

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

Criminal Appeal No. S-23 of 2025

Appellant : Rehan Sarwar son of Muhammad Sarwar
Through Mr. Abdul Hafeez Mari, Advocate.

Complainant : Faqeero son of Jakhro.
Through Mr. Farhan Ahmed Bozdar, Advocate.

Criminal Revision Application No. S-17 of 2026

Applicant : Faqeero son of Jakhro.
Through Mr. Farhan Ahmed Bozdar, Advocate.

Respondent No.1 : Rehan Sarwar son of Muhammad Sarwar
Through Mr. Abdul Hafeez Mari, Advocate.

The State : Through Mr. Neel Parkash D.P.G

Date of hearing : 16.07.2026
Date of Judgment : 31.07.2026

J U D G M E N T

KHALID HUSSAIN SHAHANI, J: — These two proceedings, Criminal Appeal No. S-23 of 2025, preferred by the convict Rehan Sarwar assailing the judgment of conviction and sentence dated 03.11.2025 rendered by the learned 2nd Additional Sessions Judge, Mirpurkhas in Sessions Case No. 41 of 2025, and Criminal Revision Application No. S-17 of 2026, instituted by the complainant Faqeero seeking enhancement of that very sentence, spring from a common judgment in a common sessions case. They were, with propriety, heard in tandem and shall, with equal propriety, be disposed of through this consolidated pronouncement.

2. The appellant stood convicted below for offences under Sections 324, 334, 337-F(iii), 506(ii) and 504 PPC arising from Crime No. 02/2025, Police Station Digri. The sentencing schema comprised seven years' rigorous imprisonment under Section 324 PPC, Arsh of Rs. 4,914,335/- under Section 334/337-F(iii) PPC, a further seven years under Section 506(ii) PPC, and two years under Section 504 PPC, all custodial terms running concurrently, with the benefit of Section 382-B Cr.P.C. extended. The appellant impugns the entirety of this

verdict; the complainant, in mirror-image grievance, decries its inadequacy as shockingly disproportionate to the gravity alleged.

3. The genesis of this prosecution lies in a First Information Report bearing Crime No. 02/2025, lodged on 10.01.2025 at about 18:15 hours at Police Station Digri by the complainant Faqueera son of Jakho, Meghwar, against the appellant Rehan Sarwar. According to the FIR, on 09.01.2025 at about 12:20 hours, when the complainant was present at his house situated in Deh 170-A, Taluka Digri, the accused, who harboured longstanding enmity arising out of a property and land dispute, came to the gate of the complainant's house, subjected the complainant to abusive language and issued threats of dire consequences. The complainant and his cousin Habo Meghwar then stepped out of the house, whereupon the accused, who was armed with a single-barrel gun, with the intention of committing Qatl-i-Amd, made a straight fire towards them. The shot struck Habo Meghwar on his left leg, just above the knee, causing him to collapse with blood oozing from the wound. The accused then extended further threats and fled from the spot. The injured was first taken to the Police Station, Digri, and thereafter to Taluka Hospital Digri, from where he was referred to Civil Hospital Hyderabad, where he was admitted on 09.01.2025. The FIR was lodged the next day, 10.01.2025, at 18:15 hours. Thereafter, on 24.03.2025, the leg of the injured Habo Meghwar was amputated above the knee at Shaheed Mohtarma Bhutto Institute of Trauma, Karachi. In consequence of this amputation, Section 334 PPC was added to the case. The case was investigated by ASI Iftikhar Ahmed, the Investigating Officer of the case.

4. After investigation and submission of the final report u/s 173 Cr.P.C, the case was committed to the court of the learned 2nd Additional Sessions Judge, Mirpurkhas, which numbered it as Sessions Case No. 41 of 2025. The charge was first framed on the original FIR sections and was subsequently amended on 14.06.2025 to incorporate Section 334 PPC. The accused entered a plea of not guilty and claimed trial. The prosecution thereafter proceeded to adduce its evidence.

