

IN THE COURT OF **SHAZIB SAEED**, SESSIONS JUDGE,  
DERA GHAZI KHAN.

Sessions Case No. 05 of 2020.  
Sessions Trial No. 08 of 2020.

The State.

Vs.

[REDACTED]  
[REDACTED]  
[REDACTED]

Accused.

FIR No.593/2019 dated 29.10.2019.  
Under Section 376 PPC.  
Police Station Kot Chhutta, D.G. Khan.

**JUDGMENT.**

Accused [REDACTED] is facing trial in case FIR No.593/2019 dated 29.10.2019 under section 376 PPC P.S Kot Chhutta registered on the complaint of [REDACTED] [REDACTED] PW regarding occurrence which took place on 26.10.2019 at 8:50 P.M. It is the case of complainant that his paternal grand-daughter Mst. [REDACTED] aged about 8/9 years was student of class [REDACTED] and on 26.10.2019, Saturday, she went to school and after school hours she was returning towards her house and reached near the land of [REDACTED] accused, he abducted [REDACTED] in the cotton crop field and committed rape with her. Accused also threatened [REDACTED] that if she told this to anyone, he would done her to death with hatchet. [REDACTED] raised hue and cry but no one attracted as there was no "Abadi" nearby. [REDACTED] returned to her house but did not till to anyone. On 28.10.2019 on Monday, when her mother [REDACTED] PW removed her clothes, she saw blood on her shalwar. On her query [REDACTED] told her mother the entire incident. [REDACTED] took her to complainant [REDACTED] where Muhammad Jamil and Muhammad Younis PWs were also present and she also showed them blood-stained shalwar. Faiz Muhammad PW inquired from [REDACTED] and she told them the whole story. Thereafter they all went towards police station for registration of case.

2. Police after requisite formalities submitted report under section 173 Cr.P.C against the accused person. The accused was charge sheeted on 31.1.2020 under two heads i.e section 364-A PPC and

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*[Handwritten Signature]*

section 376 PPC to which accused pleaded not guilty and claimed trial. Prosecution produced Dr. Muhammad Wasim Ashraf, Medical Officer, THQ Hospital Kot Chhutta who conducted potency test of the accused. The examination-in-chief of Dr. Misbah Sajjad, WMO THQ Hospital Kot Chhutta and Maqsood Ahmad 1259/H.C were recorded on 26.2.2020 and cross examination was reserved on the request of defence. On 09.3.2020 an application was moved by learned counsel for the complainant for amendment/adding offence under section 506-B PPC in the charge. This application was not opposed by learned defence counsel and amended charge was framed and section 506-B PPC was added in the charge. The plea of accused was again recorded to which he pleaded not guilty and claimed trial. Evidence of the following PWs was recorded afresh.

**PW-1 Dr. Muhammad Wasim Ashraf , Medical Officer.**

He conducted potency test of Muhammad Jamil accused and his report is **Ex.P.A.**

**PW-2Maqsood Ahmad 1259/H.C.**

He is Moharrir/ Head Constable.

**PW-3Tahira Bibi 1861/Lady Constable.**

She got conducted medical examination of Mst. [REDACTED] and after medical examination, Lady doctor handed over to her MLC alongwith two sealed envelopes said to contain shalwar and swabs for chemical and DNA analysis. She produced said two sealed envelopes before I.O Allah Ditta ASI which were taken into possession vide recovery memo **Ex.P.B.**

**PW-4Shameem Abbas Sanghi ASI.**

He lodged FIR **Ex.P.C.**

**PW-5Dr. Misbah Sajjad, Woman Medical Officer.**

She medically examined the victim Mst. Sawaira Bibi and her medical examination report is **Ex.P.D.**

**PW-6** [REDACTED]

He is complainant of this case.

**PW-7** [REDACTED]

She is real mother of victim [REDACTED]

**PW** [REDACTED]

She is victim.

**PW-9Allah Ditta ASI.**

He investigated this case.

