

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Omar Sial

Mr. Justice Shamsuddin Abbasi

Criminal Appeal No.431 of 2024

Appellant : Syed Rizwan Ali through Ms. Abida Parveen Channar, advocate

The State : Through Mr. Ali Anwer Kandhro, Additional Prosecutor General

Complainant : Through Mr. Basam Ali Dahri, advocate

Date of hearing: 16.09.2026

Date of Judgment: 22.09.2026

JUDGMENT

Omar Sial, J.: Ten-year-old Ayesha was raped by Syed Rizwan Ali on 02.05.2022 on the roof of his house. The rape culminated a prolonged period of sexual harassment. F.I.R. No. 152 of 2022 was registered under Section 376 P.P.C. on 11.05.2022 at the Kalri police station on Mohammad Umar's (Ayesha's father) complaint. Rizwan was arrested on 12.05.2022.

2. PW-1 Ayesha (victim); PW-2 Mohammad Umar (complainant); PW-3 Abdul Nadeem (witness to various investigation steps and Rizwan's arrest). PW-4 Sabra Khatoon (Ayesha's mother); PW-5 Dr. Noor Ahmed (examined Rizwan); PW-6 Mohammad Ramzan (witness to the site inspection memo); PW-7 S.I. Mohammad Latif (registered the F.I.R.); PW-8 Dr. Noor-un-Nisa (examined Ayesha); PW-9 Sadia Amjad (recorded Ayesha's Section 164 Cr.P.C. statement); PW-10 S.I. Munir Hussain (investigating officer). In his Section 342 Cr.P.C. statement, Rizwan offered no defense, stating that he was innocent. On 20.05.2024, the learned 3rd Additional Sessions Judge, Karachi South, convicted Rizwan and sentenced him to life imprisonment.

3. We have heard the appellant's and the complainant's learned counsel and the learned Additional Prosecutor General. Our observations are reflected in the arguments below.

4. The evidence recorded at the trial reflects that 44-year-old Rizwan lived in the same neighborhood as Ayesha. Ayesha testified that Rizwan would sexually harass her. On 02.05.2022 at 5:00 p.m., Rizwan muffled her mouth with his hand and took her to the roof of the house. He then stripped her and raped her. After he was done with the heinous act, he cleaned himself with a shirt lying on the roof and threatened the little girl with dire consequences if she told anybody. He then shamelessly picked her up in his arms and left her outside her house. She did not tell her parents about the trauma she had undergone, but when her brother saw blood on her shalwar, he told their mother. Upon her mother's queries, the scared girl said that she had fallen down and hurt herself. It was only when she was taken to a doctor, three days later, that the doctor disclosed to the family that Ayesha had been raped. In the hospital, Ayesha told her mother what she had gone through. Dr. Noor-un-Nisa's testimony leaves absolutely no doubt that the little girl was raped.

5. The appellant's counsel argued that there were no eyewitnesses to the incident; that it was not possible that Rizwan could have raped the girl, as they lived in a densely populated locality. Lastly, she argued that Ayesha's and Rizwan's clothes sent for DNA analysis did not show the presence of semen. The learned counsel's first two arguments do not merit comment. Suffice it to say that a 44-year-old man was raping a minor. No semen stains were found because Ayesha's clothes had been washed (according to one version) or thrown away (according to another). And it was not necessary that semen also be found on Rizwan's T-shirt. We believe the trustworthy, confidence-inspiring testimony of Ayesha and her parents. Ayesha had no reason to falsely accuse Rizwan. The past harassment she had undergone at his hands had also not been revealed by her till after the crime had been committed. People find

it difficult to believe victims' statements of sexual abuse because so often they have waited months, sometimes years, to report their experiences of abuse. In this case, however, the truth came out within a couple of weeks. Had Ayesha not fallen violently ill, perhaps Rizwan's heinous act would not have been revealed. Loyalty or confusion toward the abuser (often someone known and trusted); Direct threats of harm from the perpetrator; Shame, embarrassment, and self-blame; Fear of not being believed or being punished; Desire to protect family stability or financial support; and unawareness that safe adults exist outside the family to help are all factors that contribute to later disclosure of sexual abuse, in particular by a minor. Rizwan's failure to provide a defense also reflects adversely on him.

6. We find no reason to interfere with the learned trial court's judgment. Sufficient leniency in any case has been shown by the trial court, as the evidence led at the trial could very well have led to a death sentence. The appeal is therefore dismissed.

JUDGE

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