

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

Criminal Jail Appeal No. D-04 of 2024

***Before:-
Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada'.***

Appellant(s): 1. Muhammad Usman son of Moosa Khan
 @ Eissa Khan Talani Domki.

 2. Saddam Ali son of Abdul Sattar Jamali,
 Through Mr. Abdul Baqi Jan Kakar, A
 Advocate.

The State: Through Mr. Nazeer Ahmed Bangwar,
 Deputy Prosecutor General, Sindh.

Date of Hearing: 03.09.2026.

Date of Decision: 24.09.2026.

JUDGMENT

Ali Haider 'Ada' J:- Through the instant Criminal Jail Appeal, the appellants have assailed the judgment dated 12.02.2024 passed by the learned Special Judge, Anti-Terrorism Court, Shikarpur, in Special Case No.50/2022, arising out of FIR No.02/2022 registered at Police Station CTD Larkana, whereby they were convicted and sentenced as follows:

R.I. for life under Section 3 of the Explosive Act, 1908, read with Section 7, ATA, 1997; R.I. for life with compensation of Rs.10,00,000/- to the legal heirs of deceased Ghulam Mustafa Jakhrani, or, in default, to undergo further R.I. for six months under Section 302(b), P.P.C., read with Section 7(1)(a), ATA, 1997; R.I. for 10 years with fine of Rs.50,000/-, or, in default, further R.I. for three months under Section 324, P.P.C., read with Section 7(1)(c)(h), ATA, 1997; R.I. for two years with Daman of Rs.30,000/- payable to the injured under Section 337-A(i), read with Section 34, P.P.C.; R.I. for 10 years with Arsh of Rs.10,00,000/- payable to the injured under Section 337-A(vi), read with Section 34, P.P.C.; and R.I. for three years with Daman of Rs.50,000/- payable to the injured

under Section 337-F(iii), read with Section 34, P.P.C. The property of the convicts was also ordered to be forfeited to the State under Section 5(a) of the Explosive Act, 1908, read with Section 7(2) of the ATA, 1997. All sentences were ordered to run concurrently, with benefit of Section 382-B, Cr.P.C. extended to the appellants.

2. Brief facts of the prosecution case, as disclosed in the FIR, are that on 25.06.2022 at about 1400 hours, the complainant, Inspector Mohammad Sharif Mahar, SHO, P.S. City Jacobabad, along with a police party, while on patrolling duty, reached Mola Dad Chowk, where they heard the sound of a blast and found nine persons injured. The complainant arranged for their shifting to Civil Hospital, Jacobabad, where one of the injured, namely Ghulam Mustafa, succumbed to his injuries. The persons present at the spot informed the police that two persons riding a motorcycle had thrown a hand grenade, causing injuries to the passersby, and thereafter fled from the spot. During pursuit, the police party apprehended one accused near Dargah Sher Ali Baba, who disclosed his name as Mohammad Usman son of Moosa Khan alias Eissa Khan and stated that his accomplice, Saddam son of Sattar Jamali, had escaped on the motorcycle. On his personal search, one CNIC was recovered. Meanwhile, the Bomb Disposal Incharge inspected the place of occurrence and handed over the safety lever of the hand grenade to the complainant. Thereafter, the complainant returned to P.S. CTD Larkana along with the arrested accused and the secured property, whereupon he lodged the instant FIR against the accused on behalf of the State.

3. After completion of investigation, the challan was submitted before the competent Court, showing accused Saddam as an absconder. Proceedings under Section 87, Cr.P.C. were initiated against him and he was declared a proclaimed offender. Charge was thereafter framed against appellant Muhammad Usman, to which he pleaded not guilty and claimed trial.

4. In support of its case, the prosecution examined HC Mukhtiar Ali, author of the FIR, who produced the Roznamacha entry and FIR; HC Rafique Ahmed Awan, who produced the technical report and clearance certificate; HC Khadim Hussain, who produced the relevant documents regarding the injuries of the injured persons, dead body of deceased Ghulam Mustafa, Danisht Nama, Lash Chakas Form and blood-stained clothes; injured eyewitnesses Qaisar Jatui and Ghulam Nabi; PC Ghulam Hyder Pathan, mashir of the injuries, dead body and other relevant recoveries; complainant SHO (Retd.) Mohammad Sharif Mahar, who produced the departure and arrival entries, FIR and mashirnama of arrest; and I.O. Ashraf Ali Mangi, who produced the investigation record, mashirnama of the place of occurrence, photographs, criminal record, permission for trial and Chemical Laboratory report. PC Saifal Jakhrani, mashir of the arrest, place of occurrence and handing over of the safety lever by the BDU Incharge, was also examined and produced the relevant mashirnamas. PC Fayaz Hussain Chohan, an injured eyewitness, was examined as well. Thereafter, learned State counsel gave up PW/PC Saddam Hussain vide Ex.21. An application under Section 540, Cr.P.C. for examination of Medical Officer Dr. Sohail Ahmed and Tapedar Kamil Lashari was subsequently allowed vide order dated 26.05.2023.

