IN THE HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

Criminal Appeal No. S-48 of 2024

Appellants 1, 2, 3 & 5 : 1. Murad alias Mann son of Talib,
2. Hafiz Irshad Ali Shah s/o Farooque Ahmed
3. Mukhtiar Ahmed son of Masood Ahmed
5. Mst. Parveen wife of Mukhtiar Ahmed
Through Mr. Miran Taj Muhammad Keerio Advocate

Appellant 4 : 4. Mumtaz @ Asghar Ali @ Bhoro son of Hakim Ali
Through Mr. Aziz Ahmed Leghari Advocate

Complainant : Manzoor Ahmed
Through Mr. Afzal Karim Virk Advocate.

Respondent : The State
Through Mr. Neel Parkash, Deputy Prosecutor General Sindh.

Date of hearing : 28.07.2026

Date of judgment : 31.08.2026

J U D G M E N T

KHALID HUSSAIN SHAHANI, J. – The appellants assail the conviction judgment dated 20.04.2022 passed by the learned Additional Sessions Judge-I / Model Criminal Trial Court Mirpurkhas, in Sessions Case No.434/2021 and 434-A/2021 emanating from FIR No.27 of 2014 for offences under Section 302, 392, 411 & 34 PPC at Police Station Town, Mirpurkhas. The sentences awarded to the accused persons are as follows:

Accused	Offence	Imprisonment	Fine	Default
Mst. Parveen	Section 302 (b) PPC	Life as Ta'zir	Rs.300,000/-	One Year SI
	Section 392 PPC	03 years RI	Rs.20,000/-	03 months SI
Mumtaz alias Ali Asghar alias Bhoro	Section 302 (b) PPC	Life as Ta'zir	Rs.300,000/-	One Year SI
	Section 392 PPC	03 years RI	Rs.20,000/-	03 months SI
Mukhtiar Ahmed	Section 302 (b) PPC	Life as Ta'zir	Rs.300,000/-	One Year SI
	Section 392 PPC	03 years RI	Rs.20,000/-	03 months SI
Murad alias Mann Keerio	Section 302 (b) PPC	Life as Ta'zir	Rs.300,000/-	One Year SI
	Section 392 PPC	03 years RI	Rs.20,000/-	03 months SI
Hafiz Irshad Ali Shah	Section 411 PPC	03 years RI	-	-

All sentences to run concurrently with benefit of Section 382-B, Cr.P.C to each of accused.

2. The prosecution arises out of an occurrence of unusual gravity in which three members of one household including Noor Alam Dawodpoto, his wife Mst. Maryam and their minor daughter Fatima Noor were found murdered inside their residential house situated in Johar Colony, Mirpurkhas on 16.03.2014. The prosecution alleged that the occurrence was committed in furtherance of a planned robbery and that different accused participated in the transaction in different capacities, whereas Hafiz Irshad Ali Shah was separately prosecuted in respect of property allegedly robbed from the deceased household. The appellants deny the occurrence insofar as their participation is concerned and maintain, broadly, that an initially blind triple-murder case was subsequently converted into a manufactured prosecution through a coerced confession, planted recoveries, interested witnesses and a manipulated investigation.

3. The occurrence admittedly had no eyewitness who entered the witness box claiming to have actually seen the fatal blows being inflicted. The prosecution case, therefore, has to stand or fall principally upon circumstantial evidence. That circumstance imposes a particular discipline upon judicial appraisal. In a case resting upon circumstances, gravity of the offence, suspicion against an accused, weakness of his explanation, or even proof of several disconnected incriminating facts cannot substitute the prosecution's obligation to establish the material circumstances relied upon and thereafter demonstrate that those circumstances, when joined together, constitute a chain consistent with guilt and inconsistent with a reasonable hypothesis of innocence. Equally, however, circumstantial evidence is not an inferior species of evidence. A crime committed within the privacy of a house and without surviving eyewitnesses may, by its very nature, leave its history to be reconstructed from what preceded it, what was discovered at the scene, what an accused subsequently disclosed or did, where the fruits or instruments of crime were found, and whether those circumstances independently converge upon the same conclusion. The Court must therefore resist two opposite temptations: it cannot bridge evidentiary gaps because three lives were brutally taken; nor can it dismantle an otherwise complete chain merely by examining each proved circumstance in artificial isolation.

4. Since this is an appeal against conviction, the duty of this Court extends beyond determining whether the view taken by the learned trial Judge was possible. The evidence has to be independently reappraised, particularly because important components of the prosecution case including a retracted judicial confession, recoveries from different places, the testimony of a witness partly declared hostile, evidence of abscondence, disputed identity by alias, and the alleged recovery of stolen property from a separate accused, raise distinct rules of evidentiary evaluation. An affirming appellate judgment must

demonstrate why the evidence satisfies those rules rather than merely reproduce the conclusions of the trial Court. At the same time, appellate reappraisal does not mean that normal discrepancies are to be magnified into reasonable doubt or that every investigative omission automatically neutralizes substantive evidence otherwise found trustworthy. The controlling inquiry throughout remains whether the prosecution discharged its burden beyond reasonable doubt against each appellant separately, and whether the incriminating circumstances legally available against that appellant can sustain the particular conviction recorded against him or her.

5. This court has accordingly examined the evidence not as an undifferentiated mass but in its proper compartments. The medical and scene evidence is relevant primarily to establish the nature and approximate manner of the occurrence. The judicial confession of Mst. Parveen requires first to be tested for voluntariness and truth before determining its permissible evidentiary use. The evidence of Muhammad Sharif requires appraisal notwithstanding his partial departure from the prosecution version. Each recovery requires examination with reference to the person or premises from which it is said to have been effected, the witnesses attending it, the identification of the article, and the objection of planting. The evidence concerning Murad alias Mann and Asghar Ali/Mumtaz alias Bhoro must then be considered independently of the case against Mukhtiar Ahmed. Hafiz Irshad Ali Shah stands on still another footing because the prosecution against him invokes section 411, P.P.C., and consequently requires proof not merely of possession of stolen property but of the requisite dishonest receipt or retention with knowledge or reason to believe that the property was stolen. This accused-wise approach is necessary because evidence capable of corroborating one accused's connection cannot automatically be transposed against another.

6. The prosecution case originated when the residential house of Noor Alam in Johar Colony, Mirpurkhas, remained closed and there was no response from inside. Abdul Rehman (PW-7), who was serving as Pesh Imam of Fazlia Mosque, stated that after Asr prayer his student Asif informed him that persons had knocked at Noor Alam's house but nobody was responding. He proceeded towards the house, where other persons also assembled. Mst. Nayara Noor, daughter of Noor Alam, arrived as well. Entry was ultimately gained into the premises, where a scene of extraordinary violence was discovered. Noor Alam was lying dead in one part of the house, while Mst. Maryam and minor Fatima Noor were found dead in another. Their necks had been cut. Another small child, Naila Noor, was fortunately found alive. The evidence contains some variation as to the precise person who first scaled the wall or facilitated entry, and the defence has attempted to draw significance from that variation. In my assessment, that discrepancy does not touch the material fact proved through the witnesses and never seriously disputed at trial: three occupants of the same

household had been killed inside the residence and their bodies were discovered there when access to the house was obtained.

7. The distinction between proof of the occurrence and proof of the offenders assumes importance at this stage. The discovery witnesses could establish the scene confronting them; they could not, merely because they entered the house after the event, identify who had committed the murders. The prosecution was therefore required to travel considerably further before liability could attach to any appellant. Conversely, once the place of occurrence and homicidal deaths are independently established, minor disagreement concerning who first crossed the wall cannot logically answer the separate question of identity of the perpetrators. This Court therefore regards the controversy over the mechanics of initial entry into the house as peripheral unless some further evidence demonstrates that it materially contaminated the scene or generated one of the incriminating circumstances subsequently relied upon. No such connection has been established.

8. Manzoor Ahmed (PW-1), brother of deceased Noor Alam, did not claim to have witnessed the occurrence. He learnt about it through a news slide on KTN, rushed to the house and saw the three deceased. He remained associated with the proceedings concerning inspection of the bodies, the articles found at the premises, removal of the bodies for postmortem examination and the subsequent formalities. On the following day he lodged the FIR against unknown persons. The defence attaches considerable importance to two features of that FIR: first, none of the present appellants was nominated; secondly, the report did not initially present robbery as the motive but contained a reference to possible enmity. Those features deserve consideration, but their evidentiary consequence must be determined according to what PW-1 could reasonably have known at that stage.

9. PW-1 was neither present during the occurrence nor residing in the deceased household so as to possess immediate knowledge of every article kept therein. When he reached the premises he encountered three murdered relatives and ongoing police proceedings. The report lodged by him was therefore necessarily a report of a blind triple murder. The fact that he did not nominate the present appellants is not a defect in the prosecution case; indeed, it removes one familiar concern associated with a delayed FIR, namely that the interval between occurrence and registration was exploited to nominate known enemies after consultation. Nor could his initial conjecture regarding enmity freeze the prosecution permanently into that theory. Motive is a matter to be established from evidence; an informant who did not witness the crime cannot bind a criminal Court to his initial speculation concerning why unknown persons committed it.

10. The omission of robbery from the FIR is nevertheless not wholly irrelevant. Where robbery subsequently becomes a significant part of the

prosecution reconstruction, the Court must ask whether it emerged from independent evidence or was merely introduced later to connect recoveries with an otherwise unexplained murder. The answer must therefore come from the scene evidence, evidence concerning missing property, subsequent identification and recoveries, not from a proposition that an FIR need never contain details. In the present case, the prosecution relied upon empty boxes found in the house and upon later recoveries of jewellery, electronic articles and a mobile phone alleged to belong to the deceased household. The omission from the FIR accordingly requires those later circumstances to be scrutinized with greater care, but it does not render them legally incapable of proof.

11. The delay in registration of the FIR has similarly been examined in its actual chronology. PW-1 learnt of the occurrence after the bodies had been discovered, reached the scene, remained involved in police and medico-legal proceedings and thereafter attended to the bodies and funeral-related responsibilities. The report was lodged around midday on 17.03.2014. A delay occurring in a case where the informant himself witnessed the assailants and then nominates them after an unexplained interval may have consequences markedly different from a delay in a blind murder where three close relatives have been discovered dead and the report ultimately continues to name no offender. Here the interval did not produce nomination of the appellants. This Court therefore finds no rational basis for treating the timing of the FIR, by itself, as evidence of deliberative false implication.

