

**IN THE COURT OF MUHAMMAD ATTA RABBANI  
ADDITIONAL SESSIONS JUDGE, SPECIAL COURT GBV,  
EAST/WEST-ISLAMABAD**

Case No.94/2021  
Trial No.331/GBV/2021

The State through Syed Asim Ghaffar S.I/SHO, P.S Golra Sharif, Islamabad.  
.....Complainant

...Vs...

1. Muhammad Usman Ibrar S/O Muhammad Ibrar aged about 32/33 years R/O House No.739, street No.75, Sector I-8/3 Islamabad.
2. Farhan Shaheen Awan S/O Shamriaz Shaheen aged about 30/31 years R/O Ashraf Town Pindorian Islamabad.
3. Hafiz Atta-ur-Rehman S/O Bashir Ahmad aged about 28/29 years R/O Street No.06, Khayam Town, H-13, Islamabad.
4. Muhammad Adaris Qayoum Butt S/O Muhammad Mazhar aged about 24/25 years R/O House No.833 main service road, Sector I-8/4 Islamabad.
5. Mohib Khan S/O Ibrahim Khan, caste Bangsh aged about 22 years R/O House No.210-A, near Murgh Mandi Shamsabad Rawalpindi.
6. Rehan Hussain Mughal S/O Haji Lal aged about 33 years R/O Near Nabina School, House No.SN-210, Dhoke Kala Khan, Shamsabad Rawalpindi.
7. Omer Bilal Khan S/O Taj Muhammad aged about 22 years R/O Street No.74, House No.1840, Sector I-10/1 Islamabad.

.....Accused

FIR No.442/2021, dated 06.07.2021  
U/S 354-A/342/395/375-A/114/34/506(ii)/509/384/377-B/412  
Police Station Golra Sharif Islamabad.

**JUDGMENT**

25.03.2022

The prosecution after investigation of the case sent up report u/s 173

Cr.P.C against the accused persons namely Muhammad Usman Ibrar, Farhan Shaheen Awan, Hafiz Atta-ur-Rehman, Muhammad Adaris Qayoum Butt, Mohib Khan, Rehan Hussain Mughal and Omer Bilal Khan for facing trial u/s 354-A/342/395/375-A/114/34 /506(ii)/509(i)/384 /411/149 P.P.C, in the above mentioned criminal case registered with Police Station Golra Sharif, Islamabad.

2. Briefly stated that the complainant Syed Asim Ghaffar SI being SHO Police Station Golra Sharif alongwith Noor Elahi ASI (PW-7), Inayat Khan 6987 LHC (PW-2) and Hassan Mujtaba 4007/C was present at Golra Darbar Chowk in connection with checking and patrolling. On 06.07.2021, he watched a video went viral on social media twitter account alongwith his officials. In the said video 5/6

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persons confining a girl and boy in a room on gun point making them nude, threatening and committing obscene acts with them. After getting assistance of the spy informer, he found the place of occurrence as apartment No. 417, 4<sup>th</sup> floor, Magnum Heights, E-11/2, Islamabad and he came to know the names of four persons as Muhammad Usman Ibrar s/o Muhammad Ibrar r/o House No.739, Street 75, Sector 1-8/3, Islamabad, Hafiz Atta-ur-Rehman, Farhan Shaheen Awan, Adaris Butt. He got saved the said viral video in USB and took in police possession. Upon his complaint Ex.P-L FIR Ex.P-L/1 was lodged by Tariq Zaman SI (PW-15).

3. After securing the attendance of the accused persons, they were charged on 28.09.2021 u/s 354-A/342/395/375-A/114/34 /506(ii)/509(i)/384 /411/149 P.P.C to which they pleaded not guilty and claimed trial, thereafter prosecution was directed to produce its evidence and the prosecution produced its evidence as under:-

**PW-1** Said Wali ASI deposed that on 07.07.2021, he was posted in SHIU Saddar Circle Islamabad, on same day he joined investigation with I.O Shafqat Mahmood Inspector. The I.O received spy information that accused of this case Adaras Butt is present in E-11 Markaz and may be arrested. On spy information I.O alongwith him and Ameer Hamza 7871/HC went to E-11 Markaz, on pointation spy informer I.O arrested the accused Adaris Butt. I.O conducted personal search of the accused and recovered vivo mobile phone black color P-1 and the I.O prepared recovery memo Ex.P-A which bears his signature and Ameer Hamza 7871/HC. On 09.07.2021, I.O alongwith him and Ameer Hamza 7871/HC raided the house of accused Omer Bilal and arrested him. The I.O conducted his personal search and recovered one mobile phone real mc P-2 and original CNIC card P-3. The I.O took the said articles in possession vide recovery memo Ex.P-B duly attested by him and Ameer Hamza 7871/HC. The I.O recorded his statement u/s 161 Cr.P.C. On 10.07.2021, he alongwith I.O proceeded to SP office. In his presence I.O received CDR of two victims and accused persons (consisting upon 85 pages) which the

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I.O took into possession vide recovery memo Ex.P-C duly signed by him and Mazhar Iqbal/Computer Operator. The I.O recorded their statements u/s 161 Cr.P.C. On same day, he alongwith I.O proceeded to the office of Assistant commissioner Dr.Sania and I.O received the attested photocopies of the statement u/s 164 Cr.P.C P-4 (comprising of five pages) of victim Sundas Tahir. The I.O also collected the attested photocopies of the statement u/s 164 Cr.P.C P-5 (comprising of six pages) of victim Asad Raza from the office of Assistant Commissioner Anil Saeed in his presence. The I.O took the attested photocopies of said two statements u/s 164 Cr.P.C (total eleven pages) vide recovery memo Ex.P-D. On 11.07.2021, I.O alongwith him, Asad Raza and Sundas Tahir (victims) proceeded to place of occurrence. The I.O conducted the site inspection on pointation of the victims. The I.O took into possession paintings/decoration pieces hanging with the wall P-6/1-7, piece of carpet P-7, vide recovery memo Ex.P-E duly attested by him and victim Asad Raza. I.O recorded his statement u/s 161 Cr.P.C. On 12.07.2021, the accused Usman Ibrar made disclosure during interrogation that he may get recovered the mobile phone from which he made video film and mobile phone to which he transferred the video and the pistol used in the crime. The accused led the police party comprising of I.O, Ansar 2823/HC, Ameer Hamza 7871/HC and him to his house No.739 street No.75 sector I-8/3 Islamabad. He recovered pistol P-8 from his residential room situated in basement of said house and presented to the I.O who took the same in possession vide recovery memo Ex.P-F duly signed by him and Ameer Hamza. The accused Usman Ibrar also got recovered two mobile phones Iphone 12pro max (P-9) and Iphone 11 pro max (P-10) from the same residential room and presented to the I.O and the I.O took them in possession vide recover memo Ex.P-G duly attested by him and Ameer Hamza. The I.O got registered separate FIR regarding pistol. On 15.07.2021, I.O prepared the voice samples of accused Usman Ibrar, Hafiz Atta-ur-Rehman, Farhan Shaheen and Adaras Butt and prepared the three USBs for the purpose of comparison and took the three USBs (USB containing audio

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sampling, USB 1 containing the obscene video and USB 2 containing the backup of the said samples and video sampling) P-11/1-3 and six pages of written transcript of the words spoken in the obscene videos in possession vide recovery memo Ex.P-H. I.O recorded his statement u/s 161 Cr.P.C. On 16.07.2021, he took the parcel of three USBs and transcript from the Moharrar Malkhana and deposit the same in FIA cyber crime. On same day, the accused Adaras Butt made disclosure that the amount extorted by him is lying in his situated in House No.833, main service road, sector 1-10/4 Islamabad and he may get recovered. He led the police party comprising of I.O, Bashir 109/C and him went to his house. He recovered Rs.6000/- (with denomination of one note of rupees five thousand and one note of rupees one thousand) P-12/1-2 from his residential house situated in first floor of the house. The I.O took into possession vide recovery memo Ex.P-J. On 19.07.2021, he received the three mobile phones in sealed parcels from Moharrar Malkhana and deposited the same in FIA cybercrime. On same day, he received the analysis report from FIA cybercrime regarding the three USBs. On 24.07.2021, Ibrahim father of Mohib came to the I.O and he presented two mobile phones, iphone 7 P-13 and techno mobile P-14 of Mohib Khan. On same day, Rizwan brother of Rehan Hussain came to I.O and he presented one mobile phone Samsung galaxy golden color P-15. The I.O took the said mobile phones in possession. On 30.07.2021, the victim Asad Raza came to Police Station and handed over the one male shirt (sweater) color dark gray P-16 and a ladies shirt multicolor P-17 and stated these clothes were worn by the him and not Mst.Sundas Tahir on the day of occurrence. The I.O took the same in possession vide recovery memo Ex.P-K. The I.O recorded his statement u/s 161 Cr.P.C. On 07.09.2021, he received the mobile Samsung galaxy of accused Rehan and two mobiles iphone-7 and tecno of accused Mohib from the Moharrar Malkhana and deposit the same in FIA cybercrime.

PW-2

Inayat Khan 6987/C, deposed that on 06.07.2021, he was performing his duty as Moharrar and Tariq Zaman S.I handed over to him the recovered articles from accused Usman Ibrar including original

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CNIC, Rado wrist watch and I-tell mobile phone having button to keep them in safe custody of Malkhana. On same day the I.O also handed over to him one USB to keep in safe custody of Malkhana. I.O recorded his statement u/s 161 Cr.P.C. On 07.07.2021, the Shafqat Mahmood Inspector/I.O handed over to him the recovered articles from the personal search of accused Adaras Butt including mobile phone vivo black color having scratches on protector to keep intact in Malkhana. He keep the same intact in Malkhana. On 11.07.2021, Shafqat Mahmood Inspector/I.O also handed over to him seven paintings/decoration frames, one piece of carpet (mate) to keep in Malkhana. He keep the same in Malkhana for safe custody. On 12.07.2021, Shafqat Mahmood Inspector/I.O handed over to him the recovered pistol 9mm Glock, Iphone 11 pro max, Iphone 12 pro max and three parcels sealed bearing seal of HA to keep in safe custody of Malkhana. On 15.07.2021, Shafqat Mahmood Inspector/I.O handed over to him one parcel of three USBs to keep intact in safe custody of Malkhana. On 16.07.2021, he handed over one sealed parcel containing three USBs to Said Wali ASI for onward transmission to FIA cybercrime. On same day, Shafqat Mahmood Inspector/I.O handed over to him Rs.6000/- (with denomination of one note of rupees five thousand and one note of rupees one thousand) recovered from accused Adaras Butt which he kept in Malkhana and were later-on identified by victim Asad Raza. On 19.07.2021, he handed over one parcel of USB to Tariq Zaman S.I for onward submission to PFSA Lahore. On same day, he handed over the three parcels containing the mobile phones of accused Usman Ibrar which were handed over to him on 12.07.2021, to Said Wali ASI for submission in FIA cybercrime. On 24.07.2021, Shafqat Mahmood Inspector/I.O handed over to him two parcels one said to contain one mobile phone of accused Rehan Hussain and other said to contain two mobile phones of accused Mohib Khan to keep intact in safe custody of Malkhana. On 25.07.2021, Shafqat Mahmood Inspector/I.O handed over to me Rs.100,000/- (with domination of twenty notes of rupees five thousand) recovered from accused Omer Bilal, Rs.70,000/- (with domination fourteen notes of five thousand)

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recovered from accused Rehan Mughal, Rs.70,000/- (with domination fourteen notes of five thousand) recovered from accused Mohib Khan, total extorted amount Rs.240,000/- to keep intact in safe custody of Malkhana. On 30.07.2021, Shafqat Mahmood Inspector/I.O handed over to him two parcels of last worn clothes of victims Asad Raza and Sundas Tahir to keep intact in safe custody of Malkhana. On 05.10.2021, Riasat Ali/HC on direction of I.O handed over to him six mobile phones including iphone 12 pro max, iphone 11 pro max, I-tell mobile phone of accused Usman Ibrar and Samsung galaxy of accused Rehan Hussain Mughal, Tecno mobile and Iphone 7 recovered from accused Mohib Khan, after receiving these from FIA cybercrime, which he kept intact in safe custody of Malkhana. All the case properties remained intact during his custody and I.O recorded his statements u/s 161 Cr.P.C.


