

STATE VS KAMRAN KHAN
FIR No. 06, Dated 04.02.2025, u/s 302/311 PPC
Police Station: Mishti Mela

IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE, ORAKZAI AT BABER MELA

SESSION CASE NO. : 9/2 OF 2025
DATE OF INSTITUTION : 21.04.2025
DATE OF TRANSFER-IN : 29.05.2025
DATE OF DECISION : 16.12.2025

STATE THROUGH MIR GUL S/O JANA GUL, CASTE SHEIKHAN,
TAPA BAZID KHEL, DISTRICT ORAKZAI

VS -----(Complainant)

KAMRAN KHAN S/O MIR GUL, AGED ABOUT 19/20 YEARS, R/O
MIR MELA, CASTE SHEIKHAN, DISTRICT ORAKZAI

----- (Accused facing trial)

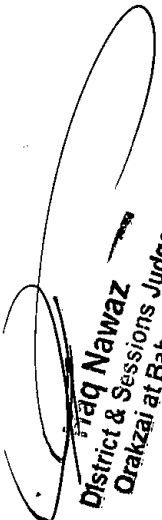
Present: Abul Qasim, Senior Public Prosecutor for the State.
: Sana Ullah Khan Advocate for accused facing trial.

FIR No. 06 || **Dated:** 04.02.2025
U/S: 302/311 PPC || **Police Station:** Mishti Mela

JUDGEMENT
16.12.2025

This case was registered against the accused Kamran Khan s/o Mir Gul, r/o Mir Mela, Caste Sheikhan, District Orakzai vide FIR No. 06, Dated 04.02.2025 at Police Station Mishti Mela u/s 302/311 PPC.

2. According to the prosecution case, the local police, while responding to information about the occurrence, reached to the spot and found the dead body of Mst. Robina Bibi. The father of the deceased namely Mir Gul reported the matter at 0820 hours on 04.02.2025 that his son namely Muhammad Arif had murdered Muhammad Ayaz in 2024 on the pretext of having illicit relations with Mst. Robina Bibi and she had left the house and taken shelter


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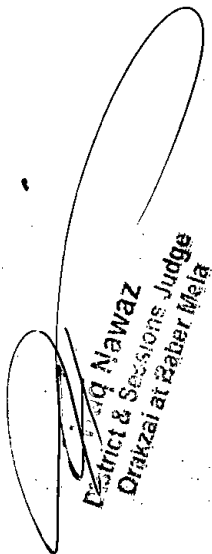
in Dar Ul Aman Kohat. The complainant further reported that she was brought by the accused facing trial yesterday from Dar Ul Aman to the house. On 03.02.2025 at 1920 hours, the complainant was having meal when he heard hue and cry on the main gate of his house, at which he came out and found that the accused had fired upon Mst. Robina Bibi with a pistol on the pretext of honour who died on the spot.

3. After completion of investigation, complete challan against the accused was submitted. The accused was summoned and copies were provided to him under Section 265-C CrPC. He was formally charged. The accused pleaded not guilty and claimed trial. The prosecution produced a total of 09 witnesses before the Court. A brief resume of the depositions of the prosecution witnesses is as under;

- I. Dr. Aneela, Medical Officer, appeared before the Court as PW-1. She stated that she conducted autopsy of the dead body of Mst. Robina Bibi on 04.02.2025. During the post-mortem examination, he found the following external appearance of the dead body;

1. External appearance:

- i. **Mark of ligature etc:** No mark of ligature on neck and dissection etc.


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ii. **Condition of subject stout emaciated,**

decomposed etc. clothing: Subject not emaciated, clothing normal, no blood marks were found on clothing.

iii. **Wounds, Bruises, position, size and**

nature: 06 wounds found/bullet wounds.

05 on the anterior chest region and 01 on the post chest region. Size of all wounds are almost 01 inch in width/length, posterior wound was bleeding heavily.

2. **Cranium and spinal Cord: Scalp, skull**

and vertebrae: Intact.

Membranes --- brain, spinal cord: Intact.

