

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
MIRPURKHAS**

**Criminal Appeal No.S-197 of 2024**

Appellant : Hussain Bux s/o Ali Khan Shar.  
Through Mr. Yar Muhammad Mangrio,  
Advocate.

The State : Through Mr. Shahzado Saleem Nahiyoon,  
Additional P.G, Sindh.

: None present on behalf of L.Rs of deceased.

Date of hearing : 12-02-2026

Date of decision : 12-02-2026

**JUDGMENT**

**MIRAN MUHAMMAD SHAH, J;** Through this Judgment, I shall decide the fate of the Criminal Appeal preferred by the appellant Hussain Bux s/o Ali Khan Shar, whereby he has impugned the judgment dated 30-07-2024, passed by learned Additional Sessions Judge, Khipro, in Sessions Case No.893/ 2023 (Re. *The State Vs. Hussain Bux*), vide FIR Crime No.49/2023, registered for the offences punishable under Section 302/311 PPC at Police Station, Khahi, whereby he, for having committed the murder of his wife Mst Fateh Khatoon, was sentenced to suffer imprisonment for life under Section 302(b) PPC r/w section 311 PPC, with fine of Rs.200,000/-, and in default thereof, he shall suffer S.I for six months more.

2. Brief facts of the prosecution case are that on 26-08-2023 at 1130 hours, complainant SIP Ghulam Muhammad Sahto SHO PS Khahi lodged FIR at police station Khahi on behalf of the state, stating therein that he is posted as SHO PS Khahi. On 25-08-2023, he was present at PS Khahi where namely Ali Khan S/o Haji Abid Shar R/o Village Rasool Bux Mahar, Taluka Khipro appeared and disclosed that his son Hussain Bux Shar committed murder of his wife Mst.Fateh Khatoon D/o Muhammad Khan Shar aged about 26/27 years on seeing with unknown person by throttling on the pretext of honour, whose dead body is lying inside Chonra of house

and they should make proceedings, on which they made roznamcha entry No.13 dated.25-08-2023 at 1900 hours and left PS vide entry No.14 at 1910 hours with HC-Shoukat Ali, PC Ashique Hussain in government vehicle No.SPC-740 driver PC Sultan Ahmed with informer Ali Khan and proceeded towards incident and at about 2000 hours on showing of informer Ali Khan inspected the dead body of Mst.Fateh Khatoon inside Chonra conducted formalities and took dead body for postmortem and after that handed over dead body to legal heirs and asked them for further proceedings who told that after burial they would come at PS and will conduct further proceedings, then they alongwith staff returned back at PS vide entry No.17 on 26-08-2023 at 0400 hours. As the accused Hussain Bux Shar has committed murder of his wife Mst.Fateh Khatoon on seeing with unknown person on the pretext of honour inside Chonra of his house, therefore, FIR is lodged on behalf of the state. After completion of usual investigation SHO P.S Khahi submitted challan in the Court of learned Judicial Magistrate, Khipro, who sent up the case for trial to the Court of Honourable Sessions Judge, Sanghar, as the offence is exclusively triable by the Court of Sessions, from where R & Ps of the case were received to trial by way of transfer for disposal according to law.

3. The necessary case papers were supplied to the accused charge was framed against the appellant, to which he pleaded not guilty and claimed trial.

4. At trial, the prosecution to prove its case, examined in all six (06) witnesses, who had produced numerous documents and then learned Prosecutor closed the prosecution side by filing such statement. Thereafter, statement(s) of the appellant/ accused under section 342 Cr.P.C was recorded wherein he denied the allegations being false and claimed his innocence and further stated that he did not know as to how his wife died. Further, he did not examine himself on oath as required u/s 340(2) Cr.P.C, nor led evidence of his father Ali Khan in his defence. After hearing learned counsel for both parties, learned trial Court convicted the appellant through impugned judgment, hence this Criminal Appeal.

5. Mr. Yar Muhammad Mangrio, learned counsel for the appellant has argued that impugned judgment of the trial court is challenged as the impugned judgment is wholly unsustainable under law, as it is contrary to all settled principles regarding appreciation of evidence, facts, documents, and circumstances; that the learned trial Judge failed to properly evaluate the evidence, ignored material contradictions in the statements of P.Ws, and overlooked that there were no eyewitnesses or substantial chain of evidence implicating the appellant; that appellant has been falsely implicated, and the confessional statement was obtained under police pressure. Despite the appellant and his family being present at the relevant time and place, the learned trial Court hastily convicted him without proper inquiry or consideration of doubts in the prosecution case; that the allegations could easily have been fabricated, and the P.Ws were interested parties set up by the complainant and prosecution; that the purported recovery evidence was insufficient to support conviction; that the impugned judgment reflects a misreading of the record, incorrect application of legal principles, and has resulted in gross injustice, while the prosecution failed to prove the charges beyond reasonable doubt. Lastly he prayed for acquittal of the appellant.