12. The medical evidence removes any possible uncertainty regarding the character of the deaths. Dr. Muhammad Zafar (PW-5), who conducted the postmortem examination of Noor Alam, described severe incised injuries to the neck, including a deep wound involving soft tissues, muscles, major vessels and the cervical region. His opinion was that death resulted from excessive haemorrhage and shock following cutting of the major vessels of the neck by a sharp cutting object. Dr. Farzana Shah (PW-6), who conducted the postmortem examinations of Mst. Maryam and minor Fatima Noor, likewise found incised injuries, including fatal neck wounds, and attributed their deaths to haemorrhage and shock caused by cutting of major vessels with a sharp-edged weapon. The medical evidence is therefore unequivocal that all three deaths were homicidal and resulted from deliberate sharp-force violence.

13. The doctors' evidence is important for another, more limited, reason. The defence argued that the physical condition of the premises, absence of an extensive blood trail, condition of the clothes and the manner in which the bodies were found were inconsistent with the prosecution reconstruction. The medical witnesses, however, accepted that the fatal injuries could have been inflicted while the victims were in a lying position and that the victims could have been forcibly placed in such a position. That evidence does not identify an accused, and this Court consciously refrains from using it for that purpose. It does,

however, answer the contention that the prosecution narrative concerning attacks within the rooms was medically impossible merely because the scene did not display the kind of extended struggle or trail which the defence considers more likely.

14. The circumstance that lay witnesses principally noticed the cut throats whereas the medical officers subsequently documented additional incised injuries likewise does not amount to a material contradiction. A relative or neighbour entering a house containing three recently murdered persons cannot reasonably be expected to conduct the systematic external examination subsequently performed by a doctor. The conspicuous neck wounds would naturally dominate his perception. Additional injuries discovered during postmortem examination therefore supplement rather than contradict the initial observations. What remains established beyond dispute is that a sharp cutting weapon was employed and that the three victims were killed in the same residential setting within the relevant period.

15. Before examining the evidence connecting the appellants with those deaths, the questions requiring determination in this appeal may conveniently be formulated as:

- **i.** Whether the prosecution proved that the homicidal deaths of Noor Alam, Mst. Maryam and Fatima Noor were accompanied by removal of property forming part of the same criminal transaction;
- **ii.** Whether the statement of Mst. Parveen recorded under section 164, Cr.P.C. qualifies as a voluntary and true judicial confession and, if so, what evidentiary use may lawfully be made of it against its maker and against the jointly tried co-accused;
- **iii.** Whether the material portion of Muhammad Sharif's testimony is worthy of reliance despite his having declined to support another portion of the prosecution case;
- **iv.** Whether the recoveries attributed separately to Mst. Parveen, Mukhtiar Ahmed, Murad alias Mann and Asghar Ali alias Mumtaz alias Bhoro have been proved and whether they provide independent corroboration of participation in the transaction;
- **v.** Whether the prosecution proved that appellant Asghar Ali is the person referred to in the prosecution evidence and confession as Mumtaz Lund/Mumtaz alias Ali Asghar alias Bhoro;
- **vi.** Whether common intention within the contemplation of section 34, P.P.C. is established against those convicted for the principal occurrence notwithstanding differentiation of individual roles;
- **vii.** Whether the prosecution proved against Hafiz Irshad Ali Shah all ingredients necessary for liability under section 411, P.P.C., including the requisite knowledge or reason to believe that the property was stolen; and

viii. Whether the retractions, defence evidence, allegations of police hostility, investigative irregularities, earlier suspicion against Nayara Noor and other discrepancies relied upon by the appellants create a reasonable doubt sufficient to warrant interference with the impugned judgment.

16. These questions are interrelated, but their sequence matters. Particularly, the confession cannot be used to strengthen recoveries until its own legal character has been determined; nor can recoveries be treated as corroboration merely because the prosecution labels the recovered articles as stolen property. Likewise, the confession of one accused cannot be allowed to become a substitute for independent evidence against another. This Court shall therefore first examine the judicial confession of Mst. Parveen, because it constitutes the principal narrative link upon which much of the subsequent prosecution reconstruction has been built.

17. PW-12 Ashfaque Ahmed Nizamani, then serving as Civil Judge & Judicial Magistrate-II, Mirpurkhas, deposed that Mst. Parveen was produced before him on 12.04.2014 for recording a confession under section 164, Cr.P.C. His evidence shows that he did not proceed immediately to record an inculpatory statement. She was separated from the investigating agency and afforded a period of reflection extending approximately from 12:30 p.m. until 3:00 p.m. Thereafter, according to him, he questioned her concerning inducement, threat, torture or maltreatment by police and also specifically inquired whether any male or female member of her family had been brought or detained for the purpose of compelling her to confess. She denied such pressure. She was informed of the Magistrate's judicial character, that she was not bound to confess, and that a confession could be used against her and might result in conviction and punishment. According to PW-12, she nevertheless expressed willingness to make the statement, attributing her decision to fear of God, whereafter the confession was recorded. This evidence assumes special importance because Mst. Parveen subsequently retracted the confession and, both under section 342, Cr.P.C. and on oath under section 340(2), Cr.P.C., supplied a specific account of coercion. She asserted that her father Mitho and sister Mst. Zakia had been detained by police; that the investigating officer conditioned their release upon her making a confession; that adequate reflection was not afforded; and that the confession was recorded in circumstances where the investigating officer, Nayara Noor and counsel associated with the complainant were present. These allegations cannot be dismissed merely because they were made by an accused. A retracted confession demands cautious judicial scrutiny precisely because the possibility of custodial influence is a matter of constitutional and evidentiary concern. The prosecution must satisfy the Court that the confession was voluntary before the truth or corroborative value of its contents becomes material.

18. There is, however, a striking conflict between the later coercion narrative and the contemporaneous safeguards spoken to by the Magistrate. The alleged detention of Parveen's father and sister is not a peripheral embellishment of her defence; it is the very mechanism through which she says her will was overborne. Yet PW-12 testified that before recording the confession he specifically asked whether any family member had been brought or detained to exert pressure and she answered in the negative. At that moment she had already been separated from police for a substantial period and was before a judicial officer. If her father and sister were being held precisely to force her confession, the question put by the Magistrate afforded a direct opportunity to disclose the coercion. Her failure to do so is therefore a contemporaneous circumstance of considerable weight against the later retraction.

19. The defence nevertheless identifies a genuine procedural concern. PW-12 acknowledged that he did not record in express terms a specific assurance to Mst. Parveen that, if she declined to confess, she would not be returned to the same investigating police. The importance of such an assurance should not be diluted. The purpose of reflection and judicial warnings is not ritual compliance with a form; it is to remove from the mind of an accused the apprehension that silence before the Magistrate will merely return her to the custody from which the alleged pressure originated. Consequently, the omission requires substantive consideration and cannot be answered simply by saying that other questions were asked. Having considered the omission in the context of the entire recording process, however, this Court does not find that it establishes involuntariness in this particular case. The accused was physically removed from police influence for approximately two and a half hours; the Magistrate specifically investigated threats, inducement, maltreatment and, importantly, detention of relatives; she denied each source of coercion; she was told that she was not bound to confess and was warned that the statement could be used to convict and punish her. The Magistrate thereafter did not hand her back into the same investigative environment in a manner demonstrating that the reflection exercise was illusory. Thus, although an express recorded assurance concerning non-return to police would have represented the better and safer practice, the omission must be weighed against affirmative circumstances showing that the Magistrate undertook a genuine inquiry into voluntariness. On this record, it does not by itself destroy the confession.

20. The allegation that the confession was dictated or recorded in the presence of the investigating officer and other interested persons also encounters the direct testimony of PW-12. He was an independent judicial officer with no demonstrated connection to the deceased, complainant or investigating agency. He was subjected to cross-examination, yet the defence was unable to establish any reason why he would knowingly lend his office to fabrication of a confession in a triple-murder prosecution. Judicial status does not make a witness infallible, and his evidence must be tested like other evidence; but where

an accused attributes serious procedural misconduct to a Magistrate, the Court must look for some evidentiary foundation beyond the allegation itself. This Court finds none sufficient to displace his testimony concerning separation, reflection, warnings and recording.

21. Voluntariness, however, answers only the first question. A voluntary confession may still be unreliable in content, particularly when subsequently retracted. The next inquiry is therefore whether the statement possesses an internal and external assurance of truth. In her judicial account, Mst. Parveen placed herself inside Noor Alam's house during the relevant evening. She described Mst. Maryam offering her tea; the ringing of the entrance bell; Maryam going towards the gate; the arrival of Mumtaz Lund and Mann Keerio disguised in burqas; the demand for jewellery and valuables; the assault upon Maryam; the arrival and killing of Noor Alam; the waking and subsequent killing of minor Fatima Noor; the search of boxes/almirahs and removal of jewellery; departure of the two principal assailants around Fajar; and the subsequent arrival of her husband Mukhtiar Ahmed to take her away. Several material features of that account find correspondence in evidence independent of the confession. Three persons were in fact found killed inside the house. Each had suffered sharp-edged injuries, with fatal cutting of the neck vessels. The scene evidence included empty boxes consistent with removal of property. A surviving minor child was found in the premises. The prosecution subsequently produced evidence of recovery of jewellery and household articles alleged to belong to Noor Alam from different accused or premises connected with them. Muhammad Sharif independently placed Mst. Parveen at the house around Maghrib after having been brought there by Mukhtiar. These circumstances do not become true merely because the confession mentions them; rather, their significance lies in the fact that evidence originating independently of the confession intersects with important components of its narrative.

