

IN THE HIGH COURT OF SINDH, KARACHI

Present:

Mr. Justice Mohammad Karim Khan Agha

Mr. Justice Amjad Ali Bohio

Special Criminal A.T.A. No.149 of 2022

Confirmation Case No.06 of 2022.

Appellants; 1. Abdullah S/o. Roshan
2. Ali @ Ali Dino S/o. Lal Dino through
Wazeer Hussain Khoso, Advocate.

The State; Through Mr. Saleem Akhtar Buriro,
Additional Prosecutor General, Sindh.

Complainant; Azfar Hussain S/o. Azhar Hussain
through Mr. Javed Ahmed Qazi.

Special Criminal A.T.A. No.150 of 2022

Appellant; Ali @ Ali Dino S/o. Lal Dino through
Wazeer Hussain Khoso, Advocate.

The State; Through Mr. Saleem Akhtar Buriro,
Additional Prosecutor General, Sindh.

Complainant; Azfar Hussain S/o. Azhar Hussain
through Mr. Javed Ahmed Qazi.

Special Criminal A.T.A. No.151 of 2022

Appellant; Abdullah S/o. Roshan through Wazeer
Hussain Khoso, Advocate.

The State; Through Mr. Saleem Akhtar Buriro,
Additional Prosecutor General, Sindh.

Complainant; Azfar Hussain S/o. Azhar Hussain
through Mr. Javed Ahmed Qazi.

Special Criminal A.T.J.A. No.158 of 2022

Appellants; 1. Abdul Ghaffar S/o. Abdul Nabi,
2. Zahid Hussain S/o. Muzaffar through Mr.
Iftikhar Ahmed Shah, Advocate.

The State; Through Mr. Saleem Akhtar Buriro,
Additional Prosecutor General, Sindh.

Complainant; Azfar Hussain S/o. Azhar Hussain
through Mr. Javed Ahmed Qazi.

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Criminal Rev. Application No.242 of 2022

Applicant; Azfar Hussain S/o. Azhar Hussain
through Mr. Javed Ahmed Qazi.

Respondents; 1. Zahid Hussain S/o. Muzaffar Gopang,
through Mr. Iftikhar Ahmed Shah,
Advocate.
2. Ali @ Ali Dino S/o. Lal Dino Magsi
through Mr. Wazeer Hussain Khoso,
Advocate.

The State; Through Mr. Saleem Akhtar Buriro,
Additional Prosecutor General, Sindh.

Complainant Azfar Hussain S/o. Azhar Hussain
through Mr. Javed Ahmed Qazi.

Date of hearing: 07.09.2023.

Date of Judgment: 20.09.2023.

J U D G M E N T

MOHAMMAD KARIM KHAN AGHA, I:- The Appellants Abdullah S/o. Roshan, Ali @ Ali Dino S/o. Lal Dino, Abdul Ghaffar S/o. Abdul Nabi and Zahid Hussain S/o. Muzaffar have filed these appeals against the judgment passed by the Anti-Terrorism Court No.XV, Karachi (Judicial Complex ATCs, Central Prison) dated 22.07.2022 in new Special Case No.121 of 2021 (Old Special Case No.05 of 2012 arising out of Crime No.37/2012 U/s. 302, 365-A, 201 & 34 PPC 1860 r/w section 6 & 7 of ATA, 1997, new Special Case No.121-A of 2021 (Old Special Case No.05-A of 2012 arising out of Crime No.40/2012 U/s. 13(e) of Pakistan Arms Ordinance, 1965, new Special Case No.121-B of 2021 (Old Special Case No.05-B of 2012 arising out of Crime No.41/2012 U/s. 13(e) of Pakistan Arms Ordinance, 1965, new Special Case No.121-C of 2021 (Old Special Case No.05-C of 2012 arising out of Crime No.42/2012 U/s. 13(e) of Pakistan Arms Ordinance, 1965 and new Special Case No.121-D of 2021 (Old Special Case No.05-D of 2012 arising out of Crime No.43/2012 U/s. 13(e) of Pakistan Arms Ordinance, 1965 registered at P.S. Waleed, District Larkana whereby the appellant were convicted and sentenced as under:-

