

Implementation of Islamized Law of Murder in Pakistan and Social Concerns on Acquittal of Murderers on the Basis of Islamic Concepts of ‘afw’ and ‘sulh’

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DOI: 10.33195/journal.v4i02.226

Abstract:

The offence of murder was made compoundable under the process of Islamization of laws in Pakistan but the Islamized law of murder, i.e. qatl, has been criticised since its promulgation. This paper analysis the provisions of law and case law development relating to three ways of compromise in cases of qatl including (i) afw, i.e. waiver of right of qisas under section 309 of the Pakistan Penal Code, 1860 (PPC), (ii) sulh, i.e. compounding right of qisas against badl-i-sulh under section 310 PPC and (iii) compounding offence of qatl-i-amd under section 345 of the Code of Criminal Procedure Code, 1898 (Cr.PC) read with section 338-E PPC. It further explains that when courts despite compromise between parties convicted and punished culprits. The paper criticises the law for injustice under the garb of compromise and analyses some latest case laws wherein Pakistan judiciary despite heinous and gruesome nature of offences of murder accepted compromise and invited public rage. Lastly, in order to address social concerns the paper suggests that through amendments into the law of qatl mandatory punishment should be supplied for the offence of qatl-i-amd regardless of the fact that compromise between parties is affected by way of afw, sulh or composition.

Keywords: afw, badl-i sulh, diyat, fasad-fil-arz, qatl-i-amd, qisas and sulh.

1- Introduction

In order to Islamize the law relating to the offence of murder and bodily hurts the erstwhile law was amended, following the guideline and directions given by the Shariat Appellate Bench of the Supreme Court of Pakistan in *Gul Hasan Khan's* case¹, through the Criminal Law (Second Amendment) Ordinance, 1990. The Ordinance introduced Islamic principles of *qisas*, *diyat*, *afw*, *sulh*, *badl-e sulh*, *fasad-fil-arz* and compounding offences into the Penal Code (PPC) and the Criminal Procedure Code (Cr.PC). These amendments made offence of *qatl* compoundable and paved the way for murderers to seek acquittal of charge by way of *afw*, *sulh* or composition. The Pakistan Penal Code, 1860 under sections 309 and 310 provides concepts of *afw* and *sulh*, respectively. Literal meaning of word *afw* is to forgive or to waive while word *sulh* means to compromise or to settle a dispute with the offender. Under the amended law in cases of *qatl-i-amd* an adult and male *wali* of the victim has choice to waive his right of *qisas* at any time but without any compensation.² However, right of *qisas*, according to the new law, cannot be waived when *wali* is government or when any heir of the deceased is either minor or insane. The law further provides that even one of the *walis* of deceased can waive right of *qisas* to his extent but in such a case other *walis* are entitled to claim share in *diyat*.³ Similarly, under section 310 PPC power of *afw*, i.e. compounding right of *qisas*, is dealt with. While exercising right of *afw* an offence of *qatl-i-amd* can be compounded by a *wali* who is adult as well as sane at any time against some *badl-i-sulh*, i.e. compensation, from or on behalf of the offender.⁴ Moreover, the government under the law as a *wali* has also power to compound right of *qisas*. Regarding the value of *badl-i-sulh* law requires

that it must not be less than the value of *diyat* as fixed under section 323 (1) PPC which is 30630 grams of silver.

On the other hand, under section 345 Cr.PC, it is provided that an offence of *qatl-i-amd* punishable under section 302 PPC may be compounded by legal heirs of the victim. Subsequently, an amendment was introduced through the Criminal Law (Amendment) Act, 2005 whereby power to compound *qatl* is restricted in cases of *qatl-i-amd* committed either in the name of or on the pretext of *karo kari*, *siyah kari* or similar other practices. Under clause (2A) of section 345 Cr.PC courts are given power to allow to waive or compound right of *qisas* subject to imposing conditions and with the consent of parties. Moreover, the provisions of section 338-E PPC are given overriding affect over all other provisions of chapter XVI of the Penal Code and over those of section 345 Cr.PC. It is pertinent to mention here that sub-section (1) of section 338-E PPC says that all offences under chapter XVI of the PPC can be waived or compounded and provisions of sections 309 and 310 PPC would apply to such waiver and composition of the offence *mutatis mutandis*⁵. Further, under the provisions of the section courts are given a discretionary power either to acquit offender or award him punishment of *ta'zir*.