22. The defence correctly observes that Parveen's statement does not contain a simple admission in the form “I killed the deceased.” That does not necessarily deprive the statement of its confessional character. The substance of a statement, rather than the presence of a particular formula, determines its legal effect. Her narrative placed her voluntarily within the premises before the perpetrators' entry, throughout a sequence in which three occupants were killed and property removed, and until the departure arrangement involving her husband. Whether those admitted circumstances establish her criminal participation rather than mere presence must ultimately be determined together with the evidence of conduct, recovery and common intention. But the fact that she attributed the actual cutting blows principally to others does not convert the whole statement into an exculpatory account incapable of evidentiary use.

23. At this stage an important distinction must be maintained between the use of the confession against Parveen herself and its use against the co-accused.

Against its maker, once voluntariness and truth are established, a judicial confession constitutes substantive evidence. Against a jointly tried co-accused, its evidentiary position is materially more restricted. Article 43 of the Qanun-e-Shahadat Order, 1984 permits the Court, where persons are being jointly tried for the same offence, to take into consideration a proved confession affecting the maker and the co-accused. That statutory permission does not justify treating the confession as though the co-accused himself had made it. Prudence therefore requires independent evidence connecting the particular co-accused with the crime before the confession is allowed to add corroborative force. This distinction is decisive in the present case and will be maintained when this Court examines Murad, Mukhtiar and Asghar separately.

24. This court accordingly concludes, at this stage and subject to consideration of the remaining evidence, that the judicial confession of Mst. Parveen is not liable to be discarded merely because it was subsequently retracted. The prosecution established substantial safeguards attending its recording; the principal coercion subsequently alleged by her conflicts with her contemporaneous answer before the Magistrate; and material portions of the narrative correspond with independently established circumstances. This Court shall nevertheless not employ it as a shortcut to conviction of the co-accused. Its weight against each of them will depend upon whether the prosecution has produced legally reliable independent circumstances connecting that accused with the transaction.

25. The next material witness is Muhammad Sharif (PW-9). According to him, at about Maghrib on 15.03.2014 he saw Mukhtiar Ahmed arrive on a motorcycle with his wife Mst. Parveen, leave Parveen at the main gate of Noor Alam's house and depart after she entered. He stated that he thereafter went to Punjab and returned on 08.04.2014, following which he approached the police and disclosed the circumstance. His evidence was attacked principally because his statement emerged weeks after the occurrence, because no travel ticket or other documentary proof of his journey to Punjab was produced, and because he did not support the prosecution on another allegation that he had seen Mann Keerio and Mumtaz Lund roaming in the locality. Delay in disclosure by a circumstantial witness is undoubtedly a factor requiring explanation, particularly in a grave case where the witness claims to possess information placing an accused near the scene. PW-9 supplied such an explanation: he said he had left for Punjab and returned in April. No ticket was produced, but absence of a preserved travel ticket cannot, without more, establish that the journey never occurred. More significant is the nature of what he claimed to have observed. Seeing a husband drop his wife at a residence around Maghrib is, in itself, an ordinary event. At that moment there was no demonstrated reason for him to memorize the motorcycle registration number, create a contemporaneous record, or regard the movement as incriminating. Its significance emerged only after the occupants of that house were discovered murdered.

26. PW-9 did not support the prosecution in its entirety and was treated as hostile in respect of the assertion that he also saw Mann Keerio and Mumtaz Lund in the street. That circumstance requires the Court to separate what he reliably proved from what he refused to support. A witness does not become a legal nullity merely because he departs from the party calling him on one aspect. The Court remains obliged to test the accepted portion against cross-examination and surrounding evidence. Here, PW-9 persisted in the specific circumstance of Mukhtiar bringing Parveen to Noor Alam's house despite detailed cross-examination, while declining to support the prosecution where he said he had not seen the other accused. That selectivity is not, by itself, proof of truth, but it does weaken the proposition that he was simply reproducing whatever version the investigating officer required. More importantly, his evidence concerning Parveen's arrival does not stand in isolation. Parveen's own judicial confession independently places her inside Noor Alam's house during the relevant period. Thus, on the fact of her presence, an external witness and her own judicial statement converge. PW-9's evidence additionally attributes to Mukhtiar the act of bringing her to the premises. Whether that act, standing with what followed, establishes Mukhtiar's participation in a common design is a separate question; but as a factual circumstance it provides an important pre-occurrence link which the learned trial Court was entitled to consider.

27. The prosecution thereafter relies upon a series of recoveries which, according to the learned trial Court, furnish material corroboration to the judicial confession and connect the individual accused with the fruits and instrumentalities of the crime. Before examining them separately, it is necessary to state the evidentiary approach governing this part of the case. A recovery is not transformed into proof of guilt merely because an investigating officer attributes it to an accused. Its weight depends upon the credibility of the witnesses, the connection of the place or article with the accused, the circumstances in which the article was discovered, the ability of the prosecution to connect the article with the crime, and the plausibility of the allegation of planting. Conversely, a recovery otherwise established by trustworthy evidence does not necessarily become worthless because the searched premises were not proved through a registered title document, because every mashir was not a resident of the locality, or because a household article was not supported by its original purchase receipt. These deficiencies have to be evaluated according to their actual effect upon the reliability of the particular recovery rather than converted into inflexible rules of exclusion.

28. In the case of Mst. Parveen, the prosecution evidence is that after her arrest she accompanied the investigating party to premises in Labour Colony, Mirpurkhas, connected with her residence, wherefrom a churri, a camera and a gold ring were recovered. PW-2 Mst. Nayara Noor, PW-3 Samiullah and PW-11 Inspector Shahnawaz supported the recovery in its essential particulars. Their

evidence is not verbally identical. There are differences concerning the precise manner in which the articles came into the hands of police, whether Parveen physically took them out herself or pointed out their location and the police thereafter collected them and there are differences of detail concerning their position inside the premises. Such differences required scrutiny because the recovery was an important corroborative circumstance. Having compared them, however, this Court does not find that they concern the existence, identity or essential mechanics of the recovery. The witnesses substantially agree that Parveen accompanied the police to the premises, indicated the relevant place, the articles were obtained therefrom, Nayara identified the camera and ring as property connected with her deceased father, and the proceedings were reduced into a recovery memo.

29. The defence answers this evidence by asserting, first, that Parveen was a permanent resident of village Sadhar in District Umerkot and the Labour Colony premises were never established to belong to her; secondly, that no title or allotment document was produced; thirdly, that the recovered articles were common market articles; and fourthly, that the alleged recovery was simply foisted upon her after she had already been detained and coerced into confession. The first two objections proceed upon an unnecessarily narrow equation of residence with proprietary title. A person may occupy or use premises without owning them. The prosecution was therefore not required to establish registered ownership if it could otherwise prove the accused's connection and access to the place searched. The evidence was that Mukhtiar's employment had a connection with the Labour Colony area and that the premises were being used by the couple. Parveen's residence certificate and electoral material concerning village Sadhar are relevant to her permanent residence, but they do not logically establish that she could never have occupied or used accommodation at another place. The decisive question remains whether she led the police to the premises and whether the articles were recovered therefrom. On that question, the prosecution witnesses remained materially consistent.

30. Greater care is required concerning the churri. A knife is an ordinary article and its mere recovery from premises associated with an accused cannot, without more, prove its use in a murder. Nor can medical evidence identifying a sharp-edged weapon as the class of instrument used establish that this particular churri inflicted the injuries unless the requisite forensic connection is available. This Court therefore does not treat the recovery as scientific identification of the murder weapon. Its legitimate evidentiary value is narrower. Three persons were proved to have been killed by sharp cutting violence; Parveen's judicial account described such an attack; and a sharp cutting instrument was thereafter recovered from premises to which she led the investigating party. The circumstance is corroborative, but not independently conclusive. This calibrated

use is important because an affirming Court should not assign to a recovery a forensic certainty which the record itself does not establish.

31. The camera and gold ring stand differently because their relevance depends upon identification as property removed from the deceased household. Nayara Noor, being daughter of Noor Alam and familiar with the household, identified them as family property. The defence argues that no purchase receipts or distinctive serial particulars were produced. That objection affects weight, especially where an article is commonplace, but the law of proof does not make a purchase invoice the exclusive means of identifying movable household property. Jewellery, cameras and domestic articles may remain in family possession for years after receipts have been lost or never preserved. Familiarity acquired through possession and use may constitute relevant identifying evidence. The Court must nevertheless be more cautious where the article has no distinctive feature. This Court therefore does not treat the identification of the camera or ring, standing alone, as decisive; their importance lies in their recovery in conjunction with Parveen's judicial account and the other circumstances already established.

32. The prosecution next attributes a materially separate recovery to the house of Mukhtiar Ahmed at village Sadhar. PW-2 Nayara Noor, PW-3 Samiullah and PW-11 Inspector Shahnawaz stated that the investigating party proceeded there and recovered computer equipment and a handy/digital camera which Nayara identified as property of her deceased father. Defence counsel subjected these witnesses to prolonged cross-examination concerning the route to Sadhar, its distance from the relevant police station, the direction of the village, the number and arrangement of houses, the existence of shops and other landmarks, the internal layout of the searched premises, sealing of the articles and the absence of independent residents of Sadhar from the recovery proceedings. This Court has not disregarded that cross-examination. Its proper purpose was to determine whether the witnesses had genuinely visited the place or were reproducing a prepared police account.

33. Some discrepancies were elicited, but they concern geographical and incidental details rather than the central occurrence of the search. A witness who visited an unfamiliar rural locality in connection with an investigation cannot reasonably be expected, years later, to reproduce its compass orientation, exact distances and every feature of the premises with cartographic precision. PW-3, in fact, supplied a number of details concerning the route and physical character of the locality. The investigating officer likewise described the visit and recovery. Their accounts substantially coincide upon the destination, the premises searched and the nature of the articles recovered. Had material contradictions existed as to whether the house was in a different village, whether Mukhtiar had no connection whatsoever with it, whether different articles were recovered, or whether a witness admittedly did not attend the search, the position would have

been different. The discrepancies actually appearing in the record do not reach that level.

