IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

*Criminal Appeal No.S-**03** of 2025*
(Rafique Rajput v. the State)

Appellants:	**Rafique S/o Naseer Rajput** through Raja Hans Raj Naurang, Advocate.
Respondent:	**The State** through Mr. Siraj Ahmed Bijrani, A.P.G Sindh.
Date of Hearing:	**12-05-2025**
Date of Decision:	**11-07-2025**

J U D G M E N T

Riazat Ali Sahar, J.: This Criminal Appeal is directed against the judgment dated 14-12-2024 passed by the learned II-Additional Sessions Judge, Hyderabad in Sessions Case No. 272 of 2023, whereby the appellant Rafique Rajput was convicted under Sections 324, 337-A(i), 337-A(ii), 337-F(i) & 337-F(ii) of the Pakistan Penal Code, 1860 ("PPC"), and sentenced to various terms of rigorous imprisonment and payment of Arsh and Daman (compensation) to the victims. Feeling aggrieved, the appellant has assailed his conviction and sentence before this Court.

2. The appellant was tried for attempted murder and causing hurt to his estranged wife and mother-in-law. The prosecution's case, in brief, is that on 24.01.2023 at about 10:00 p.m., the appellant, armed with a knife and accompanied by his mother (Mst. Naseem), maternal uncle (Bashir) and an unknown accomplice, forcibly entered the house of Mst. Reena (the appellant's wife) in Noorani Basti, Hyderabad. The attack was motivated by a domestic dispute – Mst. Reena had filed a suit for dissolution of marriage due to the appellant's alleged maltreatment and intoxicant habits, and

the appellant had issued threats to coerce her into withdrawing the suit. On the night in question, upon instigation by Bashir, the appellant launched a knife attack on Mst. Reena, stabbing her on the neck, back and arm. When Mst. Reena's mother, Mst. Yasmeen, rushed over on hearing her cries, the appellant, again incited by Bashir, stabbed Mst. Yasmeen multiple times on different parts of her body. Believing both women to be fatally injured, the assailants fled the scene.

3. Despite their injuries, the two women managed to travel to Police Station Pinyari, Hyderabad the same night, where they reported the incident and obtained a police letter for medical treatment. They were then admitted to Civil Hospital, Hyderabad. The next day (25.01.2023), after emergency medical care had been administered and medico-legal certificates were issued, the complainant (PW-1, Muhammad Rashid, who is Mst. Reena's brother) formally lodged FIR No.10 of 2023 at P.S. Pinyari, nominating the appellant and his accomplices for the attack. The police carried out investigation, arrested the appellant, and recovered a blood-stained knife allegedly used in the offence. Upon conclusion of the investigation, the appellant was sent to trial. The learned trial Court, after recording evidence, convicted the appellant as noted above. He now appeals, pleading innocence and false implication due to the matrimonial discord.

4. As this is an appellate Court, I have undertaken a thorough **reappraisal of the entire evidence** on record, as required by law, to arrive at an independent conclusion on the guilt or innocence of the appellant. The prosecution examined seven witnesses (PW-1 to PW-7), including the two injured victims, eyewitnesses, a medico-legal officer, and police officials. The material aspects of their testimony are summarized and analyzed below.

> **Complainant (PW-1 – Muhammad Rashid):** He is the brother of Mst. Reena and the first informant. Although not an eyewitness to the stabbing (he was away driving his

rickshaw at the time), he corroborated the background motive and the immediate aftermath. He testified that about 6-7 years ago, his sister Reena was married to the appellant, who often mistreated her under intoxication, prompting her to seek divorce. He confirmed that the appellant had been issuing threats to withdraw the divorce suit. On the night of 24.01.2023, PW-1 received a distress call from his injured sister informing him that the appellant had attacked her and their mother with a knife, and that they were at Civil Hospital. PW-1 rushed to the hospital and found both women badly wounded. He testified that Mst. Reena narrated the entire incident to him – that the appellant, accompanied by Bashir (maternal uncle), Mst. Naseem (appellant's mother) and another man, had entered the house and, on Bashir's instigation, stabbed the two women with intent to kill. PW-1 then went to the police station the next day to lodge the formal FIR. In cross-examination, PW-1 candidly admitted he was not present at the scene during the attack, but his testimony is important for corroborating the sequence of events immediately after the incident (the reporting and hospitalisation). Despite searching questions, nothing emerged in his cross-examination to suggest any ill-will or motive on his part to falsely implicate the appellant, other than the obvious fact of the divorce dispute which, if anything, supports the prosecution rather than the defence.

