

**THE HIGH COURT OF SINDH, CIRCUIT COURT AT
LARKANA**

Before:

Mr. Justice Riazat Ali Sahar

Mr. Justice Ali Haider 'Ada'

**Criminal Appeal No.D-27 of 2024
Cr. Confirmation Case No.D-18 of 2024**

Criminal Appeal No.S-24 of 2024

(Dost Ali v. The State)

Appellant: Dost Ali, through Mr. Asif Ali Abdul Razzak
Soomro, Advocate.

Respondent: The State, through Mr. Aitbar Ali Bullo, D.P.G.
Sindh.

Date of hearing: **23.06.2026.**

Date of Judgment: **05.08.2026.**

J U D G M E N T

RIAZAT ALI SAHAR, J.- Through this common judgment, we propose to dispose of Criminal Appeal No.D-27 of 2024 preferred by appellant Dost Ali against the judgment dated 29.04.2024 passed by the learned 1st Additional Sessions Judge/MCTC, Shikarpur in Sessions Case No.308 of 2022 arising out of Crime No.08 of 2022 registered at Police Station Rustam, District Shikarpur, for offences punishable under Sections 302, 311 and 34, P.P.C., as well as Criminal Appeal No.S-24 of 2024 arising out of Sessions Case No.216 of 2022 pertaining to Crime No.09 of 2022 registered at the same Police Station under Sections 23(1)(a) and 25 of the Sindh Arms Act, 2013. Since both the appeals arise out of the same occurrence, involve common questions of fact and law, and the evidence recorded therein is substantially interconnected, they are being disposed of through this single judgment. We also propose to answer Confirmation

Case No.D-18 of 2024, submitted by the learned trial Court under Section 374, Cr.P.C. for confirmation or otherwise of the sentence of death awarded to the appellant.

2. By judgment dated 29.04.2024 passed in Sessions Case No.308 of 2022, the learned 1st Additional Sessions Judge/MCTC, Shikarpur convicted appellant Dost Ali for the offence punishable under Section 302 (b), P.P.C. **on two counts for committing the *qatl-i-amd* of Norez Jatoi and Mst. Samul, wife of Shaukat Jatoi, and sentenced him to death as "Ta'zir"**. The appellant was further directed to pay compensation in the sum of Rs.5,000,000/- to the legal heirs of both the deceased persons under Section 544-A, Cr.P.C., to be distributed equally amongst them, and in default of payment thereof, to undergo simple imprisonment for six (06) months. The sentence of death was made subject to confirmation by this Court in terms of Section 374, Cr.P.C., whereupon the learned trial Court submitted Confirmation Case No.D-18 of 2024 for confirmation of the capital sentence.

3. Through the judgment dated 29.04.2024, passed in Sessions Case No.216 of 2022 arising out of Crime No.09 of 2022, the learned trial Court also convicted the appellant under Section 23 (1) (a), read with Section 25 of the Sindh Arms Act, 2013, and sentenced him to undergo rigorous imprisonment for eight (08) years and to pay a fine of Rs.200,000/- . In default of payment of fine, he was directed to further undergo simple imprisonment for two (02) years. The benefit of Section 382-B, Cr.P.C. was, however, extended to him. Being aggrieved by the aforesaid convictions and sentences, the appellant has preferred the above-captioned criminal appeals, whereas the capital sentence awarded to him is before this Court for confirmation through the above-mentioned Confirmation Case.

4. Brief facts of the prosecution case, as set out in FIR No.08 of 2022, are that on 28.03.2022, the complainant, being a police officer, along with his subordinate staff, namely PC/37 Nisar Ahmed Mahar, PC/3330 Zahid Hussain, PC/2745 Tousif Ahmed, and driver PC Raja Naveed, all in uniform and armed with official weapons, departed from the police station in Government vehicle No. SPD-764 for routine patrolling duty vide Roznamcha Entry No. 03, recorded at 08:30 hours. After patrolling the villages of Thanhrio and Pir Manan, when the police party reached the Katcha road of Village

