

STATE VS MUHAMMAD JALEEL ALIAS MAJEEL KHAN

FIR No. 14, Dated 08.08.2024, u/s 302 PPC

Police Station: Ghiljo

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

SESSION CASE NO. : 22/2 OF 2024

DATE OF INSTITUTION : 24.10.2024

DATE OF DECISION : 19.05.2025

STATE THROUGH MUHAMMAD KHAN S/O KHAISTA KHAN,
CASTE MAMOZAI PRESENTLY RESIDING AT KOHAT

------(Complainant)

VS

MUHAMMAD JALEEL ALIAS MAJEEL KHAN S/O JAMEEL KHAN,
AGED ABOUT 48 YEARS, CASTE MAMOZAI, R/O CHEENGAKH,
DISTRICT ORAKZAI

------(Accused)

Present: Umar Niaz, District Public Prosecutor for the State.

: Khursheed Alam Advocate, for accused.

FIR No. 14 || Dated: 08.08.2024 || U/S: 302 PPC || Police Station: Ghiljo

JUDGEMENT

19.05.2025

This case was registered against the accused Muhammad
Jaleel alias Majeel Khan s/o Jameel Khan, aged about 48
years, Caste Mamozai r/o Cheengakh, District Orakzai
vide FIR No. 14, Dated 08.08.2024 registered at Police
Station Ghiljo u/s 302 PPC.

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2. According to the prosecution case, the SHO along with
other police contingent were on routine surveillance in
the area on 08.08.2024 when he received information
about presence of a dead body in THQ Hospital. He
immediately rushed to THQ where he found the dead
body of Mst. Miraza Bibi w/o the accused along with her
father Muhammad Khan s/o Khaista Khan, Caste
Mamozai presently residing at Kohat. He reported that

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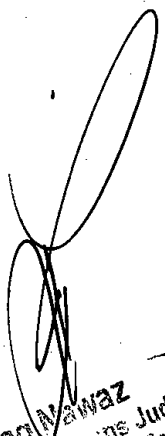
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his daughter was married with the accused. He received the information at about 1640 hours that his daughter was done to death by the accused and her dead body is shifted to Ghiljo Hospital for post-mortem. When he reached THQ Ghiljo, he found the dead body of his daughter in emergency room who was killed by the accused by stabbing to death. Motive behind the occurrence was strained relationship of the spouses and prohibition of the accused from drugs. He charged the accused for the commission of offence.

3. After completion of investigation, complete challan was put in court. The accused was summoned and copies were provided to him under section 265-C CrPC. 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. Constable Manzoor Ahmed appeared before the court as PW-1. He deposed that he accompanied the IO to the spot with constable Hafeez Ullah on 09.08.2024. The IO recovered blood with cotton from the place of deceased in his presence through recovery memo Ex. PC. He packed and sealed it into parcel No. 1 by affixing three monograms of "SR" while


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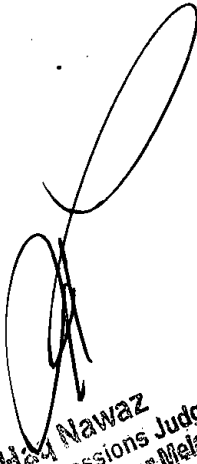
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keeping one monogram inside the parcel. The PW is also witness to the pointation memo Ex. PC/1 through which the accused pointed out the place of occurrence to the IO inside his house. The IO also recovered the knife used in the commission of offence on the pointation of accused from another room of the house in question from behind a box through recovery memo Ex. PC/2, which was sealed into parcel No. 2. The IO also prepared a recovery sketch in this respect. The PW further submitted that constable Muhammad Bilal handed over blood-stained kamees of the deceased Mst. Miraj Bibi to the IO in the police station which was packed and sealed by him in parcel No. 3. His statement was recorded u/s 161 CrPC.