5. The prosecution examined eight witnesses in all. PW-1, Faqueero son of Jakho, the complainant, was the first to step into the witness

box. He narrated the occurrence in terms consistent with the FIR: that the accused came to his door and made a shot at his cousin Habo Meghwar, who sustained injury on his left leg, and that he thereafter took the injured in his own rickshaw along with witnesses to the Police Station before proceeding to the hospital. PW-2, Hisbur Rehman son of Muhammad Ishaque, aged 63 years, a landlord and cast-fellow of the accused, identified himself as an eye-witness who heard cries from his agricultural land at a distance of 10 to 15 steps from the place of occurrence, and rushed there along with PW-3. He corroborated the complainant's version of the occurrence and stated that the accused was standing at a distance of 15 to 20 steps from the injured when he fired. PW-3, Mohibullah son of Hafiz Musaddiq Iqbal, a landlord and nephew of PW-2, similarly stated that he and his uncle Hisbur Rehman rushed to the spot upon hearing cries from their adjacent agricultural land and witnessed the firing by the accused. He stated that the accused was at a distance of about 10 to 15 steps from the injured at the time of firing. PW-4, Dr. Muhammad Azam Akhter, the Medical Officer posted at Taluka Hospital Digri, deposed that on 09.01.2025 the injured Habo was brought to him along with a police letter; that he found 16 to 17 circular entry wounds of 0.5 cm size on the anterior to medial aspect of the left thigh and knee joint, declared them to be of firearm nature, gave emergency treatment and referred the injured to LUMHS Hyderabad; that after receiving expert opinion from LUMHS he issued the Final Medico-Legal Certificate declaring the injuries as *Ghayr-Jaifah Mutalahimah* under Section 337-F(iii) PPC; and that subsequently the injured was admitted at the Shaheed Mohtarma Bhutto Institute of Trauma, Karachi, where a medical board recommended and performed amputation of the left leg. PW-5, Habo son of Moriya, the injured, also deposed as a witness and corroborated the fact of the occurrence. PW-6, Faqeeria, an elderly man, was produced as a mashir witness. PW-7, Muhammad Urs, Police Constable, was the bearer who produced property in court. PW-8, ASI Iftikhar Ahmed, the Investigating Officer, deposed about his investigation, the site inspection conducted on 11.01.2025 and the recovery of one 12-bore cartridge from the place of occurrence.

6. In his statement recorded under Section 342 Cr.P.C., the accused denied all allegations and stated that the case was false and

fabricated, arising out of enmity flowing from a civil land dispute and the Constitution Petition he had filed. He opted to appear as a defence witness under oath and examined himself, taking a plea of alibi to the effect that on 09.01.2025 at about 11:00 a.m. he, along with Razaullah and Abrar, had gone to their agricultural land in District Badin and was away from the village at the time of the alleged incident. He claimed that at about 12:30 p.m. he received a phone call from villagers informing him that police had come to his house, and that upon returning, he saw police officials sitting inside his house. He produced newspaper clippings, photographs and several documents in support of his version and reiterated that the present case was a consequence of civil litigation and police hostility against him. He also examined two defence witnesses, namely Muhammad Ibrar, a shopkeeper, and Razaullah, a pesticide dealer, to corroborate his plea of alibi.

7. The learned trial court, after hearing arguments of the parties, returned findings holding the charge as proved and convicted and sentenced the appellant in the manner described above.

8. Before this Court, the learned counsel for the appellant, Mr. Abdul Hafeez Mari, has vehemently argued that the impugned judgment is the result of a superficial and mechanical evaluation of evidence and does not stand the test of judicial scrutiny. He has submitted that the prosecution case is riddled with glaring contradictions, suspicious infirmities and investigative lapses that collectively demolish any confidence in the prosecution version. He has placed emphasis on the fact that there was an unexplained delay of more than 28 hours in the registration of the FIR, notwithstanding that the incident occurred at 12:20 hours on 09.01.2025 and the FIR was not lodged until 18:15 hours on 10.01.2025. He has argued that such delay, unexplained on the record, must be attributed to deliberation, consultation and the manufacture of a case against the accused, all the more so in the context of pre-existing civil litigation between the parties. He has submitted that the statements of prosecution witnesses under Section 161 Cr.P.C. were also recorded with delay, as the statements of the eye-witnesses were recorded on 11.01.2025, and the prosecution has offered no satisfactory explanation for this further delay. He has further drawn the attention

