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FORTNIGHTLY CASE LAW BULLETIN

(01-04-2025 to 15-04-2025)

A Summary of Latest Judgments Delivered by the Supreme Court of Pakistan & Lahore High Court, Legislation/Amendment in Legislation and important Articles

Prepared & Published by the Research Centre Lahore High Court

JUDGMENTS OF INTEREST

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LATEST LEGISLATION/AMENDMENTS

SELECTED ARTICLES

1. **Supreme Court of Pakistan**
Ishfaq Ahmed v. Mushtaq Ahmed, etc.
C.P.L.A. No. 1010-L/2022
Mr. Justice Syed Mansoor Ali Shah, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._1010_l_2022.pdf

Facts: The petitioner, residing abroad, rented out his property through his mother to his brother under an oral agreement. Upon default in rent payments, eviction proceedings were initiated in 2018. The tenant's right to cross-examine was struck off, and his defence remained unsubstantiated. The Special Judge (Rent) dismissed the petition, but the appellate court reversed it. The High Court later set aside the appellate decision, which led the filing of leave to appeal before the Supreme Court.

Issues: i) Does the delegation of rent collection authority affect the legal status of a landlord in eviction proceedings?
ii) Should rent proceedings be decided summarily to uphold the right to property?
iii) Can Artificial Intelligence be used in judicial processes while ensuring constitutional guarantees?
iv) Can AI-generated legal research be relied upon by judges without independent human verification?
v) Does the use of AI in drafting judicial opinions compromise judicial independence or impartiality?
vi) Is there a risk of due process violations if judicial decisions are influenced by AI-generated content?
vii) Can AI be used in case allocation without risking judge shopping or undermining fairness?
viii) Is it ethically acceptable for judges to consult commercial AI platforms (e.g., ChatGPT) in decision-making?
ix) Does the use of AI in judicial systems require human rights compliance under international obligations?
x) Can algorithmic bias in AI result in discriminatory judicial outcomes?

Analysis: i) While the law may recognize such agents as 'landlords' for the procedural purpose of instituting eviction proceedings, such recognition is merely representative and does not derogate from the petitioner's legal title or his status as the actual landlord.
ii) Rent proceedings, by their very nature, are summary in character... A just legal system must, therefore, ensure an equitable balance between the rights of landlords and tenants, a balance that is fundamentally disrupted when cases are permitted to stagnate in the judicial pipeline.
iii) AI, when deployed within principled boundaries, holds significant potential to enhance judicial and institutional productivity and efficiency. Its role is not to replace the human adjudication but to supplement and support judicial functions, particularly in areas where the judgment themselves build expertise... The

responsibility for ensuring the accuracy, ethical integrity, and confidentiality of judicial determinations rests entirely with the judge... AI remains merely an auxiliary resource, while indispensable human judgment and individualized discernment remain paramount.

iv) Judges must, however, undertake careful verification of all references suggested by Judge-GPT while adhering to established ethical and procedural protocols.

v) AI tools remain subordinate to judicial reasoning and must never be mistaken as a substitute for the exercise of judicial conscience, discretion, or interpretive judgment. The responsibility for ensuring the accuracy, ethical integrity, and confidentiality of judicial determinations rests entirely with the judge.

vi) Hallucinations present both a technical and judicial challenge. Technically, models like GPT-4 have shown a significant incidence of fabricating legal references (58% in one study), underscoring their reliance on statistical predictions over fact verification. These invented authorities can distort court proceedings, undermine evidentiary accuracy, and raise due process concerns if false information slips into the record. Some courts now require attorneys to certify that any AI-generated text has been thoroughly checked before filing. Therefore, judges apply a trust-but-verify approach to maintain factual accuracy and protect the rule of law.

vii) The allocation of cases within judicial systems is a foundational element of procedural fairness, and courts worldwide are increasingly adopting AI-driven frameworks to eliminate discretion, reinforce transparency, and prevent manipulation.

viii) We find this to be a fit case to explore the use of AI by the judiciary in order to actualize the constitutional mandate of Articles 10A and 37(d) of the Constitution.

ix) This Court emphasizes that fairness and transparency must apply equally to AI-assisted rulings, in alignment with Article 14 of the International Covenant of Civil and Political Rights and General Comment No. 32 of the United Nations Human Rights Committee. UNESCO's 2021 Recommendation on the Ethics of Artificial Intelligence and its 2022 Global Toolkit on AI and the Rule of Law similarly call for accountability and oversight in AI deployment. In Europe, the European Commission for the Efficiency of Justice Ethical Charter and the Council of Europe Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, 2024 emphasize transparency and accountability within judicial systems. Moreover, Article 22 of the EU General Data Protection Regulation restricts fully automated decisions with significant legal consequences, while the EU AI Act, 2024 designates judicial AI as high-risk, requiring bias-free data, thorough documentation, explainability, and human oversight in accordance with the EU Charter of Fundamental Rights.

x) AI-driven tools for bail, sentencing, and comparable judicial decisions frequently replicate or exacerbate existing biases, especially when their underlying training data incorporate historical inequities. AI systems must not

influence judicial reasoning by embedding latent demographic or ideological biases. This Court warns against "automation bias," the undue deference to algorithmic recommendations and affirms that any AI adoption must maintain institutional independence and judicial impartiality.

Conclusion: i) Recognition of agents as 'landlords' for procedural purposes is merely representative and does not derogate from the petitioner's legal title or his status as the actual landlord.

ii) Rent proceedings, by their very nature, are summary in character and are intended to ensure swift and efficient resolution of landlord-tenant disputes.

iii) AI, when deployed within principled boundaries, holds significant potential to enhance judicial and institutional productivity.

iv) Judges must, however, undertake careful verification of all references suggested by Judge-GPT while adhering to established ethical and procedural protocols.

v) AI tools remain subordinate to judicial reasoning and must never be mistaken as a substitute for the exercise of judicial conscience, discretion, or interpretive judgment.

vi) Hallucinations present both a technical and judicial challenge... therefore, judges apply a trust-but-verify approach to maintain factual accuracy and protect the rule of law.

vii) The allocation of cases within judicial systems is a foundational element of procedural fairness, and courts worldwide are increasingly adopting AI-driven frameworks to eliminate discretion, reinforce transparency, and prevent manipulation.

viii) We find this to be a fit case to explore the use of AI by the judiciary in order to actualize the constitutional mandate of Articles 10A and 37(d) of the Constitution.

ix) This Court emphasizes that fairness and transparency must apply equally to AI-assisted rulings, in alignment with international human rights obligations.

x) AI usage in judicial decisions must be carefully managed to prevent bias and uphold impartiality and judicial independence.

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2. **Supreme Court of Pakistan**
Ahmed Ali Talpur v. Sub-Registrar Latifabad, Hyderabad and others
Civil Petition No.290-K of 2024
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Syed Hasan Azhar Rizvi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._290_k_2024.pdf

Facts: A petitioner sought a declaration of ownership and injunction based on an alleged oral gift from his father, which was later challenged as forged. The plaint was rejected by the Trial Court and upheld by both appellate forums.

Issues: i) Is it mandatory for the Court to evaluate all legal prerequisites under Order VII Rule 11 CPC before rejecting a plaint?

ii) Is it appropriate to allow suits involving mixed questions of law and fact to proceed through trial instead of rejecting them summarily?
iii) Does an application under Order VII Rule 11 CPC require specific grounds, and must the court ensure due process before rejecting a plaint?
iv) Are concurrent findings of lower courts immune from interference if found contrary to law or evidence?

Analysis: i) The constituents or components of Order VII Rule 11, CPC, require proper appreciation and cannot be decided in a slipshod or perfunctory manner. It is an age-old, well-settled legal exposition that, before ordering the rejection of a plaint, the Court must first discharge its onerous duty of examining whether the plaint discloses a cause of action; whether the relief claimed is undervalued, and if so, whether the plaintiff, on being required by the Court to correct the valuation within a fixed time, has failed to do so; whether the relief is properly valued but the plaint is written upon an insufficiently stamped paper, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a fixed time, has failed to do so; and whether the suit appears, from the statement in the plaint, to be barred by any law.
ii) However, in the case of mixed questions of law and fact, the correct approach is to allow the suit to proceed to the written statement and discovery phases, determining the *lis* either by framing preliminary issues or through a regular trial with equal opportunities for both parties.
iii) Another important aspect cannot be overlooked that whenever an application under Order VII Rule 11, CPC, is filed, it must distinctly articulate how and on what grounds the plaint is liable to be rejected, rather than making sweeping or trivial allegations to waste the court's valuable time or drag and delay the proceedings. It is well-established principle that for substantial questions of facts or law, the provisions of Order VII Rule 11, CPC, cannot be invoked. The proper course is to frame issues and decide them on merits in light of the evidence. The court is duty-bound to ensure substantial justice between the parties and not render them remediless. The power conferred under Order VII Rule 11, CPC, is drastic in nature, allowing the termination of lawsuits. Therefore, the Court must be confident that rejection is justified under the enumerated conditions. The letter of the law does not envisage a particular stage at which the other side may object that the plaint is genuinely hit by Order VII Rule 11, CPC. Nor does the Rule explicitly state whether such an application may be filed before or after the filing of the written statement. However, in our view, the essence of the Rule demonstrates, in its literal vision, that its application is independent and does not require waiting for the filing of the written statement. Even the court may reject the plaint on its own motion as a sense of duty if it is found to be genuinely hit by any of the disability or infirmity provided in the clauses of Order VII Rule 11, CPC. However, before rejecting the plaint in its prudence and judiciousness, the court must provide the plaintiff with the right of audience. If the plaint is rejected, then under Rule 12, the Judge is bound to record an order to that effect, stating the

reasons for such order.

iv) If the concurrent findings recorded by the lower fora are found to be in violation of the law or based on a flagrant and obvious defect floating on the surface of the record, such concurrent findings cannot be treated as so sacrosanct or sanctified that they cannot be upset or reversed… the stumbling block of the doctrine of concurrent findings cannot shield flawed and erroneous decisions from correction.

Conclusion: i) Yes, the Court must thoroughly assess all statutory grounds under Order VII Rule 11 CPC before rejecting a plaint.

ii) Yes, suits involving mixed questions of law and fact should proceed to trial rather than being summarily rejected.

iii) Yes, applications under Order VII Rule 11 CPC must clearly state specific grounds, and the plaintiff must be given a right of audience before rejection.

iv) No, concurrent findings can be interfered with if they violate law or are based on evident defects.

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3. **Supreme Court of Pakistan**
Sikindar Ahmed Ghouri v. Syed Rafat Abbas Jafferi and other.
Civil Petition No. 1220-K/2022
Mr. Munib Akhtar, Mr. Justice Syed Hasan Azhar Rizvi.
https://www.supremecourt.gov.pk/downloads_judgements/c.p._1220_k_2022.pdf

Facts: The dispute concerns ownership of a property which was originally leased and lawfully transferred through registered instruments. Respondent No.1 later acquired ownership through a registered sale agreement. Petitioner, claiming rights through a separate transaction involving a disputed office bearer of the Society, contested the ownership. A civil suit was filed by respondent's predecessor and decreed in their favor. Petitioner, however, initiated arbitration proceedings without disclosing the prior litigation and obtained an ex-parte award. Respondent challenged the award through a constitutional petition, which was allowed by the High Court setting aside the award, quashing the writ of possession, and declaring a subsequent lease deed void. Hence, the present petition.

Issues: i**)** What are essential conditions under Section 54 of the Co-operative Societies Act 1925 that must be met for the Registrar to entertain a dispute?

ii) What is the significance of the phrase 'touching the business of the society' under Section 54 of the Act in determining the Registrar's jurisdiction over disputes?

iii) Whether every dispute between a society and its members, officers, or employees is covered under Section 54 of the Act?

iv) Whether title disputes can be adjudicated by the Registrar under the Act?

v) Whether a society retains any interest in a property after its rights have been transferred, and can it adjudicate subsequent ownership disputes?

vi) Whether disputes relating to ownership, title, and possession of immovable property fall within the purview of the society's business under the Act?

vii) Whether the prior allotment or transfer of property by a co-operative society through a registered lease deed is sufficient to bring a dispute within the scope of 'touching the business of the society'?

viii) Whether the powers of the Registrar under the Act can exceed those of Civil Courts under the Code of Civil Procedure, 1908?

ix) Whether the Registrar is empowered to order attachment of property and execute awards in the manner of a civil court under Sections 55 and 59 of the Act?

x) Whether the phrase 'touching the business of the society' is a jurisdictional prerequisite for the Registrar or arbitrators under Section 54 of the Act?

xi) Whether civil courts have ultimate jurisdiction to adjudicate matters of a civil nature?

xii) Whether the decision of a civil court can be altered or diluted through subsequent proceedings before the Registrar under the Act?

xiii) Whether matters relating to title and ownership of immovable property fall within the exclusive jurisdiction of civil courts?

xiv) Whether arbitration proceedings under the Act can override or nullify a judgment and decree passed by a competent civil court, especially in matters relating to ownership rights?

Analysis: i) Bare perusal of the section 54 of Act reveals that the following two conditions have to be fulfilled before a dispute could be entertained by the Registrar, namely:-

(i) the dispute must be one "touching the business of a society" and

(ii) it must arise between certain specified parties such as the society or its members on the one side and the members of the society or any officer, agent or servant of the society on the other side.

ii) The phrase "touching the business of the society" under Section 54 of the Act is a jurisdictional prerequisite that determines whether a dispute falls within the Registrar's domain.

iii) It is settled law that not all disputes arising between a society and its members, officers, or employees fall within the ambit of Section 54 of the Act.

iv) Title disputes are civil in nature and cannot be adjudicated by the Registrar under the Act.

v) Once property rights have been transferred the society no longer retains an interest in the property, and subsequent ownership disputes must be settled by a civil court of competent jurisdiction.

vi) Disputes relating to ownership, title, and possession of immovable property do not fall within the purview of the society's business.

vii) The mere fact that the disputed property was once allotted or transferred through the registered lease deed by the co-operative society does not automatically render the dispute one that "touches the business of the society.

viii) The powers of the Registrar can in no case exceed the powers of Civil Courts under the Code of Civil Procedure, 1908.
ix) The Registrar has been granted the power to order the attachment of a party's property before the making of an award under Section 55. Similarly, Section 59 empowers the Registrar to recover money directed to be paid under an award by signing a certificate, which shall be deemed to be a decree of a civil Court and shall be executed in the same manner.
x) The requirement that the dispute must be one "touching the business of the society" goes to the very root of the jurisdiction of the Registrar or the arbitrators acting under Section 54.
xi) It is a settled principle of law that civil courts have the ultimate jurisdiction to adjudicate upon matters of a civil nature.
xii) The consequences and effect of the decision of a civil court cannot be diluted, either directly or indirectly, through subsequent proceedings before the Registrar under the Act.
xiii) Matters relating to title and ownership of immovable property fall within the exclusive jurisdiction of civil courts.
xiv) The arbitration proceedings under the Act cannot override or nullify the judgment and decree passed by a competent civil court, particularly when the dispute pertains to ownership rights.

Conclusion: i) See above analysis No.i.
ii) See above analysis No.ii
iii) All disputes arising between a society and its members, officers, or employees do not fall within the ambit of Section 54 of the Act.
iv)Title disputes being civil in nature cannot be adjudicated by the Registrar under the Act.
v) The society does not retains an interest in the property after its and subsequent ownership disputes must be settled by a civil court of competent jurisdiction.
vi) Disputes relating to ownership, title, and possession of immovable property do not fall within the purview of the society's business.
vii) The prior allotment or transfer of property by the co-operative society does not automatically make the dispute 'touch the business of the society.
viii) Registrar's powers cannot exceed those of Civil Courts under the Code of Civil Procedure, 1908.
ix) See above analysis No.ix.
x) See above analysis No.x.
xi) Civil courts have the ultimate jurisdiction to adjudicate upon matters of a civil nature.
xii) Decision of a civil court cannot be diluted, either directly or indirectly, through subsequent proceedings before the Registrar under the Act.
xiii) Matters relating to title and ownership of immovable property fall within the exclusive jurisdiction of civil courts.
xiv) Arbitration under the Act cannot override a civil court's judgment, especially

4. **Supreme Court of Pakistan**
Muhammad Akram v. Shafaqat Ali, etc.
C.P.L.A. No. 1033-L of 2024
Mr. Justice Shahid Bilal Hassan, Mr. Justice Aamer Farooq
https://www.supremecourt.gov.pk/downloads_judgements/c.p._1033_l_2024.pdf

Facts: The plaintiff filed a suit for pre-emption but repeatedly failed to produce evidence despite being granted several opportunities with final warnings. The trial court proceeded under Order XVII, Rule 3 CPC, and dismissed the suit; the decision was upheld by the appellate and revisional courts.

Issues: i) What are the consequences of allowing litigants to pursue litigation without adherence to procedural rules and regulations?
ii) What are the mandatory conditions for applying Order XVII, Rule 3 of the Civil Procedure Code to close a party's right to produce evidence?
iii**)** Whether an indolent person who displays disobedience and indifferent demeanour towards court orders can seek favour of law?
iv) Whether a litigant can be allowed to proceed with a case as per his whims and wishes without adhering to procedural rules?

Analysis: i) Same is the situation in the judicial system, if the litigants are allowed to proceed with their matters without following rules and regulations, framed and promulgated to lead litigation to an ultimate end at the earliest, it would not only increase the burden upon the Court(s) but also destroy the trust of the general public upon judicial system, as such the litigants cannot be permitted to take the Courts for granted and proceed with the lis as per their whims and wishes as well as cause agony to their rival parties without any progress in the matter(s) brought against them (rival party).
ii) Though, it is a settled law that evidence of a party cannot be closed under Order XVII, Rule 3, C.P.C for non-production of evidence where the case on the previous date was not adjourned at the request of such party. For the application of Rule 3 the following conditions must co-exist: a). Adjournment must have been granted to the party at his request; b). It must have been granted to it for the purposes mentioned in the rule 3; c). The party who has taken the time defaulted in doing the act - for which he took the time from the court; d). The party must be present or deemed to be present before the court; e). That there must be some material on record for decision of the case on merits and; f). That the court must decide the suit forthwith that is within a reasonable time.
iii) Such like indolent person(s) cannot be allowed to play with the process of the Court and linger on the matter on one pretext or the other, that too, without any plausible and valid reason. (…) The above picture of affairs makes it crystal clear that how the petitioner pursued his case and showed his disobedience and indifferent demeanour towards the orders of the Court; thus, such like indolent

person cannot seek favour of law, because law favours the vigilant and not the indolent.

iv**)** Besides, this Court in recent judgment has deliberated upon the moot point involved in this case and in an elaborative way has discussed the pros and cons of Order XVII, Rule 3, Code of Civil Procedure, 1908 with all other relevant provisions of law and the essence of the same is that litigant cannot be left unleashed and unbridled to act as he intends and proceed with the lis as per his whims and wishes rather he would be made to abide by the rules and procedure provided under the law to bring the lis to an ultimate end at the earliest.

Conclusion: i) Allowing litigants to disregard procedural rules undermines judicial efficiency, burdens courts, and erodes public trust in the justice system.

ii) Order XVII, Rule 3 CPC can only be invoked to close evidence if all specified conditions, including adjournment at party's request and failure to act thereafter, are met.

iii) An indolent person who shows disobedience and indifferent demeanour towards court orders cannot seek favour of law.

iv) A litigant cannot be allowed to proceed with the lis as per his whims and wishes but must abide by procedural rules to conclude the matter.

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5. **Lahore High Court**
Muhammad Riaz alias Baddi v. The State
Criminal Appeal No.748-J of 2019
Mr. Justice Syed Shahbaz Ali Rizvi, Mr. Justice Muhammad Jawad Zafar
https://sys.lhc.gov.pk/appjudgments/2025LHC2100.pdf

Facts: Appellant challenged his conviction and sentencee to death with a compensation under Section 544-A Cr.P.C for a homicide involving multiple accused; two co-accused were acquitted by extending them the benefit of doubt; a criminal appeal against their acquittal and a murder reference for confirmation of the death sentence have also been clubbed for adjudication.

Issues: i) Whether delay in conducting autopsy due to non-compliance with Chapter 25 of the Police Rules, 1934 affects the credibility of the prosecution?

ii) Whether unexplained delay in sending crime empties to the forensic agency renders the forensic report doubtful?

Analysis: i) Perusal of police rules reproduced supra and that of the forms prescribed makes it clear that the police papers i.e. Form 25.35(1)(B) and 25.39 along with other reports prescribed prepared and articles collected by the Investigation Officer are to accompany the dead body to be transported expeditiously to the Medical Officer for examination. In particular Rule 39(5) mandates that the officer accompanying the dead body shall personally deliver it to the Medical Officer along with all reports and articles sent by the Investigation Officer to assist the examination. If it is not so done and even is not explained plausibly, it surely

renders doubt about the credibility of the police proceedings conducted at the place of occurrence and also about the timing and contents of the crime report.
ii) The prosecution is not equipped with any justification with regard to the belated dispatch of crime empties to Punjab Forensic Science Agency and the reason for not sending the same along with blood stained earth on 17.11.2016. It has also been noticed that the date of receiving crime empties is not given in the report of Punjab Forensic Science Agency (Exh-PS) available at page 189 of the paper book. These aspects of the case in hand make the credibility of report of the Punjab Forensic Science Agency doubtful.

Conclusion: i) Delay in conducting autopsy due to non-compliance with Chapter 25 of the Police Rules, 1934 renders doubt about the credibility of the police proceedings conducted at the place of occurrence.
ii) Unexplained delay in sending crime empties to the forensic agency makes the forensic report doubtful.

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6. **Lahore High Court**
Nazir Ahmad etc. v The learned Additional District Judge, Kasur etc.
W.P.No.62973/2024
Mr. Justice Ch. Muhammad Iqbal
https://sys.lhc.gov.pk/appjudgments/2025LHC2015.pdf

Facts: Brief facts of the case are that the respondents No.3 & 4 were blessed with twin daughters. The petitioners are the maternal uncle and aunt of the minors, who adopted one of minors. The respondents being close relative of the petitioners accepted the request of the petitioners with the condition that as and when they demand return of custody of the minor, the petitioners would accordingly hand over the minor to them. The respondents asked the petitioners to return the custody of the minor girl but they refused which resulted into filing of the application for custody of the minor on the ground that they are the real biological parents of the minor as such her custody may be given to them. The petitioners filed contesting written. The learned Guardian Judge dismissed the petition of the respondents. The respondents filed an appeal which was accepted by the learned Additional District Judge by setting aside the order of the learned Guardian Judge. Hence, this petition.