Fareed Jatoi at about 09:30 a.m., they heard cries of "Save us, Save us" emanating from an open house. Upon hearing the cries, the police party immediately stopped the Government vehicle, alighted, and rushed towards the house of accused Dost Ali Gohrani. According to the complainant, the police party saw accused Dost Ali son of Fugan, by caste Gohrani Jatoi, armed with a double-barrel breech-loading (DBBL) gun, while another unidentified person, having an uncovered face and also armed with a firearm, was present with him. It is alleged that upon noticing the arrival of the police party, accused Dost Ali fired his DBBL gun at a male person present inside the house and, after reloading the weapon, fired another shot at a female present there. Both victims fell to the ground. The police attempted to apprehend the accused persons; however, both succeeded in escaping towards the eastern side by taking advantage of the nearby jungle. Thereafter, the police inspected the victims and found both of them lying dead due to firearm injuries. Upon inquiry from the women present at the scene, it transpired that the deceased male was identified as Norez son of Faghan Gohrani Jatoi, while the deceased female was identified as Mst. Samul, wife of Shoukat Gohrani Jatoi, residents of Village Fareed Jatoi, Taluka Khanpur. It was further disclosed that the deceased were brother-in-law and sister-in-law in relation and had allegedly been murdered by accused Dost Ali and his unidentified companion by firing gunshots upon them on the false allegation of "**Karap**."

5. As no private mashirs were available at the spot, PC Nisar Ahmed and PC Zahid Hussain were appointed as mashirs. The complainant conducted an inspection of the dead bodies. The deceased Norez, aged about 45 years, had sustained firearm injuries near the left armpit and left arm, while deceased Mst. Samul, aged about 25/26 years, had received firearm injuries on the left side of her chest and near her left elbow. Both bodies were bleeding and had succumbed to their injuries. Thereafter, separate mashirnamas regarding the inspection of the dead bodies, "Danistnamas", and "Lash Chakas Forms" were prepared. The dead bodies were shifted through PC Tousif Ahmed in a private Datsun vehicle to RHC Hospital Khanpur for post-mortem examination. The complainant and the remaining police staff immediately pursued the accused persons and conducted nakabandi at various places in an effort to arrest them; however, the accused could not be apprehended. Subsequently, the police party returned to the police station. On these allegations, it was alleged that accused Dost Ali Gohrani, in furtherance

of his common intention with his unidentified accomplice, intentionally committed the murder of Norez and Mst.Samul by causing firearm injuries on the false allegation of "**Karap.**" Consequently, the present FIR was lodged by the complainant on behalf of the State against the nominated accused and his unidentified co-accused.

6. During the course of investigation, on 01.04.2022, the Investigating Officer, SIP Nadir Ali Sanjrani, along with the police party, departed from Police Station Rustam vide Roznamcha Entry No. 09, recorded at 12:00 hours, for the arrest of the accused wanted in the present case. At about 1:00 p.m., when the police party reached the link road leading from Village Thanhrio to Khanpur near Pir Shaheed, they noticed a person carrying a firearm. He was identified by PC Zahid Hussain as accused Dost Ali son of Fughan Gohrani Jatoi, who was wanted in Crime No.08 of 2022. The police party immediately apprehended him. As no private person was available to witness the proceedings, PC Zahid Hussain and PC Tousif Ahmed were appointed as mashirs. Upon search, the accused was found in possession of one 12-bore Pakistani-made DBBL gun bearing an erased serial number, loaded with two live cartridges, while three additional live 12-bore cartridges were recovered from the right pocket of his shirt. The accused failed to produce any valid license for the weapon. Consequently, the firearm and five live cartridges were taken into possession, sealed at the spot under a mashirnama of arrest and recovery, and the accused was formally arrested on 01.04.2022 at 1:00 p.m. near Pir Shaheed. The prosecution further alleged that during the recovery proceedings, the accused disclosed that the recovered firearm was the same weapon used in the commission of the murders of deceased Norez and Mst. Samul on 28.03.2022 after branding them as "**Karo Kari**". On the basis of the recovery of the unlicensed firearm and ammunition, a separate offence under Sections 23(i-A) and 25 of the Sindh Arms Act, 2013, was also attributed to the accused.

