

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Omar Sial

Mr. Justice Shamsuddin Abbasi

Criminal Jail Appeal No.481 of 2025

Appellant : *Noor Muhammad @ Nooruddin*
through Mr. Nadeem Ahmed Azar,
advocate

The State : Through Mr. Ali Haider Saleem,
Additional Prosecutor General, Sindh
alongwith SIP Umar Hayat PS Docks
Karachi and complainant Mst. Rabia
present in person

Date of hearing: 05.08.2026

Date of Judgment: 07.08.2026

JUDGMENT

Omar Sial, J.: Eleven-year-old Zahida was raped by Nooruddin s/o Abdul Rahim on 22.08.2014. The F.I.R. of the incident was registered on 23.08.2014 under sections 376 and 454 P.P.C. at the Docks police station.

2. Details of how the incident unfolded as reflected by the F.I.R. registered on the information provided by Rabia (Zahida's mother) are that while Rabia was out of the house, Nooruddin (the son of the landlord where Rabia and Zahida lived) forcibly took her to a bathroom and raped her. In the interim, Rabia returned home, and Shafiq (Nooruddin's brother) was also attracted to the scene by the commotion caused. Shafiq kicked open the bathroom door, and both Zahida and Nooruddin were found naked. Zahida told her mother on the spot about the trauma that was inflicted upon her.

3. Nooruddin was detained on 27.08.2014 and arrested on 28.08.2014, but pleaded not guilty and claimed to be tried. At

the trial, the prosecution examined **PW-1 Zahida** (the victim/survivor), **PW-2 Rabia** (the complainant), **PW-3 A.S.I. Chaudhry Shah Zaman** (the police officer who registered the F.I.R.), **PW-4 Dr. Sheraz Ali** (doctor who examined Nooruddin), **PW-5 Dr. Nasreen Qamar** (doctor who examined Zahida), **PW-6 Dr. Jalil Qadir** (the doctor who determined Zahida's and Nooruddin's age) and **PW-7 S.I. Abdal Mohammad** (the investigating officer). In his section 342 Cr.P.C. statement, Nooruddin denied any wrongdoing. He stated that the false case was registered against him because of a rent dispute between his father (the landlord of the premises) and Rabia (the mother and tenant). He declined to give his statement on oath or to produce any witness on his behalf.

4. The learned 10th Additional Sessions Judge, Karachi West, on 23.01.2021 convicted Nooruddin for an offense punishable under section 376(3) P.P.C. and sentenced him to life imprisonment and a fine of Rs. 200,000 (to be given to Zahida). Nooruddin was also convicted for offenses under section 337-A(i) P.P.C. and 337-F(i) and sentenced to two years' imprisonment and *daman* of Rs. 100,000 (to be paid to Zahida) and one year and *daman* of Rs. 100,000 (to be paid to Zahida), respectively. This judgment was challenged before this Court, and on 09.04.2024, it was set aside, and the case was remanded back to the trial court to re-record the testimonies of PW-3 Shah Zaman and PW-5 Dr. Nasreen Qamar. This exercise was done, and on 06.03.2025 a fresh judgment was rendered. The convictions and sentences were maintained; however, the fine amount for the section 376(3) P.P.C. offense was converted into a compensation of Rs. one million. It is this judgment that has been challenged before us.

5. We have heard the appellant's learned counsel and the learned Additional Prosecutor General. The complainant, though present, did not wish to engage a lawyer. Our observations and findings are as follows.

6. Mr. Nadeem Azar argued that the case was a false one having been initiated because of a rent dispute. He further argued that Rabia (the complainant) had not supported the prosecution case and that Shafiq (an eyewitness) was not produced as a witness at trial. He therefore prayed that the appellant be acquitted. The learned Additional Prosecutor General passionately supported the impugned judgment and submitted that Rabia, being a poor woman from the Bengali community, had testified under threats, coercion and pressure.

7. This is a case where thirteen-year-old minor was sexually abused/raped by an eighteen-year-old major.

8. The record shows that Zahida's testimony is confidence-inspiring and trustworthy. There is no exaggeration in her statement, which also does not appear to have been tutored. The thirteen-year-old girl gave a simple statement as to what had transpired.

9. The survivor/victim was medically examined on 23.08.2014 (i.e. one day after the incident), and the doctor found injury marks on her neck, right cheek and left forearm. This corroborates Zahida's statement. The Chemical Examiner also found human sperm on her pajama. For reasons best known to the investigating officer, the human sperm and Nooruddin's blood were not sent for analysis to determine whether there was a DNA match. Be that as it may, the finding of sperm on her pajama further supports Zahida's statement.

10. It is true that the record reflects that Rabia was declared hostile by the prosecution. At the trial, she said that she could not say for certain whether Noorudin raped her daughter and, as her daughter had a mental illness, she could not be believed. Keeping in mind the other evidence led at trial, Zahida's testimony, the medical reports, the promptitude with which the F.I.R. was registered and the medical examinations conducted, it appears to us that Rabia was indeed under pressure when she testified before the court. The tone of her

testimony supports this observation. We agree with the submissions made by the learned Additional Prosecutor General that Rabia did not testify with her own free will. Nor was there any evidence that Zahida was mentally unstable. Had Rabia meant what she testified, nothing was stopping her from telling Zahida also to give Nooruddin a clean chit. She did not do that.

11. Regarding Shafiq's non-presence at the trial, the investigating officer explained at the trial that he had asked for Shafiq to record his statement but that Shafiq's father had hidden Shafiq and told the investigating officer that he (Shafiq) would not record a statement. Obviously, as Shafiq was Nooruddin's brother, he would be reluctant to testify against his own brother. Be that as it may, if Rabia's allegation that Shafiq helped to enter the bathroom was incorrect, nothing was stopping Shafiq from appearing as Nooruddin's witness to testify that what Rabia said about him being present and finding the two individuals partially naked in the bathroom was not true. Similarly, if Nooruddin's defense was that a false allegation had been made against him on account of non-payment of rent, his own father should not have had any objection to appear as his witness to confirm that indeed a rent dispute existed between him and Rabia. As a matter of fact, Shafiq and Nooruddin's father not appearing as witnesses adversely impacted Nooruddin's case, rather than that of the prosecution.

12. We do not find any reason to interfere with the learned trial court's judgment. Accordingly, the appeal is dismissed.

JUDGE

JUDGE