



**FROM FIR TO FINAL APPEAL: A SOCIO-LEGAL ANALYSIS OF  
GENDER-BASED VIOLENCE ADJUDICATION IN PAKISTAN  
THROUGH THE NOOR MUKADAM CASE**

**Saima Manzoor\***

**\*Corresponding Author**

*Lecturer (Criminology), Department of Sociology and Criminology, University of Sargodha*

*E-mail: [saima.manzoor@uos.edu.pk](mailto:saima.manzoor@uos.edu.pk)*

**Eman Fatima**

*BS Criminology (Scholar), Department of Sociology and Criminology, University of Sargodha*

*E-mail: [emanfatimamalik101@gmail.com](mailto:emanfatimamalik101@gmail.com)*

**Tayyba Khan**

*M. Phil (Scholar), Department of Sociology and Criminology, University of Sargodha*

*E-mail: [tayybawaheed722@gmail.com](mailto:tayybawaheed722@gmail.com)*

**Abiha Munir**

*BS Criminology (Scholar), Department of Criminology and Sociology, University of Sargodha*

*E-mail: [abihamunir1327@gmail.com](mailto:abihamunir1327@gmail.com)*

**Alishba Zia**

*BS Criminology (Scholar), Department of Sociology and Criminology, University of Sargodha*

*E-mail: [ziaalishba16@gmail.com](mailto:ziaalishba16@gmail.com)*

**Abstract**

*The Noor Mukadam Case, progression from the registering of the First Information Report to the final adjudication by the Gender Based Violence (GBV) Special Court and the Supreme Court of Pakistan is a good and necessary socio-legal prospect to understand the adjudication of gender-based violence in Pakistan criminal justice system. This study examines the case using a criminological socio-legal approach; a combination of doctrinal analysis of the judicial proceedings and criminological assessment of evidentiary practices is used. The research focuses on the virtue of Section 302, 364, 342, and 376 of the Pakistan Penal Code (1860) in the application process and the determination of actus reus and mens rea using CCTVs, forensic science, and eyewitness accounts. The Additional Session Judge Special Court GBV, East/West Islamabad and Supreme Court judgments court stressed on how vital digital evidence is and enforced the responsibility of household staff to intervene or report imminent harm. The Supreme Court upheld the conviction of murder and rape, but set aside the charge of kidnapping, thereby strengthening the acceptability of digital and forensic evidence to support capital punishment in line with the absence of eyewitness. By the perspective of criminology, the case shows how technological advancement and forensic tools are capable of eliciting the physical and psychological aspects of violent crime. Beyond the doctrinal*



*implications, the study draws attention to systemic issues, such as relying too much on circumstantial reasoning and lack of capacity in forensic expertise and a dispensation in gender-sensitive investigative techniques. It proposes to internalize the procedures of digital evidence, empower forensic infrastructure and integrate the use of victim-based strategies into policing and judicial education. This study puts the case on Noor Mukadam in context through relating law and criminology with broader concerns on gender based violence, accountability and reforming justice in Pakistan.*

**Keywords:** *Noor Mukadam Case; Pakistan Penal Code; Gender-Based Violence; Actus Reus; Mens Rea; Digital Evidence; Forensic Evidence; Absence of Eyewitness; Criminological Socio-legal Approach; Doctrinal Analysis.*

### **Introduction**

An important component in the Pakistani legal system is the First Information Report (FIR) which is the first document of a crime. It is the foundation of the criminal justice process and is the first document that is required to initiate a police investigation (Arain et al., 2014). The FIR system is regulated by the Pakistan Penal Code (1860) and Criminal Procedure Code (1898) among the laws. The importance of the FIR in the judgement system of Pakistan has been discussed in this review where a special focus is made on its role in law work, its leverage in the investigating and prosecution process, and issues faced by it.

One of the most high-profiled cases in the Pakistan judicial history is the killing of Noor Mukadam, a 27-year-old daughter of a former diplomat. Not only a horrific violence, but also a moment in the discussion of gender-based violence in Pakistan, the murder of Noor Mukadam led to Islamabad on July 20, 2021. The case has received unusual publicity due to the social background of Noor and the brutal violence of the crime itself that compelled the institutions, media and civil society to reflect on institutional weaknesses in safeguarding women (Waheed, 2021). Beyond convicting the perpetrator, Zahir Jaffer, the case established several essential judicial precedents, including impact on the public discourse, and revealed underlying social issues, which are the problem of femicide and impunity (Iqbal, 2025; Irfan, 2022).

### **Significance of the Study**

Noor Mukadam case is multidimensional, that is important to the justice system and society in Pakistan. It contributed to making those in high profile crimes more accountable, judicially by sentencing Zahir Jaffer to death and upholding the death sentence in the Supreme Court, and by solidifying the admissibility of CCTV footage as the evidence of silent witness (Mehtab, 2025; Iqbal, 2025). It socially and culturally represented the ever-increasing crisis of femicide in Pakistan, branded as gender terrorism, which defied the established tradition of patriarchy and triggered the national discourse of female independence and safety (Waheed, 2021).

### **Research Questions**

The study research questions are as follows:

1. How did FIR No. 380/21 and subsequent judicial proceedings shaped the framing of charges and determine the trajectory of the Noor Mukadam case under Section 302 PPC and related offences?
2. How did the prosecution prove actus rea & mens rea using evidences like CCTV footage, forensic reports, and witness testimonies?