One the confusions, under the Islamized law of murder of Pakistan, that the law is silent about the application of various provisions of both Codes relating to *afw*, *sulh* and composition in cases of punishment of *qisas* and *ta'zir*, was clarified by the judiciary, subsequently. In this regard, the apex court categorised compromise in cases of *qatl-i-amd* in two ways.⁶ Under the first category, when punishment of death is awarded by way of *qisas* under section 302 (a) PPC, right of *qisas* can either be

waived under section 309 PPC or compounded under section 310 PPC. On the other hand, where punishment of offences of *qatl-i-amd* is awarded under section 302 (b) or 302 (c) PPC by way of *ta'zir*, composition is possible under sections 345 Cr.PC and 338-E PPC.

2- Punishment of Death as *Qisas* In Cases of *Qatl-i-'Amad* and Scope of Islamic Legal Concepts of *Afw*, *Sulh* and *Fasad-fil-Arz*

The Islamized law of murder of Pakistan has its bases on the injunctions of Islam and Islamic concepts of *afw*, *sulh*, *badl-i-sulh* and *fisad-fil-arz*. It's very strange that the legislature ignored some other principles of Islamic criminal law like *aqilah* and *qasamah* despite impeccable injunctions of Islam regarding both. In cases of *qatl-i-amd* where punishment of death is awarded under section 302 (a) PPC by way of *qisas* and subsequently if legal heirs of deceased either waive right of *qisas* or compound *qisas* by entering into compromise then such offender may be sentenced up to 10 years' imprisonment under the principle of *fasad-fil-arz* given under section 311 of the penal Code.⁷ Some changes into provisions of section 311 were introduced through the Criminal Law (Amendment) Act, 1997. The Amendment Act first time introduced the '*fazad-fil-arz*' under section 311 PPC. Unlike the previous law, new amendment provided that punishment of *ta'zir* can be inflicted where all legal heirs, i.e. *walis*, of the deceased neither waive nor compound right of *qisas*. The Criminal Law (Amendment) Act, 1997 also added an explanation after section 311 PPC whereby term '*fasad-fil-arz*' was further elaborated. The criterion for adjudging '*fasad-fil-arz*' was culprit's past conduct, previous conviction, violent nature of offence, way of committing offence, act outrageous to public conscience and the offender being a constant danger to the society. Recently, provisions of section 311 PPC were again amended through the Criminal Law (Amendment) Act,

(XXVI of 2005) whereby quantum of punishment for the offence of *qatl-i-amd* as *ta'zir* was changed by adding that where all *walis* of the deceased had not agreed to waive or to compound their right of *qisas* or where principle of *fasad-fil-arz* attracted, the court might punish a culprit against whom either *qisas* is waived or *qatl-i-amd* is compounded, with death sentence or life imprisonment or any imprisonment up to 14 years as *ta'zir*. Furthermore, by inserting a proviso under section 311 PPC, in the year 2005, it is provided that where premeditated murder, i.e. *qatl-i-amd*, is committed in the name of or on the pretext of honour, punishment as *ta'zir* would not be less than 10 years' imprisonment.

The discretionary power of awarding sentence under section 311 PPC in cases of *qatl-i-amd* was exercised, soon after the promulgation of *qisas* and *diyat* law of Pakistan, without creating any difference whether conviction and sentence were recorded as *qisas* or *ta'zir*. In other words, in early cases of *qatl-i-amd* regarding the application of section 311 PPC two different judicial approaches can be found. As per the first approach discretionary power under section 311 PPC can be exercised in all types of punishments of *qatl-i-amd* either as *qisas* under section 302 (a) PPC or as *ta'zir* under section 302 (b) or (c) PPC.⁸ But according to another judicial approach, the law was settled that provisions of section 311 PPC attract only in *qisas* cases which fall under clause (a) of section 302 PPC.⁹ The difference of approaches in court decisions is also discussed by the larger bench of five judges of the Supreme Court of Pakistan in the case of *Zahid Rehman*.¹⁰ Nonetheless, the law was settled subsequently by the apex court by holding that principle of '*fasad-fil-arz*' applies only in cases of *qisas* when conviction and sentence to death of *qatl-i-amd* are recorded under section 302 (a) PPC.¹¹

