

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA**  
**Cr. Appeal No.S-39 of 2019**  
**Nawab @ Naboo Chandio Versus The State**  
**Cr. Appeal No.S-42/2019**  
**Mohammed Ali Chandio Versus The State**

DATE ORDER WITH SIGNATURE OF HON'BLE JUDGE

01. For orders on office objection "A".
02. For hearing of main case.
03. For hearing of MA No.2233/2019 (426)

Appellants: Nawab @ Naboo Chandio & Mohammed Ali Chandio  
Through M/S Sajid Hussain Mahesar, and Faiz Muhammad Larik,  
Advocate (S)

Complainant: Manthar Ali  
Through Mr. Sher Ali Chandio, Advocate for the complainant.

The State: Through Miss Rubina, DAG for the State.

Date of Hearing: 19.05.2025, 26.05.2025 & 30.05.2025

Date of Order: 30.05.2025

**JUDGMENT**

**Nisar Ahmed Bhanbhro J.** Through this judgment, I propose to decide the fate of criminal appeal No. S 42 of 2019 filed by appellant / convict Mohammed Ali and criminal appeal No S - 39 of 2019 filed by appellant/ convict Nawab Ali @ Naboo Chandio against the judgment dated 01-06-2019 (impugned judgment) passed by the court of 1<sup>st</sup> Additional Sessions Judge Mehar (Trial Court), whereby the appellants were convicted for the charge of offence punishable under section 302 (b) PPC read with section 34 PPC to suffer Rigorous Imprisonment for life and imposed a of Rs.100,000/- payable by each appellant to the legal heirs of victim in terms of section 544-A Cr.P.C. with a benefit of section 382 – B CrPC.

2. The facts in brief of the prosecution case are that on 14-06-2014 Complainant Manthar Ali Chandio recorded FIR at police station Fareedabad alleging therein that on 13.06.2014 complainant and his nephew Zameer Ali were grazing cattle in the evening. Complainant asked his nephew to go to home to prepare for Eid. That Complainant also returned to home soon thereafter, in the way Ali Asghar and Ali Jaan also met him. When complainant party reached near jungle, they heard cries, went there and saw accused Muhammad Ali cutting the neck of deceased Zameer Ali with hatchet and accused Nawab @ Nawabu and Ali Jan were holding his head, hands and legs and other accused were present over there. Upon seeing the complainant party coming, the accused made their escape good towards their house. The complainant party arranged vehicle, removed the injured to hospital after getting letter from the concerned police station, they came to basic health center Fareedabad after first aid they were referred to Larkana Hospital, where injured Zameer Ali succumbed to injuries. They brought dead body at Taluka Hospital Mehar and after autopsy dead body was handed over to the complaint for burial. Complainant remained busy in burial rituals and on next day he appeared at police station and recorded the FIR.

3. Investigation took its course, accused/appellants Nawab @ Naboo and Muhammad Ali were arrested by the police, bloodstained hatchet was also recovered from the possession of appellant Muhammad Ali. The bloodstained earth, clothes and hatchet were sent for forensic analysis which report was declared in positive with an opinion that the clothes and

hatchet contained human blood. After completing investigation, the challan was submitted before the concerned court of Magistrate, the matter being exclusively sessions triable was sent up to the Court of Sessions, ultimately assigned to Learned Trial Court for disposal in accordance with law.