of this Court to the fundamental contradiction between the complainant PW-1 and the injured PW-5 regarding the identity of the eye-witnesses: the complainant named Hisbur Rehman and Mohibullah as those who rushed to the spot on hearing cries, whereas the injured Habo in his own deposition named Babo and Habibullah as the persons who arrived, an irreconcilable conflict that strikes at the very core of the prosecution narrative. He has submitted that Babo and Habibullah, named by the injured as eye-witnesses, were neither mentioned in the police report under Section 173 Cr.P.C. nor were their statements recorded by the Investigating Officer, nor were they produced before the court to depose, and this deliberate withholding of the best available evidence must draw an adverse inference against the prosecution under Article 129(g) of the Qanun-e-Shahadat, 1984. He has also argued that there is no recovery of the weapon of offence; that no blood-stains were collected from the place of occurrence despite the admitted profuse bleeding; that the Malkhana In-Charge WPC Utam Das was not examined; that the clothes of the injured were not sent for chemical examination to verify the presence of blood or firearm residue; that the recovered empty cartridge was sent to the Forensic Science Laboratory after an unexplained delay of six days; that five pellets found in the body of the injured were not sent for analysis; that no private or independent person from the locality was examined despite an admitted large number of residential houses in the immediate vicinity of the place of occurrence; and that the single shot, if fired from a distance of 15 to 20 feet, could not scientifically or naturally have caused injury exclusively to one person while leaving all others present in close vicinity completely unscathed.

9. He has further highlighted that there are irreconcilable contradictions between the prosecution witnesses regarding the time and sequence of events after the occurrence, the complainant and the eye-witnesses stated they reached the Police Station at about 12:50 p.m. and also stated they reached Taluka Hospital Digri at about 12:50 p.m., whereas the Mushirnama of injuries was prepared at 01:20 p.m., and the complainant himself admitted they left for Hyderabad at about 01:15 p.m., creating a situation in which the Mushirnama appears to have been prepared in the absence of the injured and the mashirs themselves. He has argued that the IO

admitted receiving information about the incident at about 13:50 hours, yet the police diary entry was kept at 13:00 hours, making even the official entries internally inconsistent and indicative of manipulation. He has further pointed out the three-way contradiction among the prosecution's own witnesses regarding the treatment letter: the complainant said police issued it at the Police Station; the IO said he gave it directly to the doctor at the hospital; and the doctor said no police official was present during examination. He relied upon the case laws reported as Faqir Muhammad and another¹, Muhammad Ikhlas², Misal Khan and another³ and Zulfiqar Khan and another⁴.

10. The learned Assistant Prosecutor General, Mr. Dhani Bakhsh Mari, and the learned counsel for the complainant, Mr. Farhan Ahmed Bozdar, have on their part defended the impugned judgment. They have submitted that the prosecution has proved its case through the consistent, confidence-inspiring and mutually corroborating testimonies of the complainant, two eye-witnesses and the injured himself, fully corroborated by the medical evidence. They have submitted that minor discrepancies in the depositions of witnesses are a natural consequence of human observation and memory and do not go to the root of the case. They have urged that the injured has suffered permanent disability for life through the loss of his leg, and that this Court must not interfere with the concurrent finding of guilt returned by the learned trial court. The learned complainant's counsel has additionally submitted in the context of Criminal Revision Application No. S-17 of 2026 that the sentence awarded is manifestly inadequate, that the trial court erred in not awarding a substantive term of imprisonment under Section 334 PPC in addition to Arsh, and that the concurrent running of sentences defeats the purpose of punishing separate crimes.

11. This Court has heard the learned counsel for the parties at length and has independently and painstakingly re-examined the entire record of the trial court, including the depositions of all prosecution and defence witnesses, the Medico-Legal Certificates, the memos, the statement of the accused under Section 342 Cr.P.C., the

¹ Faqir Muhammad and another v. The State (PLD 2011 Supreme Court 796).

² Muhammad Ikhlas v. The State (2025 PCr.LJ 57).

³ Misal Khan and another v. Amjad Khan and another (2021 YLR 2153).

⁴ Zulfiqar Khan and another v. The State and another (2026 YLR 142).

defence evidence, the application under Sections 22-A and 22-B Cr.P.C., the Constitution Petition No. D-884 of 2024, the civil suit proceedings and all other material documents forming part of the record.

