JUDGMENT SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Jail Appeal No. S-263 of 2019
[Zakir v The State]

Appellants:	Zakir son of Allahdad Durani Pathan through Mr. Shehryar Shar, Advocate.
Respondent:	The State through Mr. Altaf Hussain Khokhar, Deputy Prosecutor General, Sindh.
Complainant:	Imran Khan, through Mr. Maisum Hussain Sahar, Advocate, along with Mr. Asif Ali Arain, Advocate.
Present on Court Direction:	Mr. Aroon Kumar, Ms. Salma Chandio and Ms.Madeeha Channa, Advocates.
Date of Hearing:	16.11.2026
Date of Short Order:	16.11.2026
Date of Reasons:	24.11.2026

JUDGMENT

MUHAMMAD HUMAYON KHAN, J. – By a short order dated 16.11.2026, I dismissed this criminal jail appeal. These are the reasons for that order.

2. Through this appeal, the appellant Zakir son of Allahdad Durani Pathan has challenged the judgment dated 24.08.2019 passed by the learned 1st Additional Sessions Judge / Model Criminal Trial Court, Shaheed Benazirabad, in Sessions Case No. 805 of 2014, arising out of Crime No. 100 of 2014 registered at Police Station A-Section, Nawabshah, under sections 302, 324, 337-H (ii), 148 and 149 PPC. By that judgment the appellant was convicted under section 265-H (ii) Cr.P.C. for the offence punishable under section 302 (b) PPC and sentenced to rigorous imprisonment for life. He was also directed to pay compensation of Rs. 200,000 to the legal heirs of the deceased Jamal Khan under section 544-A Cr.P.C., or in default to undergo simple imprisonment for six months. The benefit of section 382-B Cr.P.C. was extended to him.

3. The background of the case, in chronological order, is as follows. On 09.01.2011, Kamal Khan, the father of the complainant Imran Khan, was murdered. The complainant lodged FIR No. 10 of 2011 at Police Station A-Section, Nawabshah, against Khalique Dad

and Allahdad, both sons of Juma Khan, Saqib and Shaheen, both sons of Khalique Dad, and the present appellant Zakir and his brother Tahir, both sons of Allahdad. That case is stated to be pending. According to the complainant, about five months after that FIR the accused and their relatives began pressing his family to compromise, threatening that he and his brothers would otherwise be killed.

4. On 03.06.2014, the complainant's younger brother Jamal Khan, aged about 18 or 19 years, opened the family's spare parts shop in Mohni Bazar, near the District Council building, Nawabshah, in the morning. At about 12:30 p.m. the complainant brought him his meal and stood outside the shop with his maternal uncle Muhammad Gul Khan and his relative Dost Muhammad. At about 12:45 p.m. three red CD-70 motorcycles arrived. The appellant and Saqib were on one, Nasir Khan and Nawab Khan on the second, and two unidentified persons on the third. The appellant, Saqib, Nasir and Nawab drew pistols and fired at Jamal Khan, who was inside the shop. One of the unidentified men fired at the complainant, who escaped, and the other fired in the air to keep the witnesses back. The assailants rode away. Jamal Khan was taken to the Peoples Medical College Hospital, Nawabshah, where he died at about 1:00 p.m.

5. At 1:15 p.m. on the same day the complainant informed ASI Sabir Hussain of Police Station A-Section by telephone, and daily diary entry No. 14 (Ex. 14/A) was recorded. The ASI went to the hospital, prepared the lash chakas form, the inquest report and the memo of the dead body, and sent the body for post-mortem, which was conducted between 2:20 p.m. and 3:30 p.m. At about 4:00 to 4:20 p.m. he inspected the shop on the pointation of the complainant and secured blood, fourteen empties and one live round of 30 bore, and three projectiles. He returned to the police station at 4:45 p.m. (entry No. 19, Ex. 14/B).