4. In compliance to the provisions of section 265-C Cr.P.C the necessary case papers were supplied to the accused Nawab @ Naboo, Saeed, Mukhtiar, Sajjan, Muhammad Ali and Sajid Ali, they were indicted for charge to which they pleaded not guilty and claimed trial. To prove its case prosecution examined complainant Manthar Ali at Ex:14, he produced FIR at Ex:14/A. Eyewitness/PW-2 Ali Asghar @ Asghar at Ex:15. Later on absconding accused Altaf s/o Sajan by case Chandio joined trial, hence police papers were supplied to him vide receipt at Ex:16. The amended charge was framed at Ex:17, to which they pleaded not guilty and claimed trial vide their pleas recorded at Ex:18 to Ex:24. The prosecution examined PW 3 Dr. Hidayat Ali at Ex:25, he produced police letter at Ex:25/A, post mortem report of deceased Zameer Ali at Ex:25/B. PW 4 Mashir/PC Ali Gohar examined at Ex:29, he produced police letter issued by I.O to M.O at Ex:29/A and receipt regarding handing over the dead body of deceased at Ex:29/B. PW 5 Tapedar Shakeel Ahmed examined at Ex:30, he produced sketch of wardat at Ex:30/A, PW6 mashir Javed Ahmed examined at Ex:31, he produced memo of injuries of deceased Zameer Ali at Ex:31/A, memo of inquest report/danistnama as well as memo of dead body of deceased at Ex:31/B and Ex:31/C respectively, memo of last worn clothes of deceased at Ex:31/B, memo of place of incident at Ex:31/E, memo of arrest of accused Nawab @ Naboo and Muhammad Ali at Ex:31/F, memo of recovery at Ex:31/G. PW 7 I.O/ASI Zaheer Ahmed examined at Ex:32, he produced D.D entry No.17 at Ex:32/A, arrival entry at Ex:32/B and report of chemical examiner at Ex:32/C. PW 8 Dr. Rasool Bux (well acquainted with the signature of Dr. Rafeeqe Ahmed Shaikh) examined at Ex:34, he produced police letter at Ex:34/A, medico-legal certificate at Ex:34/B and PS copy regarding mental illness of Dr. Rafique Ahmed at Ex:34/C. Thereafter, the side of prosecution was closed by learned ADPP vide statement at Ex:35.

5. The statement of the accused were recorded u/s 342 Cr.P.C to which they denied prosecution allegations and claimed innocence. Learned Trial Court after hearing the prosecution and defense, convicted the appellants as aforementioned. Hence this appeal.

6. Mr. Sajid Ali Mahesar assisted by Mr Faiz Muhammad Larik Learned Counsel for the appellants contended that there is inordinate delay of more than 24 hours in registration of FIR though the complainant party on the alleged day of the incident approached police station but did not prefer to record statement. He submitted that there are glaring contradictions in the statements of the prosecution witnesses which created reasonable doubt in the prosecution case. The hatchet was sent for forensic analysis along with clothes and bloodstained earth, but the blood on the clothes and hatchet were not analyzed for matching to confirm that the blood on hatchet pertained to deceased Zameer Ali. He further contended that the ocular account so furnished was in variance to medical evidence and all these circumstances created reasonable doubt in the prosecution case, benefit of which ought to be given to the accused. He placed reliance upon the case of Muhammad Ali V. The State reported in 2015 SCMR 137 wherein it has been held that the same set of evidence which was disbelieved qua involvement of co-accused persons could not be relied upon to convict the accused on the same charge, case of Muhammad Rafique @ Feeqa V. The State 2019 SCMR 1068 on the point that the presence of eyewitnesses at the scene of occurrence was doubtful, case of Muhammad Asif and another V. The State reported in 2021 P.Cr.L.J 479 on the point that the motive was not proved and there was delay in lodging the FIR, case of Muhammad Asif V. The State 2017 SCMR 486

on the point of benefit of doubt on account of unnatural conduct of witnesses and case of Farooq V. The State reported in 2020 P.Cr.L.J 328 wherein the acquittal of the accused was upheld and appeal against acquittal was dismissed.

7. Ms. Rubeena Learned Prosecutor so assisted by Mr. Sher Ali Chandio Learned Counsel for Complainant contended that the statements of the prosecution witnesses were consistent, the medical evidence was in line with the ocular account, there were no contradictions in the prosecution evidence to discredit the prosecution story. The defense has omitted to cross examine the witnesses on material points which amounted to the admission. That the Trial Court has convicted accused who were assigned the specific role and co-accused who were shown merely present at the place of occurrence have been acquitted. The roles of the present appellants and co-accused were different in nature. They prayed for maintaining the conviction awarded to the appellants as the judgment passed by Learned Trial Court did not suffer from any illegality or material irregularity.