12. The settled principle of criminal law, from which no departure has been sanctioned, is that the prosecution must prove its case against the accused beyond reasonable doubt through cogent, convincing and confidence-inspiring evidence. It is never the obligation of the accused to prove his innocence. The standard demanded by the law is proof beyond reasonable doubt, which does not mean proof beyond all doubt or to a mathematical certainty, but it means such proof as leaves no reasonable doubt in the mind of a reasonable and prudent person. It is equally settled that where doubts are cast upon the prosecution case, and where a fair reading of the record generates a reasonable hypothesis other than the guilt of the accused, the benefit thereof must invariably and as a matter of right be extended to the accused. These foundational principles have been consistently reaffirmed by the superior courts and this Court is bound by them.

13. The first and perhaps the most foundational infirmity that strikes this Court upon a perusal of the record is the unexplained and substantial delay in the registration of the FIR. The occurrence is alleged to have taken place on 09.01.2025 at 12:20 hours at Deh 170-A, Taluka Digri, a village locality, in broad daylight. The injured was admittedly transported to Police Station Digri on the very day of the occurrence, and from there to Taluka Hospital Digri, and then to Civil Hospital Hyderabad. The complainant himself admits that on the very day of the incident, he went to the Police Station before going to the hospital. All this happened on 09.01.2025 itself, yet the FIR was not lodged until 10.01.2025 at 18:15 hours, more than 28 hours after the occurrence. No satisfactory explanation whatsoever has been offered for this glaring delay. Mohibullah, PW-3, specifically deposed that he and Hisbur Rehman returned to their village after leaving the injured at Hyderabad, and yet the FIR was lodged only on 10.01.2025 at 18:15 hours, with PW-3 himself also accompanying the complainant to the Police Station at that time.

14. This delay assumes heightened significance in the peculiar background of this case. It is admitted on the record that a civil suit bearing No. 22/2024, was pending before the Anti-Encroachment Tribunal, Mirpurkhas, between the accused and the complainant; that Constitution Petition No. D-884 of 2024 had been filed by the present accused before this very High Court against the complainant and several witnesses of the present case, including Hisbur Rehman, a fact admitted by PW-2 himself in cross-examination; and that the accused had also filed an application under Sections 22-A and 22-B Cr.P.C. alleging that police officials and the complainant had unlawfully occupied his house and committed robbery. The injured Habo Meghwar was neither a party to the constitutional litigation nor to the civil suit, and the complainant himself admitted that the accused had no direct enmity with Habo Meghwar. The existence of this deep civil and constitutional hostility between the accused and the complainant party, combined with an unexplained delay of more than 28 hours in lodging the FIR, provides a fertile and demonstrable ground for the inference that the delay was the product of deliberation, consultation and the preparation of a managed version designed to falsely implicate the accused. The dictum of the Balochistan High Court in supra case of *Muhammad Ikhlas* is directly applicable: unexplained delay in lodging the FIR causes serious doubt in the prosecution story; such delay carries greater significance when it can be attributed to consultation, taking instructions, and keeping the name of the accused open so as to rope in the person whom the prosecution might wish to implicate. In the identical vein, the Lahore High Court, Rawalpindi Bench, in supra case of *Zulfiqar Khan and another* held that an inordinate and unexplained delay in setting the machinery of law in motion speaks against the veracity of the prosecution version. This Court respectfully concurs and finds both pronouncements squarely applicable. The statements of the eye-witnesses PW-2 and PW-3 under Section 161 Cr.P.C. were also recorded on 11.01.2025, i.e., two days after the occurrence, an additional unexplained delay that further erodes the trustworthiness of the prosecution case. As held in supra case of *Muhammad Ikhlas*, unexplained delay in recording the statements of eye-witnesses is fatal and the testimony of such witnesses cannot safely be relied upon.

