

1976 S C M R 452

Present : Muhammad Gul and Muhammad Haleem, JJ

RAJASAB KHAN AND 4 OTHERS-Petitioners

Versus

THE STATE-Respondent

Petition for Special Leave to Appeal No. 63 of 1976, decided on 29th June 1976.

(On appeal from the judgment and order of the Lahore High Court, Lahore dated 23rd January 1976 in Criminal Revision No. 1032 of 1975).

Penal Code (XLV of 180)---

.----Ss. 325 & 148/149—Appreciation of evidence_____ Defence plea not put to any prosecution witness in cross-examination but for first time given out in statement of two accused Trial Court accepting ocular testimony and in coming to such conclusion fairly appraising evidence-Appellate Court also on appraisal of evidence holding defence plea improbable for its failure to explain how prosecution witnesses could suffer such injuries as suffered by them at hands of two unarmed accused -Courts below having applied their mind and rejecting defence plea upon a fair scrutiny of evidence. Supra Court, held, would not embark upon re-appraisal of accused plea in circumstances. [Evidence].

Nazir Ahmad Shami, Advocate Supreme Court instructed` by Inayat ;Hussain Shah, Advocate-on-Record for petitioners.
Memo for the State.

Date of hearing ; 29th June 1976.