

(R)

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

1) Cr.A No. 310-M/2018

- 2) Bakht Rawan son Pasham Khan
- 3) Rehmat Ali
- 4) Bawar Khan sons of Kamin Gul residents of Kass Kalkot, District Dir Upper.

Versus

1. The State through Additional Advocate General.
2. Lal Zada son of Zarin Khan resident of Remin Kass Kalkot, District Dir Upper.

Present: Mr. Sajjad Anwar, Advocate for the appellants/convicts.

Mr. Inayat Ullah Khatir, Advocate for State.

Mr. Raza Ullah, Advocate for the complainant.

2) Cr.R No. 108-M/2018

- 1) Lal Zada (2) Gul Bahadar (husband of the deceased Mst. Shamshad Bgum) sons of Zarin Khan residents of Remin Kass Kalkot, District Dir Upper.

Versus

- 1) Bakht Rawan son Pasham Khan
- 2) Rehmat Ali
- 3) Bawar Khan sons of Kamin Gul residents of Kass Kalkot, District Dir Upper.
- 4) The State through Additional Advocate General, Peshawar High Court, Mingora Bench, District Swat.

Present: Mr. Raza Ullah, Advocate for the petitioners.

Mr. Inayat Ullah Khatir, Advocate for State.

Mr. Sajjad Anwar, Advocate for the respondents/convicts.

Date of hearing: **02.12.2020**

JUDGMENT

ISHTIAQ IBRAHIM, J.- Our this judgment is aimed to decide the instant appeal filed by appellants/convicts against their conviction and sentence as well as the connected Cr.R No. 108-M/

2018 filed by complainant side for enhancement of sentence of the appellants, as both these cases are emanating from the same judgment dated 07.11.2018 passed by learned Additional Sessions Judge-II/Izafi Zilla Qazi, Dir Upper, in case F.I.R No. 147 dated 15.06.2016 u/s 302/109/34 P.P.C registered at Police Station Kalkot, District Dir Upper, whereby the appellants were convicted u/s 302 (b) P.P.C and sentenced to life imprisonment with fine of Rs.100,000/- each or to undergo further six months S.I each in case of default in payment of fine. They were also burdened to pay Rs.100,000/- each as compensation to LRs of each of the deceased, or in case of default they were directed to undergo further six months S.I each. Benefit of section 382-B, Cr.P.C was extended to them.

2. Abstract of the prosecution case is that on receiving information regarding murders, Muhammad Siyar Khan (PW-2), SHO of P.S *Kalkot*, rushed to village *Reman Kass, Kalkot* and came to know that two women had been shot dead. Complainant Lal Zada (PW-7), who was present there, reported the occurrence to police by narrating that on 15.06.2016 at morning time his mother Mst. Saleh Marjana and sister-in-law Mst. Shamshad

Begum wife of Gul Bahadar were busy in hoeing the maize crop in their fields known as *Shatop*. The sheep and goats of Rehmat Ali etc entered the maize crop; the ladies drove the goats out of the field and cautioned the owners thereof for keeping the goats under control on which the present appellants started altercation and thereafter all the three appellants fired at the ladies at 08:30 hours. Resultantly, Mst. Saleh Marjana sustained injury on her chest whereas Mst. Shamshad Begum was wounded on the elbow of her right hand and left side of her back and both died on the spot. The complainant also charged co-accused Karim and Badshah Gul for instigation of the appellants for committing the murders. Altercation between the deceased and appellants over entry of sheep and goats to the fields was mentioned as motive behind the occurrence and the occurrence was stated to have been witnessed by Imran Khan (PW-8) and Masta Khan (not produced) and Abdur Rehman (PW-9).

3. After recording report of the complainant through *Murasila* Ex.PW-2/1, the S.H.O (PW-2) prepared injury sheets and inquest reports of the deceased ladies and sent the dead bodies to Sharingal hospital for medical