# 2011 SCMR 1501

[Supreme Court of Pakistan]

## Present: Faqir Muhammad Khokhar, Ijaz-ul-Hassan and Zia Perwez, JJ

## MUHAMMAD KHALID and another---Petitioners

Versus

### THE STATE and others---Respondents

J.P. No. 53 of 2007 and Criminal Petition No. 85 of 2007, decided on 15th June, 2009.

(On appeal from judgment dated 24-1-2007 of the Lahore High Court, Lahore, passed in Criminal Appeals Nos. 72-J and 544 of 2002).

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

----Ss. 302/34 &109---Constitution of Pakistan, Art. 185(2)---Reduction of sentence sought on the plea of self-defence---Accused was allegedly armed with .12 bore pistol----Medical evidence showed that only pellet injuries were found on the body of the deceased----High Court and the Trial Court had believed the ocular version of prosecution witnesses and the complainant as confidence-inspiring---Occurrence had taken place in the broad-daylight---Plea of self-defence seeking reduction in sentence taken by the accused was neither proved by him nor any evidence or circumstances supported said plea---Prosecution had succeeded in proving its case against the accused to the hilt---No extenuating circumstances were shown to exist for reduction of death sentence of the accused----Sentence of fine to the accused being not permissible under S.302, P.P.C. was set aside----No legal or factual infirmity having been found in the impugned judgment of High Court, petitions for leave to appeal were dismissed except to the extent of sentence of fine to the accused.

M. Zaman Bhatti, Advocate Supreme Court for Petitioners (in J.P. 53 of 2007).

Tariq Mehmood, Advocate Supreme Court for Petitioners (in Criminal Petition No. 85 of 2007).

Syed Ali Imran, D.P.-G. Punjab for the State.

Date of hearing: 15th June, 2009.