Eyewitness/victim (PW-2 – Mst. Reena): Mst. Reena is the star witness, being the primary victim and eyewitness. Her testimony provides a graphic account of the assault. She confirmed her troubled marriage with the appellant and the pending dissolution suit. Regarding the incident, she stated that at about 10:00 p.m. on 24.01.2023, while she was at her mother's house, someone knocked at the outer door. She answered the door and saw the appellant (her husband) armed with a knife, accompanied by his uncle Bashir, his

mother Mst. Naseem, and one unknown person. According to PW-2, Bashir immediately exhorted the appellant to kill her, upon which the appellant attacked: ***"accused Rafique caused me knife blows on my neck, on my back and on my arm"***. She raised hue and cry, which attracted her mother to the scene. PW-2 further deposed that on seeing her mother, Bashir again instigated the appellant to harm her as well, whereupon the appellant ***"caused injuries to my mother on her different parts of body"***. The assailants then fled. PW-2 stated that she and her mother, bleeding, took a rickshaw to the police station to report the matter and obtain a referral letter, and then proceeded to the hospital for treatment. She remained admitted for about one week, and her mother for about 15 days. She also identified in court the knife (Article recovered) as the same weapon used by the appellant (though by the time of trial it was no longer blood-stained).

PW-2's cross-examination was aimed at pointing out minor inconsistencies between her trial testimony and her earlier statement to police under Section 161 CrPC. It was highlighted that in her police statement she reportedly said it was her mother who opened the door, and that she hadn't mentioned Bashir's instigation at the door or the detail of going to the police station by rickshaw. She explained that the police may have mis-written who opened the door (clarifying that it was in fact herself, not her mother). She admitted not explicitly mentioning Bashir's words of instigation in the 161 Cr.P.C statement, but maintained that the core fact of the appellant's attack is consistently stated. These omissions in the preliminary statement are not material contradictions; they do not detract from her vivid firsthand account of the assault. Critically, the defence could not shake her testimony on the pivotal point that the appellant was the one who stabbed her and her mother. PW-2 remained steadfast that she had no purpose to falsely implicate her husband; to the

contrary, she was seeking to lawfully end the marriage and had been terrorised by his threats. Despite rigorous cross-examination, her evidence emerged credible and cogent on all material particulars.

Eyewitness/victim (PW-3 – Mst. Yasmeen): She is the mother of PW-2 and second injured eyewitness. Her account closely corroborates that of her daughter with minor variations. She testified that on hearing Reena's screams after the door was opened, she hurried to the door and witnessed the appellant ***"causing knife blows to my daughter Reena"***, while Bashir, Mst. Naseem and an unknown person stood by. PW-3 tried to rescue her daughter, upon which Bashir instigated the appellant to attack PW-3 as well. The appellant then ***"caused me knife blows on different parts of my body"***, after which the assailants fled. She confirmed going with Reena to the police station and then to the hospital, where she remained admitted for about 15 days. She too identified the appellant as the culprit and recognized the recovered knife in court. PW-3's cross-examination revealed a minor discrepancy similar to PW-2's: her 161 statement recorded under Section 161 Cr.P.C that she (the mother) opened the door, which she clarified was incorrect – in fact her daughter opened it. She also hadn't mentioned Bashir's instigation in her police statement. These discrepancies were adequately explained or are of a trivial nature not impinging on her credibility. PW-3 further mentioned that after being stabbed she fell unconscious and only regained senses in the hospital, underlining the severity of the assault. The defence suggestions that the appellant properly maintained Reena or that no incident occurred were firmly denied by PW-3. Her testimony is natural, unwavering and corroborative of PW-2 in all major aspects. Being an injured witness, her presence at the crime scene is beyond

dispute, and the straightforward manner in which she recounted the ordeal inspires confidence.

Medical evidence (PW-4 – Dr. Yasmeen Rashid, Woman Medico-Legal Officer): The medical officer's testimony provides impartial confirmation of the nature and location of the injuries sustained by both victims, which dovetails with the ocular account. PW-4 testified that she examined Mst. Yasmeen (PW-3) at Liaquat University Hospital (Civil Hospital) Hyderabad on 24.01.2023, soon after the incident. She noted five incised wounds on Mst. Yasmeen's person, detailing their measurements and locations: (1) a 10 cm x 1.5 cm skin-deep incised wound on the left temporal region of the head/face (extending to the upper jaw/cheek), (2) a 2.5 cm x 0.5 cm skin-deep incised wound on the right cheek, (3) a 3.5 cm x 0.8 cm skin-deep incised wound below the right clavicle (upper chest), (4) a 3 cm x 1 cm skin-deep incised wound on the back of left side of chest, and (5) a 3 cm x 0.5 cm skin-deep incised wound on the back of right side of chest. All injuries were fresh, caused by a sharp cutting weapon (consistent with a knife). After requisite X-rays to rule out fractures or internal trauma, PW-4 issued the final Medico-Legal Certificate (MLC) for Mst. Yasmeen, classifying Injuries #1 and #2 as "Shajjah-i-Khafifah" (simple head/face injuries) punishable under Section 337-A(i) PPC, and injuries #3, #4, #5 as "Ghayr Jaifah Damiyah" (simple incised wounds on body causing bleeding) under Section 337-F(i) PPC.

