

LAHORE HIGH COURT B U L L E T I N



Fortnightly Case Law Update *Online Edition*
Volume - VI, Issue - XI
01 - 06 - 2025 to 15 - 06 - 2025



Published By: Research Centre, Lahore High Court, Lahore

Online Available at: <https://researchcenter.lhc.gov.pk/Home/CaseLawBulletin>

Disclaimer

Due care and caution has been taken in preparing and publishing this bulletin. Where required, text has been moderated, edited and re-arranged. The contents available in this Bulletin are just for Information. Users are advised to explore and consult original text before applying or referring to it. Research Centre shall not be responsible for any loss or damage in any manner arising out of applying or referring the contents of Bulletin.



FORTNIGHTLY CASE LAW BULLETIN

(01-06-2025 to 15-06-2025)

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

Sr. No.	Court	Subject	Area of Law	Page
1.	Supreme Court of Pakistan	The jurisdiction under section 221(1) extends to deemed assessment orders created by the deeming provisions of section 120(1); the return is an assessment order deemed to have been issued by the Commissioner to the taxpayer; revised returns under Sections 120(1) and 122(3) prospectively amend deemed assessments, constituting Commissioner's orders that are rectifiable under Section 221(1).	Tax Law	1
2.		Scope of extension powers under section 179(4) of the Customs Act compared to section 74 of the Sales Tax Act; limitation on introducing new factual material beyond the Appellate Tribunal record in tax references before the High Court.	Civil Law	3
3.		Jurisdiction of Cooperative Courts under the Sindh Cooperative Societies Act; Appeal rights under subordinate legislation; Validity of oral gifts of immovable property without legal formalities.		4
4.		Consequences of unnatural conduct of the witnesses: Avoiding from giving answer to a question: Evidentiary value of a blood stained weapon of offence if it is not subject to chemical or serologist examination: Principle governing the extension of benefit of doubt.	Criminal Law	5
5.		Doubt in weapon recovery and legal entitlement to benefit; Improbability of prolonged blood stains on weapon creating doubt; Requirement of proof beyond reasonable doubt for conviction.		6
6.		A significant, unexplained delay in filing an FIR cast doubt on the case of the prosecution; An FIR filed after initial inquiry or consultation with others lose its probative value.		6
7.		Rule of caution in cases of previous enmity/feud; Evaluation of testimony of	Criminal Law	7

		interested witnesses; Suspicion upon exactitude and accuracy in cases of wider net; Suspicion on presence of witness who did not receive injury in indiscriminate firing, nor bend down his head; Adverse presumption for non-production of surviving persons; Abscondence, not a proof of guilt.		
8.		Effect of failure to remove office objections on limitation period, liability of guarantor when changes are made to the loan agreement.	Banking Law	9
9.		Delayed lodging of FIR, joint submission of weapon and empties to Forensic Science Laboratory, benefit of doubt to a co-accused/convict, who has not filed any appeal against his conviction and sentence or who is absconding.	Criminal Law	10
10.		Import record retention limit under Section 211; Burden shift under Section 187 upon registration proof;	Custom Law	12
11.		Conviction on the basis of circumstantial evidence; Evidentiary value of CCTV footage and admissibility under "Silent Witness" theory.		13
12.	Supreme Court of Pakistan	Failure of an accused to explain a plausible alternative within his knowledge justify an accused inference against him; shifting of burden to the accused, if the prosecution case lacks credibility.	Criminal Law	14
13.		Evidentiary presumption attached to unchallenged Nikah Nama; Effect of non-production of marginal witnesses of Nikah Nama; Jurisdictional error due to non-adjudication of framed issues	Family Law	15
14.		Conviction in a capital offence on the basis of circumstantial evidence and safeguards to be observed; conviction on the basis of a retracted judicial confession; discovery of fact made pursuant to information provided by the accused; partial reliance on confessional statement to be corroborated by other evidence		16
15.		Prompt reporting excludes possibility of false implication; Firearm use against unarmed person in sudden confrontation exceeds lawful self-defence; Exception 4 to erstwhile Section 300 PPC attracted; conviction altered to Section 302(c) PPC		17
16.		Procedure to be adopted by court after filing of award; Jurisdiction of court in case of filing of award; status of arbitration, circumstances in which judicial interference is permissible; court to avoid framing of issues and recording of evidence; procedure to be adopted by an arbitrator, demerits of framing of issues after	Arbitration Law	18

	Supreme Court of Pakistan	filing of award.		
17.		Effect of absence of the illiterate old lady vendor's children as witnesses.	Civil Law	20
18.	Lahore High Court	Legal effect of initial acquisition notice and final award in land acquisition; Effect of repeal statute on pending legal proceedings; Finality of Award and remedy through Reference in land acquisition;		21
19.		Federal Government be treated a member of SNGPL only, Conditions to invoke jurisdiction of High Court under the Company Act, 2017, in case of adequate and efficacious remedy provided by law, High Court cannot exercise its constitutional jurisdiction.	Corporate Law	22
20.		Family Court can invoke provisions of the Code of Civil Procedure despite the exclusion under Section 17 of the Family Courts Act, 1964, to meet the ends of justice; appellate court under Section 14 of the Family Courts Act, 1964 has the power to dismiss an appeal for non-prosecution and restore it upon showing sufficient cause.	Family Law	24
21.		Consideration of newly discovered facts not pleaded in the application for leave to contest; Consideration of newly discovered facts revealing a jurisdictional flaw in ejectment proceeding; Cessation of the landlord-tenant relationship at the appellate stage; Consideration of subsequent developments or foundational facts not originally pleaded by the superior courts; Amendment of Pleading by landlord to include grounds based on events occurring after initiation of eviction proceedings.	Rent Law	25
22.		Distinction between the offences under sections 8(d) and 11-G(1) of the Anti-Terrorism Act, 1997, maxim <i>noscitur a sociis</i> in statutory interpretation.	Criminal Law	27
23.		Legal status, role, and rights of a bidder in public contracts; Court's authority to intervene despite availability of arbitration as an alternative remedy; classification of arbitration; legal advantages of arbitration and its significance in public interest projects; statutory duties of a Secretary under the Punjab Government Rules of Business.	Administrative Law	29
24.		Legal character of a circular and its non-binding nature; Administrative circulars cannot bar legal remedies; Articles 4 and 10-A mandate adjudication on merits; Technical	Civil Law	30

		dismissal unjustified when party is prejudiced by act of court.		
25.	Lahore High Court	Effect of delayed FIR; chance witness; presence of witness at the place of occurrence; effect of producing blood-stained clothes to the I.O; mean and purpose of injury statement; document can be proved by the scribe; importance of motive when substantive evidence is discarded; medical evidence is mere supportive/ confirmatory type of evidence; single dent/circumstance is sufficient for acquittal.	Criminal Law	32
26.		Importance of FIR not recorded upon first visit of complainant to police; Period for disintegration of blood; No corroboration to one's own version as recover witness; Nature of medical evidence and motive.		34
27.		Effect of delayed report of an incident; consequences of registration of case FIR after an unexplained delay; chance witness, in legal parlance; evidence of a witness who denies admitted facts; evidentiary value of a statement of witness recorded after delay; stamp of injury on the body of a witness; evidentiary value of an eye witness who is also a recovery witness.		35
28.		Consistency of 2016 Regulations with Section 22 of the Punjab Healthcare Commission Act, 2010; Legal interpretation of "fine" vs. "penalty" under the Act, 2010; Authority of Hearing Committees to impose fines; Evidentiary value of affidavit and apology as admission; Procedural due process in anti-quackery enforcement actions.	Civil Law	37
29.		Mutation is not instrument in context of Article 91 of Limitation Act, period of Limitation, failure to prove underlying transaction,		40
30.		Legal status of mutation entries, admission of facts-when conclusive and binding, termination of limited estates.		41
31.		Eyewitness testimony cannot be rejected solely due to the witnesses' relationship with the deceased; recording and translating evidence without the witness and court's presence violates legal requirements; an acquittal creates a double presumption of innocence that the prosecution must overcome to secure a conviction; failure to provide simultaneous Urdu translation of English-recorded witness testimony violate fair trial rights under Article 10-A of the Constitution.	Criminal Law	42
32.		Requirements to obtain search warrant, search warrant cannot be used to raid and confiscate	Tax Law	43

