.7/E which shows that no seminal materials were identified therefore, blood sample of accused was not analyzed. He identified the accused Anwar in open court. He was cross examined in length by the learned counsel for the accused.

29. During the cross he deposed that his duty timing was from 02:00 pm to 08:00 pm. He admitted that the column brought/accompanied by is lying blank. The accused was brought at 02:30 pm. he took 15 minutes for examining the accused. 1/o informed that accused was beaten by public therefore, he received injuries. He admitted that such injury on the body of accused can be occurred by beaten by police. He has not made inquiry about his material status. He admitted that that day he has not produced the original MLO Certificate before this Court. He deposed that the same is not available in police file. He has not also produced the OPD Slip of accused. He deposed that same was not available on police file.

30. Thereafter PW-8 Umar Ali was examined at Ex.12. He was the complainant who deposed that on 13.5.2021, he was sleeping at his house. Meanwhile his wife Amina Bibi awoke him and informed him that his daughter Saiba who went outside and did not come back since long. Thereafter he came out from home and started searching of his daughter Saiba aged about 11 years. Thereafter he searched his daughter in the same area and in the houses of his relatives and he also met with his friend Ghulam Mustafa. They also made enquiry from the children of area and meanwhile children of the area informed him that they have seen his daughter Saiba with Sana and Komal who were going in a Chinkchi Rikshaw in the same street. Such fact was informed to him by one child namely baby Hina. Thereafter they started searching said Chinkchi rikshaw to his daughter and other minor babies. He alongwith his friend Ghulam Mustafa were searching children in street and meanwhile he saw that one Chinkchi rikshaw was parked outside one paper godown. That was street No.16 of Akbar Road. Meanwhile it was about 8:30 pm, as he was entering in the godown he saw that one boy coming out from the godown who stopped him and made enquiry from him and he also made enquiry from him about his missing babies who informed him that no babies were available in the godown. He tried to keep aside him and meanwhile his friend Ghulam Mustafa also came behind him and said person pushed him and escaped good when he saw that they were going inside godown. He entered into godown and saw that one room was constructed therein. He found shoes of babies outside said room. He saw that the door of room was locked and he kicked the door due to which door was opened. He saw that one accused was sitting in the room at one side while his daughter Saiba and her friends Sana aged about 9 years, Kanwal aged about 12 years were also present there in a room. Accused Anwar was sitting in objectionable manner in the room to whom they apprehended him and beaten him. Meanwhile missing babies informed him that accused Anwar brought them in his Chinkchi rikshaw and attempted to commit their rape with threat that if they would not cooperate they would kill babies and would throw them. Thereafter they had beaten accused who disclosed his name as Anwar Ali S/o Muhammad Zareen. Meanwhile area people also gathered there and meanwhile someone called 15 police who also reached there. Thereafter he alongwith accused went to police station Sher Shah in police mobile and meanwhile he sent all the babies to the house of his one friend Ghulam Mustafa. Thereafter, police asked him to call the babies and meanwhile Ghulam Mustafa brought all the babies to police station. Meanwhile I lodged FIR No.131/21 U/s 376, 511 PPC against accused Anwar who was apprehended and against one Ismail S/o unknown. He identified Ex.5/A beign the same FIR and identified his signature on it. Meanwhile police arrested accused at police station in his presence and in presence of Ghulam Mustafa, which he identified at Ex.5/C and identified his signature on it. Police also inspected the place of occurrence on his pointation and secured one empty box of condemn in which four sachet of condemn which were unusable while two sachet of condom were used, one artifice broken necklace less, one mobile white color spice which back cover was broken. One pair of shalwar qameez were taken into possession by police and sealed in his presence and meanwhile police prepared such memo and obtained his signature which he produced at Ex.12/A and identified his signature on it. Police recorded his statement u/s 161 Cr.P.C. Thereafter, they produced all the three victims to civil hospital for medical examination but due to non-availability of WMLO and Eid day they returned back. On the next day they again produced all three victims including his daughters at PS. and then proceeded to hospital with I/O ASI Muhammad Shahid where all victims were medically examined. They also produced all the three victims before learned Judicial Magistrate where their statement u/s 164 Cr.P.C. were recorded. He identified the accused Anwar Ali in open court. He produced one Motorola touch screen mobile phone lying in court as Article A and deposed that it is same mobile phone which was recovered from accused Anwar. He also produced one brown sealed envelop having code no.SFDL/2021-1015 which was de-sealed in presence of defence counsel which contains shalwar of accused Anwar Ali and two used condoms alongwith one already de-sealed white cloth sealed parcel. He identified his signature on it the cloth seal parcel and produced Shalwar of accused and used condoms as Articles B to C and C/1. He also produced another one brown sealed white cloth parcel present in the Court having three seals. He identified his signature on it. The parcel was de-sealed in Court in presence of defence counsel which contains four unused sathi condoms, one empty box and one broken baby neck less which he produced as Article D, D/1 to D/4 and E and deposed that these are the same articles which were recovered at the time of inspecting the place of occurrence. He also produced one mobile phone Spice and deposed that it was the same mobile which was recovered from the possession of accused at the time of arrest and he produced the same as Article F. He also produced Another one brown sealed paper envelop duly sealed by forensic department present in the Court having three seals which was de-sealed in Court in presence of defence counsel which contains one qameez and banyan of accused which he produced as Article G and H. He identified the accused Anwer Ali in open court. He was cross examined in length by the learned counsel for the accused.