"Accused Abdul Ghaffar S/o. Abdul Nabi Brohi and Abdullah S/o. Roshan Magsi are sentenced to be handed by neck till death, after confirmation by Hon'ble High Court of Sindh, under section 365-A of the Pakistan Penal Code, 1860, sentenced to be hanged by neck till death, after confirmation by Hon'ble High Court of Sindh, under section 302(b) of the Pakistan Penal Code, 1860, sentenced to be hanged by neck till death, after confirmation by Hon'ble High Court of Sindh, under section 7(1)(a) of the

Anti-Terrorism Act, 1997 and sentenced to be hanged by neck till death, after confirmation by Hon'ble High Court of Sindh, under section 7(1)(e) of the Anti-Terrorism Act, 1997 along with fine of Rs.500,000/- each to be paid to the complainant under section 544-A Cr.P.C. In case of default in payment of fine the accused appellants shall suffer S.I. for 06 months more.

Accused Zahid Hussain S/o. Muzaffar Gopang and Ali @ Ali Dino S/o. Lal Dino Magsi are sentenced to suffer imprisonment for life under section 365-A of the Pakistan Penal Code, 1860 besides forfeiture of their property, imprisonment for life under section 302(b) of the Pakistan Penal Code, 1860, imprisonment for life under section 7(1)(a) of the Anti-Terrorism Act, 1997 and imprisonment for life under section 7(1)(e) of the Anti-Terrorism Act, 1997 along with fine of Rs.500,000/- each to be paid to the complainant under section 544-A Cr.P.C. In case of default in payment of fine the accused appellants shall suffer S.I. for 06 months more.

Accused Abdul Ghaffar S/o. Abdul Nabi Brohi, Abdullah S/o. Roshan Magsi, Zahid Hussain S/o. Muzaffar Gopang and Ali @ Ali Dino S/o. Lal Dino Magsi are sentenced to suffer imprisonment for four years under section 13(e) of Arms Ordinance, sub-section (2), Clause (b)".

All the sentences were ordered to be run concurrently. Benefit of section 382-B Cr.P.C. was also extended to the appellants.

Being aggrieved from the impugned judgment dated 22.7.2022 the complainant has also filed Criminal Revision Application No.242 of 2022 for enhancement of sentence of the appellants Abdul Ghaffar, Abdullah, Zahid Hussain and Ali @ Ali Dino S/o. Lal Dino Magsi from life imprisonment to the death sentence.

2. The facts of the cases are that complainant Azfar Hussain Jatui got FIR No.37/2012 registered at Police Station Waleed, District Larkana on 13.03.2012 at 0600 hours stating therein that he was a businessman and residing along with his family in Quarter No.14, Shaikh Zayed Colony, Larkana. His younger son namely Ammar aged about four and half year was studying in Adraction Public School in nursery class. On 09.03.2012 his son Ammar left the quarter at about 03:30 pm for playing while he was in school dress viz. pant and shirt of red color, who did not come back after passage of sufficient time. His brother-in-law (salay) namely Khalid Hussain and Tariq Hussain both sons of Sadaruddin Jatui residents of Madeji, District Shikarpur came from their house to the complainant and disclosed that four accused namely Abdul Ghaffar S/o. Abdul Nabi Brohi, Abdullah S/o. Roshan Magsi, Zahid Hussain S/o. Muzaffar Hussain Gopang and Ali S/o. Lal Dino Magsi being armed with pistols boarded in golden color car bearing registration No.AGB-386 got son of the complainant Ammar sit therein and were taking him away, behind the said car there was a red color