8. Heard counsels, re – appraised evidence and perused material on record.

9. Contention of the Learned Defense Counsel that the FIR has been lodged with delay it raised serious doubts on veracity of the prosecution case and the credibility of the prosecution witnesses. The witnesses were related and interested and there was no independent corroboration in the case. Thorough examination of the evidence and scanning of the record revealed that the victim Zameer Ali and complainant Manthar Ali were grazing cattle. Deceased Zameer left cattle to go to home for eid preparations, soon thereafter complainant also left for home and in the way witness Ali Asghar and Ali Jaan met him, when they reached near Jungle they heard cries, they went to the place of commotion, where they saw that the accused Muhammad Ali was cutting the neck of deceased with hatchet, whereas accused Nawab @ Naboo and Ali Jan were holding head, hands and legs of the deceased. Upon seeing complainant party, the accused skipped away. The complainant party removed the injured to the hospital at Faridabad for treatment, where from they were referred to Larkana hospital. The victim Zameer Ali succumbed to injuries in the Larkana hospital. Thereafter the deceased was brought to the Taluka Hospital Mehar for autopsy and after postmortem dead body was handed over to bereaved family for burial purposes. After performing burial rituals, complainant approached police station and recorded FIR. The discussion made hereinabove led to draw an inference that the reason for delay in recording complaint with Police Station was natural in the present case, because in such a situation the priority of legal heirs of victim would be to rescue his life and possible efforts were taken by complainant to rescue the life of deceased but he could not survive due to severity and the seat of injury being on vital part of the body where from it was quite difficult to control oozing of blood. It is settled principle of law that delay per se in registration of FIR would not be a ground to discredit the prosecution story when such delay has got plausible explanation and reasons.

10. In the case of Khalid Versus the State reported in 2024 S C M R 1474 Honorable Supreme Court of Pakistan has been pleased to hold as under:

5. The unshaken testimony of PW-2 and PW-3, being eye-witnesses of the occurrence and close relatives of the deceased is fully supported/ corroborated by the medico legal evidence, recovery of four crime empties of .30 bore and blood stains from the place of occurrence, blood stained clothes of the deceased, report of the chemical expert, recovery of crime weapon (.30 bore pistol) from the house of the petitioner on his pointation and positive report of the firearm expert.

6. Record does not reveal of any animus of PW-2 and PW-3 for false implication of the petitioner. In absence of any ulterior motive/animus for false implication of an accused, the confidence inspiring testimony of an eye-witness, whose presence with the deceased at the time and place of occurrence is established, cannot be discarded merely due to his relationship with the deceased. Reference in this regard is made to the cases of 'Aman Ullah v. The State'<sup>1</sup> and 'Imran Mehmood v. The State'<sup>2</sup>.

7. Record transpires that the occurrence had taken place at 7:30 pm. on 24.06.2008. PW-2 Abdul Qadir along with PW-3 Habibullah and Ali Ahmed (not produced at the trial due to his death in a road accident) immediately shifted the deceased to the hospital whereafter PW-2 went to the Police Station at about 9:00 pm. for getting the FIR registered. There is no inordinate or unexplained delay in lodging the FIR.

11. In the case of Nakeebullah Versus the State reported in 2023 S C MR 1568 Honorable Supreme Court of Pakistan has been pleased to hold as under:

The ocular account consists of statements of Ghulam Muhammad and Sher Muhammad, PWs. 6 and 7, respectively who although were close relatives of the deceased but they have no motive to falsely implicate the petitioner in this case. They remained consistent on each and every material point and despite cross-examination their testimonies could not be shattered. It is a circumstance that they made statement against the petitioner after about more than five and half years of the occurrence and minor discrepancies which, pointed out by the learned counsel for the petitioner, are bound to occur after such a long span of time. Both the witnesses gave details of the occurrence and also clarified the manner in which the petitioner along with co-accused Noor Khan attacked upon the complainant and it was the petitioner who fired three shots upon the deceased.

