

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,  
GILGIT.**

**Before:-**

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.  
Mr. Justice Javed Iqbal, Judge.**

**Cr. Appeal No. 24/2017**

**In**

**Cr. PLA No. 49/2016.**

The State

**Petitioner.**

**Versus**

Nadeem Abbas & 02 others

**Respondents.**

**PRESENT:-**

1. The Advocate General alongwith Mr. Saeed Iqbal, Deputy Advocate General for the petitioner/ State.
2. Mr. Ali Nazar Khan Advocate-on-Record for the petitioner.
3. Nemo for respondent No. 01 i.e. Nadeem Abbas inspite of repeated notices.
4. Mr. Amjad Hussain Advocate on behalf of the respondent No. 2 & 03.
5. Mr. Rehmat Ali Advocate-on-Record for the respondent No. 02 is not present.
6. Mr. Aurangzeb Khan Advocate-on-Record respondent No. 03 is not present.

**DATE OF HEARING: - 06.09.2017.**

**DATE OF ANNOUNCEMENT OF JUDGMENT:- 04.10.2017.**

**JUDGMENT.**

**Dr. Rana Muhammad Shamim, CJ.....** This Criminal petition for leave to appeal has arisen out of the impugned judgment dated 20.10.2016 in Cr. Appeal No 26/2011 passed by the learned Chief Court whereby the said Cr. appeal filed by the respondents was accepted by acquitting all the accused from the charges leveled against them. The petitioner being aggrieved filed this criminal petition for leave to appeal. This court vide order dated

09.03.2017 issued notices to the respondents and the case was heard on 06.09.2017. Consequently, the judgment was reserved.

2. Briefly, the facts of the case are that on 17.05.2011 at about 1645 hours the SHO Police Station City Gilgit has registered an FIR No. 145/2011 under Section 322/34 PPC on the written Murasila submitted by the SIP Faqeer Muhammad. The said SIP Faqeer Muhammad stated that on 13.05.2011 at about 0605 hours on information received from the DHQ Hospital that one Shabana Akhtar D/O Doulat Ali resident of Chonga Astore, who was under trainee Nurse committed the suicide by hanging herself with the ceiling fan of Dining Hall of the Hostel. The said SIP arrived at DHQ Hospital and carried out the proceedings under Section 174 Cr. PC. During the recording of the statements of witnesses, the suicide of the accused was found suspicious by the said SIP who accordingly sought permission from Judicial Magistrate Gilgit to further probe into the case. Consequently, he proceeded under Section 156 Cr.PC. During the said proceedings it was revealed by accused Nadeem Abbas son of Ghulam Abbas r/o Barmas that one Syed Jarar Hussain son of Syed Asghar Shah r/o Amphary, Ishfaq Hussain son of Muhammad Sharif and Shafqat son of Jaffar Ali r/o Henzal have sent illicit messages on the mobile of deceased Shabana Akhtar and threatened her for disclosing/playing her videos in whole of the hospital. The said illicit messages sent by the accused caused her to commit suicide being mentally tortured. Upon the said disclosure, the accused were arrested by the police

but due to non-availability of incriminating materials the said accused were discharged by declaring innocent by the police under Section 169 Cr. PC. On 29.05.2011 the accused Nadeem Abbas was arrested. During the investigation, accused Nadeem Abbas admitted that he alongwith co-accused Jamila Bibi committed the offence of the murder of deceased. The accused Nadeem Abbas has illicit relation with co-accused Jamila Bibi. They had recorded a sexual affair in their mobile and the same has been saved in memory card. Later on, the said memory card was misplaced by co-accused and found by the deceased. Consequently, the deceased used to blackmail the co-accused on the basis of the said memory card. Consequent thereto, accused Nadeem Abbas and co-accused Jamila Bibi planned to eliminate the deceased and to get the said memory card from her. As per plan they called the deceased in the room of Jamila Bibi at 12:00 PM. The deceased sat beside accused Nadeem Abbas as she had also illicit affairs with him which was disclosed by the said accused. Later on, accused Jamila Bibi called accused Nadeem Abbas out of the room and gave him a tissue paper sprayed with chloroform to make the deceased unconscious. After coming back at room, accused Nadeem Abbas suddenly put the same tissue on the mouth and nose of the deceased resultantly she became unconscious. During her unconsciousness, accused Nadeem Abbas committed rape with her. Whereafter accused Nadeem Abbas murdered the deceased by pressing her throat. Meanwhile, the co-accused called accused Ijlal Hussain (watchman)