31. During the cross conducted by the learned counsel for the accused he deposed that he is residing at Muhammadi Road, Shershah. He is doing private job of operating looms. His duty hours for 12 hours i.e. 7 a.m. to 7 p.m. On the day of alleged occurrence he was at home due to Eid holiday. His wife informed him at 6 p.m. about missing of his daughter Sahiba. At first he went to his mother’s house situated at street no.44 which is at the distance of 2 minutes. Thereafter, he searched his daughter on different roads i.e. Muhamamdi Road, Urdu Bazar and Jinnah Road. They remained busy in search of his daughter and her friends for one to two hours. He made inquiry from Hina another baby friend of his daughter at 07.30 or 07.45 p.m. who informed him that she saw his daughter and her friends in Chinkchi Rikshaw. Ghulam Mustafa was already with him. At first they searched his daughter at Akbar Road after meeting Hina. He was on motorcycle. He searched there for half hour. Thereafter, they reached at street no.16 off Akbar Road where subject Godown was situated where he saw Chinkchi rikshaw. He stayed there outside for one minute and then he entered into godown. He identified his statement u/s 161 Cr.P.C. He admitted that it is not mentioned in his statement that at first a boy came out who stopped him. He deposed that the boy who came at first and then pushed Ghulam Mustafa and then made his escape good. There was only one room inside godown where Anwar was available while Ismail was outside who fled away. Accused was standing on one corner of room while all victims were standing on other corner in frighten condition. He admitted that when he entered into the room he had not seen accused Anwar while not touching any victim. He denied that he has not seen accused Anwar in nude condition. He deposed that accused was not wearing shalwar and qameez when he saw him. He admitted that it is mentioned in FIR that victims informed him that accused till that had not committed their rape/bad act except tying them with clothes. 15 Police came there within 30 minutes when they apprehended accused Anwar. Thereafter they brought the accused at PS. He deposed that people of area had beaten him and gave him dress to wear. The godown is situated at the distance of his house at about 10 minutes walk. The victims came at PS. after 30 to 45 minutes. In the meantime after recovery victims were kept at the house of Ghulam Mustafa situated at Muhammadi Road from there they came at PS. At first FIR was lodged and memo of arrest was prepared. After registration of FIR they came directly to the place of occurrence for its inspection alongwith victims and police officials. He does not remember the exact time when they reached at place of occurrence but they reached within 30 minutes from PS. We spent 30 to 45 minutes during inspection. He identified the seal parcel cloth containing shalwar and used condoms. The same was prepared at place of incident. He identified the second cloth parcel containing neck less and unused condoms which he signed at PS. After inspection they again came back at PS. and then proceeded to Civil Hospital Karachi at 12 mid night but due to non availability of WMLO they came back without medical check up. On the following morning at 9 a.m. he alongwith victims went to PS. Shershah and remained at PS. for 15 minutes and then from where they moved to Civil Hospital Karachi for medical examination but due to non availability of WMLO they went to City Court and after one and half house they again went to Civil Hospital Karachi where medical examination was taken place. They went in police mobile for site inspection. The memo of inspection and seizure was prepared inside the godown. Only Jahangir was called by police alongwith him for signing the memo as Jahangir was resident of same area where godown is situated. He does not know specifically who has beaten the accused from the public. He admitted that there are many godown in the area where many people work. The shalwar lying in Court was provided to accused by someone from public as accused was in nude condition. He admitted that this fact is not mentioned in FIR or in his statement that shalwar was provided to accused by public. His statement u/s 161 was recorded on the following day. He denied that accused Anwar was not apprehended from godown in nude condition alognwith alleged abductees/victims. He denied that no packets of condoms used or unused and necklace of babies were recovered from godown by police in his presence. He denied that he has deposed falsely at the instance of police. He deposed he has no objection if accused Anwar be acquitted from this case.