7. Upon completion of the investigation, the Investigating Officer submitted the final report (challan) before the competent Court, showing the present accused in custody. Copies of the police papers were supplied to the accused and after providing him legal representation of his choice, and upon the filing of the Vakalatnama by the learned defence

counsel, formal charges under Sections 302, 311 and 34, P.P.C., as well as the relevant provisions of the Sindh Arms Act, 2013, were framed against the accused, to which he pleaded not guilty and claimed trial. In order to substantiate the charge of murders case, the prosecution examined ASI Loung Khan Mangi, the complainant; PC Nisar Ahmed Mahar, mashir of the inspection proceedings; Dr. Tayaba Shah and Dr. Jahangir Ahmed Soomro, who conducted the post-mortem examinations; Tapedar Saifuddin, who prepared the site sketch; SIP Nadir Ali Sanjrani, the Investigating Officer; PC Zahid Hussain, mashir of the arrest and recovery; SIP Muhammad Panjal, In-charge Malkhana; and PC Amjad Ali, the dispatch official. The prosecution also produced in evidence the relevant roznamcha entries, FIR, mashirnamas, post-mortem reports, site plan, recovery memos, property register, road certificates, serological and forensic reports, and other connected documentary evidence, where after prosecution closed its side.

8. The statement of the accused was, thereafter, recorded under Section 342, Cr.P.C., wherein he denied the prosecution allegations, professed innocence, and did not opt to examine himself on oath under Section 340(2), Cr.P.C., nor did he lead any evidence in defence. Upon completion of the evidence and hearing the counsel for parties, the appellant was convicted and sentenced in the manner as stated above.

9. Learned counsel for the appellant contended that the prosecution has failed to prove its case against the appellant beyond reasonable doubt and that even the trial Court did not find sufficient evidence to convict him under Section 311 read with Section 34, P.P.C., which itself demonstrates the doubtful nature of the prosecution case. He contended that, according to the prosecution's own version, a fully armed police party in uniform allegedly witnessed the occurrence, yet neither attempted to restrain the accused nor fired any warning or retaliatory shots, rendering the prosecution story highly improbable. He further contended that although 5/6 women were allegedly present at the place of occurrence and disclosed the names of the accused and the deceased, none of them was examined by the prosecution, nor were they cited as witnesses in the challan. Likewise, the women, namely Mai Basran and Mai Zaibul, who identified the dead bodies during the post-mortem examinations, were

also withheld without explanation. Learned counsel further contended that all essential formalities, including preparation of “lash chakas”, “Danistnamas”, inspection memos and post-mortem proceedings, were completed prior to the registration of the FIR, thereby casting serious doubt on the prosecution's version. He also pointed out material contradictions between the ocular and medical evidence regarding the seat of injuries, the distance from which the firearm shots were allegedly fired, and the estimated time of death. Referring to the Arms Act case, learned counsel contended that the alleged crime weapon, crime empties and live cartridges were forwarded together to the Forensic Science Laboratory, thereby impairing the evidentiary value of the positive ballistic report. In support of his submissions, he placed reliance upon the judgments of the Honourable Supreme Court of Pakistan in *Ghulam Mustafa v. The State* (2025 SCMR 1633), *Khair Muhammad v. The State* (2025 SCMR 1599) and prayed for the acquittal of the appellant.

10. Learned Deputy Prosecutor General, Sindh, while opposing both the Criminal Appeals and supporting the Murder Reference, contended that the prosecution has successfully established the guilt of appellant Dost Ali beyond any shadow of reasonable doubt through confidence-inspiring, trustworthy and unimpeachable ocular as well as medical evidence, which is further corroborated by the documentary, forensic and circumstantial evidence available on record. He contended that the testimony of complainant ASI Loung Khan Mangi and eye-witness P.C. Nisar Ahmed Mahar remained consistent, straightforward and confidence inspiring on all material particulars and could not be shattered during lengthy cross-examination. Learned D.P.G. further contended that the medical evidence furnished by Dr. Tayaba Shah and Dr. Jahangir Ahmed Soomro fully corroborates the ocular account with regard to the nature, seat and cause of injuries, the weapon used and the time of occurrence. He further contended that the recovery of the crime weapon from the possession of the appellant, coupled with the positive Ballistic Expert's Report matching the recovered 12-bore D.B.B.L. gun with the crime empties and the positive Chemical Examiner's Report regarding the blood-stained articles, provides strong and independent corroboration to the prosecution case. According to the learned D.P.G., the Investigating Officer proved every stage of investigation, while the evidence of the