to take his help to hand the dead body of the deceased in the Dining Hall. They hanged her dead body with the ceiling fan of Dining Hall pretending that she has committed suicide. The SHO Police Station City Gilgit has prepared challan against accused Nadeem Abbas under Section 322 PPC and submitted for legal opinion to prosecution branch. In the meantime, this court has taken Suo Moto notice on the application submitted by Doulat Ali father of deceased Shabana Akhtar. This court vide order dated 14.06.2011 issued directions to DIG Crime to constitute a JIT for carrying out the investigation of the instant case under the Anti-Terrorism Act, 1997. It is further directed to DIG Investigation to take necessary steps for examination of dead body of deceased in presence of Magistrate by the Medical Board of Doctors of PIMS Islamabad vide order dated 09.08.2011. On the said directions, the Government of Pakistan, Kashmir Affairs & Gilgit-Baltistan Division Islamabad constituted a board of Doctors vide letter No. Dy.592/GB-II/2011 dated 26.08.2011. The board of Doctors was consisted upon Dr. Muhammad Naseer Forensic Specialist/Dy. Director, Dr. Muhammad Yousuf Medical Officer. Dr. Nasreen Butt, CMO and Dr. Tanveer Afsar Malik, Medical Officer PIMS Islamabad. After conducting re-postmortem on the dead body of deceased Shabana Akhtar, the Medical Board has submitted their examination report on 21.09.2011.

3. After completion of the investigation, on 28.09.2011 incomplete challan No. 262/11 was submitted before the learned

Trial Court against accused Nadeem Abbas, accused Jamila Bibi, House Mother, Midwifery Hostel, Gilgit, accused Ijlal Hussain, Security Guard, Midwifery Hostel Gilgit. The names of accused Syed Jaffar Hussain, Shafqat Ali, Ishfaq Hussain and Dr. Muhammad Yaqoob APMO DHQ Hospital Gilgit were placed in column No. 02 of the challan while the name of Dr. Dilshad Begum was shown as absconder by making her name with red ink. Later on, after confirmation of bail before arrest of accused Dr. Dilshad Begum, complete challan No. 163/11 was submitted before the Trial court by the JIT on 10.10.2011.

4. The accused Nadeem Abbas, accused Jamila Bibi, accused Ijlal Hussain, accused Dilshad Begum and accused Dr. Wazir Muhammad were formally charged on 21.10.2011.

5. The accused pleaded not guilty and claimed trial. The prosecution to prove their case against the accused produced and examined 23 PWs. After the close of the prosecution evidence the accused were examined under Section 342 Cr.PC. The accused had not opted to appear & record their statements under Section 340 (2) Cr.PC and they also did not produce any witnesses in support of their defence.

6. The learned Trial Court after appraising the evidence and material on record, hearing the learned counsels for the respective parties and upon proven guilty convicted & sentenced the respondent Nadeem Abbas, Jamila Bibi and Ijlal Hussain under Section 302 (b) read with Section 7(a) of the Anti-Terrorism Act,

1997 whereas co-accused Dr. Dilshad Begum & Dr. Wazir Muhammad were acquitted. The operative part of the said judgment is hereby reproduced as under:-

**“Quote”**

**Para-108.**

**in view of the discussions made in paras No. 95 to 98 above, the prosecution has failed to establish the guilt of accused Doctor Dilshad Begum and accused Doctor Wazir Muhammad in the instant case. Prosecution evidence is quite insufficient to convict the above named accused. Hence, keeping in view the insufficient evidence, accused Doctor Dilshad Begum and accused Doctor Wazir Muhammad are hereby acquitted from the charges leveled against them in the instant case. The bail bonds of the said accused are also hereby discharged.**

**Para-109.**

**In view of the above discussions made in paras No. 17 to 94 and paras No. 90 to 107, my findings against accused Nadeem Abbas, accused Jamila Bibi and accused Ijlal Hussain are as under:-**

**(i) after evaluation of the entire evidence of prosecution, I am of the considered opinion that prosecution has proved its case against accused Nadeem Abbas, accused Jamila Bibi and accused Ijlal Hussain beyond any shadow of doubt by providing sufficient evidence in the shape of confessional statements of the above named three accused, Extra Judicial Confession of accused Nadeem Abbas, recovery of Pillow, CD Ex.P1 and call and messages record.**