32. Thereafter PW-9 ASI Muhammad Shahid (I/O) was examined at Ex.13 who deposed that on 13.05.2021 he was posted at PS Sher Shah in investigation branch. He received the investigation of the case FIR NO.131/2021 U/s 376/511/34 PPC of the same police station. He received FIR, memo of arrest of accused Anwer Ali son of Muhammad Zareen, entry of Qaimi FIR. The accused was already confined in the lock up. He perused the FIR and memo of arrest. He identified exhibit 5/A being the same FIR. He identified entry NO.17 at exhibit 5/B under which FIR was lodged. He identified exhibit 5/C being the memo of arrest. He also received one mobile phone Motorola of accused. He found that the complainant and all three alleged minor abductees were present at the police station. Meanwhile he left the police station vide departure entry NO.18 for the purpose of inspecting the place of occurrence. He produced such entry at exhibit 13/A. Thereafter he reached at the place of occurrence i.e. house No. 257-A/1, street NO.16, Akber Road, Sher Shah and on the pointation of complainant and alleged abductees he inspected the same in presence of complainant Umer Ali son of Mustafa and one mashir namely Jehangir son of Nazeer Hussain. He identified exhibit 12/A being the same memo of site inspection and identified his signature on it. From the spot he found one mobile phone SPICE white colour and one artificial neck lace in broken condition, two packets of condom in loose condition, four swatches/ packets of condom and one empty packet. The complainant also pointed out one green colour shalwar by saying that the same was lying there when accused Anwar was naked. He also secured such shalwar of green colour. He sealed shalwar two loose condom in one parcel, while he sealed rest of sachet/packets of condom and necklace and one empty packets with mobile phone in another parcel in presence of complainant and mashir Jehangir under their signature. He also prepared sketch of SITE plan which he produced at exhibit 13/B and identified his signature on it. He also captured photographs which he produced at exhibit 13/C, 13/C-1 to 13/C-5 being the same photographs taken by him from his mobile phone. Thereafter he came back to the police station vide arrival entry No. 19 which he produced at exhibit 13/D. Thereafter he went to the civil hospital along with the complainant, accused and all the three victims for the purpose of medical examining. When he reached to Jinnah Hospital the WMLO and as well as MLO were not present due to EID holidays therefore he came back vide arrival entry NO.26 which he produced at exhibit 13/E. Meanwhile he recorded statements under section 161 Cr.P.C. of the complainant, witnesses and alleged abductees/victim. He kept the face details of accused in the register. He also interrogated the accused who admitted his guilt. On the following day on dated 14.05.2021 he brought the accused and victims to the civil hospitals for their medical. He issued letter to the WMLO for medical examination of all the three victims namely Sahiba D/o Umer Ali, Sana D/o Naeem and Komal D/o Rizwan. He identified exhibit 7/A and identified his signature on it and as well as official receiving endorsement of the WMLO with reference to the MLCs numbers 47,48 and 49/2021. Meanwhile the WMLO examined all the three victims and secured their samples of vaginal swabs and blood samples and after sealing the same handed over to him later on dated 17.05.2021. He identified exhibit 7/A,7/B and 7/C being the same MLCs of all the three victims which the MLO handed over the same to him and he identified his counter/receiving signature on it. He also produced the accused before MLO for his medical examination through his covering letter. He identified exhibit 11/A being the same letter and identified his signature on it and official seal and receiving endorsement of ML section in respect of MLC NO.2617/21 under which accused was examined. Meanwhile accused was examined by the MLO under the same MLC and blood sample of accused was also secured. Meanwhile MLO has also secured the Banyan and Qameez of accused Anwar and handed over the same to him in sealed condition for the prose of DNA. As per opinion of the MLO the accused was a fit person to perform sexual intercourse. He identified exhibit 11/B being the same MLC. Thereafter he released the victims. Thereafter he brought the accused before the court of learned judicial magistrate but court time was ended due to holidays of Eid ul Fiter. Meanwhile he kept the accused in the lock under entry NO.16 which he produced at exhibit 13/F. On the following day he produced the accused before the learned judicial Magistrate on 15.05.2021 from where accused was remanded to the judicial custody. On the same day