Issue: i) What considerations should be kept in mind while deciding a case of custody of minor, where adoptive and biological parents are claiming custody of same child?
ii) In the event of conflict of judgements which forum should be preferred?

Analysis: i) Though adoptive parents provide emotional support, care, and guidance, often forming deep, lasting bonds with the child. However, it is essential to recognize that the love and affection shared between a child and their biological parents hold a unique and irreplaceable place in a child's life. The affection between biological parents and their child often carries a sense of familiarity and

instinctive connection, influenced by biological and evolutionary factors. These natural connections may form a foundation of trust and comfort that, for many, remains an essential part of their emotional makeup, even if their biological parents are not in their lives. While adoptive parents can provide a loving and supportive home, they may never fully replicate the biological ties and the shared experiences that come with being part of the same family tree. The memories, genetic traits, and inherited emotional bonds are aspects that cannot be recreated through adoption. Adoption is not about replacing the biological parents but rather about extending a circle of care and love to a child who may not have had the opportunity to experience it otherwise. A child's connection to their biological parents remains a crucial part of their identity, even when they grow to form meaningful and fulfilling relationships with adoptive families. The petitioners are maternal uncle & aunt of the minor girl and in the presence of real parents of the minor, the custody of the minor girl cannot be handed over to the petitioners as the welfare of the minor best lies with her real parents.

ii) It is well settled law that in the event of conflict of judgments, findings of appellate Court are to be preferred and respected, unless it is shown from the record that such findings are not supported by evidence.

Conclusion: i) See above analysis No. i

ii) See above analysis No. ii.

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7. **Lahore High Court**

Sheikh Ali Jaffar v. The Registrar, Lahore High Court, Lahore.

Service Appeal No.31 of 2015

Mr. Justice Muhammad Sajid Mehmood Sethi, Mr. Justice Rasaal Hasan Syed, Mr. Justice Abid Hussain Chattha.

https://sys.lhc.gov.pk/appjudgments/2025LHC2391.pdf

Facts: The appellant, a Civil Judge appointed as a Returning Officer, was dismissed from service following an ECP complaint based on election-related allegations. The Service Tribunal set aside the dismissal, which was upheld by the Supreme Court on the ground that no regular inquiry had been held. Consequently, the appellant was reinstated and a fresh inquiry was ordered under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999. The appellant challenged this action through Service Appeal which was dismissed for being time-barred. His subsequent petition before the Supreme Court was disposed of. Following due process, he was again dismissed from service. His departmental appeal was also rejected prompting the filing of the current appeal.

Issues: i) Whether the scope of enquiry in disciplinary proceedings is different from that of a criminal trial and if so how it differs?

ii) What standard of proof is applied to determine misconduct in disciplinary proceedings, and what criteria are used to assess it?"

Analysis: i) The scope of enquiry in disciplinary proceedings is entirely different from that of a criminal trial in which the charge is required to be proved beyond reasonable doubt. In contrast, the disciplinary enquires do not adhere to strict technical rules of evidence.

ii) A preponderance of probabilities and some material on record would be sufficient to reach a conclusion whether or not the delinquent has committed misconduct. The test laid down by various judgments of this Court is to determine whether there is evidence on record to reach the conclusion that the delinquent has committed misconduct and whether a reasonable man, in the circumstances, would be justified in reaching that conclusion.

Conclusion: i) See above analysis No.i.

ii) See above analysis No.ii.

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8. **Lahore High Court**
Riaz Ahmad v. Registrar, Lahore High Court, Lahore & another
Service Appeal No.21 of 2022
Mr. Justice Muhammad Sajid Mehmood Sethi & Mr. Justice Muhammad Amjad Rafiq
https://sys.lhc.gov.pk/appjudgments/2025LHC2164.pdf

Facts: In consequence of a departmental inquiry the petitioner was imposed a minor penalty of withholding two increments. Through an appeal before the High Court the petitioner challenged the inquiry report and the notification vide which the report of inquiry was recommended.

Issues: i) Which fundamental right is protected under the article 25 of the Constitution of Pakistan?

ii) What prohibits under this constitutional guarantee of right to equality?

iii) Whether acquittal of a person, after thorough investigation, also creates a compelling precedent to extend to others facing the same charges?

Analysis: i) In accordance with Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973–which enshrines the fundamental right to equality before law and equal protection of law–persons similarly situated must be treated equally in legal and administrative proceedings.

ii) This constitutional guarantee prohibits arbitrary discrimination and demands consistency in the application of laws and rules. When two individuals face departmental inquiries on the basis of same set of allegations, disparate treatment becomes legally untenable.

iii) Therefore, if one person is acquitted following a thorough investigation of certain allegations, it creates a compelling precedent that logically extends to others facing the same charges. To find one individual guilty while exonerating another on identical evidence would undermine the very fabric of administrative justice and violate the constitutional promise of equality.

Conclusion: i) The right to equality is protected under article 25 of the Constitution of Pakistan.
ii) See above analysis No.ii
iii) See above analysis No.iii

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9. **Lahore High Court**
Ammar Aziz v. Lahore High Court, Lahore & others
Service Appeal No.01/Litig//HR-I/2021
Mr. Justice Muhammad Sajid Mehmood Sethi,
Mr. Justice Muhammad Amjad Rafiq
https://sys.lhc.gov.pk/appjudgments/2025LHC2152.pdf

Facts The appellants were appointed to administrative posts without following the prescribed recruitment process involving advertisement and competitive examination. Their appointments were withdrawn within a few days, prompting them to challenge the withdrawal orders through service appeals.

Issues: i) What principles have been prescribed for selection and promotion under the High Court, (Lahore) Establishment (Appointment & Conditions of Service) Rules?
ii) What are the powers of Chief Justice of High Court regarding relaxation of service rules in matters of appointment and absorption of officers in High Court establishment?
iii) What are the limitations of principle of locus poenitentiae?
vi) What is the status of an act which is void?

Analysis: i) It was determined that the power of selection under Rule 7 of the High Court(Lahore) Establishment (Appointment and Conditions of Service) Rules could not be used arbitrarily to select preferred officers without considering all eligible officers awaiting promotion. While educational qualification constitutes a valid parameter for selection posts, it is not the sole criterion. The authority vested in the competent authority/Chief Justice under Rule 26 of the aforementioned Rules did not confer unfettered or unguided power to circumvent the regular selection process established under Rule 7 or to disregard the vested rights of officers awaiting consideration for promotion. Rule 26 could not be invoked to selectively choose officers without first considering all officers in the promotion pool.

ii) The Apex Court, while deliberating on the power of the Chief Justice of the High Court to relax service rules in matters of appointment and absorption of officers, observed that absolute power to relax a certain service Rule had not been conferred on the Chief Justice of the High Court and such power was limited only to be exercised where it did not encroach upon the statutory rights of the other persons or employees. Rule 16 of the Islamabad High Court Establishment (Appointment and Conditions of Service) Rules, 2011, and Rule 26 of the Lahore High Court Establishment (Appointment and Conditions of Service) Rules, 1973,

could not be interpreted as conferring absolute power upon the Chief Justice to deal with the case of a person / employee in a manner he liked. The Court emphasized that the Chief Justice could exercise powers under these Rules only in a manner that would not cause injustice or prejudice to any individual or employee.

iii) We are no-doubt conscious of the principle of locus poenitentiae, which refers to a stage or opportunity for repentance, allowing a party to withdraw from a proposed course of action before it becomes legally binding. In certain contexts, it has been interpreted to mean that once an act or benefit has been granted—particularly where the beneficiary was not at fault—its withdrawal may not be permissible, even if the grant was made under a mistake... "Quod ab initio non valet, in tractu temporis non convalescit" (what is invalid from the beginning cannot be made valid by the passage of time) serves as a fundamental principle in legal jurisprudence that significantly qualifies the application of locus poenitentiae. This principle serves as a critical check against the perpetuation of legal errors and unauthorized benefits, ensuring that administrative or judicial mistakes do not create enduring entitlements contrary to established law. The rationale behind this doctrine is to preserve the integrity of legal systems by preventing the validation of unlawful acts through mere persistence, thereby upholding the foundational principle that legitimate rights cannot flow from illegitimate sources. This principle has been consistently upheld across various legal jurisdictions and maintains that fundamental defects in an original action cannot be remedied merely through continued practice or temporal progression.

iv) The incisive legal principle articulated by Lord Denning in Benjamin Leonard MacFoy v. United Africa Co Ltd [1961] 3 All ER 1169 (PC), bears a mention here wherein he elucidated that "If an act is void, then it is in law a nullity. It is not only bad, but incurably bad. There is no need for an order of the court to set it aside. It is automatically null and void without more ado, though it is sometimes convenient to have the court declare it to be so. And every proceeding which is founded on it is also bad and incurably bad. You cannot put something on nothing and expect it to stay there. It will collapse." This foundational principle has been similarly recognized across multiple jurisdictions. In Norton v. Shelby County (118 U.S. 425, 1886), the Supreme Court of the United States definitively pronounced that "an unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed." Similarly, the Supreme Court of India while dealing with the matter related to ad hoc appointments of teachers reinforced this principle in Prabhat Kumar Sharma & Ors v. State of U.P. & Others (AIR 1996 SC 2638), specifically holding that ad hoc appointments must conform strictly to procedures prescribed by relevant laws and regulations, and that “any appointment made in transgression thereof is illegal, void, and confers no rights upon the appointees”.

Conclusion: i) See above analysis (i)

ii) See above analysis (ii)
iii) See above analysis (iii)
iv) See above analysis (iv)

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10. **Lahore High Court**
Faisal Rehman Raheem etc. v. The Competent Authority of Lahore High Court, Lahore.
Service Appeal No.09 of 2022
Mr. Justice Muhammad Sajid Mehmood Sethi, Mr. Justice Muhammad Amjad Rafiq
https://sys.lhc.gov.pk/appjudgments/2025LHC2171.pdf

Facts: Brief facts are that the appellant did not obey the order of Deputy Registrar, he threatened the Senior Supervisory Officer of dire consequences, flouted clear direction of the Additional Registrar (Judicialand) and he availed special casual leave along with 56 casual/medical/earned leave during the year. A fact finding probe reached conclusions unfavorable to the appellant. The Inquiry Officer recommended the imposition of a minor penalty of 'censure'. Consequently, the competent authority imposed minor penalty of 'censure' on the appellant. Hence, instant appeal.

Issue: i) Whether an official/officer should be punished for an isolated instance or his overall conduct and performance should be considered?
ii) Under which law an adverse presumption may be drawn against prosecution/authority, if the complainant does not appear in witness box?
iii) What legal sanctity is attached to a verbal order?
iv) Whether absence of a provision as to notice can override the principle of natural justice?
v) Whether doctrine of natural justice has been recognised by Article 10-A of the Constitution of the Islamic Republic of Pakistan and how it guarantees meaningful opportunity of hearing?

Analysis: i) Even if, it is believed that during the reported incident, the appellant had behaved angrily towards the complainant, it may not be appropriate to punish him for an isolated instance of harsh behavior; as such a conduct could stem form external stress, personal issues, or momentary frustration. Instead, a fair assessment requires considering his overall conduct and performance to ensure a balanced and just approach.
ii) Needless to say, given the provision of Article 129 (g) of Qanun-e-Shahadat, 1984, an adverse presumption shall be drawn against the prosecution/authority that had the complainant appeared in the witness box, he would not have supported its stance.
iii) A verbal order which has no sanctity of law as written form of an order is the only medium that identifies the reason behind the order and it is the written order that undergoes accountability of judicial review. An order in writing is integral to good governance and the rule of law.

iv) We do not think the mere absence of a provision as to notice can override the principle of natural justice that an order affecting the rights of a party cannot be passed without an opportunity of bearing to that party. An order passed without notice of the hearing against a party would be without jurisdiction and coram non judice.

v) The doctrine of natural justice at present finds constitutional recognition in Article 10-A of the Constitution of the Islamic Republic of Pakistan, which guarantees the right to a fair trial and due process. Of course, the right to fair trial and due process reinforces the necessity of providing the affected party with a meaningful opportunity of hearing before any adverse action is taken. The UK House of Lords, in Ridge v. Baldwin [1964] AC 40, reaffirmed this principle, stating that "the body with the power to decide cannot lawfully proceed to make a decision until it has afforded to the person affected a proper opportunity to state his case" (Lord Reid). Since a fair hearing was not merely a procedural formality but a cornerstone of justice—promoting transparency, accountability, and public confidence in the legal system—the failure to issue notice to the appellant constitutes a significant procedural flaw.

Conclusion: i) See above analysis No. i

ii) According to Article 129 (g) of Qanun-e-Shahadat, 1984, an adverse presumption shall be drawn against the prosecution/authority if it does not support its stance.

iii) A verbal order which has no sanctity of law.

iv) Mere absence of a provision as to notice cannot override the principle of natural justice.

v) The doctrine of natural justice at present finds constitutional recognition in Article 10-A of the Constitution of the Islamic Republic of Pakistan.

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11. **Punjab Subordinate Judiciary Service Tribunal Lahore**
Dr. Syed Ali Sana Bokhari v. Chief Justice and Judges of the Lahore High Court / Authority through the Registrar, Lahore High Court, Lahore
Service Appeal No.06 of 2022
Mr. Justice Muhammad Sajid Mehmood Sethi, Mr. Justice Rasaal Hasan Syed, Mr. Justice Abid Husain Chattha
https://sys.lhc.gov.pk/appjudgments/2025LHC2177.pdf

Facts: The appellant was issued a charge sheet containing allegations of misconduct, inefficiency, and non-performance of duties. The disciplinary proceedings were ultimately dropped but were followed by suo moto contempt proceedings, culminating in the appellant's conviction. Following dismissal of his appeals up to the Hon'ble Supreme Court, his sentence was reduced, and he was dismissed from service. A departmental appeal and a service appeal were filed. During pendency of the latter, the appellant reached the age of superannuation. The Tribunal set aside the dismissal order and remanded the matter for a fresh decision after affording the appellant a hearing, which was upheld by the Hon'ble Supreme

Court. In post-remand proceedings, disciplinary proceedings were abated due to the appellant's superannuation. The appellant requested release of pension and service benefits, which was rejected that lead to the filing of the instant service appeal.

Issues: i) Whether disciplinary proceedings abate upon the superannuation of a civil servant, and what legal consequences follow from such abatement?
ii) Whether a civil servant is entitled to full pensionary and retiral benefits when the disciplinary proceedings are abated after superannuation?

Analysis: i) In post-remand proceedings, the respondent-authority issued notification dated 05.05.2021 qua abatement of the disciplinary proceedings, which reads as under:- "In view of the instructions issued by Government of the Punjab, Services & General Administration Department, Lahore through Circulation No.SORI(S&GAD)4-32/2004, dated 29.09.2004, the Hon'ble Chief Justice and Judges are pleased to abate the disciplinary proceedings against Dr. Syed Ali Sana Bokhari, ex-Civil Judge having already crossed the age of superannuation." It is obvious from the above that no adverse order existed against the appellant as order of his dismissal from service had already been set aside and the disciplinary proceedings to determine the question of 'moral turpitude' were also abated by the competent authority as noted above when during the course of proceedings, the appellant reached the age of superannuation. It is settled law that an employee cannot be penalized for any action, which was subject-matter of an inquiry that was not completed before his superannuation/retirement. Upon reaching the age of superannuation, the unfinished disciplinary proceedings automatically cease to have effect by operation of law. This legal extinction of proceedings vests in the civil servant an indefeasible right to receive their full complement of pensionary benefits without deduction or diminution. The Superior Courts of the country has consistently upheld this principle as a fundamental safeguard against the perpetual pendency of disciplinary action, recognizing that the retirement creates a vested right that cannot be retroactively disturbed by inconclusive inquiries.
ii) The respondent-authority was obligated to pass the further order by notionally permitting the appellant to retire from service on date he had attained the age of superannuation besides considering to release the retiral benefits to him, treating the disciplinary proceedings abated as if no punishment was ever awarded to the appellant. Even otherwise, in terms of office memorandum dated 26.02.1976, it was incumbent upon the respondent-authority to notify the retirement of its officers to all concerned for recovery of dues from them, if any, and to facilitate the payment of pension and other dues to them.

Conclusion: i) See analysis i above.
ii) This legal extinction of proceedings vests in the civil servant an indefeasible right to receive their full complement of pensionary benefits without deduction or diminution even in the case the disciplinary proceedings are abated after superannuation.

12. **Lahore High Court**
Muhammad Ramzan v. The State and another
Criminal Appeal No. 692/2022
Saeed Akhtar v. The State
Criminal Appeal No. 704/J/2022
Mst. Nawaz Bibi v. The State and another
Criminal Revision No. 26/2023
Mr. Justice Tariq Saleem Sheikh, Mr. Justice Muhammad Tariq Nadeem
https://sys.lhc.gov.pk/appjudgments/2025LHC2184.pdf

Facts: The trial court indicted three accused persons under Sections 365-B and 375-A PPC. The accused pleaded not guilty and opted for a trial. Upon the conclusion of the trial, the trial court, in its judgment, acquitted one of the accused while convicting and sentencing the remaining appellants. The appellants have challenged their conviction and sentence through Criminal Appeals, whereas the complainant has sought an enhancement of the sentence by filing a Criminal Revision. It is noteworthy that Neither the State nor the Complainant has challenged acquittal. This consolidated judgment aims to address the Criminal Appeals and Criminal Revision stemming from the impugned judgment.

Issues: i) What is the role of expert guidance in determining the capacity of a witness with disabilities to communicate?
ii) Whether testimony of victims with cognitive or intellectual disabilities should be rejected outrightly?
iii) Whether Article 10A protect the rights of persons with disabilities in the context of a fair trial?

Analysis: i) The absence of expert evaluation constitutes a serious procedural lapse, as mental incapacity does not automatically preclude a witness from providing testimony. The law does not rigidly assume that persons with disabilities are wholly incapable of expressing themselves. Instead, courts are required to ascertain, with expert guidance, whether accommodations could enable them to communicate their experiences. The trial court should have sought professional input to determine whether the victim, despite her condition, could express facts relevant to the case through limited verbalization, gestures, facilitated communication, or alternative interpretative means.
ii) In criminal cases involving victims with cognitive or intellectual disabilities, their testimony should not be rejected outright due to their condition. Instead, appropriate procedural accommodations must be made to facilitate their meaningful participation in the legal process. The obligation extends beyond courts to law enforcement agencies, prosecutors, and the judiciary, requiring proactive measures to ensure their access to justice. The guiding principle is that disability should never become a barrier to legal redress, and legal systems must exhaust all reasonable means to enable disabled victims to present their evidence.
iii) It is well settled that Article 10A of the Constitution of Pakistan (1973), which

guarantees the right to a fair trial and due process, applies equally to victims as it does to the accused. This protection extends fully to persons with disabilities. The constitutional guarantee under Article 10A reinforces the borader international obligation under Article 13 of the CRPD discussed above.

Conclusion: i) Expert guidance helps determine if accommodations can aid communication.
ii) No, enable them by providing necessary accommodations and support.
iii)Yes, this protection extends fully to persons with disabilities.

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13. **Lahore High Court**
Aamir Nawaz Minhas and others v. National Accountability Bureau and others
Writ Petition No.1027 of 2025.
Mr. Justice Jawad Hassan, Mr. Justice Tariq Mahmood Bajwa
https://sys.lhc.gov.pk/appjudgments/2025LHC2125.pdf

Facts: The petitioner filed this writ petition seeking directions to NAB to conclude inquiry against him pending since long and the delay thereof is unlawful.

Issues: i) What is the mandate of section 32 of the National Accountability Bureau Ordinance, 1999 to hear appeals against final judgments?
ii) What are relevant Rules under the High Court Rules & Orders, dealing bench formation?
iii) What is the status of preamble in any statute?
iv) What constitutional provisions and High Court Rules & Orders, deal with placing the constitutional writs before the benches?
v) How delays in conclusion of inquiries affect the fundamental rights?

Analysis: i) The above provision of law mandates the Division Bench of High Court constituted by the Chief Justice to decide the cases arising out of final judgment or order of the Court. It is pertinent to mention here that no provision (express or implied) is available under the "Ordinance" which deals with direct placement of matters before the Division Bench of High Court except the appeals arising out of final judgment or order of the Court under Section 32 of the "Ordinance".
ii) The "Rules" were made by the Lahore High Court under Article 202 of the "Constitution". These Rules are meant to regulate the practice of fixing and hearing of cases and other matters related to Lahore High Court. Chapter No.3, Part-2 relates to the jurisdiction of a Single Judge and Benches of the Court…The above Rule provides three eventualities viz (i) Save as provided by law (which in the case in hand is the "Ordinance"), (ii) by these rules (the "Rules") and (iii) by a special order of the Chief Justice; meaning thereby, any matter in constitutional jurisdiction of the High Court will be referred, heard and disposed of by a Single Judge sitting alone unless provided by law or the Rules or the order of the Chief Justice.

iii) Though the preamble to a statute is not an operational part of the enactment but it is a gateway, which discusses the purpose and intent of the legislature to necessitate the legislation on the subject and also sheds clear light on the goals that the legislator aims to secure through the introduction of such law. The preamble of a statute, therefore, holds a pivotal role for the purposes of interpretation in order to dissect the true purpose and intent of the law as held by the Hon'ble Supreme Court of Pakistan in "DIRECTOR GENERAL, FIA AND OTHERS Versus KAMRAN IQBAL and others" (2016 SCMR 447) holding that "indeed, preamble to a Statute is not an operative part thereof, however, as is now well laid down that the same provides a useful guide for discovering the purpose and intention of the legislature".

iv) The High Courts were defined under Chapter-3, Part-VII of the "Constitution" and constituted under Article 192 of the "Constitution" with jurisdiction to deal with the matters under Article 199 of the "Constitution" by way of constitutional petitions. The High Courts have also jurisdiction over the matters under Article 204, Chapter-4, Part-VII of the "Constitution" however, after 26th Amendment in the "Constitution", Article 202A has been added which deals with the Constitutional Benches of the High Courts whereas Article 202 of the "Constitution" deals with the Rules of Procedure of the High Court which may make rules regulating the practice and procedure or any of court subordinate to it. Rule 2, Chapter 3, Part A of the "Rules" states that "The Judges will sit singly or in benches of two or more Judges in accordance with a roaster to be prepared by the Deputy Registrar with the approval of the Chief Justice from time to time", which means that the Judges, depending on the roster, will conduct the Court singly or in benches for decision of the cases to be fixed before it but no provision of the "Ordinance" mentions the placement/fixation of a case directly before the Single Bench or the Division Bench to be heard in exercise of its ordinary, extra-ordinary, original or appellate jurisdiction. Chapter-3, Part-J deals with RULES FOR THE ISSUE OF ORDERS/DIRECTIONS UNDER ARTICLES 199 AND 202 OF THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN, 1973 AND CLAUSE 27 OF THE LETTERS PATENT. Part-II whereof deals with the constitutional remedies... The above rule outlines the procedure for presenting a particular type of writ petition, unless a law permits, before a Single Judge for its decision unless the Chief Justice orders something different.

