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Ex. No.27

**IN THE COURT OF XTH ADDL. SESSIONS JUDGE, KARACHI**  
**WEST/GBV ANTI-RAPE COURT.**

(Special Court as established under the Anti-Rape (Investigation and Trial) Act, 2021)  
**Before (Muhammad Aslam Chandio, Judge)**

S.C No. 2098/2021

THE STATE

Versus

Muhammad Ismail S/o Abdul Manan -----Accused

Offences U/S: 376-A, 376, 377-A PPC.

(Cr. No. 144/2021 of PS: Docks, Karachi)

***Mr. Sanaullah Soomro, the learned counsel for accused******Mr. Saif Ali Akbar and Ms. Asiya Munir, the learned counsel for the complainant******Ms. Kubra Syed, the learned Special Prosecutor/ADPP for the state*****JUDGMENT**

15.10.2025

By this judgment I would like to dispose-of above referred Sessions Case against the above named accused arising out of case registered under crime No.144/2021 for offence punishable under section 367-A, 376, 377-A PPC bearing crime No.144/2021 registered at P.S Docks, Karachi West.

2. The brief facts of the prosecution case, as disclosed in the F.I.R lodged by the complainant namely Alhando Siyal, are that on 21.02.2021, he was available at his workplace, at about 6:00 p.m., his daughter Nadia came to him and informed that the clothes of her younger brother Farhan were blood-stained and he was weeping. Upon receiving such information, the complainant rushed home and enquired his son namely Farhan aged about 5 years, although no visible injury marks were visible on his body, but swelling was observed in his anal region, and blood was also visible on his clothes. The complainant inquired from his son namely Farhan, who is about 5 years old, as to what had happened with him and who was responsible. In response, his son Farhan stated that a man, referred to as 'uncle', who usually stays at the video game shop and also visits a nearby house, taken him to his house, offered him something to eat, laid him on a foam mattress, and committed a act of sodomy with him. His son Farhan further disclosed that he cried loudly, after which the accused let him go and accused also escaped good from the spot, thereafter, he returned home while weeping. The complainant further asked son namely Farhan whether he could identify the place, upon which Farhan took him to the house of their neighborer Ismail and pointed out a foam mattress where the alleged act of sodomy was committed with him. Hence, this FIR was registered. The police after usual investigation submitted charge sheet in the concerned Court having jurisdiction.

3. The necessary documents were supplied to the accused vide receipt at Ex.1.
4. Thereafter a formal charge was framed against the accused under the sections 377 read with 511 PPC at Ex.2, to which he pleaded not guilty to the charge and claimed to be tried vide his plea at Ex.2/A on 13.1.2022, thereafter the charge was amended under section 376 read with section 511 PPC on 14.12.2022 upon the application moved by the learned counsel for complainant vide order dated 5.11.2022 and the charge was framed upon the accused U/s 376 R/w section 511 PPC upon which he pleaded not guilty and claimed to be tried vide his plea at Ex.6/A.
5. To just strengthened its case, the prosecution has examined his witnesses as P.W-1, Dr. Abdul Jabar at Ex.7, who produced police letter at Ex.7/A and MLC No.2548/21 at Ex.7/B. PW-2 Dr. Abdul Jabar at Ex.8, who produced police letter at Ex.8/A, MLC No.1003/21 at Ex.8/B, ER slip at Ex.8/C and DNA reports at Ex.8/D and Ex.8/E. PW-3 complainant Al-Hamd Siyal at Ex.9, who produced FIR at Ex.9/A, memo of site inspection at Ex.9/B, mashirnama at Ex.9/C, memo of arrest at Ex.9/D. PW-4 SIP Sher Muhammad at Ex.10, who produced Roznamcha entry No.49 at Ex.10/A. PW-5 victim Farhan at Ex.11, who produced statement recorded U/s 164 Cr.P.C at Ex.11/A and envelope at Ex.11/B. PW-6 JM Zohaib Ahmed at Ex.12, who produced application of IO at Ex.12/A, order at Ex.12/B and order at Ex.12/C. PW-7 PI Muhammad Aijaz at Ex.14, who produced Roznamcha entry No.54 at Ex.14/A, slip of children at Ex.14/B, Roznamcha entry No.78 at Ex.14/C, Roznamcha entry No.81 at Ex.14/D, Roznamcha entry No.38 at Ex.14/E, Roznamcha entry No.45 at Ex.14/F, covering letter at Ex.14/G, bank challan at Ex.14/H, Roznamcha entry No.48 at Ex.14/I, Roznamcha entry No.25 at Ex.14/J, covering letter at Ex.14/K, FSL report at Ex.14/L, Roznamcha entry No.32, 26, 8 at Ex.14/M to 14/O, Roznamcha entry No.25 at Ex.14/P, Roznamcha entry No.34 at Ex.14/Q, Roznamcha entry No.35 at Ex.14/R, ER slip at Ex.14/S, Roznamcha entry No.40 at Ex.14/T, covering letter at Ex.14/U, Roznamcha entry No.21, 38 at Ex.14/V and 14/W and Roznamcha entry No.4, 11 at Ex.14/X and 14/Y respectively.
6. Thereafter the charge was again amended under section 367-A, 376, 377-B PPC as per order dated 9.8.2024 passed by Honorable High Court of Sindh, Karachi in which accused pleaded not guilty and claimed to be tried vide plea at Ex.16/A.
7. The evidence was re-recorded of PW-4 SIP Sher Muhammad at Ex.17, PW-6 Judicial Magistrate Zohaib Hussain at Ex.18, PW-5 victim Farhan at Ex.19, PW-3 complainant Al-Hamd Siyal at Ex.20, PW-7 PI Muhammad Aijaz at Ex.22, PW-1 Dr. Abdul Jabar at Ex.23, PW-2 Dr. Abdul Jabar at Ex.24. Thereafter, learned ADPP for the state closed the side of the prosecution vide her statement at Ex.25.
8. The statement of accused was recorded under section 342 Cr. P.C at **Ex.26** wherein he denied the allegations leveled against him and contended that he is innocent and has falsely been implicated in this case by complainant party. However, accused did not opt to examine himself on oath nor want to lead any evidence in his defense to disprove the allegations leveled against him by the prosecution.
9. My points for determination are as under:-

### **POINTS FOR DETERMINATION**

- i. Whether on 21.02.2021 at about 1830 hours, at Inside the House near Lal

Hotel Fazal Chowk, Muhammadi Colony, the accused namely Muhammad Ismail kidnapped minor namely Farhan aged about 5 years, the son of complainant Allahando Siyal with his intention of natural lust and thereafter removing his clothes committed sodomy/rape with him which amounts to rape and sexual abuse in view of section 375 and 377-A of PPC?

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

10. I have heard the learned counsel for accused and learned ADPP appearing on behalf of the State.

11. The learned counsel for the accused mainly contended that the accused is innocent and has falsely been implicated in this case by parents of the victim. He has also contended that investigating officer has acted with malafide intention. He has also contended that FIR was lodged on the basis of hearsay evidence of victim, who was fully tutored by the parents. He has also contended that mashir of site inspection is not the locally resident and even not a single witness of the same area was examined by the I.O. He has also contended that the prosecution has failed to prove the prosecution case against the accused beyond reasonable shadow of doubt as so many doubts and major contradictions are appearing in the prosecution case as suggested by her herein above and therefore, accused is entitled for such benefits of doubt. Lastly, he prayed for acquittal of accused in the great interest of the justice.

12. On the other hand, learned Special Prosecutor duly assisted the leaned counsel for the complainant, mainly contended that the parents of victim are illiterate persons and when they came to know about commission of rape through victim then they reported the matter to the police. He has also contended that victim herself identified the accused and fully implicated before her parents, before learned Magistrate during recording her statement U/s. 164 Cr.P.C, before MLO and as well as before this Court. He has also contended that parents of victim have no enmity with the accused to falsely implicate him with this case where their family honor is also involved. He has also contended that all the prosecution witnesses were cross examined at length by the learned counsel for the accused but their evidence remained unshaky and unshattered. He has also contended that no doubt that DNA report is in negative but according to the case law cited as PLD 2020 S.C 313 medical evidence not a requirement of law. Lastly, he prayed that since prosecution has proved the case against the accused beyond any reasonable doubt, therefore, accused is not entitled any leniency and liable to be convicted according to law. The learned counsel for the complainant placed his reliance on 2024 PCrLJ 444, 2024 PCrLJ 1795, 2023 MLD 1384, 2021 YLR N 57, 2020 PCr.LJ 914, 2018 PCr.LJ 1538, 1976 SCMR 367, 2017 PCr.LJ N 38, 1997 PCr.LJ 475, 1998 SCMR 1206, 2007 PCrLJ 1851, 2004 PCr.LJ 1661, PLD 1961 DACCA 447, 2007 SCMR 698, 1999 SCMR 1453, 2014 YLR 1717, 2022 SCMR 50, 2018 PCr.LJ 12, 2018 MLD 1164, 2017 PCr.LJ N 229, 2011 YLR 1744, 2020 SCMR 590, 2015 SCMR 825, APPEAL 448/21 OF Lahore High Court, Appeal NO.124-J/2023 of Lahore High Court, 2022 PCr.LJ 1396, 2012 PCr.LJ 530, 1973 SCMR 488, 2023 YLR N 30, 1990 SCMR 323 Supreme Court Of India Criminal Appeal NO.18/1970, High Court Of Andhra Pardesh At Amaravati Criminal Appeal NO. 294/2016 PLD 2022 Lahore 645, 2016 PCr.LJ 1848, 2021 PCr.LJ 205, PLD 2015 Sindh 426, 2023 SCMR 929, 2023 SCMR 900, Sindh High Court Criminal Bail Application NO.367/2020, 1999 PCr.LJ 2044, 2005 MLD 960, 2008 PCr.LJ 971.