Mashirs, Tapedar, Incharge Malkhana and Dispatch Official satisfactorily established the recovery, safe custody and safe transmission of the case property without any break in the chain of evidence. He further contended that the appellant failed to substantiate his plea of false implication by producing any defence evidence or plausible explanation in his statement recorded under section 342, Cr.P.C., and the alleged discrepancies pointed out by the defence are minor, natural and wholly inconsequential, which do not affect the core of the prosecution case. He lastly contended that the learned trial Court has correctly appreciated the entire evidence in its true perspective, rightly convicted and sentenced the appellant in both cases, and as the prosecution has proved the charge through reliable, confidence-inspiring and legally admissible evidence, the impugned judgments call for no interference by this Court. He, therefore, prayed that the Criminal Appeals be dismissed, the conviction and sentences recorded by the learned trial Court be maintained, and the Murder Reference be answered in the affirmative by confirming the sentence of death awarded to the appellant.

11. The Reference under Section 374, Cr.P.C. for confirmation of death sentence has also been filed by the trial Court seeking confirmation of death sentence in view of impugned judgment dated 29.04.2024.

12. We have anxiously considered the submissions advanced by the learned counsel for the appellant as well as the learned Deputy Prosecutor General, Sindh and have carefully examined the entire evidence brought on record in the light of the impugned judgments.

13. After our independent appraisal of the material available on record, we are of the considered view that the learned trial Court has appreciated the evidence in its true perspective and has rightly reached the conclusion that the prosecution succeeded in proving its case against the appellant beyond any shadow of reasonable doubt. The conviction recorded by the learned trial Court is based upon reliable, confidence-inspiring and legally admissible evidence, which finds complete corroboration from every material circumstance of the case.

14. It is an admitted position that the prosecution examined complainant ASI Loung Khan Mangi, who is also the author of the F.I.R., as

well as eye-witness P.C. Nisar Ahmed Mahar. Both witnesses consistently deposed that while performing official patrolling duty they reached the house situated in village Fareed Jatoi after hearing cries, where they saw the appellant Dost Ali armed with a 12-bore D.B.B.L. gun. They categorically stated that the appellant first fired at deceased Norez Jatoi and thereafter reloaded the weapon and made another fire upon deceased Mst. Samul, resulting in their instantaneous death at the spot, where after the appellant along with his unknown companion escaped. Both witnesses remained consistent on every material particular relating to the place of occurrence, identity of the appellant, weapon used, manner of assault and the deaths of both deceased persons. Their testimony remained confidence inspiring and despite searching cross-examination nothing favourable to the defence could be elicited to discredit their presence at the place of occurrence or to create any dent in the prosecution story. Their evidence, therefore, inspires confidence and safely forms the basis of conviction.

15. The ocular account furnished by the aforesaid witnesses finds complete corroboration from the medical evidence. PW Dr. Tayaba Shah, who conducted the post-mortem examination of deceased Mst. Samul, categorically deposed regarding the firearm injuries sustained by the deceased, describing the entry and exit wounds as well as the extensive internal damage caused to the left lung, pleura, heart and adjoining vital organs. According to her opinion, death had occurred instantaneously due to severe hemorrhage and shock resulting from firearm injuries, which were sufficient in the ordinary course of nature to cause death. She further opined that the injuries were ante-mortem and could have been caused by discharge from a gun carrying pellets. Likewise, PW Dr. Jahangir Ahmed Soomro, who performed the post-mortem examination of deceased Norez Jatoi, also found firearm injuries corresponding with the prosecution version and opined that death had occurred because of damage to the vital organs caused by firearm discharge. Both medical experts remained firm during cross-examination and nothing was brought on record to cast any doubt upon their professional opinion. **The medical evidence, therefore, not only confirms the homicidal deaths of both deceased persons but also fully corroborates the ocular version regarding the nature of weapon, seat of injuries, time of occurrence and manner of assault.**

16. The prosecution case has also further strong feature of the prompt registration of the F.I.R., preparation of the mashirnamas relating to inspection of the dead bodies, place of wardat, recovery of blood-stained earth, crime empties and blood-stained clothes of both deceased. These documents were prepared without any unexplained delay and were proved during trial through the relevant witnesses. The promptitude with which the criminal law was set into motion excludes the possibility of deliberation, consultation or false implication and lends intrinsic assurance to the truthfulness of the prosecution case. It is significant that the defence could not point out any material irregularity either in the preparation of these documents or in the investigation conducted immediately after the occurrence.