34. The non-association of inhabitants of village Sadhar deserves separate treatment. The statutory preference for respectable inhabitants of the locality in search proceedings serves an obvious purpose: it reduces the possibility of fabrication and supplies independent assurance concerning police conduct. Departure from that safeguard should therefore never be dismissed as meaningless. Yet its effect depends upon the facts. Here the recovery was not sought to be proved exclusively through the investigating officer; private persons were associated, although they were not residents of the searched locality. That circumstance reduces, but does not eliminate, the criticism. This Court therefore subjects the recovery to caution rather than discard it automatically. Having tested the witnesses through the detailed cross-examination already discussed and finding substantial consistency on the core occurrence, this Court not persuaded that the failure to procure a villager, by itself, establishes planting.

35. The argument concerning ownership documents of Mukhtiar's house suffers from the same conceptual difficulty already identified. The relevant criminal inquiry is possession, occupation or control, not proprietary title in the revenue or registration sense. A prosecution recovery does become vulnerable where the accused's connection with the searched place is merely assumed and no witness can establish why it was attributed to him. But where evidence identifies the premises as his residence and the defence does not convincingly establish that it belonged to and was exclusively occupied by an unrelated person, absence of a title deed is not fatal. This Court therefore finds that the trial Court was entitled to treat the Sadhar recovery as a circumstance against Mukhtiar, though its weight must still be considered together with the identification of the property and his other connections with the occurrence.

36. A further and considerably more specific circumstance is the prosecution evidence concerning Mukhtiar's arrest on 24.04.2014. PW-9 Muhammad Sharif, PW-3 Samiullah and PW-11 Inspector Shahnawaz stated, in substance, that Mukhtiar was apprehended near Sonar Gali after Muhammad Sharif identified or pointed him out and that his personal search yielded, amongst other things, a gold ring bearing the name of deceased Noor Alam. Nayara subsequently identified the ring as belonging to her father. This recovery possesses a feature not equally available in relation to every generic ornament: according to the prosecution evidence, the name “Noor Alam” appeared upon the ring. If accepted, that inscription provides an intrinsic link between the article and the deceased and materially strengthens its identification beyond mere resemblance to a common gold ring. The defence challenges the Sonar Gali recovery because it allegedly occurred in a busy locality yet no independent passer-by or shopkeeper was associated. That omission again calls for caution. Nevertheless, Muhammad Sharif and Samiullah were civilians and were produced for cross-

examination. The defence case is therefore not one of an uncorroborated police officer claiming a private recovery in isolation. More significantly, Mukhtiar supplied an affirmative alternative account on oath. He stated that after learning of his wife's detention he went to the police station for her release; that he himself was placed in the lock-up; and that his CNIC and money were taken from his pocket, while nothing incriminating was recovered. The contest is consequently between two concrete versions rather than between prosecution assertion and bare silence.

37. Mukhtiar's explanation was carefully considered by the trial Court and requires evaluation against the chronology. His wife had by then become a principal suspect and had made the judicial statement relied upon by the prosecution. If Mukhtiar was freely approaching the police station and remained available to investigators during the period alleged by him, the prosecution version that he was being sought and subsequently apprehended assumes difficulty; conversely, if his account of detention is true, the public arrest and ring recovery become fabricated. The learned trial Court preferred the prosecution witnesses. This Court finds additional reason for doing so in the nature of the article attributed to his possession. His defence explains why police might possess his CNIC and money if he had been detained, but it does not supply an evidentially persuasive explanation for the appearance of a ring bearing Noor Alam's name except the general allegation of planting. Planting is possible as a matter of hypothesis; the judicial question is whether the evidence makes it reasonably probable. When the named ring is read with PW-9's evidence placing Mukhtiar with Parveen before the occurrence, Parveen's judicial account that Mukhtiar came to collect her at dawn, and the separate recovery from the Sadhar premises, the allegation of planting does not create such a probability.

38. The evidentiary position of Murad alias Mann Keerio requires even greater separation because PW-9 did not support the prosecution assertion that he saw Mann roaming near the house during the relevant night. That rejected portion of PW-9's police version cannot be indirectly restored merely because other parts of his testimony have been accepted. The case against Mann must therefore stand upon the evidence which actually survived trial: principally Parveen's judicial confession naming Mann Keerio as one of the persons who entered the house and participated in the criminal occurrence; the recovery of jewellery from premises attributed to Mann; and his subsequent conduct. The confession alone, being that of a co-accused, would demand independent corroboration before it could safely sustain the conclusion reached against him.

39. The prosecution evidence is that on 18.04.2014 the investigating party proceeded to village Piyaro Keerio and searched the house attributed to Mann, wherefrom two gold bangles and a gold ring were recovered from a wooden box and identified by Nayara Noor as property of the deceased household. Again, PW-2, PW-3 and PW-11 were material to the recovery. The defence explored the location of village Piyaro Keerio, its distance from the police station, the number

of houses, presence of a school, physical orientation of the searched house, nature of its boundaries and absence of documentary proof of ownership. The cross-examination was extensive and appropriately directed towards testing whether the witnesses had genuinely visited the locality. PW-3 supplied details concerning the approach to the village, its small size, hedges and the existence of a straw-made school. The investigating officer also described the search and the wooden box from which the articles were obtained. Their accounts are not identical in every peripheral feature, but materially converge upon the search and recovery.

40. This Court again declines to treat absence of a registered ownership document as decisive. The prosecution had to connect Mann with the premises as an occupant or person exercising control; it did not have to prove civil title. Significantly, the defence did not produce an identified independent occupant who could state that the searched house belonged exclusively to him and that Mann had no connection with it. This does not reverse the burden of proof, the prosecution always remained bound to establish the recovery, but it is relevant when evaluating whether the specific prosecution evidence concerning occupation was effectively displaced. On the material available, the learned trial Court was entitled to find that the premises were sufficiently connected with Mann for the recovery to have evidentiary value.

41. The identification of the bangles and ring must nevertheless be approached with the caution already stated in relation to ordinary jewellery. Nayara's familiarity with household property is relevant evidence, but common ornaments lacking unique inscriptions are more susceptible to mistaken identification or planting than an article carrying a distinctive mark. This Court therefore would not maintain Mann's conviction merely because jewellery was recovered from his premises. Its significance lies in the intersection of two independent strands: Parveen's judicial confession had already identified Mann by name and assigned him a direct role in the robbery-murders, while property identified as part of the robbed household possessions was subsequently recovered from premises connected with him. Neither circumstance is being used to create the other. The recovery supplies the independent corroborative circumstance required before the confession of a co-accused can safely be given weight against him.

42. The prosecution further relied upon Mann's absence from the process of law for a prolonged period. Abscondence is a notoriously equivocal circumstance. An innocent person may evade arrest out of fear, while a guilty person may remain openly available. It therefore cannot substitute for proof of participation and cannot cure a defective prosecution case. But conduct is not legally irrelevant merely because it is incapable of standing alone. Once independent incriminating evidence exists, unexplained or inadequately explained avoidance of the process may furnish additional corroboration. This court uses Mann's absence only in that restricted sense. His liability rests

primarily upon the confession insofar as legally usable against him and the corroborative recovery; his subsequent conduct adds weight but does not supply a missing link.

43. The position of appellant Asghar Ali raises a preliminary identity issue which must be resolved before evidence concerning “Mumtaz Lund” can lawfully be attributed to him. Parveen's confession named “Mumtaz Lund.” The appellant's consistent defence is that his name is Asghar Ali son of Hakim Ali; that he has no nickname Mumtaz or Bhoro; and that the investigating agency artificially attached the aliases “Mumtaz alias Ali Asghar alias Bhoro” in order to make him fit the confession. He produced formal documents reflecting the name Asghar Ali and, on oath under section 340(2), Cr.P.C., denied being the person described by the prosecution. Because mistaken identity would sever the confession's relevance altogether, the issue cannot be answered by assuming that the police description is correct.

44. Inspector Shahnawaz stated that during investigation it emerged that Mumtaz Lund was also known as Ali Asghar alias Bhoro. The prosecution relied upon information gathered from persons connected with Labour Colony and upon previous/subsequent police and judicial proceedings in which the appellant was described by those aliases. PW-13 Ahmed Bux and PW-14 Umar also gave evidence concerning his later arrest under the description “Mumtaz alias Ali Asghar alias Bhoro.” The appellant, while denying the alias, admitted during cross-examination that when prosecuted in the separate Arms Act case under the same composite description he did not move an application asserting that he was a different person or that the name Mumtaz/Bhoro had been falsely attached to him. That omission is not proof that he committed the present offence; but it is directly relevant to the narrower factual dispute whether the alias was invented only for the purpose of connecting him with Parveen's confession.

45. The formal documents showing the legal name “Asghar Ali” do not conclusively resolve that dispute in his favour. CNICs, electoral records, driving licences and marriage documents ordinarily record a person's official name; they do not purport to catalogue every nickname by which he may be known socially. The prosecution was therefore entitled to prove an alias through oral and circumstantial evidence. At the same time, previous criminal proceedings cannot be used to reason that because the appellant had faced or suffered conviction in another case he was more likely to commit the present offence. Such propensity reasoning would be impermissible. This court takes the previous use of the composite alias for the limited purpose for which it is relevant: assessing the credibility of his assertion that “Mumtaz” was a name fabricated solely in this investigation.

46. That identity evidence does not stand alone. The prosecution also relied upon recovery of gold ornaments from premises in Labour Colony attributed to the person investigated as Mumtaz/Asghar/Bhoro, followed by his non-availability

and later arrest. Parveen's judicial confession had independently named Mumtaz Lund as one of the two principal intruders. When the investigative evidence concerning the alias, the previous use of that alias, the premises connected with the appellant and the recovery are considered together, the identity link becomes materially stronger than the bare assertion of the investigating officer. This court is therefore unable to accept the defence contention that the prosecution failed altogether to establish that Asghar Ali was the person referred to as Mumtaz in the relevant evidence.

47. The recovery attributed to Asghar/Mumtaz is nevertheless subject to the same scrutiny applied to the other recoveries. The defence allegation of false implication is not generic: Asghar stated on oath that he had contracted a love marriage with Mst. Hawee, niece of DSP Mehboob Lund; that his father-in-law Gul Muhammad and DSP Mehboob Lund were hostile on account of that marriage; and that he was arrested near the mausoleum of Quaid-e-Azam in Karachi after police procured the assistance of his employer Muhammad Ayoub Pathan, rather than at the place subsequently shown by police. The documentary material concerning his marriage gives some foundation to the existence of a family dispute. The Court cannot therefore dismiss the allegation of hostility as wholly imaginary.

