

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Omar Sial

Mr. Justice Shamsuddin Abbasi

Criminal Appeal No.468 of 2025

(Muhammad Anwar v. the State)

Criminal Revision Application No.200 of 2025

(Abdul Razzaque v. Muhammad Anwar and another)

Criminal Acquittal Appeal No.545 of 2025

(Abdul Razzaque v. Achar & 04 others)

Mr. Saeed Ahmed Magsi, advocate for the appellant in
Appeal No.468/2025

Mr. Bashir Ahmed Talpur, advocate for the appellant in
Acq. Appeal No.545 of 2025 & Crl. Rev. Application
No.200/2025

Ms. Rubina Qadir, Deputy Prosecutor General Sindh

Date of hearing: 19.08.2026

Date of Judgment: 14.09.2026

JUDGMENT

Omar Sial, J. On 28.12.2022, 32-year-old Abdul Razzak and his 23-year-old nephew Abdul Shakoor were sleeping in a room in the latter's home while Razzak's 19-year-old niece, Haseena, slept in the adjoining room. At about 1:00 a.m., the two men were woken up by the sound of flower pots. When they went to Haseena's room, they saw one of their relatives, Mohammad Anwar, leaving. They then entered Haseena's room, where she told them that a man with a muffled person had entered her room and, by scaring her with a pistol, had raped her.

2. Instead of reporting the alleged crime to the police, Razzak thought it appropriate to approach a notable (*naik mard*) of the village with his allegation. He was told the matter would be settled through a private faisla, and Razzak agreed. On 02.01.2023, those who took part in the faisla decided that Mohammad Anwar would marry Haseena and pay her Rs. 500,000 as compensation. 15.02.2023 was fixed as the date for the

execution of the *faisla*. Razzak claimed that Anwar's relatives subsequently threatened him. On 16.09.2023, Razzak went to the police station to register F.I.R. No. 136 of 2023 under sections 376, 452, 506/2, 147, 148, 149 and 504 P.P.C. at the Mirpur Bathoro police station.

3. Mohammad Anwar was arrested on 13.12.2023. In addition, Mohammad Achar (his father), Shah Nawaz (Anwar's brother), Ali Akbar and Mumtaz also faced trial. The accused pleaded not guilty and claimed a trial. At the trial, the prosecution examined PW-1 Abdul Razzak (the complainant); PW-2 Abdul Shakoor (an eyewitness to the aftermath of the incident); PW-3 Haseena (alleged victim); PW-4 Dr. Poonam Bansari (the doctor who examined Haseena); PW-5 Muhammad Yousuf (who medically examined the accused); PW-6 Rajab Ali (witness to the seizure of clothes, site inspection and the accused's arrest); and PW-7 S.I.P Ghulam Nabi Shah (investigating officer).

4. In their respective Section 342 Cr.P.C. statements, the accused professed innocence and denied any wrongdoing. The learned 1st Additional Sessions Judge, Sujawal, on 02.07.2025 convicted Mohammad Anwar under section 376 P.P.C. and sentenced him to life imprisonment and a fine of Rs. 200,000. The remaining accused were acquitted.

5. Mohammad Anwar has filed Criminal Appeal No. 468 of 2025 against the aforementioned judgment. Abdul Razzak has filed Criminal Acquittal Appeal No. 545 of 2025 and Criminal Revision Application No. 200 of 2025.

6. We have heard the appellants' and the complainant's learned counsel. We have also heard the learned Deputy Prosecutor General and re-appraised the evidence. Our observations and findings are as follows.

7. We find the prosecution story to be unbelievable. It has come on record that the house where the incident allegedly occurred consisted of only two rooms. Haseena, both her parents, Abdul Shakoor, his wife, and two children were all sleeping in the house. A muffled-faced man with a pistol sneaked into the house, raped Haseena, albeit with a pistol drawn, and then peacefully left the house, taking off the cloth on his face as he left; is completely unbelievable. None of the occupants saw the alleged victim or accused in an undressed or semi-undressed state immediately

after the incident. No attempt was made by the inmates to raise a hue and cry or attempt to apprehend Mohammad Anwar, as he peacefully walked out of the house. Razzak claimed at the trial that Anwar's home was a hundred feet away and that while he ran after Anwar, he did not enter his house or even attempt to tell his family members of Anwar's doings.

8. At trial, Haseena gave a slightly different version. She said that Anwar raped her in approximately 5 to 7 minutes and remained with a muffled face throughout the alleged act. When he was leaving, Haseena took off the cloth on his face and then recognized him as Anwar. She was unsure whether Anwar took the cloth with him or left it behind in her room. While the remaining family witnesses testified that Anwar was their relative, Haseena denied it. It is well established that the sole testimony of a victim is sufficient to uphold a conviction. The condition, though, is that her testimony is found to be trustworthy and confidence-inspiring. Regrettably, we do not find Haseena's testimony to have these qualities. She gave a vague account of what happened, which also appears to have been tutored.

9. Dr. Poonam testified that there were no injury marks on Haseena; that no sperm was found on her clothes; that there was no DNA match; that the hymen was not intact, but that could be because of the menstrual flow; and that she could not conclude whether Haseena was raped or not. The doctor's findings are not surprising, as the medical examination was done on 19.10.2023, approximately ten months after the alleged incident.

10. There is an inordinate delay of nine months in reporting the crime. The delay was not explained. We are not convinced the delay was due to embarrassment or shame, as Razzak and others had already made the incident public by going to a *naik mard* and then submitting themselves to a private *faisla*. There was a six-month delay even after the *faisla* decision. Whether a *faisla* even took place was not proved. The investigating officer confirmed at trial that he had not examined any person who took part in the said *faisla*, nor had he recorded the statements of the house inmates.

11. Given the above, we have no qualms in concluding that the prosecution was unable to prove its case beyond reasonable doubt. Accordingly:

- (a) Criminal Appeal No. 468 of 2025 is allowed. Mohammad Anwar is acquitted and should be released, unless required in any other custody case.
- (b) Criminal Acquittal Appeal No. 545 of 2025 and Criminal Revision Application No. 200 of 2025 are dismissed.

JUDGE

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