PW-3

Mazhar Hussain 8151/C, deposed that on 09.07.2021 I.O Shafqat Mahmood presented two request forms for the issuance of CDR data of two victims and 08 accused persons. On 10.07.2021, he got the prints of CDRs of Cell number of Asad Raza (victim) comprising of sixteen pages of one Cell number P-18/1-16 and six pages of other Cell Number P-19/1-06, Sundas Tahir (victim) comprising of 04 pages P-20/1-04, Cell number accused Usman Ibrar comprising of 10 pages P-21/1-10, Cell number accused Farhan Shaheen comprising of 12 pages P-22/1-12, Cell number accused Hafiz Atta ur Rehman comprising of 07 pages P-23/1-07, Cell Number of Ali Ibrar comprising of 12 pages P-24/1-12, Cell number of accused Mohaib Khan comprising of 06 pages P-25/1-06, Cell number of accused Zehrosh comprising of 04 pages P-26/1-04, Cell number of accused Rehan Hussain comprising of 01 page P-27. Cell number of accused Omer Bilal comprising of 07 pages P-28/1-07. He handed over the prints to the I.O Shafqat Mahmood Inspector who took into possession vide recovery memo ExP-C which bears his signatures. I.O record his statement under Section 161 Cr.P.C.

PW-4

Sajjad Afzal 44/C, deposed that he is computer operator in Police Station Golra Sharif. On 15.07.2021, he was posted as computer operator in Police Station Golra Sharif, on same day, I.O Shafqat

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Mahmood Inspector, gave his mobile phone containing the voice samples of the accused personas and obscene videos and asked him to save the same in the USBs. He transferred the said voice samples and video in the computer then converted to three USBs (USB containing voice/audio samples, USB-1 containing the obscene video and UBS-2 containing the backup). He handed over the said three USBs to the I.O Shafaqat Mahmood Inspector who made the parcel of the same. On same day, on dictation of the I.O he typed the words spoken in the obscene video on computer and printed the written transcript (comprising of six pages) P-29/1-6 and handed it over to the I.O Shafqat Mahmood Inspector.

PW-5

Syed Asim Ghaffar S.I, deposed that on 06.07.2021, he was posted as SHO in Police Station Golra Sharif Islamabad, on the same day, at about 09:50pm he alongwith Noor Illahi ASI, Hassam Mujtaba/C and Inayat Khan/C was present at Golra Darbar chowk that a video went viral through social media twitter account which was seen by him and other accompanying police officers. We saw in the video that 5/6 persons have detained unknown girl and boy in an apartment and they were forcibly stripping of their clothes, giving life threats and were committing obscene acts with the two victims. He received spy information that the place of occurrence seen in the video is situated at apartment No.417, 4<sup>th</sup> floor Magnum heights E-11/2 Islamabad and the spy further identified four persons seen in the video namely Usman Ibrar, Hafiz Atta Rehman, Adaras Butt and Farhan Shaheen. He went to a nearby internet shop and got the video downloaded from the internet by a person namely Usman Shah who saved the video in a USB and handed over to him. He drafted the complaint Ex.P-L and sent it to Police Station Golra Sharif for registration of FIR through Hassan Mujtaba 4770/C. He proceeded to the place o of occurrence. Tariq Zaman S.I/I.O also came to the place of occurrence after registration of FIR and he handed over the USB to him who took in possession vide recovery memo Ex.P-M duly signed by him. On 25.07.2021, the accused Mohib Khan, Omer Bilal and Rehan alias Honey made disclosure that they used to extort money from Asad Raza victim and they kept the amount in their

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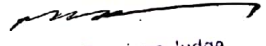
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houses and they could get the same recovered. Firstly I.O Shafqat Mahmood alongwith Iftikhar ASI, Ameer Hamza/C, Ahmad Jan/C and Tariq Zaman S.I went to the house situated at House No.1840, Street No.74, I-10/4 Islamabad of accused Omer Bilal who got recovered cash Rs.100,000/- (with denomination of 20 notes of five thousand rupees) P-30/1-20. He handed over the said amount to the I.O who took the same in possession vide recovery memo Ex.P-N duly signed by him. Thereafter, they went to the house of accused Rehan situated at House No.210, Shamsabad, dhoke Kala Khan Rawalpindi, who got recovered cash Rs.70,000/- (with denomination of 14 notes of five thousand rupees) P-31/1-14. He handed over the said amount to the I.O who took the same in possession vide recovery memo Ex.P-P duly signed by him. Thereafter, they went to the house of accused Mohib Khan situated at House No.216-A, Shamsabad, dhoke Kala Khan Rawalpindi, who got recovered cash Rs.70,000/- (with denomination of 14 notes of five thousand rupees) P-32/1-14. He handed over the said amount to the I.O who took the same in possession vide recovery memo Ex.P-Q duly signed by him. I.O recorded his statements u/s 161 Cr.P.C.

PW-6

Rabnawaz 5669/C deposed that on 07.07.2021, he alongwith Javed Saleem/HC and Ch.Nisar/C were on the duty of patrolling in the area of E-11/D-12. Tariq Zaman I.O telephonically called them to the Police Station. They went to Police Station where I.O Tariq Zaman received spy information that the accused of FIR No.442/2021 was present in the first floor, Crown arcade E-11/2 Islamabad and can be arrested. Upon said information he alongwith Tariq Zaman I.O, Javed Saleem/HC and Ch.Nisar/C went to office No.34 first floor, Crown arcade E-11/2 Islamabad where the I.O Tariq Zaman arrested two accused namely hafiz Atta Rehman and Farhan Shaheen. I.O conducted personal search of Hafiz Atta Rehman and recovered an Iphone white color P-33 vide recovery memo Ex.P-R duly signed by him. I.O also conducted the personal search of accused Farhan Shaheen and got recovered one mobile phone OPPO black color P-34 and took into possession vide recovery memo Ex.P-S duly signed by him. The I.O recorded his statement u/s 161 Cr.P.C.

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PW-7

Noor Ellah ASI deposed that on 06.07.2021, at about 09:50pm he alongwith Asim Ghaffar SHO, Inayat Khan 6987/C, Hassan Mujtaba 4770/C was present at Golra darbar chowk for the purpose of patrolling and search. In the meantime, a video went viral on social media twitter account which was seen by all of them in the mobile of Asim Ghaffar SHO. In the video they saw that 5-6 persons have confined a girl and a boy in a room and was committing obscene acts with them on pointation of weapon. The Asim Ghaffar SHO got the said video transferred into a USB. On spy information, it was found that the apartment seen in the video is situated at apartment No.417, Magnum Heights, sector E-11/2 Islamabad. On spy information it was also found that the accused persons seen in the video are Usman Ibrar, Hafiz Atta-ur-Rehman, Farhan Shaheen and Adaras Butt. Asim Ghaffar SHO prepared the complaint and sent it to the Police Station through Hassan Mujtaba 4770/C for registration of FIR. Thereafter, they proceeded to Magnum Heights E-11/2 Islamabad Tariq Zaman I.O also came there. Asim Ghaffar SHO handed over the USB (P-35) containing obscene video to the I.O Tariq Zaman who made the parcel of the same and took the same in possession vide recovery memo Ex.P-M duly signed by him. The I.O recorded his statement u/s 161 Cr.P.C. I.O Tariq Zaman received spy information that accused Usman Ibrar is present near Mahnoor Arcade E-11/2 Islamabad and can be arrested. On pointation of spy the I.O Tariq Zaman alongwith them arrested the accused Usman Ibrar. I.O Tariq Zaman conducted the personal search of the accused and recovered one mobile phone I-tell with buttons red color (P-36), one original ID card of the accused (P-37), one wrist watch Rado golden color (P-38) which were took into possession vide recover memo Ex.P-T duly signed by him. The I.O recorded his statement u/s 161 Cr.P.C.

PW-8

Usman Shah S/O Iqbal Shah deposed that on 06.07.2021, at about 10:10pm, he was present in his shop Asad Mobile situated at Golra darbar chowk Islamabad. On same day, the SHO Asim Ghaffar came to his shop and handed over to him a mobile phone and instructed to transfer the video in a USB P-35. He transferred the video from mobile phone to the USB and handed it over to SHO Asim Ghaffar.

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PW-9

On 07.07.2021, I.O Tariq Zaman S.I recorded his statement u/s 161 Cr.P.C.

Aneel Saeed Assistant Commissioner, deposed that on 10.07.2021, he was posted as Sub-Divisional Magistrate in Islamabad, on same day, Additional Deputy Commissioner marked the application moved by the I.O for recording the statement u/s 164 Cr.P.C of victim Asad Raza to him in case FIR No.442/2021, P.S Golra Sharif Islamabad. The I.O Shafqat Mehmood Inspector produced Asad Raza before him for recording his statement. He allowed to him to sit alone to think over it. He provided him time for about one hour to think over whether he was going to make his statement with own consent or not. After one hour he called him and put some questions to ascertain his willingness regarding his volunteer statement. He send all the irrelevant persons including police outside the court room. As per his opinion he was ready to give his volunteer statement. Being satisfied and after fulfilling the legal formalities, he recorded his statement u/s 164 Cr.P.C Ex.P-U which is in his hand writing and bears his signature. He read over the statement to the Asad Raza and recorded the certificate on the bottom of the statement. He recorded the statement what Asad Raza deposed before him. Copy of the application moved by the I.O is Ex.P-U/1. On 16.07.2021, He went to Central Jail Adyala for identification parade of accused namely Omer Bilal, Mohib Khan and Rehan Aslam in case FIR No.442/2021 dated 06.07.2021, registered with Police Station Golra Sharif Islamabad. He directed the superintendent jail to arrange the identification parade of all the accused separately. First of all he conducted the proceeding of identification parade of Omer Bilal. There was one row comprising of eight accused persons of similar features including Omer Bilal. The victims namely Asad Raza and Mst.Sundas Tahir were in premises of the jail in separate place. He called Asad Raza to identify the accused Omer Bilal sitting at serial No.2 of the row. He identified the accused Omer Bilal at serial No.2 and he disclosed his role that the accused was standing at a door alongwith boy and he was attending the persons coming and going out from the flat and he