PW-4 similarly examined Mst. Reena (PW-2) and documented five incised wounds on her body: (1) a 10 cm x 1.5 cm wound on the right side of the neck, bone deep with the bone exposed (extending from the area behind the right ear to the mid-neck), (2) a 2.5 cm x 0.8 cm skin-deep incised wound at the base of the right side of neck, (3) a 3.5 cm x 1 cm skin-deep incised wound on the back of the right shoulder, (4) a 2.5 cm x

1 cm skin-deep incised wound on the back of the left clavicle region, and (5) a 10 cm x 2.5 cm deep incised wound on the mid of right forearm involving the underlying muscle. All these injuries were fresh and caused by a sharp cutting weapon. After radiological examination (which showed no bone fracture or internal organ damage), the doctor issued Mst. Reena's final MLC, categorizing injury #1 (the neck wound with bone exposed) as "Shajjah-i-Mudihah" (a head/face/neck injury exposing bone) under Section 337-A(ii) PPC. Injuries #2, #3, #4 were certified as Ghayr Jaifah Damiyah under Section 337-F(i) PPC, and Injury #5 (deep forearm wound involving muscle) as "Ghayr Jaifah Badi'ah" under Section 337-F(ii) PPC. The medical evidence thus objectively supports the prosecution narrative: multiple knife wounds were inflicted on both victims, including one grievous wound on a vital area (neck) of Mst. Reena. The locations (neck, face, chest, arm) align with the victims' account of being stabbed on necks and various parts of the body. The weapon used was undoubtedly a sharp blade, consistent with a knife. Had prompt medical attention not been given, the neck wound in particular could have proved fatal. PW-4 also produced contemporaneous medical documents (police letter, provisional and final MLCs) which were exhibited in evidence. In cross-examination, the defence pointed out an overwriting on the date in the provisional MLC; PW-4 explained she had corrected the date and initialed it. It was also brought out that she did not personally see a police officer preparing an injury memo at the hospital and that the injured were brought by relatives, not police. These are minor procedural aspects and do not cast any doubt on the veracity of the medical findings. The defence's suggestion that the medical certificates were "fake" was firmly denied by the lady doctor, and there is no evidence whatsoever to support such an allegation. The medical evidence, being res inter alios acta,

cannot by itself identify the assailant, but it serves as strong corroborative evidence confirming that the victims were attacked in the manner described. The injuries documented are exactly what one would expect if two unarmed women were slashed with a knife – lending a ring of truth to the prosecution case.

Recovery witness (PW-5 – Rashid Akhtar): PW-5 is a private witness (mashir) who attested several recovery and inspection memos during investigation. Though a relative of the victims by marriage (his wife is related to PW-2 and PW-3), he resides in the same vicinity (Noorani Basti) and was regarded as a *"respectable person"* called upon by police to witness proceedings. He testified that: (a) on 24.01.2023, at P.S. Pinyari, ASI Habibullah (PW-6) prepared the memo of injuries of Mst. Reena and Mst. Yasmeen, in his and co-mashir Dilawar's presence; (b) on 25.01.2023, ASI Ghulam Muhammad (PW-7) visited the place of incident (the house) on the complainant's pointation and drew the site inspection memo, again in presence of PW-5 and Dilawar; (c) on 30.01.2023, the appellant was arrested by ASI Ghulam Muhammad from "Mustafa Park" on the complainant's pointation, under an arrest memo signed by PW-5 and the other mashir; and (d) on 01.02.2023, the recovery of a knife was effected by ASI Ghulam Muhammad, documented via a memo witnessed by PW-5 and Dilawar. PW-5 identified in court the various memos (site inspection, arrest, recovery, injury memo) that bore his signatures.

