

Judgment Sheet
IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

Criminal Appeal No.234815 of 2018
(Muhammad Khalid Rasheed vs. The State and another)

JUDGMENT

Date of hearing: 11.09.2026.

Appellant (on bail) by: M/s Mudassar Iqbal and Aamir Khalil,
Advocates.
State by: Mr.Muhammad Atif Rao, DPG
assisted by Mr.Sohail Arshad
Warraich, Advocate, with Shahid ASI.
Complainant by: In person.

“actus non facit reum nisi mens sit rea”

(An act does not make a person guilty unless the mind is also guilty.”

Muhammad Amjad Pervaiz, J. Through the instant appeal, under section 10 of Pakistan Criminal Law Act, 1958, Muhammad Khalid Rasheed (appellant) has challenged the vires of judgment dated 07.09.2018 passed by learned Special Judge, Anti-Corruption, Lahore, Camp at Kasur in case FIR No.139 dated 12.03.2011 for offences under section 409 P.P.C read with section 5(2)47 PCA registered at Police Station Chunian, District Kasur whereby he was convicted and sentenced as under:-

Under Section 409 PPC: to undergo two years R.I. with a fine of Rs.50,000/-, in default thereof to further undergo three months S.I.

Under Section 5(2) of the 47 PCA, to undergo two years’ R.I. with a fine of Rs.50,000/-, in default of payment of the fine, to further undergo three months’ S.I.

Both sentences were ordered to run concurrently. The benefit of Section 382-B Cr.P.C. was extended.

2. The prosecution story precisely is that pursuant to a letter No .610-C 3 dated 24-2-2011 issued by learned District and Sessions Judge Kasur, complainant Qurban Ali Babar (PW.3), Reader to the Court of Raja Ghulam Rasool Chohan, learned Civil Judge, Chunian, moved complaint (Exh PA) on the allegation that, the accused, Muhammad Khalid Rasheed, while posted as Ahlmad in the Court of Mr. Mubashar Nadeem Khan, learned Civil Judge, Chunian, received the file of a decided civil suit dated 06.02.2002, titled “Yahya Vs. Abdul Rehman”, from the Copying Branch. However, he did not hand over the said file to Sami Ullah, Ahlmad, for its consignment to the record room. In this manner, the accused, being a public servant, allegedly dishonestly misappropriated the record of the aforesaid civil suit and thereby committed the alleged offences.

3. Based on the above-said complaint (Exh.PA), a formal F.I.R. (Exh.PA/1) was chalked out by Niaz Ahmad, ASI (PW.1).

4. The matter was initially investigated by Muhammad Saleem Ullah Lashari, SDPO/DSP Tibbi City Circle Lahore (PW.4). After his transfer, investigation was taken over by Mian Zaigham Khalil CO, ACE (PW.5) who arrested the appellant on 14.10.2014, sought his physical remand, no incriminating material could be recovered from the accused, he was sent to judicial lock on 17.10.2014, upon completion of investigation, report under section 173 Cr.P.C. was sent to court in due course.

5. The learned trial court summoned the accused and, after supply of documents, framed charges against him under section 409 of the Pakistan Penal Code, 1860 (P.P.C.) and section 5(2) of the Prevention of Corruption Act, 1947 (P.C.A.). The accused did not plead guilty to the charge and

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claimed trial; whereupon the learned trial court was pleased to summon the prosecution evidence. The prosecution examined the following witnesses:-

1. **Niaz Ahmad, ASI (PW.1)**. Recorded formal F.I.R. (Exh.PA/1) based on complaint (Exh.PA).
2. **Amjad Ali, Constable, ACE (PW.2)**. He got exhibited attested copies of the order of the District and Sessions Judge, Kasur dated 29.11.2011 (P1), inquiry report of Shahzeb Saeed, Civil Judge (P2), along with statements and other documents, which were taken into possession through a recovery memo (Exh.PB) by the investigating officer.
3. **Qurban Ali Reader (PW.3)**: He is the complainant of the case.
4. **Muhammad Saleem Ullah Lashari, SDPO/DSP Tibbi City Circle Lahore (PW.4)**
He investigated the case.
5. **Mian Zaigham Khalil, CO, ACE (PW.5)**. He investigated the case, arrested the accused, and prepared a report under Section 173 Cr.P.C.