Conclusion: i) Section 32 of the NAB Ordinance mandates for hearing appeal against final judgment by a Division Bench of High Court.

ii) Article 202 of the constitution and High Court Rules & Orders Chapter No.3, Part-2 relates to the jurisdiction of a Single Judge and Benches of the Court. Rule 1 provides three eventualities for bench formation.

iii) The preamble to a statute is not an operational part of the enactment but it is a gateway, which discusses the purpose and intent of the legislature to necessitate the legislation.

iv) The Article 202 of the "Constitution" deals with the Rules of Procedure of the High Court which may make rules regulating the practice and procedure or any of court subordinate to it. Rule 2, Chapter 3, Part A of the "Rules" states that "The Judges will sit singly or in benches of two or more Judges in accordance with a roaster to be prepared by the Deputy Registrar with the approval of the Chief Justice from time to time". No provision exists to hear writ under article 199 of the constitution by the Division Bench.

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14. **Lahore High Court**
Ejaz Ahmed v. Addl. District Judge, etc.
W.P.No.14946 of 2025
Mr. Justice Muzamil Akhtar Shabir
https://sys.lhc.gov.pk/appjudgments/2025LHC2082.pdf

Facts: Through this constitution petition, petitioner has called in question order and judgment passed by both the Trial and Appellate Courts respectively, whereby in a Suit for specific performance of agreement to sell filed by petitioner, his application for grant of interim relief seeking order of maintaining status quo, protection against interference in peaceful possession, dispossession and further alienation has concurrently been dismissed.

Issues: i) Can a tenant legally deny the title of their landlord according to the principle of estoppel?
ii) Can a prima facie case be assumed where recording of evidence is required?
iii) Whether an agreement to sell does create any title?

Analysis: i) It is settled principle of law of estoppel that 'once a tenant, always a tenant' also recognized by Article 115 of the Qanun-e-Shahadat Order, 1984 whereby a tenant cannot deny the title of his landlord or claim to have a better title than the owner of the property.
ii) Where to establish a claim, evidence is required to be recorded, prima facie case cannot be assumed in favour of the petitioner especially when he is yet to establish his right to hold possession of the suit property or be transferred its ownership,
iii) The agreement to sell presently does not create any title but gives only a right to the petitioner to claim specific performance of contract, if he can prove the said agreement as valid by refuting the claim of the respondents that it was a forged and fabricated document.

Conclusion: i) No, a tenant cannot deny the landlord's title.
ii) Prima facie case cannot be assumed.
iii) No, it gives only a right to claim specific performance of contract.

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15. **Punjab Subordinate Judiciary Service Tribunal Lahore**
Anam Haseeb v. The Registrar, Lahore High Court, Lahore
Service Appeal No.07 of 2023
Mr Justice Muhammad Sajid Mehmood Sethi (Chairman), Mr. Justice Rasaal Hasan Syed, Mr Justice Abid Hussain Chattha
https://sys.lhc.gov.pk/appjudgments/2025LHC1381.pdf

Facts: Appellant was appointed as a Civil Judge-cum Judicial Magistrate on probation for a period of two years. For her confirmation, she was to pass Departmental Examination in maximum of 04 chances in successive examinations. She remained unsuccessful in all 04 attempts and, in result, was discharged from service. She moved a request for grant of 05th chance which was declined and same was the fate of representation/review petition. The appellant filed Service Appeal which was dismissed by the Tribunal. The said order was assailed before Supreme Court of Pakistan which is now pending. After remaining unsuccessful, the appellant filed a representation for grant of grace marks, which too, was declined. Hence, the instant appeal.

Issues: i) What does the rule 9 of the Punjab Civil Judges Departmental Examinations Rule, 1991 provide?
ii) What is the eligibility criteria for obtaining grace marks?
iii) From what perspective, the Supreme Court of Pakistan sees culture of seeking award of grace marks?
iv) What is the rigorous explanation for condoning the delay in filing appeal?

Analysis: i) Rule 9 of the Punjab Civil Judges Departmental Examinations Rule, 1991 is germane, which provides that 05% marks as grace marks may be awarded in any paper in any examination.
ii) This clearly establishes the departmental practice qua Rule 9 of the Punjab Civil Judges Departmental Examination Rules, 1991 which deciphered entails that the candidates would only be eligible for grace marks up to 05% if they were failing in one paper and not more.
iii) In University of the Health Sciences Lahore and others v. Sh. Nasir Subhani and others (PLD 2006 SC 243) the Supreme Court of Pakistan observed to the effect that the culture of seeking award of grace marks is against the settled principles of good governance and improving the higher standards in professional context and departmental practice.
iv) Under the law rigorous explanation for each and every day of delay is liable to be given by the applicant to make out a case based on sufficient cause to be allowed condonation of delay in filing of appeal.

Conclusion: i) Grace marks of 05% may be awarded in any paper in any examination.
ii) The candidate would only be eligible for grace marks up to 05% if he was failing in one paper and not more.
iii) See above analysis No. iii

iv) Every day of delay is liable be explained in filing of appeal.

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16. **Lahore High Court**
M/s Pakistan Railways Advisory & Consultancy Services v. Al-Barka Islamic Bank Ltd.
RFA No.249/2023
Mr. Justice Mirza Viqas Rauf, Mr. Justice Asim Hafeez
https://sys.lhc.gov.pk/appjudgments/2025LHC2051.pdf

Facts: The respondent extended a finance facility in the form of a guarantee, which expired without being encashed. The appellant later claimed excessive commission charges, but the suit was dismissed for being time-barred and for failure to prove default of contractual obligation.

Issues i) Whether substitution of an original guarantee constitutes novation of contract, and what is required to legally establish such novation?
ii) Whether issuance of a notice to admit, without producing primary or secondary evidence, is sufficient to prove default of contractual obligation?
iii) Whether the terms of a revised contract can be proved without producing the original document or admissible secondary evidence under the Qanun-e-Shahadat Order, 1984?
iv) Whether a notice to admit relieves a party from proving the existence and execution of a document?
v) Whether failure to produce the original document justifies an adverse inference under Article 129(g) of the Qanun-e-Shahadat Order, 1984?
vi) Whether failure to object during the validity of a guarantee bars later objections under the principle of acquiescence?
vii) Whether the adjustment of charges and expiry of a guarantee render the matter a past and closed transaction, barring claims due to lapse of limitation?

Analysis: i) substitution of original guarantee, if any agreed and affected, tantamount to discharge from previous obligation under original guarantee and incurring of fresh obligation – attracting the principle of novation of the contract. Incidence of novation of contract has to be proved in terms of the requirements prescribed under section 62 of the Contract Act, 1872. We are afraid that no such compliance is made to prove or establish novation of contract.
ii) Mere issuance of notice to admit without production of the document, either by way of primary or secondary evidence, was not enough to prove default on the part of the respondent – above all there is no document to show alleged default of contractual obligation on the part of the part, less a contract.
iii) No evidence shall be given in proof of the terms of alleged revised guarantee except the document itself or secondary evidence of its contents, where admissible – attracting Articles 102 & 103 of Qanun-e-Shahadat Order 1984.
iv) Notwithstanding issuance of the notice to admit, the party serving the notice has to prove the existence and execution of the documents. No exemption could

be claimed from establishing the existence and proving the execution of the document subject to notice to admit.

v) Failure to produce text of the guarantee, evidently the best evidence, would suggest adverse inference in terms of Article 129 (g) of Qanun-e-Shahadat Order 1984.

vi) failure to raise any objection qua effectiveness of the guarantee during its validity disentitle the appellant from raising any such objection, attracting principle of acquiescence.

vii) Another aspect of the matter is that adjustment of commission charges upfront and expiry of the guarantee attracts principle of conclusion of transaction(s) – a specie of past and closed transactions – particularly upon lapse of limitation provided for seeking compensation for alleged breach of contractual obligation.

Conclusion: i) See analysis No.i.

ii) Mere issuance of notice to admit without production of the document was not enough to prove default.

iii) No evidence shall be given except the document itself or secondary evidence, attracting Articles 102 & 103 QSO, 1984.

iv) No exemption could be claimed from establishing the existence and proving the execution of the document.

v) Failure to produce text of the guarantee would suggest adverse inference under Article 129(g) of QSO, 1984.

vi) See analysis No.vi.

vii) Adjustment and expiry of the guarantee attracts principle of conclusion of transaction(s) upon lapse of limitation.

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17. **Lahore High Court**
M/s Astral Constructions (Pvt.) Limited v. Province of Punjab, etc.
STR No.35/2022
Mr. Justice Asim Hafeez, Mr. Justice Mirza Viqas Rauf
https://sys.lhc.gov.pk/appjudgments/2025LHC2040.pdf

Facts: The Reference Application involves a dispute over the imposition of sales tax under the Punjab Sales Tax on Services Act, 2012. The applicant contests the validity of tax assessment and appeal proceedings on the grounds of procedural irregularities and issues of jurisdiction.

Issues: i) Whether a person having site office in the province of Punjab and carrying on business is "resident" within the meaning of Punjab Sales Tax on Services Act, 2012 and liable to pay tax?

ii) Whether the time frame prescribed in the Punjab Sales Tax on Services Act, 2012 for conclusion of proceedings before commissioner appeals is mandatory?

iii) Whether non registration of a person absolves him from payment of tax under the Punjab Sales Tax on Services Act, 2012?

Analysis: i) Primarily, parties disagree on the point that whether sub-section (1) or sub-section (3) of section 3 of the Act is attracted – difference between aforesaid sub-sections is dependent upon the resident status of the service provider, which may be either a resident or non-resident – both having different connotation(s) under the Act. Specific meaning(s) has been assigned to the expression 'resident' and converse thereof is treatable as a 'non-resident...Evidently, question of determination of status of an entity, either a resident or non-resident, is essentially a question of fact but for the purposes of present case it has legal connotation, which require determination in the context of the expression defined as 'place of business', in terms of section 2(30) of the Act... The fact of the matter is that site-office, for the purposes of carrying-out or provisioning of an economic activity, wholly or partially, is covered under the expression 'place of business', under clause (a) of section 2(30) of the Act. We are not extending serious consideration to the argument that office established was project specific and being a camp office, because description prescribed in document referred – annexure-G in paragraph 9 of the decision - fits within the legal description of the 'place of business' defined above. Hence, applicant's status, for the purposes of this reference application, is treated and declared as a resident.

ii) Second issue is whether time frame prescribed for conclusion of the proceedings before Commissioner Appeals is mandatory or directory. Though principles requiring determination of the scope of directory and mandatory provision(s) of law are clear, and to reiterate those we seek guidance from a recent decision of the Apex Court, dated 25.10.2022, passed in Civil Review Petition No.275 of 2022 in Civil Petition No.4599 of 2021 titled (Commissioner Inland Revenue, Zone-III, RTO, Rawalpindi V. M.s Sarwaq Traders, Rawalpindi, etc.), wherein, while interpreting, by and large, similarly placed provisions of law or pari materia provisions in the Sales Tax Act 1990 and the Customs Act 1969, it was held that such time-bound provision(s), specifying conclusion of adjudication of particularly the appeal proceedings – distinction has been drawn between proceedings before appellate authority and adjudicating officer -, are directory and not mandatory, because in the latter case it would cause prejudice to the tax-payer, when same was appellant before the appellate authority.

iii) Another issue is regarding non-registration of the applicant and effect thereof. It is alleged that in absence of applicant's registration with the department no claim of Sales Tax could be raised or recovered. Reliance in this behalf was placed on a case reported as Commissioner Inland Revenue, Gujranwala V. S.K.Steel Casting, Gujranwala (2019 PTD 1493). Process of registration is dealt with under Chapter IV of the Act. Before discussing provision relating to registration, it is appropriate to highlight definition of a 'registered person' through Section 2(33) of the Act, which reads as... In follow-up to the definition of registered person, Section 25 of the Act deals with registration process, which provision is reproduced hereunder along with Explanation thereto... The case of S.K. Steel Casting, Gujranwala (supra) has no application to the present case, firstly, in the context of the Explanation provided in Section 25 of the Act, and

secondly, levy of Sales Tax under the Sales Tax Act 1990 involves interplay of input and output tax, which is not the case here. In the case of S.K. Steel Casting, Gujranwala (supra) Sales Tax was charged on Electricity bills, and in that scenario expression 'liable to be registered' was discussed and interpreted. And additionally, provisioning of Explanation is per se another major point of distinction. No such Explanation was provided under Sales Tax Act, 1990. In the issue at hand definition of registered person aligns with the Explanation provided in section 25 of the Act and any interpretation contrary thereto would otherwise militate against the legislative intent and render the Explanation redundant – ratio of the decision in the case of S.K. Steel Casting, Gujranwala (supra) cannot be applied to jeopardize the effectiveness and application of the Explanation to Section 25 of the Act. No conflict is otherwise found in the substantive provision and the Explanation appended thereto.

Conclusion: i) Yes, he is resident within the meaning of Punjab Sales Tax on Services Act, 2012 and liable to pay tax.
ii) The time frame prescribed in the Punjab Sales Tax on Services Act, 2012 for conclusion of proceedings before commissioner appeals is directory.
iii) Non registration does not absolve from payment of tax under the Punjab Sales Tax on Services Act, 2012.

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18. **Lahore High Court**
The State v. Javaid Ahmed alias Jaidi
Murder Reference No.18 of 2023
Javaid Ahmed alias Jaidi Vs. The State
Criminal Appeal No. 447-J of 2023
Mr. Justice Sadiq Mahmud Khurram, Mr. Justice Sultan Tanvir Ahmad
https://sys.lhc.gov.pk/appjudgments/2025LHC1656.pdf

Facts: Appellant was convicted and sentenced to death for committing Qatl-e-Amd by the trial court. Murder reference was sent to the High Court for confirmation of the conviction and sentence while the appellant assailed the same through criminal appeal.

Issues: i) What is the principle qua the establishment of a criminal case which is hinged upon circumstantial evidence?
ii) What are the pre-requisites for believing the last seen evidence?
iii) What is the nature of last seen evidence and what is the criteria of its being believable?
iv) What is the legal status of Article 40 of the Qanun-e- Shahadat Order 1984 and when does it comes into operation?
v)What is the condition precedent for application of Article 40 of the Qanun-e-Shahadat Order 1984?
vi) What is epithelial D.N.A?
vii) Whether a tainted piece of evidence corroborates another tainted piece of

evidence?

viii) What is the principle of law with regard to the nature of evidence for determining the guilt or innocence of an accused?

ix) Upon whom, the legal duty is cast to establish the guilt against the accused?

x) What will be the legal effect of acceptance of defective evidence?

xi) Why should the courts deeply scrutinize the circumstantial evidence in order to carry a conviction on a capital charge?

xii) What is the rule as to extension of benefit of the doubt?

Analysis: i) In a case of circumstantial evidence, the prosecution must establish each instance of incriminating circumstance by way of reliable and clinching evidence, and the circumstances so proved must form a complete chain of events, on the basis of which no conclusion other than one of guilt of the accused can be reached.

ii) Pre-requisites for believing the last seen evidence are the proximity of time between the deceased seen last alive and his death and the nearness of the place of occurrence from the place of last seeing of the deceased. Interpreting these two principles, it is required that deceased shall be seen in the company of the accused by the witnesses some short time before happening of the incident and the place of murder may not be far away from the place of lastly seeing the deceased in the company of the accused by the prosecution witnesses.

iii) Last seen together is a weak type of circumstantial evidence, which cannot be readily believed unless it was corroborated through unimpeachable source, and it should be close to the time and place of murder to exclude the possibility of innocence.

iv) A perusal of above article 40 of the Qanun-e-Shahadat Order, 1984 reveals firstly that it serves as a proviso to Articles 38 and 39 of the Qanun-e-Shahadat Order,1984. It comes into operation only if and when certain facts are deposed to as discovered in consequences of information received from an accused person in police custody.

v) In order to apply Article 40 of the Qanun-e-Shahadat Order,1984, the prosecution must establish that information given by the accused led to the discovery of some fact deposed by him and the discovery must be of some fact which the police had not previously learnt from any other source.

vi) When an individual touches an object, epithelial cells are left behind. Touch D.N.A. is also known as epithelial D.N.A.

vii) A tainted piece of evidence cannot corroborate another tainted piece of evidence.

viii) It is a cardinal principle of justice and law that only the intrinsic worth and probative value of the evidence would play a decisive role in determining the guilt or innocence of an accused person. Even evidence of an uninterested witness, not inimical to the accused, may be corrupted deliberately while evidence of an inimical witness, if found consistent with the other evidence corroborating it, may be relied upon.

ix) It is a known and settled principle of law that prosecution primarily is bound to establish guilt against the accused without a shadow of reasonable doubt by producing trustworthy, convincing and coherent evidence enabling the Court to draw a conclusion whether the prosecution has succeeded in establishing accusation against the accused or otherwise and if it comes to the conclusion that charges, so imputed against the accused, have not been proved beyond a reasonable doubt.

x) If the evidence of such defective quality is accepted it would produce an illusory judgment which apparently would not be sustainable in the eye of the law.

xi) To carry a conviction on a capital charge it is essential that the courts should deeply scrutinize the circumstantial evidence because fabricating of such evidence is not uncommon and very minute and narrow examination of the same is necessary to secure the ends of justice.

xii) . It is a settled principle of law that for giving benefit of the doubt it is not necessary that there should be so many circumstances rather, if only a single circumstance creating reasonable doubt in the mind of a prudent person is available, then the such benefit is to be extended to an accused not as a matter of concession but as of right.

Conclusion: i) Prosecution must prove every circumstance through reliable evidence.

ii) Last seen evidence requires proximity in time and nearness in place to the occurrence.

iii) Last seen is a weak evidence unless corroborated by unimpeachable evidence.

iv) Article 40 of QSO, 1984, is a proviso to Articles 38 & 39 and applies when discovery is based on information from an accused in custody.

v) For application of article 40 of QSO, 1984, prosecution must show the accused's information led to a new discovery unknown to the police earlier.

vi) See above analysis No.vi.

vii) See above analysis No. vii

viii) Intrinsic worth and probative value of evidence are the key factors in determining guilt or innocence.

ix) Guilt must be proven beyond reasonable doubt.

x) Defective evidence leads to illusory judgment.

xi) Circumstantial evidence needs careful scrutiny due to potential fabrication.

xii) A single circumstance creating reasonable doubt is sufficient to acquit the accused.

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19. **Lahore High Court**
Farhan Saleem vs Anwar Hussain and three Others
Criminal Appeal No.1042 of 2019
Mr. Justice Sadiq Mahmud Khurram, Mr. Justice Sultan Tanvir Ahmad.
https://sys.lhc.gov.pk/appjudgments/2025LHC1575.pdf

Facts: This appeal has been filed against the judgment passed by the Additional Sessions Judge/ Model Court, whereby the respondents / accused were acquitted in a

criminal case registered under sections 302, 336, 337-L(2), 148 & 149 PPC alleging commission of Qatle-amad of the brother of the appellant / complainant.

Issues: i) Whether the presence of injuries on the person of a witness guarantees a truthful deposition?
ii) Whether testimony of an injured witness can be accepted without scrutiny?
iii) Whether an injured witness may be assumed to always tell the truth?
iv) Whether witness's reliability is determined by credibility rather than his mere presence at the crime scene?
v) Whether the delay in the post-mortem examination discredits the witnesses' presence at the crime scene?
vi) Whether the recoveries of the crime weapons if made in violation of Section 103 of Cr.P.C, can be relied upon?
vii) Whether an acquittal from criminal charge attaches double presumptions of innocence, and what are the principles for overturning an acquittal into a conviction?

Analysis: i) The stamp of injuries on the person of a witness may be proof of his presence at the place of occurrence, at the time of occurrence, however the same can never guarantee a truthful deposition.
ii) Injuries received by a witness during an incident do not warrant acceptance of his evidence without scrutiny.
iii) It is not a given that a witness who suffered injuries during the occurrence will depose nothing but the truth.
iv) It is not the simple presence of a witness at the crime scene but his credibility, which makes him a reliable witness.
v) This clearly establishes that the witnesses claiming to have seen the occurrence were not present at the time of occurrence and the delay in the post mortem examination was used to procure their attendance and formulate a false narrative after consultation and concert.
vi) We have also noted that recoveries of the weapons from the respondents No. 1 to 3 cannot be relied upon as the Investigating Officer of the case did not join any witness of the locality during the said recoveries which was in clear violation of the provisions of the section 103 Code of Criminal Procedure, 1898.
vii) It is important to note that according to the established principle of the criminal administration of justice, once an acquittal is recorded in favour of the accused facing criminal charge, he enjoys double presumption of innocence, therefore, the court is competent to interfere in the acquittal order should be slow in converting the same into conviction, unless and until the said order is patently illegal, shocking, based on misreading and non-reading of the record or perverse.

Conclusion: i) Presence of injuries on the person of a witness does not guarantee a truthful deposition.
ii) Testimony of injured cannot be accepted without scrutiny.
iii) An injured witness may not be assumed to always tell the truth.

iv) Presence of a witness at the crime scene does not but his credibility makes him a reliable witness.
v) See above analysis No.v.
vi) Recoveries of the crime weapons if made in violation of Section 103 of Cr.P.C, cannot be relied upon.
vii) See above analysis No.vii.