**(ii) No mitigating circumstances are available in favour of the accused Nadeem Abbas, accused Jamila Bibi as they have put the Pillow on the mouth of deceased Shabana Akhtar in furtherance of their common intention. The manner in which the accused have committed the murder of deceased Shabana Akhtar, who was under trainee nurse, does not call for any leniency in the sentence.**

**(ii) in the light of the above discussion, I hold that the prosecution has proved guilt of accused Nadeem Abbas, accused Jamila Bibi for murder of deceased Shabana Akhtar in furtherance of their common**

intention, hence, I convict accused Nadeem Abbas under section 302 (b) read with section 7 (a) of the Anti-Terrorism Act, 1997 and sentence him to death. He be hanged by his neck till he be died. The accused shall pay fine of Rs. 300,000/- (Rupees three lac). The amount of fine, if recovered shall be paid to the LRs of deceased Shabana Akhtar under section 544-A Cr.PC. I, convict accused Jamila Bib under Section 302 (b) read with section 7 (a) of the Anti-Terrorism Act, 1997 and sentence her to undergo rigorous imprisonment for life and also fine of Rs. 300,000/- (Rupees three lac). The amount of fine, if recovered shall be paid to the LRs of deceased Shabana Akhtar under section 544-A Cr.PC. in default of payment of fine by the convict accused, they shall undergo rigorous imprisonment for two years.

(iv) I, convict accused Ijlal Hussain under Section 201 PPC and sentence him to rigorous imprisonment for a term of 7 (seven) years and to pay fine of Rs. 100,000/- (Rupees one lac). The amount of fine, if recovered shall be paid to the LRs of deceased Shabana Akhtar under section 544-A Cr.PC.

(v) I, also convict accused Ijlal Hussain under section 302 PPC and sentence him to imprisonment for a term of 6 (six) months.

(vi) Benefit of section 382 (B) Cr. PC be given to the convict accused.

**“Unquote”.**

7. The learned Advocate General submits that although the occurrence is unseen as there is no eye witness yet it based upon extra judicial confession, confession of the accused, corroborative circumstantial evidence, corroborative medical evidence, Recoveries on the pointation of the respondents and other material on record which connect the respondents with the commission of planned murder of Shabana Akhtar. He also submits that the respondents have admitted their guilt voluntarily recorded under Section 21-H of

the Anti-Terrorism Act, 1997. Per learned Advocate General, respondents have pointed out the place of occurrence in presence of Magistrate. On the pointation of accused Jamila Bibi, the Investigation Officer (I.O) has taken into his possession one pillow and the said pillow has identified by accused Nadeem Abbas which was used by him to commit the murder of deceased Shabana Akhtar. The respondents have also indentified the Dopatta which was used by the accused for hanging the dead body of deceased on ceiling fan of the Dining hall. He submits that on the directions of this apex court the Government of Pakistan, Kashmir Affairs & Gilgit-Baltistan Division Islamabad has constituted a Medical Board, consisting of Doctors of PIMS, who have conducted re-postmortem of the dead body of deceased Shabana Akhtar and submitted their exhumation/Postmortem report. According to the said report previously no internal postmortem was conducted by Doctor Dilshad Begum. The learned Advocate General further submits that Dr. Dilshad Begum has prepared autopsy report countersigned by Dr. Wazir Muhammad without conducting the postmortem on the dead body of deceased. He submits that the respondents have voluntarily confessed their guilt before PW-09 Syed Gaib Ali Shah, the Magistrate and PW-19 Shahid Hussain while making the movie for CD whose evidence remained unrebutted as well as their credibility are also remain unchallenged. The CDs were

played in the Court and the accused have been asked question who have admitted the recoveries on their pointation. He submits that the learned Trial Court has rightly convicted the respondents in accordance with law and the said judgment was wrongly reversed by the learned Chief Court vide impugned majority judgment dated 20.10.2016. He prays that the impugned judgment may graciously be set aside by maintaining the judgment of the learned Trial Court. In supports of above contentions, the learned Advocate General relied upon case laws reported as 2007 SCMR 518 & 2009 SCMR 2669.