3- Punishment Of *Qatl-i-Amd* As *Ta'zir* Under Section 302 (B) or (C) PPC And Scope of Composition

Courts have discretionary powers under sections 345 Cr.PC and 338-F PPC to accept compromise between parties in cases of *qatl-i-amd* where punishment is awarded as *ta'zir* under section 302 (b) PPC. A case law study discloses that to date such power was exercised very sparingly by the judges in favour of murderers where compromise was not free from compulsion or coercion. Many reasons have been given by the higher judiciary as well superior judiciary for not accepting compromise between parties. For instance, in *Abdul Ghafoor's* compromise was not accepted for it was not free from blemish.¹² In another case the Supreme Court refused leave to appeal because of invalid compromise which was obtained from parents of the deceased under fear and undue influence.¹³ In another case of this category compromise with *Muhammad Jabbar*, who killed three persons, was rejected because legal heirs of the deceased were subjected to gruesome cruelty for entering into compromise.¹⁴ Similarly, the Lahore High Court rejected compromise in the case of *Muhammad Siddique*, who murdered three persons in brutal manner. In this case although the mother deceased before the court did not deny compromise but tears in her eyes were indicating a forced compromise.¹⁵ In the case of *Muhammad Arshad alias Pappu* the apex court rejected compromise of a widow who disclosed before the court that she was given threats of life for entering into compromise.¹⁶ Again, in a quadruple murder case, compromise was not accepted at all judicial forums because only for not giving a girl in marriage and then transferring landed property in the name of accused three innocent persons were killed.¹⁷

4- Reaction and Protest of Vibrant Society on Acceptance of Compromise In recent Cases of *Qatl-I-'Amad*

Society may feel discomfort and vulnerability, by and large, on every brutal offence of *qatl* but in few recent murder cases when reliefs were granted to culprits by courts on affecting compromise between parties the civil society recorded protests and once again the application of Islamized law of murder of Pakistan was questioned by the members of civil society. According to the masses in these cases the way in which compromise was obtained and then accepted by courts does not meet the standards of justice, transparency and fair trial in this advanced world.

5.1 - Acquittal of Raymond Davis on the basis of compromise

The case of *Raymond Davis*, an American, was covered by local and international media due to brutal manner of occurrence and the rough justice in the case. The accused on 27-01-2011 opened fire at two young persons and killed them in day light in the busy area of Lahore. Meanwhile, another vehicle of American Consulate appeared at the spot for rescue the accused which was being driven from wrong side of the road and killed a third innocent citizen. The series of killing innocent persons infuriated the public. Hence the furious civil society lodged formal protest at street against the murders and demanded from government the exemplary punishment for the accused. The accused was arrested, he was charged with commission of offences of two murders and possessing illegal weapon. The accused Raymond Davis during investigation submitted his written statement wherein he denied charges and took plea of self-defence.¹⁸

No doubt this incident aggravated the then tense relationship between two States, i.e. Pakistan and the USA. The stance of Pakistan government was that the accused had no blanket immunity because he was

not an American diplomat. On the other hand the version of the USA was that it was a diplomat of America who had killed two persons in self-defence. Importantly, no evidence in order to meet the requirements of International Law, for establishing the diplomatic status of the accused was forwarded by American officials.¹⁹ However, after three weeks of his arrest the USA government accepted that the accused was a CIA contractor and a member of a team that was tracing militants in the territory of Pakistan.²⁰