6. The FIR (Ex. 5/A) was registered by SHO Muhammad Iqbal at 7:00 p.m. on 05.06.2014, about 54 hours after the occurrence. The statements of the eye-witnesses under section 161 Cr.P.C. were recorded the same day. On 07.06.2014 the complainant produced the deceased's shirt. On 11.06.2014 the blood-stained cotton was dispatched to the Chemical Examiner, Rohri, who

reported it to be human blood. On 16.06.2014 the Tapedar prepared a sketch of the place of incident.

7. All the accused absconded. They were declared proclaimed offenders on 15.09.2014 by the learned Civil Judge & Judicial Magistrate-III, Nawabshah. Proceedings under section 512 Cr.P.C. followed before the learned Sessions Court, in which the complainant, Dost Muhammad, Muhammad Gul and the mashir Saleem Khan were examined, and on 24.10.2014 the case was kept on the dormant file. On 09.05.2019 the appellant, who was then confined in District Jail Malir in another case, was formally arrested in this case and a supplementary challan was submitted. The case was received by the learned 1st Additional Sessions Judge / MCTC, Shaheed Benazirabad, on 06.08.2019. A charge was framed on 19.08.2019, to which the appellant pleaded not guilty. The prosecution examined nine witnesses between 19.08.2019 and 21.08.2019. The appellant denied the prosecution case in his statement under section 342 Cr.P.C., but neither gave evidence on oath nor led any defence evidence. By the impugned judgment dated 24.08.2019 he was convicted and sentenced as stated above. The proceedings against Saqib, Nasir Khan and Nawab Khan remain on the dormant file.

8. PW-1 Dr. Zain-ud-Din (Ex. 13), Senior Medical Officer, PMCH Nawabshah, received the body at 2:15 p.m. on 03.06.2014 and conducted the post-mortem from 2:20 p.m. to 3:30 p.m. He found twenty injuries, including eleven firearm wounds of entry, most with blackening, on the left side of the chest, the left side of the abdomen, the left arm and axilla and in front of the right ear, with exit wounds on the left arm and the right flank and a fracture of the left humerus. The spleen, left kidney, intestine and mesentery were damaged. He gave the cause of death as haemorrhage, shock and cardio-respiratory failure from multiple firearm injuries, each sufficient to cause death in the ordinary course of nature, and estimated the interval between death and post-mortem at about one hour and twenty minutes. In cross-examination he accepted that almost all the injuries were on the left side of the chest and left arm within a diameter of about one foot, that they might have been caused by an automatic weapon, and that the clothes bore holes corresponding to

the injuries. He denied that lacerated and punctured wounds can only be caused by a high-velocity rifle bullet.

9. PW-2 ASI Sabir Hussain (Ex. 14) proved diary entries Nos. 14 and 19 (Ex. 14/A and 14/B), the lash chakas form, the inquest report, the memo of the dead body, the receipt for the body and the memo of the place of incident. He produced the case property: three empties and one live round of 30 bore from the footpath, eleven empties from the northern side and three projectiles (articles 1/A to 1/R), and blood-stained cotton (article 1/S). In cross-examination he admitted that the complainant had not named the accused on the telephone, that no names appear in the diary entries or in column 7 of the inquest papers, that he did not prepare a memo of the deceased's clothes, and that he did not record the statements of neighbouring shopkeepers, who told him that some of the assailants had muffled faces. He said that the complainant told him he was on the northern side at the time of the incident. He denied that he had prepared the papers at the police station.

10. PW-3 Inspector Muhammad Iqbal (Ex. 15), then SHO, registered the FIR on 05.06.2014, recorded the statements under section 161 Cr.P.C., took over the papers from ASI Sabir, took the deceased's shirt into possession on 07.06.2014 (Ex. 8/D), wrote to the Mukhtiarkar (Ex. 15/A and 15/B) and sent the blood to the Chemical Examiner (report Ex. 15/C). He stated that a blood feud existed between the parties and that the accused could not be traced. In cross-examination he accepted that only the shirt was produced, that the memo does not mention bullet holes, that the blood was sent eight days after the incident, that the FIR was lodged about 54 hours after the occurrence, and that the police could have registered the FIR themselves. He explained that the complainant had said he would lodge it after the funeral.