4. Although the witnesses being close relative are not expected to let off the real culprit and involve the petitioner in this case falsely, especially, when it was not even suggested that they have any enmity, animosity or reason to falsely implicate him in this case. From the testimony of both the witnesses it is quite clear that they are truthful and reliable witnesses. Both the Courts below rightly appraised and re appraised the entire evidence of the ocular account and rightly found both the witnesses of the ocular account, truthful and reliable. We, on our own independent evaluation of evidence are not able to differ with such conclusion.

12. In the case of Nasrullah and others versus The State reported in 1996 SCMR 1926, Honorable Supreme Court of Pakistan has been pleased to hold that delay of 78 hours in lodging FIR was not fatal to the case of prosecution if there is a convincing explanation for the alleged delay.

13. The Contention of the Learned Defense Counsel that it is a case of suicide; and appellants were implicated falsely, that the neck of the deceased was covered with bandage which created doubt as to the injuries sustained by the victim. This contention of the Learned Counsel stood well explained in the prosecution case. Soon after the incident deceased was brought at hospital, where he was examined by the medical officer of BHU Faredabad, after first aid and treatment, he was referred to Larkana hospital in serious condition. As a result of first aid bandage was wrapped around the wound/neck to save further blood loss, this fact also

found support from the evidence of PW 8 Dr Rasool Bux who produced provisional medico legal certificate of deceased. The contention of Defense that it was a suicidal murder also stood fully countenanced through oral and documentary evidence. Prosecution in this regard examined PW 3 Dr Hidayat Ali who deposed that dead body was brought to hospital by PW 1 Manthar Ali, he conducted post mortem and found that deceased had sustained injury over his neck by a sharp cutting weapon, which was sufficient to cause death in the ordinary course. In order to establish that it was a suicidal and not a homicidal death a particular question was put to PW-3 Hidayat Ali to which has replied in the following manner:

There were other marks of violence over the body which I noted on my postmortem report besides the cut around his neck. The clothes of deceased were not torn from anywhere. It is correct that dagger, knife or razor can be put at throat by person himself for cutting his throat. I did not measure the whole neck of deceased. The time between injuries and post mortem would be about 6 to 7 hours. It is correct that place of injury may be suicidal in this type of injuries. However, in this case they injuries are not self-suffered. It is incorrect to suggest that the deceased committed suicide by cutting his throat with a sharp weapon. It is incorrect to suggest that I issued medical certificate at the instance of complainant showing the suicidal injury as murder.

This piece of evidence remained rebutted and unchallenged, which supported the ocular account that death of the deceased was a result of injuries sustained by him at the hands of accused persons. The Medical evidence is in line with ocular account, the same being a corroborative piece of evidence further strengthened the prosecution case.

14. In the case of Sohail Akhtar and another Versus The State reported in 2024 SCMR 67 Honorable Supreme Court of Pakistan has been pleased to hold as under:

11. It is well established from the evidence of the prosecution witnesses that the petitioner had committed the murder of Adil Javed, brother of the complainant and caused injuries to his son. The ocular account of the occurrence is in line with the medical evidence brought on the record. The prosecution witnesses have not been shattered during cross-examination and their evidence is confidence inspiring. The judgment passed by the High Court is well reasoned and based on proper appreciation of evidence available on the record. The High Court through the impugned judgment has rightly termed the recovery as inconsequential keeping in view the fact that crime empties secured from the place of occurrence were dispatched to the Forensic Science Laboratory after arrest of the petitioner and altered the penalty of death into imprisonment for life, a sentence justified in the circumstances of the case. Learned counsel for the petitioner has not been able to point out any infirmity or illegality in the impugned judgment calling for the interference by this Court.