17. The legal significance of promptitude in setting the criminal law into motion has also been emphasised by the Honourable Supreme Court in **Muhammad Hayat and another v. The State (2021 SCMR 92)**, wherein the prompt lodging of the crime report, followed without delay by medical and investigative proceedings, was treated as a circumstance establishing the bona fides of the prosecution and excluding the possibility of manipulation. In the present case as well, the police party happened to reach the place of occurrence during routine patrolling, witnessed the occurrence, immediately undertook the necessary proceedings concerning the dead bodies and the place of occurrence, and thereafter caused the F.I.R. to be registered. The continuity and promptness of these proceedings materially exclude the possibility of deliberation, consultation or substitution of the real offender.

18. The evidence of the Investigating Officer SIP Nadir Ali Sanjrani assumes considerable importance. He fully explained every step taken during the investigation, including inspection of the place of occurrence, collection and sealing of blood-stained earth, seizure of blood-stained clothes of both deceased, preparation of relevant mashirnamas, arrest of the appellant and recovery of the unlicensed 12-bore D.B.B.L. gun along with live cartridges, obtaining the site sketch through the Tapedar, recording statements of witnesses under section 161, Cr.P.C., dispatch of the case property to the Chemical Examiner and the Ballistic Expert and submission of the challan. His evidence remained natural, coherent and confidence inspiring. No material contradiction, omission or infirmity could be pointed out in his cross-examination so as to adversely affect the

prosecution case. His testimony receives complete support from the documentary evidence produced during trial.

19. We are also persuaded by the fact that every important circumstance relied upon by the prosecution stands independently corroborated by other evidence available on record. The evidence of PW Tapedar Saifuddin regarding preparation of the site sketch supports the place of occurrence as described by the ocular witnesses. **The evidence of PW P.C. Zahid Hussain, mashir of arrest and recovery, fully supports the arrest of the appellant and recovery of the unlicensed firearm used in the commission of the offence.** Likewise, PW SIP Muhammad Panjal, being Incharge Malkhana, satisfactorily proved the safe custody of the case property through the relevant entries in Register No.19, while PW P.C. Amjad Ali established its safe transmission to the Chemical Examiner. These witnesses performed official acts in the ordinary discharge of their duties, and no motive whatsoever has been attributed to any of them for falsely implicating the appellant. Their evidence, therefore, further strengthens the chain of circumstances pointing accurately towards the guilt of the appellant.

20. Besides the ocular and medical evidence, the prosecution case receives substantial corroboration from the scientific and forensic evidence brought on record. The Investigating Officer deposed that after observing all codal formalities, the blood-stained earth and blood-stained clothes of both deceased were forwarded to the Chemical Examiner, whereas the recovered crime weapon along with the crime empties was sent to the Forensic Science Laboratory for ballistic examination after obtaining the requisite permission from the competent authority. **The evidence of PW SIP Muhammad Panjal, Incharge Malkhana, and PW P.C. Amjad Ali, the Dispatch Official, clearly establishes that the case property remained in safe custody and was transmitted intact without any possibility of tampering. The Chemical Examiner's Report confirming the presence of human blood upon the seized articles and the Ballistic Expert's Report establishing that the crime empties had been fired from the recovered 12-bore D.B.B.L. gun recovered from the possession of the appellant constitute highly valuable corroborative pieces of evidence.** These

scientific reports lend complete assurance to the ocular account and effectively rule out any possibility of fabrication or false implication.