In cross-examination, PW-5 acknowledged his relation to the victims (which he had disclosed) and stated he learned of the incident after it had occurred (he did not witness the stabbing itself). He admitted that he and his wife went to the hospital upon hearing of the incident, and that the police did not read out the memo contents to him line-by-line before he signed;

rather, his signatures/thumb impressions were obtained, some at the police station, and he was not called to the police station during the investigation except at the time of these formalities. He also stated that the knife was not recovered from the physical possession of the accused at the time of arrest, implying it was recovered later on the accused's disclosure. He denied the suggestion that the proceedings were fabricated or that he was giving false evidence. The defence has cast doubt on PW-5's independence due to his relationship and the somewhat perfunctory manner in which memos were attested. It is true that PW-5 is not a wholly disinterested witness; however, mashirs in our context are often acquaintances or local residents, and mere relationship with the victim does not disqualify a witness or make him per se untruthful. What is crucial is that PW-5's testimony about the recovery of the weapon and other investigation steps remained unshaken and is corroborated by PW-7 (the investigating officer). Minor imperfections – such as him not recalling the exact contents of documents or memos not being read out – do not demolish the substance of the evidence. This Court, therefore, finds that the recoveries and memos attested by PW-5 are credible, especially since no evidence of tampering or fabrication was brought out.

Initial Investigating Officer (PW-6 – ASI Habibullah Babar): PW-6 was the duty officer at P.S. Pinyari when the injured women first arrived on 24.01.2023. He testified that on that night, the complainant Muhammad Rashid (PW-1) came to the police station along with the two injured women (Mst. Reena and Mst. Yasmeen) and two witnesses (Rashid Akhtar PW-5 and Dilawar). PW-6 prepared the Mashirnama-e-Zaroorat-e-Mulaji (injury memo) for the two injured at the police station in presence of PW-5 and Dilawar, and issued the police letter for their medical examination at the hospital.

He further stated that on the next day, 25.01.2023, after receiving the medical certificates and a formal complaint disclosing a cognizable offence, he registered FIR No.10 of 2023 under Sections 324, 114, 34 PPC (the sections were later updated to include the specific hurt sections). He identified the FIR (Ex.4/A), the police letter for medical (Ex.7/A), and the injury memo (Ex.8/D) on record as the same documents prepared/signed by him. The cross-examination of PW-6 was brief – he affirmed that he recorded the FIR verbatim as narrated by the complainant. No discrepancy was pointed out in the FIR lodging procedure. The prompt registration of the FIR by PW-6 on the morning of 25.01.2023, after the initial report on the night of 24.01.2023, indicates that there was no inordinate delay in setting the law into motion. The minor overnight gap is satisfactorily explained by the fact that priority was given to obtaining medical aid for the victims at night, with formal FIR being lodged once their condition stabilised and medico-legal forms were obtained. Such a brief delay, which is plausibly accounted for, does not cast any adverse inference on the prosecution case, especially when the occurrence itself was reported to police immediately (as evidenced by the issuance of the medical letter on 24.01.2023).

Investigating Officer (PW-7 – ASI Ghulam Muhammad Solangi): PW-7 is the officer who took over as the Investigating Officer ("IO") on 25.01.2023, after registration of the FIR. He conducted the bulk of the investigation. PW-7 deposed that on 25.01.2023, the case was entrusted to him and he immediately visited the scene of crime (the house at Noorani Basti) at 4:05 p.m. that day, per entry No.23 of the police diary. He inspected the place in the presence of mashirs (PW-5 Rashid Akhtar and Dilawar) and prepared the site inspection memo at 5:00 p.m. He noted the locale was a residential area and, as he stated in cross, it was "thickly

populated"; however, no physical evidence (like blood or weapon) was recovered from the scene during inspection.

PW-7 further testified that on 30.01.2023, acting on information from the complainant, he arrested the appellant Rafique Rajput from Mustafa Park, Hyderabad, in the presence of the mashirs PW-5 and Dilawar. An arrest memo was made at the spot and duly signed by the mashirs, which PW-7 confirmed in evidence. The most significant part of PW-7's evidence is the recovery of the crime weapon. He stated that on 01.02.2023, during interrogation, the appellant confessed his guilt and disclosed that he had hidden the knife used in the offence at the Panje Shah Dargah (shrine). Pursuant to this disclosure, PW-7 took the appellant, along with the mashirs, to the pointed spot. The appellant then led them to recover a knife hidden in the earth at the Dargah, which was stained with blood and had some hair stuck to it, and handed it over to PW-7. PW-7 prepared the recovery memo on the spot, witnessed by PW-5 and the other mashir. He measured the knife and found its length to be 14 inches. The recovered knife was produced in Court as case property and both PW-2 and PW-3 identified it to be the same type of knife used by the appellant (noting that by trial it was no longer visibly blood-stained). PW-7 also deposed that during investigation he recorded statements of four independent persons from the neighborhood on 18.02.2023 (presumably to corroborate the fact of the victims being found injured and the appellant's prior threats), and after completing the investigation, he submitted the charge-sheet against the appellant for trial.