### Review of Literature

The Pakistani Laws Framework FIR under Section 154 of the Criminal Procedure Code (1898) primarily elaborates the legal consideration in the filing of a formal complaint (Arain et al, 2014). Under this provision, whereby a police officer is presented with information concerning the commission of a crime that is cognizable, which is a crime that enables the police to arrest the criminal without a warrant, the police officer is required to make an official complaint. The FIR is an official compilation of the crime, and carries details about the crime, place and time of the incident, and where possible the name of a suspected offender. The FIR is among the most critical starting points of a criminal justice process (Mumtaz el al, 2024). Without FIR, law enforcement does not have an avenue to begin to investigate a crime. It offers the outline on how police would investigate witnesses, evidence, and identify suspects. Another reason that prosecutors use the FIR to support their case in court is evidence of the case. Consequently, the outcomes of a criminal investigation and a trial can directly be influenced by the fullness, rapidity, and accuracy of an official complaint.

One of the key areas of responsibility of the FIR system is FIR and the Defence of Essential Rights Protecting the basic rights of the Pakistani citizens. Registration of a formal complaint is one of the requisite elements of access to justice. It also ensures that everyone, irrespective of the social or economic status, has a chance at the criminal justice system and allows the victim of a crime to seek a legal redress (Arain & Arain, 2016).

Gender-based Violence (GBV) in Pakistan is a highly researched topic, and the interactions between cultural, social and legal frameworks have been highlighted by the scholars and human rights bodies and have contributed to the proliferation of violence. Although it seems widely agreed that GBV is perpetuated, there is nonetheless a divergence in the topic of interest to literature, with some addressing cultural and patriarchal norms, others structural/legal gaps, and others, the interplay of tradition and modern law. Nurtjahyo and Wicaksono (2025), puts emphasized that GBV in South Asia, such as in Pakistan, in the context of structural collapses of institutions, in which patriarchal values are embedded within the framework of the law and enforcement agencies. Although this study is helpful to put Pakistan in the context of the region, it is inclined towards generalizing the countries, and little evidence is specific to Pakistan. In comparison, Zakar, Zakar, and Kraemer (2013) present empirical results regarding the perception of intimate partner violence (IPV) by men. The emphasis on the deeply-rooted patriarchal norms that normalize violence is underlined in their study, but the emphasis is on the perspective of men showing little of the agency or resistance of women.

The discussion by Nasrullah, Zakar, and Zakar (2014) is expanded because adolescent women omit other vulnerable groups, including divorced or widowed women. Opposed to scholarly research, the annual reports, provided by the Human Rights Commission of Pakistan (HRC, 2019-2021), present modern evidence regarding violence, both honor killings and prosecution failures. Such reports are useful in trend tracking and in helping to identify areas of implementation that is missing but are less rigorous in their approach, using reported cases that may fail to capture the hidden manifestation of violence as a result of underreporting.



### **Theoretical framework**

In criminal jurisprudence, for instance, liability in a serious criminal offence such as murder requires the establishment of two fundamental elements, actus reus (the guilty act) plus mens rea (the guilty mind). The maxim "actus non facit reum nisi mens sit rea" - an act does not make one guilty unless the mind is guilty - gives this principle its foundation (Ormerod, Laird, & Gibson, 2024). The Noor Muqaddam case provides an interesting illustration of how these legal doctrines work in practice, especially as a high-profile trial that influenced how judges and the broader society in Pakistan think about the case.

### **Actus Reus in the Case**

Actus reus is the physical element of the crime - it is the conduct, circumstances surrounding the conduct, and harm that ensues (Horder, 2022). In this case, the actus reus was created through:

1. Unlawful restraint and detention of Noor Muqaddam in the residence of the accused
2. Physical Violence and Assault Leading up to the Fatal Incident
3. The act of murder through forensic evidence and autopsy report.

The CCTV footage, medical reports, and eyewitness accounts proved that the actions of the accused were intentional and unlawful, and directly led to the victim's death (Malhi, 2025). This met the evidentiary requirement for the "guilty act."

### **Mens Rea in the Case**

Mens rea means the state of mind of the accused in the moment of commission of crime. Courts infer it from conduct and context not through direct proof ((Simester et al., 2019). In this case mens rea was formed through:

**Premeditation:** The locking up of the victim and making it impossible for her to get away showed some planning.

**Intent to kill:** According to the brutality of the injuries highlighted in the findings of the forensics, there was an unequivocal intent to inflict death.

**Consciousness of Guilt:** Post offences behaviour such as attempts to cover the evidence showed that they were aware of the guilt (Abbasi, 2025).