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motorcycle with unknown registration number boarded by three persons following the said car and the persons sitting on the motorcycle could be identified on seeing again. They further disclosed to the complainant that they chased the car and shouted to stop the car but they went towards main road. Having listened to the facts, the complainant alongwith his brother-in-law came out of his residence and left for the residence of the accused persons. In the meanwhile, the complainant received a call on his cell No.0300-3419889 from cell No.0331-7546326 and the caller disclosed his name to be Abdullah Magsi, who said to the complainant that they kidnapped Ammar son of the complainant for ransom and said the complainant to pay amount of Rs.5,000,000/- otherwise the complainant would lift the dead body of his son and the complainant not to disclose anything to police. The complainant started for arranging the amount. On the previous night the complainant again receive a call from same cell number and it was said to the complainant that a red color car was parked behind his quarter beneath which bag containing the school dress was lying and the complainant would go to see it. The complainant was further told that in case he did not pay the amount of ransom on that night, then he would lift the dead body of his son. The complainant besought the caller a lot but he did not agree. The complainant alongwith his brother-in-law went to the street behind and picked up the clothes of his son and tried to come into contact with the accused persons but could not succeed. On 13.03.2012, at about 0500 hours the complainant received a call on his mobile phone and the caller disclosed his name as Abdul Ghaffar Brohi, who said that the complainant did not pay the amount of ransom as such they committed murder of Ammar and his dead body was buried in the house of Jumma Khan Lashari situated in Yar Muhammad Colony and the complainant might go to pick the dead body. Hearing so, the complainant immediately reached at Police Station Waleed, where he met SHO Waleed namely Riaz Ahmed Abbasi and disclosed the above said facts. The SHO without any delay left for place of incident alongwith SDPO, ASP Muhammad Nadeem Khokhar and CIA Incharge Khan Muhammad Jatoi and other staff and saw that the outer door of the house was opened. When they entered into the house they saw that house was vacant and there was a heap of earth like grave in the house. The complainant alongwith others dig out such grave and found the dead body of Ammar after digging about one and half feet. There was red swelling from right cheek to head of dead body of Ammar and there were marks of injuries and abrasion on his lips. Red marks were on the cheek and behind the neck there were marks of injuries and black marks. The complainant left for the

police station while leaving Khalid and Tariq Hussain at place of incident where his FIR was registered.

During the course of investigation the accused were arrested and on their pointation unlicensed arms and ammunitions were recovered vide memorandum dated 25.03.2012. From possession of accused Ali @ Ali Dino an unlicensed pistol of 30 bore alongwith four live bullets, from possession of accused Abdul Ghaffar Brohi an unlicensed pistol of 30 bore along with five life bullets of 30 bore, from possession of accused Abdullah Magsi un licensed pistol of 30 bore alongwith three live bullets of 30 bore and from possession of accused Zahid Hussain Gopang an unlicensed pistol of 30 bore along with six live bullets of 30 bore were recovered, as a result thereof FIR bearing No.37 U/s. 302, 365-A, 201 & 34 PPC 1860 r/w section 6 & 7 of ATA, 1997 and FIRs 40, 41, 42 & 43 of 2012 were registered against each of them under section 13(e) of Pakistan Arms Ordinance, 1965.

3. After completion of investigation the case was challaned and the charge was framed against the accused persons to which they plead not guilty and claimed trial.

4. The prosecution in order to prove its case examined 20 Prosecution Witnesses and exhibited various documents and other items. The statement of the appellants accused was recorded under Section 342 Cr.P.C whereby they denied the allegations against them and claimed false implication. None of the appellants gave evidence on oath but they called 5 DW's in support of their defence case.

5. After hearing the parties and appreciating the evidence on record, the learned trial Court convicted and sentenced the appellants as set out earlier and hence, the appellants have filed these appeals against their convictions and sentences. Whilst the complainant has filed a criminal revision application for the enhancement of three of the appellants' sentences from life imprisonment to death.

6. The facts of the case as well as evidence produced before the trial court find an elaborate mention in the impugned judgment dated 22.07.2022 passed by the trial court and, therefore, the same may not be reproduced here so as to avoid duplication and unnecessary repetition.

7. Learned counsel for the appellants have contended that the appellants are innocent and have been falsely implicated in this case by the complainant and