6. While, refuting the above contentions, the learned Additional Prosecutor General, appearing for the State argued that appellant has committed pre-planned and intentional murder of his wife. He has further argued that the no material contradiction and discrepancy is pointed out by the learned defence counsel to show his false implication in this case, therefore, in such circumstances, the learned trial Court has rightly awarded the conviction and sentenced to the appellant. He lastly prayed for dismissal of the instant appeal.

7. I have heard the learned counsel for the appellate/accused as well as the learned Additional Prosecutor General Sindh and perused the evidence and other material record of the case.

8. At the very outset, it is very clear that the medical evidence has stated that the deceased died due to strangulation and her

death was unnatural. The defence, nowhere in the entire case, nor during the course of leading evidence, has been able to shatter the prosecution story. All the witnesses, who are either police officials or government functionaries such as the Tapedar of the beat and the Medico-Legal Officer, who are considered to be independent witnesses, as they do not possess any enmity against either of the parties. They are liable under the law to take cognizance of such offences, particularly where a family member kills another family member, especially a female, and when no complaint is filed on behalf of the deceased's side. In such circumstances, it is strongly expected that the case may fall within the ambit of honour killing. In the present case, the final medical certificate clearly opines that the death was unnatural and caused by strangulation. From the evidence, it has come on record that the police were informed by the very persons who were responsible for committing the crime. One of them, Hussain Bux, was made an accused against whom a charge under Section 302 PPC was framed, whereas the father of the appellant/accused Hussain Bux namely Ali Khan appeared as a defence witness. The accused never made any statement on oath; however, his father was produced as a defence witness. Despite the confessional statement made by the accused before the concerned Magistrate under Section 164 Cr.P.C., wherein he stated in clear words that he had committed the murder of his wife due to her alleged affair with another person, he later resiled from his statement. The confessional statement was recorded voluntarily, and the wording therein clearly shows that he admitted the commission of the murder. However, during the trial, he completely resiled from his statement before the Magistrate and stated that he did not know who had killed his wife and that he had been falsely implicated in the case, pleading innocence. His father, as a defence witness, despite being the person who informed the police about the incident, stated that his son was innocent and falsely implicated. He further pleaded that his daughter-in-law was a patient of epilepsy and that her treatment was ongoing, and that she perhaps died due to such illness; however, he did not produce any proof of medical treatment or any medical examination

conducted by a doctor. He pleaded that they are illiterate people and were unable to produce any such document. His statement came in complete contradiction to the clear medical evidence, which categorically stated that the cause of death was unnatural and due to suffocation and strangulation. Although his wife (the mother of the accused) was also present along with the son and husband at the time of the incident, she was never examined as a defence witness. The prosecution evidence is confidence-inspiring, consistent, and independent. The defence was unable to shatter the prosecution evidence; rather, the only defence evidence was that of the father of the accused, which cannot be treated as independent evidence. Not a single ground was taken by the defence counsel which could go in favour of the present appellant/accused.

9. The cases of honour killing, particularly after the new amendments in the law, cannot be allowed to go scot-free. Any sort of leniency shown to the accused in such cases is undue, and the courts must not permit such crimes to be committed in society. Acquittal of such accused persons may result in furtherance of such offences, which are crimes against society and bring women into further victimization and insecurity. Although such acts are often attributed to the alleged wrongdoing of women who, influenced by recent media hype, may fall into illicit relationships, I do not find any justification for honour killing as a consequence of such alleged conduct. In fact, many times, out of mere intolerance, wives, sisters, and mothers have to face the wrath of male family members, though no evidence of any sort is produced, especially in cases such as the present one, where there is no evidence available in support of the accused and where the woman appears to be helpless, with no one from her own family even coming forward to register a case. It is all the more the responsibility of the State to come forward, take over such cases on its own, and ensure that the accused meets the fate which he deserves under the law. The Criminal Law (Amendment) Act, 2016 provides the following provisions:

- Murder committed in the name of honour is punishable with death or imprisonment for life.
- For murder committed in the name of honour, even if the accused is pardoned by the Wali or other family members of the victim, the Court will still punish the accused with imprisonment for life.

10. After the amendment in the law, cases of honour killing have been made non-compoundable. The law categorically provides that the accused in such cases must not go scot-free and prescribes the penalty of death or imprisonment for life. Despite the un-shattered and confidence-inspiring version of the prosecution, supported by strong medical evidence, and the uninspiring and contradictory statements of the accused as well as the defence witness, there may have been certain technical aspects which could have been considered in favour of the present appellant/accused at the time of trial. However, even after taking such technicalities into consideration, the learned trial Court has very rightly awarded the sentence of life imprisonment to the present appellant/accused. The appellant/accused has failed to make out a case for acquittal. Therefore, I maintain the impugned judgment dated 30.07.2024, passed by the learned Additional Sessions Judge, Khipro, in Sessions Case No. 893 of 2023, and dismiss Criminal Appeal No. 197 of 2024. These are the detailed reasoning of my short order dated 12.02.2026.

**JUDGE**