11. PW-4 Imran Khan (Ex. 16), the complainant and brother of the deceased, gave the account set out above. He named the appellant, Saqib, Nasir and Nawab as the four who fired at Jamal Khan, and identified the appellant in Court. In cross-examination he admitted that Muhammad Gul is his maternal uncle and Dost Muhammad his cousin, that the mashir Saleem is his brother-in-law, that the appellant, his father and uncle are accused in FIR No. 10 of 2011, that he has lodged two other FIRs naming the appellant's

brother, and that he is affiliated with the Pakistan Peoples Party. He stated that he stood on the road in front of the shop with the two witnesses, that he ran towards the north-eastern side and avoided the shot by bending down, that three of the adjoining shops were open, and that he told ASI Sabir at the hospital who the assailants were. He denied the suggestions that his brother was killed by unknown persons with a Kalashnikov during a strike, that he was not present, and that he spent the 54 hours deliberating over false implication.

12. PW-5 Muhammad Gul Khan (Ex. 17), the maternal uncle of the deceased, gave the same account, attributing straight pistol fire to the appellant and the three named co-accused, and identified the appellant. In cross-examination he stated that he runs a juice shop on Station Road which he attends from about 5:00 p.m., that the place of incident is not on his route from home to that shop, that he was 15 to 20 feet from the shop, that the assailants fired from one place, that the complainant took shelter behind vehicles, that all six adjoining shops were open, and that his statement was recorded on 05.06.2014. He also said that he went to the police station "on the next day" and the police lodged the FIR. He admitted that he did not name the assailants to the police at the hospital, and denied that he was at his own shop at the time.

13. PW-6 Saleem Khan (Ex. 18), mashir, proved the memos of the dead body, the inquest and the place of incident prepared on 03.06.2014, and the memo of the shirt prepared on 07.06.2014. PW-7 Mehar Ali, Tapedar (Ex. 19), proved the sketch (Ex. 19/A). It places the body inside the shop at point A, the eleven empties three feet to the north at point B, three empties and the live round on the footpath four feet to the east at point D, and the three projectiles near the southern wall three feet from point A. PW-8 SIP Manzoor Ali (Ex. 20) and PW-9 PC Dur Muhammad (Ex. 21) proved the formal arrest of the appellant at District Jail Malir on 09.05.2019 (Ex. 20/A).

14. In his statement under section 342 Cr.P.C. (Ex. 23), the appellant denied the prosecution case and claimed false implication. He neither examined himself on oath under section 340(2) Cr.P.C. nor produced any evidence in defence.

15. Mr. Shehryar Shar, learned counsel for the appellant, contended that the FIR was lodged about 54 hours after the occurrence although the police were informed within half an hour, and that the delay was used to deliberate and to implicate the appellant because of the earlier litigation between the families. He pointed out that no accused is named in the diary entries or in the inquest papers. He argued that the two eye-witnesses are closely related to the deceased and inimical to the appellant, that Muhammad Gul is a chance witness whose shop is not on the route to the place of incident, and that the neighbouring shopkeepers, who according to the complainant saw the incident, were neither examined nor even interviewed on record. He relied on the medical evidence that the injuries were grouped within one foot on the left side and might have been caused by an automatic weapon, and on the ASI's statement that the shopkeepers spoke of muffled assailants, to suggest that unknown persons killed the deceased with a Kalashnikov. He further pointed to the contradictions between the two witnesses on where they stood, where the complainant ran, how many shops were open and when the matter was reported; to the overwriting of the year in the copy of the FIR; to the production of the shirt alone; to the delay in sending the blood to the Chemical Examiner; and to the absence of any recovery from the appellant. He prayed that the appellant be acquitted by extending him the benefit of the doubt.

16. Mr. Altaf Hussain Khokhar, learned Deputy Prosecutor General, supported the impugned judgment. He contended that the occurrence took place in broad daylight at the complainant's own shop, that the witnesses knew the appellant well, that the police were informed within half an hour and attended the hospital and the scene the same day, and that the ocular account is supported by the medical evidence and by the empties recovered from the spot.