he moved application for recording statement under section 164 Cr.P.C. before the learned judicial Magistrate who referred his application to the Honorable District and Sessions Judge, for appointment of female learned judicial magistrate. He produced such application at exhibit 13/G and identified his signature on it and order of learned Judge. He also produced entry NO.15 under which he came back to PS at exhibit 13/H. Thereafter he again brought the victim to the WMLO and received the copies of MLC with samples of vaginal swabs and blood samples of all the three victims separately for the purpose of chemical and DNA. Meanwhile he came back to police station vide entry NO. 34 which he produced at exhibit 13/I. Thereafter he visited the DNA laboratory who issued challan for DNA and he came back vide entry NO. 13/J,. Meanwhile on 20.05.2021 he wrote a letter to SSP for payment of bill which he produced at exhibit 13/K, and identified his signature on it. He produced copy of challan at exhibit 13/L and paid copy of challan at exhibit 13/M and certificate at exhibit 13/N. meanwhile reference was allowed and learned XXIII Judicial Magistrate Karachi West was appointed for recording statements of the victim. On 20.05.2021 he moved application for recording statement which was allowed for 24.05.2021. He produced such application and order of court at exhibit 13/O. On 21.05.2021 he secured the Qinkchi Rickshaw which was used in the crime under a written mashirnama in presence of Shamshur Rehman son of Zareen Khan and Usman Ali son of Muhammad Zareen which he produced at exhibit 13/P and identified his signature on it. He also produced entry No. 26 under which he secured the Rickshaw at exhibit 13/Q. On 24.05.2021 he produced the victims but custody was not proceed therefore date was adjourned to 25.05.2021. He produced such letter dated 24.05.2021 at exhibit 13/R. He produced entry NO.20 under which he came back to the police station at exhibit 13/S. Meanwhile he again produced the victims on 25.05.2021 but statement was not recorded due to time. He produced letter dated 25.05.2021 at exhibit 13/T. Meanwhile dated was adjourned to 26.05.2021. On 26.05.2021 he again produced the victims and on the same custody of accused was also produced and statements of all the three victims were recorded under section 164 Cr.P.C. He secured the certified copies of statements in which victims implicated the accused Anwar Ali being the accused who took them in their Rickshaw and then attempted to commit their rape along with co-accused. He produced letter dated 26.05.2021 at exhibit 13/U. Meanwhile the victim also identified the picture of co-accused Ismail in his mobile phone which was recovered from the possession of accused Anwar at the time of his arrest. There after he came back to the police station vide entry No.15 which he produced at exhibit 13/V,. Meanwhile he submitted interim report. Thereafter on dated 007.07.2021 he submitted samples of victims, clothes of the accused and blood samples to the DNA laboratory under his covering letter which he produced at exhibit 13/W and identified his signature on it and as well as receiving endorsement of DNA laboratory with their official seal. He also secured letter of 15 under which complainant made a telephone call to 15 on dated 13.05.2021 when he apprehended the accused, which he produced at exhibit 13/X. He also produce record of register No.19 under which he kept the case property in the Malkhana at exhibit 13/Z. Thereafter he received DNA report No. SFDL-2021-1015. He identified exhibit 7/E beign the same DNA report. Meanwhile he submitted charge sheet against the accused. He identified the accused Anwer Ali in open court being the same accused. He identified one Motor touch screen mobile phone lying in court as article. A being the mobile phone of co-accused Ismail. He also identified the parcel cloth lying in court and identified his signature on it. Parcel was already de-sealed. He identified shalwar of accused Anwer Ali as article B and two loose condoms as article C and C/1 being the same case property which he sealed at the time of inspection the place of occurrence. He also identified another sealed parcel clothes already de-sealed and identified his signature on it. He identified four sathi condoms, one empty box of condom and one broken necklace and one SPICE mobile phone as articles D,D/1 to D/4, E and F lying in court being the same articles which he secured from the spot at the time of inspection the place of occurrence. He also identified one Qameez and one Banyan of accused which lying in court as articles G and H being the same Banyanas and Qameez which were sealed by the MLO. He was cross examined in length by the learned counsel for the accused.