the police on account of enmity which is supported by the 4 day delay in lodging the FIR which enabled the police and the complainant to consult and cook up a false case against the appellants; that the case did not fall within the purview of the ATA as there was no intent, purpose or design to create terror; that PW 2 Tariq Hussain who was the sole eye witness to the abduction was a chance witness and his evidence could not be safely relied upon; that the appellants did not point out the dead body of the deceased as per FIR of the complainant he went and uncovered the dead body as confirmed by PW 19 Khalid Hussain; that the appellants did not lead the police to the recovery of the car used in the abduction on their pointation and the pistols found in the car were all foisted; that there was no evidence that any ransom demand had been made; that there was nothing to link the appellants to the murder of the deceased; that the CDR with the alleged interview of appellant Abdullah admitting the murder was inadmissible in evidence and could not be relied upon and as such for any or all of the above reasons the appellants should be acquitted by being extended the benefit of the doubt. In support of their contentions they placed reliance on the cases of *Mst. Mehboob Bibi and others v. The State* (2017 SCMR 1835), *Nasir Javaid and another v. The State* (2016 SCMR 1144), *Azeem Khan and another v. Mujahid Khan and others* (2016 SCMR 274), *Naseer Ahmed Butt and another v. The State* (2020 YLR Note 82), *Atif Khan and others v. The State* (2019 YLR Note 78), *Naveed Asghar and 2 others v. The State* (PLD 2021 Supreme Court 600), *Banaris Khan v. The State and 2 others* (2015 YLR 2076), *Muhammad Idrees v. The State* (2011 P. Cr.LJ 552), *Mst. Rukhsana Begum and others v. Sajjad and others* (2017 SCMR 596), *Muhammad Ibrahim v. Ahmed Ali and others* (2010 SCMR 637), *Badshah Jamil v. Muhammad Janbaz Khan and another* (2021 YLR 1745), *Mst. Sughra Begum and another v. Qaiser Pervez and others* (2015 SCMR 1142), *Muhammad Shafqat v. The State* (1970 SCNR 713), *Mst Shamim and 2 others* (2003 SCMR 1466), *Tariq Pervez v. The State* (1995 SCMR 1345), *Muhammad Asif v. The State* 2017 SCMR 486), *Hayatullah v. The State* (2018 SCMR 2092), *Lal Khan v. The State* (2006 SCMR 1846) and *Ishtiaq Ahmed Mirza and 2 others v. Federation of Pakistan and others* (PLD 2019 Supreme Court 675).

8. Learned APG on behalf of the State did not support the impugned judgment as from the record there was nothing to connect the appellants to the offences so charged as the sole eye witness was unreliable; that it was difficult to see how the police had arrested the accused before they even knew of the case and before the body had been found; that the complainant took the police to the

body as per FIR and not on the pointation of the appellants and even otherwise the complainant had already been told where the body was and as such any pointation by the appellants would be of no legal value; there was no evidence of any demand and nothing to link the appellants to the murder.

9. On the other hand learned counsel for the complainant fully supported the impugned judgment. He contended that the delay in lodging the FIR was not unusual in a kidnapping for ransom case; that eye witness PW 2 Tariq Hussain had fully implicated the appellants in the abduction of the deceased; that the appellants lead the police to the body of the deceased on their pointation; that the CDR interview of Abdullah fully implicated Abdullah who had admitted his guilt before the media and implicated the other appellants; that PW 14 Rano Khan who was an estate agent had proved that the house where the murder took place had been rented to the appellants and as such the prosecution had proved its case against the appellants beyond a reasonable doubt and their appeals be dismissed and the confirmation case answered in the affirmative in respect of the two appellants who were handed down the death sentence and that the three other appellants who only got sentences of life imprisonment due to the heinous nature of the crime should have their sentences enhanced to the death penalty. In support of his contentions he placed reliance on the cases of **Muhammad Ahmad and another v. The State and others** (1997 SCMR 89), **Muhammad Azam v. The State** (2003 P Cr.LJ 1479), **Mir Afzal v. The State** (2008 P Cr.LJ 881), **Ghulam Murtaza Meerani v. The State** (2022 MLD 1382), **Amanullah v. The State** (2002 SCMR 1557), **Riaz Ahmed and others v. The State and others** (2019 P Cr.LJ 118) and **Hayat Muhammad v. The State through Additional Advocate General, Khyber Pakhtunkhwa and another** (2021 SCMR 1831).

10. We have heard the arguments of the learned counsel for the appellants as well as by learned Additional Prosecutor General Sindh and learned counsel for the complainant, gone through the entire evidence which has been read out by the learned counsel for the appellants, and the impugned judgment with their able assistance and have considered the relevant law including the case law cited at the bar.

11. After our reassessment of the evidence we find that the prosecution has NOT proved beyond a reasonable doubt the charge against the appellants for which they were convicted based on the particular facts and circumstances of the case and the fact that each criminal case must be decided on its own unique

(a) It is true that the FIR was lodged after a delay of 4 days and usually in such like cases where a child goes missing this is very often not fatal to the prosecution case as it is understood that the parents are frantically looking for the child and only alert the police after some time or when they receive a ransom demand. The particular facts and circumstances of this case however are some what different to the usual type cases when the child goes missing and the complainant is desperately searching him out and as such does not immediately inform the police in that although a child went missing in the instant case from day one the complainant knew who the culprits were and had even received a ransom demand within a few hours of the alleged abduction as such we find this unexplained delay of 4 days in this case in lodging the FIR some what puzzling and puts us on notice as to the credibility and reliability of the prosecution case. In this respect reliance is placed on the case of Mst.Mehboob Bibi (Supra).

