

IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:-
Mr. Justice Omar Sial
Mr. Justice Shamsuddin Abbasi

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Special Criminal Anti-Terrorism Jail Appeal No.88 of 2024
[Confirmation Case No.06 of 2024]

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Appellant	Muhammad Manan son of Noor Muhammad through Mr. Muhammad Immad Qamar, Advocate.
Respondent	The State through Mr. Ali Haider Saleem, Additional Prosecutor General [Sindh] a/w SIP Muhammad Javed, P.S. Zaman Town and Sabir Ahmed (complainant).

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Date of hearing	<u>05.10.2026</u>
Date of Judgment	<u>09.10.2026</u>

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JUDGMENT

Shamsuddin Abbasi, J.- Muhammad Manan son of Noor Muhammad, appellant, has called into question the validity of the judgment dated 30.05.2024, penned down by the learned Anti-Terrorism Court No.V, Karachi [Judicial Complex at Central Prison, Karachi] in Special Case No.21 of 2021 (FIR No.128 of 2017) registered at Police Station Iqbal Market, District West, Karachi, for offences under Sections 302 and 34, PPC read with Section 7 of Anti-Terrorism Act, 1997, through which he was convicted and sentenced as under:-

"(i) He found guilty for the offence u/s 7(i)(a) of Anti-Terrorism Act, 1997 he is convicted and sentence to death for four counts. He is ordered to be hanged by neck till he is died and further directed to pay fine of Rs.3,00,000/- in case of default accused shall suffer R.I one (01) years more.

(ii) He is also convicted and sentence u/s 302(b) PPC to death for four counts. He is ordered to be hanged by neck till he is died and also directed to pay Rs.3,00,000/- (three lacs) as a compensation to L.Rs. of deceased as provided u/s 544-A Cr.P.C. In case of default accused shall suffer R.I for one (01) year more.

78. The benefit of Section 382(B) Cr.P.C. is extended to accused and sentence of death awarded to the accused subject to confirmation by the Hon'ble High Court of Sindh".

2. Briefly stated, the prosecution case as set out in the FIR is that complainant Sabir Ahmed son of Tajammul Hussain lodged FIR on 13.05.2017 at Police Station Iqbal Market, District West, Karachi, alleging therein that his daughter Rabia, aged about 24/25 years, had earlier been married and divorced and from that wedlock a minor daughter namely Raheela, aged about 3½ years, was born and after her divorce, the complainant solemnized her second Nikah with Muhammad Manan son of Noor Muhammad about two years prior to the occurrence from which wedlock a son namely Rehan Arif, aged about 1½ years, was born. The complainant's son Noor Muhammad, aged about six years, was also residing with Rabia. It is further alleged that after the birth of Rabia's son, the sons of Muhammad Manan from his former wife, namely Muhammad Asif and Muhammad Yousuf had developed jealousy towards Rabia. On 12.05.2017 at about 10:30 pm a family dispute/quarrel arose between Rabia and Muhammad Manan during which his sons Muhammad Asif and Muhammad Yousuf arrived at the place of occurrence armed with iron rods. They assaulted Noor Muhammad, Rabia, Raheela and Rehan Arif with the iron rods, inflicting blows upon their heads with intention to cause their death and as a result of injuries so inflicted, all four sustained fatal injuries and died at the spot. The assailants fled from the place of occurrence in presence of Mohallah persons. Upon receiving information, the complainant reached the place of occurrence, made inquiries from the residents of the locality and thereafter went to the P.S. and lodged FIR.

3. Following registration of the FIR, investigation was entrusted to Inspector Rooh-ul-Amin, who after completing the usual investigation submitted challan before the Court of competent jurisdiction, whereby the appellant and co-accused Muhammad Asif and Muhammad Yousuf were sent up to face the trial.