15. Upon a careful examination of the record, a contradiction of the most fundamental character emerges from a comparison of the depositions of PW-1, the complainant, and PW-5, the injured Habo Meghwar. The complainant, in his examination-in-chief, stated that due to the hue and cries, Hisbur Rehman Arain and Mohibullah rushed to the spot. The entire prosecution case at trial was constructed around the testimonies of PW-2 Hisbur Rehman and PW-3 Mohibullah as eye-witnesses. However, the injured PW-5 Habo Meghwar in his own examination-in-chief before the trial court deposed that persons named Babo and Habibullah arrived at the place of occurrence. This is a contradiction of the most material nature. These two persons, Babo and Habibullah, named by the injured as the witnesses to the occurrence, were never mentioned in the report under Section 173 Cr.P.C.; their statements were never recorded by the Investigating Officer; and they were never produced before the learned trial court to depose. The prosecution has offered no explanation whatsoever for this withholding of witnesses named by its own star witness, the injured. This silence constitutes a grave infirmity. The Peshawar High Court, Bannu Bench, in *supra* case of *Misal Khan and another* has authoritatively held that if the best available evidence is withheld, it reacts upon the case of the prosecution and a negative inference must be drawn under Article 129(g) of the Qanun-e-Shahadat, 1984; non-production of the best available eye-witness creates dents in the prosecution case and puts a question mark on the integrity of the complainant. In the present case, the prosecution has substituted entirely different persons as eye-witnesses to those named by the injured himself, a most damaging indicator of a managed and tailored prosecution case.

16. Beyond the ocular account, the physical and forensic evidence adduced by the prosecution discloses layer upon layer of investigative failure and unexplained omission. First, no blood-stains were collected from the place of occurrence, though all prosecution witnesses acknowledge that blood was oozing in significant measure from the leg of the injured who fell at the gate. The complainant in cross-examination himself admitted that blood symptoms were not collected by the IO from the place of occurrence, and the IO confirmed this. Second, the clothes of the injured were not sent for chemical

examination. The Mushirnama prepared for the handing over of the clothes is silent regarding any bullet hole or pellet penetration, which raises a very serious question: if the injured was struck by 16 to 17 pellets fired from a single-barrel gun at close range, the clothes would inevitably have borne multiple perforations. The absence of any noted hole in the clothes and the failure to send them to the Forensic Science Laboratory deprives the court of vital corroboration. Third, the Malkhana In-Charge WPC Utam Das was not examined before the trial court to establish the safe custody and integrity of the recovered property. Fourth, the recovered empty cartridge shell was sent to the Forensic Science Laboratory only after an unexplained delay of six days, and no analysis report connecting the shell to a specific firearm was produced, nor was the weapon ever recovered. Fifth, five pellets surgically extracted from the body of the injured were also not sent to the Forensic Science Laboratory for analysis and identification. Sixth, despite the occurrence allegedly taking place in a densely inhabited locality where by the various estimates of prosecution witnesses between 4 to 5 houses (complainant), 5 to 6 houses (PW-3), 7 to 8 houses (PW-2) and as many as 50 to 60 houses according to the IO surrounded the place of incident, not a single private or independent person from the locality was examined by the prosecution. The complainant admitted in cross-examination that after the incident, all his family members and many neighbours gathered at the spot. Not a single one of them was produced as a disinterested witness. The Peshawar High Court in supra case of *Misal Khan and another* specifically held that failure to examine independent witnesses from the locality in a firearm case, when combined with other infirmities, warrants acquittal.

17. The ocular account as presented also suffers from an internal physical implausibility that this Court cannot ignore. The complainant PW-1 stated that the accused was at a distance of 8 to 10 feet from the injured. PW-2 stated 15 to 20 steps. PW-3 estimated 10 to 15 steps. The complainant admitted he was standing only 4 to 5 feet from Habo, his cousin. In that scenario, a single shot fired from a single-barrel gun at close range towards two persons standing in proximity struck only Habo Meghwar's leg, leaving the complainant, standing merely 4 to 5 feet away, completely unhurt with not a single pellet,

scratch or mark on his person. The iron gate bore no bullet mark. The wall bore none. No injury on any vital part of the body was caused. These circumstances raise a question the prosecution has never satisfactorily answered: how is it physically possible that a shot fired with murderous intent from close range towards two persons in near proximity struck only one of them exclusively on his leg and caused absolutely no impact on the other or on any surrounding structure? This is not a peripheral doubt; it goes to the credibility of the very mechanism of the alleged occurrence.