8. On the other hand, Mr. Amjad Hussain learned counsel for the respondent No. 02 & 03 supports the impugned judgment and contends that Section 6/7 of the Anti-Terrorism Act, 1997 was/is not attracted in this case. He also submits that motivation to criminal murders was purely based upon a personal and private grievance, which did not create fear and insecurity in society. Per learned counsel, there is no eye witness of the alleged occurrence and no direct evidence available on record against the accused. The height of the roof of the Dining Hall is 09 feet and the height of deceased was 05 feet 02 inches as such the deceased can approach the ceiling fan easily for hanging herself. He further contends that the CD and movie prepared by Investigation Officer (I.O) in presence of Magistrate is not admissible in

evidence. There are contradictions between the statements of Magistrate and CD. He submits that the recovery of pillow and Dopatta is doubtful which cannot be used as circumstantial evidence against the respondents. Per learned counsel, the confessional statement of accused recorded under Section 21-H of the Anti-Terrorism Act, 1997 is not admissible in evidence. He contends that as per prosecution story, the tissue wrapped with chloroform was used to make the deceased unconscious but the same has not been recovered either from the place of occurrence or from the accused which makes the case of the prosecution doubtful. In addition to the oral arguments the learned counsel for the respondent No. 02 & 03 also submitted written arguments. Per learned counsel, the statement of PW Syed Gaib Ali Shah is not admissible in evidence under Article 38 & 39 of Qanoon-e-Shahadat Order, 1984. He reiterates that the confession made by the respondents in police custody cannot be proved against respondents of any offence. The confession and facts narrated by the respondents while they were in custody is inadmissible in evidence. There is no direct evidence available against the respondents except the statement of PW Syed Gaib Ali Shah in whose presence allegedly the respondents have confessed their guilt. Conviction on the testimony of Syed Gaib Ali Shah cannot be passed. The Extra Judicial Confession made by accused at the time when he was in custody of the police is

inadmissible in evidence. The confessional statement and evidence of recoveries are purely a corroborative in nature are not capable to bring home charge against accused in absence of direct, substantive or direct evidence. The Conviction can not be based on any other type of evidence. He further contends that Criminal petition for leave to appeal has been filed against three (03) accused namely Nadeem Abbas, Jamila Bibi and Ijlal Hussain. Consequently, notices against Jamila Bibi and Ijlal Hussain have been served upon whereas notice against Nadeem Abbas has not been served upon, hence, criminal Petition for leave to appeal cannot be heard in absence of co-accused unless he has been declared absconder by this apex Court. The procedure for declaration of the absconsion of co-accused Nadeem Abbass has not been ordered by this Hon'ble Court as yet, therefore, Criminal Petition for leave to appeal cannot be heard separately. Co-accused Nadeem Abbass may be issued notices according to the procedure to procure his attendance for the hearing of this case. Appeal against the accused is required to be heard jointly as provided under the Law. While saying so he relied upon the case laws reported as 2016 PCr.LJ 1134, 1995 PCr.LJ 313, 2009 SCMR 04, 2011 YLR 1369, 1995 SCMR 1793, 2016 P CR. LJ 1134, 2004 YLR 206, 2006 P Cr. LJ 358, 2005 SCMR 277 and 2016 MLD 1144. Per learned counsel, the Prosecution has miserably failed to prove its case against

the respondents. There is no eye witness who has seen the occurrence. The case is based on circumstantial evidence which are contradictory in nature. The learned Trial Court fell in error by convicting the respondents which has rightly been reversed by the learned Chief Court vide its majority decision. He prays that the impugned judgment may graciously be maintained.

9. We have heard the learned counsels for the respective parties at length, perused the material on record and gone through the impugned judgment as well as the judgment passed by the learned Trial Court & case laws relied upon by the learned counsels for the respective parties. We have also perused the confessional statements of the respondent No. 01 Nadeem Abbas, Jamila Bibi respondent No. 02, Ijlal Hussain respondent No. 03 and gone through the deposition of PW-9 Syed Ghaib Ali Shah and PW-19 Shahid Hussain, who are independent witnesses whose evidence are inspiring confidence. We have also gone through the medical and circumstantial evidence which is corroborative in nature and connects the chain in proving against the respondents for the commission of the brutal murder of the innocent girl. The evidence of PW-09, Syed Ghaib Ali Shah is corroborative in nature. He is an independent witness who on the request by the office of the Assistant Commissioner Gilgit was associated to inspect the site plan on the pointation of the respondent No.