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used to open the door. He sent the witness Asad Raza outside the community center through a separate exit. Thereafter, he asked the accused Omer Bilal to change his position and he changed his position and I called the other witness namely Mst.Sundas Tahir who entered from a separate entry. I asked her to identify the accused she identified the accused Omer Bilal while sitting at serial No.5 of the row. She disclosed the role of the accused that he was present at the door and he used to open and close the door for the people who entered or went out the flat. Identification report Ex.P-V is in his hand writing and bears his signature. Thereafter, he conducted the proceeding of identification parade of Mohib Khan at the same place. The jail authority produced 8 accused in a row including Mohib Khan. He called Asad Raza to identify the accused Mohib Khan sitting at serial No.4 of the row. He correctly identified the accused Mohib Khan at serial No.4 and he disclosed his role that the accused was captured the video clips and he also tortured both the victims. When the accused tortured the victims then the other accused hold the pistol. Thereafter, he asked the witness to go outside from other passage and he called the other witness namely Mst.Sundas Tahir and asked her to identify the accused. She correctly identified the accused Mohib Khan while sitting in serial No.3 of the row as he was earlier changed his position. She disclosed the role of the accused that he captured video clips. He also tortured the victims and he touched her body parts. The identification parade test Ex.P-W is in his hand writing and bears my signature. Thereafter, he conducted the proceeding of identification parade of accused Rehan Aslam at the same place. The jail authority produced 8 accused in a row including Rehan Aslam. He called Asad Raza to identify the accused Rehan Aslam sitting at serial No.4 of the row. He correctly identified the accused Rehan Aslam at serial No.4 and he disclosed his role that the accused captured the video clips and he also used to pay smile on the mercy of the victims. Thereafter, he asked the witness to go outside from other passage and he called the other witness namely Mst.Sundas Tahir from another passage and asked her to identify the accused. She correctly identified the

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accused Rehan Aslam while sitting in serial No.2 of the row as he had earlier changed his position. She disclosed the role of the accused that he made video clips. The identification parade test Ex.P-X is in his hand writing and bears my signature. He recorded the certificate regarding identification parade which is Ex.P-Y.


PW-10

Sher Ali Khan 7458/IIC deposed that on 07.09.2021, he was posted as Moharrar Police Station, Golra Sharif Islamabad, on same day, Shafqat Mehmood Inspector/I.O instructed him to hand over three parcels of mobile phones to Said Wali ASI for onward transmission to Cybercrime FIA. He handed over the said three parcels of mobile phones alongwith road certificate No.587/2021 to Said Wali ASI for onward transmission to cybercrime FIA. On same day, he deposited the parcels and came to Police Station. He handed over the road certificate with receipt/acknowledgment on its backside to him and he placed the same with the register. I.O recorded his statement u/s 161 Cr.P.C.

PW-11

Dr.Sania Hameed Assistant Commissioner, deposed that on 10.07.2021, she was posted as Sub-Divisional Magistrate in Islamabad, on same day, Additional Deputy Commissioner marked the application moved by the I.O for recording the statement u/s 164 Cr.P.C of victim Mst.Sundas Tahir to her in case FIR No.442/2021, P.S Golra Sharif Islamabad. The I.O Shafqat Mehmood Inspector alongwith lady constable Farhana produced Mst.Sundas Tahir before her for recording her statement. He also produced the marked application and police record. She perused the same. She inquired Mst.Sundas Tahir whether she was going to give her statement with her free will and consent. She showed her willingness. She allowed her to sit alone to think over it for about one hour. She send all the irrelevant persons, including police officials from the court room. After one hour she called her and she put some questions to determine that whether she was going to give her volunteer statement. Being satisfied she recorded her statement u/s 164 Cr.P.C after fulfilling the legal formalities. After recording the statement she endorsed the certificate at the bottom of statement. The statement u/s 164 Cr.P.C is Ex.P-Z and application is Ex.P-Z/1 which is in her

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hand writing and bears her signature. She read over the statement to the Mst.Sundas Tahir.


PW-12

Muhammad Riasat 538/IIC, deposed that on 25.10.2021, he joined investigation with I.O Shafqat Mahmood, on same day on direction of I.O, he went to FIA cyber-crime wing Islamabad and received two reports and six un-sealed mobile phones. First report comprising of 09 pages regarding the mobile phones of Usman Ibrar Iphone-11, Iphone-12 and I-tell and second report comprising of 04 pages regarding the mobile phone of Mohib Khan, Iphone and techno and Rehan Mughal Samsung. He handed over the said two reports and six mobile phones to I.O who handed it over to Moharrar Malkhana. I.O recorded his statement u/s 161 Cr.P.C.

PW-13

Masood Ali Deputy Director/ Incharge forensics, deposed that on 16.07.2021, reference letter with subject request for audio and video analysis/comparison was received in FIA submitted by Said Wali ASI alongwith a sealed parcel containing three USBs with the seal of HA and Urdu transcript of video clips. Upon the said request he conducted the forensic analysis and prepared the audio and video forensic analysis report V.1.0 Ex.P-AA (comprising of 18 pages back to back) duly prepared and signed by him and covering letter is Ex.P-AB. During the forensic analysis it was found that metadata showed no software or tool was used or identified in the submitted four video files that perform video editing or tampering. It was also identified during frame analysis of the video clips that there is no edition or deletion in the videos. He also conducted the spectrogram analysis of audio in the video clips and he could not identify any abrupt changes in the pitch which proves the genuinity of audios of these video files. In the video file i.e. video 02.mp4 and video 04.mp4. However the video 01.mp4 and video 03.mp4 contain a brake/pause at 0.51 seconds and 0.42 seconds respectively. Thereafter, he conducted the voice authentication analysis of the audios of accused received in USB-2 with the audios of the video files and found the audio file of Usman Mirza was matched with the audios in the video files and which depicts a strong evidence and gave the verbal scale of 3.22. The audios of other accused person in the video files were of

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short length and the analysis could not be done because of short length of audios. On 19.07.2021, a reference letter with subject of request for forensic analysis and retrieval of data regarding three mobile phones i.e. I-tell, Iphone 11 pro max and Iphone 12 pro max was received at FIA Cybercrime wing brought by Said Wali ASI alongwith sealed parcel containing the above said three mobiles sealed with stamp of HA. Upon the said request he conducted the forensic analysis of said three mobiles and prepared the forensic report Ex.P-AC (comprising of 09 pages). During the forensic analysis it was found that Iphone 12 pro max was found reset further it was identified to be at configuration stage which depicts that phone was not used after it was reset last time. Iphone 11 pro max was found to be not configured with any icloud account or email to extract the data from the cloud and it is recommended to provide icould ID previously configured on this mobile and SIM card registered on this mobile. The mobile phone I-tell was found password protected and the protection could not be exploited without risk of loss of data. On 07.09.2021, another reference letter with subject of forensic analysis and retrieval of data of three mobile phones i.e. Samsung galaxy golden, I-phone 7 and Techno blue color alongwith the sealed parcel of said mobiles sealed with stamp of HA containing said three mobiles brought by Said Wali ASI were received in FIA cybercrime wing. Upon the request he conducted forensic analysis of said three mobiles and prepared forensic report which is Ex.P-AD (comprising of 07 pages). During forensic analysis of Techno mobile, certain images reflecting a function in (wine party) were extracted however the scoped videos were not found. During forensic analysis of Samsung mobile phone showed an error in booting process with message (set warranty bit kernel error). Iphone (A1661) could not be processed due to battery and display issue.

PW-14

Ances-ur-Rehman, Technical Assistant, Cybercrime Wing FIA, Islamabad, deposed that a letter No.1676/C dated 14.07.2021 of SSP Investigation of Islamabad for the trend analysis of the viral videos in the present case was received at FIA which was marked to him on 17.07.2021. On 28.07.2021, he prepared the Technical analysis report

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V-1.0 comprising of 326 pages Ex.P-AI/1-326 and letter is Ex.P-AI/327. As per Technical analysis report two trends "#UsmanMirza" and "#ArrestUsmanMirza" went viral on twitter. #UsmanMirza started on 05:03pm, on 10.07.2021 with 721 original tweets and this trend was shared by 3487 accounts. As per technical analysis report, #ArrestUsmanMirza started on 05:11pm, on 10.07.2021 with 533 original tweets and this trend was shared by 558 accounts. The trends were watched and shared more than 100,000 (100k) times. The agency has the capability to extract only previous seven days old trends and as the trend analysis was started on 17.07.2021 that is why he was able to retrieve the technical trend analysis data from 10.07.2021.

PW-15

Tariq Zaman S.I, deposed that on 06.07.2021, he was posted as S.I/Incharge Investigation in Police Station Golra Sharif and was present at Police Station. On same day, at about 10:30pm, Hassan Mujtaba 4770/C brought complaint Ex.P-L drafted by Syed Asim Ghaffar S.I/SHO, upon which he chalked out FIR Ex.P-L/1 of this case. After registration of FIR, he proceeded to Magnum heights E-11/2 Islamabad, where Asim Ghaffar S.I/SHO, Noor Ellahi ASI and Inayat Khan 6987/HC were present in the parking. Asim Ghaffar S.I/SHO handed over to him a USB (P-35) said to contain obscene video and he made the parcel of the same sealed with stamp of HA. He took the said parcel into possession vide recovery memo Ex.P-M duly signed by Asim Ghaffar S.I/SHO and Noor Ellahi ASI. He recorded the statements u/s 161 Cr.P.C of Asim Ghaffar S.I/SHO and Noor Ellahi ASI. He conducted spot inspection on pointation of Asim Ghaffar S.I/SHO and prepared un-scaled site plan Ex.P-AH of the place of occurrence i.e. apartment No.417, 4<sup>th</sup> floor Magnum Heights, E-11/2 Islamabad, from outside as the apartment was closed. He received spy information that the prime accused namely Usman Ibrar is present near Mahnoor Arcade E-11/2 and can be arrested. Upon said information, he proceeded to Mahnoor Arcade E-11/2 where on pointation of the spy informer, he alongwith other police officials arrested the said person who disclosed his name as Usman Ibrar S/O Muhammad Ibrar. He joined him into

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investigation and formally arrested him. He conducted the personal search of accused Usman Ibrar and recovered one mobile I-tell red color (P-36), original CNIC card (P-37) and Rado wrist watch golden color (P-38) and made the parcel of mobile phones stamped with HA and took the said articles into possession vide recovery memo Ex.P-T duly signed by Noor Ellahi ASI and Inayat Khan 6987/HIC. He recorded the statements u/s 161 Cr.P.C of Noor Ellahi ASI and Inayat Khan 6987/HIC. He alongwith accused and other police officials came back to Police Station where he locked up the accused in police lockup and handed over the case property to Moharrar Malkhana. On 07.07.2021, at about 05:00am, he received spy information that two nominated accused of this case were present inside Crown Arcade, Sector E-11/2 and can be arrested. Upon said information, he summoned Muhammad Javed 6235/HC, Rabnawaz 5669/C and Nisar Safdar 2496/C to Police Station. He alongwith the above said constables proceeded to Office No.34, first floor, Crown Arcade E-11/2 Islamabad from where he arrested the accused Farhan Shaheen and Hafiz Atta-ur-Rehman and joined them into investigation. He conducted the personal search of accused Farhan Shaheen and recovered OPPO mobile phone black-blue color (P-34) which he took into possession vide recovery memo Ex.P-S duly signed by Rabnawaz 5669/C and Nisar Safdar 2496/C. He also conducted the personal search of accused Hafiz Atta-ur-Rehman and recovered Iphone white color (P-33) and took the same into possession vide recovery memo Ex.P-R duly signed by Rabnawaz 5669/C and Nisar Safdar 2496/C. He recorded the statements u/s 161 Cr.P.C of Rabnawaz 5669/C and Nisar Safdar 2496/C. He alongwith accused and accompanying police officers came back to Police Station where he locked up the accused persons in police lockup and handed over the case property to Moharrar Malkhana. On same day at about 11:00pm, he produced three accused namely Usman Ibrar, Hafiz Atta-ur-Rehman and Farhan Shaheen before the learned Area Magistrate and got physical remand of 2/2 days of all the accused. He came back to Police Station and locked up the accused in police lockup. He alongwith Inayat Khan/C went to Asad