For a quick release of the accused, the American Government by cutting a deal relied on the then government in Pakistan. On the other hand, the Pakistan government was taking time for avoiding public regression. Meanwhile, a petition was filed against the accused in the Lahore High Court which was accepted by the then Chief Justice of the High Court and directed the Federal Government to verify the official status of the accused. It was further observed by the Chief Justice that diplomatic immunity could be claimed by Raymond Davis if he was a diplomat otherwise his case would proceed in accordance with law.²¹ On the other hand, during judicial custody of the accused in Lahore Jail, the Senator John Kerry, Chairman of the US Senate Committee on Foreign Relations, visited Pakistan for getting the release of Raymond Davis.²² The matter was also negotiated by the top military officials of both States within and outside Pakistan.²³ The agreed solution of the case was found in the outside of court settlement; more probably it was acceptable under *Sha'riah* based *qisas* and *diyat* law of Pakistan too. Consequently, the victim families were given compensation and on the bases of compromise accused was acquitted of charges and set free. On and even after the acquittal of accused, the government of Pakistan never disclosed that by whom *diyat* was paid to the legal heirs on behalf of Raymond Davis. On

the other hand, Hilary Clinton, the United States Secretary of State, in her interview had categorically denied any payment of consideration by the US government. Ironically, *badl-i-sulh* or *diyat* payable by accused, his family or *aqilah* under *Shari'ah* was neither paid by Raymond Davis nor the US Government paid rather *diyat* amount was paid to the victim families by the then government of Pakistan.²⁴

The case of Raymond Davis, from his arrest to release, is disclosed by him in his book.²⁵ What Raymond Davis has stated in his book is, more or less, same was written by the authors of two relevant books - '*The Way of the Knife*'²⁶ and '*The Exile*'²⁷. What happened inside the court room on day of acquittal of Raymond Davis is worded by Mark Mazzetti in his book as 'the laws of God had trumped the laws of man'. The deal may be face-saving for both governments but not for Pakistani legal system and the judiciary. The difference in transparency of both legal systems, i.e. USA and Pakistan, can be adjudged by a subsequent incarceration of Raymond Davis in a US jail when he, after about seven months of his departure from Pakistan, committed offence of felony assault on a trivial matter of car parking.

Strategically, no doubt, acquittal of Raymond Davis from a double murder case was in the interest of both States - Pakistan and the USA. But in terms of statutory law and judicial precedents, the way compromise was reached at left few questions on the transparency of the legal and judicial systems of Pakistan. First, is this not illegal to release a person before completion of trial especially when murders are committed in an unashamed and heinous manner by firing multiple bullets? Two, can it be called a genuine compromise when accused was himself unaware of composition and its conditions? Is acquittal of accused legal when not a single penny he paid as *diyat*? Why did judge hurry in acquitting accused

on the day he recorded statement of about 18 legal heirs? Why none of the judicial forums probed the matter of genuineness of compromise, subsequently? Had the trial of Raymond Davis case completed in accordance with law, he might be convicted and punished under section 7 ATA or under section 311 PPC as in this case principle of '*fasad fil-arz*' had attracted fully.

5.2 Acceptance of Compromise in *Shahrukh Jatoi's Case*

Shahrukh jatoi, son of an influential figure, was charged for committing a cold blood murder of Shah Zaib Khan. In this case the Supreme Court of Pakistan took *suo moto* notice twice.²⁸ In this case a twenty years old guy Shah Zaib Khan was gunned down in the night of December 24, 2012 in Karachi for he came to protect her sister when she was flirted by accused persons. After this incident main accused of the case namely Shahrukh Jatoi, on 27-12-2012, escaped Dubai and was subsequently brought back to Pakistan by the state agencies. In order to avoid incarceration, during trial proceedings, the main accused was kept under medical treatment in a hospital. This was the special backdrop of the case so it was highlighted and covered by local as well as international media. The incident sparked widespread outrage across the country and it once again raised every one's eyebrows especially on this particular case and generally on overall *Shari'ah* based law of murder of Pakistan.²⁹