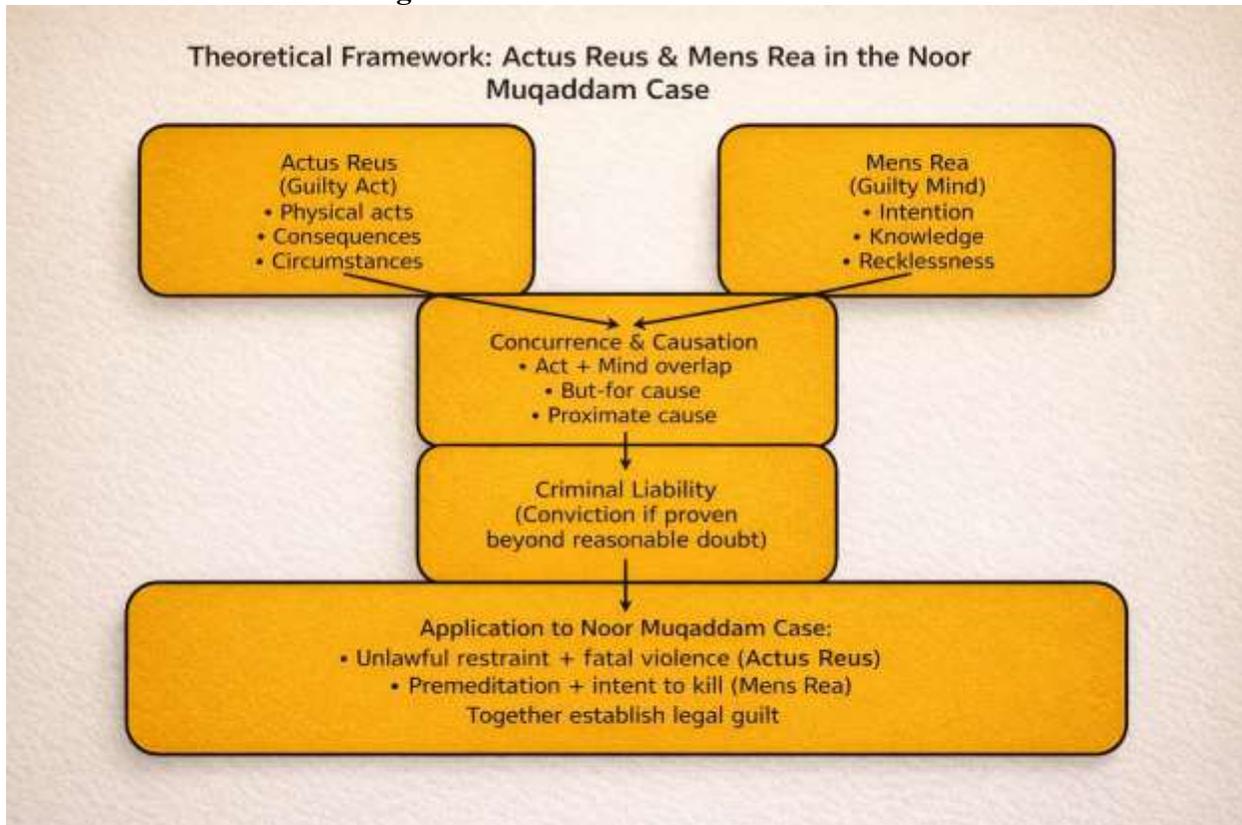
These factors showed that the accused had the requisite mental element of a "guilty mind" according to the requirement.

### **Concurrence and Causation**

For liability, actus reus & mens rea must be coincident in time - this is a doctrine called concurrence (Clarkson, 2005). In the cases of Noor Muqaddam, the prosecution proved not only that the accused committed the fatal act but also that he did so with the mental intent.

Additionally causation required demonstrating both that the accused's conduct was the factual cause (expenditures would not have occurred but for the act) and the legal cause (death was a foreseeable consequence of the expenditure). Forensic reports provided a direct link of injuries inflicted that ruled out the possibility of an intervening cause of death.

**Diagram No. 01: Theoretical Framework**



*Source: Researcher's Vision*

This case was successfully prosecuted because the careful linking of actus reus and mens rea provide a strong link for the process of the criminal justice system. It restated the idea that the privilege or social status of one cannot shield him/her against the liability on the occasion that both bodily and mental elements of a crime are established beyond reasonable doubt (Manzoor, Munir, Fatima, & Zia, 2025).

The case of Noor Muqaddam is an example that illustrates how the principles of actus reus and mens rea continue to be relevant in modern criminal law. The guilty deed was established by restraint, violence and homicide; the guilty mind was established by premeditation, intent and concealment. Their concurrence formed the basis for conviction, which would ensure that justice was both legal and significant in the social world.



### **Research Gap**

Although the Noor Mukadam murder gave rise to much media coverage and high-profile judicial developments, academic work that have provided a workable doctrinal and criminological analysis of the case, i.e. in-depth analysis of the judgments and the evidentiary procedures employed to establish the *actus reus* and *mens rea*, and the application of the relevant provisions of the Pakistan Penal Code (1860), still remains limited. Existing scholarly attention has been more based on media framing and public discourse around the case (Butt, Khan, & Khalid, 2024) or reasoning behind commonplace studies like FIR registration and police investigation practice in Pakistan (Batool et al., 2024; Jamshed et al., 2020), than applied and case-specific legal study. This study addresses that gap by drawing upon document-based legal analysis of the FIR and trial record and a critical analysis of investigative and evidentiary practices.

### **Research Methodology**

This study takes a criminological socio-legal approach where the main methodologies used are doctrinal legal analysis of judicial judgments. While doctrinal analysis relies on legal scholarship as its traditional foundation, when applied to the criminological field, it provides a critical lens through which to explore the relationship between judicial reasoning, evidentiary standards and statutory interpretation in response to crime (Hutchinson & Duncan, 2012). The judgments in the Noor Mukadam case were used for the analysis with an objective to identify the issues in the process of investigation and trial by analyzing the judgments. By discussing judicial opinions as criminological data, the study continues to cultivate the relationship between law and criminology and provides insight into the interaction between legal doctrines, criminal justice practices and the socio-cultural dimensions of safety for women. This methodology enables systematic investigation of precedent-setting decisions, placing them within broader criminological debate about policing, accountability and the treatment of vulnerable groups. By analyzing the judgments, court proceedings, verdicts, and the secondary materials involved, the research is aimed at evaluating the interplay of *actus reus* (guilty act) and *mens rea* (guilty mind) under the provisions of Pakistan Penal code, and the bigger picture of women's safety and criminal justice reform in Pakistan.

### **Data Sources**

The data set is composed of primary legal documents as well as secondary scholarly and institutional sources. Primary sources are the First Information Report (FIR No. 380/21), and judicial verdict: The Additional Sessions Judge Special Court GBV, East/West-Islamabad, and the Supreme Court of Pakistan. In order to trace secondary sources, peer-reviewed journal research papers on gender-based violence in Pakistan (e.g. Butt, Khan, & Khalid, 2024), FIR registration practice analysis (Batool et al., 2024), FIR police investigation (Jamshed et al., 2020), and UN Women & Human Rights Commission of Pakistan (HRCP, 2025) institutional reports have been used. Apart from the court order, media coverage from reputable media outlets such as Dawn and The News was also studied to put the public and policy discourse in regard to the case into perspective.