5. At this stage, absconding accused Saddam Ali was arrested by ASI Ashfaq Hussain Memon of P.S. CTD Larkana on 19.06.2023 and was produced along with supplementary challan on 20.06.2023. The requisite police papers were supplied to him under Section 265-C, Cr.P.C., and an amended charge was framed.

6. Thereafter, the prosecution re-examined PW-1 HC Khadim Hussain Koheri, PW-2 HC Rafique Ahmed Awan of BDU Special Branch Jacobabad, PW-3 ASI Ashfaq Hussain Memon, who arrested accused Saddam Ali, and PW-4 PC Nadeem Ahmed, mashir of his arrest. The learned APG gave up PW/PC Shahnawaz vide Ex.30. The prosecution further examined injured eyewitnesses PC Ayaz Ali

Talani, PC Fayaz Hussain Chohan, Ghulam Nabi Domki and Qadir Bux Lashari; HC Mukhtiar Ali, author of the FIR; PC Ghulam Hyder Pathan and PC Saifal Jakhrani, mashirs of the relevant proceedings; complainant SHO (Retd.) Mohammad Sharif Mahar; Tapedar Kamil Khan Lashari, who produced the sketch of the place of occurrence; and I.O./Inspector Ashraf Ali Mangi, who produced the investigation record and relevant reports. The prosecution also examined Medical Officer Dr. Sohail Ahmed Soomro, who produced the medical record of the injured persons and post-mortem report of deceased Ghulam Mustafa.

7. As regards injured witness Sardar son of Mashooq Chandio, despite issuance of summons andailable warrants, his attendance could not be secured. ASI Dawood Ahmed Pirzado, process server, was examined at Ex.41, who stated that despite efforts, the witness could not be traced, including through NADRA due to non-availability of his CNIC number or particulars of any relative.

8. Thereafter, the prosecution closed its side. The statements of the appellants under Section 342, Cr.P.C. were recorded, wherein they denied the allegations, claimed false implication and professed their innocence. They neither opted to make statements on oath under Section 340(2), Cr.P.C. nor produced any evidence in defence. Upon conclusion of the trial, the learned trial Court, after assessing the evidence available on record, convicted and sentenced the appellants through the impugned judgment.

9. Learned counsel for the appellants contended that the learned Trial Court failed to appreciate the evidence in its true perspective and that the prosecution had failed to prove its case beyond reasonable doubt. He submitted that material discrepancies and deficiencies in the prosecution evidence were not properly appreciated. He further argued that both appellants had been falsely implicated by the police to show their performance, although the actual perpetrators were unknown. According to him, none of the

witnesses had seen the appellants throwing the hand grenade except one police official, who was subordinate to the complainant. He further submitted that some injured witnesses did not identify the appellants before the Trial Court and stated that they had not seen them at the place of occurrence. He also pointed out contradictions in the evidence of police officials and challenged the reliability of the BDU report. Lastly, he submitted that even a single reasonable doubt in the prosecution case entitles the accused to its benefit and, therefore, the appellants were liable to acquittal.

10. Conversely, learned Deputy Prosecutor General supported the impugned judgment and submitted that the prosecution had established the charge through consistent, reliable and confidence-inspiring evidence. He contended that the appellants, acting with common intention and armed with a hand grenade, arrived at Mola Dad Phattak on a motorcycle and caused the blast with the intention to kill innocent persons, as a result of which nine persons, including two police officials, sustained injuries and one injured passerby, Ghulam Mustafa Jakhrani, succumbed to his injuries. He further submitted that after the blast, accused Saddam Ali escaped on the motorcycle, whereas accused Muhammad Usman fled towards Garhi Sababo village but was immediately pursued and apprehended near Dargah Sher Ali Baba. He, therefore, prayed for dismissal of the appeal.

