

IN THE HIGH COURT OF SINDH AT KARACHI

PRESENT:

Mr. Justice Khadim Hussain Tunio
Mr. Justice Amjad Ali Sahito

Spl. Crl. Anti-Terrorism Appeal No.94 of 2024
Confirmation Case No.04 of 2024
Spl. Crl. Anti-Terrorism Appeal No.96 of 2024

Appellant : Muhammad Imran alias Mann S/o Abdul Ghani Odh through Mr. Allah Wadhayo Advocate
[in Spl. Crl. ATA No.94/2024]

Appellants : i. Muhammad Qurban alias Irfan S/o Muhammad Latif
ii. Muhammad Imran alias Mann S/o Abdul Ghani Odh
iii. Waseem Khan alias Waheed Pathan S/o Sheeaz Khan
iv. Muhammad Ramzan alias Baboo Odh S/o Abdul Jabbar through Mr. Qaim Ali Memon, Advocate
[in Spl. Crl. ATA No.96/2024]

Respondent : For State
Ms. Rubina Qadir, Addl. P.G. a/w Complainant Mubarak Ali in FIR No.411/2016 and Zeeshan Ahmed on behalf of Complainant in FIR No.246/2016 are present.

Date of Hearing : 17.12.2025

Date of Judgment : _____.12.2025

JUDGMENT

Amjad Ali Sahito, J. Through the instant appeals, appellants have impugned the Judgment dated 31.07.2024 passed by the learned Judge, Anti-Terrorism Court No.VII, Karachi in Special Case No.33(vii)/2020 under FIR No.246/2016 U/s 302, 377, 34 PPC R/w Section 7 ATA, 1997 of PS Sohrab Goth and Special Case No. 33-A(vii)/2020 under FIR No.411/2016 U/s 302, 34 PPC R/w Section 7 ATA, 1997 of PS SITE Superhighway Industrial Area, Karachi; whereby the appellants were convicted and sentence as under:

For the offence punishable u/s 302/365-A/34 PPC r/w section 7 (a)(e) ATA 1997, accused persons Muhammad Qurban alias Irfan son of Muhammad Lateef, Muhammad

Imran alias Mann son of Abdul Ghani Odh, Waseem Khan alias Waheed Pathan son of Sheeaz Khan and Muhammad Ramzan alias Babu Odh son of Abdul Jabbar to suffer sentence of death. These convicted shall be hanged by Neck till their death, subject to confirmation of Hon'ble High Court of Sindh. They will also pay Rs.20,00,000/- (Rupees two million) each, as compensation under section 544-A Cr.P.C. to the legal heirs of deceased/victims.

For the offence punishable u/s 377/34 PPC, accused Muhammad Quran alias Irfan son of Muhammad Lateef, Muhammad Imran alias Mann son of Abdul Ghani Odh, Waseem Khan alias Waheed Pathan son of Sheeaz Khan and Muhammad Ramzan alias Babu Odh son of Abdul Jabbar to suffer Rigorous Imprisonment (R.I) for Life Imprisonment and pay Rs.50,000/- (Rupees fifty thousand) each, as a fine and in default of payment of fine further suffer S.I for 02 months each.

All the above said sentences were ordered to run concurrently and the benefit of Section 382-B Cr.P.C. was also extended to the appellants.

02. The prosecution case emanates from FIR No. 246 of 2016, registered at Police Station Sohrab Goth, Karachi. The complainant, Imtiaz Ahmed, reported that on 11.09.2016 his minor son, Muhammad Hassan, aged about 10 years, left the house to play and did not return. Upon search, the complainant learned that his son was last seen playing with another minor, Muhammad Shahbaz. Both children subsequently went missing. Despite continuous efforts by the complainant until midnight, their whereabouts could not be traced. The matter was thereafter reported to the police, who, along with the complainant, conducted searches at various locations.

03. On 12.09.2016, one Muzammil informed the complainant that he had received a telephone call from mobile number 0303-9729170 regarding the missing child. When contact was made on the said number, the caller stated that the child was in their custody and that further contact would be made, whereafter the call was disconnected. Subsequently, the complainant received information from the area police picket regarding recovery of a dead body. He proceeded to the police chowki and, at about 3:00 p.m., accompanied by SIP Ali Akbar, went to Edhi Mortuary, where he identified the deceased as his son Muhammad Hassan.

After completion of legal formalities, the dead body was handed over to the complainant. The present FIR was thereafter lodged, and investigation was entrusted to PI Muhammad Hussain Chandio.