### **Data Collection Procedure**

Data has been obtained using desk-based research. Court judgments and FIR documentation received from judiciary records in public documents and cross-checked from the media reports. Academic articles were retrieved from online databases such as Google Scholar, JSTOR and ResearchGate. Reports from UN women and HRC (2022), were downloaded from their official web sites. To ensure reliability, only documents of credible and verifiable sources were taken into account for the analysis.

### **Data Analysis**

A thematic analysis of content was carried out of the documents collected. The three stages of the analysis were:

**Legal-doctrinal analysis:** Looking to the ways that Sections 302, 365, 342, and 376 of the Pakistan Penal Code (1860) were applied to the case.

**Criminological Analysis:** Interpreting how actus reus and mens rea was established using forensic, testimonial and circumstantial evidence.

**Socio-legal Analysis:** Placing the case in the larger debate on violence against women, patriarchal constructs and delivery of justice in Pakistan

The triangulation of legal writings, the verdict of courts of Law, and academic literature permitted a comprehensive and critical consideration of the Noor Mukadam case as a legal precedent and a social phenomenon.

### **Ethical Considerations**

Given the sensitive nature of the case and its violent nature, care was taken in the study to avoid sensationalism or superfluous graphic detail. Only public (not confidential) documents were analysed. The research work's purpose is to point out systemic problems within the criminal justice and gender protection instead of the sensationalization of personal tragedy.

### **Results**

The findings reveal the collaborative role played by FIR No. 380/21, trial court proceedings, the Additional Session Judge Special Court GBV, East/West Islamabad and Supreme Court judgements in the framing of charges, evidentiary standards and final sentencing in the Noor Mukadam case.

#### **1. Legal-Doctrinal Analysis**

The result of the legal-doctrinal analysis can be seen as the courts firmly upheld Section 302 PPC (1860), through reliance on digital and forensic evidence, there thus emerges a precedent for the admissibility of the non-eyewitness testimony in gender-based violence cases.



**A. Additional Sessions Judge Special Court GBV, East/West-Islamabad (Case No 92/2021, Trial No. 340/GBV/201)**

Detailed Findings of the Trial Court Judgement in the Noor Muqaddam Case Case Background on 20 July 2021, Noor Muqaddam, daughter of former ambassador, Shaukat Ali Mukadam, was brutally murdered at the residence of Zahir Zakir Jaffar at Islamabad.

The tragic incident contained elements of kidnapping, false imprisonment, sexual assault (Rape) and finally, murder. The case became of national interest because of the brutal nature of the crime, as well as the fact that a prominent family was involved.

**Accused Persons**

**Zahir Zakir Jaffar:** Primary accused, was charged for murder, rape, kidnapping and wrongful confinement.

**Muhammad Iftikhar (Chowkidar):** Among the charges against him was abetment and wrongful confinement.

**Muhammad Jan (Cook):** Accused of abetment, wrongful confinement.

**Zakir Jaffar and Asmat Adamjee:** Parents of the primary accused, who were charged with the offence of abetment.

**Therapy Works Employees**

Alleged to have helped following the incident. Evidence considered the trial was heavily based on technological and forensic evidence because eyewitnesses were lacking:

**CCTV Footage:** The video was captured of Noor trying to run away from the premises several times. She was captured by Zahir, and her phone taken and she was dragged back inside where she was last seen alive.

**DNA Reports:** Reported that Noor was sexually assaulted before she was killed.

**Weapon Recovery:** A blood contaminated knife used to twist off Noor's head was recovered from the scene and matched with forensic findings.

**Call Data and Phone Records:** Provides the evidence of the presence and movements of the accused at the scene of the crime.

**Witness Testimonies**

Statements from the chowkidar and cook proved that they knew about the crime and had failed to prevent or reported the crime. Key Findings of the Court:



**Primary Accused - Zahir Zakir Jaffar:** The court found overwhelming evidence that proved that Zahir brutally murdered and sexually assaulted Noor. The CCTV footage, DNA confirmation of rape and recovery of the murder weapon provided an unbroken chain of circumstantial evidence. Zahir's defense based on intoxication and false implication was brushed aside as if it was baseless.

**Household Staff - Muhammad Iftikhar and Muhammad Jan:** They were convicted for abetment and wrongful confinement. Despite witnessing the escape attempts and pleas for help made by Noor, they made no attempt to do anything to help her or contact authorities.

**Zahir's Parents - Zakir Jaffar and Asmat Adamjee:** Accused of abetment for their alleged attempts to suppress the incident, they were acquitted when insufficient evidence proved them directly involved in the incident or having intentions of doing so.

### **Therapy Works Employees**

Accused of assisting Zahir after the murder, the majority were acquitted after the prosecution failed to prove their complicity beyond reasonable doubt.

### **Sentences Awarded**

#### **Zahir Zakir Jaffar**

- Death Penalty under Section 302(b) PPC (1860) for Murder,
- 25 years Rigorous Imprisonment under Section 376 PPC (1860) for Rape
- Imprisonment for 10 years under Section 364 PPC (1860) for kidnapping
- 01 year imprisonment with Section 342 PPC (1860) for wrongful confinement, and
- Fines imposed, with punishments to run concurrently.

#### **Muhammad Iftikhar & Muhammad Jan**

- 10 year imprisonment each in abetment and wrongful confinement.

#### **Zakir Jaffar and Asmat Adamjee**

Found not guilty of all charges for want of conclusive evidence.

#### **Therapy Works Staff**

Mostly acquitted because insufficient evidence.

### **Observations of the Court**

The court emphasized the importance of modern technology in criminal justice. Digital evidence such as CCTVs and forensic studies were viewed as primary evidence and played a crucial role in obtaining convictions. The judgment emphasized the moral and legal duty of those who work in households to ensure that individuals were in distress and crimes were reported straight away.