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3. On 13.6.2020, learned DDPP for State gave up Muhammad Jamil and Muhammad Younis PWs as un-necessary and he tendered in prosecution evidence Forensic DNA and Serology Analysis Report No.0000645983 as **Ex.P.E** and closed the prosecution evidence.

4. Statement of accused under section 342 Cr.P.C was recorded and all the incriminating material produced by the prosecution was put to him and in answer to question why this case against him and why the PWs have deposed against him and it was the stance of the accused that he is innocent and PWs have deposed against him on the basis of mere suspicion. He was not present at the place of occurrence by the time of occurrence. Whole prosecution evidence against him is against the facts and law. The accused however did not opt to produce any defence evidence or to appear on oath under section 340(2) Cr.P.C.

The prosecution has produced the following categories of evidence:-

1. **Ocular account.**
2. **Medical evidence.**
3. **DNA and Serology.**
4. **Investigation.**

5. **Mian Khalid Mahmood learned DDPP** for State assisted by learned counsel for the complainant **Mr. Abdul Rehman Ahmad Rizwan Khan Sadozai Advocate** sum up the case of prosecution and submit that the accused is well nominated in the FIR and is sole responsible for the entire occurrence. There is no eye witness except the statement of victim. Submits that the evidence of complainant [REDACTED]

[REDACTED] PW mother of victim are relevant in terms of Article 20 of Qanoon-e-Shahdat Order 1984. Submits that there are no marks of violence on the body of victim due to reason that victim is of very tender age 8/9 years old and accused threatened victim that if she told this incident to anyone she would be done to death with hatchet. Submits that it was due to fear victim did not inform about the occurrence to anyone. Argued that the charge of extending threat of life was accordingly framed and the prosecution has been able to prove that the accused extended threats to the victim at the time of occurrence. Submits that the accused and victim were well acquainted with each other as the land of the accused was just opposite to the Primary school of victim and the victim used to pass on a passage leading towards her house in front of land of the accused, therefore, the victim was well

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acquainted with the accused. Submits that I.O during his first visit at the spot observed the presence of cotton crop in the field. Submits that in our culture no father, mother or other relative will put the future of minor girl at stake by leveling false allegation against anyone. Submits that DNA report is not negative and all the vaginal swabs taken from the body of the victim were blood stained and human blood was found. There is no iota of evidence that the complainant has personal grudge or previous enmity with the accused and therefore there is no elements of false implication of accused in this case. Argued that there are material and relevant facts in this case i-e rupture of hymen, observation of the WMO, DNA report and lastly finding of the I.O that there is sufficient material available against the accused and the accused has committed grave offence, therefore, he be punished accordingly so that it serve as deterrence for others.

6 On the other hand, learned defence counsel **Syed Muhammad Ali Bukhari Advocate** argued that written application for registration of FIR was submitted and I.O completed police proceedings at 7:45 P.M whereas victim was examined at 11:00 P.M. Submits that in history column of MLC, the victim and her mother had not disclosed the name of accused which is also reflected from the cross-examination of Lady doctor and this piece of evidence is un-rebutted. No information was provided to doctor about the accused when the victim was medically examined and brief history was recorded. Submits that the identification of the accused has become doubtful in this scenario. Submits that the identity of the accused is also not established from the medical evidence. Argued that DNA test is exact science to pin point the identity of accused. Argued that I.O arrested the accused and recorded his first version and at that time accused raised plea that he is innocent and he is ready for DNA test which shows that the accused has been involved in this case mere on suspicion. Submits that I.O had not conducted investigation properly as no admission or attendance record of the school ~~record~~ viz-a-viz victim has been collected during investigation. I.O had not recorded the statement of any school teacher or school staff to ascertain whether the victim was present in the school on the day of occurrence. No title documents of land of [REDACTED] [REDACTED] accused were collected by the I.O during investigation. Further argued that the place of occurrence is doubtful and site plan has no significance as it was not prepared on the pointation of victim. Submits that the ocular account is not getting corroborating from any piece of

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evidence produced by the prosecution. No bruise, abrasion, no stain of mud on knees, elbows, no marks of violence were present on the body or clothes of the victim. Submits that neither [REDACTED] accused is relative nor immediate neighbour of complainant and therefore the case of the prosecution is pregnant with serious doubts and doubts, therefore, the accused may be acquitted from the charges in this case.