On completion of trial, the accused persons were convicted by the Anti-Terrorism Court No. III, Karachi vide its judgment, dated 07-08-2013, under section 7(a) ATA and 302, 109/34 PPC and sentenced Shahrukh Jatoi and another to death. Decision of trial court was assailed by convicts before the High Court Sindh, Karachi.³⁰ The High Court, ignoring the direction of the apex court, after hearing the case dropped relevant sections of the Anti-Terrorism Act, 1997 and remanded case back

to the court of proper jurisdiction, i.e. Sessions Judge, for *de-novo* trial and decision afresh. For an unexpected decision of special court, the victim family of deceased under disappointment from the outcome of legal proceedings had decided to patch up the matter. However, later on a petition for granting bail to accused persons was filed before the court on the fresh ground of compromise. Before the court, in this regard, an affidavit was submitted by the deceased's father for releasing Shahrukh Jatoi on bail also about pardoning him in the name of *Allah* Almighty and his acquittal.³¹ The compromise between parties was accepted by the court on 23-12-2017; bail was granted to Shahrukh Jatoi and others and he was released from Jinnah Hospital, Karachi while other co-accused were released from jail. From the facts of this case it seems that it was pathetic and lengthy legal process which forced the aggrieved family to patch up the matter outside court. The mother of deceased, showing her resentments and disappointment, in her interview to a Daily Dawn, said that death of killer would not bring back her son and that they might not forgive accused persons in their hearts but they had pardoned them. She also said that they had no hope of sentence of accused and could not spend entire life in fear.³² Nevertheless, order of Division Bench of the Sindh High Court, dated 28-11-2017, was assailed by the members of civil society before the Apex Court of Pakistan by filing three independent petitions for leave to appeal. These petitions presented on behalf of civil society were signed by above four hundred people of different areas of Pakistan and of different walks of life. According to petitioners the Sindh High Court had erred placing reliance on precedent cases of the Supreme Court of Pakistan. Petitioners also alleged that the State through its Prosecutor General Sindh unjustly conceded the case of accused persons resultantly failed to carry out its legal and moral responsibility to protect the

fundamental rights of citizens. Members of civil society in their petitions also took plea that citizens might lose their confidence in the criminal justice system if on the basis of mere compromise accused are acquitted and this perception would further strengthen the belief that legal system favours the rich.³³ Through social media campaign it was demanded that the rich and the powerful be held accountable for their offences. Many lawyers and Human Rights' activists argued before the apex court that provisions of section 311 PPC should be invoked to create deterrence and in order to control the increase rate of murder cases.³⁴ The Supreme Court of Pakistan accepted these petitions for leave to appeal by converting them into *suo moto* case and recalled the order of the Sindh High Court by passing a short order.³⁵ Moreover, appeals before the High Court were ordered to be remained pending and a new constituted bench of the High Court would dispose of the matter within a span of two months. Consequently, bail concession extended to accused was recalled, they were ordered to be taken into custody again and their names were placed on Exit Control List.

A similar third offence of murder, on which masses recorded protest, was committed by another American namely Colonel Joseph Emanuel Hall in Islamabad when his vehicle hit and killer a young local boy.³⁶ In order to seek justice for the aggrieved family writ petitions no. 1385/18 and 1386/18 were moved before the Islamabad High Court, Islamabad but the accused was sent abroad after affecting a compromise with the deceased's family.

5- Conclusion

The legislature while Islamizing the law of homicide introduced few Islamic principles likes *qisas*, *diyat*, *afw*, *sulh*, *badl-e sulh* and *fasad-fil-arz* into the criminal law of Pakistan but ignored concepts of *aqilah* and

qasamah. The legislature also failed to foresee the effect of acquittal of killers on the basis of compromise on society. As per law of *Sha'riah* when an offence is committed three rights are infringed, i.e. right of individual, right of God and right of community. But under Pakistani law only individuals are given right to compound the offence of *qatl* and ignored two other rights. This is the reason that compromise in compoundable cases is sometimes unwelcomed by the vibrant civil society, like the cases of *Raymond Davis* and *Shahrukh Jatoi*. Modern social trends, wishes and expectations of masses are reasonable which must be taken into consideration by the legislature for revisiting existing law and the judiciary should also interpret law keeping in view the sentiment of members of modern society. In *Raymond Davis* case despite that a series of brutal killing took place and the incident equally invited attention of media and civil society but Pakistan judiciary refrained from interfering. Even a question as to whether Raymond Davis had or had not status of Diplomat was yet to be decided by the Lahore High Court but on the basis of compromise accused was acquitted. In order to address the social concern and community rights, flaws of the law relating to *qatl-i-amd* can be cured by providing mandatory punishment of imprisonment up to 7 years with fine in cases where parties patch up *qatl-i-amd* through *afw*, *sulh* or composition outside the courts. The State is empowered under Islamic law to introduce such amendment as its authority is recognised under the *Hanafi* doctrine of *siyasah*.