04. Separately, FIR No. 411 of 2016 was registered at Police Station SITE Superhighway Industrial Area on the complaint of Mubarak Ali, who stated that on 11.09.2016 his minor son, Muhammad Shahbaz, aged about 8-9 years, went out to play with Muhammad Hassan but did not return. Despite search, both boys remained untraceable. On 12.09.2016, at about 3:00 p.m., the complainant received information that the dead body of his son had been recovered from bushes opposite State Bank Society near Khadim Hussain Solangi Goth, Scheme-33, Karachi. Upon reaching the spot, he found the dead body of his son bearing a severe head injury. The police took custody of the corpse, and after completion of formalities, handed it over to the complainant. Subsequently, section 7 of the Anti-Terrorism Act, 1997 was added, and investigation was assigned to Inspector Sher Muhammad Siyal.

05. During investigation, accused Waseem Khan alias Waheed Pathan was arrested, and on his pointation, co-accused Muhammad Qurban alias Irfan, Muhammad Ramzan alias Babu Odh, and Imran alias Mann were arrested on 09.12.2016, along with absconding accused Raju Odh. Upon completion of investigation, challans were submitted before the learned Administrative Judge, Anti-Terrorism Courts, Karachi Division, and the case was transferred to ATC-I, Karachi for trial.

Copies of police papers were supplied to the accused in compliance with section 265-C Cr.P.C. Charges under sections 302/377/34 PPC read with section 7 ATA, 1997 were framed, to which the accused pleaded not guilty and claimed trial. Subsequently, amended charges were framed after arrest of another accused and, later, upon amalgamation of FIRs No. 246/2016 and 411/2016 under section 21-M ATA, 1997, a further amended charge was framed adding section 365-A/34

PPC. The accused again pleaded not guilty, and prosecution witnesses were re-examined.

06. The prosecution examined a large number of witnesses, including the complainants, private eyewitnesses, medical officers, investigating officers, mashirs, and magistrates, and produced documentary and forensic evidence in support of its case. After closure of the prosecution evidence, statements of the accused under section 342 Cr.P.C. were recorded, wherein they denied the allegations and claimed innocence. Certain defence witnesses were examined under section 340(2) Cr.P.C.

07. Upon appraisal of the entire evidence and hearing the parties, the learned trial Court convicted and sentenced the appellants vide judgment dated 31.07.2024, which judgment has been impugned in the present appeals.

08. Learned counsel for the appellants contended that the appellants are innocent and have been falsely implicated in these cases; that the impugned judgment is contrary to law and facts; that the learned trial Court has misappreciated the evidence, resulting in the wrongful conviction of the appellants; that material contradictions in the testimonies of the prosecution witnesses create serious doubt with respect to the prosecution case; that all the four accused were arrested on different dates but they all were booked in the instant cases; that I.Os. have not collected any Independent witnesses from the locality which justified that they were with the deceased boys at the time of their missing; that PW Muhamamd Younis claimed to be an eyewitness who, after delay of 42 days, identified the accused without any specific role and act, which has no value in the eyes of law, whereas two witnesses viz. PW Muhammad Siddique and PW Shahnawaz produced before the Court, where PW Siddique did not point out/identify accused Qurban and PW Shahnawaz did not point out/identify accused Ramzan before the trial Court; that after a delay of 42 days they have recorded their statements before the I.O. and prior the ID test, all accused persons were shown to the PWs at P.S. by the I.O.

09. They further argued that no statement u/s 164 Cr.P.C recorded before the Magistrate and no any tangible evidence connects the present accused persons with the commission of crime; that prosecution has no evidence against present accused persons except confessional statement before police under custody of police, which again has no value in the eyes of law; that earlier 60 persons were arrested and police officer Shakoor had demanded bribe money against their release, whereas DW Asim's statement is on record who also stated that police officer Shakoor received bribe money against his release and for release of his brother/accused Waseem; that PW Siddique and PW Shakoor have admitted that they did not know which child was with whose persons, both the PWs were present in Bazar, but no one has seen the children with the accused except these two said persons, which shows that they are interested witnesses, who after 42 days recorded their statements before the I.O. They further contended that it is fundamental principle of law that the burden of proof lies upon the prosecution, whereas prosecution has miserably failed to discharge their burden to prove the case; that any doubt in the prosecution case goes in favour of the accused but despite several contradictions, learned trial Court convicted them; that I.O. conducted unfair investigation as he has failed to associate any single independent private witness who had seen the accused committing any offence, whereas all private witnesses are relatives of the complainant.