		the record of other business		
33.	Lahore High Court	Standard of proof for oral rescission of written agreement; Disclosure of witness names in pleadings as material facts under Order VI Rule 2 CPC; Unexplained deposit cannot establish refund or oral rescission of contract.	Civil Law	45
34.		Meaning of non-functional of Tribunal refers to temporary in operation despite establishment. Non-functional of Service Tribunal — Constitutional petition an exceptional remedy without affecting Tribunal's exclusive jurisdiction; Exclusive jurisdiction of Tribunal under Article 212 in civil servants' service and disciplinary matters; Mere allegation of mala fides or lack of authority does not vest jurisdiction where barred by Constitution; Inquiry proceedings, fall within terms and conditions of service; Final order from a de novo inquiry is appealable before the Tribunal if it disregards a binding decision of the Supreme Court or the Tribunal; Allegation of mala fide in inquiry — Falls within domain of Service Tribunal	Service Law	47
35.		Validity of oral divorce without formal effectiveness certificate; Husband's representation through attorney in divorce and maintenance cases; Effect of triple <i>talaq</i> under Islamic <i>Shariah</i> .	Family Law	48
36.		Test of procedural fairness; Impact of inclusion of a citizen's name on the PCL; Factors which render the mechanism susceptible: Constitutional guarantee under Article 15 of the Constitution: Exercise of power to curtail a citizen's mobility; Presumption of innocence: Recommendations based on unverified suspicions or incomplete investigations are permissible; Interpretation of Rule 22(2)(b) the Passports Rules, 2021; Mode of decision to curtail a citizen's right to travel abroad be exercised; Presumption associated with a person who has been granted bail; Power of Trial Court qua ensuring presence of an under-trial accused; Judicial correction	Constitutional Law	49
37.		The claimant himself naïve in being trapped does not absolve the company of its duty to prevent frauds; The subsequent return or recovery of a misdelivered item does not absolve the courier company of liability for compensation due to earlier negligence.	Consumer Protection Law	51
38.		Effect of extra-ordinary promptitude in FIR and postmortem; Medico-legal signs of close-range fire shots; Burning, Scorching/Charring, Singing, Blackening and Tattooing upon entry	Criminal Law	52

		wounds; Effects of failure of eyewitnesses to identify and accompany dead body; Importance and wisdom behind preparation of Inquest Report;		
39.	Lahore High Court	Substitution of agreement and burden to prove such claim; Essentials of Novation.	Civil Law	54
40.		Concurrent findings of facts of revenue hierarchy and their sacrosanctity; Exercise of jurisdiction by a Court or Tribunal.		55
41.		Enforceability of an Act commencing "at once"; removal of an Ombudsperson before expiry of fixed term; applicability of Article 10A to sub-constitutional laws; authority of Caretaker Government to dismiss public officials; legality of revoking Ombudsperson's appointment where removal procedure is absent; constitutional and statutory powers of the Election Commission regarding elections, absence of political background as disqualification under the Harassment Act, 2010 and the procedure for the future appointment of office of the Ombudsperson.		56
42.		Appellate court can decide a case by itself if sufficient material is available on record... power of court to add or remove parties at the appellate stage and guide lines provided by apex courts in this regard.		58
43.		Foundational principles of the Women University, Multan Act, 2010 "Act, 2010": Imposition of bar by 2 nd clause of Section 14 of the Act, 2010; Procedure for appointment of Registrar; Powers of the Syndicate: Doctrine of "Implied Powers and its application: Doctrine of "necessary implication" and its application; Re-assessment of the matter in light of the updated information; Non-enforceable rights on account of selection or recommendation by a committee; Constitutional jurisdiction of High Court.		59
44.		Interpretation of section 6 of Controller General of Accounts (Appointment, Functions and Powers) Ordinance, 2001; Authority over the service matters and administrative control of the Accounts Department in Pakistan Post Office; Limit of executive branch to interpret a statutory provision once a Constitutional Court has finally interpreted it; Proper course for a bench that disagrees with an earlier decision of equal strength on a question of law; Guiding principles for vertical and horizontal precedents in judicial decision-making; Constitutional provisions in various jurisdictions	Service Law	62

		establishing that judicial decisions are binding on all state organs and individuals; Principle of separation of powers.		
45.	Lahore High Court	The failure of the government to advertise and fill posts under the disability quota constitutes a violation of the fundamental rights of disabled persons; Writ of mandamus in Pakistan is a judicial intervention under Article 199 of the Constitution to prevent miscarriage of justice or institutional failure; Secretary concerned to ensure the implementation of statutory mechanism for ensuring good governance.	Constitutional Law	65
46.		Condition for exercising the power under S.94 of Cr.P.C for production of a document, the purpose of S. 94 of Cr.P.C; the stage of using this power under S. 94 of Cr.P.C; Trial court can summon the record,	Criminal Law	66
47.		A provincial law cannot restrict inter-provincial trade without complying with Article 151 of the constitution; The Punjab Prevention of Speculation in Essential Commodities Act, 2021 does not apply to goods in transit for inter-provincial trade; The action of seizure performed does not have any recognizable administrative and statutory underpinnings as the officer was acting under a statute which is not compliant with the Article 151.		67
48.		Effect of non-production of Register no. xix and road certificate in Narcotics cases.		68
49.		Cognizance under Section 295-A PPC requires government complaint under Section 196 Cr.P.C; court must halt proceedings if challan lacks complaint under Section 196 Cr.P.C; section 196 Cr.P.C. does not bar FIR or investigation before cognizance.		69
50.		Scope of protection under Act, 2022 extending to public officials and private persons; Importance of the preamble in understanding legislative intent; Inadmissibility of torture-obtained statements against victims and admissibility against torturers under Section 3, Act 2022; Exclusive jurisdiction of F.I.A. to investigate public official offences under Section 5, Act 2022; Exclusive and overriding jurisdiction of Sessions Court to try offences, under the Act, 2022; Overriding effect of Act, 2022 in custodial rape investigations and F.I.A.'s jurisdiction; F.I.A.'s duty and suo motu powers to investigate under Section 4 of the Act, 2022.		70

51.	Lahore High Court	Circumstances when applications for summary dismissal or premature acquittal to be accepted.	Criminal Law	72
-----	-------------------	--	--------------	----

LATEST LEGISLATION/AMENDMENTS

1.	Vide Notification No.SOR-III(S&GAD)1-14/2025 dated 4 th April 2025; The Punjab Prison Service Rules, 2025.	72
2.	Vide Notification No.SOG(YA&S)9-20/2024 dated 29 th April 2025; The Constitution of the Sports Board Punjab.	73
3.	Vide Notification No.SO(Admn)4-22/2025 dated 14 th May 2025; The Admission of Public into Immovable Antiquities, Rules 2013 (Amendment).	73
4.	Vide Notification NoEstt.I-4/2025-PPSC/632 dated 19 th May 2025; The Punjab Public Service Commission Regulations, 2022 (Amendment).	73
5.	Vide Notification No.SO(Cab-I)2-27/2012 dated 23 rd May 2025; The Punjab Government Rules of Business, 2011 (Amendment).	73
6.	Vide Notification No.SO(Cab-I)2-3/2024(ROB) dated 30 th May 2025; The Punjab Government Rules of Business, 2011 (Amendment).	73
7.	Vide Notification No.SO(Cab-I)2-53/88 dated 30 th May 2025; The Punjab Government Rules of Business, 2011 (Amendment).	73
8.	Vide Official Gazette of Punjab dated 30 th May 2025; The Provincial Motor vehicle Ordinance, 1965 (Amendment).	73
9.	Vide Official Gazette of Punjab dated 30 th May 2025; The Police Order, 2002 (Amendment).	73
10.	Vide Official Gazette of Punjab dated 30 th May 2025; The Motor Vehicle Ordinance, 1965 (Amendment).	73
11.	Vide Official Gazette of Punjab dated 30 th May 2025; The Drugs Act, 1976 (Amendment).	73
12.	Vide Official Gazette of Punjab dated 30 th May 2025; The Provincial Motor Vehicle Ordinance, 1965.	73
13.	Vide Official Gazette of Punjab dated 30 th May 2025; The Stamp Act, 1899 (Amendment).	73
14.	Vide Official Gazette of Punjab dated 30 th May 2025; The Provincial Employees Social Security Ordinance, 1965 (Amendment).	73
15.	Vide Official Gazette of Punjab dated 30 th May 2025; The Punjab Workers Welfare Fund Act 2019 (Amendment).	73
16.	Vide Official Gazette of Punjab dated 30 th May 2025; The Companies Profits (Workers Participation) Act, 1968.	74
17.	Vide Official Gazette of Punjab dated 30 th May 2025; The Punjab Financial Advisory Service Act, 2025.	74
18.	Vide Official Gazette of Punjab dated 30 th May 2025; The Punjab Arms Ordinance, 1965 (Amendment).	74
19.	Vide Official Gazette of Punjab dated 30 th May 2025; The Punjab Judicial Academy Act, 2007 (Amendment).	74
20.	Vide Official Gazette of Punjab dated 30 th May 2025; The Punjab Fertilizer Control Act 2025.	74
21.	Vide Official Gazette of Punjab dated 30 th May 2025; Anti-terrorism Act, 1997 (Amendment).	74

