

2009 S C M R 135

[Supreme Court of Pakistan]

Present: Abdul Hameed Dogar, C.J., Ijaz-ul-Hassan Khan and Ch. Ejaz Yousaf, JJ

MUHAMMAD ISHAQ----Appellant

Versus

THE STATE----Respondent

Criminal Appeal No.592 of 2006, decided on 22nd April, 2008.

(On Appeal from the judgment, dated 28-2-2005 of the Lahore High Court, Lahore passed in Criminal Appeal No.186-J of 2000).

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

---S. 302(b)---Constitution of Pakistan (1973), Art.185(3)---Leave to appeal was granted to accused by Supreme Court to consider that death sentence could not be awarded to him as his case fell under Ss.306(c) and 307(c), P.P.C. read with S.308(2), P.P.C.

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

---S. 302(b)---Reappraisal of evidence---Participation of accused in the commission of the offence was proved on record, who had caused repeated 'Chhuri' blows on the persons of both the deceased and murdered his wife and mother-in-law in a callous manner---Ocular account furnished by complainant was fully corroborated by medical evidence, motive, recovery of 'Chhuri' at the instance of accused and positive report of serologist---Brutal and atrocious manner in which the accused had committed both the murders did not call for any leniency in the sentence---Impugned judgment did not suffer from any illegality or infirmity---Conviction and sentence of accused were upheld accordingly.

Muhammad Ajmal v. The State PLD 2003 SC 1 ref.

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

---S. 302(b)---Sentence---Circumstantial evidence---Death sentence can be awarded to accused on circumstantial evidence, provided the circumstances constitute a continuous chain without missing any link, combined effect of which establishes the guilt of accused beyond any shadow of doubt.

Malik M. Kabir, Advocate Supreme Court for Appellant.

Mian Asif Mumtaz, D.P.-G. Punjab for the State.

Complainant in person.

Date of hearing: 22nd April, 2008.