17. Mr. Maisum Hussain Sahar, learned counsel for the complainant, adopted those submissions and filed a written synopsis. He contended that the witnesses explained their presence naturally, that their account of the appellant's role is consistent, and that the medical evidence and recoveries confirm the manner of the attack. He submitted that the delay in registering the FIR is attributable to the police, who knew of the offence from 1:15 p.m. on the day of

occurrence, and relied on *Muhammad Bux alias Shahzaib v The State (Criminal Petition No. 1021 of 2021, decided on 30.01.2026).* He also relied on *Arshad Beg v The State (2017 SCMR 1727)* on related witnesses, *Muhammad Ehsan v. The State (2006 SCMR 1857)* on corroboration, *Abbas Ali and another v The State (2021 SCMR 349)* on non-recovery of the weapon, and *Zakir Khan v The State (1995 SCMR 1793)* on minor discrepancies.

18. I have heard the learned counsel and the learned Deputy Prosecutor General and have reappraised the entire evidence with their assistance. In an appeal against conviction, this Court must satisfy itself independently that the prosecution has proved the charge beyond reasonable doubt. That burden rests on the prosecution throughout and never shifts to the accused. If any circumstance creates a reasonable doubt in a prudent mind about the guilt of the accused, he is entitled to its benefit as of right and not as a matter of grace: *Tariq Pervez v The State* (1995 SCMR 1345). The learned trial Court observed that once the prosecution had discharged its onus, the burden "shifted onto the shoulders of the accused". With respect, that is not a correct statement of the law. I have therefore not relied on that observation and have examined the evidence afresh against the correct standard.

19. The unnatural death of Jamal Khan by firearm injuries is not disputed. It is established by the medical evidence of PW-1, the post-mortem report and the inquest papers prepared within hours of the occurrence. The question is whether the prosecution proved that the appellant was one of those who fired upon him.

20. That question turns on the evidence of the two eye-witnesses examined at the appellant's trial, the complainant Imran Khan (PW-4) and Muhammad Gul Khan (PW-5). Identification is not really in issue. The occurrence took place at about 12:45 p.m., in daylight, and the appellant was well known to both witnesses because of the long litigation between the families. The real issue is whether the witnesses were present and whether they are telling the truth.

21. Their presence is natural and adequately explained. The shop belonged to the complainant's family, he said he himself used to sit there, and he had come at lunchtime to bring his younger brother

his meal. Muhammad Gul runs a juice shop on Station Road, which by his own account he attends from about 5:00 p.m., so he was free at midday to accompany his nephew. That the place of incident is not on his route from home to his shop does not make him a chance witness. He was not on his way to his shop; he had come with the complainant for a stated purpose. The complainant's presence also finds support in the record prepared by others. The doctor recorded that the complainant identified the body at the hospital, and the police diary shows that he reported the death at 1:15 p.m., barely half an hour after the occurrence. That conduct is consistent with his account that he saw the attack and took his brother to hospital. Both witnesses were cross-examined at length, and nothing was elicited to show that either of them was elsewhere at the time.

22. Both witnesses are related to the deceased, and the complainant's family has a history of litigation with the appellant's family. A related witness is not, for that reason alone, an interested witness. A witness is interested when he has a motive to implicate the accused falsely, and even then his evidence can be discarded only if an ulterior motive is shown; there is no rule of law that such evidence cannot be acted upon without corroboration: *Khizer Hayat v The State 2011 SCMR 429.* Blood relations of the deceased are, ordinarily, the last persons to let the real culprit escape by substituting an innocent person: *Zahoor Ahmed v The State 2007 SCMR 1519* and *Zulfiqar Ahmed and another v The State 2011 SCMR 492.* In *Ali Raza Siyal v The State (Jail Petition No. 384 of 2023)*, the Supreme Court applied the same principle to the son and nephew of a deceased and held that even the solitary evidence of the informant, if trustworthy, is sufficient to sustain a conviction.