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20. **Lahore High Court**
Liaquat Ali v. The State
Criminal Appeal No.778-J of 2020 & Murder Reference No.82 of 2020
Mr. Justice Sadiq Mahmud Khurram.
https://sys.lhc.gov.pk/appjudgments/2025LHC1597.pdf

Facts: The Sessions Court convicted the appellant under section 302 (b) PPC, on the charge of murder of complainant's brother, and sentenced him to death as ta'zir. Two co-accused were acquitted by the learned trial court. Hence the appeal was filed by the convict; a separate appeal was filed by the complainant against the acquittal of two co-accused. Murder reference was also sent to the Hon'ble Lahore High Court.

Issues: i) Whether mere injuries on the person of an injured witness make him a truthful witness and his deposition can be relied upon without scrutiny?
ii) Which fact can be presumed to be in existence under Article 129 of Q.S.O?
iii) How the presence of witnesses can be doubted when there is delay in reporting the matter to police?
iv) Whether recovery of weapon in violation of section 103 Cr.PC is hit by the exclusionary rule of evidence?
v) Whether recovery of weapon from the accused during his illegal custody has any evidentiary value?
vi) Whether the motive alone can be the basis of conviction?
vii) In criminal cases, on which party the onus to prove lies?
viii) In which circumstances the benefit of the doubt should be extended in favour of the accused?

Analysis: i) The prosecution witness namely Najabat Ali (PW-12) claimed that he was injured during the occurrence however the stamp of injuries on the person of a witness may be proof of his presence at the place of occurrence, at the time of occurrence, however the same can never guarantee a truthful deposition. Injuries statedly received by a witness during an incident do not warrant acceptance of his evidence without scrutiny. At the most, such traumas can be taken as an indication of his presence on the spot, but still his evidence is to be scrutinized on the benchmark of principles laid down for the appraisal of evidence. It is not a given that a witness who suffered injuries during the occurrence will depose nothing but the truth. Even otherwise, it is not the simple presence of a witness at the crime scene but his credibility which makes him a reliable witness.

ii) Article 129 of the Qanun-e-Shahadat Order, 1984 allows the courts to presume the existence of any fact, which it thinks likely to have happened, regard being had to the common course of natural events and human conduct in relation to the facts of the particular case.

iii) Another aspect of the case raising our doubt over the presence of the prosecution witnesses namely Sohbat Khan (PW-11) and Najabat Ali (PW-12) at the place of occurrence, at the time of occurrence is the fact that they never reported the matter to the police for as many as more than two hours and twenty minutes after the occurrence.(---) The august Supreme Court of Pakistan in its binding judgment has repeatedly held that in a scenario where the motivation was against the complainant or the witnesses but the accused did not cause any harm to them, notwithstanding being within the range of their firing, would reveal that the said witnesses were not present at the place of occurrence.

iv) the Investigating Officer of the case did not join any witness of the locality during the recovery of the Sickle (P-10) from the appellant namely Mazhar Ali son of Shahzada and the recovery of the Gun 12-bore (P-4) from the appellant namely Liaquat Ali son of Shahzada and the recovery of the Danda (P-3) from the appellant namely Kamran Ali son of Shahzada which action of his was in clear violation of the provisions of the section 103 Code of Criminal Procedure, 1898 and therefore the evidence of the recovery of the Sickle (P-10) from the appellant namely Mazhar Ali son of Shahzada and the recovery of the Gun 12-bore (P-4) from the appellant namely Liaquat Ali son of Shahzada and the recovery of the Danda (P-3) from the appellant namely Kamran Ali son of Shahzada cannot be used as incriminating evidence against the appellants, being evidence which was obtained through illegal means and hence hit by the exclusionary rule of evidence.

v) It was proved that the appellant namely Liaquat Ali was kept in illegal confinement by Zulfiqar Khan, SI (PW-16), the Investigating Officer of the case, therefore, no value can be attached to the recovery of the Gun 12-bore (P-4) from the appellant namely Liaquat Ali. In this manner, the recovery of the Sickle (P-10) from the appellant namely Mazhar Ali son of Shahzada and the recovery of the Gun 12-bore (P-4) from the appellant namely Liaquat Ali son of Shahzada and the recovery of the Danda (P-3) from the appellant namely Kamran Ali son of Shahzada could not be proved and cannot be considered as a relevant fact for proving any fact in issue.

vi) It is an admitted rule of appreciation of evidence that motive is only a corroborative piece of evidence and if the ocular account is found to be unreliable, then motive alone cannot be made the basis of conviction.

vii) Suffice it to observe that the onus to prove the facts in issue never shifts and always lies on the prosecution. That the law is quite settled by now that if the prosecution fails to prove its case against an accused person then the accused is to be acquitted even if he had taken a plea and had thereby admitted killing the deceased, which at least is not the case in this particular matter.

viii) It is a settled principle of law that for giving the benefit of the doubt it is not necessary that there should be so many circumstances rather if only a single

circumstance creating reasonable doubt in the mind of a prudent person is available then such benefit is to be extended to an accused not as a matter of concession but as of right.

Conclusion: i) Injuries on the person of an injured witness do not make him a truthful witness and his deposition cannot be relied upon without scrutiny
ii) See above analysis No. ii
iii) See above analysis No. iii
iv) Any recovery in violation of section 103 Cr.PC is hit by the exclusionary rule of evidence
v) Recovery of weapon from the accused during his illegal custody has no value.
vi) The motive alone cannot be the basis of conviction.
vii) The onus to prove the charge lies on prosecution.
viii) See above analysis No. viii

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21. **Lahore High Court**
The State V. Sajid Ali
Sajid Ali V. The State and another
Capital Sentence Reference No. 02 of 2023
Criminal Appeal No. 583 of 2023
Mr. Justice Sadiq Mahmud Khurram, Mr. Justice Sultan Tanvir Ahmad
https://sys.lhc.gov.pk/appjudgments/2025LHC1689.pdf

Facts: The convict/appellant was tried by the learned Additional Sessions Judge in a case registered for offences under sections 295-C and 298-A P.P.C. The learned trial court, in its impugned judgment, convicted the appellant and imposed a sentence. Feeling aggrieved by this decision, the convict lodged a Criminal Appeal challenging his conviction and sentence. Additionally, the learned trial court submitted a Capital Sentence Reference under section 374 Cr.P.C. seeking confirmation or otherwise of the death sentence awarded to the appellant. Both the Criminal Appeal and the Capital Sentence Reference are disposed of through this single judgment.

Issues: i) What is the legal significance of the delayed recording of a prosecution witness's statement under section 161 Cr.P.C. without a valid explanation?
ii) What is the cardinal principle of justice and law regarding the evaluation of evidence?
iii) Can the Court abridge the right of the accused to acquittal if the charges are not proven beyond a reasonable doubt?
iv) Who bears the onus of proving the guilt of the accused during a trial?
v) Can suspicion, regardless of its strength, be used as a substitute for the standard of proof in criminal cases?

Analysis: i) It is trite that the delayed recording of the statement of a prosecution witness under section 161 of the Code of Criminal Procedure, 1898 reduces its value to nothing unless there is plausible explanation for such delay.

ii) It is a cardinal principle of justice and law that only the intrinsic worth and probative value of the evidence would play a decisive role in determining the guilt or innocence of an accused person. Even evidence of an uninterested witness, not inimical to the accused, may be corrupted deliberately while evidence of an inimical witness, if found consistent with the other evidence corroborating it, may be relied upon.

iii) It is a known and settled principle of law that the prosecution primarily is bound to establish guilt against the accused without a shadow of reasonable doubt by producing trustworthy, convincing and coherent evidence enabling the Court to draw a conclusion whether the prosecution has succeeded in establishing accusation against the accused or otherwise and if it comes to the conclusion that charges, so imputed against the accused, have not been proved beyond a reasonable doubt, then the accused becomes entitled to acquittal. In such a situation the Court has no jurisdiction to abridge such right of the accused.

iv) It is a well settled principle of law that one who makes an assertion has to prove it. Thus, the onus rests on the prosecution to prove guilt of the accused beyond reasonable doubt throughout the trial. Presumption of innocence remains throughout the case until such time the prosecution on the evidence satisfies the Court beyond reasonable doubt that the accused is guilty of the offence alleged against him. There cannot be a fair trial, which is itself the primary purpose of criminal jurisprudence, if the judges are not able to clearly elucidate the rudimentary concept of the standard of proof that the prosecution must meet in order to obtain a conviction.

v) Further, suspicion however grave or strong can never be a proper substitute for the standard of proof required in a criminal case, i.e. beyond a reasonable doubt.

Conclusion: i) It diminishes its evidentiary value.

ii) That only the intrinsic worth and probative value of the evidence would play a decisive role in determining the guilt or innocence of an accused.

iii)The Court has no jurisdiction to abridge such right of the accused.

iv) The onus rests on the prosecution to prove guilt of the accused beyond reasonable doubt throughout the trial.

v) Suspicion can never be used as a substitute for the standard of proof in criminal cases.

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22. **Lahore High Court**
The State v. Abdul Rasheed
Murder Reference No.36 of 2022
Abdul Rasheed v. The State
Criminal Appeal No. 655-J of 2022
Mr. Justice Sadiq Mahmud Khurram, Mr. Justice Ch.Sultan Mahmood
https://sys.lhc.gov.pk/appjudgments/2025LHC1844.pdf

Facts: The petitioner was tried for the murder of Sardar Muhammad, allegedly committed during a family dispute arising out of complaints regarding the

mistreatment of the wife of a co-accused and paternal cousin of the deceased. The trial court convicted the accused and sentenced him to death, while acquitting the co-accused.

Issues

i) What obligation rests upon a chance witness to justify their presence at the scene and time of the occurrence?

ii) What is the effect of failing to prove a light source at the time and place of occurrence?

iii) What conclusion can be drawn when witnesses remain unharmed despite being within firing range and subject to motive?

iv) What inference may be drawn from the non-production of available witnesses by the prosecution?

v) What is the usual duration for decomposition of the adult brain post-mortem?

vi) What does delay in post-mortem examination indicate about the presence of witnesses?

vii) What does delay in lodging the F.I.R. and failure to approach the police station suggest about the witnesses' presence?

viii) Why is recovery evidence inadmissible when obtained without compliance with section 103 Cr.P.C.?

ix) What is the evidentiary value of recovery when the ocular account is unreliable?

x) Can one tainted piece of evidence corroborate another tainted piece of evidence?

xi) Is a conviction justified on mere presumption when the prosecution fails to establish its eyewitnesses?

xii) What principle regarding burden of proof is enshrined in Article 117 of the Qanun-e-Shahadat, 1984?

xiii) Can Article 122 of the Qanun-e-Shahadat, 1984 shift the primary burden of proof from the prosecution to the accused?

xiv) Can an accused be convicted solely for failing to explain the circumstances of the deceased's death?

Analysis:

i) In view of the above mentioned facts, it can be validly held that the prosecution witnesses namely Muhammad Islam (PW-1) and Ghulam Ali (PW-2) were "chance witnesses" and therefore were under a duty to explain and prove their presence at the place of occurrence, at the time of occurrence.

ii) The failure of the prosecution witnesses to prove the presence of any light source at the place of occurrence, at the time of occurrence, has repercussions, entailing the failure of the prosecution case.

iii) The august Supreme Court of Pakistan in its binding judgments has repeatedly held that in a scenario where the motivation was against the complainant or the witnesses but the accused did not cause any harm to them, notwithstanding being within the range of their firing, would reveal that the said witnesses had not witnessed the occurrence.

iv) the failure of the prosecution to produce the said inhabitants of the place of occurrence before the learned trial court, reflects poorly upon the veracity of the prosecution case. Article 129 of the Qanun-e-Shahadat, 1984 provides that if any evidence available with the parties is not produced, then it shall be presumed that had that evidence been produced, the same would have been gone against the party producing the same.

v) In support of the duration required for the autolysis of the brain, in Chapter 15 'POST-MORTEM CHANGES AND TIME SINCE DEATH", at page 353 and page 361 of Rai Bahadur Jaising P. Modi's A Textbook of Medical Jurisprudence and Toxicology (26th Edition 2018) ,it has been discoursed as under:- "(2) Putrefaction or Decomposition and Autolysis. Putrefaction is a certain sign of death. It is a slow process and consists of softening and liquefaction brought about by the digestive action of enzymes, released after death from tissue cells. This autolysis, can occur even in sterile conditions, such as seen in a macerated dead foetus. Also, ferments are produced by living saprophytic micro-organisms, which resolve the complex organised tissues of the body into simpler, inorganic compounds. These microorganisms are both aerobic and gas forming anaerobic, predominantly being C welchii, A proteus, E coli, streptococci and staphylococci and during life are found in large numbers in the alimentary canal, but within a short time after death, are found scattered in the blood and in all the tissues and organs. Post-mortem haemolysis is caused by the enzyme lecithinase, which also helps in the hydrolysis and hydrogenation of the body fat. As a result of their action, the dead body invariably putrefies, unless special means are taken to prevent their access or the tissues are rendered unfit for their use. The skeletal remains and the teeth resist putrefaction the most. …….

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(h) Adult Brain. The putrefaction of the adult brain initially begins at its base, and then proceeds to the upper surface. It is hastened if any injury to the brain or skull is present. The brain becomes soft and pulpy within 24 to 48 hours in summer, and becomes a liquid mass from three to four days"

vi) This clearly establishes that the witnesses claiming to have seen the occurrence were not present at the time of occurrence and the delay in the post mortem examination was used to procure their attendance and formulate a false narrative after consultation and concert. It has been repeatedly held by the august Supreme Court of Pakistan that such delay in the post mortem examination is reflective of the absence of witnesses and the sole purpose of causing such delay is to procure the presence of witnesses and to further advance a false narrative to involve any person.

vii) when the F.I.R of the case is not lodged at the Police Station, a conclusion can be drawn that the F.I.R. had been registered after pondering and inquiry at the spot. (...) the delay in reporting the matter to the police and the failure of the prosecution witnesses to proceed to the Police Station evidences their absence at the time of occurrence, at the place of occurrence.

viii) The provisions of section 103 Code of Criminal Procedure, 1898, unfortunately, are honoured more in disuse than compliance. (...) Therefore, the evidence of the recoveries of the Pistol (P-5) on 01.07.2019 and the motorcycle (P-7) on 05.07.2019 from the appellant cannot be used as incriminating evidence against the appellant, being evidence that was obtained through illegal means and hence hit by the exclusionary rule of evidence.

ix) It is an admitted rule of appreciation of evidence that recovery is only a corroborative piece of evidence and if the ocular account is found to be unreliable, then the recovery has no evidentiary value.

x) Even otherwise a tainted piece of evidence cannot corroborate another tainted piece of evidence.

xi) Moreover, the prosecution is bound to prove its case against an accused person beyond a reasonable doubt at all stages of a criminal case and in a case where the prosecution asserts the presence of some eye-witnesses and such claim of the prosecution is not established by it, there the accused person could not be convicted merely on the basis of a presumption that since the murder of a person had taken place in his house, therefore, it must be he and none else who would have committed that murder.

xii) The law on the burden of proof, as provided in Article 117 of the Qanun-e-Shahadat, 1984, mandates the prosecution to prove, and that too, beyond any doubt, the guilt of the accused for the commission of the crime for which he is charged. (...) On a conceptual plain, Article 117 of the Qanun-e-Shahadat, 1984 enshrines the foundational principle of our criminal justice system, whereby the accused is presumed to be innocent unless proved otherwise.

xiii) In a criminal case, the burden of proof is on the prosecution and article 122 of the Qanun-e-Shahadat, 1984 is certainly not intended to relieve it of that duty. On the contrary, it is designed to meet certain exceptional cases in which it would be impossible, or at any rate disproportionately difficult, for the prosecution to establish facts which are " especially " within the knowledge of the accused and which he could prove without difficulty or inconvenience. If the article was to be interpreted otherwise, it would lead to the very startling conclusion that in a murder case the burden lies on the accused to prove that he did not commit the murder because who could know better than he whether he did or did not. Article 122 of the Qanun-e-Shahadat, 1984 cannot be used to undermine the well-established rule of law that, save in a very exceptional class of cases, the burden is on the prosecution and never shifts.

xiv) An accused person cannot be convicted merely because he did not explain the circumstances in which the deceased had lost his life.

Conclusion: i) A chance witness must explain and prove their presence at the place and time of occurrence.

ii) Failure to prove a light source has repercussions entailing failure of the prosecution case.

iii) When witnesses remain unharmed despite motive and proximity, it reveals they had not witnessed the occurrence.
iv) Non-production of available witnesses reflects poorly upon the veracity of the prosecution case.
v) See above analysis No.v.
vi) Delay in post-mortem is reflective of absence of witnesses and formulation of a false narrative.
vii) Delay in F.I.R. and failure to report to police evidences absence of witnesses at the occurrence.
viii) Evidence obtained in violation of Section 103 Cr.P.C. is hit by the exclusionary rule.
ix) Recovery is only corroborative and has no value if ocular account is unreliable.
x) A tainted piece of evidence cannot corroborate another tainted piece of evidence.
xi) Accused cannot be convicted merely on presumption when eyewitnesses are not established.
xii) Article 117 of QSO, 1984 mandates prosecution to prove guilt beyond doubt; accused is presumed innocent.
xiii) Article 122 of QSO, 1984 applies only after prosecution proves guilt; burden never shifts in ordinary cases.
xiv) Accused cannot be convicted merely for not explaining the circumstances of the death.

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23. **Lahore High Court**
Waqar Ali v. The State
Criminal Appeal No. 587-J of 2021
Mr. Justice Sultan Tanvir Ahmad and Mr. Justice Sadiq Mahmud Khurram
https://sys.lhc.gov.pk/appjudgments/2025LHC1544.pdf

Facts: The appellant was tried by the learned Additional Sessions Judge/Model Criminal Trial Court, in respect of offences under sections 302,452,354,337-F(i) and 337-F(ii) P.P.C. for committing Qatl-i-Amd. The learned trial court convicted and sentenced the appellant. Feeling aggrieved, the appellant lodged this Criminal appeal through jail assailing his conviction and sentences. The learned trial court submitted Murder Reference under section 374 Cr.P.C. seeking confirmation or otherwise of the sentence of death awarded to the appellant before the High Court.

Issues i) Whether an injured witness can be presumed to be also a truthful witness?
ii) What is effect of non-production of source of light before the trial court?
iii) Whether closely related witnesses would remain watching the proceedings as mere spectators?
iv)What is legal requirement for extending benefit of doubt to an accused?

Analysis: i) The stamp of injuries on the person of a witness may be proof of her presence at the place of occurrence, at the time of occurrence, however the same can never

guarantee a truthful deposition. Injuries received by a witness during an incident do not warrant acceptance of her evidence without scrutiny…Even otherwise, it is not the simple presence of a witness at the crime scene but his credibility, which makes him a reliable witness.

ii) The non-production of the electric bulb which was lit at the place of occurrence is all the more a matter of disquiet for the reason that if the said source of light was indeed available then the complainant of the case could have easily produced the same before the learned trial court. The failure of the complainant of the case to produce the same before the learned trial court leads to only one conclusion and that being that no such source of light was available at the place of occurrence which could have enabled to have identified the assailant during the occurrence…The failure of the prosecution witnesses to prove the presence of any light source at the place of occurrence, at the time of occurrence, has repercussions, entailing the failure of the prosecution case.

iii) No person with ordinary prudence would believe that such closely related witnesses would remain watching the proceedings as mere spectators for as long as the occurrence continued without doing anything to rescue the deceased or apprehend the assailant…We thus, trusts the existence of this fact, by virtue of the Article 129 of the Qanun-e-Shahadat, 1984, that the conduct of the witnesses, as deposed by them, was opposed to the common course of natural events, human conduct.

iv) It is a settled principle of law that for giving the benefit of the doubt it is not necessary that there should be so many circumstances rather if only a single circumstance creating reasonable doubt in the mind of a prudent person is available then such benefit is to be extended to an accused not as a matter of concession but as of right.

Conclusion: i) An injured witness cannot be presumed to be also a truthful witness.
ii) See above analysis No.ii
iii) See above analysis No.iii
iv) See above analysis No.iv

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24. **Lahore High Court**
The State Vs. Muhammad Rafi alias Muhammad Rafique
Murder Reference No.49 of 2022
Muhammad Rafi alias Muhammad Rafique Vs. The State and another.
Criminal Appeal No. 576 of 2022
Muhammad Shafique Vs. The State and another.
Criminal Appeal No. 518 of 2022
Mr. Justice Sadiq Mahmud Khurram, Mr. Justice Sultan Tanvir Ahmad
https://sys.lhc.gov.pk/appjudgments/2025LHC1627.pdf

Facts: Two individuals were tried for committing Qatl-i-Amd, attempt to commit Qatl-i-Amd and causing bodily injury. The trial court convicted one appellant with death sentence and the other with imprisonment. Both convicts filed criminal appeals against their convictions, while a murder reference was submitted by the trial

court for confirmation of the death sentence.

Issues: i) Whether the testimony of related witnesses can be relied upon in a criminal trial?
ii) Does prompt FIR enhance the credibility of prosecution witnesses and narrative?
iii) What is the effect of omission to collect blood-stained clothes on witness credibility.
iv) Whether absence of details and independent evidence render the alleged motive unproven?
v) What is the effect of unproven motive on sentencing in criminal cases.

Analysis: i) The mere relationship of the prosecution witnesses with the deceased and *inter-se* is not sufficient to discredit their testimony.
ii) The promptitude in reporting the matter to the police also corroborates the case of the prosecution as against the appellants. This promptitude in reporting the matter to the police establishes the presence of the witnesses at the place of occurrence, at the time of occurrence and supports their narrative.
iii) In this regard it is observed that not taking the blood-stained clothes of witnesses into possession can be an act of lethargy by the Investigating Officer of the case, however, can never be considered as proof of the absence of the prosecution witnesses.
iv) There is a haunting silence with regard to the minutiae of motive alleged. No independent witness was produced by the prosecution to prove the motive as alleged… So, this leads us to the conclusion that the prosecution remained unable to prove the motive as alleged.
v) It has been held in number of judgments of the august Supreme Court of Pakistan that if a specific motive has been alleged by the prosecution, then it is duty of the prosecution to establish the said motive through cogent and confidence inspiring evidence and non-proof of motive may be considered a mitigating circumstance in favour of the accused.