4. The learned trial Court assumed jurisdiction and proceeded with the trial in accordance with Section 16 of the Anti-Terrorism Act, 1997. Upon indictment, the appellant and co-accused Muhammad Asif and Muhammad

Yousuf pleaded not guilty and claimed trial. To substantiate its case, the prosecution has examined complainant Sabir Ahmed as PW.1 at Ex.10, SIP Allah Diwayo as PW.2 at Ex.11, Dr. Zakia Khursheed as PW.3 at Ex.12, Dr. Muhammad Saleem as PW.4 at Ex.13, Muhammad Ismail as PW.5 at Ex.14, Mst. Seema as PW.6 at Ex.15, Hameed Hussain as PW.7 at Ex.16, Muhammad Sadam as PW.8 at Ex.17, ASI Ashiq Ali as PW.9 at Ex.18, PC Muhammad Hanif as PW.11 at Ex.20, Ahmed Sarwar (Civil Judge & Judicial Magistrate) as PW.12 at Ex.22, Noor Muhammad as PW.13 at Ex.23 and Inspector Rooh-ul-Amin (Investigating Officer) as PW.14 at Ex.25. All of them have exhibited relevant documents in their evidence and were subjected to cross-examination by the defence. Thereafter, the prosecution closed its side vide statement at Ex.27/A. In their respective statements recorded under Section 342, Cr.P.C. the appellant and the co-accused have denied the allegations imputed upon them by the prosecution, professed their innocence and pleaded false implication. By a judgment dated 20.01.2022, the learned trial Court acquitted co-accused Muhammad Asif and Muhammad Yousuf while convicting the present appellant and sentencing him to death. The appellant challenged the said judgment before this Court whereby the matter was remanded to the learned trial Court for limited purpose of re-recording evidence of PW.10 Shamim Ahmed, PW.11 Muhammad Hanif and PW.15 Syed Adnan Haider Kazmi. Pursuant thereto, the said witnesses were re-examined and the appellant was once again examined under Section 342, Cr.P.C. In his further statement, the appellant again denied the prosecution case and reiterated his plea of innocence and stated that his statement under Section 164, Cr.P.C. had been obtained under pressure and coercion asserting that the police had subjected him to physical assault and after keeping him for about five days compelled him to have his statement recorded before the Magistrate. He did not opt to appear on oath under Section 340(2), Cr.P.C. nor did he produce or examine any witness in his defence.

5. Upon culmination of the trial and after re-appraisal of the evidence in terms of the remand order, the learned trial Court vide impugned judgment dated 30.05.2024 found the appellant guilty of the offences charged with and thus convicted and sentenced him as detailed in para-1 (supra), which necessitated the filing of the listed appeal, however, co-accused Muhammad

Asif and Muhammad Yousuf were acquitted and no acquittal appeal has been filed either by the complainant or the State.

6. It is contended on behalf of the appellant that he is innocent and has been falsely implicated in this case with malafide intention and ulterior motives as otherwise he has nothing to do with the alleged offence and has been made victim of the circumstances. It is next submitted that the prosecution case is doubtful as the occurrence was admittedly unseen and no witness claimed to have seen the appellant assaulting any of the deceased. The complainant admittedly reached the place of occurrence after receiving information and was therefore not an eyewitness of the incident. It is also submitted that the prosecution case against the appellant principally rests upon his retracted statement under Section 164, Cr.P.C. allegedly recorded on 17.05.2017, which has been obtained through police pressure and coercion, therefore, the voluntariness and reliability of the said statement particularly in a case involving capital punishment required strict scrutiny. Learned counsel submits that testimony of PW.7 Hameed Hussain establishes only the existence of a matrimonial dispute between the appellant and Rabia and prior allegations of maltreatment, but does not constitute direct evidence of the murders. Likewise, PW.5 Muhammad Ismail and PW.6 Mst. Seema did not witness the assault, they merely stated that the house was locked and after the lock was broken, the appellant was found injured inside along with the four dead bodies. It is argued that the medical evidence establishes the death and nature of injuries but does not identify the appellant as the assailant. According to the learned counsel, the acquittal of co-accused Muhammad Asif and Muhammad Yousuf also rendered the prosecution story of joint participation doubtful. It is further argued that the prosecution has failed to establish an unbroken chain of circumstances connecting the appellant with the murders beyond reasonable doubt and the appellant deserves to be acquitted on the principle of benefit of doubt. As regards Section 7 of the Anti-Terrorism Act, it is submitted that the occurrence alleged to be arose from a private family dispute and no statutory ingredient of terrorism has been established, therefore, the conviction and sentence awarded under ATA Act, 1997 is also liable to be set-aside.