33. During the cross conducted by the learned counsel for the accused he deposed that he has received the investigation of the case vide Roznamcha entry No.18 at about 2140 hours. When he received the investigation the accused was already confined in the lockup. The accused was wearing clothes when he saw him in the lockup. He left the police station under the same entry No.18 for the purpose of inspecting the place of occurrence. The complainant and all the three victims were accompanied with him when he left the police station for the purpose of inspecting the place of occurrence alongwith police party. He reached at the place of occurrence within 15 to 20 minutes. Some other private persons were also present there when he inspected the place of occurrence beside complainant party. He also made enquiry from area people about the alleged incident. He deposed that he also kept one person belongs to the same area namely Jahangir S/o Nazir Hussain, as mashir of the site inspection as he also recorded his statement. He admitted that Jahangir is not eye witness. He deposed that he reached at the place of occurrence after hearing the hue and cry. He has completed the inspection of place of occurrence and prepared such memo in respect of inspection and seizing the articles within 40 to 45 minutes. He admitted that alleged place of occurrence is situated in a godown. He admitted that in the surrounding thereon other houses are also situated. The co-accused Ismail had taken the said premises on rented basis and was using the same as godown. He admitted that he has not secured any written rent agreement in between co-accused Ismal and landlord. He prepared memo of site inspection at the same place. After completing the inspection of the place of occurrence he came back at the police station. Thereafter he proceeded to the Civil Hospital Karachi alongwith accused and all the three minor victims baby girls for the purpose of their medical. After inspecting the place of occurrence he came back at the police station and thereafter he proceeded towards the Civil Hospital Karachi. Meanwhile he remained at the police station up to five minutes which consumed for preparing entry and for taking custody of accused from lockup. He admitted that due to non-availability of MLO and WMLO their medical examination was not conducted on the very night. He deposed that however since accused received injuries, therefore, such initial medical treatment was provided to him and they came back without medical. On the following day he again brought the accused and all the three victims to the Civil Hospital Karachi where their medical examinations were conducted. The victims were brought by their parents to the police station and then they proceeded towards the Civil Hospital Karachi for their medical examination. It was the morning time, when they left the police station for purpose of medical examination but he did not remember the exact time. The complainant was present alongwith his daughter/victim while other two victims were also accompanied with rest of the victims. All the three victims were examined by the WMLO and their vaginal swabs were sealed and secured and the same were handed over to him for the purpose of chemical and DNA and the same was also handed over to him. He remained at the Civil Hospital Karachi till completion of medical checkup of victims and accused i.e up to two to three hours. After medical checkup he brought the accused and victim to the City Court for the purpose of remand of accused but the Court timing was ended and thereafter he brought the accused at police station while the victims were released and allowed to go with their parents. He identified FIR at Ex.5/A and admitted that according to the contents of FIR all the three victims informed the complainant Umar Ali that accused persons had not committed their rape however they were attempting the same and they have tied them with clothes and meanwhile door was knocked. He admitted that according to the contents of FIR the clothes of victim were not removed by the accused persons. He admitted that according to the contents of FIR the accused was allegedly beaten by the area people when he was apprehended red handed. He admitted that name of any area people is not mentioned who had beaten the accused. He admitted that he has not recorded statement of any area people who had admitted that he had beaten the accused alongwith other area people. He admitted that according to the statement of the complainant and PW Ghulam Mustafa no such commission of rape with the victims was taken placed. He deposed that according to their statements the accused Anwar was available in the room in naked condition and he alongwith co-accused was preparing to commit rape of victims and one apprehended red handed. He admitted that in the statements of complainant and PW Ghulam Mustafa such fact had not mentioned that the accused persons had removed the clothes of victims. He admitted that in their statement recorded U/s 161 Cr.P.C all the three victims have not stated that accused persons removed their clothes. He deposed that he made enquiry from the area people about the person who was using the subject place of occurrence and according to the area people one Ismail was residing in the same place i.e place of occurrence.He admitted that DNA report is in negative in respect of samples taken from vagina and from clothes of the accused. He admitted that he has also secured used condoms and un used condoms from the said place of occurrence. He admitted that he has sent such condoms for DNA and chemical. He admitted that that chemical or DNA report is in negative to the extent of such condoms. He admitted that since the chemical and DNA report is in negative, therefore, he cannot say who used the same which he secured from place of occurrence. He denied that accused was beaten by the police at the police station. He deposed that the accused was beaten by the area people when he was apprehended from the spot red handed and such fact of alleged injuries on the body of the accused are also mentioned in the memo of arrest of accused. He admitted that memo of arrest of accused was prepared at the police station when the accused was produced before the duty officer. He admitted that he has not recorded statement of any official of 15 police who brought the accused from place of occurrence to the police station. He deposed that however he has produced such entry of 15 police through which they brought the accused at the police station. He denied that he was not legally authorized to do the investigation in this case according to law. He denied that accused Anwar present in Court is innocent. He denied that accused Anwar was not apprehended at the spot by the complainant party. He denied that accused Anwar had not committed the alleged offense as alleged by the complainant party and victims. He admitted that initially he submitted interim charge sheet U/s 376 R/w section 511 and 34 PPC. He deposed that however after receiving medical certificates he submitted charge sheet U/s 376, 34 PPC. He admitted that complainant and victims have not implicated the accused with the role of committing rape of victims. He deposed that however according to medical certificates of all the three victims they were not virgo intacta, therefore, he has challaned the accused persons U/s 376, 34 PPC. He denied that he has wrongly challaned the accused in this case due to ulterior motives in order to get his promotion from my high-ups. He denied that he deposed falsely.