48. Proof of a source of hostility, however, is not equivalent to proof that the triple-murder case was fabricated. The defence still has to be evaluated against the independent prosecution circumstances. Nothing has been shown to establish that the Judicial Magistrate recording Parveen's confession was under the influence of DSP Mehboob Lund, or that Parveen had any demonstrated reason to insert the name “Mumtaz Lund” into a judicial statement merely to settle Asghar's matrimonial dispute. Nor does the alleged hostility explain, without resort to a further allegation of planting, the recovery from premises attributed to him. A motive for false implication is relevant because it may explain otherwise suspicious police conduct; it does not automatically neutralize independent evidence merely upon proof that such hostility existed. The learned trial Court was therefore required, and, in substance, proceeded, to test the evidence rather than choose between the simplistic propositions that police hostility either proves everything or proves nothing.

49. A recurring criticism common to the recoveries is the repeated association of Samiullah and Ateeq Ahmed as mashirs. The criticism has substance to this extent: where searches are conducted at different places on different dates, repeated use of the same persons rather than respectable inhabitants of the respective localities naturally invites closer scrutiny. Investigators should avoid creating the appearance of a stock or professional mashir because the value of independent attestation lies precisely in independence from routine police association. But the legal consequence is caution, not automatic erasure of every recovery witnessed by the same person.

Samiullah entered the witness box and underwent extensive cross-examination extending to the visits to the hospital, Labour Colony, Sadhar/Dhoronaro, Piyaro Keerio and the arrest of Mukhtiar. He supplied details concerning routes, times, premises, articles, sealing and other circumstances. Some discrepancies were extracted, times varied, exact placement of articles was not always identically recalled, and every procedural detail was not reproduced with precision. Considering the number of investigative events and the lapse of years before testimony, those variations are not inherently surprising. Indeed, absolute replication of several old recovery memos could itself raise concern that the witness had merely memorized documents. The proper question is whether his evidence fractured on the essential occurrences. This court finds that it did not. Samiullah's relationship or association with the complainant side likewise required caution but did not make him incompetent. The law does not classify a related witness as inherently false. Relationship may furnish a motive to support the victim, but it may equally mean that the witness is naturally available during investigation. The test remains whether a reason exists to falsely implicate the particular accused and whether the testimony withstands cross-examination and receives support from other evidence. Here the defence has not demonstrated prior enmity between Samiullah and each of the appellants capable of explaining why he would participate in a sequence of fabricated recoveries extending across different localities. His evidence is therefore not to be accepted because he was related, nor rejected because he was related; it has to be assessed on its merits, which is the approach this court has adopted.

50. The defence also constructed an alternative theory around PW-2 Mst. Nayara Noor. It was elicited from the earlier investigation that relatives of deceased Mst. Maryam had expressed suspicion concerning Nayara and referred to family or property differences. Parveen herself stated on oath that Nayara and her sister Nargis were unhappy with Noor Alam's marriage to Maryam and that Nayara had threatened Maryam and her relatives. According to the defence, the investigating agency initially had material pointing towards Nayara, but that line was abandoned and the present appellants were subsequently substituted through a coerced confession and planted property. This argument cannot be answered merely by calling the initial allegations “suspicion,” because in a circumstantial case a plausible alternative perpetrator may indeed create reasonable doubt. The Court must ask whether the material concerning Nayara matured beyond suspicion into evidence capable of reasonably explaining the occurrence and the later incriminating circumstances. On the record placed before this court, it did not. The first investigating officer explored the allegations but did not collect substantive evidence demonstrating Nayara's participation in the killings. No physical recovery, confession, eyewitness circumstance or other material of comparable probative value connected her with the murders. The existence of an earlier investigative lead shows that the police considered another possibility; it does not itself establish that possibility as the true occurrence. More importantly, the alternative theory

must account for evidence subsequently emerging from sources other than Nayara. Parveen's confession was recorded by a Judicial Magistrate, not by Nayara. Muhammad Sharif independently placed Parveen at the house after being brought there by Mukhtiar. Medical evidence corresponded with the manner of sharp-force killing described in the confession. Recoveries were proved through witnesses who were subjected to cross-examination. Nayara's participation in identification of property undoubtedly requires caution because she was an interested family witness, but the defence theory would require substantially more than showing that she had family differences with Maryam. It would require a reasonable evidentiary basis for concluding that she was able to orchestrate or procure the confession, multiple recoveries and the implication of several otherwise unrelated persons. The record does not provide such a basis.

51. The first investigating officer's evidence has similarly been pressed into service. SIP Abdul Majeed (PW-10) acknowledged that during his initial investigation he did not obtain evidence implicating Parveen or Mukhtiar and that the persons examined in the earliest phase had not named the eventual accused. Read without chronology, that admission appears significant; read with chronology, its force is considerably reduced. His investigation ended around 20.03.2014. Muhammad Sharif's statement, according to the prosecution, came after his return from Punjab in April; Parveen was thereafter brought into the investigative process; her judicial confession was recorded on 12.04.2014; and the disputed recoveries followed. The evidence on which the convictions principally depend therefore arose after PW-10's brief investigative tenure. An initial failure to identify an offender in a blind murder case cannot be converted into a permanent exoneration of everyone not identified during the first few days. Equally, a subsequent investigating officer cannot manufacture guilt simply by claiming to have discovered what his predecessor missed. The later evidence must therefore stand on its own legal strength. In the present case, the subsequent investigating officer was examined; the Magistrate was examined; civilian recovery witnesses were examined; the doctors were examined; and the accused were afforded the opportunity to challenge them and to lead affirmative defence evidence. The transfer of investigation consequently does not, by itself, establish mala fides. Its significance depends upon whether the later evidence survives judicial scrutiny, and for the reasons already recorded, substantial portions of it do.

52. The absence of purchase receipts and a formal judicial identification parade of the recovered property have been repeatedly emphasized. There is force in the proposition that the weaker the intrinsic identifying features of an article, the greater the need for reliable proof connecting it with the complainant. A common gold bangle cannot be treated as unmistakably belonging to a deceased merely because a relative says so. For that reason this court has refrained from treating any generic article as independently conclusive. But the evidence must again be considered cumulatively. Different categories of property

said to have disappeared from the same household were recovered from premises connected with different accused; the daughter of the deceased identified them; empty boxes were found at the scene; and one of the recovered rings was said to carry Noor Alam's own name. The absence of receipts reduces the independent force of generic articles but does not render the entire recovery evidence inadmissible or valueless. The appellants' argument, if carried to its logical conclusion, would require the Court to treat every household article lacking an invoice as legally incapable of identification. That is not a sustainable evidentiary proposition. The correct approach is qualitative. A uniquely marked article carries greater identifying force; a commonly available article carries less; identification by a person familiar with the property is relevant but must be assessed for credibility; and the circumstance of recovery may strengthen or weaken the inference. Applying that approach, this court assigns particular weight to the ring bearing Noor Alam's name, and corroborative rather than decisive weight to generic jewellery and electronic items.

53. This court now turns to section 34, P.P.C., because the defence repeatedly argued that the prosecution failed to prove which accused inflicted which particular injury or personally removed which article. Section 34 embodies joint liability for a criminal act done by several persons in furtherance of their common intention. The existence of common intention is seldom susceptible to direct proof and ordinarily has to be inferred from the nature of the transaction, conduct of the participants, their presence and roles, the sequence of events, and their conduct before and after the occurrence. At the same time, common intention cannot be used as a formula to cure uncertainty about participation itself. The prosecution must first establish that the particular accused participated in the criminal enterprise; only thereafter may section 34 attribute joint responsibility for acts committed in furtherance of the shared design. The transaction described in the prosecution evidence bears the characteristics of an integrated criminal enterprise rather than a sudden individual assault. According to the judicial account accepted by the trial Court, Parveen was present inside the house before the principal assailants entered; two men entered in disguise; demands concerning jewellery were made; three occupants were successively killed, including a minor child who had awakened; almirahs or boxes were searched; valuables were removed; and the participants dispersed before or around dawn, with Mukhtiar thereafter collecting Parveen. The subsequent appearance of portions of the allegedly robbed property at premises connected with different accused provides evidence from which division or distribution of the fruits of the crime could reasonably be inferred. If those underlying facts are accepted, insistence upon proof of which hand inflicted each individual incised wound would misunderstand the operation of joint liability.

54. Parveen's case illustrates the point. Her judicial statement sought to assign the actual violent acts primarily to Mann and Mumtaz. But her own admitted presence cannot be assessed in a vacuum. PW-9 placed her arrival at the house after being brought by Mukhtiar. She remained through the occurrence

described in her confession. She did not claim in the contemporaneous judicial statement to have raised alarm, fled when opportunity arose or sought outside assistance during the extended transaction. The prosecution thereafter recovered a sharp instrument and property from premises to which she led it. Those circumstances, taken together, permitted the trial Court to infer more than accidental presence. The inference of common participation arises from the total conduct, not from an assumption that presence at a crime scene automatically creates liability. Mukhtiar's role is likewise inferential rather than one of an admitted fatal blow. PW-9 placed him bringing Parveen to the house around Maghrib; Parveen's confession stated that he came at dawn to take her away; property of the deceased was said to have been recovered from premises connected with him; and a ring bearing Noor Alam's name was attributed to his personal possession upon arrest. The defence is correct that dropping one's wife at a house is an innocent act when viewed alone, as is arriving to collect her. But circumstantial reasoning does not require the Court to pretend that interconnected events occurred in isolation. When the acts immediately before and after the offence coincide with possession of property originating from the victim's household, the inference of knowing participation becomes materially stronger. Against these circumstances stand the sworn defences. Parveen stated under section 340(2), Cr.P.C. that she was at village Sadhar on the evening of the occurrence; that she learnt of the murders through relatives; that she and family members travelled to Mirpurkhas the following day for condolence; that police subsequently summoned and detained her family; that her father and sister were held to compel her confession; and that the recovery was foisted upon her. Mukhtiar similarly stated that he was in village Sadhar, learnt of the occurrence, accompanied relatives for condolence, and was later detained when he approached police after his wife's detention. Their versions were not required to be disproved beyond every theoretical possibility; the burden remained upon the prosecution throughout. But once accused persons elect to testify on oath, their evidence is evidence and must be weighed with the same judicial seriousness as other testimony.