3. **Thorax:**

i. **Walls, ribs and cartilages:** Thorax wall, ribs and cartilages not involved.

ii. **Plurae:** Damaged.

iii. **Larynx and trachea:** Not damaged.

iv. **Right lung:** Bullets might penetrate right lung.

v. **Left lung:** Bullets might penetrate left lung.

vi. **Pericardium and heart:** Pericardium and heart involved.

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vii. **Blood vessels:** Blood vessels involved and bleeding continuously/constantly.

4. Abdomen:

i. **Walls:** Intact.

ii. **Peritoneum:** Intact.

iii. **Mouth, Pharynx and oesophagus:** Intact.

iv. **Diaphragm:** Intact.

v. **Stomach and its contents:** Intact.

vi. **Pancreas:** Intact.

vii. **Small intestine and their contents:**
Intact.

viii. **Large intestine and their contents:**
Intact.

ix. **Liver:** Intact.

x. **Spleen:** Intact.

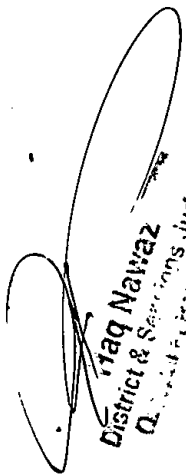
xi. **Kidneys:** Intact.

xii. **Bladder:** Intact.

xiii. **Organs of generation external and internal:** Intact.

5. Muscles, bones and joints: Nil.

According to opinion of the Medical Officer,
the cause of death was vital organ damaged
and heavy bleeding due to firearm injuries.


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Probable time:**Between injury and death:** 06:00 am to 08:00

am (02 hours).

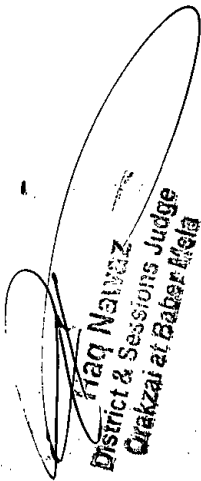
Between death and post mortem: 08:00 am

to 10:00 am (02 hours).

The PW produced the Post Mortem report as

Ex. PM.

- II. Moharrir Muhammad Saeed recorded his statement as PW-2. He deposed that the Murasila was received by him through constable Abid Gul on 04.02.2025 which was incorporated into FIR Ex. PA. He handed it over to Incharge Investigation. He received parcels No. 1 to 3 from the IO which was kept safely in the Malkhana of the police station after making entry in register No. 19 Ex. PW 2/1. He handed over parcels No. 1 to 3 to the IO for sending it to FSL on 06.02.2025. He also received parcel No. 4 from the IO on 07.02.2025 and made its entry in the relevant register. The said parcel No. 4 was handed over by him to the IO for transmitting it to FSL on 17.02.2025. His statement u/s 161 CrPC was recorded.



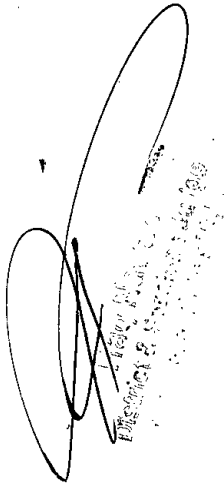
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III. The complainant Mir Gul appeared before the Court and recorded his statement as PW-3. He stated that Muhammad Arif was his son who was charged for the murder of Umar Ayaz on the pretext of having illicit relations with Mst. Robina Bibi. She was shifted to Dar Ul Aman Kohat after the murder of Umar Ayaz and she was released from there after being remained there for about 08 months. She was murdered by someone at night time on 03.02.2025 whereafter he was taken to police station and his thumb impression was obtained on a report on the next morning.



IV. Azmat Ullah SHO recorded his statement as PW-4. He stated that he rushed to the spot on receiving information about the incident on 04.02.2025, where the complainant reported the matter to him. He reduced the same into writing in the shape of Murasila Ex. PA. He prepared injury sheet of the deceased Ex. PW 4/1 and inquest report Ex. PW 4/2. He handed over these documents to Constable Mast Ali Shah for handing it over to Medical-Officer. The Murasila was sent to police station through constable Abid Gul for registration of FIR. The SHO arrested the accused on

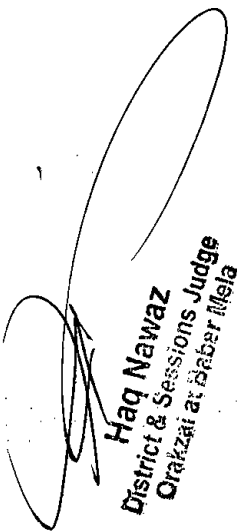
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05.02.2025 vide card of arrest Ex. PW 4/3. He submitted complete challan Ex. PW 4/4 against the accused facing trial.