34. It is matter of record that after closing of side of the prosecution the accused was examined under section 342 Cr.P.C. in which he denied that allegations levelled against him by the prosecution however neither he examined himself on oath nor he produced any defence witnesses.

35. I have given due consideration to the arguments advanced by learned counsel for the accused and learned ADPP for the state and have carefully gone through the material placed so far. From the minute sifting of evidence of prosecution witnesses as well as available material and record, it appears that the entire case of prosecution revolved around its star witness/alleged victims baby Sahiba, baby Sana and Baby Kanwal.

36. I have given due consideration to the arguments advanced by learned counsel for the parties and have carefully gone through the material placed so far. On this point, entire case of the prosecution rests upon ocular testimony of victims baby Sahiba, baby Sana and baby Kanwal. It appears that during the trial all the three victims have fully implicated the present accused with the alleged crime of attempt to commit their rape as discussed herein above. Here I would like to re produce their relevant depositions of all the three victims and minor babies namely Kanwal, Sana and Sahibia here as under:

(i) PW No.3 baby Kanwal clearly deposed that “he took them in one godown situated at Akber road where one person was sitting without wearing any cloth. Meanwhile the accused present in court has also removed his clothes. Thereafter the accused present in court removed the shalwar of her friend Sahiba. Thereafter accused present in court tried to remove her shirt but she did not allow him. He tried to remove her shirt three times but she did not allow him. Thereafter they all three raised hue and cry. Meanwhile the accused present in court has broken her neck less and threatened her if she will not allow him to remove her shirt he will also break her body like said necklace ( haar). Thereafter the accused present in court started slapping her and again threatened her to allow him to do bad work with her. Meanwhile the accused persons have tied the hands of her friend Sana with Dopta or with rope. Meanwhile due to their hue and cry and meanwhile father of Sahiba and other persons entered into godown as someone informed them about them and Chinkchi Rickshaw.”

