

Form No:HCJD/C-121

ORDER SHEET
IN THE LAHORE HIGH COURT
RAWALPINDI BENCH RAWALPINDI
JUDICIAL DEPARTMENT

Case No Crl. Misc. No. 1032-B of 2017

Hashim Jamal

Vs

The State & another

S.No. of order/proceeding	Date of order/Proceeding	Order with signature of Judge, and that of parties or counsel, where necessary
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19.06.2017

Ch. Jalil ur Rehman, Advocate for petitioner.
Ch. Mehmood Akhtar Khan, Advocate for complainant.
Ch. Qaisar Mushtaq, ADPP with Arshad Abbas, ASI.

Hashim Jamal, petitioner herein, is accused of having carnal knowledge against order of nature alongside Babar Hussain co-accused with Jamal Hassan, 16; the victim was filmed with a cell phone handset during the assault and let off with a threat to remain silent; his father learnt about the occurrence when one of his relatives shared the details after the pictures taken by the accused went viral; upon query, the victim divulged all the details and the case was finally registered vide FIR No.101 under Sections 292, 367-A, 377 of the Pakistan Penal Code, 1860 with Police Station Saddar Chakwal on 2-5-2017. The petitioner was arrested on 4-5-2017 while Babar Hussain co-accused is still away from the law.

2. Heard. Record perused.

3. Prosecution case is primarily hinged upon forensic evidence, as during the course of investigation, the petitioner, at the time of his arrest, was found in possession of a branded cell phone handset with two G.B. memory card supporting an inbuilt camera. Upon forensic analysis, stills, capturing graphic details of the assault were retrieved; the victim unmistakably figures therein and this speaks volumes for his

subsequent silence. The forensic report in addition to the stills, generated separately, confirms incidence of assault on 9-8-2016 at 08:03 p.m; the pictures are inescapably correlated with the narrative furnished by the victim, antedated in point of time, inexorably coinciding with the time of assault, subsequently shared by the victim with his father. Thus, argument that in the absence of medical evidence, petitioner's culpability calls for further inquiry, is beside the mark. Criminal justice has entered into a new era of forensic evidence; Articles 46-A and 164 of the Qanun-e-Shahdat Order, 1984 take cognizance of this change; statement of the victim, supported by the above material, *prima facie*, sustain the charge. Circumstances never perjure and forensically verifiable incriminatory information, in appropriate situations, can aptly provide requisite corroboration, earlier solicited through old means. The above material constitutes 'reasonable grounds' within the contemplation of Section 497 of the Code of Criminal Procedure, 1898 and in the absence of any consideration warranting further probe, the petitioner cannot claim the concession. CrI. Misc. No.1032-B of 2017 **fails**. Petition is Dismissed.

(Qazi Muhammad Amin Ahmed)
Judge

Approved for Reporting