PW-7's cross-examination mainly probed possible lapses in the investigation. He confirmed that the mashirs (PW-5 and Dilawar) were brought by the complainant and accompanied him; he did not know them personally before, but he asked

them to act as witnesses given the need for respectables. He asserted that he did read over the contents of the memos (site inspection, arrest, recovery) to the mashirs and took their signatures at the spot in each case, which slightly contradicts PW-5's memory but not in a material way. PW-7 admitted that nothing was recovered from the house during the site inspection and that he did not seize the blood-stained clothes of the victims during investigation – a lapse, but not one that undermines the core evidence since the medical officer had directly observed and recorded the wounds. He further admitted that the knife was recovered about 6 days after the arrest (the arrest on 30.01.2023 recovery on 01.02.2023 – actually 2 days after the incident; PW-7 may have misspoken the gap) and that the knife was not sent to any forensic laboratory for analysis. He also conceded that no blood samples of the injured were sent for DNA comparison to confirm if the blood on the knife matched the victims. Additionally, PW-7 acknowledged that he placed no specific identification mark on the knife, and that such knives are commonly available in the market. These investigative omissions, while not ideal, do not vitiate the prosecution case. Failure to send the recovered weapon for chemical or serological analysis is a negligence on the part of I.O; however, it has been held that if the ocular account is strong and convincing, an un-tested recovery by itself does not dent the prosecution case. In fact, the superior Courts have observed that a weapon recovery uncorroborated by forensic report diminishes its corroborative value but is not *per se* fatal to the prosecution case. Here, even disregarding the recovery, the direct evidence of the victims is sufficient to maintain conviction. PW-7 maintained that the knife recovered was indeed the one the appellant led them to, and it was visibly blood-stained (with hair) at that time. The defence suggestion that the entire investigation was done at the police

station (fabricated on papers) was denied by PW-7. Nothing significant was elicited to rebut the evidence that the appellant's disclosure led to the discovery of the weapon – a fact admissible under Article 40 of the Qanun-e-Shahadat (corresponding to Section 27 of the Evidence Act).

Finally, PW-7 produced certified copies of various daily diary entries to substantiate the timings of his actions (entries for scene visit, arrest, etc.), which lend further credence that the investigation proceeded in a timely and routine manner.

5. In his statement under Section 342, Cr.P.C, the appellant denied the allegations in toto. He claimed that he had been falsely implicated due to enmity and the ongoing dispute with his wife, and that no such incident actually took place. He, however, did not opt to appear as a witness on oath under Section 340(2), Cr.P.C., nor did he produce any evidence in his defence. Thus, his plea remained an unsubstantiated denial. It is settled law that a mere denial or allegation of *"false implication"* is worthless in the face of affirmative evidence; the initial burden on the prosecution is only to prove its case beyond reasonable doubt, not to disprove every speculative defence theory. Here, the appellant failed to justify why his mother-in-law and wife would allegedly fabricate such a grave allegation and inflict severe injuries upon themselves or each other simply to implicate him. The absence of any cogent defence evidence tilts the balance heavily in favour of the prosecution's version.

6. Having reviewed the evidence, this Court now addresses the legal issues and points of contention raised in this appeal. Learned counsel for the appellant essentially advanced arguments on the lines that: (i) the ocular testimony is unreliable due to inter se contradictions and improvements; (ii) the witnesses are related to each other (interested) and no independent witness of the occurrence was produced; (iii) the delay in FIR and investigation lapses (non-recovery of bloodstained clothes, failure to send the

knife for forensic testing) cast doubt on the prosecution story; and (iv) that the prosecution failed to prove the specific intent required for *"attempt to murder"* under Section 324 PPC, suggesting at best a quarrel resulting in simple injuries. On the other hand, the learned Deputy Prosecutor General argued that the evidence of the injured women is inherently trustworthy, that any minor discrepancies are inconsequential, and that all ingredients of the offences are fully satisfied by the prosecution proof. I have given our anxious consideration to these submissions in light of the record and applicable law.

