

**1992 S C M R 2055**

**[Supreme Appellate Court of Pakistan]**

**Present: Justice Shafiur Rahman, Chairman,  
Justices Raja Afrasiab Khan and Abdul Majid Tiwana, Members**

**FARMAN ALI and 2 others---Appellants**

**versus**

**THE STATE---Respondent**

Criminal Appeal No.50/SAC/L of 1992, decided on 26th July, 1992

(On Appeal from the judgment of Special Court for Speedy Trial No.II, Lahore, comprising Mr. Justice (Retd.) Gulbaz Khan, dated 9-6-1992 passed in Speedy Trials Case No.1 of 1992/F.I.R. No.220 of 1989, P.S. Saddar, Kasur and F.I.R. No.207 of, 1989, P.S. Saddar, Raiwind, Kasur).

**(a) Special Courts for Speedy Trials Ordinance (XXXVIII of 1991)---**

---Preamble---Validity---Objection with regard to the validity of the Ordinance creating the Special Courts for Speedy Trials and the appointment of the Judge himself is not open to examination before the Special Court for Speedy Trials.

Akhtar Ali Parvez v. Altafur Rehman PLD 1963 La\$. 390 rel:

**(b) Special Courts for Speedy Trials Ordinance (XXXVIII of 1991)---**

---S.5---Jurisdiction---Opinion of the. Federal Government that the cases related to an offence which was gruesome, brutal and sensational in character and should be tried and decided speedily satisfies the requirements of law regarding the transfer of cases to Special Courts.

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

---Ss.302/34, 307/34, 436/34 & 429/34---Offences Against Property (Enforcement of Hudood) Ordinance (VI of 1979), 5.14/379/34, P.P.C.--Appreciation of evidence ---Motive against accused had been established--Ocular evidence had been deposed by the witnesses who had themselves received injuries in the occurrence and the same was corroborated by medical evidence---Participation of accused in the occurrence was, thus, established--Convictions and sentences of the accused were upheld in circumstances.

Ashiq Hussain and another v. The State 1992 PSSC (Cr.) 292 ref.

Akhtar Ali Parvez v. Altafur Rehman PLD 1963 Lah. 390 and Moonda and others v. The State PLD 1958 SC 275 rel.