(b) That with regard to the abduction the main plank of the prosecution case rests on PW 2 Tariq Hussain who is the sole eye witness to the abduction. According to his evidence on 09.03.2012 at about 4 pm he was coming to the house of his sister with his brother Khalid Hussain when he saw the four appellants in a gold colored car No.AGB-386 forcibly taking the abductee on gun point. Three persons on a motor bike who he did not know were following the car. He then went to the house of his sister where the complainant who was his brother in law also resided and informed him of the incident. Thereafter the complainant, he and Khalid went to go to the house of the culprits however en route the complainant received a call on his mobile phone from Abdullah Magsi who demanded Rs.50 lacs for the return of his son within 24 hours or else his son would be killed. On 12.03.2012 the complainant received a call informing him that his son's clothes i.e shirt, tie, photo, socks were in a red car behind the complainant's house and he should take the same and pay the ransom by the night time or else his son would be killed. They found the clothes in a white shopper. On 13.03.12 at about 5am the complainant received a call from Abdul Ghaffar who told him that since he had not paid the ransom his son had been killed and his dead body was buried in the house of Juma Khan Laghari. The complaint then informed the SHO and went to the PS where other policemen along with the appellants arrived. They all went to the house of Juma Khan Laghari where there was a sand grave where the appellants pointed out the body which was dug up and thereafter the complainant went to lodge the FIR.

Admittedly this witness is related to the deceased but based on the merits of his own testimony we doubt the same. Firstly, he is a chance witness who does not even own a home in Larkana and lives in Shikarpur. He produced no evidence that he or his brother worked in a show room at Larkana and had no reason to be in Larkana that day. In this respect reliance is placed on the case of Mst Rukhsana Begum (Supra). Admittedly he knew all 4 of the appellants but in passing by how was he so eagle eyed so as to recognize all 4 of them along with the number plate of the car during a speedy abduction at gun point. To us this appears improbable. The question arises if he knew the culprits why he did not go to the police straight away and if the culprits knew that they had been recognized during the abduction why would they murder the child as they would be prime suspects in a capital case. In this respect reliance is placed on the case of Nasir Javaid (Supra). There is no proof that any

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steps were taken to collect the ransom demand. His evidence is further undermined by the fact that after the complainant is informed about the death of his son and he went with the complainant to the police station when he saw the appellants there why he did not demand their arrest as he knew they were the culprits. The appellants were apparently at the PS under arrest within minutes of the complainant telling the police. How was this possible as prior to the complainant's call a few minutes before they had no idea about the abduction? This is more so since PW 8 Fida Hussain according to his evidence arrested them near a bus stop on 15.03.2012 which date is reflected in the mashirnama of arrest (3 days later) at some other place. This casts further doubt on his evidence.

The complainant in the FIR also stated that he recovered the dead body. This fact is corroborated by PW 19 Khaild Hussain who accompanied the complainant to the dead body which location the appellant already knew about having being informed on the phone by the kidnappers. This casts even more doubt on the eye witness evidence as according to him the appellants under arrest lead them to the dead body.

According to the eye witness the clothes of the abductee were recovered from the red car however when the abductee's dead body was found he was found wearing the very same clothes as corroborated by the MLO PW 5 Dr. Uzam Ali who conducted the post mortem of the deceased which casts yet further doubt on his evidence.

He also gave his eye witness S.161 Cr.PC statement 8 days after the abduction and 4 days after the recovery of the dead body. No explanation has been given for this delay which along with the delayed FIR gave the complainant the opportunity to concoct a false case against the appellants in collusion with the police. In this respect reliance is placed on the case of **Muhammed Asif** (Supra)

Significantly, the other eye witness who was with him and saw the abduction despite being on the list of witnesses was given up by the prosecution without explanation so PW 2 Tariq Hussain's eye witness evidence could not be corroborated in respect of the abduction. Since the prosecution without explanation gave up some of the best evidence through eye witness Khalid the adverse inference can be drawn that he would not have supported the prosecution case. In this respect reliance is placed on the case of **Lal Khan** (Supra)

Thus, for the reasons mentioned above we disbelieve the evidence of this eye witness which we find to be full of doubts and unreliable especially when placed in juxtaposition with other evidence in the case and place no reliance on it.