22.	Vide Official Gazette of Punjab dated 30 th May 2025; The Musarrat Institute of Technology Act, 2025.	74
23.	Vide Official Gazette of Punjab dated 2 nd June 2025; The Lahore Leads University Act, 2011 (Amendment).	74
24.	Vide Official Gazette of Punjab dated 2 nd June 2025; The National College of Business Administration and Economics, Lahore Ordinance, 2002 (Amendment).	74
25.	Vide Official Gazette of Punjab dated 2 nd June 2025; The Imperial Tutorial College University Act, 2025.	74
26.	Vide Official Gazette of Punjab dated 2 nd June 2025; The Mukabbir University of Science & Technology, Gujrat Act, 2025.	74
27.	Vide Official Gazette of Punjab dated 2 nd June 2025; The ABWA University Act, 2025.	74
28.	Vide Official Gazette of Punjab dated 2 nd June 2025; The Times Institute, Multan Act 2020 (Amendment).	74
29.	Vide Official Gazette of Punjab dated 2 nd June 2025; The Next Institute of Science and Technology Act, 2025 (Amendment).	74
30.	Vide Notification No.SO(TAX)3-5/2015 dated 3 rd June 2025; The Appellate Tribunal of Punjab Revenue Authority Service Rules, 2017.	74
31.	Vide Official Gazette of Pakistan dated 3 rd June 2025; The Islamabad Capital Territory Child Marriage Restraint Act, 2025.	74
32.	Vide Official Gazette of Pakistan dated 5 th June 2025; The Special Technology Zones Authority Act, 2021 (Amendment).	75

SELECTED ARTICLES

1.	Unwarranted Warrants? An Empirical Analysis of Judicial Review in Search and Seizure by Miguel F.P. de Figueiredo, Brett Hashimoto, Dane Thorley	75
2.	Criminal Psychology and Theories of Criminology & Punishments: Understanding the Mind Of Offenders In India By Pankaj Pandey by Vanshita Vijn and Aayush Patodi	75
3.	Power Politics and The Law: Trump vs Musk by Vanya Garima Kachhap	76
4.	AI, Ethics, and Power: Who's Really Leading the Global Tech Race? By Yaksh Sharma	76
5.	Pretty Pixels, Pricey Privacy: The Ghibli AI Trend Unmasked by Umang Binayakia	77

1. **Supreme Court of Pakistan**
Commissioner Inland Revenue, Zone-I, Regional Tax Office, Sialkot v. M/s White Gold Steel Mills, S.I.E. Daska
C.A.2026/2022
Mr. Justice Munib Akhtar, Mrs. Justice Ayesha A. Malik, Mr. Justice Shahid Waheed,
https://www.supremecourt.gov.pk/downloads_judgements/c.a. 2026 20221.pdf

Facts: The instant appeals arise out of a common legal question regarding the scope of jurisdiction of the Commissioner under Section 221(1) of the Income Tax Ordinance, 2001 to rectify mistakes apparent from the record in deemed assessment orders passed under Section 120 of the Ordinance as the respective High Courts rendered judgments holding that the Commissioner lacked jurisdiction to amend deemed assessment orders under the said provision.

Issues:

- i) Whether the jurisdiction under section 221(1) extends to deemed assessment orders created by the deeming provisions of section 120(1)?
- ii) Whether the return is an assessment order deemed to have been issued by the Commissioner to the taxpayer?
- iii) Whether revised returns under Sections 120(1) and 122(3) prospectively amend deemed assessments, constituting Commissioner's orders that are rectifiable under Section 221(1)?

Analysis:

- i) It can be stated without loss of accuracy that the submissions by learned counsel for the Department fall in the first part of the principles formulated in Mehreen Zaibun Nisa. Their case essentially is that one “inevitable corollary” of the “state of affairs” brought about by the deeming required by the two clauses of s. 120(1) is that the deemed assessment order does come within the scope of s. 221(1), and hence of the jurisdiction conferred thereby on the Commissioner. On the other hand, the reasoning and conclusions of the learned High Courts fall within the latter part of the principles formulated. A deeming provision is not without limit. The court is entitled, and indeed bound, to ascertain between whom and what purposes the deeming creates the “state of affairs” which does not, ipso facto, exist. Here, those persons are the taxpayer and the Commissioner. The mistake was “in fact and in truth” made by the taxpayer and could not, at least in the context of the applicability or otherwise of s. 221(1), become that of the Commissioner by virtue of the assessment order that came into existence as a result of the deeming provisions. That limit was not crossed in relation to s. 221(1) and therefore the jurisdiction thereby conferred did not extend to deemed assessment orders. This is the framework in which these matters fall to be decided.
- ii) An “inevitable corollary” of the “state of affairs” brought about by the first deeming, i.e., the making of an assessment of the taxable income and the tax due, is that the Commissioner is to be deemed to have applied his mind to the material before him, which was of course nothing other than the return. To conclude otherwise would be, again to echo Lord Asquith, to impermissibly “cause or

permit your imagination to boggle”. That assessment (and this can be regarded as another inevitable corollary of the “state of affairs” required to be imagined) would be whatever is contained in the return, i.e., mistakes and all. The return having thus passed through the sieve of the first deeming then becomes, in terms of the second deeming, an assessment order deemed to have been issued by the Commissioner to the taxpayer. It follows that the two deeming provisions, when taken together and properly applied, would result in an assessment order “passed” by the Commissioner within the meaning, and for purposes, of s. 221(1). From this it follows that the determination made by the learned High Courts on the question of jurisdiction was, with respect, not correct.

iii) It will be seen that the language of the two clauses of s. 122(3) tracks exactly the language of the clauses of s. 120(1), except that the deeming provisions now make (in clause (a) the assessment an amended assessment of the taxable income and (in clause (b) the revised return to be an amended assessment order issued to the taxpayer on the date on which the said return is filed, “for all purposes of this Ordinance”. It follows that the analysis carried out above, in terms of the interpretative framework provided by Mehreen Zaibun Nisa, in relation to s. 120(1) applies *mutatis mutandis* to the deeming provisions of s. 122(3), with however one crucial difference. The revised return operates only as an amendment of the deemed assessment and the deemed assessment order. In other words, it does not apply *ex post facto*, i.e., retrospectively to replace the return originally furnished. In other words, the “state of affairs” created by the deeming provisions of s. 120(1) remains untouched. The revised return simply takes matters further and, logically moving on from the deemed assessment order, creates a deemed amended assessment order. It follows from this that although the 2001 Ordinance does give some place to a revisiting of the document that “in fact and in truth” was the creation of the taxpayer, i.e., the original return, it does not allow such revisitation (by means of the revised return) to, as it were, reset the clock. It does not cause or permit the “imagination to boggle”. Rather, it takes matters forward from the situation created by the deeming provisions of s. 120(1) and, applying in exactly the same way as those provisions, creates what is logically the next step forward, i.e., a deemed amended assessment (and order). It follows from this that the second part of the interpretative framework provided by Mehreen Zaibun Nisa does not apply at all, even though a revised return can be filed by the taxpayer. Thus, matters relating to the deemed assessment order (and indeed, the deemed amended assessment order) fall only and always within the first part, with all ensuing “inevitable corollaries” applying accordingly. One of these is that the deemed orders of both kinds must be regarded as orders “passed” by the Commissioner within the meaning, and for the purposes of, s. 221(1). The Commissioner therefore has the jurisdiction to amend the orders by rectifying any mistake apparent from the record.

Conclusion: i) The deemed assessment order does come within the scope of s. 221(1), and hence of the jurisdiction conferred thereby on the Commissioner.

- ii) The return having thus passed through the sieve of the first deeming then becomes, in terms of the second deeming, an assessment order deemed to have been issued by the Commissioner to the taxpayer.
- iii) Revised returns under Sections 120(1) and 122(3) prospectively amend deemed assessments, constituting Commissioner's orders that are rectifiable under Section 221(1).

2. Supreme Court of Pakistan
Director, Directorate General, Intelligence & Investigation (Customs) v. Altaf Hussain & another
C.P.L.A.466-K of 2025
Mr. Justice Munib Akhtar, Mr. Justice Muhammad Shafi Siddiqui, Mr. Justice Miangul Hassan Aurangzeb
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 466 k 2025.pdf

Facts: The petitioner claimed that an extension of time had been granted by the relevant authority. However, no such approval or letter of extension was placed on record before the Appellate Tribunal. The Tribunal noted this omission. Hence; this tax reference.

Issues:

- i) Whether the power to grant an extension of time under the Customs Act, 1969 is comparable to the power under the Sales Tax Act, 1990 as interpreted in the "Super Asia" case?
- ii) Can new factual material be introduced beyond the record of the Appellate Tribunal in a tax reference before the High Court?