7. I have heard the arguments advanced by learned counsel for the parties and perused the record.

8. Allah Ditta SI is the investigating officer of this case. On 29.10.19 he was present at Leghari Bridge, Faiz Muhammad complainant submitted an application **Ex.PF** before him. At that time complainant was accompanied by victim. Faiz Muhammad complainant produced the victim and her blood stained shalwar before him. He prepared injury statement **Ex.PD/1**, recorded the statements of Tahira Bibi lady constable, victim [REDACTED] and her mother under section 161 Cr.P.C. Victim was sent to THQ Hospital Kot Chhutta along with lady constable Tahira Bibi, [REDACTED] and blood stained shalwar for medical examination. Thereafter he came at the spot with the complainant, Muhammad Jamil and Muhammad Younis PWs. He inspected the spot and prepared rough site plan **Ex.P.G**. He recorded the statements of witnesses namely Muhammad Jamil and Muhammad Younis u/s 161 Cr.P.C. After medical examination, Tahira Bibi lady constable, victim and her mother appeared before him. Tahira Bibi lady constable produced before him two sealed envelopes; one containing swabs and second containing blood stained Shalwar. She also produced before him copy of MLC. He took two sealed envelopes into possession vide recovery memo **Exh.PB**. Shalwar is **P-1**. The recovery memo was attested by the witnesses. After that he returned to police station and he entrusted the case property to the Moharrir for keeping the same in Malkhana in safe custody. He started the search of accused [REDACTED] On 30.10.2019, he arrested [REDACTED] accused from the vicinity and secured five days physical remand of accused from learned Area Magistrate for DNA test. He also got conducted medical examination regarding potency of accused through an application **Ex.P.A**. After the examination of accused, he took accused, victim and two sealed parcels to the PFSA Lahore for DNA test. On 31.10.2019, DNA test was conducted in PFSA and he also deposited the parcels there. He recorded the statement of Moharrir u/s 161 Cr.P.C and on

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4.11.2019, got sent the accused to judicial lock up and got prepared report u/s 173 Cr.P.C through SHO on 5.11.2019.

9. Victim was medically examined by PW-5 Dr. Misbah Sajjad on 29.10.2019. When she examined she was vitally stable. She found no congenital, physical, mental abnormality. There was no sign or effect of intoxication. There was No mark of injury/violence seen on whole body. On Gynecological Examination she found Hymen was ruptured and blood was present. Vagina was one finger tight. She secured 04 swabs,

1. External vaginal swabs.
2. High vaginal swabs for chemical analysis.
3. High vaginal swabs for DNA analysis.
4. Trouser stained with blood and secretions.

**Ex.P.D** is MLR. Specimens were handed over to Tahira Bibi 1861/L.C. It was her final opinion after receiving Forensic DNA and Serology Report **Ex.P.E** and on the basis of her medical examination report that rape was committed with [REDACTED] victim.

10. First of all I will discuss the ocular account. Prosecution has produced Victim, her mother and grandfather. According to defense the evidence of [REDACTED] PWs is hearsay as they had not seen the occurrence. According to prosecution the evidence of these witnesses is relevant in term of article 20 QSO 1984. The star witness of prosecution is [REDACTED] She is aged about 8 years. Before recording her statement I had conducted inquiry in order to determine her competency as a witness. I had asked following question:

Q. What is your name?

Ans. [REDACTED]

Q. In which class you study.

Ans. Class [REDACTED]

Q. Who is founder of Pakistan.

Ans. Quaid-e-Azam.