10. Lastly, learned counsel for the appellants pray for setting aside the impugned judgment and acquittal of the appellants; however, they state that they will not press the appeals on merits if acquittal of the appellants is not feasible then their death sentence may be converted into life imprisonment.

11. Conversely, learned Addl. P.G. has fully supported the impugned judgment and argued that all the PWs including private witnesses have supported the case of prosecution and there is no any major contradiction in their evidence; no enmity has been found between the complainant party and the accused persons; that PW-01, PW-18, & PW-19 have seen the accused

persons while taking away/being kidnapped the minor boys with them on the day of kidnapping; that dead body was recovered on pointation of accused persons, whereas before recovery of dead body the accused persons were remained in continuous contact with the complainant party including PW Saeed Ahmed, brother in law of Imtiaz Ahmed; that complainant party made efforts for arranging demanded ransom money but meanwhile the accused informed that they had killed one minor boy and may receive his dead boy from the pointed place. However, she reluctantly agrees with the proposal so made by learned counsel for the appellants that the sentence of the appellants may be converted from death to life.

12. The complainant of both the crime numbers mention above are present and stated that the accused person have murdered two innocent boys without their fault. They lastly argued that the death sentence awarded by the learned trial court may be maintained and prayed that the appeals may be dismissed.

13. We have heard the learned counsel for the appellants as well as learned Addl. Prosecutor General, Sindh, so also the complainants of both crimes and have minutely examined the material available on record with their able assistance.

14. The prosecution case, succinctly stated, is that on 11.09.2016, two minor boys, namely Muhammad Hassan (aged about 10 years) and Muhammad Shahbaz (aged about 8/9 years), left their respective houses to play but did not return. Despite frantic efforts by their families and residents of the locality, both children remained missing throughout the night.

15. On 12.09.2016, a ransom call was received from Cell No.0303-9729170, informing the complainant Imtiaz Ahmed that his son was in the custody of the culprits and demanding ransom. Subsequently, information was received regarding the recovery of dead bodies of both children from different locations. The complainants identified the dead bodies, post-mortems were conducted, and the above-referred FIRs were registered.

16. During investigation, the appellants were arrested at different dates. Identification parades were conducted through Judicial Magistrates. Call-detail records, forensic material, medical evidence, last-seen witnesses, and recovery proceedings linked the appellants with the commission of the heinous crime.

17. To substantiate the version put forth by the complainants, the prosecution examined as many as 25 witnesses; however, the case mainly relies upon the depositions of PW-1 Muhammad Younis, PW-18 Siddiqui and PW-19 Shahnawaz, who claimed to be the eyewitness/last seen and during identification parade, they have identified the accused persons so also PW-03 MLO Dr. Abid Haroon and PW-11 MLO/Dr. Muhammad Arif, who examined both victims/minor boys and conducted their post-mortem to determine their cause of death.

18. Upon careful appraisal of the record, it emerges that the prosecution case is primarily founded upon "last seen" evidence, duly supported by identification proceedings, corroborative testimony, medical evidence, and investigative material.

19. PW-1 Muhammad Younis deposed that on 11.09.2016, while proceeding from his residence towards the bazar, he observed two minor boys, later identified as the sons of Imtiaz Ahmed and Mubarak Ali, being accompanied by four to five persons and moving towards Lasi Bazar. He stated that three of those persons were known to him by face, having been previously seen in the same locality, though he did not know their names. Upon returning the following day, he learned that both children had been kidnapped and murdered. He immediately informed the parents of the deceased that he had last seen their children in the company of four to five persons proceeding towards the bazar. He further deposed that on 28.09.2016 he, along with Mufti Saeed Ahmed and Saif-ur-Rehman, handed over a USB containing recorded conversations to the Investigating Officer at Police Station SITE, for which a memo was prepared and produced in evidence as Exh. 22/A.

20. The objection raised by learned counsel for the appellants regarding delay in recording the statement of PW-1 does not detract from the evidentiary value of his testimony. The record reflects that the witness remained in contact with the police from the very next day, and his name appears in the memo of recovery of the USB dated 28.09.2016 as well as in other contemporaneous documents. Any lapse or delay attributable to the police cannot be used to discredit an otherwise confidence-inspiring witness. It is a settled principle that mere delay in recording a witness's statement is not fatal to the prosecution case, particularly where the witness has no motive for false implication and his presence is otherwise established.