13. I have given due consideration to the arguments advanced by the learned

counsel for accused, the learned counsel for the complainant and learned ADPP for the State as well as perused the entire evidence produced by the prosecution along with relevant record.

14. My findings on the above points with reasons thereof, as under:-

**FINDINGS**

Point No.1	Proved
Point No.2	<div>a. The accused Muhammad Ismail S/o Abdul Manan by caste Mashori is hereby convicted under section 265-H(2) Cr. PC, for the offence under Section 367-A PPC and sentenced to suffer <u>Imprisonment for life 25 years R.I and fine of Rs50,000/-</u>. In case of default to pay fine, he shall <u>undergo 06 months SI more.</u></div> <div>b. The accused Muhammad Ismail S/o Abdul Manan by caste Mashori is hereby convicted U/S 265-H(2) Cr.PC for the offence under Section 376 PPC and sentenced to suffer <u>Imprisonment for life 25 years R.I and fine of Rs. 50,000./</u>. In case of default to pay fine, he shall <u>undergo 06 months SI more.</u></div> <div>c. The accused Muhammad Ismail S/o Abdul Manan by caste Mashori is hereby convicted U/S 265-H(2) Cr.PC for the offence under Section 377-B PPC and sentenced to suffer <u>Imprisonment for 20 years R.I and fine of One Million Rupees</u>. In case of default to pay fine, he shall <u>undergo 06 SI more.</u></div> <div>d. All three sentences shall run concurrently. The benefit of Section 382-B Cr.P.C is extended to the accused.</div>

**REASONS**

**POINT NO.1**

15. The allegation against above named accused is that on 21.02.2021 at about 1830 hours, at Inside the House near Lal Hotel Fazal Chowk, Muhammadi Colony, the accused namely Muhammad Ismail kidnapped minor namely Farhan aged about 5 years, the son of complainant Allahando Siyal with his intention of natural lust and thereafter removing his clothes committed sodomy/rape with him which amounts to rape and sexual abuse in view of section 375 and 377-A of PPC.

16. In order to prove its case, the prosecution has examined as many as seven witnesses, therefore, the case of prosecution opens with the deposition of MLO Dr. Abdul Jabar, was examined as P.W-01 at Ex.7. He deposed during his examination in chief as under:-

*“On 10.05.2021, He was posted as MLO at Civil Hospital, Karachi and on the same day, at about 04:07 p.m. one accused namely Muhammad Ismail S/o Abdul Manan aged about 23 years brought by SIP M. Ejaz of P.S Docks for medical examination with police letter. In support of his version he produced police letter at Ex.7/A, being same and correct. He examined the accused having marks of identification i.e (1) Mole on left side face. He examined him and observed the following things on his body.*

- 1. Healthy young man aged about 23 years average built. Axillary and pubic hairs are present.*
- 2. No physical abnormality seen.*
- 3. His cloths were changed and bath taken.*
- 4. His secondary Sex characters are well developed.*
- 5. On prostatic massage, erection of penis seen alongwith oozing of seminal secretions.*

*Opinion*

*On the basis of above clinical examination, he given his opinion that the accused is capable to perform the sexual intercourse. He issued medico-legal certificate bearing No.2548/21. He saw the same at Bx.7/B, being same, correct and bears his signature. I also secured the samples of accused for DNA analysis and handed over to IO. He also saw the accused present in the Court through video link was the same.”.* The opportunity to cross-examine the witness was provided to the learned counsel for the accused; however, he opted not to conduct the cross-examination and made it nil.

17. After that, prosecution has examined same MLO Dr. Abdul Jabar as P.W-02 at Ex. 8. He deposed during his examination in chief as under:

*“On 22.02.2021, He was posted as MLO at Civil Hospital Karachi and on the same day, at about 06:13 pm, one victim/boy namely Farhan S/o Allahndo Siyal aged about 06 years brought by SIP Muhammad Ejaz of PS. Docks for the purpose of his medical examination and report. He saw such police letter at Ex.08/A, which is same, correct and bears official stamp. The boy was having narks of identification as (i) Mole on left neck. 2) Mole on left chin. The alleged incident was taken place on 21.02.2021. He examined the victim/boy accordingly. On examination he found the following:-*

- 1. No mark of injury/violence seen on all over the body at present.*
- 2. Clothes not changed, stool passed, parts washed.*
- 3. Bath not taken.*
- 4. On separation of buttock pain occurred.*
- 5. Tear seen in anal region slightly abrasion seen in anal region. Anal tone was raised.*

*OPINION*

*He secured the samples of anal swab and shalwar and handed over to I/O for DNA analysis. He saw MLC No.1003/21 at Ex.8/B, it is same, correct and bears my signature. He also saw emergency slip at Ex.8/C being same and correct. The opinion was reserved for DNA report. He saw the DNA report No.*

*SFDL/2021/386. dated 14.04.2021. This report pertains to the victim Farhan wherein seminal material detected.*

*He saw the same at Ex.8/D, being same and correct. He also saw the DNA report No.SFDL/2021/386. dated 05.06.2021. This report pertains to the samples of victim Farhan and blood sample of accused Muhammad Ismail. He saw the same at Ex.8/E, it is same and correct. This report reveals that the DNA report is positive and reproduced as under:-*

*"The DNA profile obtained from sperm fraction of stain taken from shalwar of Farhan S/o Siyal (Item#3.1) is a single source and matches with DNA profile obtained from blood sample of Muhammad Ismail S/o Abdul Manan Mashori (item" SI). In the absence of an identical twin, Muhammad Ismail S/o Abdul Manan Mashori (item#SI) is the source of the DNA obtained from the sperm fraction of item# 3.1 to a reasonable degree of scientific certainty.*

*NOTE: One sealed brown parcel present in the Court is same. De-sealed in open Court. It bears the white shalwar of victim which he saw as Article A".*

18. During the cross he deposed as under:

*"It is correct to suggest that mark of abrasion may be seen after slipping on slides and playing on rough surface. It is correct to suggest that tears may be observed after itching and playing on rough Surface. It is correct to suggest that I did not give my opinion and referred the victim to the Peed surgeon for the opinion that sodomy has taken placed or not. It is a routine that we used to refer the victim/patient for such opinion to surgeon. It is correct to suggest that that there is no report of peed surgeon is available on record for opinion. It is correct to suggest that I have not given the final opinion, voluntarily says, I reserved the same for DNA report. It is correct to suggest that as per DNA report (Ex.8/D) the DNA profile obtained from the epithelial fraction of stain section taken from Shalwar of Farhan S/o Allahndo (item 3.1) is a mixture of at least two individuals with major and minor contributors. It is correct to suggest that on Ex.7/B (MLC of accused). It does not bear specifically that I sealed and handed over the blood sample of accused to I/O. Vol. Says that it bears the receiving of I/O. It is incorrect to suggest that I have not examined the victim. It is incorrect to suggest that I have managed the DNA report. It is incorrect to suggest that I am deposing falsely".*

19. After that, the prosecution has examined complainant Al Hamd Siyal as P.W-3 at Ex.9. He deposed as under:

*" He is the complainant. He has five children including victim master Farhan aged about 7 years at present. He is doing work of supplying of drinking water near to his house. He used to go at his job at about 8:00 am to use to come back at about 9/10:00 pm. On 21.2.2021, he was on his job where at about 6:00 pm, his younger daughter Nadia came to him and informed that his son Farhan was weeping in the street and is in worst condition and she asked him to come early. Thereafter I came to my home and made enquiry from Farhan who disclosed that his stool has been in his shalwar and thereafter I removed his shalwar and checked and found that the blood was oozing from his anal. On my enquiry about the culprit my son Farhan disclosed that he was playing in the street prior Magrib prayer where one Ismail uncle took him to his house situated near at the same area at some distance where a patrol shop was*

situated under the house of accused. He further informed me that after taking him at the house the uncle Ismail removed his shalwar committed sodomy with him after removing his shalwar. Thereafter he was feeling pain and crying and then accused released him and he came to the house. After hearing all such facts from my son Farhan and looking the condition of my son Farhan at first he went at the house of accused Ismail but he was not present there and he made complaint to his brother who assured that he would punish him if they found guilty. The condition of his son was very worst due to fever he became unconscious and thereafter he gave him a syrup for curing fever and thereafter he got slept. On the following day he again made enquiry from his son who again gave the name of accused being the culprit. Thereafter he went to the police station Docks where he lodged FIR No.144/2021 U/s 377, 511 PPC at about 1630 hours against accused Ismail, which he produced at **Ex.9/A**, being same, correct and bears his signature. Meanwhile his son was referred to Civil Hospital Karachi by the police through a letter. Meanwhile he produced his son before Civil Hospital Karachi where his son was examined by MLO who confirmed that his son was sodomized. Thereafter he came back to home. On 23.2.2021 at about 2:00 pm, IO inspected the place of occurrence i.e the house of accused on his pointation and in his presence where IO prepared such memo of site inspection and obtained my thumb impression and thumb impression of my brother Khalid, which he produced at **Ex.9/B**, being same, correct and bears his signature. He observed that CCTV camera was installed in the shop situated in front the house of accused. Meanwhile he see the CCTV record of the water shop in which he saw that his son was going to the house of accused and was coming back from the house. Meanwhile he obtained such CCTV videos clips in memory card from the owner of shop and on 24.4.2021 he handed over the same to police under a written mashirnama and such memory card was sealed with my thumb impression at the police station. He produced such mashirnama at **Ex.9/C**, which is same, correct and bears my signature. On 10.5.2021, he was available at home and meanwhile he received phone call of police who called him at the police station. Thereafter IO took him in police mobile to Nala stop Machhar colony at about 12:10 am midnight where the accused Ismail with whom he was already aware was standing and he was arrested on my pointation and police prepared such memo of arrest in his presence and his brother. He produced such memo of arrest at **Ex.9/D**, being same, correct and bears his signature. The police also recorded his statement U/s 161 Cr.P.C. Meanwhile, he also produced his son for recording his statement U/s 164 Cr.P.C. before learned Judicial Magistrate and the same was recorded. The MLO had secured the shalwar of my son at the time of his medical examination. He also saw the accused Ismail present in Court is the same. Note: One sealed brown paper envelope duly sealed by FSL laboratory produced in Court having SFDL No.2021-286. The parcel was already de-sealed in presence of learned counsel for accused. The parcel is containing one white sealed cloth having some written endorsement of MLO and one white color shalwar of kid. He saw white Color Shalwar lying in Court as article 'A'. I said it is the same Shalwar of his son Farhan.