**Q. If someone tells lie whether he/she will be awarded Jannat or thrown in hell?**

**Ans. He will be thrown in hell.**

From her answer to question NO 4 one can imagine her competency to depose in terms of Article 3 of the QSO 1984. She remained calm and answered the defense questions in a very confident manner. I had recorded the evidence of the victim and avoided her eye contact with accused. Accused was in jail and with his consent and

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learned counsel for the parties his attendance was secured through video link. Accused had watched entire court proceedings but he had no eye contact with the victim at the time of recording of her statement. All un-concerned were directed to go outside the court room and conducive environment was provided to victim to state her case and she spoke and spoke with confidence and clarity. She had stated how she was raped by accused on 26.10.2019 and he threatened her to kill her with hatchet if she disclosed this to anyone. When her mother removed her clothes on 28.10.2019 she observed blood on her shalwar and she inquired from her and she narrated the incident to her mother. Her mother took her to [REDACTED] her grandfather and showed him blood stained shalwar. [REDACTED] also inquired from her and victim told him the incident. Defense is of the view that the identity of the accused is doubtful and he was not relative or neighbour<sup>s</sup> of complainant. She had admitted that she had seen the accused's house. Victim had stated in categorical terms that she told the occurrence to her mother and her grandfather. Both [REDACTED] mother and [REDACTED] grandfather appeared as witnesses and they deposed that victim told them the entire episode of rape and they stated in their examination in chief what victim told them. There is no missing link. Their evidence cannot be termed as hearsay as chain is complete. Victim told them and she stated that in her evidence. Both other PWs stated that they were told about the occurrence by the victim and they stated that in court. The chain of event is complete. There evidence is relevant and direct. I will rely of **2018 PCR.LJ 841** wherein under same circumstances it was observed as follows:

“..The referred witness stated in examination-in-chief that [REDACTED] Bibi told her that Mst. Maheen Zafar has hit her. The learned defence counsel objected to the statement of PW-4 on the ground that the same is hearsay. However, there is an exception to the referred principle which is referred as **res gestae** under the same if the victim informed someone immediately about the occurrence and had no time to meditate or make up things then the same is admissible in evidence as exception to hearsay. Reliance is placed on cases reported as "Faqr Muhammad v. The State" (**PLD 1971 Lahore 929**) and "**Sameeullah Khan v. The State**" (**2000 MLD 1290**). In the said case the doctrine of *res gestae* was explained in the following manner:-

"7. This is a case which fully attracts the rule of 'Res gestae'. The *Res gestae* rule is that where a remark is made spontaneously and concurrently. It is defined as a matter incidental to main fact and explanatory of it, including acts and words which are so closely connected therewith as to constitute a part of transaction

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and without a knowledge of which main fact might not be properly understood. They are events themselves speaking through instinctive words and acts of participants; circumstances, facts and declarations which grow out of main fact are contemporaneous with it and serve to illustrate its character. Res gestae includes everything that may be fairly considered as an incident of even under consideration. It carries with it inherently a degree of credibility and will be admissible because of its spontaneous nature. 'Res gestae' means literally thing or things happened and, therefore, to be admissible as exception to hearsay rule, words spoken, thought expressed and gestures made must all be so closely connected to occurrence or event in both time and substance as to be a part of the happening. It is a spontaneous declaration made by a person immediately after an event and before the mind has an opportunity to conjure a false story. It represents an exception to the hearsay rule.

8. Res gestae is a concept which as a matter of principle is employed in the English system of administration of criminal justice under the name of 'res gestae'. In our system of administration of justice, Article 19 of Qanun-e-Shahadat (P.O. No. 10 of 1984) corresponding to section 6, of the Evidence Act of 1872, is an enacted provision of law under which statement made immediately after the occurrence under the influence of occurrence in order to characterize it and connecting therewith would be admissible under this Article as 'res gestae' evidence."

The testimony of these two witnesses cannot be termed hearsay.

They were cross examined in brief only 2/3 questions. Their statements are lending corroboration to the statement of victim.