¹ *Federation of Pakistan through Secretary, Ministry of Law and another vs. Gul Hasan Khan*, PLD 1989 SC 633.

² See section 309 of the Pakistan Penal Code, 1860.

³ See clause (2) of section 309 of the Penal Code.

⁴ Compensation or '*badl-i-sulh*' as per provisions of section 310 PPC is a mutually agreed compensation payable by the offender to a *wali* or *walis* of the deceased.

⁵ Term '*mutatis mutandis*' is defined under Black's Law Dictionary, 4th Edition, published by St. Paul, Minn. West Publishing Co. 1968, at page 1172 as "with the

necessary changes in points of detail, meaning that matters or things are generally the same, but to be altered when necessary, as to names, offices, and the like.”

- ⁶ The Supreme Court settled this law in the case of *Safdar Ali*, PLD 1991 SC 202 by its larger bench of five judges. Later on, the settled law was approved by a four judges’ bench of the apex court in *Sh. Muhammad Aslam and another vs. Shaukat Ali alias Shauka and others*, 1997 SCMR 1307. The same settled law is reiterated by a bench of Supreme Court of seven judges in *Muhammad Yousaf vs. The State*, PLD 2019 SC 461.
- ⁷ The provisions of section 311 PPC had been frequently changing by the legislature since the year 1980 when first draft on the law was finalised. The expression ‘*fasad-fil-arz*’ was not added under section 311 PPC when Islamic Law was promulgated through the Criminal Law (Second Amendment) Ordinance, 1990. Nonetheless, under section 311 PPC, the Ordinance of 1990 provided mere punishment of imprisonment up to ten years as *ta’zir* for those convicts against whom right of *qisas* was either waived or compounded.
- ⁸ For instance, in the decisions of cases of *Moula Bux vs. The State*, 1992 MLD 1590 Karachi; *Nisar Ahmad and two others vs. The State*, 1994 PCr.LJ 1587 Lahore; *Muratab Ali vs. The State*, 1994 PCr.LJ 1413 Lahore; *Muhammad Ramzan alias Ramzani vs. The State*, 1996 SCMR 906; *Naseem Akhtar and another vs. The State*, PLD 2010 SC 938; *Nazak Hussain vs. The State*, PLD 1996 SC 178; *Muhammad Saleem and others vs. The State*, 2005 SCMR 849; *Hikmatullah and 2 others vs. The State*, 2007 SCMR 610 and *Azmat and another vs. The State*, PLD 2009 SC 768.
- ⁹ See the decisions of courts in cases of *Nazar Ali vs. The State*, PLD 1992 Pesh. 176; *Muhammad Ishaq vs. The State*, PLD 1992 Pesh. 187; *Usman and another vs. The State*, 1992 PCr.LJ 1960 Karachi; *Azmat Ullah Khan vs. The State*, 1993 PCr.LJ 1220 Lahore and *Manzoor Hussain and 4 others vs. The State*, 1994 SCMR 1327.
- ¹⁰ *Zahid Rehman vs. The State*, PLD 2015 SC 77, at p.116.
- ¹¹ For instance, *Khalid Nawaz vs. The State*, 1999 SCMR 933; *Khan Muhammad vs The State*, 2005 SCMR 599; *Shahbaz vs. The State*; 2006 PCr.LJ 1541 Lahore; *Iftikhar-ul-Hassan vs. Israr Bashir and another*, PLD 2007 SC 111; *Iqbal Ahmed vs. The State*, 2013 SCMR 271 and *Iqrar Hussain and others vs. The State and another*, 2014 SCMR 1155.
- ¹² *Abdul Ghafoor and 3 others vs. The State*, 1992 SCMR 1218 at pp. 1222, 1223.
- ¹³ *Ghulam Sajjad vs. The State and others*, 1997 SCMR 1526.
- ¹⁴ *Muhammad Jabbar vs. The State and 10 others*, 2000 PCr.LJ 1688 Lah.
- ¹⁵ *Muhammad Siddique vs. The State*, PLD 2002 Lah. 444, at p. 452. In this case the High Court on a question as to whether law become a social catalyst for change had observed at page 454 of the judgment that that acquittal of accused in offences which are more serious in nature and have graver social ramifications due to compromise between parties may encourage the social trends of committing such offences.
- ¹⁶ *Muhammad Arshad alias Pappu vs. Additional Sessions Judge, Lahore and 3 others*, PLD 2003 SC 547.
- ¹⁷ *Naseem Akhtar vs. The State*, PLD 2010 SC 938. It is observed by the Supreme Court, at page 942 of the decision, that courts may refuse to give an effect to such a deal, especially coupled with the scenario when the offence is gruesome, brutal, cruel, appalling, odious, gross and repulsive which causes terror and sensation in the society.
- ¹⁸ The Guardian International, ‘A CIA spy, a hail of bullets, three killed and a US-Pakistan diplomatic row’, published on Sunday 20 Feb 2011.
- ¹⁹ Rumi Raza, ‘[Raymond Davis case: Bitter truths](#)’; [The Express Tribune](#), published on February 16, 2011.