V. Moeen Ur Rehman appeared before the Court as PW-5. He stated that he was present with the IO during spot inspection on 04.02.2025. He is the marginal witness to the recovery memos prepared by the IO who made recoveries from the spot in his presence. He took parcels No. 1 to 3 along with applications and route permit certificates to FSL on 06.02.2025 and handed over its receipts to the IO upon his return. The accused pointed out the spot to the IO on 07.02.2025 who prepared pointation memo Ex. PW 5/3 in presence of the PW. The PW is also the marginal witness of the recovery memo Ex. PW 5/4 vide which the IO took into possession the crime weapon recovered on the pointation of accused. He also took parcel No. 4 along with route certificate and application to FSL on 17.02.2025. His statements were recorded by the IO u/s 161 Cr.P.C.


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VI. Muhammad Hanif OII stood in the witness box as PW-6. He stated that after entrustment of

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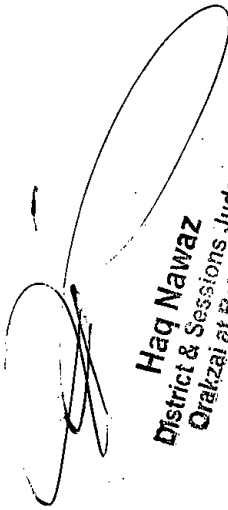
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the investigation to him, he proceeded to the spot. He took into possession blood through cotton from the place of deceased and recovered 02 crime empties of 30-bore from the place of accused vide recovery memo Ex. PW 5/1 and sealed it into parcels No. 1 and 2. He prepared site plan Ex. PB on the pointation of complainant. He received blood-stained garments of the deceased through Constable Mast Ali Shah in the police station vide recovery memo Ex. PW 5/2 and sealed it into parcel No. 3. He handed over these parcels to the Moharrir for keeping it safely. He recorded the statements of PWs u/s 161 CrPC. The IO produced the accused before the court of Judicial Magistrate on 06.02.2025 vide application Ex. PW 6/1 for obtaining his physical custody and obtained his two days physical custody. He sent parcels No. 1 to 3 to FSL through Constable Moeen Rehman with route certificates Ex. PW 6/2 and Ex. PW 6/3 and applications addressed to the Incharge FSL Ex. PW 6/4 and Ex. PW 6/5 on the same day. He prepared list of the legal heirs of the deceased Ex. PW 6/6. He interrogated the accused and during the interrogation, the



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accused confessed his guilt before him and voluntarily led the police to the spot and correctly pointed out the place of occurrence to the IO vide pointation memo Ex. PW 5/3. The IO also recovered the crime weapon i.e., pistol on the pointation of accused which was taken into possession vide recovery memo Ex. PW 5/4 and it was sealed into parcel No. 4. He also prepared recovery sketch Ex. PW 6/7. The PW added Section 15 of the Khyber Pakhtunkhwa Arms Act in the case and issued Parwana in this respect which is Ex. PW 6/8. He produced the accused before the Judicial Magistrate on 08.02.2025 for recording his confessional statement vide application Ex. PW 6/9, but the accused refused to confess his guilt and was sent to Judicial Lock-up. The PW sent parcel No. 4 through Constable Moeen along with route certificate Ex. PW 6/10 and application Ex. PW 6/11 to FSL on 17.02.2025. He received the FSL reports of blood-stained garments, the crime weapon and the crime empties which are Ex. PW 6/12 to Ex. PW 6/14 and placed the same on file. He produced attested copies of FIR No. 38, Dated 16.06.2024, u/s 302/311 PPC and 15AA of


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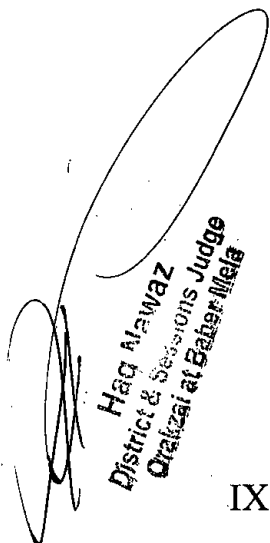
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Police Station Mishti Mela as Mark-A. He admitted all the documents to be correct which correctly bears his signatures.