The decision of the trial court became precedent in the matter of use of digital evidence and forensic evidence in Pakistan. It reiterated the principle that the failure to account for incriminating circumstances, such as the person's (victim) presence and death in the premises of the accused, is



beneficial to the prosecution's case. The decision highlighted the importance of technological evidence to achieve justice for cases in which there are no direct eyewitnesses.

## **B. Supreme Court Judgment (Zahir Zakir Jaffar v. The State, Crl. P. No. 467/2023)**

### **a) Case Background**

The main accused in the case is Zahir Zakir Jaffar, co-accused are Muhammad Iftikhar (chowkidar), Muhammad Jan (cook) and other persons involved in the incident. Noor Mukadam on 20th July 2021 was found dead inside Zahir Jaffar's house in Islamabad. The prosecution invoked several sections of Pakistan Penal Code (1860), including Section 302 (b)-relating to intentional murder, Section 376 (1) - relating to rape, Section 364 - relating to kidnapping or abduction, and Section 342 - relating to wrongful confinement among others applicable to the offence.

### **b) Nature of Evidence**

The prosecution case was entirely on circumstantial evidence as no eye-witnesses were present at the time of the offence. This evidentiary structure was composed of CCTs showing Noor Mukadam trying to escape from the premises, being apprehended and forcefully dragged back by the primary accused Zahir Zakir Jaffar. The evidentiary record was further boosted by DNA analysis confirming sexual assault, recovery of the crime weapon with the victim's blood on it, and forensic reports showing that the CCTV footage was real and unaltered. On the basis of this the Court restated the submitted legal principle that circumstantial evidence can be used to prove a conviction where it constitutes a total, coherent, and unbroken chain linking conclusively the accused with the commission of the offence.

### **c) Legal Principles Established**

**Digital Evidence as Primary Evidence:** CCTV footage has been accepted as admissible as primary evidence under the amended Qanun-e-Shahadat Order, 1984 and the Electronic Transactions Ordinance, 2002.

**Silent Witness Theory:** The Court applied the "Silent Witness Theory," whereby CCTV footage would be allowed to "speak for itself" without an eyewitness as long as it can be proven to be authentic.

**Two-Step Test for CCTV:** The State v. Ahmed Omar Sheikh (2021 SCMR 873), PLD reference used:

- Proof as to how the video was acquired and where it came from
- Forensic verification of unalteredness of video.

### **d) Findings against Zahir Zakir Jaffar**

The following are the main findings against the accused:

- Noor's body was brought back from Zahir's home



- CCTV footage showed Noor attempting to escape, Zahir catching her, stealing her phone and locking her in a guard cabinet and dragging her back inside
- DNA verified sexual assault (Rape)
- Zahir gave no plausible explanation as to how Noor ended up at his residence, or how she died
- The Court found in Zahir an unbroken chain of evidence establishing Zahir's guilt beyond reasonable doubt.

#### e) Final Sentences

The following are the award of last sentences by Supreme Court of Pakistan:

**For Murder:** Death sentence confirmed under section 302(b) PPC (1860).

**For Rape - Section 376(1) PPC (1860):** Conviction held but sentence discarded from death to life imprisonment.

**For Kidnapping - Section 364 PPC (1860):** Conviction set aside; Zahir acquitted of this charge.

**For Wrongful Confinement - Section 342 PPC (1860):** One year imprisonment sustained.

**Benefit of Section 382-B Criminal Procedure Code (1898):** Other sentences run concurrently to get the benefit of Section 382-B Cr.P.C. (1898).

#### f) Co-Accused

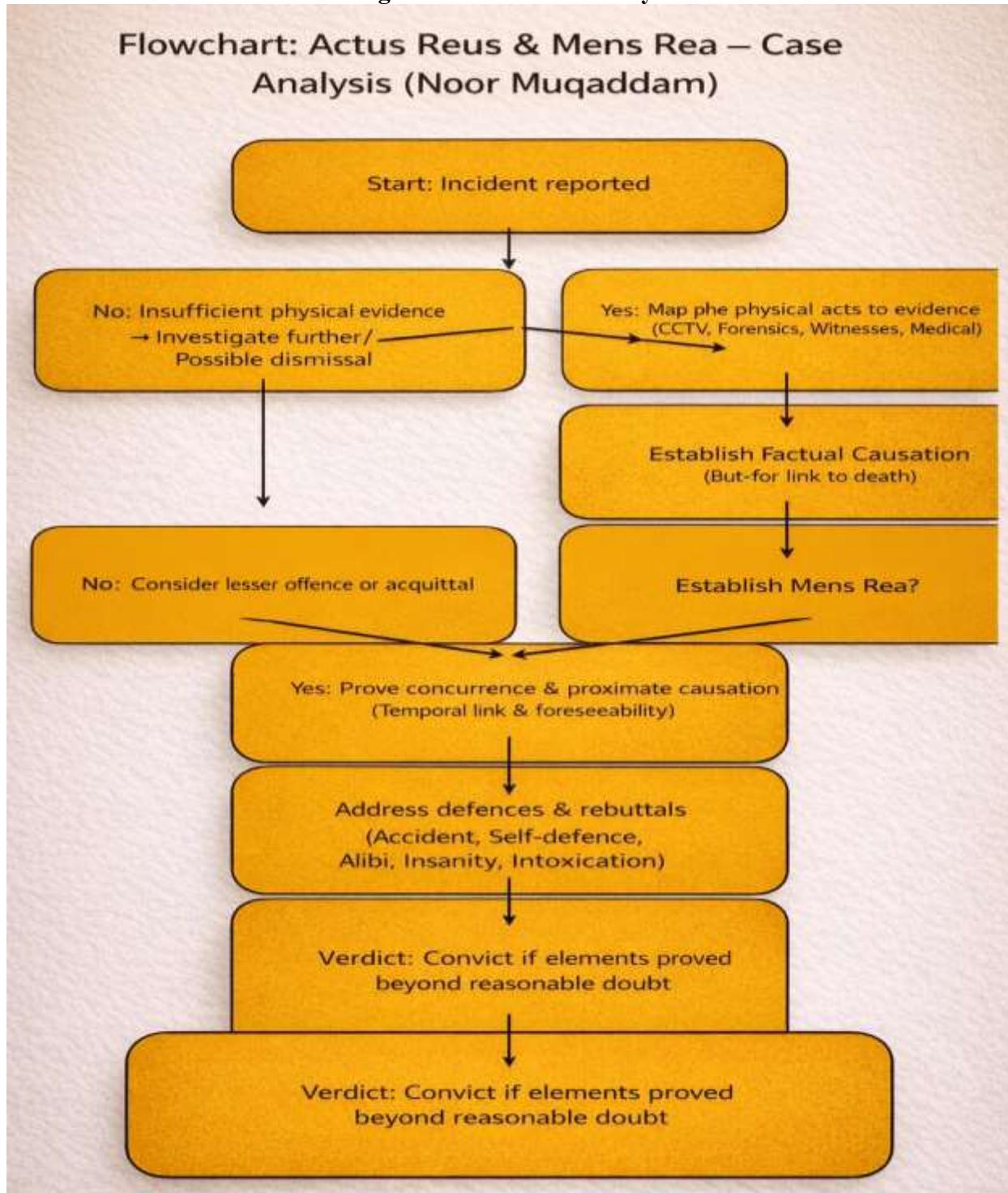
**Muhammad Iftikhar (chowkidar) and Muhammad Jan (cook):** Conviction maintained but with sentence reduced to time served: To be order to release unless, upon other occasions, needed.