Analysis:

- i) As is obvious from a perusal of the said provision the power to grant an extension is circumscribed, and is to be exercised only in "exceptional circumstances". Section 74 of the 1990 Act on the other hand provides that the Board is empowered to grant an extension to the extent found "appropriate". There is an obvious and clear difference between the two provisions and, as here relevant, the power under s. 179(4) is much narrower and circumscribed.
- ii) it is well established that beyond the stage of the Appellate Tribunal (at any rate, in terms of the law as it stood at the relevant time), it is only questions of law that can be taken to the High Court. It is well settled that (again with reference to the law as it stood at the relevant time) the record on the basis of which the questions of law can be decided is in terms of the record as it stood before the Appellate Tribunal. That record cannot be added to and certainly not on a point that requires factual determination.

Conclusion:

- i) Extension under section 179(4) of the Customs Act, 1969 is narrowly limited to exceptional cases, unlike the broader power under section 74 of the Sales Tax Act, 1990.
- ii) Only legal issues on the Tribunal's record can be raised before the High Court; no new factual material may be introduced at that stage.

3. Supreme Court of Pakistan
Muhammad Dawood v. Mst. Sakeena Farooque @ Aziza and others
C.P.L.A.479-K of 2023
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 479_k_2023.pdf

Facts: A dispute arose regarding the transfer of a property in a cooperative housing society, with claims of fraudulent transfer and contesting ownership through alleged oral gift and inheritance.

Issues:

- i) Whether civil disputes relating to cooperative societies must be adjudicated by the Special Court under the Sindh Cooperative Societies Act, 2020?
- ii) Whether the right of appeal provided under the Rules instead of the Act itself is legally sustainable?
- iii) Whether unregistered oral gifts of immovable property without meeting essential legal conditions are valid under Islamic and statutory law?

Analysis:

- i) Though the powers and cognizance of cases by the Special Court are confined to the trial of offences, if we look into it contemporaneously or in sync with Rule 53 of the Rules, cataloguing the genre of disputes, it is quite obvious that such disputes are civil in nature and shall also be referred to the Cooperative Court established by the Sindh Government under Section 117 with the concurrence of the Chief Justice of the Sindh High Court by notification.
- ii) Why we have pointed out the niceties and distinguishing features of substantive law and procedural law is that, instead of providing right of appeal to the High Court in the Act, which is a substantive right, it is provided in the Rules. Furthermore, the nature/categories of disputes required to be resolved or decided by the Special Court for Cooperatives are also provided in the Rules rather than being defined in the Act with a specific provision to deal with civil disputes, just as offences are properly described in the Act itself without any ambiguity.
- iii) Under the Muslim law, the constituents and components of a valid gift are tender, acceptance, and possession of property. It is also obligatory that the donor divest and dissociate himself from the dominion and ownership over the property of the gift and put into words his categorical intention to convey the ownership to the donee distinctly and unambiguously with the delivery of possession of the property and ensure that the donee has secured physical ascendancy over the property to constitute the delivery of possession... In the case of Muhammad Ejaz and 2 others Vs. Mst. Khalida Awan and another (2010 SCMR 342), this Court held that a valid gift can be effected orally if the prerequisites are complied with. This Court further held that the onus was on the plaintiff to prove the gift deed in all three facets, i.e., declaration of gift by the donor, acceptance of gift by the donee, and delivery of possession of the corpus of gift. No valid gift of property could be made in the absence of these three essential ingredients.

Conclusion: i) Yes, such disputes must be adjudicated by the Special Court under the Act.

- ii) No, the provision of a substantive right of appeal through Rules instead of the Act is legally unsustainable.
- iii) No, unregistered oral gifts without fulfilling all legal prerequisites are not valid.

4. Supreme Court of Pakistan
Muhammad Bilal v. The State
Criminal Appeal No.172 of 2023
Mr. Justice Athar Minallah, Mr. Justice Irfan Saadat Khan, Mr. Justice Malik Shahzad Ahmad Khan
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 172 2023.pdf

Facts: The appellant was tried by the Sessions Judge in a criminal case registered under section 302 PPC. He was convicted and sentenced to death. The appellant challenged his conviction and the sentence before the High Court, which maintained the decision of trial court. Then the appellant preferred Jail Petition which was subsequently converted into the instant appeal.

Issues:

- i) What are the consequences of unnatural conduct of the witnesses?
- ii) If a witness responds with “*I do not know*” to indicate his unawareness of a fact, what does it allude?
- iii) What will be the evidentiary value of a blood stained weapon of offence if it is not subject to chemical or serologist examination?
- iv) What is the principle governing the extension of benefit of doubt?

Analysis:

- i) The eyewitnesses' conduct is then manifestly unnatural and this failure to intervene raises serious doubts regarding both the veracity of their account as well as their presence at the scene (...) that the eyewitnesses failed to apprehend the appellant after he had allegedly murdered the deceased again raises serious doubts about their presence at the scene.
- ii) Although this one answer cannot be read in isolation or used to disregard his repeated claim that he was present at the scene, it certainly creates doubt as to why the question was not answered in categorical terms affirming his presence.
- iii) In the absence of such testing, the weapon recovered by the police does not advance the prosecution case.
- iv) It is a settled proposition of law that where even a single doubt exists in the prosecution case, let alone the plethora highlighted above, the benefit of such doubt accrues as of right in the accused's favour and may form the basis for an acquittal.

Conclusion:

- i) Unnatural conduct of witnesses shatters their veracity and makes the presence doubtful.
- ii) It alludes that the presence of witness was doubtful.
- iii) It does not advance the prosecution case.
- iv) Single doubt is sufficient for extension of benefit of doubt.

- 5. Supreme Court of Pakistan**
Amir Shahzad v. The State
Criminal Appeal No. 304 OF 2020
Mr. Justice Athar Minallah, Mr. Justice Irfan Saadat Khan, Mr. Justice Malik Shahzad Ahmad Khan
https://www.supremecourt.gov.pk/downloads_judgements/crl.a._304_2020.pdf

Facts: The appellant was convicted by the Trial Court and sentenced to death and imprisonment. The High Court upheld the conviction but commuted the death sentence to life imprisonment leading to the instant criminal appeal.

Issues:

- i) Does the presence of doubt regarding the recovery of the weapon entitle the accused its benefit?
- ii) Is it legally probable for blood stains to remain on a weapon after a prolonged period without disintegration?
- iii) Does a conviction require that the prosecution's case be free of reasonable doubt?

Analysis:

- i) We were able to lay our hands on the decision given by this Court that in case of doubt in recovery of weapon, the benefit of it has to be given to the accused.
- ii) It is also highly improbable to suggest that the said spade remained blood stained without the blood disintegrating even after the passage of 45-days... Moreover, the case of the prosecution with regard to the blood-stain s on the crime weapon also creates doubt.
- iii) It is well settled that for the purposes of extending the benefit of doubt to an accused, it is not necessary that there be multiple infirmities in the prosecution case or several circumstances creating doubt. A single or slightest doubt, if found reasonable, in the prosecution case would be sufficient to entitle the accused to its benefit, not as a matter of grace and concession but as a matter of right.

Conclusion:

- i) Yes, doubt in the recovery of a weapon mandates the benefit of it be extended to the accused.
- ii) No, it is improbable for blood stains to persist over an extended period, creating reasonable doubt.
- iii. Yes, a conviction must be free of reasonable doubt.

-
- 6. Supreme Court of Pakistan**
Amjad and Irfan v. The State
Criminal Appeal No. 231 of 2023
Mr. Justice Athar Minallah, Mr. Justice Irfan Saadat Khan, Mr. Justice Malik Shahzad Ahmad Khan
https://www.supremecourt.gov.pk/downloads_judgements/crl.a._231_2023.pdf

Facts: The petitioners/ accused persons were convicted under sections 302(b) of the Pakistan Penal Code, 1860 and sentenced to death in terms of section 265-H(ii) of the Code of Criminal Procedure, 1898. The matter was referred to the High Court,

under section 374 PPC, for confirmation or otherwise of the death sentence awarded by the Trial Court. Being aggrieved with the said order, the accused preferred Criminal Appeals (corresponding to the Confirmation Case) before the High Court, which after hearing the matter, dismissed both the appeals and upheld the convictions and the sentences of the accused, by answering the reference in "Affirmative". It is against these orders of the Trial Court as well as the High Court that the present Jail Appeal has been filed and, as stated above, leave was granted.

Issues:

- i) Does a significant, unexplained delay in filing an FIR cast doubt on the prosecution's case?
- ii) Does an FIR filed after initial inquiry or consultation with others lose its probative value?