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- II. SHO Saleem Khan recorded his statement as PW-2. He stated that he rushed to THQ Hospital Ghiljo on receiving information about the incident on 08.08.2024, where the complainant reported the matter to him. He reduced it into writing in the shape of Murasila Ex. PA. He prepared injury sheet Ex. PW 2/1 and inquest report Ex. PW 2/2 of the deceased and sent the same to doctor for post-mortem

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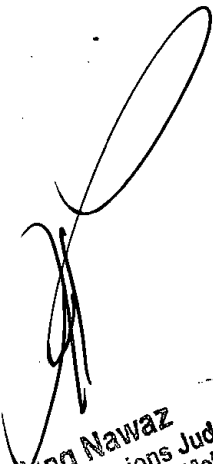
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examination through constable Sabz Ali. The Murasila was sent to police station through constable Muhammad Bilal for registration of FIR. The SHO further deposed that the accused was arrested by him at Ramzan Check-Post while debording him from a pick-up during checking. He issued his card of arrest Ex. PW 2/3. He also submitted complete challan Ex. PW 2/4 after completion of investigation.

III. Constable Muhammad Bilal appeared before the court as PW-3. He stated that he was present with the SHO in THQ Hospital Ghiljo on 08.08.2024. He was handed over Murasila which was taken by him to police station.

IV. Haq Nawaz Moharrir recorded his statement as PW-4. He deposed that the Murasila was received by him through constable Muhammad Bilal on 08.08.2024 which was incorporated into FIR Ex. PA. He handed it over to Incharge Investigation. He also received parcels No. 1 to 3 on 09.08.2024 which were kept in the mal khana of the PS after making entry in register No. 19 Ex. PW 4/1. He handed over the said parcels to the IO on 12.08.2024 who


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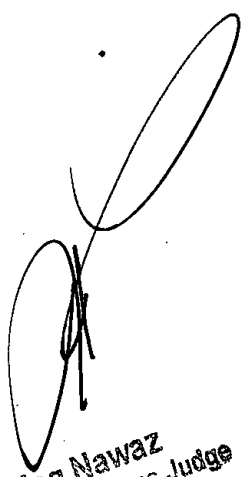
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dispatched the same to FSL on 13.08.2024. His statements u/s 161 CrPC were recorded.

V. Constable Sabz Ali deposed as PW-5. He stated that the SHO handed over injury sheet and inquest report to him in THQ Hospital Ghiljo on 08.08.2024 which were further handed over by him to doctor for PM examination.

VI. Noor Khan appeared before the court as PW-6. He is identifier of the dead body of the deceased Miraza Bibi to police and doctor at THQ Hospital Ghiljo.

VII. The complainant recorded his statement as PW-7. He stated that the deceased Miraza Bibi was his daughter. She was married to the accused. He received information about the occurrence on 08.08.2024 at about 1640 hours that his daughter has been done to death by the accused Muhammad Jaleel and the dead body has been taken/shifted to Ghiljo hospital for post-mortem examination. He proceeded to THQ Hospital Ghiljo where the dead body of his daughter was lying in emergency room. He reported the matter to police which was incorporated into Murasila Ex. PA. The



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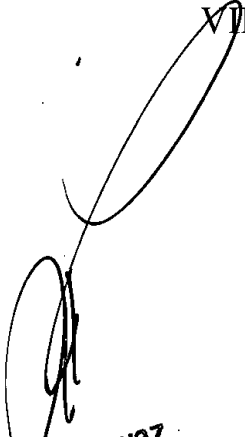
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complainant thumb impressed the same by admitting it to be true and correct. The IO prepared site plan on his pointation on 09.08.2024. The motive behind the occurrence was family dispute as the accused was forbidden by the deceased from drugs. He charged the accused Muhammad Jaleel alias Majeel Khan for the commission of offence.