21. The recovery of the crime weapon assumes further significance inasmuch as the appellant was arrested only a few days after the occurrence while in possession of the very firearm which, according to the positive Ballistic Expert's Report, had been used in the commission of the double murder. This circumstance not only furnishes an additional incriminating link in the chain of prosecution evidence but also independently supports the conviction recorded in Sessions Case No.216 of 2022 arising out of Crime No.09 of 2022 under the Sindh Arms Act. The prosecution has satisfactorily proved the recovery through the evidence of the Investigating Officer and mashir P.C. Zahid Hussain, **while the subsequent forensic examination conclusively established the nexus between the recovered weapon and the crime empties secured from the place of occurrence.** Thus, the conviction recorded by the learned trial Court in the Arms Act case is fully supported by unimpeachable evidence and suffers from no legal or factual infirmity.

22. So far as the motive is concerned, the prosecution consistently alleged that the unfortunate occurrence had taken place on the pretext of so-called honour (**Karo Kari**). Although motive is not by itself a substantive piece of evidence, yet in the present case it has been consistently referred to in the F.I.R., the ocular account and the investigation. More importantly, the prosecution case remains fully established through direct ocular testimony which stands independently corroborated by the medical, documentary and forensic evidence. It is now a settled principle of criminal jurisprudence that where reliable ocular evidence inspires confidence and is corroborated by medical and other independent evidence would not by itself demolish the prosecution case. In the present matter, therefore, motive merely provides an additional circumstance and is not the sole foundation of conviction.

23. We have also examined with care the defence plea raised by the appellant in his statement recorded under section 342, Cr.P.C., wherein he simply denied the prosecution allegations and claimed false implication at the hands of the police. Such plea, however, remains a bare assertion unsupported by any evidence whatsoever. The appellant

neither chose to appear as a witness on oath under section 340 (2), Cr.P.C. nor produced any witness in his defence to lend support or probability to his version. No previous enmity or ulterior motive has been attributed to any of the prosecution witnesses, particularly the police officials performing official duties, which could reasonably explain why they would substitute the real offender and falsely implicate the appellant in a double murder case carrying capital punishment. Mere denial, unsupported by any convincing material, cannot outweigh the consistent, reliable and confidence-inspiring evidence adduced by the prosecution. We are, therefore, unable to persuade ourselves to accept the defence version.

24. Learned counsel for the appellant laid considerable emphasis upon the fact that the principal prosecution witnesses are police officials and that no private witness was associated with the investigation. We find no substance in this submission as it is trend to save the offender who commits murder(s) on the pretext of Karo-Kari and no near relative comes forward to adduce his evidence in order to save the culprit. It is by now well settled that the testimony of a police officer is to be assessed on the same touchstone as that of any other witness. Merely because a witness belongs to the police department does not render his testimony unreliable, particularly where no animus, malice or previous hostility has been alleged or established. **In the instant case, the evidence of the police witnesses is natural, consistent and mutually corroborative. It finds complete support from the medical evidence, the documentary record, the recoveries and the positive forensic reports.** We also find that the alleged discrepancies highlighted by the defence are of a trivial nature relating only to minor details, which are natural consequences of human observation and lapse of time. Such insignificant discrepancies neither affect the core of the prosecution case nor diminish the intrinsic worth of otherwise trustworthy evidence.

25. Reference may also advantageously be made to *Rafaqat Ali and others v. The State (2016 SCMR 1766)*, wherein the Honourable Supreme Court reiterated that where the testimony of an identifying witness is consistent on material particulars, inspires confidence and remains unshaken in cross-examination, a procedural omission relating to identification does not by itself prove fatal to the prosecution case. The determinative consideration is the intrinsic worth of the ocular account and the corroboration available from the

surrounding circumstances. In the case in hand, the appellant was specifically seen by the complainant and the eye-witness while committing the murders; their evidence remained consistent regarding his identity, weapon and individual role, and is independently corroborated by the medical and forensic evidence. Their testimony cannot, therefore, be discarded merely because they are police officials or because private persons were not subsequently examined.

26. When the entire evidence is examined as a whole instead of dividing each circumstance in isolation, it unmistakably emerges that the prosecution has succeeded in establishing a complete and unbroken chain of evidence. **The ocular account furnished by the complainant and eye-witness is fully corroborated by the medical evidence; the medical evidence is further supported by the recovery of blood-stained articles, the positive Chemical Examiner's Report, the positive Ballistic Expert's Report, the recovery of the crime weapon from the possession of the appellant, the safe custody and safe transmission of the case property and the evidence of the Investigating Officer and other official witnesses. Every material circumstance points towards one and only one conclusion that it was the appellant who intentionally caused the firearm injuries resulting in the deaths of deceased Norez Jatoi and Mst. Samul.** We have not discovered any material illegality, misreading, non-reading of evidence or perversity in the appreciation of evidence made by the learned trial Court warranting interference in appellate jurisdiction. On the contrary, the findings recorded by the learned trial Court are fully supported by the evidence available on record and are in complete consonance with the settled principles governing criminal administration of justice.

