

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Appeal No. 436 of 2021

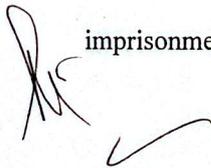
Present:

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Syed Fiaz ul Hassan Shah

Appellant : Through Mr. Muneer Ahmed Gilal, Advocate
Respondent : Through Mr. Ali Haider Saleem, Addl. P.G.
Date of hearing : 09.02.2026
Date of Reasons : 09.02.2026

J U D G M E N T

Syed Fiaz ul Hassan Shah, J. Appellant Shahid Hussain son of Muhammad Ramzan has challenged judgment dated 17.07.2021 (“**impugned judgment**”) passed by the learned VIIth Additional Sessions Judge, Karachi East (“**Trial Court**”) in Sessions Case No. 832 of 2019 arising out of FIR No. 63/2019 registered under Section 376/377 R/W 375/377-B, 377-A Pakistan Penal Code, 1860 (PPC) at P.S Model Colony, Karachi, whereby the appellant was convicted and sentenced for offence punishable under section 377 PPC to rigorous imprisonment for 10 years and fine of Rs.50,000/- and in case of default in payment of fine, he will further undergo six month simple imprisonment as well as sentenced for offence punishable under section 376 (i) PPC to rigorous imprisonment for 14 years and fine of Rs.50,000/- and in case of default in payment of fine, he will further undergo six month simple imprisonment while being extended benefit of Section 382-B Cr.P.C.



2. The facts of the case are that on 14.03.2019, the complainant's minor daughter, Sawera (aged about 10 years), was unwell and did not attend school. Upon inquiry, she complained of pain in her legs and disclosed that on 09.03.2019 at about 4:00 PM (Thursday), her father, the accused Muhammad Shahid Hussain, had committed an indecent act with her. When the complainant confronted her husband, the appellant, he allegedly maltreated her. Thereafter, the complainant approached the police and took her daughter to JPMC for medical examination and subsequently lodged an FIR at Police Station Model Colony.
3. After completion of the usual investigation, copies of the case papers were supplied to the appellant at Exh-01. A formal charge was framed at Exh-02, to which the appellant pleaded not guilty and claimed trial. The trial court, after recording the plea separately at Exh-02/A, proceeded with the trial and ultimately convicted the appellant through the impugned judgment, which is now under challenge before us.
4. In order to prove its case, the prosecution examined PW-1 Sajida (complainant) at Exh-03, PW-2 HC Shakeel Ali Abbasi at Exh-04, PW-3 ASI Musarat Hussain at Exh-05, PW-4 Ali Nawaz at Exh-07, PW-5 Dr. Noor-un-Nisa at Exh-08, PW-6 Sawera (victim) at Exh-09, PW-7 Inspector Basharat Ali at Exh-10, PW-8 Gul Muhammad at Exh-11, and PW-9 MLO Dr. Abdul Ghaffar Shaikh at Exh-12. The prosecution side was thereafter closed vide statement at Exh-13. The learned trial court recorded the statement of the appellant under Section 342, Cr.P.C. at Exh-14, wherein the appellant categorically denied the allegations. It is pertinent to note that the appellant neither opted to examine himself on oath under Section 340(2), Cr.P.C., nor produced any defense witnesses in support of his plea.
5. Learned counsel for the appellant contended that the appellant is innocent and has been falsely implicated at the instance of the complainant, who, according to the appellant, is involved in an extra-marital relationship with another man.



This fact, as claimed, was disclosed by the appellant in his statement recorded under Section 342(1), Cr.P.C. before the trial court. However, the trial court failed to properly appreciate this defense and proceeded to convict the appellant through the impugned judgment without due consideration of the material available on record.