(c) That PW 14 Ronan Khan was the estate agent who gave evidence that he rented the house where the dead body was found to three of the appellants. However he gave his S.161 Cr.PC statement 3 years after the incident without any explanation for such delay. He was not able to furnish proof that he was in fact an estate agent and admitted that he could not read or write which would mean that he ran an estate agency without being able to prepare or read a rental agreement which is simply not believable. He was not put before an identification parade to identify any of the appellants who he claimed entered into a lease with him for the house and he could produce any rental agreement which he had made,

with the appellants. Thus, we disbelieve his evidence and find that he is a planted witness.

(d) That another piece of evidence was a CDR which came out of the blue after 3 years from the complainant whereby one of the appellants (Abdullah) admitted to the crime however when the owner of the TV channel PW 10 Zafar Abro was cross examined he had this to say about the CDR;

"It is correct to suggest that I had not given any copy of the CD to the complainant or any of his relatives which was prepared through my cameraman. It is correct to suggest that I had not given the CD to the father of deceased child. It is correct to suggest that this CD was not played on our TV Channel. It is correct to suggest that in the CD there is no date or time mentioned. It is correct to suggest that there can be addition or deletion in the CD Vol. says there is logo mi in my hand which is correct. It is correct to suggest that I do not consider this CD authentic because this was not recorded by my cameraman. It is correct to suggest that whatever we give in the newspaper is hearsay and is not seen by us. Vol. says we inquire on telephone. It is correct to suggest I cannot give any authenticity of this news". (bold added)

Thus, we place no reliance on the CDR which is inadmissible in evidence in any event and discard this piece of evidence. In this respect reliance is placed on the case of Ishtaiq Ahmed Mirza (Supra). In any event it is completely unbelievable that an accused would admit his guilt to a capital case before the media and significantly despite his apparent eagerness to admit his guilt he was never produced before a judicial magistrate for recording his confession.

(e) That there is no evidence that any ransom demand was made. No mobile phone or SIM was ever seized, no CDR was collected, no voice recordings were made and there is no evidence that the complainant made any efforts to gather up the ransom amount. In this respect reliance is placed on the case of Azeem Khan (Supra)

(f) Indeed there seems some evidence to suggest that the complainant ran an advert on the local media/TV for 3 days stating that his son had been kidnapped and asking witnesses to come forward. Why would he do this if he already knew who the culprits were from day one? This does not appeal to logic, common sense or reason based on the complainants and his eye witnesses evidence and would not amount to natural human behavior and further undermines the prosecution case and his evidence.

(g) Admittedly as per medical evidence the abductee was murdered by asphyxiation/ strangulation but there is no evidence to connect any of the appellants to the murder of the child or even his abduction now that we have disbelieved the evidence of eye witness PW 2 Tariq Hussain.

(h) Even on the positioning of the dead body the prosecution evidence is contradictory. According to some of the witnesses the body was buried and had to be dug up by spade whereas according to other witnesses the body was lying on the earth and the injuries could be seen.

(i) We do not find the conduct of the police to be particularly inspiring in this case and as such we cannot rule out the fact that the unlicensed weapons were foisted on the appellants and that the appellants did not lead the police to the car allegedly used in the abduction.

(j) The appellants all claimed false implication in their defence and cross examined the witnesses to this effect and also stuck to their defence in their S.342 Cr.PC statements. They also produced 5 DW's in support of the defence case which gave some of the appellants alibi's which defense based on the weaknesses of the prosecution case cannot be brushed aside.

(k) In short for the reasons mentioned above we find that the prosecution case does **not** ring true and we find that we cannot safely rely on the evidence of the complainant and eye witness for the reasons mentioned above which we do **not** find be confidence inspiring.

12. It is a well settled principle of criminal law that the prosecution must prove its case against the accused beyond a reasonable doubt and that the benefit of doubt must go to the accused by way of right as opposed to concession and in this case we have found many doubts in the prosecution case.

13. Thus, for the reasons discussed above, by extending the benefit of the doubt to the appellants they are acquitted of the charge, the impugned judgment is set aside, their appeals are allowed, the confirmation reference is answered in the negative. It follows that the criminal revision application is also dismissed. The appellants shall be released unless wanted in any other custody case.

14. The appeals and criminal revision application stand disposed of in the above terms with the confirmation reference being answered in the negative.