

## IN THE HIGH COURT OF SINDH AT KARACHI

Present:  
Mr. Justice Omar Sial  
Mr. Justice Shamsuddin Abbasi

### Criminal Jail Appeal No.454 of 2025

Appellant : Ashok through Mr. Asad Ali Bugti,  
Advocate

The State : Through Mr. Muhammad Iqbal Awan,  
Additional Prosecutor General, Sindh

Date of hearing: 21.04.2026

Date of Judgment: 11.05.2026

### JUDGMENT

**Omar Sial, J.:** Ashok is in jail because he was accused of sexually abusing his 5-year-old niece, "S". In the evening of 23.05.2022, Raj Kumar (Ashok's brother), while at work as a driver, received a phone call from Usha (Ashok's wife) in which she told him that Ashok had sexually abused "S" (Raj Kumar's daughter). Radhika (Ashok's daughter-in-law) also sent some photos to Raj Kumar's wife, taken from Ashok's phone, according to Radhika. Radhika had identified "S" by the clothes revealed in the photos. The photos did not reveal the survivor's identity per se.

2. At the trial, Raj Kumar, Usha, and Radhika were all on similar lines. Raj Kumar reiterated what he had said in his F.I.R.; Usha testified that Radhika told her that Ashok had been sexually abusing "S" and also showed her the photos he had taken; Radhika explained how she had obtained the photos from Ashok's phone; Deepak (Raj Kumar and Ashok's other brother) testified that Raj Kumar had phoned him and told him about Ashok's conduct immediately after Usha had informed Raj Kumar. In essence, Ashok's entire family testified against him. The learned 3rd Additional Sessions Judge, Karachi (South), on 28.11.2024, held Ashok guilty of an offense under section 377-B P.P.C. and

sentenced him to fourteen years' imprisonment and a fine of Rupees one million, or six months' simple imprisonment in default.

3. We have listened to the appellant's learned counsel as well as the learned Additional Prosecutor General. None appeared for the complainant. Our observations and findings are as follows.

4. There are variations in the witness accounts of how Ashok's arrest was carried out. One version is that Ashok had received a good beating by some people and then was taken to the police station for registration of the FIR. The other version, the "official" one as reflected in the FIR, is that Raj Kumar took Ashok, Radhika, and "S" to the station. Though the manner in which Ashok reached the police station is debatable, it does not adversely impact the prosecution's case. Learned counsel has stressed greatly that the photos of the survivor were with the "bhabi" and who sent them to the mother, and hence, Ashok is innocent is an argument devoid of any sense or logic. In fact, it tilts heavily towards absurdity. The USB with the images was handed over to the police on 24.05.2022, i.e., the day of the arrest. Learned counsel, in order to support his submissions, also emphasized that confusion arose as to whether the abuse took place on 20.05.2022 or 23.05.2022. In the circumstances of the case and keeping in mind that the abuse reported was to a minor child, this discrepancy is also immaterial. Lastly, the learned counsel argued that a discrepancy arose during the trial as to whether the survivor's clothes were sealed at Jinnah Hospital or at the police station. This, too, is a discrepancy that does not impact the case, as what was reported was sexual abuse and not rape.

5. We fail to see why the survivor was made to recollect her traumatic experience when she was taken to a Magistrate to record a section 164 Cr.P.C. statement. The Sindh Police needs to sensitize its investigators in this regard and provide them with the requisite training to deal with juvenile survivors of sexual violence and abuse.

6. We asked the learned counsel what malafide did “S” or the rest of Ashok’s family have, to falsely accuse him of such a heinous offense. He had no satisfactory answer. In fact, in his section 342 Cr.P.C. statement, Ashok himself did not provide any reason or explanation for a false accusation. Very little research exists in Pakistan on the prevalence of a minor lying about sexual abuse. Limited studies have been done in the West. It has been found that “...within the past 12 months, percentages of false reports ranged from 1.7 percent to 2.7 percent for young children; and from 8.0 percent to 12.7 percent for adolescents.” (***How Many Children Make False Allegations of Sexual Abuse?: A Survey of Mental Health and Law Enforcement.*** New Hampshire Univ., Durham. Family Research Lab. Kendall-Tackett, K. A. 1991). Children rarely fabricate allegations of sexual abuse. When children make such claims, they often do so out of a genuine experience of fear, confusion, or trauma. When the abuser is a family member, children are actually more likely to minimize, delay, or retract than to fabricate. It is true that a disparity may exist in the conditions of juveniles in the West, on which the studies are based, and in Pakistan. However, it would be reasonable to assume that the substantially low percentage of false accusations in the West would be even lower in Pakistan. This is due to intense family and community pressure on children to remain silent. Victims and their families often face deep shame and stigma, making it more difficult for them to come forward. Additionally, the legal system presents hurdles for survivors, and there is a prevalent risk of children being disbelieved or blamed by their own families. The prevailing consensus in 2026 is that while the legal system must remain vigilant against false claims, the statistical probability of a child fabricating a sexual abuse report from scratch is exceptionally low. “S”, a brave little child, herself appeared as a witness and told the Court what she had been subjected to. We find her testimony to be confidence-inspiring, trustworthy, and true. Pakistan’s courts have repeatedly held that in similar cases, a conviction can be sustained on the sole testimony of the victim/survivor if it is trustworthy.

7. Ashok's counsel, subsequent to the hearing of the case, submitted written arguments which are part of the record and thus not reproduced. We observe, however, that sexual abuse of a child cannot be dealt with in a stereotypical manner. Unfortunately, the arguments reflect a belittling of the victim. Counsel has relied on a judgment reported as Saghir Ahmed vs The State (2023 SCMR 241) and Allah Ditta vs The State (2017 P.Cr.L.J. 789). The former was a case of sodomy and not sexual abuse, and thus not applicable in the current case. In the latter case, the Court did not find the victim's statement to be trustworthy. That too is not the situation in the current case.

8. We find no reason to interfere with the judgment of the learned trial court. The appeal is dismissed.

**JUDGE**

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