Note: One sealed white cloth parcel produced having some written endorsement of witnesses with their signatures and thumb impression having two seals. He saw it bears his thumb impression. The parcel is de-sealed in presence of learned counsel for accused. The parcel is containing one transparent plastic pouch and black color memory card of 2gb. He produced memory card as article 'B' and say that it is the same memory card which was produced by him to the police under written mashirnama. The memory card is checked in open Court through a mobile phone. There are two videos clips in memory card i.e one is of 32 second while another is of 51 seconds. The perusal of 32 seconds video slip shows that it was recorded at about 18:45:33 hours to 18:46:06 seconds. The video clip further shows that a man entered

*into the house 18:45:46 hours while the boy also entered into the house at 18:46:01 hours. He said that the boy who is wearing white cloth is his son while the person who entered into the house prior his son he cannot identify him as his face is not visible. The video clip of 51 seconds shows that it was recorded at about 18:58:48 hours to 18:59:39 second. The perusal of video clip shows that a minor boy wearing white clothes coming out from the house at about 18:59:01 hours and thereafter one man coming out from the same door at about 18:59:14 hours following the victim boy. However the faces of victim boy and the suspect are not visible. He said that the minor boy is his son he cannot identify the man who is coming out after some seconds of my son from the same house as his face is not visible. The copies of both the video clips supplied to Mr. Sanaullah Soomro, the learned counsel for accused”.*

20. During the cross, he deposed as under:

*“I am illiterate. My statement was recorded as per my verbatim. It is correct to suggest that such fact is not mentioned in FIR that my son alleged victim was with me at the time of lodging of FIR, voluntarily says however my son was accompanied with me when I lodged FIR. No one was present when my daughter Nadia informed me about alleged incident and condition of my son. Nadia came at my work place and then informed me such facts within two minutes. The distance from the place where I was working and Nadia informed me such facts to the alleged place where the alleged offense was taken placed can be covered within 10 to 20 minutes’ walk. After knowing such information I immediately reached to home at about 6:15/6:30 pm. My wife and my brothers were present there when I reached at my home alongwith Nadia. The police also recorded my statement U/s 161 Cr.P.C. It is mentioned in my statement recorded U/s 161 Cr.P.C that Nadia informed me such facts at 6:30 pm. I physically checked my son including his shalwar within two minutes. It is correct to suggest that on the very day after knowing such facts I had not reported the matter to the police. It is correct to suggest that according to my statement recorded U/s 161 Cr.P.C my son informed me that one uncle who used to be at game shop and also used to visit their neighboring house committed such act of sodomy with me inside his house on a foam mattress. It is correct to suggest that my son has not stated according to my statement that said accused who committed the alleged act used to reside in neighboring house and he stated that he used to visit the neighboring house. It is correct to suggest that I have not taken my son to the police station or before any doctor on the day of alleged incident i.e 21.2.2021. It is correct to suggest that my daughter Nadia is not witness in this case. I went to the police station at 1:00 pm on 22.2.2021 however my FIR was lodged at 4:30 pm. It is correct to suggest that till lodging of FIR I have not got examined my son and did not produce any medical proof. It is correct to suggest that at first I have lodged FIR and then my son was referred for medical examination. We left the police station at 6:30 pm for medical examination. I do not know via which was used by me alongwith police from police station to hospital. It is correct to suggest that I have not produced any Roznamcha entry under which I was referred to hospital. We reached Civil Hospital Karachi at 6:30 pm. Note: At this stage learned counsel for complainant pointed out that such entry will be produced by the IO. We remained at hospital up to 60 to 90 minutes during the process of medical examination. I see Ex.8/B. it is MLC No.1003 of my son Farhan. It is correct to suggest that the arrival time is mentioned therein as 6:13 pm. No such medicine was prescribed or given to my son by the doctors after examining. I have not noted the time when I left the hospital after medical examination of my son. After departure from hospital I directly came to my home. IO inspected the place of occurrence in my presence at 4:30 pm. My brother Khalid was also present at the time of inspection alongwith me and my son. At first IO came at the shop of my brother Khalid situated at Mari Chowk Nala stop and called me and from there I took the*



*IO to the place of occurrence. I was called by my brother Khalid as he was directed by the IO. It is correct to suggest that I have not disclosed any phone number in my examination in chief. Nothing was secured by police from the place of occurrence at the time of inspection however police had captured the photographs as one mattress was lying there. It is correct to suggest that I have not produced any picture in my examination in chief. It is incorrect to suggest that I put my thumb impression on memo of site inspection Ex.9/B at police station, voluntarily says I put my thumb impression at the spot. I do not remember who has written the memo of site inspection at Ex.9/B. I cannot say who has written the memo of site inspection at Ex.9/B. It is correct to suggest that I do not know who has written the memo of site inspection. I do not know if the memo of site inspection was not written by IO. It is correct to suggest that IO has not secured any mattress from the police station. It is correct to suggest that no such mattress lying in Court today. It is correct to suggest that the owner of the house where the alleged offense was taken placed was not made as witness or as accused in this case. It is correct to suggest that I was informed about the alleged incident by my daughter baby Nadia and she is not witness in this case. It is correct to suggest that IO has not made witness to the owner of the shop where the CCTV was installed and such record was taken into possession. It is correct to suggest that I have stated in my examination in chief that I have secured such CCTV record from myself and then handed over to police. I had seen such CCTV record once prior handing over the same to police. It is correct to suggest that the video in which my son was entering into the house does not show any fact which shows that he was forcibly taken into the house. It is correct to suggest that in the CCTV in which my son was entering into the house the face of my son is not visible. It is correct to suggest that no such any abnormality or any fact which shows that someone heard any noise of any child of victim and gathered at the spot outside of the place of offense where the victim was entered and thereafter came out in the whole CCTV consisting about 13 minutes. It is correct to suggest that it appears in the CCTV that the victim boy is coming out from the said house by walking in normal style. It is correct to suggest that nothing is showing in such video in which the victim boy was coming out from the house that he was weeping or crying after coming out. It is correct to suggest that nothing is showing in such video that the victim boy was feeling any pain or fallen down or became unconscious after coming out from the house. It is correct to suggest that the time mentioned in the first video when the victim boy was entering in the subject house is as 18:46:06 hours. It is correct to suggest that I stated in my examination in chief that my son was allegedly sodomized at 6:30 pm. It is correct to suggest that I or my daughter are not the eye witnesses of the alleged offense. It is correct to suggest that there is no other eye witness in this case. It is correct to suggest that I had not stated before IO that my son disclosed the name of accused who committed the alleged offense with him. It is correct to suggest that accused was not arrested on my pointation. It is correct to suggest that the alleged house is situated on first floor where the alleged offense was taken placed. There are shops on the ground floor of the subject house. It is correct to suggest that I have not produced the shopkeepers of subject house as witness in this case. It is incorrect to suggest that there was any dispute or quarrel in respect of plot between me and family of present accused. It is incorrect to suggest that prior the alleged incident there was a quarrel and there was altercation between me and brother of accused. It is correct to suggest that the DVD recorder through which CCTV record was secured is not produced in this Court. It is incorrect to suggest that no such alleged incident was taken placed. It is incorrect to suggest that my son was not subjected to act of any sodomy. It is incorrect to suggest that the accused is innocent. It is incorrect to suggest that I am deposing falsely.”.*

21. After that, the prosecution has examined SIP Sher Muhammad as P.W-04 at Ex.10. He deposed as under:

*“On 22.2.2021, He was posted as duty officer/SIP at P.S Docks. His duty timings was from 0800 hours to 2000 hours. On the same day, at about 1630 hours, He was present at the police station meanwhile complainant Al Hamd Siyal S/o Muhammad Ramzan R/o Mari Chowk Near Sheedi hotel Muhammadi Colony Karachi came at the police station and deposed the facts of case cognizable in nature punishable under section 377, 511 PPC against nominated accused Ismail with the allegation that on 21.2.2021 at 1830 hours the accused committed sodomy with his minor son Farhan aged about five and half years. He accordingly lodged FIR No. 144/2021 as per verbatim of complainant against nominated accused named above. Thereafter, he read over the contents of FIR before him to which he admitted the same as true and correct and then put his signature. He saw such FIR at Ex.9/A, being same FIR, correct and bears his signature and as well as thumb impression of complainant. He also kept such fact of lodging of FIR in Roznamacha Register in entry No.49. He produced the same as **Ex.10/A**, being same and correct. Thereafter he handed over the investigation of the case to SIO. Thereafter, IO SIP Muhammad Aijaz recorded his statement under section 161 Cr.P.C”.*