After the closure of prosecution evidence, the accused was examined under Section 342 of the Code of Criminal Procedure, 1898 (Cr.P.C.), wherein he professed innocence and denied the prosecution charges. In question as to why this case against you and why the PWs deposed against you, he answered as under:-

“ I have been maliciously involved in this case at the connivance of Maqbool Ahmad Razi, whereas I had already delivered the file in question to Mr.Muhammad Sami Ullah on 28.03.02 while making over charge to him, and I got his signature regarding receipt of the said file. Moreover, Mr.Munir Hussain Gill, learned inquiry officer, has since exonerated me from the charge while declaring the

above-said Sami Ullah as responsible for loss of file. Even Mr.Munir Hussain Gill learned Civil Judge/E.O also declared the above said Sami Ullah Ahlmad as responsible for the loss of said file. Thereafter, Mr.Shazib Dar and Mr.Ghulam Rasool Chohan also proposed minor penalty upon said Sami Ullah and none of the investigation Officers leveled offence under Section 409/405 P.P.C. It is humbly submitted that my signatures and signatures of above said Sami Ullah were never got compared from the Forensic Science Agency. I neither have gained wrongful benefit from anybody nor any such allegation is against me. It is pertinent to state that complainant Yahya never appeared before any Inquiry Officer. There is no any incriminating material to connect me with the offence. Nothing was recovered from me during physical remand. The list of cases I was alleged to have received was without any index and without any scrutiny. Prosecution failed to prove its case against me without any iota of doubt. I may kindly be acquitted.”

The accused did not opt to appear as his own witness under section 340 (2) Cr.P.C., nor did he produce any evidence in defence. After hearing the pro and contra arguments, the learned trial court pronounced the impugned judgment, whereby the accused was convicted and sentenced as mentioned above.

6. Learned counsel for the appellant contends that the prosecution story was false, it failed to bring on record an iota of evidence worth the name to suggest any act or omission by the appellant to attract the mischief of any offence; adds that the version taken by the appellant was not investigated at all with mala fide intention to extend benefit to one Sami Ullah, who was the actual custodian of the lost file; the appellant's

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physical custody remained with the I.O. but the judicial file was not recovered from him; there was no ocular account of the alleged occurrence whereas none of the documents produced by the prosecution were proved by it in accordance with law. He finally submitted that the prosecution failed to prove its case beyond a shadow of reasonable doubt.

7. Learned Deputy Prosecutor General defended the impugned judgment and submitted that sufficient material was available on record and the appellant has been rightly convicted and sentenced.

8. Arguments heard. Record perused.

9. In the peculiar factual matrix of this case, at the very outset, I deem it appropriate first to understand the nature, scope and extent of the offences alleged against the appellant. Section 409 P.P.C. is reproduced hereunder:-

409. Criminal breach of trust by public servant, or by banker, merchant or agent: Whoever being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

This section does not define the criminal breach of trust, and the same has been defined by section 405 P.P.C which reads as under:-

*“405. **Criminal breach of trust:** Whoever, being in any manner entrusted with property, or with any dominion over property, **dishonestly** misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property, in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust,*

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or willfully suffers any other person so to do, commits "criminal breach of trust."

The word dishonestly has been defined by Section 24 P.P.C., as under:-

*"24. "**Dishonestly**". Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person is said to do that thing dishonestly".*

Bare perusal of the above provision of law makes it abundantly clear that on account of the use of the Expression "Dishonestly", an offence of criminal breach of trust is not an offence of strict liability.

Now I revert to section 5(2)47 of PCA which reads as under:-

5. Criminal misconduct (1) *A public servant is said to commit the offence of criminal misconduct*

(a) if he accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in section 161 of the Pakistan Penal Code, or

(b) if he accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate, from any person whom he knows to have been or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of an public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, or

*(c) if he **dishonestly** or **fraudulently** misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do, or*

(d) if he, by corrupt or illegal means or by otherwise abusing his position as public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage if he, or any of his dependants, is in possession, for which the public servant cannot reasonably

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account, of pecuniary resources or of property disproportionate to his known sources of income.