7. The case largely hinges on the testimony of PW-2 and PW-3, who are both eyewitnesses and victims. In law, an injured witness enjoys a special status as his presence at the scene is seldom doubted; however, it does not mean his testimony is to be accepted without scrutiny. This Court has carefully scrutinized their evidence and finds it credible and reliable. The minor inconsistencies pointed out (such as who opened the door or omission of the word "instigation" in initial statements) do not go to the heart of the prosecution case. These witnesses remained consistent on the core events – that the appellant was the aggressor who attacked them with a knife. Their evidence is also strongly corroborated by medical testimony in terms of the nature, number, and placement of injuries. Our Superior Courts have consistently held that if the testimony of an eyewitness (in particular an injured eyewitness) is found truthful and confidence-inspiring, the mere fact of their relationship with the victim is not a valid ground to discard their statement. A related witness can be a natural witness; the real test is the quality of their evidence, not the quantity or their relationship. Here, both PW-2 and PW-3 withstood lengthy cross-examination and no motive was attributed to them for falsely implicating the appellant other than the ongoing marital dispute – which, ironically, provides a motive for the appellant to commit the crime rather than for the victims to falsely accuse. It is highly improbable that a mother and daughter would stage a bloody

assault upon themselves, suffer real stab wounds (including a deep cut to the neck), just to implicate a son-in-law. The defence theory of false implication thus rings hollow. Moreover, as observed by the august Supreme Court, substitution of the real culprit in such serious crimes, especially when the assailant is well-known to the victims (in this case a close relation), is an exceedingly rare phenomenon. I am satisfied that PW-2 and PW-3 spoke the truth and the minor discrepancies are natural and do not undermine their credibility. In fact, minor discrepancies often are an indicator of truth, as wholly uniform statements might suggest tutoring; trivial variations in peripheral details are to be expected due to differences in observation, memory, or timing of statements. The touchstone is whether the witnesses are consistent on material particulars – in this case, they unquestionably are.

8. Although, as a matter of law, a conviction can be maintained on the testimony of a single competent witness if found credible (even if he or she is related to the victim), in the present case I have the advantage of multiple corroborative pieces of evidence. The medical evidence, as discussed, strongly aligns with the ocular account, confirming that the injuries were caused by a sharp-edged weapon and could have been fatal. The time of examination in hospital and freshness of injuries dovetail with the alleged time of occurrence (10 p.m on 24th January, 2023). There is no conflict between medical and ocular evidence whatsoever; in fact, the medical evidence here lends further assurance to the truth of the prosecution case. The recovery of the weapon at the appellant's instance, while not corroborated by a forensic report (because the knife regrettably was not sent for analysis), still has some incriminatory value – the appellant's disclosure led to a concealed weapon being found, reinforcing the notion that he had knowledge and control of the weapon. Even if I treat the recovery with caution due to the lack of chemical analysis, the direct evidence is so overwhelming that the case does not hinge on the recovery. It is worth noting that the positive identification of the same type of

knife by both injured witnesses in Court fortifies the link between the recovered article and the offence.

9. Alleged Lapses of Investigation: The defence has pointed to certain lapses, such as not sending the knife to the laboratory, not seizing victims' bloodied clothes, and not producing the neighbour ladies or other "independent" eye-witnesses. I find that these lapses, though regrettable, do not create reasonable doubt in the face of otherwise unimpeachable evidence. It is a settled principle that defective investigation by itself does not entitle an accused to acquittal, where the prosecution evidence, sans such lapses, remains sufficient to prove the charge. The Courts have deprecated the practice of police failing to perform scientific corroboration, but have also clarified that such failure would assume significance only if it casts doubt on the ocular account. Here, the direct evidence is straightforward and coherent; the non-sending of the knife/dagger to the lab does not negate the fact that both victims saw and felt the stabs with that weapon. Similarly, while independent witnesses of the occurrence were not available (the attack happened inside a private home at night), the I.O did record statements of some neighbors regarding the aftermath. In any case, the law does not require a particular number of witnesses – "evidence has to be weighed, not counted." The testimony of the injured eye-witnesses is itself the best evidence; absence of testimony from a bystander or neighbor (even if available) is not fatal as long as the existing evidence convinces the Court. The neighbours who arrived post-incident could only provide corroboration of the victims' condition, which is already established beyond doubt. As for the one-day delay in lodging the formal FIR, I have already noted that it was adequately explained by the necessity of obtaining medical treatment first. The FIR was lodged promptly the next morning at 9:30 a.m., which falls well within the realm of a reasonably prompt report, especially since the police were informed on the night of occurrence itself when the victims went to obtain the letter. The contents of the FIR are in line with the victims' testimony, and no

significant embellishment is observed. I, therefore, do not find merit in the argument that the investigation lapses or timing of report create any reasonable doubt. At most, these could indicate negligence on part of certain officials, but they do not shake the core prosecution case which has been proven through direct evidence.