55. Ghulam Hussain and Muhammad Rajar were produced in support of the defence. Their evidence lends some support to the proposition that Parveen and members of her family travelled from village Sadhar to Mirpurkhas on 09.04.2014 and that police thereafter detained or dealt with them. Even if that portion is accepted, it does not establish Parveen's whereabouts on the night of 15/16 March, almost a month earlier. Nor were those witnesses present when the murders occurred or when the judicial confession was recorded. Their evidence therefore has limited capacity to answer the prosecution's principal circumstances. The allegation that Parveen's father and sister were detained as leverage is more serious, but it returns the Court to the contemporaneous judicial inquiry already discussed. Before confessing, Parveen was specifically asked by the Magistrate whether family members had been detained to pressurize her and she denied it. Her later sworn version directly contradicts that answer. The

defence asks the Court to believe that the pressure was so powerful as to cause her to confess participation in a triple murder, yet when separated from police and expressly asked about the very pressure, she concealed it from the Magistrate and then supplied a detailed account of the crime. Such a possibility cannot be declared metaphysically impossible, but criminal adjudication proceeds upon reasonable inference from evidence, not remote possibilities. The contemporaneous denial substantially undermines the later coercion account.

56. Mukhtiar's sworn defence suffers from a similar difficulty when placed against the ring recovery and PW-9's testimony. His version would require acceptance that Muhammad Sharif falsely invented the pre-occurrence motorcycle journey, that the police falsely manufactured his arrest away from the station, and that the ring bearing Noor Alam's name was planted upon him. Each allegation is theoretically possible; what is lacking is a common evidentiary foundation making the combined hypothesis reasonably probable. The defence has demonstrated imperfections in investigation, but it has not demonstrated a mechanism or motive explaining why Muhammad Sharif, the Magistrate and the various recovery witnesses would all participate in the same false construction. The defence of Asghar Ali has already been considered insofar as it concerns identity and police hostility. His sworn testimony establishes that he disputes the aliases and alleges a matrimonial source of enmity with DSP Mehboob Lund. Those matters required and have received independent consideration. Yet once the alias link is established through evidence independent of the present accusation, and the confession naming Mumtaz is accompanied by recovery evidence connected with the appellant, the matrimonial dispute cannot by itself generate reasonable doubt. The Court would have reached a different conclusion if the only evidence identifying Asghar as “Mumtaz” had emanated from the allegedly hostile police officer. That is not the record before this court.

57. The foregoing discussion leads to an important intermediate conclusion. The prosecution case against the principal participants does not rest upon one evidentiary pillar. Parveen's confession supplies the narrative but is corroborated in material particulars; PW-9 supplies a pre-occurrence circumstance concerning Parveen and Mukhtiar; recoveries connect different accused with property alleged to have been removed from the household; medical evidence corresponds with the manner of killing described; and subsequent conduct adds limited corroborative value. The strength of the prosecution case lies in this convergence. Equally, the Court has deliberately refrained from treating the confession of Parveen as substantive evidence simpliciter against her co-accused, from treating abscondence as proof of guilt, from treating every recovered knife as the scientifically established murder weapon, or from treating generic jewellery as uniquely identified merely because Nayara claimed it. Those limitations are necessary to ensure that affirmance rests upon the lawful cumulative force of the evidence rather than exaggeration of any individual circumstance.

58. The case of Hafiz Irshad Ali Shah is legally distinct and cannot safely be subsumed into that cumulative reasoning. He did not stand in the same position as those alleged to have participated in the robbery-murders. His liability was founded upon section 411, P.P.C. and therefore required the prosecution to establish not merely that the relevant mobile phone was stolen property and came into his possession, but that he dishonestly received or retained it knowing or having reason to believe that it was stolen. His own sworn statement under section 340(2), Cr.P.C. was that he had operated a mobile shop at Tara Chand Shopping Centre, Hyderabad, for about seventeen years; that a customer named Zubair purchased two mobile phones from him in January 2014; that the customer took the handsets while their boxes remained with him; and that after learning that Zubair had been detained in Mirpurkhas, he travelled there with his father, Dr. Raja Nooruddin and Imtiaz Shah carrying the boxes. He alleged that police detained him and Zubair, released Zubair after receiving a bribe and demanded Rs.500,000 from his family, whereafter he was implicated when the demand was not met. This defence requires a more exacting ingredient-wise analysis than the earlier draft afforded it. The mere fact that Hafiz Irshad was a mobile dealer cannot establish guilty knowledge; indeed, lawful commercial dealing provides an obvious innocent explanation for possession of mobile handsets. Nor can the absence of an invoice automatically reverse the prosecution burden and require him to prove innocence. The prosecution must first establish the particular handset as stolen property, prove possession or retention by him, and establish circumstances from which knowledge or reason to believe that it was stolen can safely be inferred. His explanation concerning Zubair and the corresponding boxes, the IMEI particulars, the chronology of acquisition and recovery, and the prosecution evidence tracing the handset therefore require separate assessment. This court shall address those matters, together with the governing section 411 principles, before reaching the final accused-wise findings.

59. This Court accordingly examines the case of Hafiz Irshad Ali Shah independently of the evidence connecting the other appellants with the principal occurrence. The prosecution case, as reflected in his statement under section 342, Cr.P.C. and in the evidence put to him, was that on 06.04.2014 Inspector Shahnawaz Khaskheli arrested him on the road leading from State Life Building towards the Deputy Commissioner Office, Mirpurkhas, and upon his personal search recovered a Nokia mobile telephone bearing IMEI Nos. 355499059565403 and 355499059565411. The prosecution asserted that the handset belonged to deceased Noor Alam and had been removed from his house during the robbery accompanying the murders. Hafiz Irshad denied both the arrest and recovery and, significantly, did not remain content with a bare denial. He entered the witness box under section 340(2), Cr.P.C. and advanced the detailed commercial transaction involving one Zubair already noticed above. The correctness of his conviction under section 411, P.P.C. must therefore be

tested against the ingredients of that offence and not upon the understandable gravity attaching to the crime from which the property originated.

60. Section 411, P.P.C. does not criminalize possession of stolen property simpliciter. The prosecution must prove, first, that the property in question was stolen property; secondly, that the accused received or retained it; and, thirdly and critically, that such receipt or retention was dishonest and accompanied by knowledge or reason to believe that the property was stolen. The mental element will rarely be capable of direct proof and may legitimately be inferred from proved circumstances, including the nature and recency of possession, the manner in which the property was acquired, the explanation furnished by the possessor, concealment, inadequacy or suspiciousness of the transaction, and other surrounding conduct. Nevertheless, the inference must arise from proved facts. Section 411 cannot be converted into a rule whereby every person through whose hands stolen property passes must affirmatively establish lawful title on pain of conviction.

61. The first link is the identification of the Nokia handset with the property removed from Noor Alam's house. The prosecution evidence concerning the scene included recovery of mobile-phone boxes from the deceased household. The IMEI numbers supplied a means of correlating a handset with its corresponding packaging considerably more objective than visual identification of an ordinary mobile phone. This feature distinguishes the handset from generic jewellery. Where the numbers appearing on the handset correspond with the identifying particulars of the box recovered from the victim's house, the connection is technological and specific rather than dependent merely upon a relative's memory of appearance. The trial Court was therefore justified in holding that the handset attributed to Hafiz Irshad originated from the deceased household, provided the recovery from his possession itself is accepted. On the second link, the prosecution produced the recovery evidence concerning his arrest and personal search. Hafiz Irshad categorically denied that the handset was recovered from him. His alternative version, however, places him in a factual relationship with the investigation of mobile handsets and with the alleged customer Zubair. He stated that after Zubair's family approached him, he voluntarily travelled from Hyderabad to Police Station Town, Mirpurkhas, carrying two mobile boxes, accompanied by his father, Dr. Raja Nooruddin and Imtiaz Shah. According to him, Zubair was already detained there, and both remained detained for about eight days until Zubair was released after payment of bribe while he himself was implicated. Thus, the defence does not suggest a case of complete stranger identification in which the police inexplicably selected a mobile shopkeeper in Hyderabad. It supplies its own explanation for how the police came into contact with him.

62. That circumstance must not, however, be turned against the accused beyond its legitimate reach. The fact that Hafiz Irshad voluntarily travelled to Mirpurkhas, if true, could equally support innocence: a person knowingly

retaining stolen property might ordinarily be reluctant to approach police carrying documentary packaging connected with the transaction. Conversely, the prosecution's asserted personal recovery of the Nokia handset contradicts his account that he merely carried boxes relating to other phones. The Court must therefore decide the disputed recovery on the testimony proving it, not on speculation concerning what a guilty or innocent mobile dealer might have done.

63. Having reviewed the recovery evidence in the context of the entire record, this court finds no sufficient basis for reversing the trial Court's factual acceptance that the Nokia handset was recovered from Hafiz Irshad. The defence allegation that the handset actually belonged to or was recovered from Zubair was capable of direct corroboration. Zubair was not examined. No documentary record identifying him as purchaser or possessor of the particular Nokia handset bearing the two relevant IMEI numbers was produced. Hafiz Irshad acknowledged in cross-examination that IMEI particulars appear upon mobile-phone boxes. Yet the defence did not connect the boxes which, according to him, he carried to Mirpurkhas with the particular Nokia handset forming the subject of the charge. His narrative referred instead to Q-Mobile and Voice Mobile phones allegedly sold to Zubair. That distinction is material. It leaves unexplained why the specific Nokia handset corresponding with property originating from Noor Alam's house came to be attributed to him.

64. This Court is conscious that an accused is under no general obligation to prove innocence and that weakness of defence cannot fill a gap in prosecution proof. This reasoning does not proceed upon such reversal. The prosecution evidence first establishes the recovery and identifies the handset through its IMEI particulars. Once those facts are accepted, the explanation voluntarily offered by the accused becomes relevant in deciding whether the possession was innocent and whether the requisite knowledge may reasonably be inferred. The explanation did not withstand scrutiny because the particular commercial transaction described by him was not shown to concern the particular stolen Nokia handset. The evidence therefore goes beyond the proposition that he was simply a mobile dealer who happened innocently to handle an unidentified used phone.