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Mobile Shop Golra Darbar chowk where he recorded the statement u/s 161 Cr.P.C of Usman Shah S/O Iqbal Shah who had transferred the obscene video in the USB (P-35). Thereafter, the investigation of this case was transferred to Shafqat Mahmood Inspector. On 19.07.2021, he joined investigation with I.O Shafqat Mahmood Inspector and on same day, he alongwith Muhammad Saeed ASI, Hakim ASI, Mubashar 3866/C, Tahir Khan 3266/C, Umair Saleem 3521/C, Jafar Shah 175/C took the accused namely Muhammad Usman Ibrar, Hafiz Alta-ur-Rehman, Muhammad Adaras Butt, Farhan Shaheen and Mohib Khan on prison van No.GAC-695 and official vehicle No.GAC-681 alongwith parcel of USB (P-35) stamped with 11A to PFSA Lahore vide road certificate No.437/21 for the photogrammetry test of the above said accused persons. The USB (P-35) was duly submitted in PFSA Lahore by him. The photogrammetry test of the accused persons was conducted at PFSA Lahore. Thereafter, they brought back the accused persons to the Police Station. He handed over the receiving on road certificate to Moharrar Malkhana. I.O Shafqat Mahmood Inspector recorded my statement u/s 161 Cr.P.C. On 25.07.2021, at about 05:30pm, accused Omer Bilal, Rehan Hussain and Mohib Khan made disclosures during investigation in his presence that they could get recovered the amount of extortion from their respective houses which Omer Bilal took from victim Asad Raza on asking of accused Usman Ibrar and distributed among the other accused. Upon the said disclosure, he alongwith Asim Ghaffar S.I/SHO, Iftikhar ASI, Ameer Hamza 7871/HC, Ahmad Jan 643/HC, Ibrar Hussain ASI and Shafqat Mahmood Inspector boarded the said accused persons on official vehicles Nos.GAH-631 APC and GAH-625 pickup and took them to their respective houses. At about 07:25pm, the accused Omer Bilal led the police party to House No.1840, street No.74, Sector I-10/4 Islamabad, where the accused got recovered PKR.100,000/- cash (with denomination of 20 notes of five thousand rupees) P-30/1-20 from wooden almirah inside the room situated at first floor of the house and handed it over to Shafqat Mahmood Inspector in his presence. Inspector Shafqat Mahmood took the said cash in

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possession vide recovery memo Ex.P-N duly signed by him and Asim Ghaffar S.I/SHO. At about 09:05pm, accused Rehan Hussain led them to House No.SN-210, Gali No.02, Shamsabad Rawalpindi and got recovered PKR.70,000/- (with denomination of 14 notes of five thousand rupees) P-31/1-14 from wooden Almirah inside the room at ground floor of the house and handed it over to Shafqat Mahmood Inspector/I.O which he took into possession vide recovery memo Ex.P-P duly signed by him and Asim Ghaffar S.I/SHO. At about 09:50pm, accused Mohib Khan led them to House No.SN-216A, Shamsabad Rawalpindi and got recovered PKR.70,000/- (with denomination of 14 notes of five thousand rupees) P-32/1-14 from pillow cover on the bed inside the room at the ground floor of the house and handed it over to Shafqat Mahmood Inspector/I.O which he took into possession vide recovery memo Ex.P-Q duly signed by him and Asim Ghaffar S.I/SHO. Shafqat Mahmood Inspector recorded my statement u/s 161 Cr.P.C. On 30.07.2021, victim Asad Raza came to Police Station and handed over male shirt/sweater of dark gray color (P-16) and lady shirt multicolor (P-17) to the I.O and said that these clothes were worn by Asad Raza and Mst.Sundas Tahir at the time of occurrence. I.O Shafqat Mahmood Inspector took the said clothes in possession vide recovery memo Ex.P-K duly signed by him and Said Wali ASI. I.O recorded his statement u/s 161 Cr.P.C.

PW-16

Mst.Sundas Tahir W/O Asad Raza victim, deposed that the accused present appearing before the court and nominated in the FIR are not her accused. They are not same people who allegedly modested her and the persons who were shown in the video are not the same person who allegedly had performed this abdominal act. She did not want to depose against the accused present in the court because they have no concern whatsoever with the alleged offence. Any role ascribed to the present accused has not been affirmed by them with her and they have not participated. She had also not nominated any accused nor she made any statement before the police u/s 161 Cr.P.C. She has not recorded any statement during course of investigation before the Magistrate. She submitted affidavit Ex.P-AJ.

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PW-16 was declared as hostile and learned ADDP and learned defense counsel cross-examined her.


PW-17

Asad Raza S/O Saleem Raza victim, deposed that the accused appearing before the court and nominated in the FIR are not his accused. They are not same people who allegedly nominated and the persons who were shown in the video are not the same person who present before the court as accused person. He did not want to depose against the accused present in the court because they have no concern whatsoever with the alleged offence. Any role ascribed to the present accused has not been affirmed by them with him and they have not participated in the alleged occurrence. He has also not nominated any accused nor he made any statement before the police u/s 161 Cr.P.C, nor he has assigned any role whatsoever. He has not recorded any statement during course of investigation before the Magistrate. He submitted my affidavit Ex.P-AK. PW-17 was declared as hostile and the learned ADDP and learned defense counsel cross-examined him.

PW-18

Shafqat Mahmood Inspector, deposed that on 07.07.2021, he was posted as Incharge Investigation, Saddar circle Islamabad. On the same day, the investigation of the case was handed over to him vide order of SSP Investigation Islamabad. He perused the record of the case. He substituted the section 341 P.P.C with section 342 P.P.C. At that time, four accused persons were nominated in the case amongst which three were in police custody. On the same day, he received spy information that accused Adaras Butt is present in E-11 markaz, whereupon he alongwith Said Wali ASI and Ameer Hamza 7871/HC went to E-11 markaz and arrested the accused on the pointation of spy. He joined the accused into investigation and formally arrested him. He conducted his personal search and recovered mobile vivo black color P-1 and took the same in possession vide recovery memo Ex.P-A duly signed by Said Wali ASI and Ameer Hamza 7871/HC. He recorded their statements u/s 161 Cr.P.C. He confined the accused lock up of Police Station Golra Sharif and handed over the case property to Moharrar Malkhana. He recorded the statement of Moharrar Malkhana u/s 161 Cr.P.C. On

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08.07.2021, the victim Asad Raza came to Police Station and he joined him into investigation and recorded his statement u/s 161 Cr.P.C. He produced the accused Adaraz Butt before learned Area Magistrate and got physical remand of four days. He interrogated the accused persons in custody and they disclosed regarding the involvement of other accused persons namely Ali Ibrar, Zahrosh Amir, Rehan Hussain Mughal, Bilal Khan and Mohib Khan and also told their mobile numbers. On the same day, he recorded the statement of victim Sundas Tahir in Police Station Women in the presence of SHO P.S Women. On 09.07.2021, he produced the accused Usman Ibrar, Hafiz Atta-ur-Rehman and Farhan Shaheen before learned Area Magistrate and got physical remand of four days. He also received the warrants of arrest of other accused yet to be arrested. He moved request to obtain the CDR data of all the accused persons and the victims from SP office. On the same day, he arrested the accused Omer Bilal from his house No.1840, Street No.74, Sector I-10/1 Islamabad. He joined him into investigation upon which, he disclosed that another accused person namely Faheem Ullah is also involved in the occurrence. He conducted his personal search and recovered mobile phone realme P-2 blue color and original CNIC P-3 from his possession and took the same into possession vide recovery memo Ex.P-B duly signed by Said Wali ASI and Ameer Hamza 7871/HC. He recorded the statements u/s 161 Cr.P.C of witnesses. He confined the accused in police lock up and handed over the case property to Moharrar Malkhana. He recorded the statement u/s 161 Cr.P.C of Moharrar Malkhana. On 10.07.2021, he produced the accused Omer Bilal in muffled face before the learned Area Magistrate and got his judicial remand for identification parade and dispatched him to Adyala Jail. On the same day, he alongwith Said Wali ASI went to the SP office and collected CDR data of all the accused persons and the victims which He took into possession vide recovery memo Ex.P-C duly signed by Said Wali ASI and Mazhar/C (computer operator). He recorded the statements u/s 161 Cr.P.C of witnesses. He moved application for recording of statements u/s 161 Cr.P.C of victims before learned

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ADCCG who marked the application. The statement u/s 164 Cr.P.C of victim Asad Raza was recorded by Aneel Saeed A.C and the statement u/s 164 Cr.P.C of victim Sundas Tahir was recorded by Dr.Sania Hameed A.C. He received the attested copies of statements u/s 164 Cr.P.C (P-4, P-5) of both the victims and took the same into possession vide recovery memo Ex.P-D duly signed by Said Wali ASI. He recorded the statement u/s 161 Cr.P.C of the witness. In the view of statements u/s 164 Cr.P.C of victims, he added sections 384/114/395 P.P.C. On 11.07.2021, he conducted the spot inspection on pointation of the victims and prepared un-scaled site plan Ex.P-AL. He took the paintings/decoration pieces P-6/1-7 and piece of carpet P-7 which are seen in the videos, from the said apartment into possession vide recovery memo Ex.P-E duly signed by Asad Raza/victim and Said Wali ASI. He also recorded the statements u/s 161 Cr.P.C of victim Asad Raza and Said Wali ASI. He handed over the case property to Moharrar Malkhana at the Police Station and also recorded his statement u/s 161 Cr.P.C. On the same day, he received spy information that accused Mohib Khan is present in E-11 markaz upon which he alongwith Said Wali ASI and Ameer Hamza 7871/HC went to E-11 markaz and arrested accused Mohib Khan on the pointation of spy. On 12.07.2021, during interrogation accused Usman Ibrar disclosed that he could get recover the pistol used in the occurrence and his mobile phones through which the videos were made from his house. Upon the said disclosure, he alongwith Said Wali ASI, Ameer Hamza 7871/HC, Ansar 2823/HC and police officials from I-9 Police Station Sikandar Sadiq ASI and Muhammad Imran took the accused Usman Ibrar to his house situated at House No.739 Street No.75, Sector I-8/3 Islamabad, fromwhere, the accused got recovered pistol 9mm Glock P-8 from wooden almirah in the basement of the said house. He checked the said pistol and recovered five live bullets from the magazine. He made the sketch of the said pistol and prepared the parcel of the same. He took the said parcel into possession vide recovery memo Ex.P-F duly signed by Said Wali ASI and Ameer Hamza 7871/HC. The accused was unable to produce any license of said pistol,