10. The learned defence counsel argued that the injuries caused were not on a vital part (except one on Reena's neck) and were largely skin-deep, thus suggesting the appellant might not have harbored a definite intention to kill. I am not persuaded by this contention. The charge under Section 324 PPC – attempt to commit qatl-i-amd (murder) – is well-founded in this case. In order to secure a conviction under Section 324, PPC, the prosecution must establish two key components: **first,** that the accused committed an act with the intention or knowledge that his act was so imminently dangerous that it could cause death (if not intercepted or treated), and **second,** that the act in question in fact was done (though it fell short of causing death). In other words, there must be a murderous intent or knowledge coupled with an overt act towards its fulfillment. Here, the appellant's intent to kill can be inferred from multiple factors: the background of threats to life, the selection of a deadly weapon (a long knife/dagger), the targeting of a vital area (neck) of Mst. Reena with a forceful blow exposing bone, and the **multiple stabbings** on the upper bodies of both victims. These are not the actions of someone merely trying to "hurt" or scare – they are actions directed at vital parts that could naturally result in death. That the victims survived is fortuitous. It is well settled that the failure to achieve the death of the victim due to timely medical intervention or any other external circumstance does not exonerate an accused from attempt to murder, if his intent and actions satisfy the requirements of Section 324 PPC. The law looks at what the offender set out to do, not merely at the end result. In this case, by stabbing his wife on the neck with such severity and also assaulting an elderly lady (his mother-in-law) **repeatedly**, the appellant demonstrated a clear intention (or at the very least knowledge) to

cause death. Moreover, the presence of multiple co-accused who allegedly abetted and accompanied him indicates premeditation rather than an act done on sudden provocation. Even if I consider the possibility that the appellant's primary wrath was directed at Reena (due to the divorce case) and the mother got injured intervening, the appellant nonetheless is liable for attempting to cause the death of both, given he chased and stabbed the mother as well. There is no element of grave and sudden provocation from the victims' side that could reduce his culpability; they were in their home at night when he attacked.

I would also address a legal aspect regarding the convictions under both Section 324 and the hurt provisions (337-A, 337-F). The trial Court convicted and punished the appellant separately for the specific hurts caused (as Arsh/Daman with imprisonment) and seemingly also under Section 324 PPC. On the face of it, this does not amount to double jeopardy because the injuries inflicted are distinct acts for which Qisas/Daman liabilities arise, co-existing with the overarching intent to commit murder. Our statute expressly allows such cumulative punishment: Section 337-N PPC clarifies that the sentence under Chapter XVI (hurt) does not absolve from punishment under any other section of the PPC for the same act. Furthermore, Section 337-W PPC mandates that if an offender causes multiple injuries, the Court shall specify the punishment for each injury notwithstanding any general restrictions on multiple punishments in one transaction: content Reference[oaicite:103]{index=103}. The learned trial judge, in fact, carefully followed this scheme by awarding separate terms for each injury (all running concurrently) as well as Arsh and Daman to the victims. This approach is consistent with law: Thus, from a legal standpoint, the conviction of the appellant for attempt to murder is fully justified and does not unlawfully prejudice him when read with the hurt convictions – rather, it addresses the totality of his criminal conduct.

11. Although motive is not a ***sine qua non*** for conviction, in the present case the prosecution did provide evidence of motive, which further buttresses its case. The motive was the appellant's resentment over Mst. Reena seeking divorce and his consequent threats to her and her family. PW-1, PW-2, and PW-3 all consistently spoke of this background (accused's maltreatment in intoxication, the dissolution suit, and threats). This remained unchallenged in any meaningful way. Indeed, the appellant's own stance is that a quarrel existed – he just claims the case is false, but does not negate that there was animosity owing to the marital discord. Proving motive is a double-edged sword: it establishes why the accused might commit the crime, and here it does so convincingly. There is no evidence of any enmity between the complainant party and some other person who could be the "real culprit". Therefore, the presence of a strong motive on appellant's part and the absence of any plausible alternative perpetrator scenario eliminate any lingering doubt about the appellant's guilt.

12. The law of criminal justice in Pakistan espouses that an accused person is entitled to the benefit of doubt as a matter of right, not grace, if such doubt emerges from the evidence or lack thereof. However, it is equally settled that the doubt must be reasonable, not speculative or imaginary. Courts should not conjure fanciful doubts to acquit when the evidence otherwise meets the standard of beyond reasonable doubt. In the case at hand, having analyzed the entire evidence, I do not find any circumstance that creates a genuine doubt about the appellant's involvement in the crime. The prosecution's evidence has a ring of truth and remained consistent throughout. Minor omissions or investigative lapses, as discussed, do not amount to a reasonable doubt in the overall context. No significant contradiction or infirmity has been pointed out that goes to the root of the prosecution story. The defence was unable to shake the core testimony of the eye-witnesses or to provide any alternate narrative. Therefore, I are satisfied that the prosecution has proved its case to the hilt. In such situation, there

is no scope to extend any benefit of doubt to the appellant – to do so would be stretching the law of doubt beyond its rational limits. As eloquently held in a recent precedent, *"a single or slightest doubt, if found reasonable, would entitle the accused to acquittal"* (***Ahmed Ali v. the state 2023 SCMR 781***), but where the purported doubts are neither reasonable nor supported by the evidence, the conviction must stand.

