

**2000 SCMR 152**

**[Supreme Court of Pakistan]**

**Present: Nasir Aslam Zahid, Munawar Ahmed Mirza  
and Kamal Mansur Alam, JJ**

**MEHBOOB ALI ---Petitioner**

**versus**

**THE STATE---Respondent**

Criminal Petition for Leave to Appeal No.39-Q of 1997, decided on 13th September, 1999:

(On appeal from the judgment dated 29-7-1997 passed -by the High Court of Balochistan, Quetta, in Criminal Appeal No.349 of 1996).

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

---Ss. 302/34 & 324/34---Appreciation of evidence---Testimony of solitary witness ---Factum of placing implicit reliance upon testimony of solitary witness whose presence is otherwise' established depends upon circumstances of each case and satisfaction of the Court---Mere existence of enmity when solitary ocular version is unimpeachable and confidence inspiring, becomes irrelevant.

Pervaiz v. State 1998 SCMR 1976 ref.

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

---Ss. 302/34 & 324/34---Constitution of Pakistan- (1973), Art-185(3)--Complainant was undisputedly injured during the incident and in such condition it was not possible for him to give complete account with mathematical precision about location of injuries inflicted during said turmoil---Agony, disturbed mind and chaos which said witness must be undergoing simultaneously at the time of incident could not be ignored---Minor omissions made by complainant causing a conflict of medical evidence with ocular version were, therefore, inconsequential---Courts below after thorough scrutiny of entire record by assigning logical conclusions had found the accused guilty for the offence committed by him and in their respective judgments had independently expressed full satisfaction about credibility and convincing nature of the testimony given by the complainant---No substantial reason or legal justification was available for interference with the said concurrent findings of the Courts below--Leave to appeal was declined to accused by Supreme Court in circumstances.

Haroon v. The State 1995 SCMR 1627; Pervaiz v. State 1998 SCMR 1976; Allah Bakhsh v. Shammi PLD 1980 SC 225 and Gulistan v. State 1995 SCMR 1789 ref. ,

Muhammad Aslam Chishti, Senior Advocate Supreme Court and S.A.M. Quadri, Advocate-on-Record for Petitioner.

Nemo for the State.

Date of hearing: 13th September, 1999.