12. In the circumstances, we hold that the prosecution has successfully brought home guilt against the petitioner beyond any shadow of doubt. Therefore, Jail Petition No.345 of 2017 lacking merit is dismissed and leave refused.

15. Contention of Learned Defense Counsel that during investigation, hatchet used in the commission of crime was allegedly recovered from appellant Muhammad Ali was not sent for matching with the blood secured from place of incident and bloodstained clothes, which raised doubts as to the recovery and its manipulation stood dispelled. Hatchet used in the commission

of crime was referred to laboratory for forensic analysis. Chemical analysis report came in positive and depicted that recovered hatchet was stained with human blood. The recovery of hatchet was affected from possession of appellant Muhammad Ali on 19-06-2014 just 04 days after alleged incident. The alleged recovery too stood established from the evidence of PW 6 Javed Ahmed and PW 7 ASI Zaheer Ahmed though they were subjected to lengthy cross examination but nothing fruitful came in favor of defense. The presence of human blood on hatchet in such a huge quantity cannot be manipulated in any manner.

16. The contention of Learned Defense Counsel that co-accused were acquitted by Learned Trial Court but appellants were convicted on the basis of same set of evidence and such benefit must be given to appellants, is without force. during trial prosecution witnesses unanimously supported prosecution case and their evidence was consistent and in line with documentary evidence in the shape of medical record. The case of present appellants was not identical to the case of co-accused who were acquitted of charge. The careful examination of the evidence of PW 3 Doctor Hidayat Ali demonstrated that there were several injuries on the person of deceased and his neck was cut. PW3 Dr Hidayat Ali deposed that besides cut mark around the neck of deceased which was result of sharp cutting weapon, marks of violence on both arms, abdomen and legs were present on the body. This piece of evidence transpired that at the time of incident victim resisted his assassination, the reaction of deceased as observed by Medical Officer in such attempts to life, when a person is subjected to assassination through sharp cutting substance is natural. It is the case of complainant that 02 accused Nawab @ Naboo and Ali Jan were holding deceased from head, hands and sitting over the legs and abdomen, which sought confirmation from the evidence of PW 3 Dr Hidayat Ali. This piece of evidence fully connected appellant Nawab alias Naboo in the commission of crime, he was assigned the role of catching hold of deceased from head, arms and legs which stood established from the medical evidence that marks of violence were present over body of deceased on arms, legs and abdomen. The evidence of prosecution witnesses gave a true and complete picture of the scene of offence, it affirmed that offence was not committed by a single person but by more than one person hence participation of appellant Nawab @ Naboo in the crime remained settled beyond reasonable doubt. The acquittal of co-accused in no manner supported the case of appellants as roles assigned to them were active and different from the role assigned to acquitted accused, therefore, it cannot be said that if the same set of evidence is disbelieved for acquitted accused, then benefit of such conclusion may also be given to appellants, because criminal cases are decided on the basis of evidence and role played by each accused in occurrence. Trial Court was right in concluding that case of sharing common intention was not made out against acquitted accused as there was no effective role against them.

17. Contention of Learned Counsel for Defense that there existed no enmity between parties, and appellants had no motive to kill deceased, absence of motive qua was sufficient to discredit prosecution story. Motive is a double-edged weapon, it gives presumption for a false implication and at the same time confirms the prosecution version of commission of crime on account of some motives. In the present case both parties are related inter se, the false implication of accused in such like cases is quite impossible, as to why the legal heirs will substitute a real culprit to that of innocent person. This is a day time incident, the appellants and complainant party resided in same village, they were well known to each other, question of mis-identification of accused thus did not arise. Presence of complainant and witnesses also remained established at the scene of offence from record produced in evidence by Medic Legal Officer PW 3 Dr Hidayat Ali. During recording of evidence in trial court he deposed that dead body of deceased was brought by complainant Manthar Ali. The initial