18. Another independent limb of fatal contradiction emerges from the evidence regarding the manner in which the injured came to receive medical treatment. The complainant and the eye-witnesses stated that they brought the injured to Police Station Digri, where police officials examined the injuries, prepared a memo and issued a letter for treatment, after which they took the injured to Taluka Hospital Digri. The IO, ASI Iftikhar Ahmed, however, stated that he received a call, kept Entry No. 9 at 13:00 hours, left the Police Station and went directly to the Civil Hospital Digri, where the injured Habo was already present, and it was there that he gave the treatment letter directly to the doctor and prepared the memo of injuries. The IO also admitted in cross-examination that the complainant and injured were not present at the Police Station but were at the hospital. The medical officer PW-4 Dr. Muhammad Azam Akhter further stated in cross-examination that no police official was present at the time of examination of the injured in the hospital. The IO then contradicted this by stating that the medical officer was present when he reached the hospital. This is a three-dimensional contradiction: the complainant says they went to the Police Station first and obtained the letter there; the IO says he went directly to the hospital and gave the letter to the doctor himself; and the doctor says no police official was present during examination. Three mutually irreconcilable versions exist within the prosecution's own evidence regarding who brought the injured to the hospital and who issued the treatment letter.

19. There is yet another serious contradiction that compounds the picture of an unreliable prosecution case. The complainant and all witnesses stated that they reached Police Station Digri and Taluka

Hospital Digri at about 12:50 p.m. PW-3 Mohibullah confirmed that they spent only about 10 minutes at the hospital, and the complainant stated they left for Hyderabad at about 01:15 p.m. However, the Mushirnama of injuries was prepared at 01:20 p.m. five minutes after the complainant's own case is that he and the injured had already departed from Taluka Hospital Digri towards Hyderabad. The Mushirnama of injuries was signed by two mashirs, Hafeez-ur-Rehman and Faqeeria, who were not among the four persons the complainant and witnesses said were with them throughout. The complainant never mentioned these two individuals in his examination-in-chief as having accompanied them. Yet their names appear as mashirs in the injury memo prepared at 01:20 p.m., at a time when by the complainant's own admission he and the injured had already left Digri for Hyderabad. This renders the Mushirnama of injuries a document prepared in the absence of the injured and the principal persons supposed to have been present, raising grave doubts about its authenticity and integrity. Moreover, the IO's own entry at the Police Station was recorded at 13:00 hours, while he admitted in cross-examination that he received information about the incident at about 13:50 hours, making even the timing of the police diary entry internally inconsistent.

20. The prosecution sought to establish motive through the contention that the accused harboured enmity towards the complainant arising out of applications filed against him. However, no application of any nature filed by the complainant against the accused was produced before the court or brought on record. The Investigating Officer neither collected documentary evidence of any application nor recorded the statement of any person from the locality in respect of such applications or the alleged enmity. In the absence of documentary proof of motive, the prosecution's version of motive remains unestablished. The Peshawar High Court in *supra* case of *Misal Khan and another* has held that where the Investigating Officer neither collected documentary evidence nor recorded statements from the locality in respect of the alleged motive, the motive must be treated as unproved. It is additionally noteworthy that the very person at whom the shot is alleged to have been fired, Habo Meghwar, had no enmity whatsoever with the accused, which the complainant himself

admitted. The injured Habo was neither a party to the constitutional petition filed by the accused nor to the civil suit before the Anti-Encroachment Tribunal. In such a scenario, the prosecution has never offered a coherent explanation for why the accused would have specifically targeted Habo Meghwar with intent to commit murder.

21. The accused Rehan Sarwar took a specific plea of alibi, claiming that on 09.01.2025 he was at his agricultural land in District Badin at the time of the alleged occurrence. He examined himself on oath and produced defence witnesses Muhammad Ibrar and Razaullah to corroborate this plea. However, this Court has carefully evaluated the defence evidence and finds that the alibi plea is not established to the standard required by law. The two defence witnesses are caste-fellows of the accused from a village 3 to 4 kilometres away and do not reside in the accused's village. Their depositions contain internal inconsistencies. No documentary proof, receipt, register entry or corroborating material of their presence in District Badin on the day in question was produced. The accused admitted he could not produce the mobile phone containing the alleged video footage. The plea that the visit to Badin was for agricultural purposes was not supported by any credible independent evidence. Accordingly, the plea of alibi fails and cannot be accepted as established.