(2) Any public servant who commits [or attempts to commit] criminal misconduct shall be punishable with imprisonment for a term which may extend to [ten years but not less than seven years].

Although sub-section 2 of section 5 reproduced above has defined four kinds of distinct offenses, i.e., a to d, the charges as framed in this case do not reflect any clause of sub-section 2, which may tend to make it a case of defective charge. However, it may not detain me to dilate upon this as the appellant has not pleaded any prejudice to his cause on its basis. It has not been disputed that, in the peculiar facts and circumstances, only clause ‘C’ of sub-section 2 may be relevant. In this clause, the law-maker has used the Qualifying Expressions *dishonestly or fraudulently*. *I have already reproduced the definition of dishonestly*; here, it is appropriate to reproduce the definition of fraudulently as per Section 25 of the P.P.C.

“*Fraudulently*.” A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise.”

10. In view of the above reproduced provisions, I have no hesitation in holding that none of the offences in this case, i.e. 405 P.P.C. and section 5(2) (c) 47 PCA, are offences of strict liability on account of the qualifying Expressions *dishonestly and fraudulently* used by the legislature, and an element of *mens rea* is a necessary component of the actus reus to attract the mischief of the above sections.

The doctrine of *mens rea* is as old as civilization itself, and by now, it has assumed the role of a principle of universal application across jurisdictions. In plain words, this

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doctrine means an act is not guilty unless the mind is also guilty.

¹We start with the familiar proposition that the existence of a *mens rea* is the rule of, rather than the exception to, the principles of Anglo-American Criminal Jurisprudence. *Dennis v. United States*, 341 US 494, 500, 95 L. Ed. 1137, 71 S. Ct. 857 (1951). See also *United States v. Fareed*, 401 US 601, 613, 28 L. Ed. 2d 356, 91 S Ct 1112 (1971) (Brennan, J., Concurring in judgment); *United States v. Balint*, 258 US 250, 251-253, 66 L Ed 604, 42 S Ct 301 (1922). In a much-cited passage in *Morisette v. United States*, *supra*, at 250-251, 96 L Ed 288, S t 240, Mr. Justice Jackson, speaking for the Court, observed.

The contention that an injury can amount to a crime only when inflicted by intention is no provincial or transient notion. It is as universal and persistent in mature systems of law as belief in freedom of the human will and a consequent ability and duty of the normal individual to choose between good and evil. A relation between some mental element and punishment for a harmful act is almost as instinctive as the child's familiar exculpatory, 'But I didn't mean to', and has afforded the rational basis for a tardy and unfinished substitution of deterrence and reformation in place of retaliation and vengeance as the motivation for public prosecution. Unqualified acceptance of this doctrine by English Common [438 US 437] law in the eighteenth century was indicated by Blackstone's sweeping statement that to constitute any crime there must first be a 'vicious will.'

Although Blackstone's requisite 'vicious will' has been replaced by more sophisticated and less colorful characterizations of the mental state required to support criminality, see Ali, Model Penal Code 2.02 (Prop of Draft 1962), intent generally remains an indispensable element of a

¹ United States Supreme Court Reports (October Term 1977, Lawyer's Edition, Second Series, Volume 57) in the case of *United States v. United States Gypsum Company* (438 US 422, 57 L Ed 2nd 854, 98 SCt 2864) at page 869.

criminal offence This is as true in a sophisticated criminal antitrust case as in one involving any other criminal offence.

This Court, in keeping with the common-law tradition and with the general injunction that 'ambiguity concerning the ambit of criminal statutes should be resolved in favor of lenity', *Rewis v. United States*, 401 US 808, 812, 28 L Ed 2d 493, 91 S Ct 1056 (1971), has on a number of occasions read a state of mind component into an offence even when the statutory definition did not in terms so provide. See, e.g. *Morisette v. United States* (supra). Cf. *Lambert v. California*, 335 US 225, 2 L Ed 2d 228, 78 S Ct 240 (1957). Indeed, the holding in *Morisette* can be fairly read as establishing, at least with regard to crimes having their origin in the common law, an interpretative presumption that mens rea is required. '[M]ere omissionof intent [in the statute) will not be construed as eliminating that element from the crimes denounced: 'instead Congress will be presumed to have legislated against the background of our traditional legal concepts which render intent a critical factor', and 'absence of contrary direction will be taken as satisfaction with widely accepted definitions, not as a departure from them'—342 US, at 263, 96 L Ed 288, 72 S Ct 240.