medical report of examination of injuries of deceased, transpired that deceased was brought to Faridabad Hospital by complainant in company of two witnesses. The place of incident was also inspected by I.O and it confirmed that incident had taken place in nearby jungle adjacent to village. It is well settled proposition of law that prosecution is burdened to prove its case beyond reasonable doubt and benefit of doubt if any has to be resolved in favor of accused. In the present case this burden has been successfully discharged by prosecution as the evidence of prosecution witnesses remained consistent and confidence inspiring on all material aspects. During arguments before this Court Learned Defense Counsel failed to point out any discrepancy, improvement, contradiction in the evidence of prosecution witnesses excepting that FIR was lodged with a delay.

18. In the case of Muhammad Shoban Versus the State reported in 2022 S C M R 1608 Honorable Supreme Court of Pakistan has been pleased to lay down the principle that the absence of motive can be a mitigating circumstance for reducing the sentence but will not warrant acquittal.

Yes! The only aspect of the case which goes in favour of the appellant is the motive part of the case. The motive alleged by the prosecution is of illicit relations of the appellant with the sister-in-law (Saali) of the deceased and the alleged words of reprimand by the deceased to the appellant and Shafaqat Ali alias Mithu his co-accused in the evening of a day before the occurrence. The burden to prove the motive part of the occurrence was upon the prosecution but record of the case would reveal that the same though alleged in the FIR but has not been proved. So mere alleging a motive would not be sufficient to accept and rely upon the same. The law of the land in this regard is much settled by now that absence of motive or absence of proof of the same would be a sufficient mitigating circumstance to determine the quantum of sentence. We can lay hands on some of the latest judgments of this court for a matter of reference i.e. Mst. Nazia Anwar v. The State (2018 SCMR 911), Nadeem Ramzan v. The State (2018 SCMR 149), Haq Nawaz v. The State (2018 SCMR 21), Ghulam Muhammad v. State (2017 SCMR 2048), Saif Ullah v. State (2017 SCMR 2041), Waris Ali v. The State (2017 SCMR 1572). So keeping in view the above discussion, we are of the considered view that the prosecution has utterly failed to prove the motive so alleged in the FIR, benefit of which for the purpose of quantum of sentence in this case will have to go to the appellant and the appellant in the given circumstances, cannot be awarded major penalty of death.

19. In the case Hameed Khan alias Hameedai versus Ashraf Shah and another reported in 2002 SCMR 1155 Honorable Supreme Court has held as under:

4. "...Sometime atrocious crimes are committed without any motive or for very minor motive as such adequacy or weakness of the motive or where motive is alleged but not proved, in such cases it is the duty of the Court to scrutinize the prosecution evidence carefully. If the ocular evidence is trustworthy and reliable the motive part becomes immaterial as motive is a guess of the complainant who speculates that such motive might have motivated the assailant to commit the crime as the real motive is only known to the offender being within his exclusive knowledge. Absence of motive or failure to prove the motive would not adversely affect the prosecution case if prosecution has proved its case by reliable evidence."

20. In the case of Syed Akhtar v. The State /reported in 2002 SCMR 383 Honorable Supreme Court has been pleased to observe as under:

8. "...Sufficiency or otherwise of the motive is not a sine qua non for the commission of the offence. It has been noticed that some desperate, reckless and ruffian type of people commit murder or other offences just at their whims while on the other hand people who have been properly nourished, educated and disciplined, do not lose their temper in most challenging situation, but rather act with patience and sobriety."

21. Honorable Supreme Court Syed Hamid Mukhtar Shah v. Muhammad Azam and 2 others reported in 2005 SCMR 427 has held that insufficiency of motive or motive being shrouded in mystery could not be considered as circumstances justifying non-awarding of the normal penalty of death to a murderer or to reduce the sentence of death to a lesser punishment.