13. In light of the foregoing discussion, I conclude that the findings of the learned trial Court are correct and are based on proper appreciation of evidence. I find ourselves in agreement with the trial Court that the appellant is guilty of the offences charged. The prosecution evidence, particularly the direct evidence of the injured eye-witnesses, is trustworthy and has been rightly believed. The defence has failed to create any reasonable dent in the prosecution case. I also observe that the learned trial Judge has adequately discussed the evidence and addressed the material points; I have essentially reached the same conclusion upon independent re-appraisal, thus no interference is warranted.

14. As a final point, I examine whether the sentences awarded are in accordance with law and proportionate to the offence. The trial Court has imposed: Arsh (1/20 of diyat) and 2 years' rigorous imprisonment for the Shajjah-e-Mudihah injury; Daman and 6 months' R.I. on each count of Ghayr Jaifah Damiyah; Daman and 1 year R.I. for the Ghayr Jaifah Badi'ah injury; and Daman with 1 year R.I. on each count of Shajjah-e-Khafifah injuries to the mother, all sentences to run concurrently (effectively capping the total imprisonment at 2 years, aside from the monetary compensation). Additionally, benefit of Section 382-B Cr.P.C. (period of detention to count as time served) was given. I note that Section 324 PPC itself prescribes up to 10 years' imprisonment (along with fine/arsh) for attempt to murder, but in the peculiar circumstances, the trial Court chose to make the hurt punishments run concurrently, resulting in a relatively lenient imprisonment term of 2 years. The

prosecution has not filed any appeal for enhancement, and the appellant's side is seeking acquittal, not specifically reduction of sentence. In any event, I find the sentences to be within legal limits, and not excessive given the nature of the offence. The appellant very nearly took the life of at least one person (his wife) and grievously injured an elderly woman; a firm punishment is deserved. The awarded Arsh and Daman amounts are as per the statutory framework and will provide some solace to the victims. I do not find any mitigating circumstance to warrant interference with the sentences. On the contrary, the sentence appears already tempered with some leniency (perhaps considering the appellant's first-offender status as noted by trial Court). It serves the ends of justice and should be **maintained.**

15. For the reasons discussed, this Court holds that the prosecution has proved, beyond reasonable doubt, that the appellant Rafique Rajput, on 24.01.2023, attacked Mst. Reena and Mst. Yasmeen with a knife with the intention to commit their Qatl-e-Amd (murder), and in doing so caused multiple injuries falling within the definitions of Shajjah-i-Khafifah, Shajjah-i-Mudihah, Ghayr Jaifah Damiyah and Ghayr Jaifah Badi'ah, as charged. The testimony of eyewitnesses, the injured victims is found to be truthful and is corroborated by medical evidence and other supporting evidence. The minor inconsistencies and investigative lapses highlighted by the defence do not create any reasonable doubt about the appellant's guilt. The appellant's plea of false implication is untenable and has been rightly disbelieved by the trial Court. The trial Court's judgment is well-reasoned and is affirmed on all counts. The convictions of the appellant under Sections 324, 337-A(i), 337-A(ii), 337-F(i) and 337-F(ii) PPC are hereby **upheld.**

16. As regards the sentences, the trial Court's approach in awarding separate sentences for each injury (in compliance with the

statutory scheme) but making them concurrent is legally sound. The net result of two years' rigorous imprisonment along with substantial Arsh and Daman to the victims is commensurate with the gravity of the offence and the suffering caused. I find the sentence neither illegal nor unduly harsh. It reflects an appropriate balance between retribution, deterrence, and rehabilitation considerations. Therefore, the sentences, including the payment of Arsh and Daman as ordered by the trial Court, are **maintained** in toto.

17. In view of the above, the Criminal Appeal No. 03 of 2025 is ***dismissed.*** The convictions and sentences of appellant Rafique Rajput, as recorded by the learned trial Court in Judgment dated 14-12-2024, are affirmed. The appellant shall serve out his remaining sentences. The liability of Arsh and Daman upon the appellant, and the mode of recovery as determined by the trial Court, are also sustained.

J U D G E

Ahmad/P.S.