#### g) Broader Implications

This judgement accept the legal status of digital evidence in Pakistan wherein CCTV and forensic reports will be equivalent to maintain capital punishment despite the absence of eyewitnesses. Subsequently, reinforces the principle that when the accused fail to explain the incriminating circumstances, they weigh heavily against the accused.

The subsequent flow chart depicts the results established by a legal doctorate analysis of the Supreme Court judgement (Crl. P. No. 467/2023).

Diagram No. 02: Case Analysis



Source: Researcher's Vision



## 2. Criminological Analysis

### 1. Actus Reus

The actus reus of murder and sexual assault was established by a series of circumstantial and forensic evidence which were directly linked to the accused being at the crime scene and the death of the victim:

**Physical Presence and Custody:** Noor was also recovered inside Zahir Jaffar's residence; this allowed the physical presence of her body at the crime location under his exclusive control.

**CCTV Evidence:** Surveillance footage revealed the repeated efforts by Noor to escape, her capture, imprisonment and forced return by Zahir demonstrating the acts of unlawful restraint and physical domination.

**DNA Evidence:** To verify sexual assault, forensic reports proved the act is directly Zahir's responsibility because of biological traces.

**Recovery of Weapon:** The murder weapon with blood of the victim made the evidence of intentional killing.

**Unexplained Death:** Zahir could not give any lawful justification or alternative reason for Noor's death in his home and thus providing a strong conclusion that the criminal act was the handiwork of Zahir.

Thus, not only was the guilty act committed, but it was provided a seamless link of evidence to the accused.

### 2. Mens Rea (Mental State and Intent)

The mens rea, or intentional and culpable state of mind, was deduced from the behaviour of Zahir, the chain of events and his deliberate choice:

**Premeditation and Control:** Noor was a prisoner in a guard's cabin, evidence of thought-out planning to limit her freedom of movement.

**Conscious Brutality:** CCTV footage had evidence of violent practices of dragging Noor back inside stripping her of agency and showing willful coercion.

**Sexual Assault:** The existence of DNA proving rape indicated intent to degrade, violate, and power over victim.

**Deliberate Killing:** The use of a weapon to cause fatal harm and the apparent intention not to allow Noor to escape showed that death was the intended and inevitable result.



**Silence and Non-Explanation:** Since the accused was unable to provide any plausible justification for Noor's presence or demise in his house in the first place, the same showed guilty knowledge and deliberate concealment of criminal intent.

### 3. Integration of Forensic, Testimony and Circumstances Evidence

**Forensic:** A material reality of both the actus reus and the imputable mental intent were proved by DNA, recovery of the weapon and confirmation of the CCTV footage.

**Testimonial:** Witness statements (police and forensic professionals) were used to prove the integrity of the evidence and the procedures.

**Circumstantial:** The escapades, body-shackles, and lack of other suspects had been a running case to the guilt of Zahir.

### Criminological Interpretation

From a criminological point of view the resulting case highlights how digital surveillance (CCTV), forensic science (DNA, weapon, and autopsy), and circumstantial reasoning, can be used to reconstruct the physical as well as psychological dimension of a crime. The actus reus was evidenced by the unquestionable physical acts of confinement, assault and killing and the mens rea was reasoned from deliberate patterns of domination, control and fatal violence. Together, they dispelled reasonable doubt, which is consistent with legal doctrine in the case of intentional homicide, as well as criminological theory.