Analysis:

- i) There was a considerable delay of more than 31 ½ hours in lodging of the FIR. It is also a matter of record, rather it is an admitted position on the part of the complainant, that the FIR was registered after due consultation. The word FIR, stands for 'First Information Report', which is to be lodged at the very initial stage of the incident so that the legal process may be put into motion.
- ii) In the instant case, the FIR was registered after the happening of certain events i.e. informing relatives so also the co-villagers, taking them to the spot, taking the deceased's body to the Hospital, getting postmortem and medical checkup done and finally the burial of the deceased. It was only after all these episodes that the FIR was lodged after due consultation and preliminary investigation/enquiry of the Police of the spot.

Conclusion:

- i) A significant, unexplained delay in filing an FIR cast doubt and also puts a major dent on the case of the prosecution.
- ii) An FIR filed after initial inquiry or consultation with others lose its probative value.

7. Supreme Court of Pakistan.
Fateh Khan v. The State thr. P.G. Punjab & another
Crl.A.379/2021
Mr. Justice Naeem Akhter Afghan, Mr. Justice Muhammad Hashim Khan
Kakar, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 379 2021.pdf

Facts: The appellant preferred this appeal against the judgment of the Hon'ble High Court; wherein, their conviction stood maintained but sentence altered to life imprisonment from death sentence.

Issues:

- i) What cautionary rules are to be adopted in believing interested witnesses, in cases of previous enmity/ blood feud?
- ii) How belated statements of interested eyewitnesses should be evaluated?

- iii) How the exactitude and accurate details of occurrence in a case of wider net is looked?
- iv) How the evidence of a witness driving vehicle would be treated, who did not bend down his head in an indiscriminate firing on vehicle?
- v) What is effect of non-production of injured and surviving persons of an occurrence?
- vi) What is effect of absconsion of an accused, upon his conviction?

Analysis:

- i) Due to the previous enmity/blood feud between the parties, for safe administration of justice, the statements of the above prosecution witnesses, being relatives inter-se and being relatives of all the deceased, have to be considered with great care and caution.
- ii) In view of the above and keeping in view the previous enmity and blood feud between the parties, possibility of false implication of large number of accused by the complainant after consultation and deliberation with PWs Tanveer Aslam and Muhammad Sajid Akhter, being relatives inter-se and being relatives of all the deceased, cannot be ruled out of consideration.
- iii) The exactitude and accurate details mentioned in the FIR and his statement at the trial by the complainant Khalid Mehmood as well as narrated by PW Tanveer Aslam and PW Muhammad Sajid Akhter about the position of each nominated accused with specific firearms at different locations of the place of occurrence and attribution of specific role of firing to each accused with reference to each deceased is highly improbable and unnatural in such like occurrence.
- iv) According to statement of PW Tanveer Aslam he was driving the Pajero vehicle at the time of occurrence and during the occurrence, despite heavy firing, he did not bend his head downwards to save himself. Non receiving of any firearm injury by PW Tanveer Aslam in the occurrence and his mentioning the whole episode of firing by the nominated accused on the deceased with specific firearms creates serious doubt about his presence in the Pajero vehicle at the time of occurrence. His plantation as an eye witness by the complainant with the connivance of investigating officer as an afterthought to strengthen the prosecution version cannot be ruled out of consideration.
- v) At the trial, the prosecution did not produce the injured driver Muhammad Hanif of Toyota Corolla Car, Noor Muhammad sitting on the front seat of Pajero, Najaf Raza and Gul Jahan sitting on the rear seat of the Pajero, Muhammad Ijaz injured driver of Toyota Pickup, minor Mohsin Masood and Ehtebare Khan sitting in the back of the pickup. An adverse inference is drawn under Article 129(g) of the Qanoon-e-Shahadat Order, 1984 to the effect that had the above witnesses been produced by the prosecution at the trial, they would have not supported the version of the prosecution.
- vi) Abscondence per se is not a proof of the guilt of an accused person but it can be taken as corroborative piece of evidence⁴. In absence of trustworthy and confidence inspiring substantive incriminating evidence, conviction cannot be solely based upon abscondence of an accused.

- Conclusion:**
- i) In cases of previous enmity/ blood feud, the testimony of related witnesses be considered with great care and caution.
 - ii) Possibility of false implication of large number of accused by the complainant after consultation and deliberation cannot be ruled out of consideration.
 - iii) The exactitude and accurate details of occurrence in a case of wider net is highly improbable and unnatural.
 - iv) See above analysis (iv).
 - v) An adverse inference is drawn under Article 129(g) of QSO is to be drawn for non-production of injured and surviving persons.
 - vi) Abscondence per se is not a proof of the guilt of an accused person but it can be taken as corroborative piece of evidence.

8. Supreme Court of Pakistan
MCB Bank Limited v. Uzma Tehreem & others
Civil Appeal No.164 of 2025
Mr. Justice Naeem Akhter Afghan, Mr. Justice Muhammad Shafi Siddiqui,
Mr. Justice Shakeel Ahmad
https://www.supremecourt.gov.pk/downloads_judgements/c.a. 164 2025.pdf

Facts: The NIB Bank initiated a lawsuit against respondents Nos. 1 to 4 in the Lahore High Court (LHC) under section 9 of the Financial Institutions (Recovery of Finances) Ordinance, 2001, seeking recovery of dues. Respondents Nos. 1 to 4 submitted a joint application for unconditional leave to defend the suit, which was dismissed by the LHC's Single Bench, leading to a decree in favor of NIB Bank. Dissatisfied, respondents Nos. 1 to 4 appealed to the LHC's Division Bench, which dismissed the appeal for respondents Nos. 2 to 4 but partially accepted it for respondent No. 1. Subsequently, MCB Limited filed the instant appeal against the judgment favoring respondent No. 1, following the merger of NIB Bank into MCB Limited as ordered by the State Bank of Pakistan.

Issues:

- i) Can an appeal still be considered if the limitation period has expired due to the appellant's failure to remove objections?
- ii) How does prior consent from the guarantor affect their liability under the guarantee when changes are made to the loan agreement?

Analysis:

- i) According to the settled principles, if the objections raised by the office are not removed during the period allowed by the office and in the meanwhile the limitation period expires and the conduct of the appellant is considered to be contumacious, the appeal has to be rejected being time barred.
- ii) According to the settled principles, if variation or composition of the loan or time etc. as to its repayment was allowed by the creditor to the borrower and consent/assent in advance thereto was given by the guarantor in the letter of guarantee, subsequent to the date of guarantee, such variation, composition, extension, change or indulgence being within the contemplation of the parties at the time of execution of guarantee did not affect discharge of the surety/guarantee from obligations under the guarantee. And as such surety continued to be bound

by the terms of the guarantee despite moratorium, enlargement of time, composition and variations between the creditors and principal borrower.

- Conclusion:**
- i) No, the appeal has to be rejected being time barred.
 - ii) Prior consent from the guarantor ensures that they remain liable under the guarantee even if changes are made to the loan agreement.

9. Supreme Court of Pakistan
Ghulam Mustafa alias Raja Buledi v. The State
Criminal Appeal No.199 of 2023
Mr. Justice Athar Minallah, Mr. Justice Irfan Saadat Khan, Mr. Justice Malik Shahzad Ahmad Khan
https://www.supremecourt.gov.pk/downloads_judgements/crl.a._199_2023.pdf

Facts FIR was registered against four accused persons under section 302/34 PPC. Trial court convicted two accused and sentenced them while the third accused was acquitted. Fourth accused was declared proclaimed offender. The convicts assailed their conviction before High court but their appeal got dismissed. One of the convicts challenged his conviction before the Supreme Court of Pakistan. The Supreme court of Pakistan accepted appeal, acquitted the appellant and also acquitted the convict who has not preferred appeal and the one who had absconded.

- Issues:**
- i) Whether delayed lodging of FIR after postmortem casts doubt on the prosecution's case?
 - ii) Whether joint submission of empties and pistol to the FSL affects the credibility of the forensic report and recovery evidence?
 - iii) What is yardstick to determine that case of prosecution is doubtful and accused deserves acquittal?
 - iv) If a Court, while hearing the case of an accused, comes to the conclusion that the prosecution evidence is doubtful, whether the benefit of doubt can be extended to a co-accused/convict, who has not filed any appeal against his conviction and sentence or who is absconding?