VIII. The Investigation Officer, Naseeb Khan appeared before the court as PW-8. He stated that he along with police nafree visited the spot early in the morning on 09.08.2024. The complainant, Muhammad Khan was present on the spot. During the spot inspection, the IO took into possession blood through cotton vide recovery memo Ex. PC in presence of the marginal witnesses which was packed and sealed into parcel No. 1 (Ex.P-1). He prepared the site plan Ex. PB on pointation of the complainant. The accused was arrested by the SHO who was handed over to IO for interrogation. The IO produced him before the court of Judicial Magistrate on 09.08.2024 vide application Ex. PW 8/1 for obtaining physical custody which was allowed and one

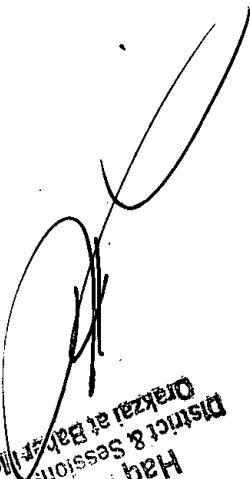

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day police custody was granted. The accused led the IO to the place of occurrence and pointed out the spot vide pointation memo Ex. PC/1. To this effect, the IO made addition in the site plan with red ink which is Ex. PB/1. The accused also pointed out the place where he kept the weapon/article of offence i.e., knife. The said knife/churri, having blood stains, was taken out by the accused from behind the box and handed over to the IO which was taken into possession by him vide recovery memo Ex. PC/2. He packed and sealed it into parcel No. 2 (Ex. P2). The IO prepared the recovery sketch on the spot at the instance/pointation of the accused which is Ex. PW-8/2. He recorded statements of the PWs under Section 161 CrPC. He handed over the parcel No. 1, 2 and 3 to Muharrir Haq Nawaz for keeping the same in safe custody in the police station and recorded his statement. He took into possession blood stained qamees of yellow colour (phooldar) vide recovery memo Ex. PC/3 which was sent by the doctor through constable Muhammad Bilal. It was packed and sealed into parcel No. 3 (Ex. P3).


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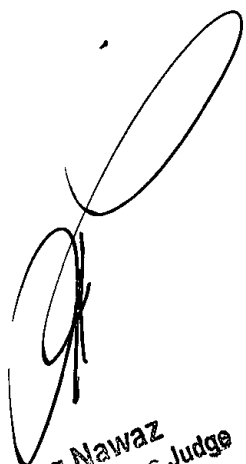
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He recorded statements of the constables Bilal, Haneef Ullah and Manzoor Ahmed. He produced the accused before the court of Judicial Magistrate on 10.08.2024 vide application Ex.PW-8/3 for recording his confessional statement. The accused refused to confess his guilt and was sent to judicial lockup. He also recorded statements of the identifiers of dead body and constable Sabz Ali on 10.08.2024. He placed on file post-mortem report after receiving it from the doctor. He took the parcels No. 1, 2 and 3 to FSL Peshawar on 13.08.2024 for analysis along with route certificate Ex.PW-8/4 and application to FSL Ex.PW-8/5 and placed on file the FSL report Ex. PZ on its receipt. He handed over the case file to SHO for submission of complete challan before the court after completion of investigation. He termed the above referred documents to be correct which correctly bear his signatures.


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IX. Dr. Sangeen Khan appeared before the court as PW-9. He stated that he examined the dead body of Miraza Bibi d/o Muhammad Khan, r/o Mamozai, Changakh, District Orakzai, aged

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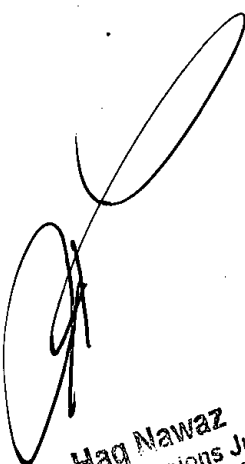
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about 25/26 years on 08.08.2024 at about 07:45 pm. During the post-mortem examination, the PW found the following external appearance of the dead body;

- (i) Clean straight cut incised wound below left side of chin and neck.
- (ii) Fresh body of normal physique wearing shalwar qamees yellow and red fully blood stained.

