

2011 SCMR 1394

[Supreme Court of Pakistan]

Present: M. Javed Buttar, Muhammad Farrukh Mahmud and Mahmood Akhtar Shahid Siddiqui, JJ

SHAMSHAD ALI---Appellant

Versus

THE STATE---Respondent

Criminal Appeal No. 150 of 2007, decided on 13th May, 2009.

(On appeal from the judgment dated 5-4-2006 of the Lahore High Court, Lahore passed in Criminal Appeal No. 4-J of 2006 and Murder Reference No. 467 of 1999).

Penal Code (XLV of 1860)---

----S. 302(b)---Qatl-e-amd---Appraisal of evidence---Promptly lodged F.I.R. and immediate investigation carried out on the spot had left no time with the complainant and the police to concoct a story for false implication of accused---Occurrence had taken place in the house of the complainant where she was residing with her accused husband and she, therefore, was a natural witness---Complainant had no motive for false implication of accused in the case---Statement of complainant inspired confidence, which was also corroborated by medical evidence---Solitary statement of a natural witness, even if. . not corroborated by any independent evidence, was sufficient to bring home the guilt of accused---Defence plea was without any basis---Accused had levelled false allegations against his real daughter after killing her---No misreading or non-reading of evidence or any legal infirmity could be pointed out in the impugned judgment---No mitigating circumstance for lesser punishment was available in favour of accused--- Appeal was dismissed in circumstances.

Muhammad Zaman Bhatti, Advocate Supreme Court for Appellant.

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

Date of hearing: 13th May, 2009.