01 Nadeem Abbas. Admittedly, the police alongwith the respondent No. 01 Nadeem Abbas and the said witness i.e. Magistrate Syed Ghaib Ali Shah arrived at the place of the occurrence separately. Police and the said PW came out from their respective vehicles. The respondent No. 01 Nadeem Abbas at that time voluntarily narrated the true facts to the said PW i.e. Syed Ghaib Ali Shah in presence of another witness PW-19 Shahid Hussain about the fateful murder of the girl by him and respondent No. 02 Jamila Bibi. The statements of the said PWs were recorded under Section 161 Cr. PC before the Investigating Officer (I.O) who corroborated the same in the learned Trial Court as well. The examination-in-chief of both PW-9 i.e. Syed Ghaib Ali Shah and PW-19 Shahid Hussain for convenience are reproduced as under:-

**“Quote”**

**PW-09 Statement of Syed Ghaib Ali Shah on oath.**

I am performing my duties as Magistrate since last two years. On 21.07.2011 on the written request of IP Hafeez-ur-Rehman the AC/SDM has deputed me for pointation of place of the occurrence by accused Nadeem Abbass. According I went to investigation wing Gilgit. IP Hafeez-ur-Rehman told me that we are going to place of occurrence midwifery hostel Gilgit alongwith accused Nadeem Abbass for the pointation of the place of occurrence and I should reach there. Accordingly I went to the said place when I reached at the place of occurrence DIG Crimes, Dr. Muhammad Yaqoob and DSP Muhammad Ibrahim were also present there. In my presence accused Nadeem Abbas told that he has entered from the main gate of Family Wing Hospital into Mid Wifery Hostel. He further told that in the corridor of the said hostel the door of hostel was opened by accused Jameela and taken me in her room. The accused further told

that in the room of accused Jameela Bibi the accused sit on the bed between the accused Jameela and deceased Shabana Akhtar. Deceased Shabana Akhtar was called by accused Jameela Bibi. The accused further told that accused Jameela Bibi went out from the room and called deceased Shabana Akhtar. Accused Jameela gave a tissue and spray to accused Nadeem Abbas to make unconscious the accused Shabana Akhtar. The accused Nadeem Abbas further told that he went back in the room and did not use the spray because he thought it would be dangerous for him also therefore he used the tissue and made deceased unconscious. He further told that he committed rape with deceased. After rape accused Jameela Bibi entered in the room and asked that he should finished the deceased Shabana Akhtar otherwise it would be dangerous for us. The accused Nadeem Abbas further stated that accused Jameela Bibi gave him a pillow and then he kept on the mouth of the deceased Shabana Akhtar and she died. The accused Nadeem Abbas further told before me that he and accused Jameela Bibi took the dead body in a bed sheet and taken in the door of dining hall , but they could not take it as it was heavy. Accused Jameela Bibi called accused Ijlal Hussain to help them. Firstly, accused Ijlal Hussain refused to take the dead body with them and stated you have done big mistake, however, on the threatened given by accused Nadeem Abbas and accused Jameela Bibi accompanied with them for hanging the dead body. The accused Nadeem Abbas further told in my presence that firstly they put the dead body on a stool and then a chair from stool and then on the table and then on the help of accused Jameela Bibi and Ijlal Hussain hanged the dead body on the ceiling fan of dining hall of the said hostel. I asked from accused Nadeem Abbas, who has brought the Dopatta for hanging. Accused Nadeem Abbas was replied that the Dopatta was brought by accused Jameela. In presence of PSP, Dr. Yaqoob and DIG I asked the accused to touch the fan from the table . Accordingly he easily touched the fan. In my presence the IO prepared the site plan of the place of the occurrence on the pointation of accused Nadeem Abbas. The site plan ExPW-9 /A bears my signature and the same is correct. In my present and the presence of the PW Nadeem Abbas , Ijlal Hussain and Jameela Bibi have identified the dupputta, which was used by the said accused for hanging the death body of deceased Shabana Akhter on ceing fan. The identification Memo ExPW-9/B bears my signature and its contents are correct. On 28.07.2011 in my presence and presence of

the PWs accused Jameela Bibi has produced a pillow from the room of house mother Midwifery Hostel, which was taken into possession by the IO, vide Recovery Memo EXPW-9/C . The recovery Memo EXPW-9/C bears my signature and is correct. On the same date accused Nadeem Abbass has identified the Pillow, which was used by him to commit the murder of the deceased Shabana Akhter. The identification Memo EXPW-9 /D bears my signature and it is correct. In my presence the IO has prepared site Plan EXPW-2/A of Recovery of Pillow on the pointation of accused Jamila Bibi from the room of accused Jameela Bibi. The site plan EXPW-2/A bears my signature and is correct.

