

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

MR. JUSTICE EJAZ AFZAL KHAN
MR. JUSTICE DOST MUHAMMAD KHAN
MR. JUSTICE QAZI FAEZ ISA

CIVIL PETITION NO.2845 OF 2015

(Against the order dated 01.09.2015 of the
Lahore High Court, Lahore passed in Writ
Petition No.22496/2015).

Mst. Nusrat Parveen.

... Petitioner

Versus

Home Department, Govt. of Punjab through
its Secretary and others.

... Respondents

For the Petitioner:

Dr. Tariq Hassan, ASC.
Mr. Mehmood A. Sheikh, AOR.
Syed Buland Hussain, Adv.
Maryam Haq, Adv.

For the Respondents:

Not represented.

Date of Hearing:

21.09.2015.

ORDER

Ejaz Afzal Khan, J.- This petition for leave to appeal has arisen out of the judgment dated 01.09.2015 of a Division Bench of the Lahore High Court, Lahore, whereby the writ petition filed by the petitioner was dismissed.

2. Short background of this case is that petitioner's son was tried by the competent court of law and convicted and sentenced to death. The conviction and sentence were confirmed by the High Court. A petition for leave to appeal was filed which was converted into appeal but at the end of the day it was dismissed vide judgment dated 13.12.2012.

3. Learned ASC appearing on behalf of the petitioner contended that sentence of death if and when awarded has to be executed keeping in view the honour and dignity of the condemned prisoner. The learned ASC by

ATTESTED

Superintendent
Supreme Court of Pakistan
Islamabad

referring to Rule 356 of Jail Manual sought to canvass at the bar that a person who has no control over his stool and urine because of being paraplegic cannot be executed with honour and dignity so long as he does not become normal.

4. We have gone through the entire record carefully and relevant rule referred to by the learned ASC for the petitioner.

5. We cannot undo through collateral proceedings what has been done by this Court while dismissing the appeal of the petitioner. As far as compliance with the relevant rules of Jail Manual is concerned we, however, do not feel chary, even for a while, of observing that Superintendent of Jail and other staff assigned the job of executing the condemned prisoner shall comply with the relevant rules.

6. With the observation mentioned above this petition is disposed of.



Islamabad, the:
21st September, 2015.

Not Approved for Reporting
(M. Tauseef)

21.9.15

Sd/- Ejaz Afzal Khan, J
Sd/- Dost Muhammad Khan, J
Sd/- Qazi Faez Isa, J
Certified to be True Copy

Superintendent
Supreme Court of Pakistan
Islamabad

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