6. On the other hand, learned Addl. Prosecutor General Sindh supported the impugned judgment and states that the Trial Court has passed impugned judgment after appreciating the record and appraisal of evidence. He prayed that impugned judgment does not warrant any interference being passed in accordance with law.
7. Heard counsel for the appellant and Addl. Prosecutor General Sindh and with their able assistance perused the record.
8. We observed that there is direct evidence against the appellant. The appellant's own daughter Sawera is a victim in the present case when she was just 10 years of age. The victim (P.W-6) reaffirmed before the Court, the facts she had earlier disclosed to the police recorded under Section 161, Cr.P.C. Her testimony against her own biological father is natural, straightforward, and free from exaggeration or fabrication. We do not consider her evidence, or any portion thereof, to be a misleading statement that could be dismissed as falsehood; rather, it is consistent, credible, and trustworthy. Learned counsel for the appellant has failed to demonstrate any motive, grudge, or mala fide that might cast doubt upon the reliability of the victim's account. There is no indication of any deliberate or calculated variation in her testimony, nor any attempt to manipulate or embellish the prosecution's case. The victim's evidence remains clear and dependable, leaving no basis to treat it as a false accusation.
9. We find no basis to treat the victim's testimony as an obstacle to appreciation of the prosecution's case. It does not reflect any adroit or clever manipulation



of facts, nor does it suggest that the prosecution story or oral testimony has been managed through trickery or deception to fabricate a false accusation. On the contrary, the evidence remains consistent, natural, and free from any indication of contrivance.

10. Under the scheme of the Qanun-e-Shahadat Order, 1984, the evidence of a witness must be judged on the dual touchstone of credibility and relevance. Courts have consistently emphasized that credibility is established through consistency of statements, coherence in narration, and a confidence-inspiring demeanor. Relevance, on the other hand, requires that the testimony directly connects to the facts in issue or forms part of the same transaction. Minor omissions or trivial discrepancies, if any, do not diminish the probative value of a witness so long as the core of the prosecution's case remains intact. The cumulative effect of this scheme is that a witness whose testimony is consistent, corroborated, and confidence-inspiring provides reliable evidence which, even standing alone, may suffice to sustain conviction.

11. The prosecution has successfully proved their case by corroborating medical evidence by PW-9 MLO who opined that despite delay in reporting of the case to the police and presentation of PW-6 victim for medical examination, still it has been confirmed that a minor girl having age of 10 years was subjected to rape as well as anal intercourse. Medical Lego-Officer was also subjected to cross-examination but nothing has been got beneficial to dent in the case of prosecution. In view of direct evidence and corroboration with medical record, the trial Court did not commit any illegality or irregularity that may warrant interference by us.

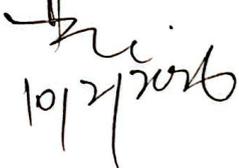
12. It is significant to note that the victim's deposition has been corroborated by her mother, PW-1 Sajida (complainant), both at the time of registration of the FIR under Section 154, Cr.P.C. and during her testimony before the Trial Court.



No inconsistency or contradiction has been found between the evidence of PW-1 Sajida and PW-6 Sawera. It is inconceivable that a wife would falsely implicate her husband—the breadwinner of the family—in such grave allegations by involving her own minor daughter, unless the allegations were true. Furthermore, the medical evidence corroborates the testimony of the victim, establishing that she was subjected to sexual intercourse as well as sodomy. In view of the above, no element of mala fide appears from the record. The evidence of both PW-1 Sajida and PW-6 Sawera is clear, consistent, and trustworthy, leaving no room for doubt regarding the guilt of the appellant.

13. Consequently, we do not find any indulgence to interfere with the impugned judgment which has been passed in accordance with law after appreciation of fact and appraisal of evidence, therefore, the appeal is dismissed, however, we direct that both Sentences passed under Sections 376 PPC and 377 PPC shall run concurrently while extending benefit of section 382 Cr.P.C. and these are the reasons of our short Order dated 09.02.2026.


JUDGE 

JUDGE

10/2/2026