Conclusion: i) Yes, the testimony of related witnesses can be relied upon if it is found to be trustworthy and confidence inspiring.
ii) Yes, the promptitude in reporting the matter to the police establishes the presence of the witnesses and supports their narrative.
iii) The omission to collect blood-stained clothes reflects on the lethargy of the Investigating Officer and not on the credibility of the witnesses.
iv) Yes, the prosecution remained unable to prove the motive as alleged due to absence of details and independent evidence.
v) Non-proof of motive may be considered a mitigating circumstance in favour of the accused.

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25. **Lahore High Court**
Aftab and five others v.The State and another
Crl. Appeal No.947-LD of 2022 and Murder Reference No.94-LD of 2022.
Mr. Justice Sadiq Mahmud Khurram, Mr. Justice Ch. Sultan Mahmood
https://sys.lhc.gov.pk/appjudgments/2025LHC1963.pdf

Facts: A group of accused was convicted by the trial court for committing Qatl-i-Amd and injuring several persons in a sudden clash arising from prior hostility. A murder reference was sent for confirmation of the death sentence awarded to one of the convicts, and the others challenged their convictions through a criminal appeal.

Issues: i) Whether a plea not specifically raised during trial or under section 342 Cr.P.C can be considered by the Court at the appellate stage?
ii) Whether the existence of mutual injuries and withheld facts by both parties establishes the occurrence as a free fight attracting Exception 4 to the erstwhile section 300 PPC?
iii) Whether the intentional act of causing death during a free fight, without undue advantage or cruelty, falls under section 302(c) PPC instead of 302(b) PPC?
iv) What are the five recognized philosophies of sentencing and their respective purposes?
v) What is indeterminate sentencing and how does it reflect the intent of Legislature to promote rehabilitation?
vi) What is the consequence of non-payment of daman under section 337-Y(2) PPC?

Analysis: i) The appellants did not raise this plea during the trial at the time when the prosecution witnesses were subjected to cross-examination or even while getting their statements recorded under section 342 Cr.P.C however there is no bar to raise such a plea despite having not taken the said plea specifically during trial and the Court can deduce the same from the evidence if the same is acceptable.
ii) The prosecution as well as the defence withheld some material facts from placing on record to fix the whole responsibility of aggression on an individual party. (…) While reviewing the entire evidence produced by the prosecution and the plea taken by the defence, the total responsibility of inviting trouble by an individual party cannot reasonably be put either on the accused or the complainant party. (...) Exception 4 of the erstwhile section 300 of the P.P.C. covered those cases where an offender causes death 'without premeditation in a sudden flight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner'. The help of Exception 4 can be invoked if death is caused: (a) without premeditation; (b) in a sudden fight; (c) without the offender's having taken undue advantage or acted in a cruel or unusual manner; and (d) the fight must have been with the person killed. It is to be noted that the word 'fight' occurring in Exception 4 contained in the erstwhile section 300, P.P.C. is not defined in PPC. It takes two to make a fight. Heat of

passion requires that there must be no time for the passions to cool down. 'Sudden fight' implies mutual provocation and blows on each side. The homicide committed is then clearly not traceable to unilateral provocation, nor in such cases could the whole blame be placed on one side. For if it were so, the exception more appropriately applicable would be Exception 1 provided in the erstwhile provisions of section 300 P.P.C. (...) Exception 4 provided in the erstwhile provisions of section 300, P.P.C. jurisprudentially must be reckoned as a humane provision accepting the fact that even the most rational of men may, under the heat of passion, do acts which they may not have done or would not do if saner faculties were to prevail.

iii) The benefit of Exception 4 provided in the erstwhile section 300 P.P.C. cannot be ordinarily denied on the ground that the act committed in a free fight was intentional, rather the benefit is extended subject to the fulfilment of the conditions and taking not undue advantage or acting in a cruel manner. The intention alone, in the absence of other essential conditions, in such cases cannot be pressed for the application of section 302(b), P.P.C. In the case of culpable homicide not amounting to murder, the act of causing death is either done with the intention to cause death or with that knowledge. In the present case, the act of the appellant namely Aftab son of Zafar Iqbal, of causing injuries to the deceased was done by him with the intention to cause death but having been done during the course of free fight, with no undue advantage and not in a cruel manner, the case should fall within the purview of Exception 4 to the erstwhile section 300 P.P.C. to be saddled with the responsibility of committing an offence under section 302 (c) P.P.C.

iv) There are the five philosophies of sentencing. The first one is retribution and the purpose is to emphasize taking revenge on a criminal, perpetrator or offenders. The next philosophy is incapacitation which means a way to reduce the chances of an offender committing another crime. Then is the deterrence in which a criminal is made to fear going back to jail or prison. Rehabilitation is also another philosophy of sentencing by which an effort is made to reform and rehabilitate a criminal, such as trying to give him a second chance. Reparation is the last of the five philosophies of sentencing in which effort is made to repay victim(s).

v) Indeterminate sentencing means that criminal punishment that promotes rehabilitation through the use of unspecific sentences. The offence under section 324 P.P.C. has been made punishable with imprisonment of either description for a term which may extend to ten years whereas the offence under section 337-D P.P.C. has been made punishable with imprisonment of either description for a term which may extend to ten years whereas the offence under section 337-A(i) P.P.C. has been made punishable with imprisonment of either description for a term which may extend to two years whereas the offence under section 337-F(iii) P.P.C. has been made punishable with imprisonment of either description for a term which may extend to three years.The very intention of the Legislature for providing indeterminate sentencing, by using the words “may extend to” in sections 324,337-D,337-A(i) and 337-F(iii) P.P.C. was that it would provide for

the rehabilitation of a convict. Such provisions of law providing for the unspecific sentences are indicative that the Courts have to appreciate circumstances indicative of the reformation of a convict before deciding about the quantum of sentence

vi) Section 337-Y(2), P.P.C. provides that "in case of non-payment of daman, it shall be recovered from the convict and until daman is paid in full to the extent of his liability, the convict may be kept in jail and dealt with in the same manner as if sentenced to simple imprisonment or may be released on bail if he furnishes security equal to the amount of daman to the satisfaction of the Court."

Conclusion: i) A plea not raised during trial or under section 342 Cr.P.C may still be considered and inferred from the evidence by the appellate court if found tenable.

ii) The mutual participation, absence of premeditation, and provocation on both sides attracted Exception 4 to the erstwhile section 300 PPC.

iii) An intentional killing during a sudden fight without cruelty or undue advantage is punishable under section 302(c) PPC, not 302(b) PPC.

iv) The five philosophies of sentencing are retribution, incapacitation, deterrence, rehabilitation, and reparation—each addressing a distinct penal objective.

v) Indeterminate sentencing under the PPC reflects legislative intent to enable rehabilitation by allowing courts to assess reformation before fixing sentence duration.

vi) See Above analysis vi.

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26. **Lahore High Court**
Criminal Appeal No. 525 of 2024.
Raja Shahid Ahmad v The State and another
Criminal Appeal No. 526 of 2024.
Haq Nawaz Abbasi v The State and another)
Criminal Appeal No. 520 of 2024.
Aurangzeb v The State and another)
Criminal Appeal No. 534 of 2024.
Malik Muhammad Safdar v The State and another)
Mr. Justice Sadiq Mahmud Khurram
https://sys.lhc.gov.pk/appjudgments/2025LHC1782.pdf

Facts: The accused persons (convicts) were tried by the learned Sessions Judge/Special Judge Anti-Corruption in case registered in respect of offences under sections 409, 420 468 and 471 P.P.C. and under section 5 of the Prevention of Corruption Act.

Issue: i) Whether a single circumstance is sufficient to extend benefit of doubt in favour of an accused person?

ii) What considerations should guide courts in seeking subjective justice?

iii) Why a guilty person should not be taken into task, whose guilt is not proved under the law?

Analysis: i) It is a settled principle of law that for giving the benefit of doubt, it is not necessary that there should be so many circumstances rather, if only a single circumstance, creating reasonable doubt in the mind of a prudent person, is available, then such benefit is to be extended to an accused not as a matter of concession but as of right.

ii) The zeal to punish an offender even in derogation or violation of the law would blur the distinction between arbitrary decisions and lawful judgments. No doubt, the duty of the courts is to administer justice; but this duty is to be performed in accordance with the law and not otherwise. The mandatory requirements of the law cannot be ignored by labelling them as technicalities in pursuit of the subjective administration of justice.

iii) One guilty person should not be taken to task at the sacrifice of the very basis of a democratic and civilized society, i.e., the rule of law. Tolerating acquittal of some guilty, whose guilt is not proved under the law is the price which the society is to pay for the protection of their invaluable constitutional right to be treated in accordance with the law. Otherwise, every person will have to bear the peril of being dealt with under the personal whims of the persons sitting in executive or judicial offices, which they in their own wisdom and subjective assessment consider good for the society.

Conclusion: i) It is a settled principle of law that for giving the benefit of doubt, it is not necessary that there should be so many circumstances. The zeal to punish an offender even in derogation or violation of the law would blur the distinction between arbitrary decisions and lawful judgments. Tolerating acquittal of some guilty, whose guilt is not proved under the law is the price which the society is to pay for the protection of their invaluable constitutional right to be treated in accordance with the law.

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27. **Lahore High Court**
Liaqat ali v. The state etc.
Criminal Appeal No. 883-23
Mr. Justice Sadiq Mahmud Khurram, Mr. Justice Sultan Tanvir Ahmad
https://sys.lhc.gov.pk/appjudgments/2025LHC1715.pdf

Facts: Appellants were tried and convicted and other were acquitted in a double murder case during a violent incident involving multiple accused; both the convicts were sentenced to death along with imprisonment, fine and compensation to the victims' legal heirs. Convicts filed appeals against their conviction, and trial court filed reference for confirmation of their death sentences.

Issues: i) Whether a court is justified in drawing inferences from the available evidence and surrounding circumstances, even when the narrative presented by the parties is incomplete?

ii) Whether exception 4 to erstwhile Section 300, P.P.C. is attracted in cases involving a sudden fight arising from mutual provocation between parties with prior enmity?
iii) Whether cases covered by the Exceptions in the old section 300 P.P.C. are to be dealt with under clause (c) of the section 302 PPC?

Analysis: i) Court cannot be deterred by the incompleteness of the tale from drawing the inference that properly flows from the evidence and circumstances of the case. In this regard, reliance is placed on "Syed Ali Beopari v. Nibaran Mollah and others" (PLD 1962 Supreme Court 502).
ii) Exception 4 provided in the erstwhile provisions of section 300, P.P.C. jurisprudentially must be reckoned as a humane provision accepting the fact that even the most rational of men may, under the heat of passion, do acts which they may not have done or would not do if saner faculties were to prevail. To such persons, law in a humane manner, permits mitigation if and only if it is proved that the passion happened to run in a sudden fight upon a sudden quarrel. The present case, fulfilling all the necessary elements of free fight i.e. the preparation of the parties with some background of enmity or grudge against each other and looking for the opportunity to damage the opponent or the happening of something suddenly between the parties, each participant is burdened with the liability of the act committed by him. These factors of the case squarely attract Exception 4 provided in the erstwhile provisions of section 300 P.P.C.
iii) The case in hand was surely a case of lack of premeditation, the incident was one of a sudden fight which was a result of the heat of passion developed upon a sudden quarrel and no undue advantage had been taken by the appellants nor had they acted in a brutal or unusual manner. In these circumstances Exception 4 contained in the erstwhile section 300 P.P.C. squarely stood attracted to the case in hand and, thus, the case against the appellants falls within the purview of the provisions of section 302(c) P.P.C.

Conclusion: i) See above analysis No.1
ii) Exception 4 to erstwhile Section 300, P.P.C. is attracted in cases involving a sudden fight arising from mutual provocation between parties with prior enmity.
iii) The cases covered by the Exceptions in the old section 300 P.P.C. are to be dealt with under clause (c) of the section 302 PPC.

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28. **Lahore High Court**
Shamshad Sanni alias Lallou and three others v. The State and another.
Criminal Appeal No. 679 of 2022
Criminal Appeal No. 687 of 2022
Criminal Appeal No. 691 of 2022
Murder Reference No. 41 of 2022
Mr. Justice Sadiq Mahmud Khurram
https://sys.lhc.gov.pk/appjudgments/2025LHC1811.pdf

Facts: The appellants/convicts were involved in a case registered under Sections 302,

337-A(i), 337-F(i), 337-F(ii), 337-F(v), 337-H(2), 148, and 149 PPC and were tried by the court of learned Sessions Judge. The learned trial court seized the matter and convicted the appellants/convicts under Section 302(b) PPC, awarding the death penalty to two of them and life imprisonment to others, along with sentences under various other sections. Feeling aggrieved by the judgment of the learned trial court, the appellants impugned the same by way of filing Criminal Appeals before the High Court.

Issues: i) Whether the existence of a sudden fight without premeditation excludes the offence from the scope of murder under Section 302(b) PPC and attracts Exception 4 to the erstwhile Section 300 PPC, thereby bringing the case within Section 302(c) PPC?
ii) Whether a conviction under Section 148 PPC (rioting with deadly weapons) is sustainable in situations where the altercation was sudden, unplanned, and not backed by a pre-formed unlawful assembly with a common object?
iii) Whether a court can still draw legal inferences and reach a conviction when both the prosecution and defence have not stated the whole truth, and have concealed material facts from the court?

Analysis: i) Exception 4 of the erstwhile section 300 of the P.P.C. covered those cases where an offender causes death 'without premeditation in a sudden flight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner'. The help of Exception 4 can be invoked if death is caused: (a) without premeditation; (b) in a sudden fight; (c) without the offender's having taken undue advantage or acted in a cruel or unusual manner; and (d) the fight must have been with the person killed. The benefit of Exception 4 provided in the erstwhile section 300 P.P.C. cannot be ordinarily denied on the ground that the act committed in a free fight was intentional, rather the benefit is extended subject to the fulfillment of the conditions and taking not undue advantage or acting in a cruel manner. The intention alone, in the absence of other essential conditions, in such cases cannot be pressed for the application of section 302(b), P.P.C. In the case of culpable homicide not amounting to murder, the act of causing death is either done with the intention to cause death or with that knowledge. In the present case, the acts of the appellants of causing injuries to the deceased were done by them with the intention to cause death but having been done during the course of free fight, with no undue advantage and not in a cruel manner, the case should fall within the purview of Exception 4 to the erstwhile section 300 P.P.C. to be saddled with the responsibility of committing an offence under section 302 (c) P.P.C.
ii) The encounter probably was not planned or premeditated but each party, having a constant fear of attack by the other side, on facing each other, became active to deal with the situation. While reviewing the entire evidence produced by the prosecution and the plea taken by the defence, the total responsibility of inviting trouble by an individual party cannot reasonably be put either on the accused or the complainant party. The circumstances of the case do not prove the

defence plea or the aggression of the complainant party rather it being a free fight and a melee, which undoubtedly was not an arranged occurrence of either party rather both sides, under compelled circumstances, were to participate in it.

iii) Both the parties have not come to the Court with clean hands and have not stated the whole truth. In such a situation, the Court cannot be deterred by the incompleteness of the tale from drawing the inference that properly flows from the evidence and circumstances of the case.

Conclusion: i) The existence of a sudden fight without premeditation excludes the offence from the scope of murder under Section 302(b) PPC and attracts Exception 4 to the erstwhile Section 300 PPC, thereby bringing the case within Section 302(c) PPC.

ii) See analysis ii above.

iii) See analysis iii above.

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29. **Lahore High Court**
The State v. Muhammad Jehangir
Capital Sentence Reference No. 06/T of 2021
Muhammad Jehangir v. The State and another
Criminal Appeal No. 289 of 2021
Mr. Justice Sadiq Mahmud Khurram, Mr. Justice Sultan Tanvir Ahmad
https://sys.lhc.gov.pk/appjudgments/2025LHC1512.pdf

Facts: The accused was tried for committing Qatl-i-Amd of three individuals during a land demarcation process. The incident occurred during daytime and was witnessed by many persons. The trial court convicted the accused under section 302(b) PPC, awarding three death sentences, while acquitting him under section 7(a) of the Anti-Terrorism Act. The accused filed a criminal appeal against his conviction and sentence and simultaneously the learned trial court submitted Reference under section 374 Cr.P.C. read with section 30(2) of Anti-Terrorism Act, 1997 for confirmation or otherwise of the sentences of death awarded to the convict.

Issues: i) Whether it is plausible that related or interested prosecution witnesses would falsely implicate the accused by substituting him for the actual offender in a murder case?

ii) Whether the occurrence in broad daylight rules out mistaken identity or substitution?

iii) Whether prompt reporting of the incident establishes witness reliability?

iv) Whether relevancy is a prerequisite for the admissibility of a witness's statement?

v) Procedure of Confrontation for contradictions in a witness's previous statement.

vi) Whether the recovery of the pistol without associating independent witnesses, in violation of Section 103 Cr.P.C. renders it inadmissible as evidence?

vii) Whether the prosecution case can be sustained solely on the basis of credible ocular and medical evidence despite the exclusion of motive and recovery?
viii) Whether failure to prove a specifically alleged motive can be treated as a mitigating circumstance for the accused?

Analysis: i) Substitution is a phenomenon of a rare manifestation because even the interested witnesses would not normally allow the real culprit for the murder of their relations let off by involving an innocent person.

ii) Furthermore, as mentioned above, the occurrence in question had admittedly taken place in broad daylight at **11.00 a.m** and the same, therefore, could not have gone un-witnessed nor could have the culprit escaped unobserved… Reliance is also placed on the case of "*Shaheen Ijaz Alias Babu Versus The State"* (**2021 S C M R 500**) wherein it has been held as under:-

"……..petitioner's nomination in a broad daylight incident by resident witnesses hardly admits a space to entertain any hypothesis of mistaken identity or substitution. Prompt recourse to law straight at the police station excludes every possibility of deliberation or consultation."

iii) We have also appreciated the fact that the occurrence in this case took place at about 11.00 a.m and was reported by PW-7 with reasonable promptitude. According to the prosecution evidence, the oral statement (Exh. P.L.) of PW-7 was recorded by CW-13…at 02.45 p.m. on the day of the occurrence and thereafter the formal F.I.R. was registered at 03.00 p.m at the Police Station, when the distance between the place of occurrence and the Police Station was as much as **ten kilometres**. Thus, it is apparent that the oral statement (Exh. P.L.) of the prosecution witness PW-7 was recorded without delay and the formal F.I.R was registered with promptitude, especially when during the incident as many as *three persons* had died… This promptitude in reporting the matter to the police also establishes the presence of the witnesses at the place of occurrence, at the time of occurrence and supports their narrative.

iv) The question of the admissibility of a statement of a witness comes after the question of the relevancy of the said statement. The first requirement is that the evidence to be introduced during the trial should be relevant to the charge, second the oral, as well as documentary evidence, should be admissible and then comes the question of appreciation or giving weight to such evidence

v) For bringing any improvement made by a prosecution witness in his previous statement earlier recorded, then during cross-examination by the defence , his attention has to be drawn to that part of the statement made by him which contradicts his statement in the witness box and ideally the relevant portions of the statement used for contradicting a prosecution witness must be extracted fully in the deposition and marked separately and if he admits to have made the previous statement then no further proof is necessary to prove the contradiction however if the prosecution witness, after going through the earlier statement ,denies having made that part of the statement then it must be mentioned in the deposition and thereafter when the investigating officer or the witness who

recorded the said statement is examined in the court, his attention should be drawn to the passage marked for contradiction and after going through the statement, if the witness admits that the prosecution witness had made that earlier statement only then the contradiction can be said to have been proved.

vi) The Investigating Officer of the case, did not join any witness of the locality during the recovery of the said *Pistol (P-4)* from the appellant which was in clear violation of section 103 Code of Criminal Procedure, 1898 and therefore cannot be used as incriminating evidence against the appellant, being evidence which was obtained through illegal means and hence hit by the exclusionary rule of evidence.

vii) We have disbelieved the evidence of the prosecution qua the motive and recovery of the *Pistol* in this case. However, if the evidence of motive and recovery of the *Pistol* is excluded from consideration, even then there is sufficient incriminating evidence available on the record against the appellant… As discussed earlier, the prosecution case was fully proved through the evidence of the eye-witnesses namely PW-5 , PW-6 and PW-7. The said eye-witnesses stood the test of lengthy cross-examination, but their evidence could not be stunned. Their evidence is quite natural, straightforward and confidence inspiring. The ocular account of the prosec vii) We have disbelieved the evidence of the prosecution qua the motive and recovery of the *Pistol* in this case. However, if the evidence of motive and recovery of the *Pistol* is excluded from consideration, even then there is sufficient incriminating evidence available on the record against the appellant… As discussed earlier, the prosecution case was fully proved through the evidence of the eye-witnesses namely PW-5 , PW-6 and PW-7. The said eye-witnesses stood the test of lengthy cross-examination, but their evidence could not be stunned. Their evidence is quite natural, straightforward and confidence inspiring. The ocular account of the prosecution as given by the abovementioned eye-witnesses is fully supported by the medical evidence furnished by Dr. CW-7ution as given by the abovementioned eye-witnesses is fully supported by the medical evidence furnished by Dr. CW-7.

viii) It has been held in a number of judgments of the august Supreme Court of Pakistan that if a specific motive has been alleged by the prosecution then it is duty of the prosecution to establish the said motive through cogent and confidence inspiring evidence and non-proof of motive may be considered a mitigating circumstance in favour of the accused.

Conclusion: i) See above analysis No i.

ii) Occurrence which took place in broad daylight could not have gone un-witnessed.

iii) This promptitude in reporting the matter to the police establishes the presence of the witnesses at the place of occurrence, at the time of occurrence and supports their narrative.

iv) See above analysis No iv.

v) See above analysis No v.

vi) The Investigating Officer did not join any witness of the locality during the recovery of the said *Pistol (P-4)* which is clear violation of section 103 Code of Criminal Procedure, 1898.
vii) See above analysis No vii.
viii) Non-proof of motive may be considered a mitigating circumstance.

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30. **Lahore High Court**
Muhammad Abid v. The State
Mr. Justice Sadiq Mahmud Khurram, Mr. Justice Ch. Sultan Mahmood
Crl. Appeal No.34-J of 2023
Murder Reference No.1 of 2023
https://sys.lhc.gov.pk/appjudgments/2025LHC1923.pdf

Facts: FIR was registered against accused for intentionally murdering the deceased by firing multiple gunshots. The trial court convicted the appellant under Section 302(b) PPC and sentenced him to death along with compensation. However, the High Court found prosecution evidence unreliable due to contradictions and lack of corroboration, leading to acquittal of the accused.