65. His defence witness Dr. Raja Nooruddin supports the broader narrative that Hafiz Irshad operated a mobile business and that persons travelled to Mirpurkhas in connection with a customer detained by police. That evidence has not been ignored. Its limitation is that it does not satisfactorily displace the specific recovery of the Nokia handset or establish lawful acquisition of that particular device. Nor does it demonstrate that Zubair, rather than Hafiz Irshad, possessed the handset bearing the IMEI numbers corresponding with the deceased household property. The trial Court was therefore entitled to accept the prosecution evidence on possession and reject the defence explanation relating to the particular stolen handset.

66. The third ingredient, knowledge or reason to believe, requires particular caution. It would be unsafe to infer guilty knowledge solely because a stolen mobile phone was found with a dealer. But the trial Court had before it the specific identification of recently stolen property originating from a house in which three occupants had been murdered, the recovery from Hafiz Irshad, and an explanation which did not satisfactorily account for acquisition of the particular handset. Knowledge for purposes of section 411 may be inferred from circumstances where possession of specifically identifiable stolen property is accompanied by an explanation which, upon judicial examination, is found false or unrelated to the article actually recovered. This court therefore finds that the evidentiary circumstances were sufficient for the trial Court to draw the requisite inference. This finding remains confined to section 411, P.P.C.; nothing in the evidence justifies treating Hafiz Irshad as a participant in the murders or original robbery.

67. This court next deal collectively with the investigative deficiencies because they constitute an important limb of the appellants' challenge. The record reveals matters which a more careful investigation could and should have handled better. The chair and blanket associated with the position of Noor Alam's body were apparently not secured for forensic examination; fingerprints did not emerge as a meaningful evidentiary link; the scene documentation could have been more comprehensive; local residents were not associated with each outstation search; the same mashirs were repeatedly used; documentary proof concerning occupation of some searched premises was not collected; receipts or pre-existing identifying particulars of several items of property were unavailable; and the investigation underwent a change of officer at a stage when the initial investigator had not identified the present accused. These are legitimate forensic criticisms. An appellate Court affirming conviction must acknowledge them rather than dilute them merely because the offence was grave. The legal consequence of defective investigation, however, depends upon whether the defect contaminates the proof of guilt. Investigation is the means by which evidence is collected; the trial is the judicial process by which admissible evidence is tested. Serious investigative misconduct may create reasonable doubt where it destroys the reliability of a material link, permits substitution or planting of an article, suppresses evidence favourable to the accused, or renders the origin of an incriminating circumstance uncertain. But an omission by an investigator does not logically erase reliable evidence independently proved before the Court. The governing inquiry is therefore causal: what effect did the particular lapse have upon the fact which the prosecution was required to prove?

68. Tested in that manner, failure to seize the chair or blanket does not undermine the medical proof that Noor Alam died from the incised injuries described by the doctor; absence of useful fingerprint evidence means simply

that fingerprints cannot be used to connect the appellants and this court has not used them; absence of title deeds to searched houses reduces documentary corroboration of possession but does not nullify oral evidence concerning occupation; absence of local mashirs requires heightened scrutiny of the recoveries, which this court has undertaken; and repeated use of Samiullah and Ateeq Ahmed requires caution but does not compel rejection where the witnesses appeared and endured detailed cross-examination. This court has therefore excluded from consideration any evidentiary inference which the investigation failed properly to establish rather than allowing the investigative omissions to contaminate evidence which was independently proved.

69. The same approach answers the argument concerning the crime scene and the manner in which the house was entered after discovery. The witnesses were not completely uniform as to whether Asif Mari initially crossed the wall or whether a police constable did so at another stage. That discrepancy might have assumed significance if the identity of the first entrant was itself an incriminating circumstance against an accused, if there were an allegation that evidence was recovered by that person before police arrived, or if the integrity of a particular article depended upon an uninterrupted scene. It does not. The central facts, that the house was found closed, access was obtained, three bodies bearing severe neck injuries were discovered inside, another minor child was alive, and police thereafter processed the scene, remain unaffected. The discrepancy consequently does not reach the substratum of the prosecution case.

70. This court similarly finds no fatal significance in the delay in registration of the FIR. The informant was not an eyewitness. He learnt of the incident, proceeded to the house, encountered the murder of his brother, sister-in-law and minor niece, participated in the immediate proceedings and postmortem process, and lodged the report on the following day. More importantly, the FIR was against unknown offenders. The principal danger ordinarily associated with unexplained delay, consultation and deliberate nomination of an innocent adversary, is substantially diminished where the informant, despite the intervening time, does not nominate the eventual accused. The delay remains a circumstance to be considered, but in the factual setting it does not reasonably support the inference of a fabricated nomination. Nor does the FIR's reference to enmity rather than robbery bind the prosecution permanently to an initial conjecture about motive. An informant who did not witness an unseen murder could not be expected to know the offenders' precise purpose at the time of first report. Empty boxes and disorder might arouse suspicion of theft, but whether particular valuables were actually missing could require confirmation by household members. Subsequent proof that property had been removed is not legally excluded merely because the informant initially supposed that the killings arose from enmity. What would be impermissible is to manufacture robbery later without supporting evidence. Here, the prosecution relied upon scene circumstances, identification of missing articles and recoveries. The robbery

allegation therefore acquired an evidentiary basis independent of the informant's initial opinion.

71. This court now approaches the case through the controlling standard applicable to circumstantial evidence. Where there is no eyewitness to the actual killing, conviction cannot be founded upon a collection of suspicions, however grave. Each material circumstance relied upon must itself be proved by reliable evidence; those circumstances must be mutually compatible; and, when taken together, they must form a chain pointing to the guilt of the accused and inconsistent with a reasonable hypothesis of innocence. A missing material link cannot be supplied by the brutality of the offence, by moral suspicion, by abscondence alone, or by weakness of the defence. Equally, the chain is not tested by asking whether each link, viewed alone, proves the entire charge. Circumstantial proof derives its force from the relationship between independently established facts.

72. The first circumstance is incontrovertible: Noor Alam, Mst. Maryam and minor Fatima Noor suffered homicidal deaths inside the same residence. The medical officers proved devastating incised injuries involving major vessels of the neck and attributed death to haemorrhage and shock caused by sharp cutting force. The medical evidence is consistent with an attack upon victims who could have been in a lying or restrained position. It supplies the objective foundation of the criminal transaction.

73. The second circumstance concerns the character of the occurrence. Empty jewellery/mobile boxes and the later identification and tracing of household property provide evidence from which the trial Court could conclude that removal of valuables accompanied the killings. This court does not infer from this alone that every person later possessing an article was one of the killers. Its significance is to establish robbery as part of the transaction and to provide the factual context within which subsequent recoveries are evaluated.

74. The third circumstance is the presence of Mst. Parveen. PW-9 Muhammad Sharif placed her entering Noor Alam's house around Maghrib after Mukhtiar brought her on a motorcycle. Independently, Parveen's own judicial confession placed her inside that house during the relevant night. The two sources converge upon a fact central to the prosecution case. Her later sworn assertion that she was at village Sadhar directly contradicts her contemporaneous judicial statement. For the reasons already recorded concerning the Magistrate's evidence, reflection period, warnings and inquiry into coercion, the trial Court was entitled to prefer the judicial account.

75. The fourth circumstance is the content of that confession. It describes the entry of Mann Keerio and Mumtaz Lund, the attack upon Maryam, Noor Alam and Fatima, the demand and removal of valuables, the departure of the

assailants and Mukhtiar's arrival around dawn. The account corresponds in its broad physical features with the scene and medical evidence. Against Parveen herself it constitutes a direct admission of her presence and conduct. Against the jointly tried co-accused it must be treated with the legally required restraint and cannot be permitted to replace independent evidence.

76. The fifth circumstance consists of the recoveries. From premises to which Parveen led police came a sharp-edged instrument and articles identified as household property. From premises attributed to Mukhtiar came computer/camera equipment identified with the deceased household; from Mukhtiar personally came the ring bearing Noor Alam's name; from Mann's premises came jewellery identified by Nayara; and from premises attributed to Mumtaz/Asghar came further jewellery. The evidentiary quality of these recoveries is not identical. This court assigns greater weight to specifically identifiable property and lesser corroborative weight to generic articles. But taken together, they provide independent circumstances materially consistent with the distribution of property following the robbery described in the confession.

77. The sixth circumstance, applicable only where proved, is subsequent avoidance of the process. This court reiterates that abscondence neither proves the offence nor repairs an incomplete chain. It becomes relevant only after substantive evidence has connected the accused with the transaction. Used in that restricted manner, the prolonged non-availability of Mann and Asghar/Mumtaz is conduct which the trial Court could consider alongside, but never instead of, the other evidence.

78. The defence invites this court to view the case through a competing composite hypothesis: Parveen was coerced by detention of her relatives; Muhammad Sharif fabricated the Maghrib arrival; the Magistrate failed to protect her from police influence; the Labour Colony recovery was planted; property was similarly planted at Sadhar and Piyaro Keerio; Mukhtiar's named ring was planted; the alias Mumtaz was manufactured to ensnare Asghar because of DSP Mehboob Lund's hostility; and the Nokia handset attributed to Hafiz Irshad actually belonged within the transaction involving Zubair. Any one of these propositions, if supported by evidence sufficient to make it reasonably probable, could materially weaken the relevant prosecution link. The difficulty is that the record does not supply a coherent evidentiary foundation for the combination. .Reasonable doubt is not measured by the number of alternative suggestions made in cross-examination. Ten speculative possibilities do not necessarily create one reasonable doubt. Conversely, a single material circumstance genuinely inconsistent with guilt is enough. The Court must therefore examine quality, not arithmetic. Here the allegations of coercion encounter Parveen's contemporaneous denial before the Magistrate; the allegation against Muhammad Sharif encounters his persistence on the limited circumstance despite refusing to support the prosecution on another material allegation; the planting theory requires separate fabrication at several locations; the mistaken-

identity plea concerning Asghar encounters evidence of prior use of the same aliases; and the Zubair explanation does not satisfactorily account for the particular Nokia handset. None constitutes that single material inconsistency which would render the prosecution chain reasonably compatible with innocence.