7. Conversely, learned Additional Prosecutor General [Sindh], Assisted by the complainant, who is present in person, has supported the impugned judgment and submitted that the prosecution has established the appellant's guilt through his judicial confession under Section 164, Cr.P.C., duly corroborated by the surrounding circumstances, medical evidence and prosecution witnesses. It is next submitted that the absence of an eye-witness is not fatal where the appellant himself disclosed in his statement that following a quarrel with his wife Rabia, he assaulted her with an iron rod and thereafter inflicted blows upon Noor Muhammad, Raheela and Rehan Asif. The allegation of coercion is a subsequent unsubstantiated assertion and the statement has been recorded before a competent Magistrate in accordance with law. It is also submitted that deposition of PW.7 Hameed Hussain established the subsisting domestic dispute while PW.5 Muhammad Ismail and PW.6 Mst. Seema proved that the house was locked, cries were heard from inside and after the lock was broken, the appellant was found injured there along with the four dead bodies. These circumstances materially corroborated the appellant's statement under Section 164, Cr.P.C. According to him, the acquittal of the co-accused did not automatically entitle the appellant to acquittal as the evidence against him is required to be assessed independently and the medical evidence further corroborated the occurrence and the nature of the fatal injuries. Regarding Section 7 of the Anti-Terrorism Act. He has maintained that the brutality and multiplicity of the killings justified the trial under the said provision and prayed for dismissal of appeal and confirmation of death penalty.

8. We have heard the learned counsel for the appellant, complainant as well as the learned Additional Prosecutor General and have carefully examined the entire evidence available on record with their able assistance.

9. First of all we shall examine the conviction recorded against the appellant under Section 7 of the Anti-Terrorism Act, 1997. It is a well settled that the jurisdiction of an Anti-Terrorism Court is not attracted merely because the offence is heinous, brutal or involves multiple murders. The prosecution must establish the essential statutory ingredients of "terrorism" as defined in Section 6 of the Act. The gravity or consequences of an offence however serious cannot substitute the requirement of proving the requisite

object, design or purpose contemplated by the statute. In the case in hand, the prosecution's own version shows that the occurrence arose from a domestic dispute between the appellant and his wife Rabia. The statement attributed to the appellant under Section 164, Cr.P.C. irrespective of its subsequent retraction also reflects that the immediate cause of the occurrence was a matrimonial quarrel relating to domestic matters and the transfer of house in Rabia's name. There is no material on record demonstrating that the appellant committed the offence with the object of creating terror or insecurity in the public or any section thereof or for any other purpose falling within the statutory definition of terrorism. The fact that four persons tragically lost their lives undoubtedly makes the occurrence grave and deplorable, however, the multiplicity of victims or the brutality of the offence by itself does not convert a private family dispute into an act of terrorism. The distinction between a grave private crime and an offence falling within the statutory definition of terrorism must be preserved. We are, therefore, of the considered view that the prosecution has failed to establish the additional statutory ingredients necessary to attract Section 7 of the Anti-Terrorism Act, 1997. Consequently, the conviction of the appellant under Section 7 of the Act along with the sentence imposed thereunder is set aside. This conclusion, however, does not affect the independent question of the appellant's criminal liability for the four murders, which must be determined on the basis of the evidence under the ordinary law governing the offence of murder.

10. Reverting to the conviction and sentence recorded under Section 302(b), PPC, learned counsel for the appellant has rightly emphasized that the occurrence is unseen and that no witness claimed to have actually seen the appellant assaulting any of the deceased. This circumstance undoubtedly calls for a careful and cautious appraisal of the prosecution evidence, however, mere absence of an eye-witness is not sufficient to discard an otherwise trustworthy prosecution case. A conviction may validly be based on circumstantial evidence including a voluntary and truthful judicial confession provided that the evidence when assessed as a whole forms a complete and coherent chain leading to the guilt of the accused. In the case in hand, the prosecution does not rest its case on mere suspicion or conjecture. The most significant piece of evidence against the appellant is his

judicial confession recorded under Section 164, Cr.P.C. before learned Magistrate Ahmed Sarwar, who appeared as PW.12 at Ex.22 and has supported the recording of such statement. It is, however, an admitted position that the appellant subsequently retracted the said statement and in his statement under Section 342, Cr.P.C. alleged that the police had subjected him to pressure and physical torture and had compelled him to make the confession. Such retraction cannot be brushed aside merely on the ground that the statement was recorded before a Magistrate. The Court is, therefore, required to examine the circumstances attending its recording, the safeguards observed by the learned Magistrate, the contents and tenor of the statement and its consistency with the other evidence and circumstances proved on record. Only upon such scrutiny can the evidentiary worth of the retracted judicial confession be properly determined.