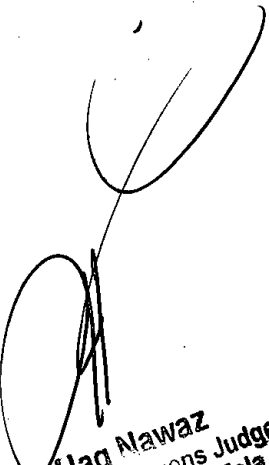
Injuries:

- (i) Sharped incised wound below **chin and neck** on left side approximately 2-3 inches.
- (ii) **Left axilla:** incised wound sharp about 2 inches in length approximately depth approximately 2 inches.
- (iii) **Left Bicep:** sharp wound approximately 1-1/2 inches (length) and depth of 1 inch approximately.
- (iv) **Left wrist joint:** Exposed skin and fascia approximately 3-4 inch in length and width of 3-4 inches approximately.



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- (v) **Below left side of elbow joint:** 4-5 inches approximately in length (skin and fascia exposed) depth of 3 inches approximately.
- (vi) **Chest:** Sternum middle xiphoid, 2 inches length approximately depth 3-5 inches approximately.
- (vii) **Left side of sternum:** 3 inches in length approximately and width of 2 inches.
- (viii) **Right side of breast:** incised wound 3 inches approximately and 2 inches depth and width approximately.
- (ix) **Below right breast:** sharp incised wound 2 inches approximately length and width 1/2 inch approximately.
- (x) **Abdomen:** Total number of sharp 08 incised wounds multiple lengths of approximately 2-3 inches and width depth of 7 inches.
- (xi) **Left thigh:** incised 4-5 inches approximately wound in length.
- (xii) **Below left calf anterior aspect of leg:** 4-5 inches in length approximately depth of 1-1/2 inches



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(xiii) **Left calf incised wound:** 3 inches in length and depth of 2 inches approximately.

(xiv) **Right patella below:** incised wound about 3-4 inches approximately.

(xv) **Right calf:** incised wound 2 inches length approximately

(xvi) **Left hip:** Incised wound 3-4 inches approximately.

II - Cranium and Spinal Cord: Intact.

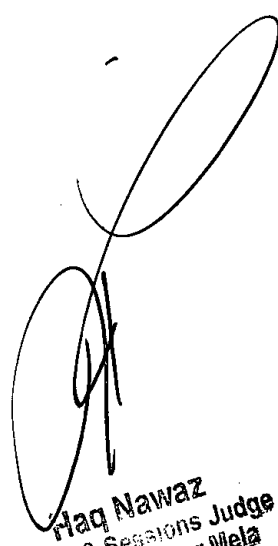
III – Thorax: Wall, ribs intact, Cartilages torn, Plurae intact, larynx and trachea punctured, blood vessels torn, right lung, left lung, pericardium and heart are intact.

IV – Multiple sharp incised wounds on abdomen, mouth, phrynx and Oesoghagus punctured while remaining organs are healthy.

V – Muscles, bones, joints: Generalized multiple incised wounds on most parts of the body.

According to opinion of the Medical Officer, there were sharp clean incised multiple wounds of knife on the dead body.

The major injury was on the left chin and



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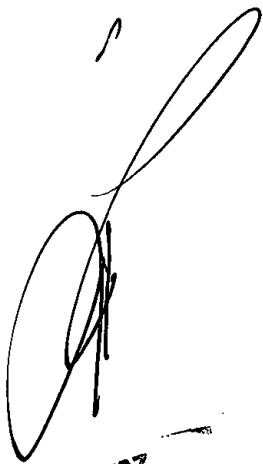
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left side of upper neck resulting in rupture
of intra cavities jugular veins carotid
arteries part of the oesophagus larynx vocal
cords etc. and massive external blood loss
lead to circulatory failure grade 4 shock
uncompensated resulted into death.