VII. Muhammad Javid deposed before the Court as PW-7. He is identifier of the dead body of the deceased to police and doctor.

VIII. Inspector Mast Ali Shah appeared before the Court and recorded his statement as PW-8. He stated that the SHO handed over injury sheet and inquest report to him along with the dead body of the deceased. He escorted it and handed over to the doctor on 04.02.2025 for PM examination. The PW received blood-stained garments of the deceased from the doctor which was handed over by him to the IO. His statement was recorded by the IO u/s 161 CrPC.



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IX. Lastly, Wajid Ullah, verifier of the report, was summoned on the application of prosecution under section 540 CrPC. He appeared before the Court and recorded his statement as PW-9. He stated that he accompanied the dead body to hospital with the complainant and Javid where the local police took their CNICs. He was directed to visit the police station. The

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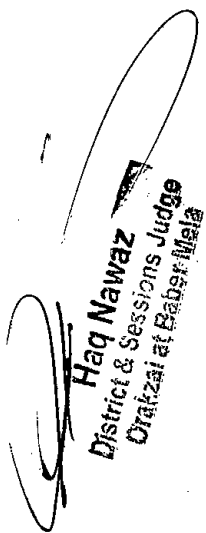
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dead body was handed over to them at 03:00 pm. The PW along with Javid visited the police station where their thumb impressions and the thumb impression of the complainant were obtained on a document which was handed over to them.

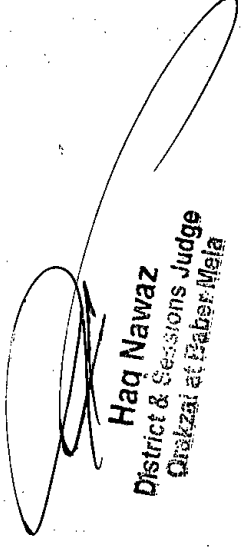
4. After completion of the prosecution evidence, statement of the accused was recorded u/s 342 Cr.P.C. The accused claimed innocence; however, he neither wished to be examined on oath nor opted to produce any evidence in defence.

5. The learned Sr. PP submitted that though the complainant and verifier of the Murasila as well as identifier of the dead body have resailed from their statements, but testimony of a hostile witness cannot be altogether left out of consideration. He further submitted that the complainant has admitted the motive behind the occurrence, the place of occurrence and his taking meal at the relevant time, in his statement before the Court. He also admits the presence of verifier and his thumb impression on the report. The deceased was taken out from Dar Ul Aman on the assurance of accused after her taking shelter over there after the murder of Umar Ayaz. The recovery of crime empties and the positive FSL report regarding the same with the crime weapon recovered on


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the pointation of accused connect him with the commission of offence. He submitted that the prosecution has successfully established the charge against the accused. He, therefore, requested for conviction of the accused.

6. On the other hand, the learned defence counsel submitted that there is unexplained delay of 11/12 hours in lodging the FIR. The complainant as well as verifier of the complaint and identifier of the dead body have resailed from their statements. The post-mortem report contradicts the time of occurrence. There is nothing on record that the deceased was taken out from Dar Ul Aman by the accused. The PW-5, who is marginal witness to the recovery memo through which the recovery of crime empties was effected, contradicts the statement of Investigating Officer/PW-6 regarding the place from where the recovery was effected and whether the recovered pistol was empty or loaded with cartridges. He also submitted that according to the sketch of recovery Ex. PW 6/7 and recovery memo Ex. PW 5/4, the crime weapon was without number, but the FSL report Ex. PW 6/13 disclosed that the pistol in question was having its number as A-9116. There is no eyewitness of the occurrence whereas the circumstantial evidence is full of doubts. He, therefore, requested for acquittal of the accused.