11. The contents of the statement under Section 164, Cr.P.C. assume considerable significance. The appellant has stated that his wife Rabia used to quarrel with him and was demanding transfer of the house in her name, which he had refused. He further stated that on the day of occurrence Rabia took a scissor and attempted to commit suicide and he annoyed struck her on the head with an iron rod and then he was overcome by the devil and inflicted iron rod blows upon Noor Muhammad, Raheela and Rehan Asif. Thus, the statement does not merely constitute an abstract admission of presence. It contains a description of the immediate domestic background, the weapon used, the first assault upon Rabia and the subsequent assaults upon the remaining deceased persons. These are matters which substantially correspond with the physical circumstances subsequently found at the place of occurrence. The surrounding evidence furnishes material corroboration to the circumstances narrated in the statement under Section 164, Cr.P.C. The complainant Sabir Ahmed is admittedly not an eye-witness of the incident, therefore, his evidence cannot be relied upon as proof of the actual assault, however, significantly stated that he received information regarding the occurrence through his nephew Hafiz Zia-ul-Haq and thereafter reached the place of occurrence. His testimony thus explains the manner in which the occurrence came to his knowledge and is relevant to the subsequent conduct of the prosecution witnesses. More importantly, PW.7 Hameed Hussain (son of complainant) in his deposition has narrated the background of the

strained relationship between the appellant and his wife Rabia. His deposition reflects that a dispute was already going on between them and that Rabia had earlier complained of maltreatment at the hands of the appellant and his sons Muhammad Asif and Muhammad Yousuf. He further stated that Rabia had expressed her apprehension that in the event of her murder, Manan and his sons would be responsible. He further deposed that Rabia had informed him that the appellant and his sons had confined her inside the house while armed with iron rods and scissor and during the course of such conversation Manan took the mobile phone from Rabia and told him that no such thing is happening. This evidence is not being treated as direct proof of the murders. Its significance lies in the fact that it independently establishes the existence of domestic disagreement and the circumstances immediately preceding the occurrence, which substantially correspond with the background disclosed in the appellant's Section 164 statement. The evidence of PW.5 Muhammad Ismail and PW.6 Mst. Seema is equally material for examining the circumstances in which the occurrence came to light. Muhammad Ismail has deposed that the house of the appellant was locked and that he broke open the lock and entered the house. Mst. Seema has stated that she was sleeping in her house when she heard cries emanating from the house of the appellant. On coming outside, she found the house locked. Muhammad Ismail thereafter went to the house of Muhammad Asif, brought him to the spot and the lock was broken wherein Manan was found injured and the dead bodies of four deceased were lying inside. These witnesses did not claim to have seen the actual assault and we do not attribute to them any such evidence. Their testimony, however, establishes the surrounding circumstances, which assumes significance when considered alongside the appellant's own statement under Section 164, Cr.P.C. concerning the occurrence and the established domestic dispute between Rabia and Manan.

12. The fact that the occurrence is unseen does not in the circumstances of the case by itself entitle the appellant to an acquittal. It is settled law that a charge of murder may be proved through reliable circumstantial and other legally admissible evidence even in the absence of an eye-witness provided that such evidence forms a complete and confidence inspiring chain pointing towards the guilt of the accused. In the case in hand, the medical evidence

furnished by PW.3 Dr. Zakia Khursheed and PW.4 Dr. Muhammad Saleem first establishes the homicidal nature of the occurrence and their depositions confirm that all four deceased sustained fatal injuries and that the injuries were sufficient to cause their death in ordinary course of nature. The medical evidence while not identifying the assailant independently corroborates the factum of occurrence, the nature and seat of the injuries and the homicidal manner in which the deaths were caused. The medical evidence is then reinforced by the surrounding circumstances brought on record. The preceding domestic dispute between the appellant and Rabia stands independently established. The appellant's judicial statement contains a direct account of his participation in the occurrence, which is not required to be considered in isolation but in conjunction with the proved circumstances. The circumstances relating to the house being locked, the cries emanating from within and the appellant being found therein along with the bodies of all four deceased further provide circumstantial corroboration to the prosecution version. Thus, while the medical evidence establishes that the deaths were homicidal, the surrounding circumstances and the appellant's own judicial confession connect him with the commission of the offence. The weapon and other incriminating circumstances are likewise to be examined cumulatively. When the evidence is assessed as a whole rather than piecemeal, the absence of an eye-witness does not in the peculiar facts of the case create a reasonable doubt provided that the judicial confession and the attending circumstances are found to be voluntary, reliable and duly corroborated by the record.