21. To corroborate the testimony of PW-1, the prosecution examined PW-6 Aamir Latif, who, at the relevant time, was serving as Civil Judge and Judicial Magistrate, Malir. He deposed that he conducted the identification parade of accused Muhammad Ramzan strictly in accordance with law. He stated that the accused was produced before him without handcuffs, his face uncovered, and was placed in a lineup comprising nine dummies. The identifying witness correctly picked out the accused. He further stated that another witness, Saif-ur-Rehman, also correctly identified the accused from the same lineup.

22. Similarly, PW-15 Asghar Ali, Senior Civil Judge, deposed that he conducted the identification parade of accused Waseem Khan alias Waheed Pathan. He stated that a lineup of ten dummies was arranged with the assistance of court staff, from which the identifying witness correctly identified the accused. Witness Saif-ur-Rehman also independently identified the said accused during the parade.

23. PW-18 Siddique, another "last seen" witness, testified that on 11.09.2016, while present at Bhitai Chowk, Lassi Goth, he observed the minor son of his friend Imtiaz Ahmed, along with another child, in the custody of three to four young persons who had held the children by their hands and were taking them away. He further deposed that on 12.09.2016 he was informed by

Imtiaz Ahmed about the kidnapping and murder of both children, whereupon he disclosed that he had last seen them in the company of the said persons. He stated that although he did not know their names, he could identify them. In Court, he identified three accused, namely Muhammad Ramzan, Imran alias Mann, and Muhammad Waseem, as the same persons, while the fourth accused, Qurban, was not identified by him.

24. PW-19 Shahnawaz also deposed as a "last seen" witness, stating that on 11.09.2016 at about 1500 hours he saw the son of Imtiaz Ahmed and another boy being taken by three to four young persons towards Lasi Village market. Upon learning the next day of the kidnapping and murder, he informed the complainant of what he had seen. He identified three accused in Court, namely Waseem, Qurban, and Imran alias Mani, while expressing doubt regarding accused Ramzan on account of a change in appearance.

25. PW Mufti Saeed Ahmed corroborated the prosecution version by detailing the search for the missing child, reporting of the matter to the police, and the receipt of ransom calls from mobile number 0303-9729170. He deposed that a ransom demand of Rs.50,000/- was made and that the caller attempted to impersonate the child, which aroused suspicion.

26. The complainants, Imtiaz Ahmed (FIR No.246/2016) and Mubarak Ali (FIR No.411/2016), reiterated in their depositions the facts stated in their respective FIRs. Medical evidence was furnished by PW-03 Dr. Abid Haroon, Medical Legal Officer, who conducted the post-mortem examination of deceased Muhammad Hassan. He deposed that the cause of death was asphyxia due to constriction of the neck, and that relevant samples and articles were sealed and handed over to the police for forensic examination.

27. PW-11 Dr. Muhammad Arif, Medical Legal Officer, identified the post-mortem report of deceased Shahbaz conducted by Dr. Javed. He deposed that the cause of death was loss of breath due to the impact of a hard and blunt substance, and clarified

medical aspects relating to sodomy and preservation of biological evidence.

28. The prosecution further examined the Investigating Officers. PW-5 SIP Abdul Shakoor deposed regarding the arrests of accused Qurban Ali and Muhammad Imran, preparation of mashirnamas, and pointation of the place of occurrence by accused Imran. He identified the accused in Court as the same persons arrested in his presence.

29. PW-16 SIP Ali Muhammad Soomro, Investigating Officer, deposed regarding the ransom calls received by Muhammad Muzammil, recovery and forensic examination of recorded conversations, preparation of USB data, CDR analysis, arrest of accused Qurban Ali, recovery of the SIM card used for ransom calls, and the subsequent arrest and implication of co-accused Imran alias Mani.

30. Collectively, the above evidence, comprising last seen testimony, lawful identification parades, corroborative witnesses, medical evidence, and investigative findings, forms a coherent and consistent chain pointing towards the involvement of the accused persons in the commission of the offence.