### Discussion

The judgement of the Supreme Court of Pakistan in CrI. P. No. 467 of 2023 (the Noor Mukadam case) is of contextual importance not only from a legal perspective but also in its influence on public discourse of the issues of digital evidence, gender-based violence and the accountability of influential actors. The Court affirmed Zahir Zakir Jaffar's conviction of Murder under Section 302(b) PPC (1860) and affirmed the Conviction of Rape under Section 376(1) PPC (1860) but reduced the punishment for Rape from "Death penalty" to "Life imprisonment" and extensively set aside the charge of Kidnapping under Section 364 PPC (1860). While these adjustments are legally defensible under principles of appellate proportionality, especially in the context of the imposition of death penalty for murder itself, it might result in underappraisals of the compounded harm done to the victim who was physically restrained against his or her will, rape and brutally killed. The formalistic approach the Court acquired to kidnapping and mitigation of the sentence of rape highlights a tension between procedural correctness and gender justice substantially, although wrongful confinement under Section 342 remained intact (Pakistan Today, 2025). As emphasized in this case, digital and circumstantial evidence can be particularly critical in obtaining convictions, but the reforms in jurisprudence are necessary so that the extent of the punishment can be adequate enough to assess the levels of gender-based violence.

From a doctrinal point of view, the fact that the Court acknowledges digital evidence as primary evidence is transformative. By saying that authenticated digital material, especially CCTV footage,



DVR (Digital Video Recorder ) recordings and hard disc recording could serve as direct instead of secondary or hearsay evidence, the Court signaled a modernized technique to the standards of evidence (Iqbal, 2025). Central to this position was the explicit adoption of the "silent witness theory," under which video or photographic evidence is admissible as allowing video or photographic evidence to "speak for itself" once authentication is made. This doctrinal endorsement took away the current reliance on eyewitness testimony, which in many instances, is not easily obtained in cases of private or gendered violence (Mehtab, 2025).

The Noor Mukadam verdict also needs to be contextualized in the overall social and criminological understanding of sexual violence as a means of power and control rather than a result of sexual repression (Haque, 2021). Persistent societal tendencies to disbelieve the victims and normalize silence historically hamper accountability in cases of rape; however, redressing such injustice cannot entail the abandonment of the guarantees of due process (Haque, 2021). From a criminological perspective, the judgement shows important convergence with the feminist criminology and routine activity theory. Feminist criminology to highlight structural gendered asymmetries of power that marginalize victims and reinforce barriers to justice; and the Court's willingness to use authenticated digital and forensic evidence show an institutional response that is able to mitigate these barriers. Concurrently, routine activity theory helps to shed light on how crime occurs in the absence of effective guardianship, in this instance, digital surveillance acted as a surrogate "capable guardian," to make up for the absence of eyewitnesses. Combined, these views demonstrate why the evolution of the doctrines of the law of evidence combined with the procedural protections can increase the result of the justice in the cases of gender-based violence without affecting the key principles of criminal prosecution.

### **Recommendations**

In the light of the results obtained in the Noor Mukadam case, it is hereby advised that further institutionalization of the admissibility and prosecution of digital evidence be made by clear procedural guidelines, improved forensic capacities, and effective judicial training in Pakistan. Standardized protocols in the authentication and preservation should be adopted for CCTV, digital evidence, and forensic DNA evidence to minimize evidentiary disputes. Additionally, heightened investment in victim-centered legal reforms, including gender-sensitive investigative practices and witness protection mechanisms are imperative to ensure that victims of gender-based violence are able to access justice without fear of intimidation or systemic bias. A special national framework for prosecuting acts of femicides and for aggravated cases of gender-based violence (considering the continuum of confinement, sexual assault and lethal harm) should also be established to ensure that the scale of such crimes is captured in sentencing. Finally, awareness campaigns and academic collaborations can assist in integrating these doctrinal and socio-legal developments into larger criminological narratives in order to enhance both the legal system and public trust in its fairer functioning than before, which stimulates positive paths toward evangel scales, morality, and the state atmosphere itself.



## Conclusion

Finally, the ruling by the Additional Sessions Judge Special Court GBV, East/West-Islamabad (Case No 92/2021, Trial No. 340/GBV/201) and the Supreme Court in CrI. P. No. 467/2023 not only confirmed the guilt of the main defendant due to a solid chain of circumstantial, forensic, and computer-related evidence, but also became a landmark in the entire jurisprudence of evidence in Pakistan. Taking digital evidence to be treated as a primary evidence and employing the theory of the silent witness, the Court outlined the presentation of the new legal doctrine apt to the realities of crime investigation in the modern world. Simultaneously, the situation at the same time exacerbated social-legal discussions on gender-based violence, responsibility of privilege, and trust that people have in the justice system. Notably, the conviction showed the availability of both actus reus and mens rea by use of circumstantial and forensic evidence, which could be used in future cases which might need digital footprints. This dual significance - the doctrinal and the societal positions, makes the Noor Mukadam judgement not only a precedent in further prosecutions but also a discursive trigger to the more insightful considerations of justice, gender, and technological application in the Criminal justice of Pakistan.