Probable time:

- (i) Between injury and death: **05 to 15 minutes.**
- (ii) Between death and post mortem: **02 hours.**

The PW-9 produced the post-mortem report as Ex. PM and endorsed his signature on the injury sheet. He deposed that after PM examination, he handed over blood-stained garments of the deceased to police.



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- 4. After completion of prosecution evidence, statement of the accused was recorded u/s 342 Cr.P.C. He claimed innocence; however, he neither wished to be examined on oath nor opted to produce any evidence in defence. I have heard learned DPP and counsel for the accused.
- 5. The learned DPP argued that the occurrence was taken place inside the house of accused from where the IO recovered blood-stained earth. The accused was directly nominated in the FIR, as a single accused for commission

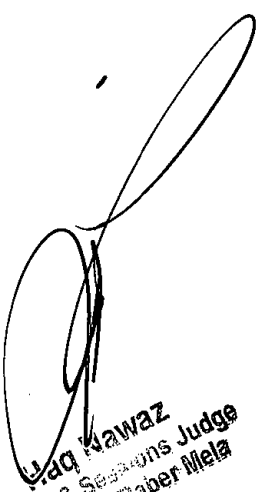
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of the offence. He was apprehended at a check post after the occurrence on the same day. The accused has also correctly pointed out the place of occurrence to the IO who recovered the article of offence at his pointation having blood stains on it. The FSL report about the blood-stained earth, blood-stained garments and blood-stained knife is in positive. The medical evidence supports the prosecution case. The delay in lodging the FIR was due to the fact that the complainant was residing in Kohat and the report was lodged after his arrival at THQ Ghiljo. He finally requested that the prosecution has established its case beyond the shadow of any doubt; therefore, the accused be convicted for the commission of offence.


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6. On the other hand, the learned counsel for the defence argued that the occurrence was not witnessed by anyone. The complainant has admitted that he is not eyewitness nor any other person has deposed to have seen the occurrence. There is a delay of about 02 hours in lodging the FIR. Motive behind the occurrence is not established as no evidence was advanced in this respect. The PW-3 denied to have taken blood-stained garments of the deceased from hospital to police station. The male Medical Officer was not authorised to conduct post-mortem on the dead body of a female deceased. He, therefore, requested for acquittal.

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7. After hearing both the parties and perusal of the record it was found that the occurrence was taken place at a far-flung area of village Cheengakh, Mamozai of the Newly Merged Tribal District of Orakzai at a distance of 46/47 km from the Police Station Ghiljo at about 16:30 hours on 8/8/2024 whereas the complainant/father of the deceased got information of the occurrence at 16:40 hours at Kohat, where he was residing. The report was lodged after his arrival to THQ Hospital Ghiljo from Kohat resulting into lodging the report after about two hours of the occurrence. In such circumstances the delay in lodging the FIR is understandable.


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8. The Medical Officer in his statement as PW-9 has clarified that the post mortem on the dead body of the deceased daughter of the complainant was conducted by him in presence of a female nurse due to non-availability of Female Medical Officer in THQ Ghaljo. The blood-stained garments of the deceased were received and taken into possession by the IO from the Hospital vide recovery memo Ex. PC/3. Though the Constable Muhammad Bilal denied, in his cross examination as PW-3, to have taken the garments of the deceased from Hospital to Police Station but the Medical Officer in his statement as PW-9 deposed that he delivered it to a Police Official. There is no denial on record that the said blood-stained garments in

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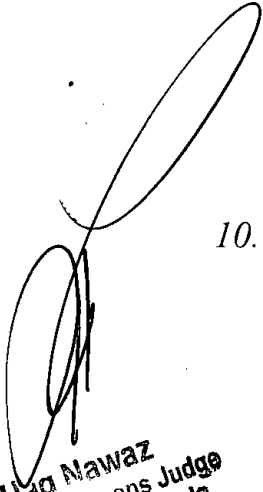
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question were not pertaining to deceased. Needless to mention that the blood stains on the garments were found in FSL to be of the same human blood group which was that of the blood recovered from the spot.