23. The present witnesses, however, are not merely related; the complainant is also inimical to the appellant's family. Enmity cuts both ways. It supplies the motive for the murder, and it may equally supply a motive for false implication. As a rule of prudence, the evidence of such witnesses must therefore be scrutinized with particular care, and the Court should look for circumstances that assure it of their truthfulness. I have done so, and I find four such circumstances in this record.

24. The first is the manner in which the complainant named the accused. It is true that all four persons he named belong to the

appellant's family: Saqib and Nasir are the appellant's paternal cousins and Nawab is a relative. That is consistent with the motive he alleged. But the persons accused of his father's murder were six: Khalique Dad, Allahdad, Saqib, Shaheen, the appellant and Tahir. Had the complainant set out to use his brother's death to strike at his adversaries, the obvious course was to name all of them, and in particular the two elders of that family. He named only two of them, said in terms that two of the assailants were unknown to him, and attributed distinct acts to the named and unnamed assailants. That restraint is not the conduct of a witness bent on false implication. The second is the prompt report to the police, already noticed. The third is that the account of the occurrence matches the physical evidence collected by the police before the FIR, as discussed below. The fourth is that the medical evidence confirms the account in every material particular.

25. The principal argument of the defence is the delay of about 54 hours in registering the FIR. This is a serious matter and I have given it close attention. Two questions arise: who caused the delay, and whether it was used to shape the case against the appellant.

26. As to the first, the record is clear. The complainant reported the death to ASI Sabir Hussain at 1:15 p.m. on 03.06.2014 (Ex. 14/A). The ASI went to the hospital, prepared the inquest papers, arranged the post-mortem and inspected the place of incident the same afternoon. The police thus knew of a cognizable offence within half an hour of its commission. ASI Sabir admitted that he did not register the FIR, and the SHO accepted that the police could have done so. The SHO's explanation that the complainant wished to lodge the FIR after the funeral is no answer. In *Ali Raza Siyal* (supra), the police diary and the lash chakas form showed that the police knew of the occurrence the same night, yet the FIR was registered more than three days later. The Supreme Court held that the delay was not fatal because it was not attributable to the informant. It relied on *Muhammad Bux alias Shahzaib v The State (Criminal Petition No. 1021 of 2021),* which held that *"the victim cannot be made to suffer on account of the delay occasioned by the conduct, omission or negligence of the police officials",* and that the Court must consider whether the delay is attributable to the informant, as distinct from the failure of

the police to register the FIR promptly. The Supreme Court added that once information of a cognizable offence reaches the officer in charge, he is bound to register the FIR forthwith under section 154 Cr.P.C., and that "the excuse that the informant was occupied with funeral rites is alien to that provision". The contemporaneous diary entry in the present case likewise fixes the delay on the police.

27. The second question requires more care, because there is a feature here that was not present in *Ali Raza Siyal*. Neither the diary entries nor the inquest papers prepared on 03.06.2014 name the assailants. The defence argues that the names were settled later, during the 54 hours. I accept that this omission, standing alone, could raise a suspicion of deliberation. On examination, however, it does not create a reasonable doubt, for four reasons. *Firstly*, ASI Sabir said that the complainant did not name the accused when he informed him by telephone. The complainant said that he named them to the ASI at the hospital, and the ASI was not asked about that. The evidence therefore does not show that the complainant was unable or unwilling to name the assailants on the day. *Secondly*, an inquest under section 174 Cr.P.C. is meant to record the apparent cause of death and the nature of the injuries and the weapon that appears to have caused them. It is not a report of the offence, and the omission of names from it is not, by itself, proof that the names were unknown. *Thirdly*, the essential features of the occurrence were fixed by the police themselves before the FIR: the time, the scene inside the shop, the multiple firearm injuries and the recovery of fourteen 30-bore empties near the shop. The FIR describes an attack with pistols by several assailants at that place and time, and the physical evidence collected before any occasion for deliberation bears that account out. *Fourthly*, the statements of the eye-witnesses under section 161 Cr.P.C. were recorded on 05.06.2014, the same day as the FIR, so there was no further delay. I am therefore satisfied that the delay was the fault of the police and was not used to fabricate or improve the case against the appellant.