Analysis:

i) The occurrence in this case took place on 02.01.2019, at about 6.20 p.m but the FIR was lodged on the same day at 9.30 p.m i.e., with the delay of about three hours and ten (10) minutes from the occurrence. The distance between the police station and the place of occurrence was only two (02) furlongs...We have further noted that the postmortem examination on the dead-body of the deceased was conducted on 02.01.2019, at about 7.20 p.m i.e., earlier to the registration of FIR, which was lodged at 9.30 p.m...All the above-mentioned facts show that the police got information regarding the incident soon after the occurrence but even then the FIR was not lodged till 9.30 p.m and the same was lodged after conducting postmortem examination on the dead-body of the deceased. Under the circumstances, it is evident that the FIR was lodged after due deliberations and consultations. It also shows that actually the prosecution eye-witnesses were not present at the spot at the relevant time and they had not witnessed the occurrence,

therefore, the abovementioned delay in lodging the FIR was consumed in procuring the attendance of fake eye-witnesses and concocting a fabricated story of the prosecution. The abovementioned gross delay in lodging the FIR has created doubt regarding the truthfulness of the prosecution story.

ii) So far as the recovery of pistol, at the pointing out of the appellant and positive report of Forensic Science Laboratory (FSL) (Ex.P/6-I), are concerned, we have noted that the empties and pistol were deposited together to the office of FSL on 01.02.2019. Under the circumstances, no reliance can be placed on the abovementioned prosecution evidence qua the recovery of pistol and the positive report of Forensic Science Laboratory (Ex.P/6-I) as observed in the cases reported as "Sarfraz v. The State (2023 SCMR 670) and "Abdul Wahid v. The State" (2023 SCMR 1278).

iii) It is by now well settled that if there is a single circumstance, which creates doubt in the prosecution case then the same is sufficient to acquit the accused, whereas the instant case is replete with number of circumstances, which have created serious doubts in the prosecution story. Reference in this context may be made to the judgments reported as "Tariq Pervez Vs The State" (1995 SCMR 1345) and "Muhammad Akram Vs The State" (2009 SCMR 230).

iv) . After coming to this conclusion, the conviction and sentence awarded to Muhammad Akbar (co-convict), cannot be allowed to remain in the field, merely on the basis of a technical ground that he has not filed any appeal before this Court against the judgment of the High Court. Though he has not filed any appeal against the impugned judgment of the learned High Court but it will not be just and fair for this Court to deny the benefit of doubt to Muhammad Akbar (co-convict), which benefit has been extended to Ghulam Mustafa alias Raja Baledi (appellant), when the case of the appellant and the abovementioned Muhammad Akbar (co-convict), is not distinguishable rather the case of the above-mentioned co-convict is at better footings, as compared to the case of Ghulam Mustafa alias Raja Buledi (appellant)... the conviction and sentence of Muhammad Akbar (co-convict), cannot be allowed to remain in the field, merely on the basis of this technicality that he has not filed any appeal before this Court against his conviction and sentence. In the cases of "Amin Ali and another v. The State" (2011 SCMR 323) "Shabbir Ahmed v. The State" (2011 SCMR 1142) and "Imtiaz alias Taj v. The State and others" (2018 SCMR 344), this Court extended the benefit of doubt to a convict though he had not challenged his conviction and sentence by way of filing an appeal before this Court...The abovementioned Muhammad Usman (co-accused since acquitted), who was attributed a similar role along with Atta Hussain Buledi (coaccused since P.O), has already been acquitted by the learned trial Court, therefore, no useful purpose shall be served by the arrest of Atta Hussain Buledi (co-accused since P.O) and putting him to trial by the learned trial Court because ultimately he has to be acquitted by the learned trial Court in the light of observations made by the learned trial Court in respect of the case of Muhammad Usman (co-accused since acquitted), as well as, in the light of findings recorded by this Court in the instant judgment. Further Court proceedings in the case of Atta Hussain Buledi (coaccused since P.O), shall

be a futile exercise and the same shall amount to sheer abuse of process of the Court and the law. We may refer here the case of “Muhamtrad Aslam and 5 others v. The State” (1972 SCMR 194), wherein, this Court also extended the benefit of doubt to an absconding co-accused and consequently acquitted him from the case.

- Conclusion:**
- i) Yes, the delayed lodging of FIR after postmortem creates doubt regarding the prosecution’s case.
 - ii) No reliance can be placed on such recovery of pistol and positive report of Forensic Science Laboratory.
 - iii) If there is a single circumstance, which creates doubt in the prosecution case then the same is sufficient to acquit the accused.
 - iv) Yes, the benefit of doubt can be extended to a co-accused/convict, who has not filed any appeal against his conviction and sentence or who is absconding

10. Supreme Court of Pakistan
Director, Intelligence and Investigation (Customs), Federal Board of Revenue v. Zaman Khan & others
Civil Petition No. 288-P/2025
Mr. Justice Munib Akhtar, Mrs. Justice Ayesha Malik, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._288_p_2025.pdf

Facts: A registered vehicle was seized by customs authorities on smuggling allegations due to non-production of import documents. The seizure was upheld by the Collector, overturned by the Customs Appellate Tribunal, and the High Court dismissed the department's reference, leading to the present civil petition before the Supreme Court.

Issues:

- i) Whether the Customs Authorities can demand import records from the vehicle owner beyond the statutory retention period provided under Section 211 of the Customs Act, 1969?
- ii) Whether the burden of proof shifts to the Customs Authorities once the owner produces documents prescribed under law in terms of Section 187 of the Customs Act, 1969?

Analysis:

- i) Keeping in view the facts and the legal issues involved in the above reference application, we are of the opinion that legal issues and the questions of law relating to authority of the officials of the custom department to seize an imported vehicle, more than five years old plying on road, within territorial limits of the city, duly registered Civil Petition No. 288-P/2025 15 Islamabad, 23.04.2025 by the Motor Vehicle Registration Authority, in terms of Section 25 of the West Pakistan Motor Vehicle Ordinance, 1965, can be made if the importer/owner of such vehicle, fails to produce the import documents.
- ii) In spite of the fact that the importer/owner of such vehicle is under no legal obligation to keep such record of import beyond the period of five years in terms

of Section 211 of the Act and further, the burden of proof in terms of Section 187 of the Act, stands discharged once the importer/owner produces the registration documents and shifts upon the Custom Authorities to prove otherwise by adopting the legal course.

Conclusion: i) No, owners are not required to retain import records beyond five years.
ii) Yes, the burden shifts to Customs Authorities upon production of valid documents.

11. Supreme Court of Pakistan.
Zahir Zakir Jaffar v. The State through A.G. Islamabad & another
Crl.P.L.A.467/2023
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Ishtiaq Ibrahim,
Mr. Justice Ali Baqar Najafi
https://www.supremecourt.gov.pk/downloads_judgements/crl.p.467.2023..pdf

Facts: The leave was granted by the august Supreme Court to look into the capital punishment confirmed by the Hon'ble High Court, rather enhanced sentence from life imprisonment to death for the offence u/s 376 PPC.

Issues: i) In the context of capital punishments, is it permissible for convictions to be predicated on circumstantial evidence?
 ii) In a court of law, what is the admissibility of CCTV footage and its evidentiary value?
 iii) What are "Silent Witness" theory, and whether CCTV footage comes under its ambit?

Analysis: i) it is now widely accepted that punishment can be imposed based on circumstantial evidence; however, it is subject to rigorous standards and principles. Conviction exclusively on the basis of circumstantial evidence is not prohibited by law. Nevertheless, the quality and sufficiency of the evidence are more important than its quantity. The circumstantial evidence must be of a nature that is inconsistent with the accused's innocence. The accused must be linked to the offense by a complete and unbroken chain of circumstantial evidence. The conclusion of guilt must be reached by the collective application of the various pieces of circumstantial evidence, with one end of the chain contacting the deceased individual and the other touching the accused individual's neck. If any link in this chain is absent, the entire chain is disrupted and no conviction can be recorded in such a situation.
 ii) It is worth mentioning that in the case of State v Ahmed Omar Sheikh (2021 SCMR 873), this Court has established a two-step test for the verification of digital evidence regarding CCTV footage. This examination necessitates that the evidence in question be both authentic and pertinent, and that it has been acquired from a trustworthy and dependable source. The list of conditions comprises:
"i) providing an explanation of how the video was obtained or its source, and

ii) *presenting a forensic report to show that the video has not been altered.*”

iii) The CCTV footage may also be admitted under the “Silent witness” theory, which stipulates that the video itself functions as evidence without the necessity of a sponsoring witness, provided that the footage is authenticated. It provided unbiased and real-time evidence that is frequently more reliable than human testimony, serving as a potent “Silent Witness”. In Black’s Law Dictionary, 9th Edition, at page 1508, ‘Silent Witness Theory’ is mentioned as under:

“A method of authenticating and admitting evidence (such as a photograph), without the need for a witness to verify its authenticity, upon a sufficient showing of the reliability of the process of producing the evidence, including proof that the evidence has not been altered.”