22. During the cross he deposed as under:

*“It is incorrect to suggest that the son of complainant the victim Farhan was not accompanied with the complainant at the time of lodging of FIR. I lodged FIR after 10 minutes of arrival of complainant after knowing all such facts. It is correct to suggest that FIR was lodged by me at 1630 hours, voluntarily says the complainant came two or four minutes prior and after knowing such facts from him I informed SHO and then I lodged FIR. It is correct to suggest that prior lodging of FIR I myself has not referred the victim for medical examination. It is correct to suggest that according to the contents of FIR the alleged offense was taken placed on 21.2.2021 at about 1830 hours while the FIR was lodged on 22.2.2021 at about 1630 hours with the delay of about 22 hours. It is correct to suggest that such fact is not mentioned in FIR that if complainant has brought the dress which was wearing by the victim at the time of alleged offense. I see my statement recorded U/s 161 Cr.P.C. It is correct to suggest that it is mentioned in my statement recorded U/s 161 Cr.P.C that complainant stated before me while lodging FIR that his son pointed out the place and disclosed that one uncle who used to be present at video game and also used to visit neighboring house committed such act with him. It is correct to suggest that victim has not disclosed any name of accused to his father according to my statement recorded U/s 161 Cr.P.C. It is correct to suggest that it is mentioned in my statement recorded U/s 161 Cr.P.C that complainant stated before me that while lodging FIR that the victim pointed out the house of accused Ismail S/o Manan and also pointed out one foam mattress where accused attempted to commit his rape/sodomy. It is incorrect to suggest that I have lodged a false FIR without any proof after taking illegal gratification from the complainant. It is incorrect to suggest that I am deposing falsely.”.*

23. After that, prosecution has examined his star witness as P.W-05 victim minor Farhan at Ex.11. He deposed as under:

*“The complainant Alhamd Siyal is his father. They are three brothers and two sisters. He is at third number amongst his brothers and sisters. His father used to sell biryani. About three years ago, in the second month of the year. It was 21s day of February. It was evening time. He was playing in the street with his friends where one Ismail came who was residing in their area and his paternal uncle was also aware with*

him. He asked to accompany with him and he would give him some eatable articles but he refused and then he forcibly hold his hand and took him to his house situated nearby. There was no one in his house. Meanwhile he took him in one room and he removed his Shalwar and he also removed his own Shalwar and then he laid down him on mattress and then he committed the act of sodomy with him. Meanwhile blood was oozing from his anal region and he was feeling pain. Meanwhile he was weeping during such act of sodomy upon which he released him and then he came out from said house and meanwhile accused also escaped good. Thereafter, he came to his home and informed such facts to his mother. Then his mother informed such facts to his sister Amina. Then his mother sent his sister Amina towards to father who was working somewhere in the same area and then his sister brought his father to home. Thereafter his father checked him and he became ill and informed all such facts to his father. Then his father took him to the police station on the following day. He also disclosed such facts to police. His father then brought him to the Civil Hospital Karachi where he was examined by the doctors. He was also produced before learned Judicial Magistrate where his statement U/s 164 Cr.P.C. was recorded. He also showed the place of offense where accused took him and committed act of sodomy with him. The doctor has also secured his clothes.

*Note: At this stage one sealed envelope produced in Court from Nazarat Branch which bears the signature of learned XVIIth Judicial Magistrate Karachi West with official seal. The sealed envelope is de-sealed in open Court in presence of learned counsel for accused. The envelope is containing statement recorded U/s 164 Cr.P.C. which I produce at Ex.11/A, which is same, correct and bears my thumb impression and picture. The envelope produced and kept on record as Ex.11/B.*

*I see accused Ismail present in Court through video link is the same who committed act of sodomy with me. I see one white color shalwar lying in Court as article A. I say that it is my shalwar.”*

24. During the cross he deposed as under:

*“I was playing in my street with my friends. I do not remember their names. There were some shops were situated where we were playing which were closed. However one shop was opened where the house of accused was situated. I do not know the name of shopkeeper whose shop is situated near the house of accused. I have not raised any hue and cry or called said shopkeeper whose shop was opened to save me from accused. It is correct to suggest that no mattress is lying in Court. It is incorrect to suggest that whatever I am deposing before this Court is on the basis of instigation of my father. It is incorrect to suggest that there was dispute in between my father. My paternal uncle and the present accused. The house of accused is situated just in-front of our house. We were playing at the distance of 6/7 paces from our house. The accused allegedly took me to his house which was also situated at the distance of 5/6 paces away from the place where we were playing. I have not seen the videos. Note: At this stage learned counsel for accused requested to show the videos of CCTV record produced by the complainant in a memory card as article B'. Request allowed. The memory card runs in open Court having two videos of 32 seconds and 51 seconds. I see first video of 32 second. I say that in this video I am the boy appearing in the video who is entering into the house and prior that one person was also entering. I see one person who entered into the building prior my entering having one white handkerchief on his shoulder. It is incorrect to suggest that the said person is not Ismail. I see another video of 51 seconds in which I am coming out and then one person is coming out after me. I say that this boy is me and the person who is coming after me having white handkerchief on his shoulder is Ismail. It is incorrect to suggest that*

*the person who came out from said building after me having white handkerchief on his shoulder is not me. It is correct to suggest that I am entering into the house and coming out alone, voluntarily says, the person Ismail is also visible in the video who entered into the house after me and also came out from the house after me. It is incorrect to suggest that the person appearing in the video is not Ismail. It is correct to suggest that in both the videos I am not weeping, voluntarily says, I wept in the house when I reached back to home. It is correct to suggest that on the very first day my father did not take me to any hospital, voluntarily says, I was taken to hospital on the following day by my father as police referred us. It is incorrect to suggest that the shalwar lying in Court is not mine. It is incorrect to suggest that I was not accompanied with my father to the police station. It is incorrect to suggest that I have not disclosed the name of accused Ismail to my father. It is incorrect to suggest that no such alleged incident was taken placed. It is incorrect to suggest that the accused has not committed bad act of sodomy with me nor he took me to his house. It is incorrect to suggest that no such act of sodomy committed with me. It is incorrect to suggest that I am deposing falsely as per instigation of my father due to property issues between accused and complainant party.”.*

25. After that, prosecution has examined Civil Judge & Judicial Magistrate Zohaib Ahmed as P.W-06 at Ex.12. He deposed as under:

*“Perusal of record shows that the jurisdiction of the police station Docks was lying with learned Judicial Magistrate-XII, Karachi West. According to the record, IO of case/FIR No.144/21 U/s 377, 511 PPC moved an application for recording statement U/s 164 Cr.P.C of victim Farhan s/o Al-Hamd Siyal aged about 5/6 years in which one accused Ismail was already arrested. After hearing the concerned learned Judicial Magistrate rejected such application on the ground that the minor victim was unable to understand the rational asked to him. I produce application of IO dated 19.3.2021, which I produce at Ex.12/A and order of learned Judicial Magistrate at Ex.12/B. Perusal of record shows that the learned counsel for complainant challenged such order in Crl. 25/21 and meanwhile such criminal application was allowed vide order dated 3.6.2021 by learned 2nd ADJ Karachi West and order dated 19.3.2021 was set aside and concerned Judicial Magistrate was directed to record the statement according to law or disposed of application by speaking order. I..... produce such copy of order at Ex.12/C. Meanwhile the jurisdiction of police station Docks was assigned to my Court therefore, the subject order received to me for compliance according to law. Meanwhile, I directed the IO to produce the minor victim through complainant however the victim boy was not produced by the complainant on different dates due to different reasons including adjournment application moved by the learned counsel for complainant and finally on 24.8.2021, the victim Farhan S/o Al-Hamd Siyal was produced by his father and the accused was also produced by jail authority. Meanwhile I recorded the statement of victim Farhan U/s 164 Cr.P.C in presence of accused in Sindhi language which was the native language of victim. Meanwhile I have given opportunity to the accused who prayed to reserve the cross as his counsel would cross the victim during the trial. Meanwhile I read over the contents of his statement before the victim in Sindhi language to which he admitted the same as true and correct and put his thumb impression. Thereafter I affixed certificate over such statement. Meanwhile I sealed the statement with my signature and official stamp and then kept the same in Nazarat branch for safe custody. I see Ex.11/A, it is the same Statement recorded U/s 164 Cr.P.C, which is same, correct and bears my signature and certificate. I also see envelope as Ex.11/B, which is same, correct and bears my signature. I see accused Ismail present in Court through video link is the same accused.”.*

