

JUDGMENT SHEET
IN THE PESHAWAR HIGH COURT,
MINGORA BENCH (DAR-UL-QAZA), SWAT
(Judicial Department)

Cr.A No. 51-M/2019

Master Ali son of Matlab Khan R/O Chamkot Hayaserai, Tehsil Lal Qilla, District Dir Lower.

Versus

1. The State through A.A.G.
2. Inam Ullah son of Amir Muhammad Khan resident of Darmal Payeen, Maidan, Tehsil Lal Qilla, District Dir Lower.

Present:

Mr. Rashid Ali Khan, Advocate for the appellant/convict.

Mr. Murad Akmal Mirkhel, Advocate for State.

Barrister Assad-ur-Rehman, Advocate for the complainant.

Date of hearing: **26.11.2020**

JUDGMENT

ISHTIAQ IBRAHIM, J.- Appellant/convict Master

Ali, through this appeal, has challenged the judgment dated 12.01.2019 rendered by learned Additional Sessions Judge, Samarbagh at Camp Court Lal Qilla, District Dir Lower, in case F.I.R No. 188 dated 15.06.2016 u/s 302, 324, 337-F(iii)/34 PPC of P.S Haya Serai, District Dir Lower, whereby he was convicted and sentenced as under:

i) Under section 302(b) P.P.C:

Life imprisonment with fine of Rs.300,000/- payable to LRs of the deceased as compensation u/s 544-A, Cr.P.C. In case of default, the appellant was directed to undergo further six months S.I.

ii) Under section 324 P.P.C:

Five (05) years rigorous imprisonment with fine of Rs.20,000/- or to suffer further three months S.I. in case of default thereof.

iii) **Under section 337-F(iii) P.P.C:**

Daman of Rs.50,000/- payable to injured Rehmani Gul with simple imprisonment for one year.

Benefit u/s 382-B, Cr.P.C was extended to the appellant and all the sentences were ordered to run concurrently.

2. The occurrence was reported to police by complainant Inam Ullah (PW-1) on 15.06.2016 at 17:56 hours in emergency ward of DHQ Hospital Timergara by stating that on the same day he was present in his cloth shop situated in bazaar Haya Serai; at 16:00 hours the acquitted co-accused Taj Munir and Anwar Zeb came to his shop. They purchased a suit from him but refused to pay the price thereof on the ground that they had purchased another suit from him three days ago which was deficient in size. An altercation took place between them on the said issue during which some people of the bazaar gathered there and they reasoned with the accused for non-payment of cloth price as well as their wicked behavior with the complainant. The complainant further narrated in his report that the said co-accused called their other companion namely Master Ali (the present appellant) through a phone call who, on his arrival to bazaar, fired at him from

which he escaped narrowly, however, Muhammad Ibrahim and Rehmani Gul, who were present there for mediation, were hit by bullet shots and became seriously injured whereafter were shifted to Timergara hospital through private conveyance. He stated that the occurrence has been witnessed by him and the above named injured persons as well other people who were present in bazaar of Haya Serai. It is noteworthy that injured Ibrahim later on succumbed to the injuries in LRH Peshawar.

3. Injured Rehmani Gul and deceased then injured Muhammad Ibrahim were examined by Dr. Muhammad Salim (PW-9) on 15.06.2016. The detail of his reports is as follows.

Rehmani Gul (injured)

One entrance firearm injury wound with inverted margins over the left side neck.

One exit firearm injury with everted margins over the left side neck back.

Opinion: Firearm injury.

Muhammad Ibrahim (deceased then injured)

One firearm entrance wound two inch below the left scapula inverted margins.

Three entry firearm wounds over the right side upper arm antero lateral region of these:

-one below the axilla.

-one five inches below the axilla.

-one seven inch below the axilla.

Opinion: Firearm injury.