28. Medical evidence cannot identify an assailant. It can only confirm or contradict the ocular account as to the seat, number and nature of the injuries and the kind of weapon used. Here it confirms that account on each point. The doctor found eleven wounds of entry, which is consistent with four assailants firing repeatedly. Most of the

entry wounds showed blackening, which indicates firing from close range. The Tapedar's sketch places one set of empties three feet and another four feet from the spot where the body lay, which is consistent with close-range firing at a person inside a small shop. Muhammad Gul's estimate of 15 to 20 feet was the distance at which he himself stood, not the distance from which the shots were fired. The grouping of most injuries on the left side is consistent with the assailants firing from one side at a man inside the shop. As to the time of death, the doctor estimated the interval between death and post-mortem at about one hour and twenty minutes; since the post-mortem began at 2:20 p.m., that places the death at about 1:00 p.m., exactly as the witnesses said.

29. The doctor accepted in cross-examination that the injuries might have been caused by an automatic weapon. That was a concession to a possibility, not an opinion that they were so caused, and he denied that such wounds can only be caused by a high-velocity rifle bullet. The specific suggestion put to the complainant was that unknown persons killed his brother with a Kalashnikov during a strike. The empties recovered from the scene on the day of occurrence were of 30 bore, the calibre of the pistols described by the witnesses, and not the calibre of a Kalashnikov. The suggestion was denied, and no evidence was led to support it.

30. The contradictions pointed out by the defence are of the kind that arise naturally when witnesses describe a sudden and violent incident five years after it occurred. They concern whether the deceased was sitting or standing, the direction in which the complainant ran, whether he bent down or took cover behind vehicles, how many neighbouring shops were open, and whether the assailants fired from one place. Muhammad Gul's statement that he went to the police station "on the next day" must be read with his own statement, in the same deposition, that his statement was recorded on 05.06.2014, the date of the FIR. None of these variations touches the core of the prosecution case, that the appellant arrived on a motorcycle with Saqib and fired with a pistol at Jamal Khan. Discrepancies of this kind, which do not go to the root of the case, are to be overlooked: *Zakir Khan v The State 1995 SCMR 1793,* applied in *Ali Raza Siyal* to an interval between 2012 and 2019. The

date of occurrence is fixed by the diary entries, the post-mortem report and the Chemical Examiner's report, all of 2014.

31. I turn to the lapses in the investigation. ASI Sabir said that neighbouring shopkeepers told him that some of the assailants had muffled faces. That is hearsay from unnamed persons and is not admissible under Article 71 of the Qanun-e-Shahadat Order, 1984. Even taken at face value, it speaks of some, not all, of the assailants, which is consistent with the complainant's own account that two of them were unknown to him. The failure to record the shopkeepers' statements is a lapse, but the prosecution is not bound to produce every person who may have seen an occurrence. What matters is the quality of the evidence, not the number of witnesses: *Farooq Khan v The State 2008 SCMR 917* and *Niaz-ud-Din v. The State 2011 SCMR 725.*

32. The same applies to Dost Muhammad. His deposition recorded in 2014 under section 512 Cr.P.C., in the absence of the accused, can be used against the appellant only if he is dead, incapable of giving evidence or cannot be found, and no such foundation was laid. I have therefore excluded it, as did the learned trial Court. He was not produced at the appellant's trial. I have considered whether that omission attracts the presumption under Article 129 (g) of the Qanun-e-Shahadat Order. In my view it does not discredit the two eye-witnesses who were produced and cross-examined, since his evidence would only have repeated theirs, and the presumption, at its highest, is that his evidence would not have added to the prosecution case.