While strict-liability offences are not unknown to the criminal law and do not invariably offend Constitutional requirements, see *Shevlin Carpenter Co. v. Minnesota*, 218 US 57, 54 L Ed 930, 30 S Ct 663 (1910), the limited circumstances in which Congress has created and this Court has recognized such offences, see e.g. [438 US 438] *United States v. Balint*, (supra); *United States v. Behrman*, 258 US 280, 66 L Ed 619, 42 S Ct 303(1922); *United States v. Dotterweich*, 320 US 277, 88 L Ed 48, 64, SCt 134 (1943); *United States v. Freed* (supra), attest to their generally disfavourd status. See generally Ali, *Model Penal Code*, Comment on 2.05, p. 140 (Tent Draft No.4, 1955); W. LaFave and A. Scott, *Criminal Law* 222-223 (1972). Certainly far more than the simple omission of the appropriate phrase from the statutory definition is necessary to justify dispensing with an intent requirement.

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²In sync, it is also reminiscent of expounding the doctrine of *mens rea*, which is derived from a Latin word, conveying the meaning of “guilty mind”. Without a doubt, it is the foundation stone of indictments under criminal law. In unison, a legal maxim, “*actus non facit reum nisi mens sit rea*” “ is also pertinent which decrypts” an act does not make a person guilty unless the mind is also guilty”. Most of the crimes require corroboration both physical (actus reus) and the guilty mind (*mens rea*). The element of *mens rea* is the state of mind, which by and large is also necessary to prove culpability in a criminal trial.

11. ³ There seems to be judicial consensus by all the High Courts as well as the Supreme Court of Pakistan that *mens rea* is a sine qua non to attract the penal consequences under criminal law. ⁴It is also a settled law that it is the bounded duty of the prosecution to prove each constituent ingredient of offence through affirmative, positive and confidence inspiring evidence and accused may not be convicted upon proof of one or some of the ingredients, leading judgment on the subject by this Court was Anwar Saif Ullah Khan’s case; however, it was set aside by the Supreme Court in State vs. Anwar Saif Ullah Khan’s case (by a majority of 2 to 1). Still, ultimately, the Supreme Court of Pakistan has since reversed the majority view in a Criminal Review of the same case’ and the judgment of this Court stands restored.

12. After having surveyed the law, now I need to ascertain as to whether there is any evidence of requisite actus reus

² Shaista Qaiser vs. Altaf Ahmad Khan and another (2026 SCMR 947)

³ Hakim Ali Zardari vs. The State (PLD 2002 Lahore 369), M.Siddique-ul-Farooqi vs. The State (PLD 2002 Karachi 24), Mansur ul Haque v. Government of Pakistan PLD 2008 SC 166, The State v. M.Idrees Ghauri and others 2008 SCMR 1118, Anwarul Haq Qureshi v. National Accountability Bureau and another (2008 SCMR 1135), Wahid Bakhsh Baloch Vs. The State (2014 SCMR 985)

⁴ Anwar Saif Ullah Khan vs state (PLD 2002 Lahore 458), The State vs Anwar Saif Ullah (PLD 2016 SC 276) ,Criminal Review Petition No.48 of 2016 in Criminal Appeal No.264 of 2006 judgment dated 03.02.2026 (2026 SCP 129).

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accompanied by *mens rea* as contemplated by section 405, 409 P.P.C. read with section 5(2)47 PCA.