Issues: i) What is requirement for a chance witness to make his statement trust worthy?
ii) What would be presumed if mouth and eyes of deceased were found open at the time of preparation of inquest report?
iii) What would be presumed if the persons residing or working near the place of occurrence are not produced as witness?
iv) What is legal effect of delay in post mortem examination?
v) What would be consequences if recovery of weapon of offence is affected from accused in absence of any person from the locality?
vi) What would be the status of report of PFSA if empty shells were sent for comparison after arrest of the accused?
vii) What is yardstick for extending benefit of doubt to the accused?

Analysis: i) In this manner, the prosecution witnesses namely...can be validly termed as "chance witnesses" and therefore were under a bounden duty to provide a convincing reason for their presence at the place of occurrence, at the time of occurrence and were also under a duty to prove their presence by producing some physical proof of the same.
ii) The mouth and eyes of the deceased were found open at the time of preparation of the inquest report (Exh.PL), thus, if the witnesses were present then, at least after the death, as is a consistent practice of such close relatives, they would have closed the eyes and mouth of the deceased on his expiry, however, they did not. Thus, the open eyes and mouth of the deceased force a hostile interpretation against the prosecution's version regarding the presence of the prosecution witnesses... This fact by itself indicates that none was present with the deceased till his death.
iii) Another grave fact of the prosecution case is that none of the persons who had their residences or their shops near or around the place of occurrence appeared

either during the investigation of the case or before the learned trial court in support of the prosecution case... The failure of the prosecution to produce the said persons who had their shops and houses at and around the place of occurrence has convinced us that had they been produced before the learned trial court, they would not have supported the prosecution case. Article 129 of the Qanun-e-Shahadat, 1984 provides that if any evidence available with the parties is not produced, then it shall be presumed that had that evidence been produced, the same would have gone against the party producing the same. Illustration (g) of the said Article 129 of the Qanun-e-Shahadat Order, 1984... The Investigating Officer was under a binding duty to collect evidence and his failure to record the statement of the residents of the houses and shops around the place of occurrence has to be taken as a circumstance belying the prosecution's case. The purpose of the trial is the discovery of truth. As long as men keep lying, the only causality would be the reality. The prosecution's case suffers from inherent defects which are irreconcilable as they are. Compounding the failures of the prosecution is the fact that the persons, admittedly residents around the place of occurrence were not produced as witnesses.

iv) It has been repeatedly held by the august Supreme Court of Pakistan that such delay in the post mortem examination is reflective of the absence of witnesses and the sole purpose of causing such delay is to procure the presence of witnesses and to further advance a false narrative to involve any person.

v) Regarding the recovery of the Pistol (P-2) from the appellant, the same cannot be relied upon as the Investigating Officer of the case, did not join any witness of the locality during the recovery of the Pistol (P-2) from the appellant which was in clear violation of section 103 Code of Criminal Procedure, 1898... The provisions of section 103 Code of Criminal Procedure, 1898, unfortunately, are honoured more in disuse than compliance.

vi) the empty shells of the bullets taken into possession from the place of occurrence on 22.04.2022 were sent to Punjab Forensic Science Agency, Lahore on 28.04.2022 though there was no reason for keeping the shells of the bullets, which were taken into possession of on the day of occurrence, at the Police Station and not sending them to the office of Punjab Forensic Science Agency, Lahore till 28.04.2022 i.e. after the appellant had been arrested on 26.04.2022. In this manner the report of Punjab Forensic Science Agency, Lahore. (Exh. PN) regarding the comparison of the shells of the bullets taken from the place of occurrence with the Pistol (P-2) recovered from the appellant, has no evidentiary value as the possibility of fabrication is apparent.

vii) It is a settled principle of law that for giving the benefit of the doubt it is not necessary that there should be so many circumstances rather, if only a single circumstance creating reasonable doubt in the mind of a prudent person is available, then such benefit is to be extended to an accused not as a matter of concession but as of right.

Conclusion: i) See above analysis(i)
ii) It indicates absence of prosecution witnesses at the time of occurrence.
iii) It leads to draw presumption against the prosecution.
iv) Delay in post mortem examination reflects absence of witnesses.
v) Recovery of weapon of offence affected in absence of any witness from locality cannot be relied upon.
vi) Such report has no evidentiary value as the possibility of fabrication is apparent.
vii) Only a single circumstance creating reasonable doubt in the mind of a prudent person is sufficient for giving benefit of doubt.

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31. **Lahore High Court**
The State v. Saadat Hussain
Murder Reference No.07 of 2023
Saadat Hussain Vs. The State.
Criminal Appeal No. 105-J of 2023
Mr. Justice Sadiq Mahmud Khurram, Mr. Justice Ch. Sultan Mahmood
https://sys.lhc.gov.pk/appjudgments/2025LHC1892.pdf

Facts: This murder reference and appeal against conviction is filed in a criminal case registered for the offence of murder by the appellant.

Issues: i) What is the effect when inhabitants of house, where offence took place, are not produced as witnesses?
ii) What is effect of delayed submission of application for registration of case?
iii) What is effect of delay in recording statement of prosecution witness u/s 161 of the CrPC?
iv) How DNA is generated by touching an object by an individual?
v) Whether the admission of guilt by accused absolve prosecution from the burden to prove the case?
vi) Whether a single circumstance is enough to extend benefit to an accused?

Analysis: i) For the fact that the occurrence took place at 9.00 a.m, the presence of the said wife and two daughters of Muhammad Usman (PW-2) inside their house was very much possible and therefore, they were the best witnesses who could have narrated the facts of the case, however, none of them was produced before the learned trial court, resulting in the loss of precious evidence. Article 129 of the Qanun-e-Shahadat, 1984 provides that if any evidence available with the parties is not produced, then it shall be presumed that had that evidence been produced, the same would have gone against the party producing the same. Illustration (g) of the said Article 129 of the Qanun-e-Shahadat Order, 1984 reads as under:-

> *"(g) that evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it."*

The failure of the prosecution to produce the wife and two daughters of Muhammad Usman (PW-2), the residents of the place of occurrence and the most

natural witnesses, before the learned trial court, has convinced us that had they been produced before the learned trial court they would not have supported the prosecution case.

ii) No justification, much less credible, has been given by the prosecution at any stage for such deferral in the presenting of the written application (Exh.PB) even after the arrival of the police at the hospital ,which had arrived at the hospital at 09.00 a.m. whereas the written application (Exh.PB), was submitted by Muhammad Usman (PW-2) to Muhammad Ayyub, SI (PW-12) at the THQ hospital Minchinabad at 11.50 a.m . The reason for this delay in presenting the written application (Exh.PB) is obvious, being that both the prosecution witnesses namely Muhammad Usman (PW-2) and Muhammad Tariq (PW-3) were not present at the place of occurrence, at the time of occurrence and the delay was used to procure their attendance. This inordinate delay in presenting the written application (Exh.PB) conclusively proves that the said written application (Exh.PB) and the formal F.I.R (Exh.PB/1) were documents laced with malafide content. Sufficient doubts have arisen and inference against the prosecution has to be drawn in this regard and the delay in the presentation of the written application (Exh.PB) and the failure of the prosecution witnesses to proceed to the Police Station evidences their absence at the time of occurrence, at the place of occurrence. Furthermore, the August Supreme Court of Pakistan has already declared that when an application for the registration of FIR is not presented at the police station, an inference can be drawn that such application was a result of deliberations and preliminary investigation.

iii) It is trite that the delayed recording of the statement of a prosecution witness under section 161 of the Code of Criminal Procedure, 1898 reduces its value to nothing unless there is a plausible explanation for such delay.

iv) When an individual touches an object, epithelial cells are left behind. Touch DNA is also known as epithelial DNA. The same traditional DNA analysis procedures are used to analyze and examine these remaining epithelial cells as are used to analyze and examine bodily fluids. The amount left behind is often less than 100 picograms and is also called low copy DNA. This is evidence with “no visible staining that would likely contain DNA resulting from the transfer of epithelial cells from the skin to an object. Due to development, lower amounts of human DNA can be detected and, possibly, a full or partial STR profile can be generated. DNA evidence has emerged as a powerful tool to identify perpetrators of unspeakable crimes and to exonerate innocent individuals accused of similarly heinous actions. The technology has advanced to Polymerase Chain Reaction (PCR) based short tandem repeat (STR) testing. This system multiplies a single copy of a DNA segment to allow for the analysis of the genetic makeup of a small sample. Current analysis makes it possible to determine whether a biological tissue matches a suspect with near certainty. DNA is comprised of “coding” and “non-coding regions. The loci examined are found on “junk DNA,” which are segments of the DNA not known to code for any specific trait, but known to be different between individuals. “Junk DNA” are the non-coding regions which

contain valuable information about identity, but do not contain information regarding coding for other genetic traits. This allows the development of a DNA profile without an examination into other genetic markers.

v) Moreover, the onus to prove the facts in issue never shifts and always lies on the prosecution. That the law is quite settled by now that if the prosecution fails to prove its case against an accused person, then the accused person is to be acquitted even if he had taken a plea and had thereby admitted killing the deceased ,which at least was not the plea of the appellant namely Saadat Hussain son of Sarfraz in this case.

vi) It is a settled principle of law that for giving the benefit of the doubt it is not necessary that there should be so many circumstances rather if only a single circumstance creating reasonable doubt in the mind of a prudent person is available then such benefit is to be extended to an accused not as a matter of concession but as of right.

Conclusion: i) An adverse presumption would be drawn in terms of Article 129 illustration (g) of QSO, if the inhabitants of the house, where offence was allegedly committed, are not produced as PWs.

ii) Delay in submission of application for registration of case would make the presence of witnesses highly doubtful and the presence of element of deliberation.

iii) delayed recording of the statement of a prosecution witness under section 161 of the Code of Criminal Procedure, 1898 reduces its value to nothing unless there is a plausible explanation for such delay.

iv) When an individual touches an object, epithelial cells are left behind. The same traditional DNA analysis procedures are used to analyze and examine these remaining epithelial cells as are used to analyze and examine bodily fluids.

v) The onus to prove the facts in issue never shifts and always lies on the prosecution; even the admission of an accused does not absolve the prosecution to prove the guilt of accused person.

vi) I tis not necessary that there should be many circumstances, the benefit of even a single doubt is to be extended to an accused as a matter of right.

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32. **Lahore High Court**
Shabbir Hussain v. Muhammad Shabbir Naveed (deceased) through L.R Namely Mian Rasheed Ahmad Qamar Qadri.
Civil Revision No.441-D of 2018
Mr. Justice Ahmad Nadeem Arshad
https://sys.lhc.gov.pk/appjudgments/2025LHC2111.pdf

Facts: The petitioner had instituted a suit for specific performance of an agreement to sell, which was in continuation of previous agreement to sell. This Civil Revision is directed against the judgments and decrees of learned Courts below whereby the petitioner's suit for specific performance was dismissed concurrently.

Issues i) Whether a Scribe of a document can be competent witnesses in terms of Articles 17 & 79 of Qanun-e-Shahdat Order, 1984**?**
ii) Whether a document can be used in evidence without the evidence of second attesting witnesses?
iii) What is scope of Revisional Jurisdiction under section 115 of the Code of Civil Procedure, 1908?

Analysis: i) No doubt the agreement to sell (Exh.P-1) was executed in presence of *Wasiqa-Navees* as he maintained said fact while recording his statement being PW-1 but he could not be attained status of marginal witness. A scriber of a document can only be a competent witness if he has put his signature as an attesting witness of the document and not otherwise...In this regard reliance can safely be placed upon the case titled "Hafiz TASSADUQ HUSSAIN versus MUHAMAMD DIN through Legal Heirs and others" (**PLD 2011 Supreme Court 241**) wherein it was held as under: -

> "Scribe of a document could only be competent witnesses in terms of Articles 17 & 79 of Qanun-e-Shahdat Order, 1984, if he had fixed his signature as an attesting witness of the document and not otherwise. Signing of documents in the capacity of a writer did not fulfill and meet mandatory requirement of attestation by him separately. Scriber of document could be examined by concerned party for corroboration of evidence of marginal witnesses or in the eventuality those were conceived by Article 79 of Qanun-e-Shahadat, Order, 1984, itself not as a substitute. Mandatory provision of law had to be complied with."

ii) It is settled law that so long as the attesting witnesses are alive, capable of giving evidence and subject to the process of Court, no document can be used in evidence without the evidence of such attesting witnesses. If execution of a document is specifically denied the best course is to call the attesting witnesses to prove the execution. Non-compliance of said requirement will render the document inadmissible in evidence. Neither due process of law was adopted to procure attendance of the second marginal witness, nor any evidence was produced to establish that he was residing in Dubai. In this way, the petitioner who basically sought performance of said agreement to sell (Exh.P-1), failed to comply with the stringent condition mentioned in the Article 79 of the Qanun-e-Shahadat Order, 1984.
iii) Even otherwise this Court has a narrow and limited scope to interfere in the concurrent findings arrived at by the learned Courts below while exercising powers under section 115, CPC. Said power has been entrusted and assigned to the Court in order to secure effective exercise of its superintendence. Such power cannot be invoked against conclusion of law and fact which does not in any way affect the jurisdiction of the Court but it is confined to the extent of misreading or non-reading of evidence, jurisdictional error or an illegality in the judgment which may have material effect on the result of the case, or the conclusion drawn

therein is perverse or contrary to the law. Interference in the revisional jurisdiction can be made only in the cases in which the order passed or a judgment rendered by a subordinate Court is found to be perverse or suffering from a jurisdictional error or the defect of misreading or non-reading of evidence and the conclusion drawn is contrary to law.

Conclusion: i) Scribe of a document could only be competent witnesses in terms of Articles 17 & 79 of Qanun-e-Shahdat Order, 1984, if he had fixed his signature as an attesting witness of the document and not otherwise.
ii) No document can be used in evidence without the evidence of second attesting witnesses
iii) See above analysis No.iii

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33. **Lahore High Court**
Qurban Ali v. The State, etc.
Crl. Misc. No.796-B of 2025
Mr. Justice Muhammad Amjad Rafiq
https://sys.lhc.gov.pk/appjudgments/2025LHC1400.pdf

Facts: The petitioner seeks his post arrest bail in a case FIR registered against him for being a fake advocate, for the offences under sections 419/468/471/349 of the PPC.

Issues: i) What procedure is prescribed by the Legal Practitioners and Bar Councils Act, 1973 and the Punjab Legal Practitioners & Bar Council Rules, 2023?
ii) Whether the complainant could join the inquiry proceeding before the Bar Council against the accused person?
iii) How the criminal proceedings would be initiated, if the inquiry under the rules ends in affirmative?
iv) Which court would have jurisdiction upon such complaint by the Bar Council?

Analysis: i) The notified Rules prescribe procedure to deal with complaints against 'fake advocates'. Rule 4.17 of PLPBCR, 2023 is as under;
"All applications, references or complaints etc., against any person posing or purporting to be an advocate or purporting to hold a law degree, or is alleged to be a 'fake advocate' shall be made to the Secretary, which shall be forwarded to the Executive Committee".
Such applications etc., addressed to Secretary Pujab Bar Council shall be placed for further action before the duly notified Executive Committee of Punjab Bar Council and such committee if found that the allegations made in the complaint/application are proceedable then notice shall be issued to the respondent/advocate within in 15 days as mentioned in Rule 4.23 of PLPBCR, 2023 and then holding of an inquiry per authorization of Rule 4.19 of PLPBCR, 2023
ii) Though notice is issued to the person under allegations yet the complainant shall also be associated into the inquiry for the purpose of procuring any record

judicial or private against respondent/advocate and also to ensure fair and transparent proceedings. Inquiry must be completed within four months as per Rule 4.25 of PLPBCR, 2023.

iii) Above Rule connotes two-fold course for initiation of prosecution against the person under allegation; either through filing a complaint before the concerned Court or lodging of FIR under section 154 of Cr.P.C., but by and under the authority of Executive Committee of Punjab Bar Counsel. Thus, a private person individually at his own cannot initiate criminal proceedings until the process highlighted above is exhausted, because neither in the Legal Practitioner & Bar Councils Act 1973, nor in Rules of 1976 or in PLPBCR, 2023, there is any express provision that cognizance of offence under section 58 of the Legal Practitioners & Bar Councils Act, 1973 shall only be taken by the Court on the complaint of concerned Bar Council. Thus, under the principle that when anything is prescribed in law to be done in a manner, it must be done in that particular manner or not otherwise, private individuals must hold on to initiate the criminal proceedings until Punjab Bar Council fails to do so.

iv) any Court can assume jurisdiction within whose limits the offence is committed or the consequences ensued, or by the Court where the office of Punjab Bar Council situates (Lahore). If there is a conflict between two Courts, then High Court under Section 185 (1) of the Cr.P.C. shall decide that which of the Courts should inquire or try the offence.

Conclusion: i) For proceeding against fake advocates application shall be made to the Punjab Bar Council, which shall conduct an inquiry and proceed for prosecution, if allegations are found correct, after notice to the respondent.

ii) The complainant shall also be associated into the inquiry.

iii) The prosecution could be initiated through filing a complaint before the court concerned or lodging of FIR, by and under authority of Executive Committee of Punjab Bar Council. A private person individually cannot initiate criminal proceedings.

iv) Jurisdiction could be assumed by any court where offences is committed or the consequence ensued, or by the court where the office of the Punjab Bar Council is situated (Lahore). In case of any conflict of jurisdiction the High Court u\s 185 of the CrPC shall decide the matter.

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34. **Lahore High Court**
Muhammad Adeel v. Province of Punjab & 03 others
W. P. No. 7157 / 2024
Mr. Justice Abid Hussain Chattha
https://sys.lhc.gov.pk/appjudgments/2025LHC2193.pdf

Facts: The petitioner assails the act of the respondents regarding non-issuance of appointment letter due to concealment of previous criminal record.

Issues: i) What is the purpose of giving affidavit at the time of submitting application for

recruitment in Police Department?

ii) Whether after exoneration or discharge of a candidate in registered FIR(s) against him before the date of application for recruitment, he is still liable for due disclosure of registration of such FIRs with respect to his appointment in the Police Department?

iii) What is effect of concealment or giving false information, upon the processing for a particular task?

iv) Whether recruitment to a particular post is a vested right?

v) Whether the criminal record information, automatically disqualify an individual from recruitment?

Analysis: i) The collective reading of contents of the Oath contained in the application form and the affidavit submitted by the Petitioner makes it abundantly clear that purpose of the same is to seek correct and truthful information from the candidate regarding his particulars and antecedents to examine his suitability for appointment. Each word i.e. 'arrested', 'charged', 'convicted' or 'involved' appearing in the application form has distinct legal as well as ordinary dictionary connotation and unambiguously depict that the Petitioner was required to disclose the registered FIR(s) against him irrespective of the fact if the same is /are pending or he has been exonerated or discharged till the date of filing of the application form. The affidavit was an instrument through which such information could have been accurately and completely disclosed and explained. The nondisclosure of the same would amount to concealment rendering the candidate unfit for recruitment.

ii) Real issue is not regarding innocence or honorable exoneration of the Petitioner or that if he does or does not hold criminal record, rather, it is regarding deliberate and willful concealment of material information solicited by the Police Department as prerequisite for taking part in the recruitment process. Such concealment is viewed as a conscious act on the part of the Petitioner with the intention to effectively escape scrutiny regarding suitability to appointment. The solicited facts do not entail automatic disqualification but only allows the Department to examine the suitability of a candidate although it may lead to disqualification. It is not uncommon for various departments or institutions to solicit certain information in order to process a particular assignment.

iii) For processing a particular task, certain information is required to be provided based on applicable criteria within the ambit of applicable law deemed necessary to process the task or assess the suitability or otherwise of the claim or right. The grant or refusal of such claim or right is dependent on the solicited information. Therefore, if such material information is deliberately and willfuly wrongly or incorrectly provided or suppressed by its non-provision and it is accordingly discovered by the concerned quarter at the time of processing the task or subsequently, the claim or right can be denied and even if initially granted, can be withdrawn later.

iv) Likewise, recruitment to a particular post is not a vested right of an individual.

It is subject to eligibility as per terms and conditions of recruitment set by the competent authority in accordance with law based on peculiar needs and requirements with respect to particular employment. Therefore, any action in furtherance of such settled terms and conditions cannot be construed as an infringement of fundamental rights guaranteed under the Constitution of the Islamic Republic of Pakistan, 1973.

v) Hence, if the terms of recruitment seek provision of mandatory information and the same is withheld or falsely provided, the applicant may validly be disqualified for consideration in that recruitment process although he may have successfully sailed through the recruitment process. However, it is importantly noted that if a candidate has accurately and completely disclosed solicited information regarding criminal cases against him, he cannot be automatically disqualified from the recruitment process for the reason that mere registration of criminal case or existence of past criminal record may not be an impediment to take part in the recruitment process, however, in event of being successful, the competent authority may assess the suitability of the successful candidates depending upon the facts and circumstances of each case by structuring discretion based upon judicially recognized and established sound principles of justice, fair play and equity.

Conclusion: i) The purpose of taking affidavit is to seek correct and truthful information from the candidate regarding his particulars and antecedents to examine his suitability for appointment.

ii) After exoneration or discharge of a candidate in registered FIR(s) against him before the date of application for recruitment, he is still liable for due disclosure of registration of such FIRs with respect to his appointment in the Police Department.

iii) The grant or refusal of such claim or right is dependent on the solicited information. The task could be denied if such information is false or concealed.

iv) The recruitment to a particular post is not a vested right of an individual. It is subject to eligibility as per terms and conditions of recruitment set by the competent authority.

v) The criminal record information automatically does not disqualify an individual from recruitment, if disclosed correctly. The recruiting authority may assess the suitability of the successful candidates depending upon the facts and circumstances of each case.