33. The remaining criticisms go to the corroborative evidence. The inquest was lawfully held under section 174 Cr.P.C. before the FIR, but the inspection of the scene and the collection of empties before the FIR was an irregularity, a consequence of the same failure to register the case promptly. It was, however, witnessed by mashirs, and the defence suggestion that the papers were prepared at the police station was denied. Only the shirt of the deceased was produced, its memo does not mention bullet holes, and the blood was sent to the Chemical Examiner eight days after the incident. I have given those items no weight. No weapon was recovered, but the appellant was arrested nearly five years later while in custody in another case, and no recovery could realistically be

expected. Corroboration is a rule of caution and not a rule of law; where the ocular account is truthful and confidence-inspiring, it can sustain a conviction without further corroboration: *Muhammad Ehsan v The State 2006 SCMR 1857* and *Muhammad Waris v The State 2008 SCMR 794.* I also give no weight to the appellant's abscondence. The investigating officer himself attributed the inability to trace the accused to the blood feud between the families, and in that setting abscondence is of little probative value.

34. As to the appellant's liability, both witnesses attribute to him the firing of pistol shots at the deceased. With four assailants firing at once, it is not possible to say which wound was caused by whose shot, nor is it necessary. The assailants arrived together on three motorcycles, armed, fired at the same victim and left together. That establishes beyond doubt the common object of causing his death, for which each member of the assembly is liable: *Muhammad Altaf v The State 2002 SCMR 189*. The appellant was charged under section 149 PPC and fully defended that charge, so the omission of a reference to that section in the operative part of the impugned judgment has caused him no prejudice.

35. The appellant did not give evidence on oath and produced no defence evidence. The suggestions that he was implicated because of the complainant's political affiliation or the earlier litigation were denied and are not supported by anything on the record.

36. On a careful reappraisal of the whole record, I am satisfied that the prosecution proved beyond reasonable doubt that the appellant, in prosecution of the common object of the unlawful assembly, fired at and killed Jamal Khan. The evidence of PW-4 and PW-5 is natural and consistent on all material points, and it is assured by their prompt report, the restraint shown in naming the accused, the physical evidence collected before the FIR and the medical evidence. The delay in the FIR is attributable to the police and was not used to shape the case. The learned trial Court therefore rightly convicted the appellant under section 302(b) PPC. It awarded the lesser penalty of imprisonment for life, which has not been challenged by the State or the complainant, and I see no reason to interfere with it.

37. For the foregoing reasons, the criminal jail appeal is ***dismissed.*** The conviction of the appellant Zakir son of Allahdad Durani Pathan under section 302(b) PPC, the sentence of rigorous imprisonment for life, and the direction to pay compensation of Rs.200,000 to the legal heirs of the deceased under section 544-A Cr.P.C., or in default to undergo simple imprisonment for six months, are maintained, with the benefit of section 382-B Cr.P.C. as extended by the learned trial Court.

38. In compliance with the directions of the Supreme Court in *Ali Raza Siyal* (supra), I record the finding that the delay of about 54 hours in registering the FIR in this case was attributable to the police of Police Station A-Section, Nawabshah. They received information of the occurrence at 1:15 p.m. on 03.06.2014 and conducted the inquest and inspected the place of incident that day, but did not register the FIR until 7:00 p.m. on 05.06.2014.

39. The Office shall send a copy of this judgment to the Inspector General of Police, Sindh, and to the Prosecutor General, Sindh, for information and for compliance with the directions of the Supreme Court in *Muhammad Bux alias Shahzaib* and *Ali Raza Siyal* regarding the prompt registration of FIRs.

40. ***These are the reasons for my short order dated 16.11.2026.***

41. Before parting with this judgment, I deem it appropriate to place on record my appreciation for the learned trial Judge for his commendable work, careful appraisal of the evidence and well-reasoned findings on the material issues involved in the case. The Office shall convey a copy of this judgment to the MIT-II, High Court of Sindh, for communicating these remarks of appreciation to the judicial officer concerned and placing the same on his personal record.

JUDGE

APPROVED FOR REPORTING

Abdullahchanna/PS