26. During the cross he deposed as under:

*“It is correct to suggest that the statement U/s 164 Cr.P.C was recorded in presence of accused as he has not engaged counsel at that time. It is correct to suggest that I have not produced any notice if served upon accused prior recording statement U/s 164 Cr.P.C of victim in compliance of order passed in revision application, voluntarily says, however I issued production order of accused to jail and in such compliance the accused was produced before me. It is correct to suggest that cross is nil, voluntarily says, the accused requested that his counsel would cross examine the witness during the trial. It is incorrect to suggest that the statement U/s 164 Cr.P.C was not recorded in presence of accused. It is incorrect to suggest that at the time of recording statement U/s 164 Cr.P.C the accused was present outside of the Court. It is correct to suggest that the name of father of victim is mentioned as Allah Dino Siyal, voluntarily says, such name deposed to me by the victim. It is incorrect to suggest that the victim was having native language as Siraiki, voluntarily says, he was clearly speaking Sindhi Language. It is correct to suggest that I put three rational questions prior recording his statement. It is correct to suggest that it is not mentioned in such rational questions that the victim was Sindhi speaking, voluntarily says, he was speaking Sindhi. It is correct to suggest that the victim has not deposed any address of the alleged place of occurrence, voluntarily says, however victim has deposed that accused committed alleged act in his house. It is correct to suggest that the victim has not disclosed that the accused took him to his house. It is incorrect to suggest that victim has not deposed anything before me. It is incorrect to suggest that I have managed statement U/s 164 Crf.C with the connivance of complainant party and police”.*

27. After that, prosecution has examined the Investigation Officer as P.W-07 PI Muhammad Aijaz at Ex.14. He deposed as under:

*“On 22.2.2021, I was posted as sub inspector in investigation branch of police station Docks. On the same day, I received the investigation of case/FIR No.144/21 U/s 377, 511 PPC lodged by complainant Alhindo Siyal against nominated accused namely Ismail with the allegation that he attempted to commit sodomy with his son Farhan aged about five and half year. I received FIR, which I see at Ex.9/A, which is same and correct. I also received entry No.49 under which FIR was lodged, which I see at Ex.10/A, which is same and correct. Meanwhile I perused the FIR and entry. The complainant Alhindo Siyal was already present at the police station alongwith his son master Farhan. Meanwhile I left the police station alongwith complainant and victim for the purpose of medical of victim under Roznamcha entry No.54 at about 1720 hours, which I produce at **Ex.14/A**, which is same and correct. Meanwhile I produced the victim before MLO at Civil Hospital Karachi where victim was examined under MLC No.1003/21. I see my letter at Ex.8/A, which is same, correct and bears my signature. Meanwhile MLO secured the clothes of victim and also secured the anal swabs of victim and handed over the same to me for DNA. I see MLC No.1003 at Ex.8/B, which is same and correct. I also see ER slip of victim at Ex.8/C, which is same and correct. The victim was also referred to children ward. I produce slip of children ward at **Ex.14/B**, which is self-explanatory. Then I came back at the police station vide arrival entry No.78 at about 2010 hours, which I produce at **Ex.14/C**, which is same and correct. I informed all such facts to SIO. Meanwhile I again contacted with the complainant and requested him for inspection of place of occurrence upon which he excused. I kept such facts in Roznamcha entry No.81 at about 2140 hours, which I produce at **Ex.14/D**, which is same and correct. On 23.2.2023, I again contacted with the complainant and left the police station vide Roznamcha entry No.38 at about 1325 hours, which I produce at **Ex.14/E**, which*

is same and correct. Then on the same day at about 1400 hours on the pointation of complainant I inspected the place of occurrence i.e House situated at Fazal Chowk Muhammadi Colony the house of one Jameel Kashmiri where the accused was residing as tenant on the first floor under written mashirnama, which I see at Ex.9/B, which is same, correct and bears my signature. Then I came back at the police station vide arrival entry No.45 at about 1530 hours, which I produce at **Ex.14/F**, which is same and correct. Then I recorded statement U/s 161 Cr.P.C of prosecution witnesses. On 15.3.2021, I deposited the anal swab and blood sample of accused to DNA laboratory under my covering letter, which I produce at **Ex.14/G**, which is same, correct and bears my signature and official endorsement of DNA laboratory. I also produce paid bank challan in favor of DNA laboratory at **Ex.14/H**. Then I came back at the police station vide Roznamcha entry No.48 at about 1700 hours, which I produce at **Ex.14/I**. I moved an application for recording statement U/s 164 Cr.P.C of the victim, which I see at Ex.12/A, which is same, correct and bears my signature. Meanwhile my such application was dismissed vide order, which I see at Ex.12/B, which is same and correct. On 24.4.2021, the complainant provided me memory card of 2GB. I perused the same and watched the video clips having 32 second video clip and 51 seconds video clip which I secured into my possession under a written mashirnama in presence of complainant and Khalid, which I see at Ex.9/C, which is same, correct and bears my signature. I also kept such facts of seizing of memory card under Roznamcha entry No.25 at about 1315 hours, which I produce at **Ex.14/J**, which is same and correct. Meanwhile I deposited the memory card to the office of AIG forensic under my covering letter, which I produce at **Ex.14/K**, which is same, correct and bears my signature and official endorsement of FSL. Meanwhile I received FSL report dated 4.5.2021 which shows that no such facility to verify video and audio forensic was available there, which I produce at **Ex.14/L**, which is self-explanatory. I remained busy in search of accused but I did not find him. I produce Roznamcha entry No.32, Roznamcha entry No.26, Roznamcha entry No.8, which I produce at **Ex.14/M to Ex.14/O**, which are same and correct. Meanwhile after completing 14 days I submitted interim charge sheet showing the accused as absconder U/s 512 Cr.P.C. Meanwhile learned counsel for complainant challenged the order of learned Judicial Magistrate in revision application which was allowed and learned Judicial Magistrate was directed to record statement U/s 164 Cr.P.C of victim and then on 4.8.2021 the statement U/s 164 Cr.P.C of victim was recorded, which I see at Ex.11/A. On 9.5.2021, I left the police station for arrest of accused vide Roznamcha entry No.25 at about 1830 hours, which I produce at **Ex.14/P**, which is same and correct. Meanwhile on 10.5.2021, I reached at near Zainul Abideen masjid Machhar colony alongwith complainant and at about 0010 hours on the pointation of spy informer arrested the one accused who disclosed his name Ismail S/o Abdul Manan being the nominated accused in this case in presence of complainant and one Khalid Siyal under written mashirnama, which I see at Ex.9/D, which is same, correct and bears my signature. Then I came back at the police station vide Roznamcha entry No.34 at about 0050 hours, which I produce at **Ex.14/Q**, which is same and correct. I interrogated the accused who admitted his guilt and meanwhile I left the police station vide departure entry No.35 at about 1520 hours, which I produce at **Ex.14/R**, which is same and correct. Meanwhile I produced the accused before MLO under my covering letter for his medical examination, which I see at Ex.7/A, which is same, correct and bears my signature. Meanwhile the accused was examined by MLO under MLC No.2548/21, which I see at Ex.7/B, which is self-explanatory. Meanwhile MLO has also secured blood sample of accused and handed over to me for DNA and declared the accused as potent. I also produce ER slip of accused at **Ex.14/S**. Then I came back at the police station vide arrival entry No.40 at about 1720 hours, which I produce at **Ex.14/T**,

*which is same and correct. On 17.5.2021 I deposited the blood sample of accused to DNA laboratory under my covering letter, which I produce at **Ex.14/U**, which is same, correct and bears my signature and official endorsement of DNA laboratory. I produce departure entry No.21 at about 1005 hours and arrival entry No.38 at about 1701 hours, which I produce at **Ex.14/V and Ex.14/W**, which are same and correct. Meanwhile on 11.5.2021, I produced the accused before learned Judicial Magistrate wherefrom I obtained 4 days police custody remand. I produce departure entry No.4 and arrival entry No.11 at **Ex.14/X and Ex.14/Y**. Meanwhile I received DNA report No.SFDL-2021-386 dated 14.4.2021, which I see at Ex.8/C, which is self-explanatory. I also received another DNA report No.2021-386 dated 5.6.2021, which I see at Ex.8/E which shows that stain section taken from shalwar of victim were matched with the blood sample of accused. After completing the investigation I submitted final charge sheet U/s 377, 367-A PPC. I see accused Ismail present in Court through video link is the same accused.*

*I see one white cholor shalwar lying in Court as article 'A'. I say that it is the shalwar of victim which was secured by MLO and handed over to me for DNA.*

*Note: One white sealed cloth parcel produced in Court already de-sealed in presence of learned counsel for accused. The parcel is containing written endorsement in respect of names and thumb impression of witnesses. I see it bears my signature. The cloth parcel is containing one transparent plastic pouch having one memory card of 2GB lying in Court as article 'B'. The memory card runs in open Court. There are two video clips in memory card i.e one of 32 second while another is 51 seconds. The perusal of 32 second video clip shows that it was recoded at about 18:45:33 hours to 18:46:06 hours. The video clip further shows that man entered into house at about 18:46:01 hours. The another video clip of 51 seconds shows that it was recorded at about 18:58:48 hours to 18:59:39 hours. The perusal of video clip shows that a minor boy wearing white cloth coming out from the house at about 18:59:01 hours and then one man coming out from the same door at about 18:59:14 hours following the victim boy. I see video clip of 32 seconds which shows that accused Ismail was entering and coming out from the house and it further shows that the victim was also going and coming out from the said house. I see accused Ismail present in Court is the same through video link.”.*