**PW-19 statement of Shahid Hussain s/o Habib Khan resident of Khomer working as Photographer investigation Wing Gilgit on oath**

I am performing my duties as Photographer in Police Department Gilgit since 2005. On 01.07.2011 I was present in investigation wing Gilgit, where Magistrate Gaib Ali Shah PW came there. In his presence a Dopatta /veil , which was white in color and its corner were red Fitta, which contained blood stains. In my presence and presence of the Magistrate accused Nadeem Abbass , Ijlal Hussain and Jameela Bibi confessed their guilt, regarding committing the murder of deceased Shabana Akhtar. Accordingly I made movie and prepared CD of the said Movie and handed over to IP Hafeez IO of the case. On 21.07.2011 in my presence and presence of PW Syed Gaib Ali Shah Accused Nadeem Abbas was taken to the place of occurrence situated in the dining hall of Nursing Hostel. IN our presence accused confessed his guilt and stated that I have hanged the deceased Mst. Shabana Akhtar on the ceiling fan of the said hostel. Accordingly I made movie of his confession and prepared his CD and handed over to the IP Hafeez-ur-Rehman.

“Unquote”

10. The statement of the above Prosecution Witnesses remained un rebutted and their credibility was also not challenged by the defence counsels. No question was asked by the learned defense counsels in disbelieving their testimony. The opinion of the Medical

Board after exhumation and Postmortem of the deceased is also corroborative in nature which has been exhibited through PW-21. The said opinion of PW-21 Dr. Muhammad Nasir is hereby reproduced as under:-

**“Quote”**

**OPINION.**

**“The board is of the opinion that deceased died due to injury No. 01, which caused Obstruction of upper respiratory tract, which resulted in anoxia leading to dead. This injury marks is homicidal in nature and before this she has been violated as evident from injury No. 03 to injury No. 08. All these injuries were ante mortem in nature and were sufficient to cause death in an ordinary course of life”**

**“Unquote”**

11. On cross-examination by the learned defence counsel, this prosecution witness deposed that cause of death was not hanging but it was due to homicidal strangulation.

12. As objected by the learned counsel for respondent No. 02 & 03 the said procedure for procurement of the presence of respondent No. 01 is mandatory for the learned Trial Court, however, this court adopted all the measures for procurement of the presence of the respondent No. 01 Nadeem Abbas who despite of notices sent to him through all modes and received by his family and concerned SHO/SP and inspite of having knowledge of this case, opted not to appear in this court. In such situation created by the respondent No. 01 Nadeem Abbas, this court heard the case on

the material on record delivering this judgment in its own merits in accordance with law. The above objection of the learned counsel for the respondent No. 02 & 03 is overruled. The case laws cited by him are distinguishable whereas the case laws cited by the learned Advocate General are applicable.

13. In the light of above discussions, appraising the prosecution evidence and other material on record, in our considered view, the prosecution has proved its case against the respondent namely Nadeem Abbass, Jameela Bibi and Ijlal Hussain for the brutal murder of the deceased Shabana Akhtar beyond any shadow of doubts.

14. We convert this petition into an appeal and the same is allowed. Consequent thereto, the impugned judgment dated 20.10.2016 in Criminal Appeal No. 26/2011 passed by the learned Chief Court is set aside whereas the judgment dated 19.11.2011 in TC. No. 27/2011 passed by the learned Trial Court is hereby maintained. The conviction and sentence(s) awarded by the learned Trial Court are also maintained. The respondents are directed to surrender themselves before the learned Trial Court to serve out their sentences accordingly.

15. The Murder Reference No. 06/2011 of the respondent No. 01 convict Nadeem Abbas sent by the learned Trial Court was answered in negative by the learned Chief Court, is also set aside. The Murder Reference No. 06/2011 of the respondent No. 01

Nadeem Abbas is answered in positive. The copy of this judgment be sent to the learned Trial Court for compliance.

16. The appeal is allowed in above terms.

**Chief Judge.**

**Judge.**