13. We are conscious that a retracted confession requires cautious scrutiny. Yet retraction does not by itself demolish the evidentiary value of a confession otherwise found to have been voluntarily made and recorded in accordance with law. The Court must determine its worth from the totality of circumstances. In the case in hand, the appellant's judicial confession contains details which are consistent with the surrounding circumstances proved by independent witnesses. His subsequent denial is a matter requiring consideration, but it does not in the circumstances available on record generate such a reasonable doubt as would displace the otherwise coherent prosecution case.

14. The argument that the prosecution attributed the actual assault to the acquitted co-accused Muhammad Asif and Muhammad Yousuf also does not by itself demolish the case against the appellant. The guilt of an accused has to be determined on the evidence available against him. The acquittal of co-accused may certainly require careful examination of the prosecution version particularly where common intention is alleged, but it does not automatically confer an acquittal upon an accused against whom there exists separate and legally admissible evidence. In the case in hand, the appellant's own judicial confession places him at the scene and attributes him the first assault upon Rabia followed by assaults upon the remaining deceased persons. The surrounding evidence establishes that the appellant was present inside the locked in injured condition house when it was opened and that the four deceased persons were found dead therein. Thus, notwithstanding the acquittal of the co-accused, the evidence against the appellant has an independent footing. We have also considered the appellant's plea that his Section 164 statement was the result of coercion and torture. Such an allegation must always receive serious judicial attention particularly where the statement forms an important part of the prosecution case, however, a bare allegation of coercion made subsequently in a statement under Section 342, Cr.P.C., without any convincing circumstance demonstrating that the Magistrate failed to observe the safeguards prescribed by law cannot automatically nullify a judicial confession. The record does not disclose any circumstance of such compelling nature as would establish that the learned Magistrate recorded a statement which was involuntary or fabricated. More importantly, the contents of the statement find material correspondence in the circumstances independently proved through PW.5 Muhammad Ismail, PW.6 Mst. Seema and PW.7 Hameed Hussain and the medical evidence. It is this corroborative setting which distinguishes the present case from one in which a retracted confession stands wholly unsupported by the remaining evidence. We are, therefore, of the view that the prosecution has succeeded in establishing beyond reasonable doubt that the appellant participated in the murders of Rabia, Noor Muhammad, Raheela and Rehan Asif. The absence of an eye-witness in the peculiar evidentiary circumstances of this case is not sufficient to create a reasonable doubt. The conviction of the appellant under Section 302(b), PPC on four counts is maintained.

15. Having maintained the conviction, we now approach the question of sentence independently. The determination that an accused is guilty of murder and the determination of whether he should suffer the ultimate penalty are two distinct judicial exercises. The gravity of the offence undoubtedly weighs heavily in the sentencing process, but the Court is nevertheless required to examine whether on the particular facts of the case the death penalty is the only appropriate punishment or whether the alternative punishment of imprisonment for life would adequately meet the ends of justice. There can be no minimizing the gravity of the present occurrence. Four human beings lost their lives in a single incident. The deceased included the appellant's wife Rabia and three other members of the family including children. The manner in which the deceased persons were assaulted with an iron rod is undoubtedly brutal and the multiplicity of deaths constitutes a substantial aggravating circumstance. We are fully conscious of the irreversible loss suffered by the family and the seriousness of the appellant's criminal conduct. Nevertheless, the aggravating circumstances cannot be examined in isolation. The record must also be scrutinized for circumstances which bear upon the character of the occurrence, the degree of premeditation, the background in which it arose and the possibility of the accused having acted in a sudden and emotionally charged situation.

16. The first significant circumstance is that the occurrence was rooted in a domestic dispute between the appellant and his wife. The evidence of PW.7 Hameed Hussain, who is son of the complainant, establishes that there had been continuing discord between them and that Rabia had earlier complained of maltreatment. The appellant's own judicial confession although relied upon primarily for determining his participation also discloses the immediate background of the occurrence, he stated that Rabia was quarrelling with him and was demanding transfer of the house in her name, which he had refused. The domestic dispute can by no means justify the commission of the murders nor can the matrimonial discord standing alone constitute a sufficient mitigating circumstance for the murder of four persons, however, the circumstances in which the occurrence arose remain relevant for determining the appropriate sentence. It shows that the incident arose from a specific and personal domestic dispute rather than from any

established plan to terrorize the public, an organized criminal design or an indiscriminate attack on unrelated persons.