9. In his report, the complainant alleged strained relationship between the accused and his deceased wife as she forbidden the accused from taking drugs. Although no evidence was produced in this respect and motive is an important aspect in cases of circumstantial evidence but it is not an absolute requirement for conviction.

10. The complainant was definitely not an eye witness of the occurrence nor the prosecution could produce any other eye witness before the court but the occurrence was taken place inside the house of accused in which his wife met with an un-natural death. The accused, instead of informing the local Police about the occurrence, attempted to leave the area soon after the occurrence, when he was apprehended by the SHO PW-2 at Ramadan Check Post on the day of occurrence. The accused not only led the IO to the place of occurrence and made pointation of the place of occurrence before him vide Pointation memo Ex. PC/1 which were accordingly added in the site plan with red ink as Ex. PB/1 but he also pointed out the place inside his house where the knife, used in commission of the offence which was having blood stains, was kept by


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him after commission of the offence. The IO took it into his possession vide recovery memo Ex. PC/2 in presence of the marginal witnesses.

11. The blood-stained earth, taken into possession by the IO from the place of occurrence, blood-stained garments of the deceased and blood stains on the knife in question were found to be human blood of the same group as evident from the FSL report Ex. PZ. According to the deposition of Medical Officer, the deceased sustained almost seventeen injuries on her body with a sharp-edged weapon. This fact further substantiates the prosecution case against the accused that he committed Qatl-e-amd of the deceased.


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12. No doubt, the occurrence, in the instant case, is unseen but there is no rule that conviction cannot be based on circumstantial evidence alone. Absence of direct evidence does not mean that guilt cannot be fixed. It may be noticed here that circumstantial evidence is the evidence of basic facts wherefrom, further fact as inference or natural conclusion, according to reason and logic may be deduced.

13. The above facts lead this court to an irresistible conclusion that the prosecution remained successful to bring home guilt against the accused Muhammad Jaleel alias Majeel Khan s/o Jameel Khan, aged about 48 years, Caste

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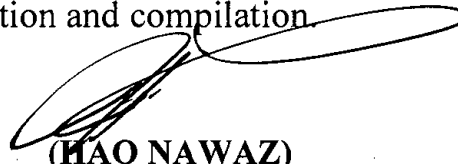
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Mamozai r/o Cheengakh, District Orakzai in the instant case FIR No. 14, Dated 08.08.2024 registered at Police Station Ghiljo u/s 302 PPC for causing death of his wife Mst. Miraza Bibi, daughter of the complainant. He is, therefore, convicted and sentenced u/s 302 (b) PPC to undergo rigorous imprisonment for life. The accused shall also pay the compensation of Rs. 10 lacs to legal heirs of the deceased u/s 544-A CrPC. In default of payment of compensation, the convict shall suffer further simple imprisonment for a period of 06 months. The benefit of section 382-B CrPC is extended to the accused.

Copy of the judgment be given to the accused free of cost. To this effect, his thumb impression is obtained at the margin of the order sheet. Copy of the judgment also be given to the prosecution free of cost. Case property be destroyed after the expiry of period provided for appeal/revision.

Judgment announced. File of this court be consigned to record after its necessary completion and compilation.

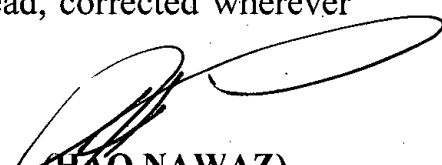
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Sessions Judge, Orakzai,
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CERTIFICATE

Certified that this judgment consists of seventeen (17) pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 19.05.2025


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Sessions Judge, Orakzai,
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