22. Notwithstanding the above finding on alibi, it is a fundamental principle of criminal jurisprudence, affirmed by the Supreme Court of Pakistan in supra case of *Faqir Muhammad and another*, that the failure of the defence to establish its plea does not thereby prove the prosecution case. The Supreme Court held that where the prosecution case as a whole fails to inspire confidence and has been disbelieved, the inculpatory part of the accused's statement recorded under Section 342 Cr.P.C. cannot be utilized to uphold convictions. The conviction and sentences were consequently set aside and the accused was acquitted. This Court respectfully holds that the ratio of in case of *Faqir Muhammad and another* applies with full force to the present case. The mere failure of the defence to prove alibi does not shore up a prosecution case that is undermined at every material point by the contradictions, infirmities and omissions examined in detail hereinabove.

23. This Court now takes a holistic view of all the infirmities identified in the prosecution case and assesses their cumulative effect. There is a delay of over 28 hours in the FIR combined with a delay in Section 161 Cr.P.C. statements, in an admitted background of inter-party civil and constitutional hostility. The complainant and the injured name entirely different persons as eye-witnesses of the occurrence. The persons named by the injured as witnesses were neither examined by the IO nor produced before the trial court, and no explanation was offered for their absence. The physical evidence is conspicuously absent: no weapon, no blood at the spot, no forensic analysis of clothes, no forensic analysis of the extracted pellets, an inexplicably delayed dispatch of the cartridge case to FSL, and the non-examination of the Malkhana In-Charge. The timeline of events on the day of the occurrence is self-contradictory at multiple points and cannot be reconciled within any coherent narrative. The Mushirnama of injuries was prepared at a time when the injured and the principal witnesses had already departed from the hospital. The question of who brought the treatment letter to the hospital admits of no consistent answer from within the prosecution's own witnesses. A single shot fired at close range in the direction of at least two persons left no injury on one of them, no mark on the iron gate, and no mark on any surrounding structure.

24. Any one of these infirmities, if isolated, might have been capable of explanation in the context of an otherwise solid prosecution case. But these infirmities do not stand alone. They are multiple, mutually reinforcing, and they collectively generate a reasonable doubt that cannot be overcome by the testimony of a complainant who is a party to pre-existing civil litigation with the accused, two eye-witnesses who are close associates and cast-fellows of the complainant, and an injured who himself names different persons as witnesses than those produced by the prosecution. It is in this context that this Court recalls the principle enunciated in all four precedents relied upon by the learned defence counsel that even a single reasonable doubt, properly arising from the record, entitles the accused as a matter of right to the benefit of that doubt. In the present case, the doubts are not one but many; they are not peripheral but material; and they go to the very root of the prosecution case.

25. In light of the foregoing discussion and findings, this Court has arrived at the conclusion that the conviction of the appellant Rehan Sarwar cannot be sustained. The prosecution has failed to prove its case against the appellant beyond reasonable doubt. Once the conviction itself does not survive appellate scrutiny, the Criminal Revision Application No. S-17 of 2026 filed by the complainant Faqeera seeking enhancement of the sentence becomes infructuous and fails of its own accord. There is no lawful conviction subsisting against which enhancement could be considered, and the revision must therefore fail. Even were this Court to examine the revision on its own merits, independent of the fate of the appeal, it would not have found sufficient justification for enhancement in the manner sought, as the revisional applicant's contentions regarding the scope of Section 337-N(2) PPC and the direction for concurrent running of sentences fall at the threshold given that the underlying conviction cannot be maintained.

26. For all the foregoing reasons, Criminal Appeal No. S-23 of 2025 is allowed. The judgment dated 03.11.2025 passed by the learned 2nd Additional Sessions Judge, Mirpurkhas, in Sessions Case No. 41 of 2025, convicting and sentencing the appellant Rehan Sarwar son of Muhammad Sarwar for offences under Sections 324, 334, 337-F(iii), 506(ii) and 504 of the Pakistan Penal Code, 1860 is hereby set aside. The appellant is acquitted of the charge by extending to him the benefit of reasonable doubt. He shall be released forthwith from the Central Prison and Correctional Facilities, Mirpurkhas, if not otherwise required to be detained in connection with any other case.

27. Criminal Revision Application No. S-17 of 2026 is dismissed, having become infructuous in the circumstances, and independently for want of merit.

J U D G E

Adnan Ashraf Nizamani