## Reference

1. Abbasi, J. (2025, June 13). *SC declares digital evidence admissible*. *The Express Tribune*. <https://tribune.com.pk/story/2550596/sc-declares-digital-evidence-admissible>
2. Additional Sessions Judge Special Court GBV, East/West-Islamabad, Case No 92/2021, Trial No. 340/GBV/201.
3. Arain, M. S., Arain, M. A., (2016). *National Highways and Motorway Police in Pakistan: An Illuminative Study*, (2nd ed.). Raleigh; US: Lulu.com.
4. Arain, S. M., Arain, M. A., & Manzoor, E. A., (2014). *Police in Pakistan (A Research Book of Readings)*, (2nd Ed.). Raleigh; US: Lulu.com.
5. Batool, T., Shaheen, M. B., Akbar, M. S., & Rafique Rana, M. Z. (2024). The right to register an FIR: Foundation for fair trials in Pakistan. *International Journal of Social Science Archives*, 7(2), 396–402.
6. Butt, S. S., Khan, M. A., & Khalid, S. (2024). *Violence and gender: A critical analysis of print media reportings of Noor Mukadam's case*. *Global Sociological Review*, 9(2), 24–33. [https://doi.org/10.31703/gsr.2024\(IX-II\).03](https://doi.org/10.31703/gsr.2024(IX-II).03).
7. Clarkson, C. M. V. (2005). *Understanding criminal law* (4th ed.). Sweet & Maxwell. ISBN-13 : 978-0421900905
8. Code of Criminal Procedure, 1898 (Act V of 1898). (1898). Government of Pakistan. [https://www.fmu.gov.pk/docs/laws/Code\\_of\\_criminal\\_procedure\\_1898.pdf](https://www.fmu.gov.pk/docs/laws/Code_of_criminal_procedure_1898.pdf)
9. Haque, Manzoor-ul (2021). *Assorted Thoughts: Everyday Struggle* (2nd ed.). Raleigh; US: Lulu.com. ISBN: 978-1-6671-3973-9.
10. Horder, J. (2022). *Ashworth's principles of criminal law* (10th ed.). Oxford University Press. ISBN: 9780192897381
11. HRCF. (2025, June 10). Conviction rate in cases of violence against women and children in Punjab is disappointing. Pakistan Press Foundation.
12. Human Rights Commission of Pakistan (2019–2021). *State of Human Rights in Pakistan: Annual Reports*. Lahore: HRCF.
13. Human Rights Commission of Pakistan. (2022). *State of human rights in 2021*. Lahore: HRCF Publications. Retrieved from <https://hrcf-web.org/hrcfweb/state-of-human-rights-in-2021>



14. Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do: Doctrinal legal research. *Deakin Law Review*, 17(1), 83-120. <https://doi.org/10.21153/dlr2012vol17no1art70>
15. Iqbal, N. (2025, June 11). *Supreme Court issues detailed verdict in Noor Mukadam murder case.* Dawn. <https://www.dawn.com/news/1916426>.
16. Irfan, A., (2022, August 25). Pakistan's Femicide Crisis. Think Global Health (Council on Foreign Relations). Retrieved from <https://www.thinkglobalhealth.org/article/pakistans-femicide-crisis>
17. Jamshed, J., Javed, M. W., Bukhari, S. W. R., & Safdar, A. (2020). *Role of police investigation in the criminal justice system of Pakistan.* International Journal of Management Research and Emerging Science, 10(2). Neliti.
18. Malhi, R. (2025, May 20). *Supreme Court upholds Zahir Jaffer's death sentence, reduces rape sentence.* Voicepk.net. <https://voicepk.net/2025/05/supreme-court-upholds-zahir-jaffers-death-sentence/>
19. Manzoor, S., Munir, A., Fatima, E., & Zia, A. (2025). *Justice on trial: Investigative strengths, systemic weaknesses, and gendered implications in the Noor Mukadam case.* Journal of Political Stability Archive, 3(3), 1324–1337. <https://doi.org/10.63468/jpsa.3.3.88>
20. Mehtab, U. (2025, May 20). *SC upholds Zahir Jaffer's death sentence in Noor Mukadam murder case.* Dawn. <https://www.dawn.com/news/1912155>
21. Mumtaz, A., Baig, K., Shafique U., Ahmed N., (2024). An Analysis the Role and Evidentiary value of First Information Report in Access to criminal Justice in Pakistan. *PAKISTAN JOURNAL OF LAW, ANALYSIS AND WISDOM*, 3(6), 177-187. <https://pjlaw.com.pk/index.php/Journal/article/view/v3i6-177-187>.
22. Nasrullah, M., Zakar, R., & Zakar, M. Z. (2014). Child marriage and its associations with controlling behaviors and spousal violence against adolescent and young women in Pakistan. *The Journal of adolescent health : official publication of the Society for Adolescent Medicine*, 55(6), 804–809. <https://doi.org/10.1016/j.jadohealth.2014.06.013>.
23. Nurtjahyo, L. I., & Wicaksono, M. A. (Eds.). (2025). *Gender-based violence in South-East Asia: Policy in practice* (1st ed.). Springer Singapore. <https://doi.org/10.1007/978-981-19-2492-7>
24. Ormerod, D., Laird, K., & Gibson, M. (2024). *Smith, Hogan, and Ormerod's Criminal Law.* Oxford: Oxford University Press. Retrieved 31 Jan. 2026, from <https://www.oxfordlawtrove.com/view/10.1093/he/9780198890942.001.0001/he-9780198890942>.
25. Pakistan Penal Code (Act XLV of 1860). (1860). Government of Pakistan. <https://www.fmu.gov.pk/docs/laws/Pakistan%20Penal%20Code.pdf>
26. Pakistan Today. (2025, June 14). *SC rules digital evidence admissible in Noor Mukadam case, upholds Zahir Jaffer's death sentence.* Pakistan Today. <https://www.pakistantoday.com.pk/2025/06/14/sc-rules-digital-evidence-admissible-in-noor-mukadam-case-upholds-zahir-jaffers-death-sentence>
27. Simester, A. P., Spencer, J. R., Stark, F., Sullivan, G. R., & Virgo, G. J. (2019). *Simester and Sullivan's criminal law: Theory and doctrine* (7th ed.). Hart Publishing. ISBN: 978-1509926688
28. Waheed, A. (2021, August 2). *Pakistan reckons with its 'gender terrorism epidemic' after murder of Noor Mukadam.* The Guardian. <https://www.theguardian.com/global-development/2021/aug/02/pakistan-reckons-with-its-gender-terrorism-epidemic-after-of-noor-mukadam>
29. Zahir Zakir Jaffar v. The State, CrI. P. No. 467/2023,
30. Zakar, R., Zakar, M. Z., & Kraemer, A. (2013). Men's beliefs and attitudes toward intimate partner violence against women in Pakistan. *Violence against women*, 19(2), 246–268. <https://doi.org/10.1177/1077801213478028>.