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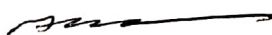
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therefore, he got registered a separate FIR u/s 13/20/65 A.O. The accused also got recovered two mobile phones Iphone 12 pro max (P-9) and Iphone 11 pro max (P-10) from side table of the bed and he prepared the parcels of the same and took the said parcels into possession vide recovery memo Ex.P-G duly signed by Said Wali ASI and Ameer Hamza 7871/HC. He prepared the site plan of place of recovery Ex.P-F/1. He recorded the statement of witnesses. He handed over the case property to Moharrar Malkhana at Police Station and recorded his statement u/s 161 Cr.P.C. He added sections 375-A and 377-B P.P.C. On 13.07.2021, he produced the accused Usman Ibrar, Hafiz Atta-ur-Rehman and Farhan Shaheen before learned Area Magistrate and got the physical remand of four days. On 14.07.2021, He received the permission to collect the audio samples of accused persons. On the same day, he joined accused Rehan Hussain into investigation who was already arrested by Ternal police and got his judicial remand for identification parade and dispatched him to Adyala Jail. He moved application for identification parade of accused. On 15.07.2021, he recorded the audio samples of accused Usman Ibrar, Farhan Shaheen, Hafiz Atta-ur-Rehman and Adaras Butt which was converted into USB through computer. He got save the obscene videos in another USB and backup in a third USB. He prepared the parcel of three USBs (P-11/1-3). He also got prepared the transcript (P-29/1-6) of words spoken in obscene videos and took the transcript and USB parcel into possession vide recovery memo Ex.P-H duly signed by Said Wali ASI and Ameer Hamza 7871/HC. He handed over the said parcel to Moharrar Malkhana and recorded his statement. On 16.07.2021, during identification parade the victims Asad Raza and Sundas Tahir identified accused Omer Bilal, Mohib Khan and Rehan Hussain Mughal and assigned specific roles to each accused before the Magistrate Aneel Saeed. He recorded the statements u/s 161 Cr.P.C of victims in this regard. On the same day, Said Wali ASI submitted the parcel of USBs (P-11/1-3) alongwith transcript (P-29/1-6) in the cyber crime wing FIA on his direction, after receiving the parcel from Moharrar Malkhana. He also made an application to

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FIA in order to get a trend analysis report to show that how many people had seen the obscene videos. He recorded the statement of Said Wali ASI and Moharrar Malkhana. On the same day, during investigation accused Adaras Butt disclosed that he can get recover the amount Rs.6000/- snatched from Asad Raza at the time of occurrence from his house. Upon the said disclosure, he alongwith Said Wali ASI and Bashir Ahmad 109/C and police official namely Abdul Ghaffar ASI and Waqar-ul-Hasan from Sabzi Mandi Police Station took the accused Adaras Butt to his home situated at I-10/4 House No.833, main service road, fromwhere, the accused got recovered the said Rs.6000/- (P-12/1-2) from wooden almirah on the second floor of his house. He took the said amount into possession vide recovery memo Ex.P-J duly signed by Said Wali ASI and Bashir 109/C. He recorded the statements of witnesses. He prepared the site plan of recovery Ex.P-J/1. He handed over the said amount to Moharrar Malkhana and recorded his statement u/s 161 Cr.P.C. The victim Asad Raza came to Police Station and identified the said amount as being snatched at the time of occurrence and he prepared identification memo Ex.P-AM duly signed by Asad Raza and Inayat Khan/C. I added section 412 P.P.C. On 17.07.2021, he produced the accused Usman Ibrar, Hafiz Atta-ur-Rehman, Farhan Shaheen and Adaras Butt before learned Area Magistrate and obtained their 3 days physical remand. He got summoned the accused persons Omer Bilal, Mohib Khan and Rehan Hussain from Central jail Adyala and produced them before learned Area Magistrate and got their physical remand of six days. On 19.07.2021, he alongwith Tariq Zaman S.I, Muhammad Saeed ASI, Hakim Khan ASI, Bashir 3866/C, Tahir Khan 3266/C, Umair Saleem 3521/C, Jafar Shah 175/C and Amjad/C took the accused persons Usman Ibrar, Hafiz Atta-ur-Rehman, Farhan Shaheen and Adaras Butt on official vehicle prison van GAC-695 and squad car GAC-681 to PFSA Lahore for photogrammetry test. The photogrammetry test of accused persons was conducted on same day. Tariq Zaman S.I deposited the parcel of USB (P-35) in PFSA Lahore vide road certificate No.437/21. At the Police Station, Tariq Zaman handed over the receiving on road

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certificate to Moharrar Malkhana. He recorded the statement of Tariq Zaman S.I and Moharrar Malkhana. On the same day, Said Wali ASI received the three parcels of mobile phones P-9, P-10 and P-36 from Moharrar Malkhana and deposited the same in cybercrime wing FIA for forensic analysis. Said Wali ASI also collected the report of FIA and handed it over to him. He recorded the statements of Said Wali ASI and Moharrar Malkhana. On 20.07.2021, Usman Ibrar, Hafiz Atta-ur-Rehman, Farhan Shaheen and Adaras Butt before learned Area Magistrate and got their judicial remand and dispatched them to Adyala Jail. On 23.07.2021, on his direction Bashir 109/C collected the attested copies of identification test parade reports (P-39/1-13) comprising on 13 pages and handed it over to him. He took the said copies into possession vide recovery memo Ex.P-AN duly signed by Bashir 109/C and Ameer Hamza 7871/HC. On same day, he produced accused Omer Bilal, Mohib Khan and Rehan Hussain before learned Area Magistrate and got physical remand of three days. On 24.07.2021, Rizwan Mughal brother of Rehan Hussain came to Police Station and handed over the mobile phone of Rehan Hussain Samsung galaxy (P-15) and Ibrahim father of Mohib Khan handed over the two mobile phones of Mohib Khan Iphone 7 (P-13) and techno (P-14) and he prepared the parcels of the same. He took the said parcels into possession vide recovery memo Ex.P-AP duly signed by Said Wali ASI. On 25.07.2021, during interrogation accused Omer Bilal, Mohib Khan and Rehan Hussain disclosed that they can get recovery the extortion amount from their respective houses. Upon the said disclosure he alongwith Said Wali ASI, Ameer Hamza 7871/HC, Syed Asim Ghaffar S.I, Tariq Zaman S.I and other police officials took three accused persons on official vehicles APC-GAH-631 and pickup GAH-625 and went to respective houses for recovery. Firstly Omer Bilal led them to House No.1840, street No.74 sector I-10/1 and got recovered Rs.100,000/- (P-30/1-20) from wooden almirah on first floor. He took the said amount into possession vide recovery memo Ex.P-N duly signed by Tariq Zaman S.I and Asim Ghaffar S.I. He prepared the site plan of recovery Ex.P-N/1. He recorded the

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statements of witnesses. Secondly, Rehan Hussain Mughal led them to House No.SN-210, dhoke Kala Khan, Shamsabad Rawalpindi and got recovered Rs.70,000/- (P-31/1-14) from wooden almirah on ground floor. He took the said amount into possession vide recovery memo Ex.P-P duly signed by Tariq Zaman S.I and Asim Ghaffar S.I. He prepared the site plan of recovery Ex.P-P/1. Thirdly Mohib Khan led them to House No.SN-216A, Dhoke Kala Shamsabad Rawalpindi and got recovered Rs.70,000/- (P-32/1-14) from pillow cover inside his bed room. He took the said amount into possession vide recovery memo Ex.P-Q duly signed by Tariq Zaman S.I and Asim Ghaffar S.I. He prepared the site plan of recovery Ex.P-Q/1. He came back to Police Station and locked the accused in police lockup and handed over the case property to Moharrar Malkhana. He also recorded the statement of Moharrar Malkhana. On 26.07.2021, he produced the accused Omer Bilal, Mohib Khan and Rehan Hussain before learned Magistrate and request for their physical remand, but learned Magistrate sent the accused persons on judicial remand and he dispatched them to Adyala Jail. On 27.07.2021, he obtained the warrant of arrest of accused Faheem Ullah. On same day, he received the report comprising of three pages from PFSA Lahore. On 30.07.2021, victim Asad Raza came to Police Station and handed over to him his sweater dark gray color (P-16) and shirt of Sundas multi color (P-17) which they had worn at the time of occurrence and he prepared the parcels of same. He took the said parcels into possession vide recovery memo Ex.P-K duly signed by Tariq Zaman S.I and Said Wali ASI. He recorded the statements u/s 161 Cr.P.C. He handed over the case property to Moharrar Malkhana and recorded his statement u/s 161 Cr.P.C. On 04.08.2021, Said Wali ASI collected the trend analysis report (Ex.P-AE/1-326) from cybercrime wing FIA and handed it over to him in which it was mentioned that the trend was seen by more than one lac people. On 06.08.2021, Said Wali ASI returned the warrants against Ali Ibrar, Zahrosh Amir and Faheem Ullah and he recorded his statement in this regard. On 10.08.2021, he obtain the proclamation of said three accused persons u/s 87 Cr.P.C and entrusted to Bashir Ahmad 109/C. On 12.08.2021,

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Bashir Ahmad returned the process u/s 87 Cr.P.C to me and he recorded his statement. On same day, he handed over the police file to JIT for preparation of report u/s 173 Cr.P.C. On 07.09.2021, on my directions Said Wali ASI collected the parcels of mobile phones of Mohib Khan and Rehan Hussain from Moharrar Malkhana and deposited the same in cyber crime wing, FIA. He recorded the statements of Said Wali ASI and Moharrar Sher Ali/HC. On 25.09.2021, he obtained the perpetual warrants of arrest of Faheem Ullah, Ali Ibrar and Zahrosh Amir. On 05.10.2021, Riasat Ali/HC collected the report regarding the mobile phones of Usman Ibrar from cyber crime wing FIA and handed it over to me. He added section 201 P.P.C in the view of said report. He recorded the statement of Riasat Ali/HC and Inayat Khan u/s 161 Cr.P.C. He again handed over the police file to JIT for preparation of supplementary report u/s 173 Cr.P.C. On 25.10.2021, Muhammad Khan S.I collected the USB (P-35) from PFSA Lahore and handed it over to him. He handed over the said parcel to Moharrar Malkhana. He recorded the statements of Muhammad Khan S.I and Kashif Hayat (Moharrar). On 19.01.2022, he received permission from the Area Magistrate for recording audio sample of accused Mohib Khan. He recorded the audio sample of accused Mohib Khan and got it converted into USB and prepared the parcel of same. He also collected the parcel of USBs (P-11/1-3) from Moharrar Malkhana. He took the said two parcels into possession vide recovery memo duly signed by Ameer Hamza/HC and Muhammad Akram/C. He recorded the statements of Ameer Hamza/HC, Muhammad Akram/C and Sajad Afzal 44/C (computer operator). He handed over the parcels to Moharrar and recorded his statement. On 20.01.2022, he received the parcels from Moharrar Malkhana vide road certificate No.07/2022 and submitted the same in cyber crime wing FIA with the request of forensic analysis/audio matching. He handed over the receiving to Moharrar and recorded his statement. On 21.01.2022, he received the forensic analysis report from FIA alongwith the parcels. He handed over the parcels to Moharrar Malkhana and recorded his statement. On same day, he again

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handed over the police file to SI IO for preparation of supplementary report u/s 173 Cr.P.C.