31. The “last seen” evidence, as furnished by the aforementioned witnesses, stands corroborated in all material particulars by the subsequent recovery of the dead bodies of the deceased. Furthermore, appellant Waseem Khan alias Waheed Pathan pointed out the place of occurrence where, according to the prosecution, he, along with co-accused Muhammad Qurban alias Irfan, Imran alias Man, and Babu Oad, committed the offence of sodomy. The post-mortem examination of the deceased is also of considerable relevance. PW-03 Dr. Abid Haroon, Medical Legal Officer, who conducted the post-mortem examination of the deceased minor boy Muhammad Hassan, aged about nine to ten years, victim of FIR No.246/2016, opined that the cause of death was asphyxia resulting from constriction of the neck due to hanging. In contrast, Dr. Javed opined that the cause of death of the deceased boy Shahbaz was loss of

breath caused by the impact of a hard and blunt substance. The Medical Legal Officer further deposed that sodomy, per se, does not ordinarily cause the death of the victim, and admitted that the cause of death does not indicate the number of persons involved or the frequency of the act. He also stated that human semen may remain in the anal cavity for approximately thirty-six to forty hours unless washed.

32. With regard to the deposition of PW Muhammad Younis, he is an independent witness having no animus or enmity against the appellants. He has narrated, in a candid and truthful manner, the sequence of events preceding the recovery of the dead body of one of the deceased boys. Nothing material was elicited during his cross-examination that could advance the case of the defence. Consequently, there appears to be no reason to disbelieve his testimony.

33. The prosecution case is primarily founded upon "last seen" evidence and circumstantial evidence. It is, however, a settled principle of law that the absence or weakness of a single circumstance does not necessarily vitiate the entire prosecution case, provided that the remaining incriminating circumstances are proved and collectively form an unbroken and coherent chain leading irresistibly to the conclusion of the guilt of the accused. Reliance is placed in the case of **Gul Muhammad vs. The State (2011 SCMR 670)**, wherein Hon'ble Supreme Court of Pakistan has held as under:

"7. The medical examination and evidence lends support to the last seen and other circumstantial evidence produced by the prosecution. The appellant convict, and the complainant are close relations. The appellant had nourished ill will and grudge towards the complainant, the father of the boy, as he considered him responsible for separation of his wife and daughters and thus thought of teaching lesson to him. Multiple circumstances corroborate the involvement of the appellant in the killing of the boy i.e. taking of Shahbaz from the house of the complainant on bicycle, not returning of Shahbaz, himself going into, hiding, his conversation with Muhammad Sardar, after arrest discloses the manner in which Shahbaz was killed and thrown into the river Jehlum and pointation of the place and recovery of dead body of Shahbaz. All this prove beyond any shadow of doubt that it was none other than the appellant, who had taken him along on bicycle, killed him thereafter and throw: into river Jehlum. It may be observed that in view of Art. 40 of the Qanoon-e-Shahadat Order 1984, the lead provided by the appellant and pointation of the place where the minor was killed and recovery of dead body are all relevant information about which only the appellant had

*the information. At this juncture reference may be made to **Hakim Ali v. The State** (1971 SCMR 412) wherein the statement of the accused leading to recovery of incriminating articles was held to be "a good piece of evidence of corroboration". In the said case the accused petitioner had taken "the Investigating Officer to a field and brought out the decapitated head of the deceased, wrapped up in the loi." In **Sh. Muhammad Amjad v. The State** (PLD 2003 SC 704), it was observed that "the Banglow in question was in possession of the appellant from where the dead body was recovered. It was also established by an unimpeachable evidence that recoveries of dead body, car or other articles were made on the lead, provided by the appellant. All above pieces of evidence under Article 40 *ibid* are admissible and were proved by conclusive evidence. It was accordingly held that all such pieces of circumstantial evidence when combined together provided strong chain of circumstances leading to the irresistible conclusion that it was the appellant who had killed the deceased."*

34. Reliance is also placed in the case of **Mobashar Ahmad vs. The State (2009 SCMR 1133)**.

35. In the present case, the prosecution has adduced "last seen" evidence in conjunction with other incriminating material, thereby successfully establishing a series of material circumstances which, when considered cumulatively, form a complete and unbroken chain pointing towards the guilt of the appellants. These circumstances include the unexplained disappearance of both minor children from the same locality, the recovery of their dead bodies within a short span of time, the nature of injuries clearly indicative of homicidal death, and the conduct of the appellants during the course of investigation. Although the prosecution case is founded on last seen and circumstantial evidence, the same inspires confidence and is sufficient to connect the appellants with the commission of the offence. It is well settled, as held in **2007 SCMR 808 and 2007 SCMR 876**, that a conviction can safely be based on circumstantial evidence where the proved circumstances are consistent solely with the hypothesis of the guilt of the accused and inconsistent with any other reasonable hypothesis.