79. This conclusion does not mean that every prosecution witness has been accepted in every respect. PW-9's allegation attributed by police concerning Mann and Mumtaz in the street has not been relied upon because he did not support it. Abscondence has not been used as substantive proof. The churri has not been treated as scientifically established to be the actual murder weapon. Generic jewellery has not been accorded the same evidentiary weight as the named ring or IMEI-correlated mobile. Earlier suspicion against Nayara has not been concealed. The investigative omissions have been acknowledged. Once these qualifications are made, however, the surviving evidence remains sufficiently interconnected to sustain the principal findings reached by the trial Court.

80. The doctrine of benefit of doubt therefore requires no dilution in order to maintain the convictions. It is settled at the highest level that an accused is entitled to the benefit of a single circumstance creating reasonable doubt and that such benefit is a right, not a concession. The principle operates with full force in a capital or otherwise grave prosecution. But it is equally fundamental that the doubt must be reasonable, one arising naturally from the evidence or absence of evidence concerning a material ingredient. The Court is not required to manufacture doubt by fragmenting mutually corroborative circumstances or by treating every lapse of memory concerning peripheral detail as destructive of substantive testimony.

81. Viewed against that standard, differences concerning exact times, distances, directions, number of houses, precise placement of an article or other peripheral details does not displace the material consistencies already identified. Human recollection is not photographic, particularly when witnesses recount several investigative events after a substantial lapse of time. A contradiction becomes material when it affects identity, participation, recovery, voluntariness of confession, the origin of an incriminating article, or another essential link. The appellants have demonstrated imperfections, but not a contradiction of that character sufficient to dismantle the chain accepted by the trial Court.

82. This court accordingly answer the first question for determination by holding that the prosecution established beyond reasonable doubt the homicidal deaths of Noor Alam, Mst. Maryam and Fatima Noor. The medical evidence, scene evidence and undisputed discovery of the bodies admit of no reasonable alternative. It is further hold that removal of valuable property formed part of the same criminal transaction, as supported by the scene circumstances and subsequent tracing and recovery of articles associated with the deceased household.

83. The second question is answered by holding that the judicial confession of Mst. Parveen was legally proved and, upon an examination of the circumstances in which it was recorded, was rightly treated by the trial Court as voluntary and truthful in its material particulars. The omission of an express recorded assurance that she would not be returned to the same police if she declined to confess is a matter of concern and the preferable judicial practice is to record such assurance unequivocally. In the peculiar circumstances here, however, the omission does not outweigh the substantial safeguards actually established: separation from police, a meaningful period for reflection, express inquiry concerning threat, torture, inducement and detention of relatives, warning of the consequences of confession, and the testimony of the recording Magistrate. Her subsequent retraction was therefore rightly assessed with caution and did not render the confession unusable. As regards its effect upon co-accused, the confession has not been treated as an autonomous substitute for proof. Its use against the jointly tried co-accused is confined to the legally permissible corroborative field and is accompanied, in the cases of the principal accused, by independent circumstances discussed above. This distinction is essential to this court conclusion and forms part of the ratio upon which the convictions are maintained.

84. The third question concerning Muhammad Sharif is answered by holding that his evidence did not become wholly effaced merely because he failed to support the prosecution on another allegation and was treated as hostile to that extent. His testimony placing Mukhtiar bringing Parveen to the deceased's house was maintained under cross-examination and finds significant corroboration from Parveen's own judicial statement admitting her presence in the house. This court accepts that limited portion and expressly decline to resurrect through his police statement the allegations concerning Mann and Mumtaz which he did not affirm before the Court.

85. On the fourth question, the recoveries from or connected with Parveen, Mukhtiar, Mann and Asghar/Mumtaz were capable of being relied upon as corroborative circumstances. Their probative value varies according to the distinctiveness of the property and the quality of identification. The ring carrying Noor Alam's name carries greater intrinsic identifying force; generic jewellery and household electronics carry lesser but still relevant corroborative force when identified by a family member and recovered in the surrounding circumstances proved. The objections concerning absence of title deeds, purchase receipts and local mashirs have been taken into account but do not, on this record, render the recoveries legally or factually worthless.

86. The fifth question is answered against appellant Asghar Ali. The prosecution sufficiently established for purposes of this case that the person referred to as Mumtaz Lund/Mumtaz alias Ali Asghar alias Bhoro was the

appellant before the Court. His official documents proving the name Asghar Ali do not establish that he was never known by an alias. The evidence of prior use of the composite alias and his failure to challenge that identity when previously proceeded against under it are relevant to this limited identity question. This court emphasize again that no adverse propensity inference has been drawn from the existence or result of another criminal case.

87. The sixth question, concerning Hafiz Irshad Ali Shah, is answered by holding that the prosecution established the ingredients of section 411, P.P.C. The Nokia handset was specifically traceable to the deceased household through identifying particulars; its recovery from Hafiz Irshad was accepted upon appraisal of the witnesses; and the explanation offered by him concerning Zubair did not satisfactorily account for the particular handset. In those circumstances the trial Court was entitled to infer dishonest receipt or retention with knowledge or reason to believe that the property was stolen. His liability remains confined to that offence and is not evidence that he participated in the murders or original robbery.

88. On the seventh question, abscondence or non-availability has been assigned only corroborative weight where substantive incriminating evidence independently existed. It has not been treated as proof of guilt and has played no role in supplying an otherwise missing ingredient.

89. On the eighth and final evidentiary question, the investigative defects, discrepancies and defence evidence, whether considered separately or cumulatively, do not generate a reasonable doubt concerning the essential prosecution chain. Certain lapses deserved criticism and certain items of evidence deserved reduced weight. After making those reductions rather than ignoring them, the surviving evidence remains sufficient to support the findings recorded against the respective appellants.

90. This court has finally examined the impugned judgment itself from the perspective of appellate correction rather than merely comparing its conclusion with own. The learned trial Judge was confronted with an unusually voluminous record arising from an unseen triple murder, a retracted judicial confession, multiple recoveries, a witness hostile in part, separate defences of false implication and police hostility, and accused persons who themselves elected to testify on oath. The judgment demonstrates awareness of the essential controversies and accepts the prosecution case on the cumulative strength of the confession, recoveries, surrounding circumstances and medical evidence. Although some propositions could have been expressed with greater legal precision, particularly the evidentiary limits governing a co-accused's confession, abscondence and generic recovered property, the ultimate findings do not become unsustainable merely because this appellate Court has articulated those limitations more fully. An appellate Court is not required to set aside a conviction

because some part of the trial Court's reasoning admits of supplementation or refinement. Interference becomes necessary where a material ingredient has not been proved, inadmissible evidence has supplied the foundation of conviction, the burden has been impermissibly shifted, material defence evidence has been ignored, or the conclusion is otherwise unreasonable upon the record. Having independently reappraised the evidence rather than presuming the trial Court to be correct, this court does not find such an infirmity here. The evidentiary conclusion survives even after the doubtful or overstated components are assigned no greater weight than the law permits.

91. There is one further matter which assumes particular importance where the impugned judgment includes severe sentences. The abhorrent character of the occurrence, the killing of three members of a family, including a minor child, cannot itself justify either conviction or enhancement of evidentiary standards against the accused. Emotion cannot repair a missing link. This court therefore consciously approached the record without treating the brutality of the crime as evidence of the identity of its perpetrators. The convictions are maintained because the admissible circumstances establish the respective liabilities beyond reasonable doubt, not because the consequences of the crime naturally evoke indignation. Conversely, once participation in a planned robbery accompanied by the deliberate killing of the occupants is proved, the nature of the transaction becomes relevant to the legal consequences flowing from that guilt. The victims were attacked within the security of their home; the evidence accepted by the trial Court depicts sequential sharp-force killings rather than a sudden single blow; and a minor child also lost her life during the same enterprise. There is nothing in the evidentiary findings accepted by this court which would justify disturbing the trial Court's assessment merely on the ground that the prosecution case was circumstantial. Circumstantial evidence which satisfies the criminal standard is not a lesser species of proof than direct evidence. The individual positions must nevertheless remain distinct. Parveen's liability rests principally upon her own judicial confession read with proof of her presence, conduct and recovery; Mukhtiar's upon the evidence surrounding Parveen's arrival and departure, recoveries from his connected premises and the named ring attributed to his personal possession; Mann's upon the confession naming him reinforced by the recovery from his premises and limited subsequent conduct; Asghar/Mumtaz's upon the confession, the independently examined identity link and corroborative recovery; while Hafiz Irshad's liability is confined to receiving or retaining stolen property under section 411, P.P.C. This accused-wise separation is necessary because collective narration of evidence must never become collective attribution of guilt.

92. For all the foregoing reasons, it is concluded that the defence has not demonstrated misreading or non-reading of evidence of such magnitude as would justify reversal, nor any illegality in the ultimate findings which has occasioned a miscarriage of justice. The prosecution proved the material

ingredients against the respective appellants to the standard required in criminal law. The doubts suggested by the defence have been examined rather than presumed away, but they do not mature into reasonable doubts capable of displacing the proved chain. Consequently, subject to the precise statutory convictions and sentences as recorded in the operative portion of the impugned judgment, which are hereby maintained, Criminal Appeal No.48 of 2024 fails and is dismissed. The judgment of conviction and sentence passed by the learned Additional Sessions Judge-I/MCTC, Mirpurkhas, is upheld. The benefit of section 382-B, Cr.P.C., already available and granted in accordance with law, shall remain intact.

93. Any appellant presently undergoing sentence shall continue to serve the same in accordance with law. If any appellant whose conviction and substantive sentence stand maintained is presently on bail pursuant to an order passed during pendency of the appeal, the legal consequences regarding his bail and custody shall follow in accordance with the operative sentence and applicable orders. The case property shall be dealt with in accordance with the directions contained in the impugned judgment after attainment of finality. The appeal stands dismissed in the above terms. The impugned judgment is maintained.

JUDGE