11. About testimony of child witness Hon'ble Supreme Court is case reported in **PLD 2020 Supreme Court 146** has observed as follows:

"...Essential conditions for a child, or for any person, to appear and testify as a witness, under Art.3 of the Qanun-e-Shahadat Order, 1984 was that the child or the person must have the capacity and intelligence of understanding the questions put to him, and also be able to rationally respond thereto---Such threshold was referred to as passing the "**rationality test**" and the practice that had developed with time was for the same to be carried out by the presiding Judge prior to recording the evidence of the child witness. Supreme Court observed that the "rationality test", which was applied by the presiding Judge at the commencement of the examination-in-chief of a child witness, should be made applicable throughout the testimony of the child witness; that if at any stage, the presiding Judge observed any hindrance or reluctance in the narration of events, the evidence should be stopped, and remedial measures should be taken to ease the stress and anxiety the child witness might

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*be under, and if required, the case be adjourned to another date; and, that in case the child witness was still unable to narrate his testimony with ease, then the presiding Judge ought to record his findings on the demeanor of the child witness, conclude his evidence, and relieve him as a witness"*

*It was further observed that in cases where a child witness was also the victim of the crime and was unable to depose in the court room, and his evidence was "necessary" to find the truth, and the same had a ring of "circumstantial trustworthiness" attached therewith, the Courts may consider the out-of-court evidence thereof, as an exception to the "hearsay rule" and that great care was to be taken to ensure that child witnesses were able to depose their testimony at ease, by taking measures in the court room to lessen their stress and anxiety of court-room appearances in such a tender age; that such measures included child witness aid in testifying, screens in court rooms, closed courtrooms and counselor aid before and after recording of evidence; that it was expected that respective governments would appropriate legislative and administrative measures for ensuring the much needed protection and facilitation of child witnesses. ██████████ is not a child witness rather she is victim of this case. Her evidence rings truth. Her statement is getting corroboration from medical evidence. Her hymen was ruptured and there was presence of blood. She was bleeding for two days. The report of DNA is not negative as it has not excluded the accused. No seminal material was found on vaginal swabs therefore no DNA was conducted. However human blood was found on all the vaginal swabs. This itself corroborates and lend support to what victim has stated in court.*

12. *Another aspect in this case is that this case is not investigated by female police officer. In **2020 SCMR 761** Hon'ble Supreme Court has taken serious note of this. That was a rape case and it was observed that the investigation was handed over to a male police officer. Senior Superintendent of Police (Investigation) was directed to explain why this was done. State submitted "Standard Operating Procedure (SOP) for Investigation of Rape Cases" dated 20th August 2013 ("SOP"). The SOP was issued by the Investigation Branch Punjab, Lahore to the following:*

- i) All Regional Police Officer, in Punjab*
- ii) Capital City Police Officer, Lahore*

*Shauq Sami*  
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- iii) All City Police Officer, in Punjab
- iv) All District Police Officer, in Punjab
- v) All District Heads of Investigation in Punjab

Clause 2 (iii) of the SOP states as under:

*"Investigation of the female Rape case shall be conducted preferably by a woman police officer (not less than ASI/SI). In case, sufficient number of such I.Os are not available in a police station, the CPO/DPO of the district shall depute such an officer from elsewhere."*

Clause 3 of the said SOP is reproduced hereunder:

*"i. The victim should be handled with utmost sympathy and sensitivity. The behavior towards women victim should be courteous. No embarrassing or indecent questions should be put to her as she is already under shock/trauma.*

*ii. While talking to the victim, her psychology should be observed carefully and eliciting of information should be done in such a manner that she remains cool and calm. Proper account of the incident should be recorded in plain and simple language as early as possible in the informant's own words. If the complainant while making oral report suspects or alleges against a particular person, the ground on which suspicion is bases be ascertained tactfully.*

*iii. The lady investigation officers should be very cautious while talking to the victim. DCO of the district would be requested to arrange help of female psychologist/psychiatrist as she can be of immense help in bringing out the victim from trauma and preparing her to cooperate with the investigation agency.*