28. During the cross he deposed as under:

*“I received FIR, Roznamcha entries at the time of receiving investigation. It is correct to suggest that at first FIR was lodged and then the victim boy was referred for his medical examination under police letter. I alongwith my subordinate staff, father of victim and victim went to hospital for medical examination of victim on government police mobile. We reached at Civil Hospital Karachi at about 1800 hours. The MLO secured slide samples and clothes of victim and handed over the same to me for DNA. It is correct to suggest that MLO also referred the victim to peads department for further examination and opinion. It is correct to suggest that the doctor of peads department is not witness in this case, voluntarily says, MLO Dr. Abdul Jabar examined the victim. I deposited the sealed shalwar of victim to DNA laboratory for DNA analysis secured by MLO. We came back to the police station from hospital at about 2040 hours. On 23.2.2021, I inspected the place of occurrence. I informed the complainant for inspection of place of occurrence through phone call. It is correct to suggest that I have not mentioned phone number of complainant under which I contacted with the complainant in Roznamcha entry No.38. We reached at the place of occurrence at about 1400 hours. It is correct to suggest that I have not captured photographs of place of occurrence. It is correct to suggest that I have not prepared any video of place of occurrence. It is correct to suggest that mattress/foam is not the*

case property. It is correct to suggest that I have not recorded the statement of landlord of place of occurrence/house of accused. It is correct to suggest that the shopkeeper is not the mashir of memo of site inspection, voluntarily says, one Khalid Siyal is the mashir of memo of site inspection. It is correct to suggest that I have not recorded statement of any independent eye witness. It is correct to suggest that the complainant himself is not the eye witness of the alleged incident, voluntarily says, there is no eye witness of the alleged incident. I have not secured anything into possession from the place of occurrence, voluntarily says, only one mattress was lying on the place of occurrence. I left the place of occurrence at about 2:45 pm. It is correct to suggest that the complainant handed over me memory card containing videos. It is correct to suggest that such videos shows that victim was entering into the house and was coming back from there. It is correct to suggest that I have not made as witness the shopkeepers where the CCTV cameras was installed, voluntarily says, complainant handed over me memory card containing two videos i.e one video is of 32 seconds and second video is of 51 seconds. I see statement recorded U/s 161 Cr.P.C of complainant. It is correct to suggest that complainant has not stated therein that accused Ismail committed bad act of sodomy with victim upon mattress. It is correct to suggest that the video of 32 seconds does not show that the accused by holding hand of victim was taking him to the place of occurrence, voluntarily says, the said videos shows that at first victim was going to the place of occurrence while accused was also going behind him. It is correct to suggest that video of 51 seconds does not show that accused was weeping while coming out from the place of occurrence or made hue and cry and was going in normal condition, voluntarily says, victim was not coming back in normal condition. I sent memory card to forensic division for FSL under my covering letter, voluntarily says, thereafter I received report of forensic division at Ex.14/L which shows the facility of forensic examination and report of memory card was not available with them. I received spy information about the presence of accused by spy informer and then I informed the complainant and then arrested the accused under memo of arrest. It is correct to suggest that phone number of complainant is not mentioned memo of arrest, voluntarily says, mobile number of complainant is mentioned in his statement recorded U/s 161 Cr.P.C. It is incorrect to suggest that I had not arrested the accused from alleged place of arrest while accused voluntarily appeared at the police station and surrendered himself before me. It is correct to suggest that the mashirs of memo of arrest are complainant and Khalid Siyal and I have not associated any private person as mashir, voluntarily says, it was midnight time at about 0010 hours. I have not produced CDR of complainant which shows that he was present at the time of arrest of accused. It is correct to suggest that the accused was not arrested in presence of victim on his pointation, voluntarily says, I arrested the accused in presence of complainant on his pointation. It is correct to suggest that I have not moved any application before learned Judicial Magistrate for IDA of accused, voluntarily says, the complainant already know the accused as he was his neighbourer. It is correct to suggest that Nadia is not the witness in this case who informed the complainant about the alleged incident, voluntarily says, she informed all such facts to complainant. It is incorrect to suggest that I have not recorded the statement U/s 161 Cr.P.C of victim. It is not in my knowledge that if any dispute over property going on between accused and complainant party. It is incorrect to suggest that I have wrongly challaned the accused. It is incorrect to suggest that I have not done fair investigation. It is incorrect to suggest that I am deposing falsely”.

29. The entire case of prosecution revolved around its star witness/alleged victim minor Farhan. The victim minor was confident enough when he appeared into witness box and has categorically implicated the present accused and fully supported the case of prosecution. He deposed that the complainant Alhamd Siyal



is his father. They are three brothers and two sisters. He is at third number amongst his brothers and sisters. His father used to sell Biryani. About three years ago, in the second month of the year. It was 21st day of February. It was evening time. He was playing in the street with his friends where one Ismail came who was residing in their area and his paternal uncle was also aware with him. He asked to accompany with him and he would give him some eatable articles but he refused and then he forcibly hold him hand and took him to his house situated nearby. There was no one in his house. Meanwhile he took him in one room and he removed the Shalwar of victim Farhan and he (accused) also removed his Shalwar and then he laid down victim minor Farhan on mattress and then accused committed the act of sodomy/rape with victim minor Farhan. Meanwhile blood was oozing from the anal region of the victim minor Farhan and victim was feeling pain. Meanwhile victim was weeping during such act of sodomy/rape upon which the accused released him and then victim came out from said house and thereafter, the accused also escaped good. Thereafter, the victim came to his home and informed such facts to his mother, then his mother informed such facts to his daughter Amina/sister of the victim. Then the mother of the victim sent his daughter Amina/sister of the victim towards his father who was working somewhere in the same area and then sister of the victim brought his father to home. Thereafter, his father enquired from his son Farhan/victim, he disclosed that he became ill and also informed all such facts to his father, thereafter, his father took him to the police station on the following day. He also disclosed such facts to police and his father brought him to the Civil Hospital Karachi where he was examined by the doctors. He was also produced before learned Judicial Magistrate where his statement U/s 164 Cr.P.C. was recorded. He also showed the place of offense where accused took him and committed act of sodomy with him. The doctor has also secured his clothes.”.

30. The victim prior to this he also came in Court and recorded his statement disclosing the whole incident. He produced his statement U/s 164 Cr.P.C and the contents of his statement recorded U/s. 164, Cr. P.C and the present statement are almost identical and proved the guilt of the accused beyond any shadow of doubt for he has fully implicated him and his statement remained un-shakey and un-shattered. He had also identified the accused when he had appeared before learned Judicial Magistrate and he had also identified the accused when he appeared before the trial Court.

31. The testimony of victim/minor Farhan and the medical evidence is further supported by P.W Complainant Alhamd Siyal, who is father of victim and examined by prosecution as P.W-3 at Ex.9.

32. The accused was provided opportunity to record his statement on oath and also produce his defense but he avoided to opt such opportunity. Furthermore, no any reasonable defense was taken by accused and no any evidence was brought on record by accused to disprove the case of prosecution.

33. 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 victim minor Farhan supported by medical evidence. 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 victim was 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 victim appears to be true, genuine

and confidence inspiring. Nothing has come on record that his statement was tutored to him in any manner to falsely implicate the present accused. The victim minor has uttered truth and only truth from his mouth and there appears no mixture of falsity in his statements when he has fully implicated the present accused for commission of sodomy/rape with him. The minor Farhan was raped by an adult who was equal to the age of his father and he was well aware about the consequences of such shameful act. Furthermore, the Court had asked number of questions from the victim minor to establish but he was competent to testify and the Court had recorded that he was quite mature and had answered the questions satisfactorily and was a competent witness. He was cross examined at length by the counsel of accused yet no material contradictions emerged nor did he resign from the accusation he had made against the present accused. The victim proved his reliable witness and was physically examined by MLO and the said MLO has supported the version of victim.

34. I am not convinced with the contention of the learned counsel for the accused that accused is innocent as DNA report is matched. In present circumstances, the offence of 367-A PPC deals with kidnapping or abduction in order to subject person to unnatural lust, the offence of 376 PPC deals with rape, 377-B PPC deals with sexual abuse, therefore, unnatural offence of sodomy/rape offense has been established against the present accused beyond any shadow of doubt.

35. The victim's testimony is straightforward, consistent, and trustworthy. Despite being of tender age, the victim gave a detailed account of the abduction by the accused while taking to him house, causing sexual abuse and committed the act of sodomy/rape. The medical evidence corroborates the account of both rape and sodomy, with clear signs of injury, bruising, and forced penetration. The DNA report (Exh.8/E) is conclusive: it establishes the presence of the accused semen on the victim's Shalwar, leaving no room for doubt. The age of the victim is conclusively proven to be under 5 years at the time of alleged incident; hence, the charges under Sections 367-A, 376, 377-B PPC are attracted.

36. In this regard, the reliance is placed on 1976 S C M R 367, wherein honourable Apex Court has held as under:-

Penal Code (XLV of 1860)-

--S. 377-Sodomy-Medical examination of victim boy disclosing contusion around annal entrance and abrasion at annal-Evidence of prosecution witness as well as medical evidence supporting evidence of victim boy-No ill-will or anything of kind suggested to prosecution witness and no reason disclosed why he should have falsely implicated accused in such a heinous offence-Non production of report regarding clinical examination of victim's shalwar, in circumstances, held, cannot lead to adverse inference against prosecution-Conviction upheld.-{Sodomy}.

37. The defense counsel of the accused has merely a bald denial and no evidentiary value. In this regard, I am benefited from case law reported as *PLD 2011 SC 554*: DNA, wherein it has also been held that the DNA evidence is admissible and highly persuasive in sexual offence cases.

38. So far delay in lodgment of FIR is concerned, it would not be out of place to mention here that in cases of like nature normally, a gentle and respectable family thinks thousands times for registration of FIRs specially looking to their respect, honour, prestige and family honour in the society. Reliance is placed upon case law reported in 2012 YLR 847 & 2013 P.Cr.L.J-1702.