27. It is by now a settled principle of criminal jurisprudence that conviction can safely be maintained where the prosecution succeeds in producing evidence which is reliable, confidence-inspiring and of such quality as to exclude every reasonable hypothesis consistent with the innocence of the accused. In the present case, the prosecution has discharged its burden by producing direct ocular evidence which remained wholly unshaken and finds complete corroboration from the medical evidence, documentary evidence, recoveries and scientific reports. We have independently scrutinized the entire evidence with utmost care, keeping in view that the appellant has been awarded capital punishment, but we have not noticed any circumstance creating even the slightest reasonable doubt

regarding his involvement in the commission of the offences. It is equally well settled that benefit of doubt is to be extended only where a doubt arises from the record and not where it is founded upon conjectures, surmises or hypothetical possibilities. The alleged discrepancies pointed out by the defence neither affect the substratum of the prosecution case nor shake the credibility of its witnesses and, therefore, do not entitle the appellant to claim the benefit of doubt.

28. We have also considered *Hazaray Khan and others v. The State and others* (2024 SCMR 2042), wherein the accused were acquitted because material injured witnesses had been withheld, the ocular witnesses had made dishonest improvements, the presence of the complainant at the place of occurrence was itself doubtful, and the crime empties and recovered firearms had not been sent for forensic examination. The said authority is plainly distinguishable from the present case. Here, the presence of the complainant and the eye-witness arises naturally from the official patrolling record; no dishonest improvement affecting the core of the prosecution case has been demonstrated; the medical evidence corresponds with the ocular account; and, most importantly, the crime empties and recovered weapon were subjected to ballistic examination, producing a positive report connecting the firearm recovered from the appellant with the occurrence. Consequently, the deficiencies which proved fatal in *Hazaray Khan* are entirely absent in the matter before us.

29. We are also mindful of the settled proposition that while deciding a criminal appeal, the evidence is to be appreciated as a whole and not in isolated compartments. When the prosecution evidence is examined cumulatively, it presents one consistent, coherent and uninterrupted chain of circumstances leading to the irresistible conclusion that the appellant, armed with the recovered 12-bore D.B.B.L. gun, intentionally committed the murders of deceased Norez Jatoi and Mst. Samul on the alleged pretext of Karo Kari. The ocular account has been fully corroborated by the post-mortem examinations conducted by PW Dr. Tayaba Shah and PW Dr. Jahangir Ahmed Soomro; the place of occurrence stands established through the evidence of the complainant, mashirs and the Tapedar; the investigation has been proved through the testimony of SIP Nadir Ali Sanjrani; the recovery and safe custody of the case property have been

proved through PW SIP Muhammad Panjal and PW P.C. Amjad Ali; while the positive Chemical Examiner's Report and Ballistic Expert's Report provide independent scientific corroboration to the prosecution case. The recovery of the very weapon used in the commission of the offence from the possession of the appellant shortly after the occurrence furnishes an additional incriminating circumstance, leaving no room for any conclusion except that reached by the learned trial Court.

30. We have also examined the conviction recorded in Sessions Case No.216 of 2022 arising out of Crime No.09 of 2022 under the Sindh Arms Act, 2013. The prosecution has proved beyond reasonable doubt that the appellant was apprehended while possessing the unlicensed 12-bore D.B.B.L. gun together with live cartridges, for which he failed to produce any lawful authority or license. The evidence regarding recovery remained consistent and was duly corroborated by the mashir, the Investigating Officer, the Malkhana record and the positive Ballistic Report establishing that the recovered firearm had been used in the commission of the double murder. The conviction and sentence awarded under the Sindh Arms Act are, therefore, also fully justified and call for no interference by this Court.