22. During the re-appraisal of evidence it transpired that examination in chief of witnesses Manthar Ali and Ali Asghar was conducted in absence of accused Altaf however, the witnesses were cross examined in his presence. Record reflected that charge in the case was framed against accused Nawab @ Nawaboo, Saeed, Mukhtiar, Sajjan, Mohammed Ali, Sajid Ali on 21.10.2014. Prosecution recorded evidence to extent of examination in chief of PW 1 Manthar Ali and PW 2 Ali Asghar on 13.02.2015, cross examination was reserved at the request of defense. Thereafter accused Altaf was arrested and amended charge was framed against the accused Nawab @ Nawaboo, Saeed, Mukhtiar, Sajjan, Mohammed Ali, Sajid Ali and Altaf on 01.12.2015. Trial Court after framing of amended charge did not record evidence of PW1 and PW 2 afresh but they were recalled and re-affirmed and cross examined by the Counsel for accused on 19.09.2017. Trial Court committed a material illegality, the evidence of witnesses ought to have been recorded afresh as section 353 of Code of Criminal Procedure obligated the Court to record evidence of prosecution witness in presence of accused needless to say that evidence of witness included Examination in Chief, Cross Examination and Re-Examination. Since partial evidence of prosecution witnesses the extent of examination in chief was recorded in absence of accused Altaf who has been acquitted of the charge, therefore, no prejudice has been caused to him, if at this stage, the de novo trial is ordered, it will affect the case of acquitted accused Altaf, and might result in abuse of process of law. If on this ground alone the case is remanded back to the Trial Court, it will not yield any fruits, as ample evidence in terms of article 162 of the Qanun e Shahadat was available on record to give verdict of acquittal of accused Altaf. Even otherwise examination in chief of the above referred two witnesses was recorded in presence of appellants and they have remained in jail for about 11 years substantive period, to remand the matter back at this stage would add in the agonies of appellants, they will face a protracted trial and would be vexed twice. Therefore, this mistake on the part of Trial Court is condoned by exercising powers under section 537 CrPC, particularly when the defense has not raised this plea during trial so also in appeal and for deciding the case of prosecution, evidence of witnesses is read as a whole but not the examination in chief only.

23. In the present case prosecution witnesses remained consistent and despite of lengthy cross examination nothing favorable to the defense came on record. The prosecution clearly demonstrated that the appellants, along with others, were involved in a deliberate and premeditated murder. The manner in which deceased was done to death was brutal, shocking and gruesome, as a teenager minor boy was slaughtered, which exposed the hardened and separate nature of the accused, it is necessary to impose the strict punishment in order to



deliver justice and protect society from such desperate and hardened criminals. Learned Counsel for the appellants made a submission that they were in jail since last 11 years and it was a mitigating circumstance to reduce the sentence as undergone. It is settled principle of law that the long trial or the long time spent by an accused in custody does not change the severity of the crime and cannot be a mitigating circumstance to convert the quantum of sentence as the punishment provided for an offence punishable under section 302 PPC is either life or Death as Tazir. Given the clear evidence of the appellants' involvement in a brutal murder, the sentence of Imprisonment for life remains the appropriate and necessary punishment as Learned Trial Court has already taken a lenient view while awarding the conviction of imprisonment for life reducing it would undermine the justice deserved by the victims and the severity of the crime committed.

24. The case laws relied upon by the learned counsel for the appellants settle a different proposition of law and do not attract to the facts and circumstances of the present case which with due reverence are distinguishable.

25. In the light of the discussion made hereinabove, no case for the interference of this court under its appellate jurisdiction is made out. Consequently, these appeals being devoid of merits are dismissed, the impugned judgment is upheld and conviction and sentence awarded to the appellants by the Trial Court is maintained. Office to place signed copy of the judgment in connected appeal No.42/2019.

**JUDGE**

Asghar/P.A