- ²⁰ K.. Alan Kronstadt ‘Pakistan-U.S. Relations’ published in Congressional Research Service on May 24, 2012.
- ²¹ See *ibid*, at p. 115.
- ²² Hassan Tariq, ‘Diplomatic or Consular Immunity for Criminal Offenses’; Virginia Journal of International Law (2011) Volume II, Page 17, at p. 18.
- ²³ Jetly Rajshree, ‘The Raymond Davis Case’; published in the ISAS Brief No. 191 on 28-03-2011.
- ²⁴ Strasser Peter G., ‘The Evolving Pakistani Criminal Justice System: A Study of the Raymond Davis Matter’ published in ‘TULANE J. OF INT’L & COMP. LAW’ 2014 [Vol. 23] pp.107-149, at p. 139.
- ²⁵ Davis Raymond, ‘The Contractor’, BenBella Books, Inc., Dallas, First Edition (2017) .
- ²⁶ Mazzetti Mark, ‘The way of the knife’; The Penguin Press, New York (2013).
- ²⁷ Scott Cathy -Clark and Levy Adrian, ‘The Exile’; Bloomsbur, New York, USA, First Edition (2017).
- ²⁸ *Suo moto* case, CP No. 1 of 2013, was disposed of on 22-02-2013 with a finding that provisions of the Anti-Terrorism Act, 1997 attract and the Anti-Terrorism Court would proceed with the trial on day to day basis.
- ²⁹ Shah Waseem Ahmad, ‘[Pros and Cons of Qisas and Diyat law](#)’, Daily Dawn, dated 16-09-2013.
- ³⁰ Trial Court sent a reference i.e. Confirmation Case No. 1/2013 to the High Court Sindh. Appeal No. 25/2013 against their conviction was moved by the convict persons.
- ³¹ See Daily Dawn, dated 23-12-2017.
- ³² See Daily Dawn, dated 09-09-2013.
- ³³ See ‘Roundtable Discussion on ‘Qisas’ and ‘Diyat’ Law within the Criminal Justice System, dated 21-09- 2013 published by the SOL School of Law. Retrieved online on 10-10-2015.
- ³⁴ Shah Waseem Ahmad, ‘Pros and cons of Qisas and Diyat law’, published on 16-09-2013.
- ³⁵ *Muhammad Jibran Nasir and others vs. The State and others*, PLD 2018 SC 351.
- ³⁶ The incident was reported in case FIR No. 168/18, dated 07-04-2018, under section 302 PPC, Police Station Kohsar, Islamabad.



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