The facts of the case are very simple and brief, this is a case of no ocular account; PW.1 has just chalked out the F.I.R; PW.2 is just an attesting witness of a seizure memo, through which the I.O secured Exh.P1 (order dated 29.11.2011 by learned District and Sessions Judge Kasur under Sub-Rule (B) (i) of Rule IV of the Punjab Civil Servants (Efficiency and Discipline) Rules 1999)) and Exh.P2 (Departmental inquiry report by Shahzaib Dar, learned Civil Judge). It is interesting to note that the record does not reflect who produced Exh.P1 and Exh.P2 before the I.O.; PW.3 is the complainant in this case, on whose complaint Exh.PA, F.I.R. (Exh.P.A/1) was registered. It is strange to note that the letter purportedly issued by the learned Sessions Judge authorizing the complainant (PW.3) to lodge a (Exh.PA) has never seen the light of day and was not exhibited during trial; PW.4 is an investigating officer who could not complete the investigation on account of his transfer, whereas PW.5 is the one who prepared the report under section 173, which was sent to the trial court in due [course](#). No ocular account of the alleged occurrence is available in this case, and the only evidence is documentary, and that too comprises the departmental inquiry report under Service Law (Exh. P1) and, based upon it, an order Exh P2 by the learned Sessions Judge.

Strangely enough, the learned trial court proceeded to convict the appellant on the basis of Exh.P1 and Exh. 2, whose authors neither joined the investigation nor appeared during trial as witnesses;⁵ both documents were inadmissible for want

⁵ Syed Hamid Saeed Kazmi and others vs. The State (2017 P Cr.LJ854) upheld by Supreme Court of Pakistan in Criminal Petitions No.531 to 533 of 2017 in case titled The State thr.DG FIA (in all cases) vs. Rao Shakeel Ahmad (Crl.P.531/2017) Syed Hamid Saeed Kazmi (Crl.P.532/2017) Aftab ul Islam Raja (Crl.P.533/2017) dated 21.05.2026.

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of formal proof. No implicit reliance could have been placed upon Exh.P1 and Exh.P2 without an opportunity of cross-examination to test the veracity of the contents; hence, both the documents were liable to be ruled out of consideration, being hit by the Exclusionary Rule

“⁶the exclusionary rule of evidence may appear to be too formal and somewhat strict and inflexible, but it has its roots deep down in law while commenting on Section 54, Evidence Act, Monir mentions ‘A’ that it is not disproof of good character that a man has been suspected or accused of a previous crime. Wharton Criminal Law Evidence, 9th Edition mentions the following principle: The only safe course therefore is to found the verdict exclusively on evidence duly received and on inferences logically to be drawn from such evidence...And no evidence is to be received which is second-hand rendering of testimony not produced, though producible, by which a higher degree of certainty could be secured, Wigmore commenting on Theory of Hearsay Rule in section 1362 observes as follows:--

“The theory of the hearsay rule is that the many possible deficiencies, suppressions, sources of error and untrustworthiness, which lie underneath the bare untested assertion of a witness, may be best brought to light and exposed by the test of cross-examination.”

And quotes with approval the following remark of Kent, C.J. (in Coleman v. Southwick, 9 John.50)

“A person who relates a hearsay is not obliged to enter into any particulars, to answer any questions, to solve any difficulties, to reconcile any contradictions, to explain any obscurities, to remove any ambiguities; he entrenches himself in the simple assertion that he was told so, and leaves the burden entirely on his dead or absent author.

Monir, in his commentary on section 183 of the Evidence Act, remarks that where no opportunity to cross-examine the deponent has been given, his testimony would be inadmissible”

Even examination of the author of Exh P1 (inquiry officer) as PW could not have sufficed because the material forming the basis of the finding in the inquiry was to be independently proved in accordance with law before the court during trial. Reliance in this regard is placed upon the principle

⁶ Pir Mazharul Haq and others vs. The State through Chief Ehtesab Commissioner, Islamabad (PLD 2005 Supreme Court 63)

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of law enunciated by this Court in Muhammad Ajmal's case⁷ while dealing with the issue of probative value of inquiry reports as evidence in a criminal trial, relevant portion whereof is reproduced hereunder:-

"These reports stand on a much weaker footing than the judgment of a Civil Court. Even the judgments of a Civil Court cannot per se be used to establish facts constituting an offence before a Criminal Court. This is in line with the law laid down by the august Supreme Court in Mst. Naseer Begum v. Sain and 6 others (1972 SCMR 584) wherein at page 585 it was held as under:-