Conclusion: i) Conviction exclusively on the basis of circumstantial evidence is not prohibited by law. Nevertheless, the quality and sufficiency of the evidence are more important than its quantity.

ii) CCTV footage must be both authentic and pertinent, and that it has been acquired from a trustworthy and dependable source, and must also be forensically examined to rely upon.

iii) Silent Witness theory is authenticating and admitting evidence without need for a witness to verify its authenticity. CCTV footage comes under the ambit of such theory.

12. Supreme Court of Pakistan
Muhammad Ijaz @ Jajj v. The State
Criminal Appeal No.345/2020
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Salahuddin Panhwar, Mr. Justice Ishtiaq Ibrahim.
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 345 2020.pdf

Facts: The appellant was convicted under section 302 (b) PPC by the trial court for the murder of his wife and sentenced to death. Against his conviction and sentence, he preferred an appeal before the High Court, which was, however, his sentence of death was converted into imprisonment for life. Being aggrieved, the appellant has approached this court by filing the instant appeal with the leave of the Court.

Issue: i) Does the failure of an accused to explain a plausible alternative within his knowledge justify an accused inference against him?

ii) Can the burden shift to the accused, if the prosecution case lacks credibility?

Analysis: i) Undoubtedly, the accused is not required to take a special plea, but where the only alternative theory to his guilt is a remote possibility which, if correct, he is in a position to explain, the absence of any explanation must be

considered in determining whether the possibility should be disregarded or taken into account.

ii) The above mentioned shifting of some part of the onus to the accused may not be relevant in a case where the entire case of the prosecution itself is not reliable and where the prosecution fails to produce any believable evidence. If the prosecution fails to adduce reliable evidence in support of its own case, then the accused person cannot be convicted merely on the basis of lack of discharge of some part of the onus on him.

Conclusion: i) See above analysis No. i
ii) See above analysis No. ii

13. Supreme Court of Pakistan
Mst. Khalida Bibi v. Naeem Khan & others
Civil Petition No. 252-P of 2025
Ms. Justice Musarrat Hilali, Mr. Justice Shakeel Ahmad
https://www.supremecourt.gov.pk/downloads_judgements/c.p. 252_p 2025.pdf

Facts: A petitioner claimed unpaid dower and maintenance based on the Nikah Nama. The trial court decreed the suit, but the appellate court reversed it. The High Court dismissed the constitutional petition without adjudicating all issues framed by the trial court.

Issues: i) Does a Nikah Nama, when admitted and unchallenged, carry evidentiary presumption in law?
 ii) Is non-production of marginal witnesses of Nikah Nama fatal to a claim where marriage is admitted?
 iii) Does failure to adjudicate a framed issue amount to a jurisdictional error?

Analysis: i) The Nikah Nama is a public document, which is registered under Section 5 of the Muslim Family Law Ordinance, 1961, and as such presumption of truth is attached to it, carrying evidentiary value in terms of Article 85 of the Qanun-e-Shahadat Order, 1984... Mere verbal denial of the execution of Nikah Nama in the statement recorded before the trial court without supporting evidence carries no legal value.
 ii) It is settled law that where the relationship of husband and wife is admitted and the execution of Nikah is not denied, then non-production of the marginal witnesses of the Nikah Nama before the Court is not fatal to the suit of the plaintiff/ wife. The consistent view of the superior Courts is that, in such circumstances, the execution of Nikah Nama stands proved and the plaintiff's entitlement to dower is established.
 iii) Moreso, neither the Appeal Court nor the High Court has recorded any findings on issue No.3 framed by the trial Court, thus, failed to exercise jurisdiction vested in them.

Conclusion: i) Yes, an unchallenged and registered Nikah Nama carries legal presumption of

truth and evidentiary value.

ii) No, non-production of marginal witnesses does not affect the validity of the Nikah Nama when marriage is admitted.

iii) Yes, omission to decide a framed issue constitutes a jurisdictional failure.

-
- 14. Supreme Court of Pakistan**
Muhammad Wajid v. The State
Criminal Appeal No 212 of 2023
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Ishtiaq Ibrahim,
Mr. Justice Ali Baqar Najafi.
https://www.supremecourt.gov.pk/downloads_judgements/crl.a. 212 2023.pdf

Facts: The Appellant was tried for offences punishable under section 302 and 376 of Pakistan Penal Code for rape and murder of a minor girl. The Appellant was convicted under section 302(b) PPC and sentenced to death as Tazir and also convicted under section 376 PPC and sentenced to life imprisonment. The judgment of the trial court was challenged in the Hon'ble High Court where the appeal was partly allowed by setting aside the conviction under section 376 of PPC, however the conviction under section 302(b) PPC was maintained and murder reference was answered in affirmative. The appellant feeling aggrieved from the conviction and sentence preferred a jail petition assailing the impugned judgment of Hon'ble High Court.

Issues:

- i) Whether a conviction in a capital offence can be based solely on circumstantial evidence, and what safeguards must be observed?
- ii) Whether a conviction can be recorded on the basis of a retracted judicial confession?
- iii) Whether discovery of fact made pursuant to information provided by the accused is admissible as evidence?
- iv) Whether a confessional statement can be partially relied upon when it is corroborated by other evidence, and to what extent may the court accept or reject its contents?

Analysis:

- i) It is well settled principle of law that conviction can be recorded even in case carrying capital punishment on the basis of circumstantial evidence if it excludes all hypothesis of innocence of accused, however, it should be accepted with great caution and be scrutinized minutely for reaching conclusion that no plausible conclusion be drawn except guilt of the accused. The prosecution is duty bound to prove every circumstance independently as is so connected with other circumstances which constitutes an unbroken chain that leads to no other interference but to the guilt of accused.
- ii) It is well established that a conviction can be recorded on the basis of a retracted judicial confession if it is found to be voluntary, true, and corroborated by independent evidence. Reliance placed on "Manjeet Singh v The State (PLD 2006 SC 30)".

- iii) Discovery made pursuant to the information furnished by the accused is admissible evidence under Article 40 of the Qanun-e-Shahadat Order, 1984.
- iv) Where a confessional statement is not the sole basis of the prosecution case and is corroborated by other evidence, the court may accept the inculpatory parts that support with the established facts and reject the portions that are inconsistent or uncorroborated.

Conclusion:

- i) See above analysis No i.
- ii) Conviction can be recorded on the basis of a retracted judicial confession if it is found to be voluntary.
- iii) Discovery made pursuant to the information furnished by the accused is admissible evidence.
- iv) See above analysis No iv.

15. Supreme Court of Pakistan
Amir khan v. The State
Zahid Anjum v. Amir Khan etc.
Jail Petition No. 149/2018 And CR.PL.A No374/2018
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Salahuddin Panhwar, Mr. Justice Ishtiaq Ibrahim
https://www.supremecourt.gov.pk/downloads_judgements/j.p. 149 2018.pdf

Facts: The petitioner was convicted for murder under Section 302(b) PPC and sentenced to death, later commuted to life imprisonment. The conviction and sentence were challenged on grounds of absence of premeditation and sudden provocation during a scuffle.

Issues:

- i) Whether prompt reporting of the incident to the police excludes the possibility of deliberation or false implication?
- ii) Whether use of a firearm against an unarmed person during a sudden physical confrontation constitutes lawful self-defence?
- iii) Whether causing death during a sudden fight, under provocation or self-defence, without taking undue advantage or acting brutally, attracts Exception 4 to the erstwhile Section 300 PPC and results in conviction under Section 302(c) PPC?

Analysis:

- i) The matter was reported to the police with commendable promptitude at 05:40 p.m. by the complainant, (...) thereby substantially excluding the possibility of deliberation or consultation in falsely implicating the petitioner.
- ii) In an instinctive reaction to the perceived threat to his person, the petitioner resorted to the use of a firearm. However, as the deceased was unarmed at the time of the occurrence, therefore, the act of firing a shot even if in self-defence exceeded the bounds of lawful self-defence as contemplated under the law.
- iii) In cases where the accused, while acting in self-defence or under sudden provocation, causes the death of a person, such circumstances may justify a

conviction under Section 302(c) of the Pakistan Penal Code, 1860.(...) 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 heat of passion developed upon a sudden quarrel and no undue advantage had been taken by the petitioner/convict nor had he acted in brutal or unusual manner. In the circumstances Exception 4 contained in the erstwhile section 300 PPC squarely stood attracted to the case (...) In view of the totality of circumstances discussed above including the absence of premeditation, the sudden and spontaneous nature of the occurrence, the fact that only a single shot was fired by the petitioner/convict, the unarmed status of the deceased, and the consistency between the ocular and medical evidence, we are persuaded to hold that the case of the petitioner squarely falls within the ambit of Section 302(c) of the Pakistan Penal Code, 1860.