31. We are satisfied that the learned trial Court has meticulously examined every material aspect of the prosecution case and has assigned cogent, convincing and legally sustainable reasons for recording conviction. The findings returned by the learned trial Court are based upon proper appreciation of evidence and settled principles governing criminal administration of justice. Neither any illegality nor any misreading or non-reading of evidence has been pointed out before us, which may persuade this Court to take a view different from that taken by the learned trial Court. Rather, upon our own independent appraisal of the entire evidence, we find ourselves in complete agreement with the conclusions reached by the learned trial Court. **The prosecution has successfully proved the guilt of the appellant through trustworthy, confidence-inspiring and unimpeachable evidence beyond any shadow of reasonable doubt, whereas the defence has utterly failed to probabalize its plea of false implication or to create any circumstance warranting interference by this Court.**

32. The learned counsel for the appellant has placed reliance upon the case of Khair Muhammad, reported as **2025 SCMR 1599**. The said judgment is clearly distinguishable on facts. In that case, the occurrence had taken place during the darkness of night and the controversy essentially revolved around the proper identification of the accused while fleeing from the place of occurrence. In the present case, the occurrence took place in broad daylight and the identity of the appellant has been established through consistent and confidence-inspiring ocular testimony, duly corroborated by the circumstantial evidence discussed hereinabove. Thus, the ratio of the cited judgment has no application to the facts of the present case. Reliance has also been placed upon Ghulam Mustafa *alias* Raja Buledi, reported as **2025 SCMR 1633**. The said case is equally distinguishable. Therein, although the complainant had attributed a joint role to the appellant and the co-convict, the eye-witnesses had not assigned any role to the co-convict regarding firing at the deceased or causing injuries to him, resulting in a material contradiction between the prosecution witnesses. No such material contradiction or inconsistency is discernible in the present case. The ocular account is consistent and finds corroboration from the attending circumstantial evidence. Consequently, the principle enunciated in the said judgment is also of no assistance to the appellant.

33. For what has been discussed above, we are of the considered view that the appellant does not deserve any leniency. Consequently, Criminal Appeal arising out of Sessions Case No.308 of 2022 relating to Crime No.08 of 2022 under Sections 302, 311 and 34, P.P.C. as well as Criminal Appeal arising out of Sessions Case No.216 of 2022 relating to Crime No.09 of 2022 under Section 23 (i-a) read with Section 25 of the Sindh Arms Act, 2013 are **dismissed**. The convictions and sentences awarded to the appellant by the learned 1st Additional Sessions Judge/MCTC, Shikarpur, vide judgments dated 29.04.2024, are hereby **maintained**.

34. Before confirming the capital sentence, we have also examined the principles discussed in *Ghulam Rasool v. The State* (2025 SCMR 74). In that case, the sentence of death was reduced to imprisonment for life in view of a combination of material mitigating circumstances, including unexplained delay in lodging the F.I.R., uncertainty as to which accused

had caused the fatal injury, absence of crime empties and forensic linkage, the sudden and unpremeditated nature of the occurrence, acquittal of a co-accused on the same evidence, and the appellant's exceptionally prolonged incarceration, including more than eleven years in the death cell. None of those mitigating features is available to the present appellant. The occurrence was directly witnessed; the appellant was assigned the specific role of separately firing upon each deceased after reloading his weapon; the recovered firearm stands positively connected with the crime empties through ballistic examination; and the murders of two persons on the pretext of so-called honour disclose a deliberate and successive course of conduct rather than a sudden or indeterminate assault. We, therefore, find no legally sustainable mitigating circumstance for reducing the normal sentence awarded by the learned trial Court.

35. Since the prosecution has proved its case against the appellant beyond any shadow of reasonable doubt and no mitigating circumstance has been found warranting interference with the sentence awarded by the learned trial Court, the **Murder Reference** submitted under Section 374, Cr.P.C. is answered in the **AFFIRMATIVE** and the sentence of death awarded to appellant Dost Ali for the offence punishable under Section 302 (b) P.P.C. is **CONFIRMED** under Section 376 (a) Cr.P.C. The office is directed to communicate this judgment to the learned trial Court as well as concerned Jail authorities forthwith for information and compliance in accordance with law.

JUDGE

JUDGE