39. The reliance is placed upon 2022 S C M R 50:-

**(a) Penal Code (XLV of 1860)---**

----Ss. 377-B & 354---Sexually abusing a child---Reappraisal of evidence---Accused was investigated at length and was found involved as per accusation levelled in the crime report---Whole prosecution case qua ocular account hinged upon the testimonies of the victim and her mother i.e. the complainant---While making her statement in Court, the victim had narrated the whole occurrence in a very mature and natural manner touching the contents of the crime report on all aspects without any disconnection---Although the victim was of tender age, however, her statement depicted maturity of the highest level, which was in consonance with the statement of the other witness, who happened to be her mother---Victim has directly charged the accused for sexually abusing her while detailing the acts committed by him on the day of occurrence; she had further alleged that the accused was in the habit of sexually abusing her even earlier to the present incident---As far as the identity of the accused was concerned, there was not an iota of doubt about his identity because he being the neighbor of the victim was conversant with her---No previous enmity existed between the parties, which could lead to false implication of the accused in the present case---Mere non-availability of any sign of injury on the victim in the medical evidence was of no help to the accused, as the prosecution case was that the accused undressed the victim and touched his genital organ on the victim's body---Petition for leave to appeal was dismissed, leave was refused and convictions and sentences recorded against the accused were upheld.

**(b) Penal Code (XLV of 1860)---**

----S. 377-B---Cases of sexual abuse---Solitary statement of victim--  
-Such statement in isolation was sufficient for conviction if the same reflected that it was independent, unbiased and straight forward to establish the accusation against the accused.

Atif Zareef v. State PLD 2021 SC 550 ref.

**(c) Penal Code (XLV of 1860)---**

----S. 377-B---Cases of sexual abuse---Delay in lodging FIR---Such delay in reporting the matter to the police was not material in cases of sexual abuse as the victims or their families were reluctant to come forward to promptly report the crime because of the trauma that had been suffered and they may have a perception of shame or dishonour in having the victim invasively examined by a doctor.

40. This kind of offence is not only set up a bad example in the society rather it left everlasting irreparable loss to the life of victim and his self-respect as whenever It will be recalled or refer it causes mental agony, distress and pain to the victim and her family which is extreme brutality of accused.

41. In view of forgoing facts, circumstances and discussions made in point No.1, this Court has reached to the conclusion that the accused named above has

committed the act of abduction in order to subject person to unnatural lust and committed sodomy/rape with the victim minor Farhan.

42. The reliance is also place in the reported case law as 2012 P Cr. L J 530

(a) Offence of Zina (Enforcement of Hudood) Ordinance (VII of 1979)-

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----S. 12---Penal Code (XLV of 1860), S.377---Kidnapping or abduction in order to subject person to unnatural lust---Sodomy---Appreciation of evidence---F.I.R. of daylight occurrence was lodged by the complainant promptly on the same day giving details of occurrence in which accused was nominated---Victim who was star witness in the case, was minor at the relevant time, but proved to be competent witness to record his statement, gave full details regarding the occurrence---Victim was cross-examined at length, but his veracity could not be shattered; his statement was fully corroborated by complainant---Solitary statement of the minor victim was sufficient to prove the allegation as same was consistent, corroborated and trustworthy and fully supported by medical evidence---Report of Chemical Examiner was positive and doctor after observing report of Chemical Examiner, opined that act of sodomy was committed---Substantive piece of evidence i.e. medical evidence, report of Chemical Examiner, statement of victim himself which was supported by the complainant, were sufficient to connect accused with the crime, without any shadow of doubt---Accused could not produce any corroboration/evidence to prove his plea that he had falsely been involved in the case and that prosecution witnesses had deposed against him being related inter se---Counsel for accused could not produce anything in writing regarding compromise allegedly arrived at between the parties; even otherwise offence was not compoundable---No mitigating circumstance could be pointed out which could warrant reduction of sentence of the accused---Trial Court had rightly convicted and sentenced accused, in circumstances.

The place is reliance on 2022 P Cr. L J 1396

(a) Penal Code (XLV of 1860)---

----Ss. 376 & 506---Rape, criminal intimidation---Appreciation of evidence---Delay of two days in lodging FIR---Scope---Accused was charged for committing rape with the daughters of complainant and intimidated with dire consequences if his misdeeds were reported to anyone---Complainant though approached police for reporting the crime through written application after two days of the incident but such delay was properly explained during trial, thus could not be used to the detriment of prosecution---According to the explanation, complainant was flabbergasted to see the event and since perpetrator was her real brother, thus she approached mother who further advised to maintain silence for the time being---Since the mother of the complainant remained unmoved in next two days probably to save the skin of her son, hence the application for registration of case was moved so late---Even if the said explanation was discarded still the reluctance of complainant to approach police as the unfortunate saga was destined to have long lasting stigma on the future of her daughters---If at all the story of crime was nothing but a jumble of lies knitted with some sinister design of settling personal grouse, the complainant should have approached the police on the same day

when she conceived the design of getting a false case registered against the accused---Delay of two days in reporting the crime to police shed no doubt upon the prosecution case, in circumstances---Even otherwise, the delay in reporting the crime in rape cases became insignificant as families showed reluctance to come forward to promptly report the matter because of trauma, the victims suffered and due to shame or dishonour in having invasively examined by a doctor---Circumstances established that the prosecution had proved its case against the accused without any shadow of doubt---Appeal was dismissed accordingly.

Zahid and another v. The State 2020 SCMR 590 rel.

(b) Penal Code (XLV of 1860)---

----Ss. 376 & 506---Rape, criminal intimidation---Appreciation of evidence---Ocular account---Scope---Accused was charged for committing rape with the daughters of complainant and intimidating with dire consequences if his misdeeds were reported to anyone---Complainant appeared in the witness box with the claim of having seen the accused committing rape of her daughter---Such stance of the complainant was amply supported by both the victims through their respective depositions before the Trial Court---Girls/victims who though were minors but while appearing in the Court stood firm and narrated the detail of their miseries and went on to depose about vaginal penetration---Father of both the victims had a son from his previous marriage and during trial an attempt was made to hold him responsible for the allegation of rape but both the victims vociferously discarded it---Victims even during trial budged not a single pace from their stance of having been sexually mutilated by their paternal uncle/accused---Evidence of complainant as well as of the two victims had been eloquently examined but did not come across any legal infirmity about their veracity---Testimony of a victim showed that she not only narrated the ordeal of her sexual sufferings without any ambiguity but she also responded to the cross-examination with coherent answers; it could safely be gathered from the deposition of said victim that she was in no manner handicapped to appear as a witness so as to be adjudged as incompetent to testify in terms of Art. 3 of Qanun-e-Shahadat, 1984---In the absence of any legal disability of said victim in terms of Art. 3, her deposition was admissible and could be based for upholding the conviction---Circumstances established that the prosecution had proved its case against the accused without any shadow of doubt---Appeal was dismissed accordingly. The reliance also placed on Muhammad Ismail and another v. The State 1995 SCMR 1615; Mst. Razia alias Jia v. The State 2009 SCMR 1428; The State v. Muhammad Boota 2014 YLR 306 and Mst. Imam Sain and others v. The State 2015 YLR 17 rel.

(c) Penal Code (XLV of 1860)---

----Ss. 376 & 506---Rape, criminal intimidation---Appreciation of evidence---Medical evidence---Scope---Accused was charged for committing rape with the daughters of complainant and intimidating with dire consequences if his misdeeds were reported to anyone---Medical evidence in that case was furnished by Medical

Officer who examined the victim of rape---So far as one victim was concerned, the Medical Officer observed slight redness of vagina, anus and opined about hymen as ruptured---Case of other victim was no different and according to Medical Officer, her hymen was not intact rather ruptured, old torn and found vagina loose due to multiple attempts---From the symptoms so observed by Medical Officer it could inevitably be held that both the girls were subjected to rape and as a necessary corollary, their depositions rang true---During medical examination of victims vaginal and anal swabs were taken which along with their clothes later were forwarded to Forensic Science Agency for DNA analysis---In-depth perusal of DNA report unfolded that from the trouser and shirt of a victim, the semen stains were detected which matched with the DNA profile of the accused---Though the internal and external vaginal swabs were not found to have some semen stains but it was quite natural as the accused must have resorted to safe sex, realizing the consequences of conceiving the pregnancy---Sexual mutilation of both the girls was satisfactorily proved from their confidence inspiring depositions and supporting medical evidence, according to which their hymens were found ruptured---Circumstances established that the prosecution had proved its case against the accused without any shadow of doubt--- Appeal was dismissed accordingly.

(d) Qanun-e-Shahadat (10 of 1984)---

----Art. 3---Child witness---Competency---Scope---While adjudging the competency to testify in terms of Art. 3 of Qanun-e-Shahadat, 1984, a distinction is to be drawn between a child witness and a child victim---So far as, a child who witnessed a crime committed against some other person, his power to observe the incident and ability to transform it in deposition called for a vigilant judicial observance---Such child witness could on occasions be influenced through tutoring for narrating a false account of the incident, thus his evidence was to be subjected to a strict scrutiny of appraisal---On the other hand, a child who himself fell victim to a crime more so of sexual assault and successfully narrated his sufferings, beside competently standing the test of cross-examination by responding rationally to the questions put to him, his deposition was to be generally accepted---Circumstances established that the prosecution had proved its case against the accused without any shadow of doubt---Appeal was dismissed accordingly.