PW-19

Asma Majeed, Assistant Director Forensic at Cyber Crime Wing FIA Islamabad, deposed that on 20-01-2022, she was posted as Assistant Director Forensic at Cyber Crime Wing FIA, Islamabad. On the same day, she received marked request for the forensic/audio analysis of suspect along-with two parcels one containing one USB and other containing three USBs. She conducted the forensic analysis and her Audio Forensic Analysis Report comprising of fifteen pages Ex.P-AQ which is prepared by her and bears her signatures. As per her report, the result came out to be 1.81 with suspect score 2.73 which depicts moderate evidence. As per her report, the question voice matched with suspect's voice.

PW-20

Muhammad Akram 3673/C, deposed that on 19-01-2022, he was posted as Constable in Investigation Wing, Saddar Circle. On the same day, he joined the investigation with IO Shafqat Mehmood Inspector. IO Shafqat Mehmood Inspector obtained permission from the area Magistrate to join accused Mohib Khan into investigation for recording his audio sample. IO Shafqat Mehmood Inspector recorded the audio/voice sample in his mobile phone of accused Mohib Khan in lockup/Bakhshi Khana in presence of Maher Muhammad Aslam Inspector Incharge lockup/Bakhshi Khana, Meer Hamza HC and him. Thereafter, we proceeded to Police Station Golra Sharif where the IO handed over his mobile phone and a USB to Computer Operator Sajjad Akhtar who saved the suspect's audio/voice sample in the said USB. IO prepared the parcel of the said USB P-39. IO also collected the parcel P-11/1-3 containing three USBs from Moharrar Malkhana and prepared the parcel of the same. IO took the two parcels into possession vide recovery memo Ex.P-AR duly signed by him and Ameer Hamza 7871/HC. IO recorded his statement under section 161 Cr.P.C.

PW-21

Sajjad Afzal 44/C Computer Operator, deposed that on 19-01-2022, he was posted as Computer at Police Station Golra Sharif, Islamabad. On the same day, he joined the investigation with IO Shafqat Mehmood Inspector. IO Shafqat Mehmood Inspector gave him his

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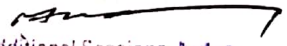
mobile phone and a USB and asked to save the audio/voice sample of accused Mohib Khan present in his mobile phone into the USB (P-39). He converted/saved the audio/voice sample of accused Mohib Khan into the said USB and handed it over to IO Shafqat Mehmood Inspector. IO recorded his statement under section 161 Cr.P.C.

PW-22

Kashif Hayat 4161/HC, deposed that on 26-10-2021, he was posted as Moharrar at Police Station Golra Sharif, Islamabad. IO handed over to him a sealed sample parcel containing USB (P-35) after receiving the same from PFSA Lahore which he kept intact in Malkhana. IO recorded his statement under section 161 Cr.P.C. On 19-01-2022, he handed over one sealed parcel (P-11/1-3) containing three USBs to IO Shafqat Mehmood after taking it out from Malkhana. On the same day, IO Shafqat Mehmood handed over to him two sealed parcels one containing one USB (P-39) and other containing three USBs (P-11/1-3) which he kept intact in Malkhana. IO recorded his statement under section 161 Cr.P.C. On 20-01-2022, he handed over the two sealed parcels to Inspector Shafqat Mehmood vide road certificate No.60/2022 for onward transmission to Cyber Crime Wing FIA. IO deposited the said parcels in Cyber Crime Wing FIA and handed over the receiving on the road certificate to him and he made entry in the record. IO recorded his statement under section 161 Cr.P.C. On 21-01-2022, IO received the two said parcels from Cyber Crime Wing FIA and handed over to him which he kept intact in Malkhana. IO recorded his statement under section 161 Cr.P.C. The parcels remained intact during his custody.

4. The prosecution gave up PW Nisar Safdar 242496/C, Bashir Ahmed 109/C and Ameer Hamza 7871/HC on 28.10.2021 and the PWs Atta ur Rehman SSP Investigation, Farooq Amjad Butter SP, Amna Baig ASP, Noshewan SP, Rasheed Ahmed SHO, Ansar Mehmood being unnecessary on 03.03.2022 and closed the prosecution evidence by tendering the report of PFSA as Ex.P-AS. After closure of prosecution evidence the accused made their statements u/s 342 Cr.P.C on 10.03.2022 and 11.03.2022.

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5. In reply to the question why the PWs deposed against him then the accused Usman Ibrar replied as under:

"I have been saddled in the instant case on the instigation of one Sheikh Qayyum ud Din, who owed a sum of Rs.200,000,00/- (Rupees twenty million) to me and in order to discharge his liability issued certain cheques in my favor which were subsequently dishonored consequently a crime case / FIR No.346/2021, Dated 30.04.2021, offence U/s 489-F PPC, P.S. Industrial Area, I-9, Islamabad and the said Qayyum ud Din was arrested by the police of P.S. I-9 and during the petition under Section 497 Cr.P.C. filed on 02.07.2021, the said Qayyum ud Din categorically raised a ground No.4 that he has no concern whatsoever with the alleged offence, neither he made any video nor viral the same in any manner, hence, is entitled for grant of bail. The prosecution while joining hands with said Qayyum ud Din, initiated a campaign against me just for the reasons to desist me from claiming or demanding his legitimate huge amount back from said person. It may also be submitted here that since from the very inception of the case / FIR it has been established that the complainant of the case on the basis of his own information and video seen on his mobile phone initiated the proceedings and later on the said one video clip was further converted into number of other video clips, moreover, the reports were not obtained as envisaged or mandated under the law, the basic ingredient of such a case i.e. the use of I.P. Addresses, the user, editor, maker and uploader of the said alleged video forming basis of the case against me and others is completely missing rather silent. Apart from CDRs nothing has been shown against me, and the said CDRs too are fabricated documents, as the scribe of the said CDRs or authorized representative of the said cellular company from whom such report was got prepared and obviously no right of cross examination was given to me. Moreover, the IME number on alleged CDRs is entirely different and not matching with the mobile phones allegedly recovered from me, making the entire case against me a false, frivolous, baseless and vexatious exercise having been initiated on the instigation of Sheikh Qayyum son of Sheikh Muhammad just to deprive me from my legitimate amount. The prosecution witnesses while joining hands with the said Sheikh Qayyum tried to victimize me and have in fact ruined my entire family life, the right of prestige, honor and the dignity has been ruthlessly violated and I have been made to suffer colossal losses at the hands of said persons. Needless to mention that malafide of said Sheikh Qayyum is conspicuously apparent from another fact that while filing his own bail application he malafidely, dishonestly, intentionally and purposely did not mention the correct name and address of the complainant of case / FIR No.346/2021 who is the present accused submitted this statement before this Honorable Court and the narration about video clip in a case registered U/s 489-F PPC that too prior to any such complaint or the registration of titled case, speaks volumes loud itself."

In reply to the question that why this case against him and why the PWs deposed against him, the accused Mohib Khan replied as under:

"I have been falsely implicated due to the reason that I am a close relative of Usman Ibrar and during investigation after three or four days of registration of the case, I was nominated and arrested on the statement of

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other accused in the FIR. However during photogrammetry test I was not identified by the PESA, Lahore."

In reply to the question that why this case against him and why the PWs deposed against him, the accused Farhan Shaheen Awan replied as under:

"To show fake efficiency before the high ups and officials of their department and falsely deposed all the witnesses who are police officials no independent witnesses is associated, I was only involved in the instant case on the ground that I am friend of co-accused Hafiz Atta ur Rehman who rented out the flat where the police shows the above said so-called occurrence."

In reply to the question that why this case against him and why the PWs deposed against him, the accused Muhammad Adaras Qayoum Butt replied as under:

"The police has registered the case against me on malafide basis. The alleged victims of the instant case have denied any such occurrence or commission of any offence levelled against me. The whole prosecution case is concocted story having no factual basis. The transcripts of the video clearly indicates that I am not involved in the alleged occurrence in any manner whatsoever. The police have involved and dragged me in the instant case to be in the good books of the highups. The prosecution was miserably failed to prove my involvement in the instant case. I have been dragged into the instant case due to my affiliation with some of the accused persons of the instant case despite the fact I was not involved in the occurrence."

In reply to the question that why this case against him and why the PWs deposed against him, the accused Hafiz Atta-ur-Rehman replied as under:

"Police has only tagged me showing their efficiency and no PWs deposed against me."

In reply to the question that why this case against him and why the PWs deposed against him, the accused Rehan Hussain Mughal replied as under:

"I have spare part shops and part time running crème taxi to earn my livelihood. I often provide pick and drop services to different peoples including neighborer and I was victimized due to moving of pre-arrest bail and appearance before I.O. Most of the PWs are sub ordinate to the I.O. who deposed against me on behest of the police in order to strengthen the case."

In reply to the question that why this case against him and why the PWs deposed against him, the accused Omer Bilal Khan replied as under:

"I have been implicated in the case because younger brother of accused Usman Mirza is my course mate at Shifa International University in DPT Department, Islamabad. For such reason, I was made a scape goat. I am a

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student of 3<sup>rd</sup> semester and has never been charged for any offence before. I am innocent and a victim of police highhandedness."

6. The accused Farhan Shaheen, Hafiz Atta-ur-Rehman, Muhammad Adaris Butt and Omer Bilal neither produced their defense evidence nor they made their statements u/s 340 Cr.P.C. The accused Rehan Hussain submitted copy of FIR No.393/2021, P.S Ternol as Ex.D-C, bail petition as Ex.D-D, bail granting order as Ex.D-E, copy of surety bond as Ex.D-F and surety amount deposit slip as Ex.D-G. The accused Usman Ibrar submitted attested copy of bail petition FIR No.346/2021, P.S I-9 as Ex.D-H, attested copy of order sheet and order dated 10.07.2021 as Ex.D-J and copy of FIR No.346/2021 as Ex.D-K in their defense evidence. During course of cross-examination of PWs the defense side confronted copies of register No.19 as Ex.D-A/PW-2, Ex.D-B/PW-2, copy of minutes of meeting dated 15.07.2021 as Ex.D-A/PW-18, copy of letters as Ex.D-B/PW-18, Ex.D-C/PW-18 and application dated 08.07.2021 Ex.D-D/PW-18.

7. Mr.Ikhlaq Ahmad Awan the learned counsel for the accused Farhan Shaheen argued that there is no evidence available on the record against the accused Farhan Shaheen. Only the name of the accused Farhan Shaheen has been mentioned in the FIR and report u/s 173 Cr.P.C but, the victims have not nominated him in their statements u/s 161 and 164 Cr.P.C. The accused was going to his house at Rawalpindi. The accused Atta ur Rehman made phone call to him whereupon the accused Farhan Shaheen came back to E-11 to disburse and settle the matter. As per transcript no word has been uttered by the accused. Statements u/s 164 Cr.P.C has no value in eye of law as the accused was not granted opportunity to cross examine the alleged victims. There is no evidence against the accused for making conspiracy, therefore, no question of common object arises. All the story and proceeding were cooked and completed while sitting in a room. Therefore, accused be acquitted.