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35. **Lahore High Court**
M/s Taiga Apparel (Pvt) Ltd. v. M/s International Fabrication Company.
Civil Revision No.60145/2024
Mr. Justice Anwaar Hussain
https://sys.lhc.gov.pk/appjudgments/2025LHC1247.pdf

Facts: The petitioner and respondent entered into two separate agreements for different phases of construction of the petitioner's factory. Both agreements contained

independent arbitration clauses. Disputes arose concerning alleged withheld payments. The respondent issued notices for the appointment of a sole arbitrator and filed a single application under Sections 8 & 20 of the Arbitration Act, 1940. The petitioner contested the maintainability of the application, contending that it was premature and improperly filed. The Civil Court dismissed the application; however, the Appellate Court reversed this decision and remanded the matter for appointment of an arbitrator.

Issues: i) Whether the two agreements form a composite contract for arbitration purposes?

ii) Whether the Court can appoint an arbitrator without the parties first exhausting the procedure stipulated in the arbitration agreement?

iii) Whether disputes under interdependent agreements can be referred to arbitration through a single application under the arbitration clause of one agreement and Whether interdependent agreements permit a single arbitral reference?

iv) Whether overlapping disputes alone justify composite arbitration under separate agreements?

v) Two-step procedure for appointment of the arbitrators.

vi) Whether failure to appoint an arbitrator by mutual consent justifies invoking Section 8(1) of the Act?

vii) Whether the Court can appoint an arbitrator if no appointment is made within fifteen days of notice?

viii) Whether a party's appointed arbitrator can act as sole arbitrator if the other party fails to appoint within the stipulated time?

Analysis: i) The test is to consider whether such contracts are 'indivisible whole contract' or whether they are separate and independent from each other. The Supreme Court held as under:

"8. A proper approach to construction therefore requires the court to give effect, so far as the language used by the parties will permit, to the commercial purpose of the arbitration clause..."

ii) Arbitration is fundamentally a contractual arrangement and therefore, before the Court embarks on any exercise regarding reference to the arbitration under inter-connected agreements, it must first and foremost have regard to the intention of the parties, as gathered from the plain words of their agreements… the parties must be held to their bargain. They cannot be allowed to circumvent the procedure for arbitration provided in the arbitration clause. The procedure for appointment of the arbitrator, as provided in the agreements, must be given effect, and the Appellate Court below ought not to have proceeded to direct the Civil Court for the appointment of an arbitrator without the parties first exhausting the mechanism agreed in the arbitration clause(s).

iii) In other words, there can be multiple agreements that are apparently inter-connected because they relate to the same transaction or project, and the question

is whether disputes under those multiple contracts ought to be referred to composite arbitration pursuant to the arbitration clause in any one agreement. In such cases, Courts will first and foremost examine the text of the contracts and the arbitration clauses in those agreements to assess whether it was the intention of the parties that the disputes under those multiple agreements should be resolved through composite arbitration… where the disputes, though arising partially under the ancillary agreement are integrally connected with the main agreement, Courts have taken the view (*per* decision in *Olympus Superstructures/AIR 1999 SC 2102*), that the disputes under the ancillary agreement can be referred to arbitration pursuant to the arbitration clause in the main agreement. A somewhat similar view was taken by the Supreme Court of Pakistan in the case of *Sezai Turkes Feyzi Akkaya Construction Company/1997 SCMR 1928,* in which it has been held that where an agreement executed later in time was dependent on and inter-connected with the terms of an earlier agreement then even though the later agreement did not contain an arbitration clause, the disputes arising under it can be referred to arbitration under the arbitration clause in the earlier main agreement. In this view of the matter, this Court is of the opinion that a single application, can be filed for disputes under two separate agreements, provided the same are interdependent and constitute 'indivisible whole contract' and single arbitrator can be appointed.

iv) It is imperative to observe that just because there is an element of overlapping in disputes between the parties, it cannot be the sole ground for the Court to direct the parties to go for a composite arbitration where there are two agreements with two separate arbitration clauses.

v) In the first step, the parties are to appoint a sole arbitrator by mutual consent, however, if parties are not agreeing upon a sole arbitrator, then in the second step, each party would appoint one arbitrator, and if the two arbitrators so appointed are not able to agree on a decision, they will appoint an umpire and refer the matter for decision to the umpire.

vi) Section 8(1) of the Act empowers a party to serve a notice on another party to concur in the appointment of an arbitrator etc., where the arbitration agreement provides that the reference shall be to one or more arbitrators to be appointed by consent of the parties, and the parties do not, after differences have arisen, concur in the appointment or appointments.

vii) Section 8(2), *inter alia,* provides that if the appointment is not made within fifteen clear days after the service of the said notice, the Court may, on the application of the party which gave the notice and after giving the other parties an opportunity of being heard, appoint an arbitrator or arbitrators or umpire, as the case may be.

viii) Section 9 of the Act applies in a situation where an arbitration agreement provides that a reference shall be to two arbitrators, one to be appointed by each party. Section 9(b) provides that, in such a case, if one party fails to appoint an arbitrator, either originally or by way of substitution, for fifteen clear days after the service by the other party of a notice in writing to make the appointment, such

other party having appointed his arbitrator before giving the notice, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent.

Conclusion: i) See above analysis No i.
ii) The parties must be held to their bargain. They cannot be allowed to circumvent the procedure for arbitration provided in the arbitration clause.
iii) See above analysis No iii.
iv) Mere overlap in disputes does not justify composite arbitration under separate agreements.
v) See above analysis No v.
vi) See above analysis No vi.
vii) The Court may appoint an arbitrator after giving the other parties an opportunity of being heard.
viii) See above analysis No viii.

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36. **Lahore High Court**
Nazia Saddique v. Additional District Judge, etc.
Writ Petition No.3974 of 2024
Mr. Justice Syed Ahsan Raza Kazmi
https://sys.lhc.gov.pk/appjudgments/2025LHC2078.pdf

Facts: A guardian petition was filed under Section 25 of the Guardian and Wards Act, 1890, seeking custody of a minor boy. The petitioner and respondent were previously married and had one child from the marriage but the marriage was later dissolved. The trial court granted custody to the father. The appellate court upheld the decision. The petitioner, who had since remarried and was residing with her second husband and another child, challenged both judgments through a writ petition, asserting that she had raised the minor since birth and that removing him from her custody would adversely affect his well-being.

Issues: i) Primary consideration in custody matters.
ii) Whether the mother's remarriage disqualifies her from having custody of the minor?
iii) Does filing a maintenance suit by the mother imply her financial dependence for determining custody?
iv) Whether the father's conduct and his application seeking custody only after being sued for maintenance by the mother of the minor, disqualify him from claiming custody?

Analysis: i) It has, by now, been well settled that in matters of custody, the primary consideration is the welfare and best interests of the minor while all other factors, including the rights and interests of the parents, are secondary. This principle is

enshrined in Sections 7 and 17 of the *Act*, which emphasize that the child's welfare is the paramount concern in determining custody arrangements.

ii) Generally, a mother has the right to custody of a minor, however, this right may be forfeited if she enters into a second marriage, but this is not an absolute rule. In exceptional circumstances, the court may consider it in the best interest of the minor to keep it with the mother, even if she has remarried. The Court's primary concern is always the welfare and well-being of the child… the minor throughout his life has been remaining with the Petitioner and shifting the custody from the mother solely due to her remarriage is not a standard or definitive decision. Such a drastic shift of the custody would likely cause significant trauma to the minor.

iii) It can be observed that the lower courts erred in concluding that the Petitioner's filing of a maintenance suit implies her financial dependence, when in fact, it is the father's obligation to provide for his child's maintenance.

iv) Father's inaction and silence following the separation and remarriage of Petitioner, coupled with his failure to attempt to meet the minor or timely filing of the custody petition, suggest a lack of genuine concern for the child's welfare. His decision to seek custody only after being sued for maintenance appears to be opportunistic and motivated by self-interest which makes him disentitle for custody of the minor.

Conclusion: i) In matters of custody, the primary consideration is the welfare and best interests of the minor.

ii) See above analysis No ii.

iii) See above analysis No iii.

iv) See above analysis No iv.

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37. **Lahore High Court**
Sheikh Naseem Akhtar v. Commissioner Inland Revenue (Legal) etc.
I.T.R. No.1 of 2017
Mr. Justice Jawad Hassan, Mr. Justice Malik Javid Iqbal Wains
https://sys.lhc.gov.pk/appjudgments/2025LHC2021.pdf

Facts: Applicant drove income in the sale and purchase of kitchen/table glassware, he filed a return for Tax Year 2015, which was assessed and a notice under Section 122(5A) was issued, alleging incorrect application of turnover tax under Section 113; applicant challenged the matter in appellate tribunal with contention that the goods qualified for a reduced tax rate as fast-moving items but same was rejected by the appellant tribunal, hence this reference.

Issues: i) Whether a legislative amendment can be applied retrospectively to create new liabilities or disturb past and closed transactions?

ii) Whether unequal tax treatment without a rational basis violates the constitutional guarantee of equality under Article 25?

iii) Whether tax policies lacking explicit legislative backing and consistency violate the statutory mandate of uniform taxation under the Sales Tax Act, 1990?

Analysis: i) The study of above referred case law clearly shows that retrospective effect to legislation can only be given if it appears beneficial for any person. An attempt on part of Respondent/Department to bring the case of applicant within the 'exclusion ambit' of the amended definition clause of "fast moving consumer goods" simply meant to deprive him of the benefit of the reduced tax rate. So much so, it also means to create a new liability and to disturb past and closed transaction. The plea of retrospective effect of the amendment, taken by the Respondent/Department is, therefore repelled.

ii) It is very clear that Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973 guarantees equal protection of the law and prohibits arbitrary discrimination between similarly situated persons henceforth. Imposing a higher sales tax on distributors of table glassware than on electronic appliances creates an unwarranted tax disparity, violating the principle of uniformity in taxation. The Supreme Court in case Messrs Elahi Cotton Mills Ltd. and others vs. FEDERATION OF PAKISTAN through Secretary M/o Finance, Islamabad and 6 others (PLD 1997 Supreme Court 582), has held that fiscal laws must conform to the principles of fairness, reasonableness, and equal treatment and that discriminatory tax policies must have a clear and rational basis.

iii) The Sales Tax Act, 1990 is the primary law governing taxation on goods and services in Pakistan. Section 3 of the Act mandates a uniform sales tax rate unless exemptions or variations are explicitly provided by law. Hence the glassware distributors are subjected to a higher sales tax rate than electronics distributors without any specific legislative backing, making the policy inconsistent with statutory requirements.

Conclusion: i) See above analysis No.1.

ii) Unequal tax treatment without a rational basis violates the constitutional guarantee of equality under Article 25

iii) Tax policies lacking explicit legislative backing and consistency violate the statutory mandate of uniform taxation under the Sales Tax Act, 1990.

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38. **Lahore High Court**
Muhammad Rizwan and another v. The State and others
Criminal Misc. No.1885-M of 2025
Mr. Justice Muhammad Jawad Zafar
https://sys.lhc.gov.pk/appjudgments/2025LHC2033.pdf

Facts: The trial court allowed an application under Section 540 Cr.P.C. permitting an eyewitness omitted in the challan to testify. The revisional court set aside this order, which was challenged before the High Court.

Issues: i) Whether Section 244(1) Cr.P.C. makes it mandatory for the Magistrate to take

all evidence produced by the prosecution and the defence?
ii) What is the scope of the Court's power under Section 94 Cr.P.C. for production of documents or objects during proceedings?
iii) Whether the trial court is empowered and obligated under Section 540 Cr.P.C. to summon or examine a witness at any stage of proceedings?
iv) Whether the nature of the criminal justice system in Pakistan is inquisitorial in the context of provisions like Sections 94, 244, 265-F, 540 Cr.P.C., Article 161 QSO, and Rule 2, Chapter 1-E of the Lahore High Court Rules?
v) Whether the trial court can summon a witness under Section 540 Cr.P.C. despite their omission in the challan, absence of a statement under Section 161 Cr.P.C., or belated invocation of the provision?

Analysis: i) It is evident from perusal of the aforementioned provision that the legislature, while explicitly using the term "shall", has made it compulsory for all the magisterial courts to take in all evidence of the prosecution and defence (…) Resultantly, it is concluded that the provision of Section 244 of the Code is mandatory and the learned Trial Court is under a bounden duty to take all such evidence in support of the prosecution, as well as the defence.
ii) Powers under Section 94 of the Code can be exercised at any stage of "any proceedings" where the Court conducting the proceedings, inquiry or trial, as the case may be, considers the production of a document or other thing, i.e., an object, necessary. However, while exercising such powers, the learned Court can only summon such a person to produce the document or other thing in whose possession or power such a document or other thing is believed to be.
iii) Likewise, Section 540 of the Code enables the learned Trial Court to, at any stage of an inquiry, trial, or other proceedings under the Code: (a) summon any person as a witness; (b) examine any person in attendance, though not summoned as a witness; or, (c) recall and re-examine any person already examined as a witness. Although this part of Section 540 of the Code is discretionary, the second part of the provision is mandatory and casts a duty upon the learned Trial Court to exercise the powers where it appears that the evidence of the person in question is essential for a fair and just decision. This power, akin to the power under Section 94 of the Code, can be exercised at any stage, even before the production of defence evidence.
iv) It ought not to be out of place to observe here that the insertion of provisions like Sections 94, 244, 265-F and 540 in the Code or Article 161 of QSO, or Rule 2 of Chapter 1-E, Volume III of the Rules and Orders of the Lahore High Court for that matter, is because the criminal justice system, particularly in relation to criminal trials, is inquisitorial in nature as opposed to adversarial.
v) Therefore, in addition to prosecution evidence and defence evidence, the legislature has granted power to the learned Trial Court to summon such a person as a witness, irrespective of whether any statement under Section 161 of the Code of such a person is recorded or otherwise. Regarding belated invocation of Section 540 of the Code, it needs no reiteration that the Honourable Supreme

Court of Pakistan in "Muhammad Azam v. Muhammad Iqbal" held that it is mandatory for the learned Trial Court to summon evidence if it is essential for a fair and just decision and in "Abdul Latif Aassi v. The State" it was held that any delay in this regard is immaterial if evidence is necessary for securing the ends of justice (…) furthermore, the learned Trial Court should accept evidence, in addition to that presented by the prosecution with the challan in the shape of witnesses and documents it intends to reply upon, where the same is essential for a fair and just conclusion, for securing the ends of justice, irrespective of delay.

Conclusion: i) Section 244(1) Cr.P.C. imposes a mandatory duty on the Magistrate to record all evidence presented by both the prosecution and the defence during trial.
ii) Under Section 94 Cr.P.C., the Court may summon a person to produce a document or object at any stage if it is believed to be in their possession and necessary for the proceedings.
iii) The trial court is both empowered and duty-bound under Section 540 Cr.P.C. to summon or examine a witness at any stage if their evidence is essential for a fair and just decision.
iv) See Above analysis. iv
v) The trial court can summon a witness under Section 540 Cr.P.C. if their evidence is essential, regardless of omission, absence of statement, or delay.

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39. **Lahore High Court**
Mst. Sadiqan Begum v. Muhammad Siddique
Civil Revision No. 27145 of 2017
Mr. Justice Khalid Ishaq
https://sys.lhc.gov.pk/appjudgments/2025LHC1405.pdf

Facts: Through this Civil Revision Petition filed under Section 115 of the Code of Civil Procedure, 1908 (CPC), the petitioner calls into question the concurrent findings of facts recorded by the Courts below. The petitioner is aggrieved of dismissal of her Suit for Declaration and Permanent Injunction, seeking cancellation of gift mutation in favour of her brother. The Suit was dismissed by the learned Civil Judge (Trial Court), which Judgment and decree was upheld by the learned Additional District Judge, (Appellate Court).

Issues i) What are the principles be strictly adhered to while dealing with a case in the context of oral gift in favour of male family members depriving the females from inheritance?
ii) Whether the evidence can cure the inherent defect of pleadings?
iii) When male members deprive their female relatives from their entitlement to inheritance, whether they violate Shariah and Law?

Analysis: i) The threshold tests of such transactions are now etched in our jurisprudence as tablet of stone, hardly requiring any further quest, however, if one needs

reiteration, following principles be strictly adhered to, particularly in the context of the case in hand:

a) Beneficiary of the impugned transaction of gift/transfer of immovable property(s) bears the heavy onus to prove the transaction[1];

b) The beneficiary of a gift has to plead and prove three mandatory ingredients of gift i.e. declaration/offer by the donor, acceptance of gift by the donee; and, delivery of possession under the gift[2];

c) The possession of immovable property by one of the siblings/LRs to the exclusion of others will be treated as constructive possession on behalf of all others, unless proved otherwise.[1];

d) In case of oral transactions, it is mandatory for a beneficiary of oral transaction to prove the same through positive evidence by supplying mandatory material particulars in the pleadings i.e. the time & date, the venue, the persons/witnesses in whose presence the alleged transaction was brought about.[2]

e) The oral transaction of transfer of immovable property, be it sale, gift/tamleek, surrender or will etc. has to be proved separate from its incorporation/attestation in revenue record by way of sanctioning of the mutation since a mutation cannot by itself be considered a document of title.[5];

f) Where a gift, which excluded a legal heir, irrespective of whether such transaction is evidenced by registered deed, the Donee is required to prove original transaction and must justify the disinheritance of a legal heir from the estate.[6];

g) Parties are bound by their pleadings; no amount of evidence can be led beyond the scope of pleadings; and in case any such evidence is brought on record, the Court cannot consider and rely upon the same and has to discard it.[7];

h) Mere efflux of time does not extinguish the right of inheritance, thus, the question of limitation in case of inheritance and fraud is not attracted and becomes insignificant[3];

ii) No amount of evidence can cure this inherent defect of pleadings, which conspicuously fail to put forth the name of the witnesses of the oral transaction, the exact date, time and venue thereof.

iii) It is an unfortunate fact that male members of families deprive their female relatives of their legal entitlement to inheritance and in doing so Shariah and law is violated[6]. Supreme Court of Pakistan in the case of Ghulam Ali supra[7] had observed that 'relinquishment' by female members of the family was contrary to public policy and contrary to Shariah. Competing claims, notwithstanding, Plaintiff/Petitioner's entitlement in her father's estate is a common ground; being a female in a Muslim household, it was her due, conferred by Divine Law, recognized by the law of the land; it is so ordained in Sura Al-Nisa (4/10). Given the preponderance of conferment, such a right, rooted into Personal Law, has to

be jealously guarded, therefore, a heavy onus is cast upon the claimant to demonstrate that a female legatee had parted with her entitlement by choice and for considerations, consciously, without duress or uncalled for persuasions, by those placed qua her in advantageous positions[14]. Frequent practice of male heirs resorting to fraud and other tactics to deprive female heirs from their share of inheritance while such deprivation caused suffering to those deprived, it also unnecessarily taxed the judicial system of the country, resulting in a needless waste of resources. Each and every day that a male heir deprived a female heir was also an abomination because it contravened what has been ordained by Almighty Allah[8]

Conclusion: i) See above analysis No.i
ii) No amount of evidence can cure this inherent defect of pleadings, which conspicuously fail to put forth the name of the witnesses of the oral transaction.
iii) See above analysis No.iii

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40. **Lahore High Court**
Hafiz Salman Ahmed v. Board of Intermediate and Secondary Education Sahiwal etc.
W.P. No. 73296 of 2019
Mr. Justice Khalid Ishaq
https://sys.lhc.gov.pk/appjudgments/2025LHC2137.pdf

Facts: The petitioner was appointed as Estate Officer, on contract basis; after rendering approximately four years of service, he, along with similarly placed colleagues, sought regularization of service, but the request was not entertained by **Board of Intermediate and Secondary Education (**BISE). During the pendency of the first constitutional petition, the petitioner was removed from service through the impugned order, prompting him to file the present petition. The competent authority at BISE imposed the major penalty of removal from service, thereby terminating the petitioner's contract appointment.

Issues i) Is a constitutional petition under Article 199 of the Constitution is maintainable without exhausting alternate remedies if the impugned order is arbitrary, illegal, or unjust?
ii) What does the expression "adequate remedy" signify in legal terms?
iii) Whether a major penalty of removal from service can be imposed without holding a regular inquiry, particularly in cases involving disputed facts such as absence due to alleged abduction?
iv) Can an authority base its decision on matters beyond the show cause notice?
v) What are the minimum legal requirements for a valid show cause notice under PEEDA Act 2006?
vi) What is the distinction between a "regular inquiry" and a "preliminary or fact-finding inquiry"?
vii) Is it necessary for the authority to ensure that the punishment corresponds to the nature and extent of the guilt?

viii) What protection does Article 4 of the Constitution guarantee to individuals?
ix) Are judicial, quasi-judicial, and administrative authorities required to exercise their powers fairly and reasonably?

Analysis: i) It is well-settled by now that the rule regarding invoking constitutional jurisdiction in terms of Article 199 of the Constitution, only after exhausting all other remedies, is one of convenience and discretion by which the Court regulates its proceedings and is not a rule of law affecting the jurisdiction of this Court. A constitutional petition is competent if an order is passed by a Court or Authority by exceeding its jurisdiction or exercising its jurisdiction in an arbitrary, illegal or unjust manner, even if the remedy of appeal/revision against such order is available, depending upon the facts and circumstances of each case1

ii) The expression "adequate remedy" signifies an effectual, accessible, advantageous and expeditious remedy2.

iii) This Court is mindful of the latest enunciation of law by the Supreme Court of Pakistan, whereby it is settled that in cases of willful absence from duty, the process of regular inquiry may be dispensed with7 , however each case has its own merits and the facts of the case in hand are such that mere allegation of willful absence from duty could not have been proved without holding a proper inquiry as it is the case of the petitioner that he was unlawfully abducted and remained a victim of enforced disappearance.

iv) It is well settled by now that an authority while adjudicating a case on the basis of show cause notice, has to confine itself within the allegations of show cause notice and rendering any findings or forming basis of the final order on elements beyond the allegations/charges of show cause notice, is not sustainable under the law.8

v) a show cause notice must conform to at least seven essential elements, and these include: (a) it should be in writing and should be worded appropriately; (b) it should clearly state the nature of the charge(s), date, and place of the commission or omission of acts, along with apportionment of responsibility; (c) it should clearly quote the clause of the PEEDA under which the delinquent is liable to be punished; (d) it should also indicate the proposed penalty in case the charge is proved; (e) it should specify the time and date within which the employee should submit his explanation in writing. It is also preferable to add in the show cause notice that if no written explanation is received from the accused within the prescribed date, the enquiry will be conducted ex-parte; (f) it should be issued under the signature of the competent authority and (g) it should contain the time, date and place of the inquiry and the name of the inquiry officer.

vi) It is further settled by respectable authority that a distinction also needs to be drawn between a regular inquiry and preliminary/fact finding inquiry. A regular inquiry is triggered after issuing show cause notice with statement of allegations and if the reply is not found suitable then inquiry officer is appointed and regular inquiry is commenced (unless dispensed with for some reasons in writing) in which it is obligatory for the inquiry officer to allow an even-handed and fair

opportunity to the accused to place his defence and if any witness is examined against him, then a fair opportunity should also be afforded to cross-examine the witness.

vii) It is well settled that the punishment should commensurate with the element of guilt18 otherwise the law dealing with the subject will lose its efficacy. It is also well settled that for safe administration of justice, the Authority vested with discretion to award punishment to an employee shall ensure that such punishment should commensurate with the magnitude of guilt.

viii) Article 4 of the Constitution is the bedrock of the rule of law and an antithesis to the rule of men in our country, it is a restraint on the executive and judicial organs of the State to abide by the rule of law. Article 4 ordains that it is inalienable right of every citizen wherever he may be and any person whenever he is in Pakistan to have and enjoy the protection of law and to be treated in accordance with law.

ix) It is well settled by now that all judicial, quasi judicial, and administrative authorities must exercise power in a reasonable manner and also must ensure justice as per the spirit of law and instruments regarding exercise of discretion. Obligation to act fairly on the part of administrative authority has been evolved to ensure the rule of law and to prevent failure of justice.