The reliance also placed on 2024 P Cr. L J 444

(a) Penal Code (XLV of 1860)---

----Ss. 302(b), 377 & 201--- Qatl-i-amd, sodomy and causing disappearance of evidence---Appreciation of evidence---Sentence, reduction in---Last seen evidence---Scope---Accused was charged for murdering the minor son of complainant after committing sodomy with him---Incident took place on the day when said witness came to hire the labour for plantation of the onions and hired a person---Both went to the lands through the road, on which school was situated---At about 08:00 or 08.30 when said witnesses were on the way, they saw the minor son of complainant in school uniform

along with accused going to the sugarcane crop---Said witnesses went to the lands to work---When they returned back after two days, they came to know about the murder of deceased boy---Said witnesses narrated the facts to the complainant---Investigating Officer got recorded S. 164, Cr.P.C statements of said witnesses---Both the witnesses were cross-examined at length by the defence and they denied the suggestion that they had falsely deposed against the accused at the instance of the complainant---All the pieces of evidence were interconnected/ interlinked---Witnesses had given the picture of a complete chain---Said witnesses were independent witnesses having no relationship with complainant or enmity with accused---Circumstances established that the prosecution had proved its case against the accused beyond any shadow of doubt, however, due to mitigating circumstances, death sentence of the accused was converted into imprisonment for life---Appeal against conviction was dismissed with said modification in sentence.

(b) Penal Code (XLV of 1860)---

----Ss. 302(b), 377 & 201---Qatl-i-amd, sodomy and causing disappearance of evidence---Appreciation of evidence---Recovery of incriminating material---Scope---Accused was charged for murdering the minor son of complainant after committing sodomy with him---Mashir had deposed that on the day of incident, accused led the police in his presence to the sugarcane cultivation of a Zamindar and near the water course produced books, slate, copies and chappals of deceased---Police prepared such mashirnama, he acted as mashir and there was a co-mashir---Said witness produced such mashirnama---Witness was also cross-examined by the defence in which, he denied the suggestion that he had deposed falsely against the accused at the instance of some other person---Prosecution had established that the information given by the accused which led to the recovery of chappal and school bag of the deceased boy, the same were in the exclusive knowledge of the accused---Such piece of evidence was admissible in evidence as provided under Art. 40 of the Qanun-e-Shahadat, 1984---Circumstances established that the prosecution had proved its case against the accused beyond any shadow of doubt, however, due to mitigating circumstances, death sentence of the accused was converted into imprisonment for life---Appeal against conviction was dismissed with said modification in sentence. The placed also reliance on 2009 SCMR 1440 and 2011 SCMR 670.

(c) Penal Code (XLV of 1860)---

----Ss. 302(b), 377 & 201--- Qatl-i-amd, sodomy and causing disappearance of evidence--- Appreciation of evidence--- Medical evidence---Scope---Accused was charged for murdering the minor son of complainant after committing sodomy with him---Unnatural death of deceased was not disputed---Minor boy was subjected to sodomy which fact had been confirmed by Medical Officer---Said witness had stated that, he received the dead body of the minor boy at 09:30 a.m. and started post-mortem examination at 09:45 a.m. and finished at 11:50 a.m.---Time between death and injuries was instantly---Duration between death and post-mortem was about 3

to 6 hours and it was the dead body of a boy of 09 years---Medical Officer found swelling over occipital region of head---Bruise was seen over perineal area and faeces seen out from anal sphincter---All the injuries were anti mortem in nature---According to the doctor, tears were seen by him in the position on 12 O'clock and 6 O'clock, which confirmed the act of sodomy committed upon him---Human sperms were detected and chemical report was positive---Circumstances established that the prosecution had proved its case against the accused beyond any shadow of doubt, however, due to mitigating circumstances, death sentence of the accused was converted into imprisonment for life---Appeal against conviction was dismissed with said modification in sentence.

(d) Criminal trial---

---Circumstantial evidence---Scope---Circumstantial evidence should form such a continuous chain that it's one end touches the dead body and other the neck of the accused. The reliance is placed on PLD 1966 SC 664

(e) Penal Code (XLV of 1860)---

---Ss. 302(b), 377 & 201---Qatl-i-amd, sodomy causing disappearance of evidence---Appreciation of evidence---Sentence, reduction in---Mitigating circumstances---Scope---Accused was charged for murdering the minor son of complainant after committing sodomy with him---Record showed that the prosecution case was based upon circumstantial evidence---Accused as per Medical Officer was a young man aged about 23 years at the time of incident, which was a mitigating circumstance in the case---Therefore, the death sentence of the accused was converted into imprisonment for life---Appeal against conviction was dismissed with said modification in sentence.

39. The reliance is made upon 2016 MLD 129 KARACHI-HIGH-COURT-SINDH

“ss. 302(b) & 377---qatl-i-amd and sodomy---appreciation of evidence---DNA test report---circumstantial evidence---scope---accused was convicted by trial court and sentenced to imprisonment for life---validity---DNA report received by investigating officer confirmed that DNA profile obtained from swab sample of victim matched with DNA profile obtained from sample of accused---nobody had witnessed the occurrence but strong circumstantial evidence was available which led to the conclusion that it was accused who had committed the crime---no plausible explanation was furnished to establish that complainant had involved accused in commission of alleged offence on account of certain ill-will or enmity or for any ulterior motives---prosecution had succeeded in proving its case beyond reasonable doubt against accused---high court declined to interfere in conviction and sentence awarded to accused by trial court---appeal was dismissed in circumstances.

40. This Court afforded opportunity of record his statement to accused on oath but he avoided to appear into witness box. The accused was also given opportunity to lead any defense witness but he did not produce any witness in his support. The



accused was put certain questions arising out of prosecution witnesses but he formally replied them and nothing to favor came on record in his statement U/S 342 Cr.P.C to deny the allegations. The prosecution has brought on record strong and connecting evidence against the accused persons including present accused. The prosecution case is based on ocular account, circumstantial and medical evidence and same is interconnected with each other. This Court has safely reached to the conclusion that prosecution has proved its case beyond any shadow of doubt against the accused.

41. Furthermore, nothing came on record that there was any ill-will, malice and malafide on the part of victim or on part of her family or on part of police to falsely implicate the accused in the present offence. Though, learned counsel for the accused claimed that accused had property dispute with the father of the victim, therefore, the parents of victim 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 property dispute with the father of victim and even has not uttered a single word in respect of alleged property dispute while recording his statement U/s. 342 Cr.P.C, therefore, from the above testimonies of prosecution witnesses, it is crystal clear that the accused has committed the shameful act of carnal intercourse against the order of nature which also amounts to rape and sexual abuse with the victim after abducting him. 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 abducting in order to subject person to unnatural lust, committed sodomy which also amounts to rape and sexual abuse with the victim as such point under discussion is answered in affirmative.

#### POINT NO. 2:

42. In view of forgoing facts, circumstances and discussions made in point No.1, this Court has reached to the conclusion that the accused has committed the alleged offenses U/s 367-A PPC deals with kidnapping or abduction with the intent to subject a person to unnatural lust, 376 PPC deals with rape, 377-A PPC deals with unnatural offense with victim minor Farhan as such he requires no leniency under the law and have been fully proved against the accused beyond shadow of any doubt, therefore, I hereby convict the accused Muhammad Ismail S/o Abdul Manan by caste Mashori U/S 265-H(2) Cr.P.C by considering him a young man and first offender, as under:-

- a. The accused Muhammad Ismail S/o Abdul Manan by caste Mashori is hereby convicted under section 265-H(2) Cr. PC, for the offence under Section 367-A PPC and sentenced to suffer Imprisonment for life 25 years R.I and fine of Rs.50000/-. In case of default to pay fine, he shall undergo 06 months SI more.
- b. The accused Muhammad Ismail S/o Abdul Manan by caste Mashori is hereby convicted U/S 265-H(2) Cr.PC for the offence under Section 376 PPC and sentenced to suffer Imprisonment for life 25 years R.I and fine of Rs. 50,000./. In case of default to pay fine, he shall undergo 06 months SI more.

- c. The accused Muhammad Ismail S/o Abdul Manan by caste Mashori is hereby convicted U/S 265-H(2) Cr.PC for the offence under Section 377-B PPC and sentenced to suffer Imprisonment for 20 years R.I and fine of One Million Rupees. In case of default to pay fine, he shall undergo 06 SI more.
- d. All three sentences shall run concurrently. The benefit of Section 382-B Cr.P.C is extended to the accused.
- e. The certified true copy of the judgment is supplied to the accused free of cost.

43. The accused is confined in Jail and he is produced in custody by jail authority through video link, he is remanded back to Jail to serve out the sentence strictly in accordance with law. Let the copy of Judgment be supplied to the accused as required under the law.

ANNOUNCED IN OPEN COURT.

Given under my hand and seal of the Court on this 15th day of October, 2025.

(MUHAMMAD ASLAM CHANDIO)  
Additional Sessions Judge-X Karachi  
West/Special Court as established under  
the Anti-Rape (Investigation and Trial)  
Act, 2021

ORDER OF CASE PROPERTY

One white color shalwar of victim and one Memory card of 2gb be returned to its owners after proper identification and verification after expiry of appeal period.

(MUHAMMAD ASLAM CHANDIO)  
Additional Sessions Judge-X Karachi  
West/Special Court as established under the Anti-Rape  
(Investigation and Trial) Act, 2021