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7. After hearing both the parties and perusal of the record, it was found that the unfortunate incident was taken place on 03.02.2025 at night time of 1920 hours in front of the house of complainant after the murder of Umar Ayaz on 16.06.2024 vide FIR No. 38 registered at Police Station Mishti Mela with the allegations of having illicit relationship with the present deceased. She was thereafter admitted to Dar Ul Aman, Kohat vide order dated 26.06.2024 when she was produced before the Court of JM-I, Kalaya by SI Muhammad Younas SHO Police Station Mishti Mela. She recorded her statement u/s 164 CrPC and submitted that there are serious threats to her life and their family members are not going to leave her alive. She remained there for about seven months when on 20.12.2024 she moved an application No. 01/4 of 2024 before the Court of Judicial Magistrate-II, Tehsil Courts Kalaya, Orakzai for her release from Dar Ul Aman. The Incharge Women Crises Centre was put on notice by the said Court for production of the deceased on 24.12.2024; however, she was not produced and the ASHO informed the Court that there are serious threats to her life; therefore, the case should be transferred to the Court of Senior Civil Judge, Orakzai at Baber Mela, Hangu. She was later on produced before the said Court in the company of accused who assured her safety before the Court. The statements of both the deceased Mst. Robina

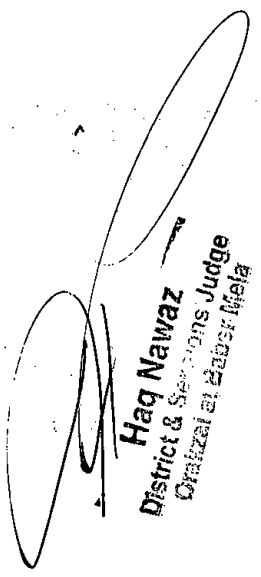
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Bibi and the accused were recorded wherein the deceased shown her willingness to leave with the accused whereas the accused submitted in his statement that security circumstances are now favourable for the release of the deceased from Dar Ul Aman. He further submitted that she is willing to leave Dar Ul Aman with him as she feels no fear from anyone and feels safe with him. He requested the Court to allow the deceased to go with him. According to the Discharge Form, provided by the Incharge Dar Ul Aman, Kohat, the deceased was released on 22.01.2025. However, the complainant in his cross examination has admitted that the deceased was done to death on the first night when she came to his house after her release from Dar Ul Aman showing that the deceased remained somewhere after her release from Da Ul Aman. Though the complainant negates the lodging of report by him for the obvious reason that he was favouring the accused who is his son and was declared hostile, but in his cross examination by the prosecution, he admits the motive behind the occurrence, the place of occurrence which is the front of his house as shown in the site plan Ex. PB and presence as well as affixation of thumb by the verifier on the report. The verifier of the report in his statement as PW-9 has also negated his verification of the report as he is also relative of the accused which is evident from his cross examination. The complainant disclosed in his



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statement as PW-3 that he has two sons and one of them was confined in jail in a murder case (of Umar Ayaz) referred to above. The complainant was taking meal at the time of occurrence. Thus, the accused was the only other male person present in the house at the relevant time. So far reliance on the statement of a hostile witness is concerned, the **Hon'ble Peshawar High Court, Peshawar** in the judgment of '**Said Nik Amal Shah VS State**' held in **2025 PCrLJ 1584** that;

"The testimony of a hostile witness cannot be altogether left out of consideration. The evidence of a hostile witness has to be considered like the evidence of any other witness, but with a caution for the simple reason that the witness has spoken in different tones. When a witness speaks in different voices, it would be for the Court to decide in what voice he speaks the truth. In such cases the determining test is corroboration from independent source and conformity with the remaining evidence."