*iv. The victim as well as the accused person(s) should be sent for medical examination after preparing the injury sheet by the I.O. Details of injuries/scratches, bruises and nail marks, if any, on their body should be clearly mentioned in the injury sheet.*

*v. A rape victim above 18 years of age can only be examined after her written consent and a rape victim under 18 years of age can be examined only after a written consent from her parents/guardians.*

*vi. The victim should be medically examined only by a lady doctor.*

*vii. The victim should not be called at the Police Station, I.O. should visit to the victim's house for ascertaining facts in the presence of her relatives/family members.*

*viii. Efforts should be made to get the statement of victim recorded under section 164, Cr.P.C. at the earliest. (2013 SCMR 203)"*

Hon'ble Supreme Court showed concern why the SOP are not

*for  
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D.G. Khan*

being abided by. DPG on behalf of the province stated before the August Court that he will direct the Additional Inspector General of Police (Investigations) to ensure that it is and fresh copies will be sent to all the police stations in the province together with its Urdu translation so that all concerned are aware of the SOP and abide by it. Supreme Court directed the Additional Inspector General of Police (Investigations) to do as stated by the learned DPG. These SOP were not abided by the police. It had not affected the merits of the case but things must have been done in manner prescribed by law.

13. I will rely on **2020 SCMR 590**. In that case victim was examined on the day of the crime by a lady doctor, who testified that there were some marks of violence on the victim: nail marks on her right and left cheeks and swelling on her right forearm, suggesting that the victim was forced and restrained; and that, "the presence of human sperm in internal vaginal swabs constitutes the likelihood of sexual intercourse". Victim herself testified about the sexual assault on her by the accused persons, but was not cross-examined on this part of her testimony. No suggestion was put forth to the effect that the complainant or the victim had any animosity or ill will against the accused persons. Conviction and sentences of accused persons were maintained and petition for leave to appeal was dismissed. It was further held that lack of DNA report was not sufficient to secure acquittal where there was substantial corroboratory evidence to secure conviction beyond reasonable doubt.

14. In **2018 MLD 1164** evidentiary value of evidence of rape victim was discussed. It was held that marks of violence not necessary to prove rape. Victim remained consistent on all material facts in her statements given to her parents on the day of incident, in the FIR, in the one statement recorded under S. 164, Cr.P.C. before a Magistrate and then in her testimony given during the trial. Victim, in her cross-examination, had been honest and upright and had made no attempt to improve her case; she was examined three days after the incident and the Medical Officer concluded that the hymen was torn and bleeds to touch and that the victim had been subjected to sexual intercourse in the past four days. Medical report showed that the victim was not used to sexual intercourse. Vaginal swab was taken which detected human sperm and blood. Accused had alleged that there was no independent witnesses to the incident. It was held that rape was a crime that was often committed in private, where there was no witnesses to corroborate

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the claim made by a victim. If the necessity of eye-witnesses was mandatory, no perpetrator would ever be convicted. In that case DNA test was not conducted to establish nexus with the sperm found, but the solitary statement of victim, which was confidence inspiring was held sufficient to award conviction. Circumstances established that accused committed rape with the complainant.

15. Defense has laid much stress that identity of accused is not established from ocular account as well as from DNA test. Victim was clear in her testimony about the identity of the accused. She had stated that she had seen the house of accused. As per site plan house of accused is just opposite the school where she was studying. She had stated in categorical terms that accused had committed rape and after that he threatened her. Lady Doctor was convinced that rape is committed with that girl. It matters nothing that name of accused is not mentioned in the MLC. It will not outweigh the testimony of victim. Substitution in rape cases, especially when victim is 8 years old is very rare especially when there is no previous enmity. Accused has simply denied the allegation. He has taken no defense.