17. The second circumstance is the absence of evidence establishing elaborate premeditation or a separately conceived plan to eliminate all four deceased persons. The prosecution case itself places the occurrence in the immediate aftermath of a quarrel. The appellant's statement describes the first assault upon his wife as having followed the quarrel and then states that in the course of the same episode he lost control and assaulted the remaining deceased persons. His expression though certainly not exculpatory is relevant to the nature of the occurrence and suggests a sudden escalation of violence rather than a carefully demonstrated a planned execution. Again, this circumstance does not reduce the appellant's culpability or excuse his conduct. It is considered only for the limited purpose of determining whether the case falls within the category where the extreme penalty is indispensable.

18. The third circumstance is that the prosecution has not established any wider motive, object or purpose beyond the domestic conflict. The very reason for which the conviction under Section 7 of the Anti-Terrorism Act has been set aside that the occurrence was not shown to possess the statutory character of terrorism is relevant to understanding the overall nature of the crime though it cannot by itself operate as a mitigating circumstance. The absence of a terrorism related design when read together with the established domestic background and the sudden escalation of the dispute supports the conclusion that this is a deeply tragic private crime rather than an act accompanied by a wider criminal objective. We have also kept in mind that the appellant himself sustained injuries and was found inside the locked house when it was opened. While this circumstance does not exonerate him and does not alter the finding of guilt, it forms part of the factual setting in which the occurrence took place. The prosecution evidence does not disclose that after committing the murders the appellant escaped from the scene pursuant to a pre-arranged plan. He was found at the place of occurrence when the house was opened.

19. The ultimate question is whether these circumstances are sufficient to outweigh the aggravating features of the case. We are conscious that four lives were lost and that the victims included vulnerable members of the family. Ordinarily, such multiplicity of murders would constitute a powerful reason for imposing the severest punishment, however, sentencing is not an exercise in mathematics. Each case has to be assessed on its own facts and the Court must determine whether the circumstances establish that death is the only punishment proportionate to the culpability proved. In our considered view, the present case does not warrant confirmation of the death sentence. The occurrence is an unseen domestic episode arising from an existing matrimonial dispute, the prosecution has not established a prior elaborate plan or a wider criminal objective, the appellant's own judicial confession portrays an immediate escalation of the quarrel and the surrounding circumstances do not disclose the degree of calculated and premeditated criminality which would make the extreme penalty indispensable. These circumstances considered cumulatively rather than in isolation constitute sufficient mitigating considerations for purposes of sentence. We emphasize that the conversion of the death sentence is founded upon sympathy nor does it diminish the seriousness of the four murders. It is the result of a distinct judicial assessment of sentence after balancing the substantial aggravating circumstances against the mitigating features emerging from the record. The law recognizes imprisonment for life as an alternative punishment for an offence falling under Section 302(b), PPC, and in the peculiar circumstances before us that punishment would adequately meet the ends of justice.

20. We are, therefore, satisfied that although the prosecution has proved the appellant's guilt for the four murders beyond reasonable doubt and his conviction under Section 302(b), PPC, is liable to be maintained, the extreme penalty of death is not warranted. The death sentence awarded to the appellant on each of the four counts is accordingly set aside and substituted with imprisonment for life. The sentences shall operate in accordance with law including the benefit of Section 382-B, Cr.P.C. The compensation awarded under Section 544-A, Cr.P.C. and the lawful default sentence shall remain intact.

21. For the foregoing reasons, the appeal is partly allowed. The conviction and sentence awarded to the appellant under Section 7 of the Anti-Terrorism Act, 1997 is set aside as the prosecution has failed to establish the statutory ingredients of terrorism, however, the conviction awarded to him under Section 302(b), PPC, is maintained as the evidence particularly his judicial confession under Section 164, Cr.P.C. read with the surrounding circumstances proved through the prosecution witnesses and medical evidence establishes his participation in the murders beyond reasonable doubt. The sentence of death awarded to the appellant on four counts is, however, set aside and substituted with imprisonment for life for the reasons recorded hereinabove. The remaining directions of the learned trial Court regarding compensation, default sentence and benefit of Section 382-B, Cr.P.C. shall remain subject to law. The appellant shall also be entitled to such remissions as may be admissible to him under the law and applicable rules.

22. Subject to above modification, the Confirmation Case No.06 of 2024 is answered in Negative as the said sentence is not confirmed and stands substituted with imprisonment for life.

JUDGE

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