11. Heard learned counsel for the parties and carefully examined the evidence and material available on record.

12. Upon perusal of the entire material available on record, it transpires that the bomb blast resulted in injuries to nine persons, namely PC Fayaz Hussain Chohan, PC Ayaz Ali, Ghulam Mustafa, Qadir Bux, Nadir Ali Lashari, Gaji Khan, Ghulam Nabi, Qaisar, Sardar and Saifullah, whereas injured Ghulam Mustafa subsequently succumbed to his injuries. In this regard, appellant Muhammad Usman was arrested on the same day, whereas

absconding accused/appellant No.2 was arrested subsequently. The prosecution case is that both appellants shared a common intention in carrying out the occurrence, which was allegedly committed with the object of creating fear and terror among the public.

13. The prosecution examined the injured witnesses, some of whom identified the appellants and stated that they had arrived on a motorcycle and exploded the hand grenade. The contention that certain injured witnesses did not identify the appellants is, therefore, required to be examined in the context of the circumstances in which the occurrence took place, particularly when the ocular account furnished by the other injured witnesses fully corroborates the prosecution case.

14. The prosecution case shows that appellant Muhammad Usman was apprehended on the same day and was identified by persons who had witnessed or were affected by the blast. The mere fact that some witnesses did not identify the appellants cannot, by itself, furnish a sound basis for discarding the entire prosecution case. It is understandable that, following a sudden bomb blast, the disordered and alarming circumstances may make it difficult for every injured person or eyewitness to observe and identify the perpetrators with equal clarity. However, the identification furnished by other injured witnesses, when considered along with the surrounding circumstances and the immediate arrest of appellant Muhammad Usman, provides corroborative material connecting him with the occurrence.

15. The evidence available on record further establishes that both appellants, acting in league, shared a common intention within the meaning of Section 34, P.P.C., to commit qatl-i-amd and attempt to commit qatl-i-amd, resulting in the death of one person and injuries to other persons, including police officials. The occurrence, involving the use of a hand grenade with the object of creating fear

and terror, attracts the relevant provisions of the P.P.C., the Explosive Act and the Anti-Terrorism Act, 1997.

16. The ocular account is materially corroborated by the medical evidence and the evidence of the Bomb Disposal Unit. The BDU/technical report confirms the nature of the explosive material recovered from the place of occurrence, while the medical evidence confirms the injuries sustained by the victims and the death of Ghulam Mustafa. The prosecution evidence, despite lengthy cross-examination, has not been materially dented. The ocular witnesses have remained consistent on the salient features of the occurrence and their evidence is reliable, trustworthy and confidence-inspiring. In this regard, reliance may be placed upon **Muhammad Ehsan v. The State (2006 SCMR 1857)**, **Muhammad Pervez v. The State (2007 SCMR 670)**, **Mst. Sughra Begum v. Qaiser Pervez (2015 SCMR 1142)** and **Farooq Khan v. The State (2008 SCMR 917)**.

17. The technical evidence also lends support to the prosecution case. The Bomb Disposal Technician reported that the recovered material was capable of being used for causing an explosion, while the technical report of the Bomb Disposal Squad, Special Branch, Larkana, similarly confirms the dangerous nature of the explosive substance involved in the occurrence. In this regard, guidance may be drawn from **Suleman Haider and another v. The State and others (2021 MLD 114 [Lahore-DB])**.

18. The nature of the occurrence, the use of an explosive device and the resultant death and injuries constitute circumstances which, when read with the ocular, medical and technical evidence, establish the prosecution case against the appellants. Similar circumstances were considered in **Usman Pathan v. The State (2021 P.Cr.L.J. 1311 [Sindh-DB])** and **Ameer Jan alias Bablu v. The State (2025 MLD 1096)**, wherein convictions and sentences in comparable cases were maintained.

19. The principle that minor discrepancies on minor matters, which do not affect the material aspects of the prosecution case or shake its salient features, are not sufficient to discard otherwise reliable evidence is well settled. Such discrepancies are required to be ignored where they do not create a reasonable doubt regarding the core of the prosecution case. Reliance in this regard may be placed upon **Nazir Ahmed v. The State (2023 SCMR 1299)**.

20. The occurrence in the present case was grave in nature, involving an explosive attack resulting in loss of life and injuries to several persons. In this context, the observation of the Honourable Supreme Court in **Shafique alias Tajeem v. The State (2026 SCMR 805)** may also be kept in view, wherein the nature and circumstances of the occurrence were considered while assessing the prosecution evidence and the question of proof beyond reasonable doubt.

21. Keeping in view the foregoing reasons and discussion, the prosecution has successfully established its case against the appellants beyond reasonable doubt. Consequently, the instant Criminal Jail Appeal is dismissed, and the judgment passed by the learned trial Court is hereby maintained accordingly.

JUDGE

JUDGE