(ii) PW NO.4 baby Sana clearly deposed as “thereafter accused took them to Akber road in a dark street in his chinkchi and they raised hue and cry but no was available in the street. Thereafter accused took chinkchi rickshaw inside a godown along with them. Meanwhile accused pulled them inside and has broken the neck less of Kanwal and threatened them that he will also break them like said neck less of Kanwaal. She saw that one accused was already sitting inside without having any dress. Meanwhile accused present in court also removed his own shalwar and then tried to remove shirt of Kanwal but she did not allow him and accused again tried to remove shirt of Kanwal but again Kanwal did not allow him and accused again tried to remove shirt of Kanwal but she did not allow and meanwhile accused removed the shalwar of Sahiba. Thereafter her maternal uncle ( Khalo ) namely Umer who was the father of Sahiba also came there. Her maternal uncle has apprehended the accused present in court. Meanwhile the another accused escaped good.’’

(iii) PW NO.6 baby Sahiba also deposed as “thereafter accused took her, Kanwal and Sana to Akber road in a street in his chinkchi and he took them inside one godown with his chinkchi. She saw that one accused was already sitting inside without having any clothes. Meanwhile accused has broken the neck less of Kanwal and threatened them that he will also break them like said neck less of Kanwaal and will threw them and no one will find them. Meanwhile accused present in court also removed his own shalwar and then he removed her shalwar upto her thighs but she has bitten him meanwhile another uncle also tried to remove shirt of Kanwal but she did not allow him and uncle tried thrice to remove shirt of Kanwal but she did not allow him to remove her shirt. They have also beaten them. Meanwhile they raised hue and cry. Thereafter her father Umer Ali came there, who rescued them and made inquiry from them and she replied that accused brought them in the godown. Her father has apprehended the accused present in court. Meanwhile the another accused escaped good.”

37. In the criminal cases, each accused has his own specific role in the crime, and yard stick to assess the evidence depends upon the role and thus, the same evidence though may be believable against the accused. The above named victims in their examination in chief have clearly implicated the above named accused Anwer Ali that he brought the victims to the Godown forcibly and have slapped them and have broken their necklace and issued threats to the victims if they will not cooperate they will also be broken like the necklace and thereafter he has beaten the victims and tied the legs and hands of baby Sana with dopata, removed the shalwar of baby Sahiba and also attempted to remove the shirt of baby Kanwal and molested with their bodies and also removed his own shalwar in order to commit the rape of the all the victims one by one. It appears that all the three victims have categorically deposed the facts of the case and fully implicated the above named accused Anwer Ali and also identified him before this court. It is admitted fact that all the three victims were cross examined at length by the counsel of the accused but nothing fruitful came on record to provide any benefit to accused and to create any dent in prosecution story. The testimony of victims appears to be natural, true, genuine and confidence inspiring. Nothing has come on record that their statements were tutored to the victims in any manner to falsely implicate the present accused. The victims babies have uttered truth and only truth from their mouth and there appears no mixture of falsity in their statements when they have fully implicated the present accused for commission of attempt to commit their rape. The minor babies were attempted to be raped by an adult and accused was well aware about the consequences of such shameful act. Furthermore, the Court had asked number of questions from the victims in order to ascertain their maturity and thereafter court has realized that victims were competent to testify and the Court had recorded that victim were quite mature and had answered the questions satisfactorily and were competent witnesses. It appears that all the three victims were cross examined at length by the counsel of accused yet no material contradictions emerged nor did all the three victims resign from the accusation they had made against the present accused. The victim proved them reliable witnesses and were physically examined by WMLO and the said WMLO.

38. The requisite elements of an attempt to commit a crime are: intent to commit it; an overt act towards its commission; failure of consummation and the apparent possibility of commission. More so, attempt is an act done in part execution of a criminal design amounting to more than mere preparation, but falling short of actual consummation and possessing, except for failure to consummate, all the elements of the substantive crime. Another definition of attempt is that intentional act with a view to attain certain end but which fails to consummate its commission because circumstances beyond control of offender. Here in this case removal of shalwar of one victim baby Sabiha by accused and as well as removal of his own shalwar of accused by himself and tying the victim Sana’s legs and hands with Dopata and thrice attempt to remove the shirt of one victim Kanwal is proved from the statements of all the three victims, which constitute an attempt since no other intention would be possible except that of desire of accused to commit rape of victims.