Conclusion: i) Constitutional petitions are maintainable even without exhausting alternate remedies if the impugned action is arbitrary or unlawful.

ii) See analysis No.ii.

iii) In cases of alleged abduction, regular inquiry cannot be dispensed with on mere claims of wilful absence.

iv) Authorities must restrict their decisions strictly to the contents of the show cause notice.

v) See analysis No.v.

vi) A regular inquiry involves formal procedure and fair opportunity, unlike a preliminary or fact-finding inquiry.

vii) Punishment must proportionately match the seriousness of the misconduct for justice to be served.

viii) Article 4 of the Constitution guarantees every individual the right to legal protection and lawful treatment.

ix) All authorities must act fairly, reasonably, and within the bounds of justice to uphold the rule of law.

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41. **Lahore High Court**
Riaz Ahmad v. The State etc.
Crl. Misc. No.8612-B/2025.
Mr Justice Tanveer Ahmad Sheikh
https://sys.lhc.gov.pk/appjudgments/2025LHC2094.pdf

Facts: By way of this petition under section 497 Cr.P.C., the petitioner has sought his release on post-arrest bail in the case registered under Sections 420, 468, 471,

109, 419 PPC along with the provisions of Prevention of Corruption of Corruption Act, 1947

Issues: i) What is the definition of "*valuables security*"?
ii) Whether the sale deed fall within the definition of valuable security?
iii) Which provision attracts on the forgery of sale deed?
iv) Who can report the commission of offence of cheating to authorities?

Analysis: i) Any document, which on the face of it purports to create right in immovable property, is a "valuable security".
ii) Sale deed is a document, which transfers right to property/ownership, as such the same is covered by the definition of "Valuable security" as provided by Section 30 of PPC.
iii) Forgery of a sale deed (valuable security) shall attract the charge under section 467 PPC.
iv) It was not a rule of universal application that a crime of fraud/forgery can only be reported by a person, who is directly affected thereby. Such like nefarious activities, which are crimes not only against any individual, but against the public at large, can be brought into the knowledge of concerned authorities by any person of the public.

Conclusion: i) Valuable security is a document, which create right in immovable property.
ii) Yes. Sale deed is a valuable security with in purview of Section 30 of PPC.
iii) Section 467 PPC applies on forgery of a sale deed.
iv) See above analysis No. iv

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42. **Lahore High Court**
Muhammad Nawaz v. The State and another.
Crl. Misc. No.6705-B/2025
Mr. Justice Tanveer Ahmad Sheikh
https://sys.lhc.gov.pk/appjudgments/2025LHC2089.pdf

Facts: The petitioner sought his post arrest bail in a case FIR registered for offence under Section 17/22, Emigration Ordinance, 1979, 3/6 The Prevention of Smuggling of Migrants Act, 2018, registered with Police Station FIA, Anti Human Trafficking & Smuggling Wing (AHTC/AHS).

Issues: i) Whether the principle that for the purpose of bail lesser punishment shall be considered; has any exception?

Analysis: i) So far as question of taking into consideration of lesser penalty of fine for the purpose of bail was concerned, there was no cavil to the proposition that Honourable Superior Courts ruled in plethora of the judgments that lesser penalty provided for the offence should be taken into consideration for the purpose of bail, but at the same time the august Supreme Court considered the higher penalty provided for the offence in exceptional cases, where the circumstances were

unusual, anomalous, harsh and presenting a dreadful picture and tentative assessment thereof was prima facie leading to an inference that most probably the higher sentence provided for the offence was likely to be awarded. In this regard, I have sought guidance from the case of Haji Shahid Hussain and others v. The State and another (2017 SCMR 616). I am further fortified by another judgment in the case of Jehanzeb alias Bhobi v. The State (2002 SCMR 1380), wherein apex Court was pleased to decline bail to the accused in a case for offences under Section 17/22 of Emigration Ordinance, 1979.

Conclusion: i) In exceptional circumstances where the case presents an unusual, anomalous, harsh and presenting a dreadful picture and tentative assessment thereof was prima facie leading to an inference that most probably the higher sentence provided for the offence was likely to be awarded.

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43. **Lahore High Court**
Imran alias Mana v. The State
Murder Reference No.54 of 2020 & Criminal Appeal No.9714-J of 2020
Mrs. Justice Abher Gul Khan & Miss. Aalia Neelum Chief Justice.
https://sys.lhc.gov.pk/appjudgments/2025LHC1417.pdf

Facts: The Sessions Court convicted the appellant under section 302(b) PPC, on the charge of murder of complainant's brother, and sentenced him to death as ta'zir. Three co-accused were acquitted by the learned trial court. Hence the appeal was filed by the convict; a separate appeal was filed by the complainant against the acquittal of co-accused. Murder reference was also sent to the Hon'ble Lahore High Court.

Issues: i) Whether to prove the promptness of FIR the production of witness who despatched the complaint to police station is essentially required?
ii) When the presence of a witness is not in accordance with the daily pursuit of his life, whether deposition of such witness is to be discarded?
iii) What is the importance of a supplementary statement in which the source of information is not provided?
iv) How the medical evidence support the case of prosecution?
v) What is the value of positive PFSA report if safe custody of recovered weapon is not proved?
vi) Who will suffer if the motive set up by the prosecution is not proved?
vii) What would be the effect of reasonable doubts in a criminal case?

Analysis: i) Firstly, it is noticed that the complaint (Exh.PF) was prepared at Allied Hospital and was dispatched to Police Station Gulberg, Faisalabad, for registration of formal F.I.R through Riaz Head Constable. In our view, the deposition of the above-said witness was essentially required to prove the prompt registration of F.I.R. Besides that, the defence/accused had a right to cross-examine him to extract the truth.

ii) In the given circumstances, when the presence of Tanvir Qamar (PW.6) at the crime scene was not in accordance with the daily pursuit of his life, he was legally obliged to put forth some compelling reason for his acclaimed attendance, but this burden was not discharged during the trial. The presence of both the PWs at the spot, in the manner they claimed, makes them chance witnesses and their depositions suspect evidence. As a necessary corollary, the depositions of Tanvir Qamar (PW.6) and Rana Mujataba (PW.7) are to be discarded from consideration.
iii) Likewise, in the supplementary statement the complainant had not mentioned the source of his information as to how he came to know about the culpability of accused Nasir and as such no reliance on such statement can be placed.
iv) It is by now well-settled principle that medical evidence is a type of supporting evidence, which may confirm the prosecution version about locale and nature of injury, kind of weapon used in the occurrence and the duration between death and postmortem but does not provide the identity of the assassin.
v) In the wake of this fact, the positive report received from the PFSA is of no use to the prosecution because the chain of safe custody is missing, which creates serious doubt about the recovery of the .12 bore pump action alleged to be used as a weapon at the crime scene.
vi) It is well settled that once the motive is set up by the prosecution and the same is not proved, the prosecution shall suffer.
vii) Needless to say, if any doubt emerges from the prosecution's case, there is no reason to withhold its benefit on the ground that the case is of a heinous nature. According to the golden principle laid down for the appraisal of evidence, the benefit of every reasonable doubt is to be extended to the accused, which can best be provided through the judgment of acquittal.

Conclusion: i) To prove the promptness of FIR the production of witness who despatched the complaint to police station is required.
ii) The deposition of such witness is to be discarded from consideration.
iii) No reliance on such statement can be placed.
iv) See above analysis No.iv
v) The positive PFSA is of no use to the prosecution if the chain of safe custody is missing.
vi) Once the motive is set up by the prosecution and the same is not proved, the prosecution shall suffer
vii) The benefit of every reasonable doubt is to be extended to the accused, which can best be provided through the judgment of acquittal.

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44. **Lahore High Court**
The State v. Ihsan Illahi alias Shani
Murder Reference No. 33 of 2020
Criminal Appeal No. 67614 of 2019
Ms. Justice Aalia Neelum Chief Justice, Mrs. Justice Abher Gul Khan
https://sys.lhc.gov.pk/appjudgments/2025LHC2060.pdf

Facts: The appellant was involved in a case registered under Sections 302, 324, and 34 PPC. The trial court convicted the appellant under Section 302(b) PPC and sentenced him to death as *ta'zir*, along with a direction to pay Rs. 500,000/- as compensation to the legal heirs of the deceased and in case of default, to undergo six months' simple imprisonment. Feeling aggrieved by the judgment of the learned trial court, the appellant challenged his conviction and sentence by filing Criminal Appeal before the Lahore High Court. Simultaneously, Murder Reference was sent by the trial court under Section 374 Cr.P.C. for confirmation of the death sentence.

Issues: i) Whether unexplained delay of over 31 hours in lodging an FIR, without credible justification, fatally undermines the prosecution's case?
ii) Whether failure to record the statement of an injured victim who remained alive and conscious for 18 days amounts to a fatal flaw in investigation?
iii) Whether a positive forensic report (ballistic match) is admissible and reliable when the chain of custody of the crime empties and weapon is not proven?

Analysis: i) From this aspect, it manifests that the matter was reported to police with the delay of about 31 hours. We have thoroughly scanned the record and have failed to find out any explanation for such an unwarranted delay in the registration of FIR. The question in such circumstance arises that what precluded the eyewitnesses to keep mum for about 31-hours in reporting the crime to the police, is mystery and goes against the prosecution As per settled principles laid down for the appraisal of evidence, the delay in reporting the matter to the police gives rise to possibility of concoction and fabrication of facts mentioned in the crime report warranting more cautious approach from the court. In such situation, the delay of 31-hours in chalking out the FIR raises eyebrow regarding the authenticity of the prosecution case.
ii) It has been noted by us that after the incident deceased remained alive for almost 18-days and according to Medical Officer (PW.6) he was stable but no application was moved by any of the Investigating Officer to record his statement. Such conduct of the Investigating Officer also makes the prosecution case highly doubtful. Thus there was no question of mistaken identity but the injured did not disclose the name of the appellant before the doctor.
iii) Prosecution also produced (PW.5) who deposed that on 02.11.2017 I.O handed over to him two sealed parcels said to contain blood stained cotton and crime empties of pistol .30 bore which he kept the same in safe custody in Malkhana and on 08.12.2017 he handed over the above said parcel to I.O for depositing the same in the office of PFSA. However, I.O did not utter a single word regarding the fact that on 02.11.2017 he handed over the parcel of crime empties to (PW.5) and took the said parcel from him on 08.11.2017 for depositing the same in the office of PFSA. In the wake of this fact, the positive report received from the PFSA is of no use to the prosecution because the chain of safe custody is missing, which creates serious doubt about the recovery of the .30 bore pistol alleged to be used as a weapon at the crime scene.

Conclusion: i) The delay of 31-hours in chalking out the FIR raises eyebrow regarding the authenticity of the prosecution case and fatally undermines it.
ii) See analysis ii above.
iii) See analysis iii above.

LATEST LEGISLATION/AMENDMENTS

1. Vide The Punjab Infrastructure Development Cess (Amendment) Act, 2025 dated 18-03-2025, insertion of section 5A is made in The Punjab Infrastructure Development Cess Act, 2015.
2. Vide The Punjab Khal Panchayat (Repeal) Act, 2025 dated 18-03-2025; The Punjab Khal Panchaya Act, 2019 was repealed.
3. Vide The Punjab Local Government (Amendment) Act, 2025 dated 24-03-2025, the amendment in section 102 is made in The Punjab Local Government Act, 2022.
4. Vide The Punjab Vagrancy (Amendment) Act, 2025 dated 24-03-2025; amendment in section 2, substitution of sections 10, 19 & 20 is made in The Punjab Vagrancy Act, 1958.
5. The Punjab Public Private Partnership Act, 2025 dated 24-03-2025 is promulgated to provide for promotion of Public Private Partnerships in Punjab.
6. The Punjab Public Private Partnership Act, 2025 dated 24-03-2025 is promulgated for forensic examination of documents, materials, equipment, impressions or other objects.
7. The Punjab Sahulat Bazaars Authority Act, 2025 dated 24-03-2025 is promulgated for launching, constructing, monitoring, regulating and maintaining Sahulat Bazaars and supplying essential commodities to the general public on notified rates and creating business opportunities.
8. Vide The Notaries (Amendment) Act, 2025 dated 24-03-2025, the amendments in long title and preamble, sections 1 to 6, 9, 10, 12, 13 and omission of sections 14 & 16-A is made in The Notaries Ordinance 1961.
9. Vide The Provincial Motor Vehicles (Amendment) Act, 2025 dated 24-03-2025; the amendment in sections 2, 39, 106 & 115, insertion of sections 44-B, 44-C & chapter V-B and addition of sixteenth schedule is made in The Provincial Motor Vehicles Ordinance, 1965.
10. Vide notification No.SOR-III(S&GAD)1-13/2025 dated 11-04-2025; amendment in Appendix-A & B is made in the Punjab Judicial Service Rules, 1994.
11. Vide notification No.SOR-III(S&GAD)1-13/2025 dated 08-04-2025; amendments in Punjab Civil Judges Departmental Examination Rules 1991 and the Punjab Judicial Service Rules, 1994.
12. Vide notification No.SOR-III(S&GAD)1-13/2025 dated 08-04-2025; amendment is made in rule 7D of the Punjab Service Rules, 1994.

13. Vide notification No.Estt.I-4/2025-PPSC/181 dated 26-02-2025; amendment in regulation No.6 is made in the Punjab Public Service Commission Regulations, 2022.
14. Vide notification No.SO(Cab-I)2-12/2014(P) dated 26-02-2025; amendment is made in second schedule under heading 'Women Development Department' of The Punjab Government Rules of Business, 2011.
15. Vide notification No.FD-SR-III-4-239/2023 dated 26-02-2025; The Punjab Defined Contribution Pension Scheme Rules, 2025 are made.
16. Vide notification No.PSDA/Regul./Financial Powers-2023/31 dated 26-02-2025; The Punjab Skills Development Authority (Delegation of Financial Powers Regulations) 2023 is made.
17. Vide notification No.SOFT(EXT)IV-2/2023 dated 10-03-2025; The Punjab Forest Offences Rules, 2024 are made.
18. Vide notification NO.S.O.(O&M-ADMN)8-4/2022 dated 10-03-2025; the clause 3.51 (vi) is added in the The Manual of Secretariat Instructions, 2023 under the heading "Weeding and destruction of file".
19. Vide notification No.SO(P&C)5-2/2024 dated 19-03-2025; The Punjab Government (Revised) Advertisement Policy, 2025 is approved for all departments of the Government of Punjab.
20. Vide notification No.SOR-III(S&GAD)2-15/87(I) dated 13-03-2025; Amendment is made in Notification No.SOR-III(S&GAD)2-15/87(1) dated 14.05.2004 at serial No.IV.
21. Vide notification No.SOR.IV(S&GAD)14-1/2025 dated 17-03-2025; The Punjab Civil Servants (Performance Evaluation Reports) Rules, 2025 are made.
22. Vide notification No.SOR-III(S&GAD)1-7/2025 dated 24-03-2025; amendment in the schedule at serial No.1 is made in The Punjab Agriculture Department (On-Farm Water Management) Recruitment Rules, 2003.
23. Vide notification No.SO(Cab-I)2-18/2018 (ROB) dated 04-04-2025; amendments in first and second schedule are made in The Punjab Government Rules of Business, 2011.

SELECTED ARTICLES

1. **MANUPATRA**
   https://articles.manupatra.com/article-details/The-Role-of-Arbitration-in-Resolving-Dispute-in-Multiverse

   The Role of Arbitration in Resolving Dispute in Multiverse by Amogh Aggarwal

   Metaverse is a digital reality that constructs a virtual world similar to the real-world using technologies like Virtual Reality (VR) and Augmented Reality (AR). The Augmented Reality puts forward the visual elements, sound and other sensory inputs to enhance the senses whereas the virtual Reality is entirely based on simulating

fictitious environment particularly focusing on creating visually rich experience. Mark Zuckerberg have described "Metaverse is the next Generation of Internet"highlighting its future potential which further puts forward a problem that will arise in the metaverse. In legal context particularly the complex problems similar to that of Cyber Crimes will ariseas metaverse introduces complexities due to its borderless and decentralized nature. As it faces such problems the role of Arbitration and Other dispute resolution Mechanism also comes into picture. Arbitration in particular truly aims to resolve dispute by allowing the parties to agree on a particular set of laws/rules/procedure that will govern the dispute hence creating a neutral platform to resolve dispute irrespective of the physical location. This ensures that Dispute is resolved amicably and efficiently.

2. **MANUPATRA**
https://articles.manupatra.com/article-details/Demystifying-the-Conundrum-Instituting-a-Code-of-Conduct-for-the-Committee-of-Creditors

Demystifying the Conundrum: Instituting a Code of Conduct for the Committee of Creditors by Siddhant Kumar and Balveer Godara

The Deputy Governor of the Reserve Bank of India ("RBI") Shri Rajeshwar Rao recently at an international conference, advocated for an enforceable or mandatory code of conduct for the Committee of Creditors ("CoC") in the process of insolvency resolution. CoC has a key role in the Corporate Insolvency Resolution Process ("CIRP") under the Insolvency and Bankruptcy Code, 2016 ("IBC" or "Code") but Shri Rajeshwar Rao raised his concerns over its workings citing issues like lack of coordination among members, ineffective management, undue prioritisation of individual creditors' interest over the collective interest, undervaluation, disagreement over the distribution of the proceeds, misuse of authority, delaying the process by corporate debtors and most importantly over the data of the last financial year which indicates that the creditors under the IBC now recover 27% (twenty seven percent) of their dues, which was around 54% (fifty four percent) in the initial years of the Code.

3. **MANUPATRA**
https://articles.manupatra.com/article-details/Sovereign-Debt-Legal-Implications-Economical-Overview

Sovereign Debt: Legal Implications & Economical Overview by Achyuta Narayanan

Sovereign debt is an interesting contradiction between sovereignty and the willingness to repay borrowed funds. While 'the term debt' tends to denote a legally enforceable obligation, the term sovereignty indicates the independence of a nation free from external influences. Despite this apparent contradiction, states tend to borrow and, in the majority of cases, repay their debt. This is prompted by reasons such as keeping an attractive international image, retaining access to capital

markets, and avoiding diplomatic backlash.2 The restrictive theory of sovereign immunity developed over the last century has allowed states to admit their debts in foreign courts. Nevertheless, enforcement of repayment remains a challenging endeavour. Sovereign states enjoy immunity against seizure of their assets, and it is difficult for creditors to enforce judgments against them. Unlike corporations, sovereign states do not go through bankruptcy proceedings or asset liquidation. Instead, enforcement is rather based on international conventions and economic sanctions, such as exclusion from financial markets.

4. **Lawyers Club India**
https://www.lawyersclubindia.com/articles/child-witness-testimony-what-is-the-law-on-child-witness-evidence-in-india--17616.asp

Child Witness Testimony: What is the law on child witness evidence in India? By Sankalp Tiwari

The treatment of child witnesses in criminal trials has always been a mixture of legal conservatism, cultural bias, and institutional suspicion. The law historically treated children as inherently untrustworthy, too fanciful, or vulnerable persons whose memories could be manipulated. The evidentiary standard applied to children was therefore higher, reflecting a pervasive assumption that only adults were capable of contributing significantly to judicial truth-finding. This method had especially severe consequences in cases of child sexual abuse and domestic violence, where the child was usually the only direct witness and where physical or corroborative evidence was minimal. Indian law has progressively shifted away from this exclusionary and strict criterion towards a sensitive and inclusive framework. This shift has not occurred in isolation but is the result of several converging factors evolving child psychology, international norms like the United Nations Convention on the Rights of the Child, legislative laws like the POCSO Act, and liberal judicial interpretations reflecting an increasing need to balance evidentiary stringency with child-sensitive protection. Significantly, courts have now started recognizing the trauma which legal processes can inflict on children and the need to reform legal practices to limit this harm without sacrificing the rights of the accused to a fair trial. Contemporary jurisprudence sees that although children can have development vulnerabilities, they are not unable to tell the truth. Indeed, in intra-familial abuse cases, children will often be the sole source of information available, and their exclusion can lead to terrible injustices. The movement, then, has moved from exclusion to accommodation—protecting the child from being retraumatized by legal processes, yet permitting them to speak their truth with dignity and security.

5. **Lawyers Club India**
https://www.lawyersclubindia.com/articles/what-to-do-after-a-car-accident-that-was-not-your-fault-in-california-17603.asp

What to Do After a Car Accident That Was Not Your Fault in California by Yaksh Sharma

Experiencing a car accident can be a jarring event, especially when it's not the driver's fault. In California, it's essential to take immediate and appropriate steps to protect one's rights and ensure a smooth recovery process. Knowing what actions to take can significantly influence the outcome of the situation, from securing medical attention to beginning the claims process. After ensuring everyone's safety, the next crucial step is to gather evidence at the scene. This includes exchanging information with the other driver, photographing the accident scene, and speaking to any witnesses. These details will be vital when filing a claim with the insurance company or pursuing legal action.