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8. Mr. Sher Afzal Khan advocate for the accused Omer Bilal argued that the accused did not commit any offence. He has been involved in this case as he is course mate of Ali Ibrar the brother of the accused Usman. The accused is not seen in the video clips. The prosecution has failed to establish the extortion of amount against the accused Omer Bilal. During identification parade the role of the accused Omer Bilal has been brought on record first time, but the identification parade is not in accordance with law. Nothing was recovered from the mobile phone of the accused. Even as per CDR the accused was present in his house. The police entered in his house without search warrant. The PW-1 & PW-5 have narrated the wrong address of house of accused. No currency notes were recovered from the house of accused Omer Bilal. The recovery of amount is planted. He further argued when the victims PW-16 and PW-17 resiled from their statements then he changed his defense version and stood on prosecution side because the victims have falsely dragged the accused Omer Bilal in this case. Therefore, accused be acquitted.

9. Mr. Asif Mukhtar Butt advocate for the accused Rehan Hussain argued that the accused is not nominated in FIR and no role has been attributed to him. He is not visible in the video. Even his voice is not found in the video. He has been involved on the basis of the disclosure of the co-accused which has no value in the eyes of the law. Before holding identification parade, he was shown to the victims and the victims PW-16 & PW-17 have confirmed this fact during cross-examination. The accused was produced before the court without Muffled face at remand stage. There is a lot of contradiction in the prosecution evidence regarding the accommodation of the house of accused. According to CDR he was not at the place of occurrence.

10. Mr. Shafqat Khan Abbasi and Rai Muratib Ali advocates on behalf of the accused Hafiz Atta-ur-Rehman argued that the case is of no direct evidence.

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The prosecution has failed to produce strong evidence to prove its case. The victims have resiled from their statements, they did not implicate the accused Atta ur Rehman. The first version of the accused is most important. The accused handed over the keys of the flat to the victims and he went away. Thereafter, he was called at the spot at 02:00 a.m and resultantly he went there because he has handed over the keys of the flat to Asad Raza. There is no role of the accused in the video clips and transcript. He attempted to intervene the matter, but, he did not extort any amount as alleged by the prosecution. The role of the present accused is quite different from others. There is no evidence of common intention against the accused. The prosecution has failed to mention the source of nomination of accused in the FIR. The FIR was lodged with sufficient delay. The offence u/s 354 -A P.P.C is not made out as the offence took place in a room.

11. Mr. Adil Aziz Qazi advocate for the accused Adaras Qayyum Butt argued that offence u/s 354-A P.P.C is not made out as the alleged victim was not exposed to public view. The victim themselves went to the flat with their own consent and they were not confined in the flat, therefore, offence u/s 342 P.P.C is not attracted. None of the accused raped the victim Mst. Sundas, the offence u/s 375-A P.P.C is also not made out. The CDR was not collected from the company, therefore, it has no evidentiary value. There is no voice sample of accused Adaras matched. Mode of identification parade is not correct. The accused was not called for cross-examination at the time of statement u/s 164 Cr.P.C, therefore, it has no value. The forensics of the video clips has not been conducted according to the international standard, therefore, could not be produced in the evidence. The accused be acquitted by giving benefit of doubt.

12. Malik Javed Iqbal the learned counsel for the accused Usman Ibrar and Mohib Khan argued that the prosecution has failed to prove its case against

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the accused. The accused Usman Ibrar has been involved in this case by the police on instigation of one Sheikh Qayyum Din who borrowed amount from the accused. He issued cheque to the accused and the accused got lodged the FIR No.346/2021 u/s 489-F P.P.C with Police Station Industrial Area against the said Qayyum Din. The video has been prepared in connivance with the said Sheikh Qayyum. One Mst.Nadia has managed the video clip, but the I.O has not made her as accused in this case with connivance of said Qayyum Din. The said Qayyum Din is the beneficiary of the video clips in question as he has obtained the bail in the aforesaid FIR registered against him. No video was viral, otherwise the FIA would have taken cognizance. No proof of ownership of place of alleged occurrence has been produced. The complainant has not mentioned in the complaint Ex.P-L that he got downloaded the video from the shop of Usman Shah PW-8. P-35 which was played in the court, showed that the video clips available in said USB were modified on 07.07.2021 and 10.07.2021 which makes the case doubtful. Charge against the accused u/s 354-A P.P.C is against the law as no witness appeared before the I.O to prove that the victim was exposed to the public. There is contradiction regarding the IMEI number mentioned in CDR as well as recovery memo of mobile phone. According to the CDR the location of Usman Ibrar was not at the place of occurrence. The CDR was not collected from any company. There are contradictions in statement of PW-9 and PW-18 regarding the time of recording the statements u/s 164 Cr.P.C. PW-11 has admitted his mistake that he did not provide opportunity to the accused for cross-examination. There are contradiction regarding the date of transfer of video clips in USBs (P-11/1-3). Similarly there is contradiction regarding time mentioned in report Ex.P-AA and narrated by PW-13 and PW-14. All the proceedings were carried out in the police station. The I.O with malafide intention obtained the voice sample of Mohib Khan during trial proceedings without permission of trial court and obtained the report

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from FIA immediately. This aspect shows the malafide as well as inefficiency of I.O. All the statements of PWs created doubts and dents in prosecution story. Therefore, accused be acquitted on the basis of doubt.

The defense side relied upon 2012 SCMR 215, 2019 SCMR 956, 2020 SCMR 342, PLD 2019 SC 675, 1993 SCMR 550, PLD 2013 FSC 42, 2010 SCMR 1604, 2020 P.Cr.L.J (Note) 44, PLD 2010 SC 640, 2011 YLR 329, 2016 P.Cr.L.J (Note) 119, 1992 SCMR 1983, PLD 2021 SC 362.

13. Mr.Hassan Abbas the learned ADDP argued that in FIR the complainant PW-5 has specifically mentioned the making of obscene video as well as location of place of occurrence. The video clips in question have no concern whatsoever with the FIR lodged against other person namely Qayyum u/s 489-F P.P.C. During cross-examination PW-16 and PW-17 were confronted with the video clips and they have not denied the video clips. The victims have specifically identified the accused with their features and dresses worn by them at the time of occurrence as shown in the video clips. The statements u/s 164 Cr.P.C were recorded before the learned Magistrate and presumption of truth is attached to the said proceedings U/A 91 of Qanoon-e-Shahadat 1984. The accused Omer Bilal collected the extorted amount and disbursed amongst the other accused on direction of accused Usman Ibrar. Accused Mohib Khan is wearing golden vest coat in the video clips. The faces of all the accused are very clear in the obscene video. Due to renovation of the police station the currency notes were mixed up and due to this reason the currency notes were not matched with the recovery memos. This aspect does not vitiate the recovery proceedings. The USB P-35 was sent to PFSA Lahore and forensic has been conducted, similarly USBs P-11/1-3 were sent to FIA for their forensic. The prosecution has proved its case beyond any

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shadow of doubt against all the accused through confidence inspiring evidence, therefore all the accused be awarded maximum sentence.

Arguments heard, record perused.

14. According to the evidence available on record, the police took action when the complainant Syed Asim Ghaffar SI (PW-5) alongwith Inayat Khan LHC (PW-2), Noor Elahi ASI (PW-7) and Hassan Mujtaba/C was on patrolling and checking duty at Golra Darbar Chowk where he saw the video viralled on twitter account social media. After watching the said video he send complaint Ex.P-L whereupon FIR Ex.P-L/1 was lodged by Tariq Zaman SI (PW-15). According to the complainant, he saw 5/6 persons wrongly confined one girl and a boy in a room on gun point, making them nude, extending threats and also making obscene acts with said boy and girl. With assistance of the spy informer he found the place of occurrence as flat No.417, 4<sup>th</sup> floor, Magnum Heights, E-11/2, Islamabad. He further came to know the names of four persons seen in the said video as Muhammad Usman Ibrar, Hafiz Atta-ur-Rehman, Farhan Shaheen and Adaras Butt. It is an admitted fact that complainant is not the eye witness of the occurrence. He being police officer started action when he watched obscene video clips on social media on 06.07.2021. Obviously he took notice of obscene video clips as it was his duty to take action against the culprits. Occurrence did not take place on 06.07.2021 when the FIR was lodged, as per record the occurrence took place during night of 18/19 November 2020. The victim of the said occurrence did not take action and not promptly provided information to the police. When the obscene video clips were viralled on social media then it became the talk of the town. After registration of the FIR, the victims came on surface and they appeared before the executive Magistrates/ Assistant Commissioners PW-9 and PW-11. The victims made their statements u/s 164 Cr.P.C as ExP-U (of Asad Raza) and ExP-Z (of Mst.Sundas). The victims mentioned the reason in their said statements ExP-U

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and Ex.P-Z that they did not disclose the matter before anybody because they were under stress and fear. This reason logically appeals to the common prudence because normally people do hesitate to provide the information promptly to police in such like cases where honor and prestige is involved. During trial proceedings the victims appeared in the witness box in a dramatic manner. The court waited them since morning, but they appeared before the court at last court timings by changing their counsel. Anyhow, they resiled from their statements and they were declared hostile. Prosecution as well as the defense side cross examined them. During cross-examination PW-16 Mst.Sundas has admitted her appearance before the Assistant Commissioner. PW-17 Asad Raza stated that it is correct that details of occurrence are in his knowledge, but he cannot tell the details of said occurrence. After seeing the video clip he stated that he had worn dark gray color shirt and Mst.Sundas worn white color sweater in the video. He further stated that the persons appearing in the video clip are doing obscene acts with him and Mst.Sundas. It can safely be said that they have made their resiling statements either under pressure, under fear or coercion or by getting monetary benefits from the accused. No doubt it was their legal as well as moral duty to stand firm on their version recorded before the police and learned Magistrates in statements u/s 161, u/s 164 Cr.P.C and during identification parade test but, they fail to stand firm on their version, despite the media and the civil society provided moral support to them. It is the duty of court to consider all the facts in juxta position to reach to a just decision and not to take into consideration the technicalities. The court cannot sit as mere spectator because court is the guardian of the whole society. It is a crime against the society as well and not against the individuals only. Anyhow, according to the scenario, by leaving aside the statements of the victims, the case of prosecution is based on modern devices and modern