"Learned counsel appearing in support of this petition reiterates the contention that the judgment of the Civil Court should have been taken into account, before arriving at a decision in the criminal case. We are unable to agree, because, as pointed out by the Privy Council in the case of Kumar Gopika Raman Roy v. Atal Singh (1), "the Evidence Act does not make a finding of fact arrived at on the evidence before the Court in one case evidence of that fact in another case." Thus, a judgment in a Civil Court, as pointed out by M.Munir in his Law of Evidence, "is not admissible in a criminal proceeding to establish the truth of the facts upon which it is rendered. In a criminal trial it is for the Court to determine the question of the guilt of the accused and it must do so upon the evidence before it."

Be that as it may, even if Exh.P1 and Exh.P2 are taken as gospel truth on their face value, the same do not lend any support to the prosecution's case; rather, the same are destructive and negate its case in view of the concluding para of inquiry report, Exh.P2, which is reproduced hereunder:-

"Hence, I find him guilty of inefficiency and negligence in pursuing "the lost file" in performing his official duties and convict him accordingly and propose the imposition of a major penalty of withholding one increment in his salary under sub-rule (a) of rule 4 of Punjab Civil

⁷ Muhammad Ajmal vs. State (PLJ 2004 Lahore Cr.C 734 DB)

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Servants (Efficiency and Discipline) Rules, 1999.”

The above finding of negligence and inefficiency reacts upon the gravamen of the charge in terms of section 409 P.P.C. and 5(2)47 PCA and negates the hypothesis of any *mens rea*, which was *sine qua non*.

13. So far as the remaining prosecution evidence is concerned, it comprises testimony of PW.4 and PW.5 who both are the investigating officers. The scope of evidentiary worth of the testimony of an investigating officer has also been well settled; and in this regard, reliance is placed upon the principle enunciated by this Court in Farrukh Javed Ghuman’s case⁸, relevant portion whereof is reproduced hereunder:-

(v) The statement of the Investigating Officer is admissible and is relevant only insofar as he collects the material which is to be produced as evidence during trial and records statements of those witnesses who ultimately depose in Court. However, during trial he cannot be a substitute for any of the above piece of evidence. He cannot prove a document of which he is not the author, nor play proxy to the witnesses who are not produced during trial without any cogent reason. His statement, in the afore-referred circumstances, is merely an opinion, which is both irrelevant and inadmissible. This is in line with the law laid down by the august Supreme Court in Moonda and others v. The State (PLD 1958 SC (Pak.) 275) and Farman Ali and 2 others v. The State (1992 SCMR 2055).”

When the evidence of PW.4 and PW.5 is tested upon the above principle, the same also is of no help to the [prosecution](#). As mentioned above, Exh.PA has been moved in compliance with an order purportedly issued by the learned Sessions Judge, which order was never produced. But the record reflects that the investigating officer, under the weight of the said order, did not conduct any investigation to ascertain the true facts. During cross-examination, he admitted as under:-

⁸ Farrukh Javed Ghumman vs. The State (PLD 2004 Lahore 155)

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“ I had recommended judicial action against the accused as learned Sessions Judge Kasur had already found the accused inefficient and guilty of misconduct.”

The above admission tends to show that the investigating officer proceeded in the matter with a predisposed mind; he did not bother even to investigate the version of the accused; ⁹the superior courts have time and again reiterated that the investigating officer should not commit himself to a premature view of one version of the occurrence and he must investigate the matter from all possible angles to find out the [truth](#).

14. Careful appraisal of the entire evidence and the above-mentioned legal principles have led me to an irresistible conclusion that the prosecution failed miserably to discharge the onus of proof, and this is a case of no evidence. Hence, the instant criminal appeal is allowed; the conviction and sentence awarded vide impugned judgment by the learned trial court are hereby set aside, and the appellant is acquitted of the charge; he is on bail, and his surety(ies) stand discharged.

(Muhammad Amjad Pervaiz)
Judge

This judgment was dictated on 11.09.2026, prepared and signed on
15.09.2026.
M.J.Mehmood

Approved for reporting.

Judge

⁹ Mst.Sughran Bibi vs. State (PLD 2018 SC 595)