16. Although SOP for investigating rape cases was not followed but it is not the fault of the victim. She and her family had shown courage and after crossing so many barriers and approached the court of law. Victim has stated her case with clarity and pinpointed the accused who raped her, how and where he raped her. She successfully passed the rationality test and declared by this court competent witness to testify. Her statement is getting corroboration from medical evidence, statement of her mother and grandfather and rings truth. She was extended threats and she kept mum for two days. She kept on bleeding for two days. She was bleeding when she was medically examined. Her hymen was ruptured. She was only 8-years of age and the things she went through took away her innocence and made her mature. It matters nothing that I.O made lapses in investigation that he did not associate victim when he prepared site plan or he failed to collect attendance or admissions school record.

17. The testimony of victim is enough if it rings truth. I am of the view that victim has stated with clarity inspite of her young age. She was confident when provided conducive environment in the court at the time of her statement. Learned counsel for the complainant has

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referred medical jurisprudence and toxicology by Jaising Modi and submits that in small children the hymen is not usually ruptured but may become red and congested alongwith the inflammation and bruising of the labia. If considerable violence is used there is often laceration of the fourchette and the perineum and has relied on 2019 MLD 1610, 2020 SCMR 590, 2017 P.Cr.L.J 452, 2016 P.Cr.L.J 1848, 2015 P.Cr.L.J 1633.

18. Accused has taken no defense rather pleaded his involvement based on suspicion. In rape case where victim is minor substitution is rare phenomenon. Defense of accused is not worth to rely upon and is discarded.

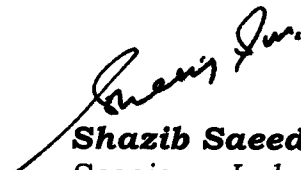
19. Prosecution has proved its case against the accused beyond any shadow of doubt. First of all I will take up first head of the charge under section 364-A PPC. The accused as per site plan had taken the victim from point 2 to point 1 and the inter-se distance is 50 meters to take the victim to a nearby place in the same vicinity for rape only at few paces away will not constitute a separate offence under section 364-A PPC as this act of the accused constitute section 376 PPC, therefore, I will drop the charge under section 364-A PPC as the taking of the minor only a few paces away is to be included in the charge under section 376 PPC. Therefore, the prosecution has not only proved the case against the accused person under section 376 PPC but also section 506-B PPC for extending threats of life to the victim for not disclosing the episode of rape to anyone, therefore, I find the accused guilty under these two offences and convict him as such.

20. Accused has committed rape of a minor girl aged about 8-years. Section 376 PPC was amended by Acts XLIV dated 22.10.2016 and section 376 (3) was added which provides that whoever commits rape of a minor or a person with mental or physical disability shall be punished with death or imprisonment for life Therefore, accused [REDACTED] is found guilty in offence under section 376 (3) PPC and he is convicted as such. He is sentenced to imprisonment for life and fine of Rs.5,00,000/-. In terms of Section 545 (b) Cr.P.C, the whole fine recovered from the accused shall be paid to the victim as compensation for mental anguish and psychological damage caused by the offence of rape committed by the convict. While doing that I am seeking guidance from **PLD 2015 Lahore 512**. In case of default of payment of fine, he shall further undergo S.I for Six Months. Accused [REDACTED] is also found guilty and convicted under section

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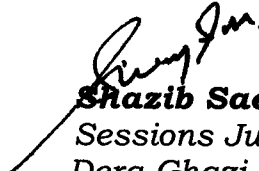
506 PPC as he has extended threats to cause death of the victim and he is sentenced to imprisonment for seven years R.I. Both the sentences shall run concurrently. Convict [REDACTED] is also extended benefit of Section 382-B PPC. Convict [REDACTED] has given copy of judgment free of cost. Case property be dealt with in accordance after the expiry of period appeal, if any. He is in custody. He is sent to jail alongwith sentence warrant to serve the sentence.

Announced.  
18.6.2020.

  
**Shazib Saeed,**  
Sessions Judge,  
Dera Ghazi Khan.

Certified that this judgment consists of 14-pages and each page has been dictated, corrected and signed by me.

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**Shazib Saeed,**  
Sessions Judge,  
Dera Ghazi Khan.