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technology in shape of video clips went viral on social media and forensic reports. Complainant (PW-5) after watching the obscene video clips got saved the said video clips in USB (P-35) from PW-8. PW-8 saved the video clips in the USB and he corroborated this fact while appearing in the witness box. The said USB P-35 was later on sent to PFSA Lahore for audio video analysis. In this regard the report of PFSA is available in the prosecution evidence as Ex.P-AS. Investigating Office (PW-18) got prepared the transcript (P-29/1-6) comprising of the word spoken by the characters of obscene video. IO also got prepared three USBs (P-11/1-3), one contained the audio samples of the accused, other the video sample and third one relating to backup. The said USBs (P-11/1-3) were sent to FIA for forensic analysis. During course of evidence USBs containing the obscene video were played in the court computer system. During cross examination of the victim PW-16 & 17 the video clips were played and clips were confronted to them. Again the USB were played at the court system at the time of recording of cross examination of PW-18. The aforesaid video clips reveal that victims Mst. Sundas and Asad Raza are very much visible in the video clips. The victim Asad Raza was wearing dark grey color shirt, whereas, Mst.Sundas was wearing off white floral sweater. The role of the accused Usman Mirza and Mohib Khan is very clear in every clip. They are very visible with their aggressive mode towards the victims. The other accused namely Farhan Shaheen, Adaras Qayum Butt and Atta-ur-Rehman are also visible in the obscene video clips. The accused removed the shirt of the Mst.Sundas and made her nude. They also touched the body parts of the Mst.Sundas. The accused also removed the pant of the victim Asad Raza and they directed the victims to rape each other. The accused Usman Ibrar Mirza and Mohib Khan used filthy language, uttered disgraceful words. They also jested the victims and made them mockery. Accused Atta-ur-Rehman and accused Farhan Shaheen are very much visible in the video clips, but they did not quibble and make hooting the victims. The


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accused Farhan Shaheen had not denied his presence in the video clips, but he stated that he was going to Rawalpindi and when he received the phone call from Atta-ur-Rehman then, he came back just to settle the matter. For the sake of arguments, if the accused Atta-ur-Rehman and Farhan Shaheen did not play any role in the crime, even then, they were legally bound to discharge their own legal as well as moral duty by informing the police promptly regarding the criminal act done by the other persons seen in the video clip, so as to save the victims from the other culprits, but they did not do so. Therefore, they cannot be exonerated from the criminal liability. The accused Rehan Hussain Mughal and Omer Bilal are not visible in the video clips. Subsequently the victims during the identification parade described the role of Omer Bilal that he remained present at the main door of the flat and he used to open and close the door for the people who were coming in and going out. They described the role of the accused Rehan Hussain that he was making video film. Victims have resiled from their participation in the identification parade. The video clips were sent to PFSA Lahore for forensic and according to the report of PFSA Ex.P-AS the video clips are authentic and no editing features were observed in the visual context of the videos. The facial features of the accused Usman Ibrar, Atta-ur-Rehman and Muhammad Adaras Qayum Butt are matched with the video clips. The report of PFSA is strong evidence to show that the video clips sent to the PFSA for analysis are authentic and there is no editing and tempering therein. Similarly audio video digital forensic analysis report of cyber crime wing (CCW) is available as EXPAA. According to the said report the video clips sent to the FIA in USBs P-11/1-3 are authentic and there is no editing or tempering. Another technical analysis report of cyber crime wing FIA is available in prosecution evidence as Ex.P-AE/1-326. According to the said report the video clips were gone viral on social media on

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two trends "#UsmanMirza" and "#ArrestUsmanMirza". Approximately the trend has been watched and shared more than one lac time. To prove the said reports the experts of FIA appeared in the witness box as PW-13 & PW-14. They have successfully proved the authenticity of reports and clips went viral on the social media.

15. The evidence comprising of modern devices and modern technology reveals that the obscene video clips in question were viral on social media and people in Pakistan and people even of international community had watched the video. The accused made nude Mst.Sundas and also removed the pant of male victim Asad Raza. The accused wrongfully confined them in a room of flat No. 417, 4<sup>th</sup> floor, Magnum Heights, E-11/2, Islamabad. The I.O collected the paintings which were installed at the walls of the room of occurrence and he also took into the possession the decoration piece from the said room. These paintings and decoration piece are very visible in the video clips. The prosecution through evidence of modern devices has establish the place of occurrence. So many people watched the obscene video clips and the accused exposed the body of the lady victim Mst.Sundas to the public by removing her shirt. The point raised by the defense side that Mst.Sundas was not exposed to public view as the occurrence took place in a room, is not appealable to the prudent mind. Mst.Sundas Tahir was made nude by the accused and her nude body was exposed to the whole society through obscene video went viral. The accused Usman Ibrar by taking the victims in his arms exposed them in front of the camera and he was well aware that a video was being made. The accused also extended life threats to the victims by using disgraceful words. The accused also used criminal force against the lady and role of each character is visible in the scientific evidence. It was the primary duty of the prosecution to establish the veracity and authenticity of video. The prosecution has succeeded to prove the authenticity of the obscene video clips and there is no

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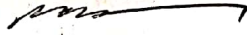
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editing or tempering in video clips. When prosecution has discharged its primary duty by producing strong evidence and then onus was shifted to the accused to prove that the obscene video clips went viral are fake. The accused have failed to prove that the video clips went viral have been tempered with and fake. The gestures of the accused Usman Ibrar observed in the video clips reveal that he knew that the video of the occurrence was being made by his companions present in the same room at the time of occurrence. Obviously, the person who captured the video was present in the same room and he was amongst the accused persons. The accused Atta-ur-Rehman and Farhan Shaheen have not denied their presence in obscene video. All the accused are very visible in the video clips with their faces, dresses and roles. In this way the prosecution has establish to prove its case that the accused Usman Ibrar, Mohib Khan, Adaras Qayum, Atta ur Rehman, Farhan Shaheen gathered in prosecution of common object committed crime and outraged the modesty of Mst. Sundas, wrongfully confined the victims in a room of the flat, used disgraceful words by touching the body of the lady and they also tortured both the victims as visible in the video clips.

16. So far as concerned to the allegation of snatching Rs.6000/- from the victim Asad Raza which were subsequently recovered on the pointation of accused Adaras Qayum, it is submitted that the accused has denied the said recovery. The video clips in question do not show that the Adaras Qayum has looted Rs.6000/- from the victim Asad Raza alongwith the other accused present in the room. Similarly there is no strong and cogent evidence available on record regarding the extortion of amount Rs.1125000/-. As per prosecution version the accused Omer Bilal received the extorted amount from victim on asking of the accused Usman Ibrar and then the said amount was disbursed amongst the other accused. The victims have also denied the extortion of amount from them.

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Similarly there is no evidence in shape of modern device or scientific evidence to establish the factum of extortion of amount Rs.1125000/-. As per prosecution version the said amount was paid by the victims, but the victims have not corroborated this version. The accused have also denied the factum of the recovery of the extortion amount from them. According to the evidence the statement of complainant PW-5 was recorded on 21.10.2021 and the cross examination was reserved. Cross examination of PW-5 was being conducted on many date of hearing and initially during the cross examination numbers of the currency notes were not confronted to the PW but, when the remaining cross examination was conducted on 01.11.2021 then currency notes numbers (P-30/1-30) were confronted to the PW-5 which did not match with the recovery memo ExP-N. It appears that during this span of time the currency note were changed in the envelop either due to renovation of the police station or to provide undue advantage to the accused. Statement of the I.O was recorded as PW-18 and one of the learned defense counsel cross examined him on 22-02-2022. On his request the envelope of currency notes P-12/1-2 was opened and the currency notes numbers matched with the currency notes numbers mentioned in the recovery memo ExP-J. Careful scrutiny of evidence reveals that there is no strong and tangible evidence to prove the offence of extortion of amount and offence of decoity of snatching of Rs.6000/- from the victim Asad. The record further reveal that telephones recovered from the accused were sent for forensic analysis, but video in question was not recovered due to technical fault and reset of cell phones. On 24.07.2021 the father of the accused Muhib Khan produced two mobile phones (P-13 & P-14) and brother of the accused Rehan Hussain produced cell phone (P-15) on 24.07.2021 before the I.O. It can safely be said that when the videos were viral on social media and Government machinery came into motion then obviously the mobile phones would have been damaged or tempered with and reset. Due to the faults created

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in the mobile phones the FIA could not recover the data. Furthermore, as per evidence FIA has no capacity to recovery the data from the mobile phones more than seven days back that is why the phone data was recovered from 10.07.2021 to 17.07.2021. So far as concern to the offence u/s 375-A P.P.C (Criminal Law Amendment Ordinance 2020), it is submitted that the said ordinance was promulgated on 14.12.2020, whereas according to the prosecution's case and information provided by the victims during investigation, the occurrence took place during night of 18/19 November 2020. The FIR was lodged on 06.07.2021, therefore, provisions of said ordinance have no retrospective affect, hence, not applicable to the case in hand. The prosecution has failed to establish its case to the extent of offence u/s 384/395/375-A/411 P.P.C.

17. The nutshell result of above said discussion is that the prosecution has succeeded to prove its case against the accused Muhammad Usman Ibrar, Farhan Shaheen, Hafiz Atta-ur-Rehman, Muhammad Adaras Qayoum Butt and Mohib Khan beyond any shadow of doubt for the offence u/s 354-A/342/506(ii)/509(i) P.P.C and have failed to established the case against the accused Rehan Hussain Mughal and Omer Bilal Khan. The accused Rehan Hussain Mughal and Omer Bilal Khan are hereby acquitted of the charges leveled against them.

18. The accused namely Muhammad Usman Ibrar, Farhan Shaheen, Hafiz Atta-ur-Rehman, Muhammad Adaras Qayoum Butt and Mohib Khan are hereby convicted:

- i. U/S 354-A P.P.C and are sentenced to Imprisonment for life each with fine of Rs.200,000/- each. In default of the payment of fine they shall undergo One Month (01) S.I each.
- ii. U/S 342 P.P.C and are sentenced to One year (01) R.I each.

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- iii. U/s 506(II) P.P.C and are sentenced to seven years (07) R.I each
- iv. U/s 509(i) P.P.C and are sentenced to Three years (03) R.I each

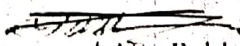
The sentences of imprisonment shall run concurrently and the accused are granted benefit of section 382(B) Cr.P.C. The accused are behind the bars, jail superintendent jail be informed accordingly through sentence warrants.

19. The copies of judgment are delivered to the convicts free of cost as required u/s 371 Cr.P.C. Copy of this judgment also be sent to incharge Prosecution Branch u/s 373 Cr.P.C. The case property i.e. mobile phones recovered from the convicts. The recovery of cash amount has been denied by the convicts and others, therefore, cash amount recovered from the convicts and others are confiscated in favour of the state. The mobile phone recovered from the accused Rehan Hussain Mughal and Omer Bilal Khan be handed over to them after period of appeal or revision, if any. The accused Rehan Hussain Mughal and Omer Bilal Khan are on bail, their surety bonds are discharged and sureties are released from their liabilities. The accused Muhammad Usman Ibrar, Farhan Shaheen, Hafiz Atta-ur-Rehman, Muhammad Adaras Qayoum Butt and Mohib Khan are in jail, they are sent back to jail. Since the co-accused are yet to be arrested, therefore documents be kept intact. Ahlmad Ansar Salamat is directed to consign the record to the record room after due completion and compilation.

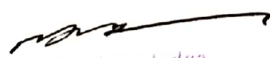
Announced  
25.03.2022

  
(Muhammad Atta Rabbani)  
Additional Sessions Judge  
Islamabad-West/GBV Court East/West

Certified that this judgment consists of Forty four (44) pages. Each page has been dictated, read over, corrected and signed by me.

  
(Muhammad Atta Rabbani)  
Additional Sessions Judge  
Islamabad-West/GBV Court East/West

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25 MAR 2022

25.3.2022

محمد انصار سلامت  
25/3/2022