39. I am not convinced with the contention of the learned counsel for the accused that accused is innocent as DNA report is negative. In present circumstances, the offence of an attempt of rape with victims Sahiba, Sana and Kanwal has been established against the present accused beyond any shadow of doubt. The DNA test to determine that the semen retrieved from the victim’s body and the accused were immaterial and such DNA testing was not required under the circumstances. Furthermore, their lordships in its recent Judgment Farooq Ahmed Versus The State (PLD 2020 Supreme Court 313) have held “DNA testing is not a requirement of law”. In the same judgment, their lordships have placed reliance upon case title Haji Ahmed Versus The State (1975 S.C.M.R 69) “omission of scientific test of semen status and grouping of sperms is neglect on the part of prosecution which cannot materially affect the other evidence”. In the judgment of their lordships, it has been categorically settled that when the testimony of victim girl was confirmed by chemical Examiner’s report and the report of Medico Legal Officer showing her to have been sexually assaulted, the report of DNA was immaterial.

41. I am also not convinced with the contention of the learned counsel for the accused that I/o of the case has malafidely acted in this case in order to show his so called performance. It is matter of record that the I/o was cross examined at length but nothing material on the point of commission of offence with the minors victim came on record to benefit the accused. The learned counsel for accused made emphasis on this point that the victims have not deposed certain facts in their statements before police and that they improved their statements before this court. I am not convinced with this contention of the learned counsel for the accused due to the reason that the victims have deposed all such facts in their natural style and perusal of their statements shows that they have almost deposed the same facts and have fully supported the statements of each other. No doubt that learned counsel for the accused has pointed out some minor contradictions as discussed above but I am of the view that these are minor contradictions and same have not shaken the prosecution evidence at all, therefore such minor contradictions can be ignored.

42. Furthermore, nothing came on record that there was any ill-will, malice and malafide on the part of victims or on part of complainant or on part of police to falsely implicate the accused in the present offence. Though, learned counsel for the accused claimed that accused had some dispute with the complainant as there was quarrel between the accused and the complainant, therefore the victim Sahiba who is the daughter of complainant and other victims were friends of Sahiba therefore all the victims and complainant have falsely booked the accused in present false case but in support of this claim of accused, accused has not produced any proof in respect of any quarrel if allegedly taken placed prior the alleged incident in between the accused and the complainant. From the above testimonies of prosecution witnesses, it is crystal clear that the accused has committed the shameful act of attempt of rape with the victims. All the prosecution witnesses were cross examined at length and nothing material came on record to shake and dent their testimonies. There are certain natural and immaterial contradictions and discrepancies in investigation which have not hampered the case of prosecution in any manner and prosecution case stands fully proved. I am satisfied that in the present case, the prosecution has established its case against the accused beyond reasonable doubt. I am of the firmed view that the present accused has committed the shameful offence of an attempt of rape with the victims as such point under discussion is answered in affirmative.

**POINT NO. 2:**

43. In view of forgoing facts, circumstances and discussions made in point No.1, this Court has reached to the conclusion that the accused has made an attempt to commit shameful act of rape of victims babies Sahiba, Sana and Kanwal as such he requires no leniency under the law. The offence of an attempt of rape U/s. 376 read with section 511 has been fully proved against the accused beyond shadow of any doubt. The accused Anwer Ali son of Muhammad Zareen is convicted U/s. 265-H(ii) Cr.P.C and sentenced to rigorous imprisonment for five (05) years and he is also liable to pay fine of Rs.100,000/- (one Hundred Thousand Rupees). In case of default in payment of fine, the accused shall further undergo simple imprisonment for a period of six (6) months. The accused is also awarded benefit of section 382-B PPC. He is in custody since 13.05.2021. The accused is produced in custody by jail authority, he is remanded back to prison to serve out the sentence strictly in accordance with law. Let the copy of Judgment be supplied to the accused as required under the law. The case against the absconding co-accused Muhammad Ismail will be kept on dormant file till his arrest.

 ANNOUNCED IN OPEN COURT.

 Given under my hand and seal of the Court on this 24th day of December, 2022.

 (IRSHAD HUSSAIN)

 ADDITIONAL SESSIONS JUDGE-X

 KARACHI WEST

 ORDER OF CASE PROPERTY.

 The case property i.e. the mobile phones and necklace etc. be returned to its owner after property verification while the clothes of the victims and accused be disposed of according to law after proper verification.

 (IRSHAD HUSSAIN)

 ADDITIONAL SESSIONS JUDGE-X

 KARACHI WEST