8. During the course of investigation, the accused not only pointed out the place of occurrence correctly vide pointation memo Ex. PW 5/3 but the weapon of offence was also recovered on his pointation from the apricot

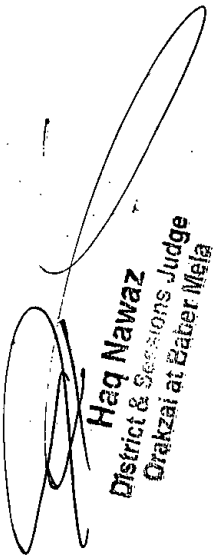
wood lying in front of the house of Nadar Khan through recovery memo and sketch of recovery Ex. PW 5/4 and Ex. PW 6/7. Though there are minor contradictions in the prosecution's case i.e., the recovery memo Ex. PW 5/4 shows the recovered weapon to be without number whereas the FSL report Ex. PW 6/13 shows that the weapon in question was having its number as A-9116. Similarly, the marginal witness to the recovery memo who appeared before the Court as PW-5 stated in his cross examination that the weapon in question was loaded with cartridges and it was recovered from the woods lying on the back side of the house of accused, but the **Hon'ble Peshawar High Court, Peshawar** in its judgment dated 26.11.2025 passed in the case of "**Misbah VS Sahir and the State**" bearing **Cr. Appeal No. 347-P/2025** held that;

"Defects in investigation, especially in districts such as Khyber (erstwhile FATA including Orakzai), which is a newly merged district where many police officials are former Khasadar personnel still familiarizing themselves with modern investigation procedures, cannot be treated as fatal to the prosecution."

9. The two empty shells of 30-bore recovered from the spot by the IO through recovery memo Ex. PW 1/1 were sent

to FSL on 06.02.2025 vide route certificate Ex. PW 6/2.

The FSL report Ex. PW 6/14 was received that the two 30-bore crime empties were fired from one and the same 30-bore weapon. Similarly, the blood-stained earth/cotton and blood-stained garments of the deceased were sent to FSL on the same day vide route certificate Ex. PW 6/3 and it was reported vide FSL report Ex. PW 6/12 that it was human blood of the same group. Finally, the recovered crime weapon was sent to FSL by the IO on 17.02.2025 through route certificate and application to FSL Ex. PW 6/10 and Ex. PW 6/11 and the FSL authorities reported vide report Ex. PW 6/13 that the two 30-bore crime empties were fired from the 30-bore pistol No. A-9116. The Medical Officer in her statement before the Court as PW-1 submitted that the dead body was having many wounds/firearm injuries, five on the interior chest cavity and one on the posterior side chest cavity and the cause of death was damage to vital organs heart and lungs and heavy bleeding.


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10. The cumulative effect of the above discussion leads me to an irresistible conclusion that the deceased Mst. Robina was done to death by the accused in a pre-planned cold-blooded manner for honour killing. In the overall circumstances of the case where the prosecution's case suffers from inconsistencies other than of a fatal character, it appears proper not to resort to the death penalty,

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touching the guilt of the accused. Reliance is placed on
NLR 2000 Criminal 188 Supreme Court.

11. Resultantly, the accused Kamran Khan s/o Mir Gul, r/o Mir Mela, Caste Sheikhan, District Orakzai is convicted u/s 302 (b) PPC read with section 311 PPC and sentenced to rigorous life imprisonment with the benefit of Section 382-B CrPC. He shall pay an amount of Rs. 10 lacs as compensation to the legal heirs of deceased Mst. Robina Bibi in terms of Section 544-A CrPC. In default of payment of compensation, the convict shall undergo simple imprisonment for a period of six (06) months. The case property be destroyed after the period provided for appeal/revision. Copy of the judgment is provided to the accused free of cost. File of this Court be consigned to record room after its necessary completion and compilation.

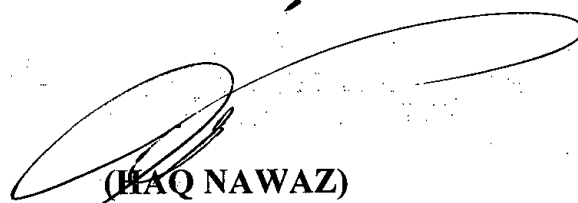
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CERTIFICATE

Certified that this judgment consists of eighteen (18) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 16.12.2025


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Sessions Judge, Orakzai,
at Baber Mela