36. The evidence relating to ransom calls, call detail records (CDRs), USB recordings, and forensic examination provides a vital and decisive link in the chain of circumstances. The prosecution has successfully established that the appellants remained in telephonic contact with the complainant party

during the period of kidnapping and persistently demanded ransom, thereby unmistakably connecting them with the offence of kidnapping for ransom under section 365-A, P.P.C., culminating in the recovery of the dead bodies of the minor boys. In the instant matter, the witnesses have clearly and satisfactorily explained the date, time, and place of occurrence, as well as each event connected therewith, in a coherent and consistent manner. The complainants are private individuals, and no animosity, ill-will, or ulterior motive has been suggested or established by the appellants or their learned counsel during cross-examination against the complainants, eyewitnesses, or police officials to justify false implication.

37. The identification of the appellants was conducted strictly in accordance with law. The identification parades were held before learned Judicial Magistrates with due observance of all legal safeguards, and no material defect or procedural irregularity has been demonstrated which could render the identification proceedings doubtful. The appellants were duly identified by private witnesses, and such identification was further reaffirmed during trial. Mere denial by the defence, without pointing out any legal infirmity, is insufficient to discard otherwise reliable and credible identification evidence.

38. The recoveries effected, site inspections conducted on the pointation of the accused, call detail records, forensic material, and other documentary evidence, when taken collectively, constitute a strong and complete chain of circumstantial evidence. Each circumstance stands independently proved and, when assessed cumulatively, leads irresistibly to the conclusion that the appellants were responsible for the abduction and brutal murder of the two minor children. The chain of circumstances leaves no reasonable ground for any conclusion consistent with the innocence of the appellants.

39. The defence plea of false implication finds no support from the record, nor has any motive been shown which could impel the complainants to falsely involve the appellants in such heinous offences. The prosecution evidence has remained firm

and unshaken during cross-examination and stands further corroborated by medical evidence confirming the homicidal nature of the deaths. The august Supreme Court has consistently held that where circumstantial evidence is confidence-inspiring and the chain of events is complete, a conviction can lawfully be sustained. The benefit of doubt is not to be extended on imaginary or conjectural grounds but must arise from reasonable doubt emanating from the record, which is conspicuously absent in the present case.

40. The statements of the appellants recorded under Section 342 Cr.P.C. are evasive in nature. They failed to explain the incriminating circumstances appearing against them, despite being afforded a full opportunity. The defence witnesses produced are closely related and interested, and their testimonies do not inspire confidence. Such evidence, lacking independent corroboration, is insufficient to rebut the overwhelming prosecution case.

41. Admittedly, the motive behind the occurrence has not been established, nor is it clear whether the deceased minors were abducted for the purpose of committing sodomy or for ransom. Furthermore, there is no evidence of any prior enmity between the parties. In such circumstances, the existence of even a single mitigating factor in a given case is sufficient to place the Court on guard against awarding the sentence of death and to incline it towards the alternative punishment of imprisonment for life. Where any doubt or circumstance exists which creates reasonable hesitation in the mind of the Court as to the propriety of imposing either the death penalty or life imprisonment, such doubt alone constitutes adequate justification to adopt the lesser sentence, as held in 2014 SCMR 1034.

42. For, the above-stated reasons/mitigating circumstances maintaining the death sentence would be unwarranted in the peculiar circumstances of this case and life imprisonment would be the appropriate imprisonment.

43. For what has been discussed above, the prosecution has successfully proved its case against all four appellants through a trustworthy ocular account furnished by the witnesses, duly corroborated by circumstantial evidence. Learned counsel for the appellants have been unable to point out any material illegality, misreading, or non-reading of evidence, or any serious infirmity in the impugned judgment passed by the learned trial Court. In our considered view, the impugned judgment is based upon proper appreciation of the evidence on record and does not warrant interference by this Court. Consequently, the instant Special Criminal Anti-Terrorism Appeals are **dismissed**.

44. However, the conviction and sentence awarded to the appellants for the offences under sections 302(b), 365-A, 34 PPC read with sections 7(a) and 7(e) of the Anti-Terrorism Act, 1997, vide judgment dated 31.07.2024, are **modified** to the extent that the sentence of death is commuted to imprisonment for life. The remaining sentences awarded by the learned trial Court, as mentioned in paragraph No. 72 of the impugned judgment, are maintained. The benefit of section 382-B Cr.P.C. is also extended to the appellants.

45. As a result of our above findings, the reference as provided u/s 374 Cr.P.C. submitted by the trial Court for confirmation of the death sentence answered in to **Negative** and disposed of accordingly.

JUDGE

JUDGE