- Conclusion:**
- i) The prompt reporting of the incident substantially excluded the possibility of deliberation or false implication.
 - ii) The use of a firearm against an unarmed person during a sudden confrontation exceeded the bounds of lawful self-defence.
 - iii) See Above Analysis No.iii

16. Supreme Court of Pakistan
Pakistan Railways through Chief Controller of Purchase, Pakistan Railways, Lahore v. CRRC Ziyang Co. Limited, Lahore
CPLA No.813-L of 2024
Mr. Justice Yahya Afridi CJ, Mr. Justice Muhammad Shafi Siddiqui & Mr. Justice Miangul Hassan Aurangzeb
https://www.supremecourt.gov.pk/downloads_judgements/c.p._813_1_2024.pdf

Facts: A contract executed between the parties. The matter was referred to arbitration. The arbitrators filed the award before the civil court. The petitioner filed objections to the said award praying for setting aside the award and the matter to be remitted back to the arbitrators. The civil court framed the issues, which order was challenged before the High Court through a revision petition. The High court accepted the revision and remanded the case back to civil court for a decision afresh on the basis of available record. Hence, the CPLA filed before the Hon'ble Supreme Court.

- Issues:**
- i) What procedure is to be adopted by the court after filing the award by the arbitrator?
 - ii) What kind of jurisdiction can be exercised by a court while deciding applications for passing decrees in terms of awards or while deciding objections to awards?
 - iii) What is the status of arbitration and in which circumstances the judicial interference is permissible?
 - iv) Whether while deciding objections to arbitration awards, the courts ought to avoid framing of issues and recording of evidence?

- v) How the object of Law of Arbitration would be defeated if issues are framed after filing of award?
- vi) What the courts are expected to after filing of award by the arbitrator?
- vii) What procedure to be adopted by an arbitrator?
- viii) Whether possibility of a trial after the award has been filed in the court would discourage the parties from opting for arbitration?
- ix) What is the demerit of framing of issues, recording of evidence and hearing arguments after the filing of the award in the court?

Analysis:

- i) The process of making an arbitration award a rule of the court follows a structured procedure in Pakistan under the 1940 Act. After an award is filed before a court of competent jurisdiction, the court issues notice to the parties informing them that the award has been filed. This notice serves a critical purpose - enabling the parties to file objections within a period of thirty days of the service of notice of the filing of the award prescribed in Article 158 of the First Schedule to the Limitation Act, 1908.
- ii) Courts, while deciding applications for passing decrees in terms of awards or while deciding objections to awards, generally exercise limited jurisdiction and do not act as appellate bodies over arbitration awards. Their intervention is to be limited to the specific grounds provided in Section 30 of the 1940 Act.
- iii) Arbitration is an autonomous and final forum, and that judicial interference is permissible only in narrow and clearly defined circumstances envisaged by Section 30 of the 1940 Act i.e., jurisdictional error, proven misconduct, or a patent legal mistake visible on the face of the record.
- iv) Bearing in mind the principle that arbitration is intended to provide a swift and final resolution of disputes with minimal court intervention, courts, while deciding objections to arbitration awards, ought to avoid framing issues and record evidence unless absolutely necessary. (---) The framing of issues and recording of evidence, however, undermines the core objectives of the 1940 Act, which are efficiency, finality, and minimal judicial intervention.
- v) Since arbitration, in essence is a time-saving device, the framing of issues followed by the recording of evidence while deciding objections to the award would tend to defeat the very object of resorting to dispute resolution by a domestic forum.
- vi) Courts are expected to pronounce judgment and decree in terms of the award, intervening only on narrow grounds such as misconduct or invalidity of the award, without re-opening factual issues through evidence recording.
- vii) It is now well settled that arbitrators are entitled to regulate their own procedure and are not governed by the strict procedure prescribed by the CPC and the rules regarding evidence contained in the Qanun-e-Shahadat Order, 1984. Arbitrators decide disputes based on evidence presented during arbitration proceedings. They are under no obligation to frame issues as provided in the CPC.
- viii) The possibility of a trial after the award has been filed in court creates uncertainty about the finality and enforceability of awards. This discourages the

parties from opting for arbitration, defeating the legislative intent to promote arbitration as a preferred mode of dispute resolution.

ix) The framing of issues, recording of evidence and hearing arguments post the filing of the award in the court is bound to increase litigation costs for parties and add to the already heavy workload of courts. This again defeats the purpose of arbitration as an economical and efficient alternative dispute resolution mechanism. The recording of evidence and conducting a trial effectively converts the court into an appellate or fact-finding forum, which would be contrary to the statutory scheme envisaged by the 1940 Act.

- Conclusion:**
- i) See above analysis No. i
 - ii) The court generally exercise limited jurisdiction and do not act as appellate bodies over arbitration awards.
 - iii) Arbitration is an autonomous and final forum, and that judicial interference is permissible only in jurisdictional error, proven misconduct, or a patent legal mistake visible on the face of the record.
 - iv) The courts, while deciding objections to arbitration awards, ought to avoid framing issues and record evidence unless absolutely necessary.
 - v) See above analysis No. v
 - vi) Courts are expected to pronounce judgment and decree in terms of the award.
 - vii) See above analysis No. vii
 - viii) See above analysis No. viii
 - ix) See above analysis No. ix

-
- 17. Supreme Court of Pakistan**
Ghulam Qadir. v. Ghulam Muhammad Kaleem and others.
Civil Petition No.1684 of 2025
Mr. Justice Sardar Tariq Masood, Mr. Justice Mazhar Alam Khan Miankhel
https://www.supremecourt.gov.pk/downloads_judgements/c.p._1684_2025.pdf
- Facts:** The petitioner has challenged the order of the High Court, which dismissed his civil revision against the concurrent decisions of the lower courts that had dismissed his suit. The High Court upheld the findings of the lower courts in its ruling.
- Issues:** i) Can the absence of the illiterate old lady vendor's children as witnesses affect the credibility of the alleged agreement to sell?
- Analysis:** i) We have also noted that the alleged vendor was an illiterate old lady being mother of four sons and three daughters but none of them was the signatory of the alleged agreement to sell as a witness to the same and similarly all the respondents have categorically denied the factum of alleged agreement to sell with the petitioner. The learned counsel for the petitioner failed to point out any misreading, non-reading or any other material irregularity and illegality in the findings of the High Court and the Courts below.

Conclusion: i) Yes, absence of the illiterate old lady vendor's children as witnesses affect the credibility of the alleged agreement to sell.

18. Lahore High Court
Akbar Ali, etc. v. Commissioner, Lahore Division, etc.
W.P. No. 21935 of 2024
Mr. Justice Shujaat Ali Khan.
<https://sys.lhc.gov.pk/appjudgments/2025LHC3612.pdf>

Facts: The petitioners are successors-in-interest to a property measuring 5-Marlas, originally part of a larger tract of land measuring 1-Kanal and 7-Marlas. A portion of this land was sold in 1979, and the petitioners, along with their predecessor, purchased the house through a registered sale deed in 2001. Utility connections were obtained and property tax has been regularly paid. After the death of their predecessor, inheritance mutation was attested in their favour in 2017. When they approached the revenue office for issuance of Fard to sell the property, they discovered that the land had been acquired by LDA for a housing scheme. Their application for de-notification was dismissed by the competent authority, leading to the filing of this petition.

Issues:

- i) Whether the government's initial intention to acquire land can be considered conclusive proof of acquisition, and what is the legal status of the land once the final award is announced?
- ii) Whether the repeal of a statute affects ongoing proceedings initiated under that statute?
- iii) Whether, after the announcement of the Award, the ownership of the property vests in the acquiring agency and the only remedy to challenge the Award is by filing a Reference under the relevant law?

Analysis:

- i) There is no cavil with the fact that initial step of the government, conveying its intention to acquire particular land for a public purpose, cannot be considered as conclusive proof of acquisition but at the same time when final Award is announced on completion of requisite criteria, the land, subject matter of said Award, does not remain in the name of the previous owner(s) for its further alienation in favour of someone else.
- ii) According to the settled principles of interpretation of Statutes, the repeal of an enactment, during continuation of proceedings in a matter under the repealed law, has no negative impact for the reasons that the same have to reach their logical conclusion notwithstanding the repeal of the relevant law.
- iii) It is trite law that after announcement of Award, the property vests in the name of the acquiring agency and nobody can question the validity of said Award except to file a Reference under the relevant provisions of law inter-alia agitating grievance regarding measurement of the acquired land and quantum of compensation etc.

- Conclusion:**
- i) Government's initial intention to acquire land is not conclusive proof of acquisition, but after the final Award, the land vests in the acquiring agency and cannot be transferred by previous owners.
 - ii) Repeal of a statute does not affect pending proceedings, which must conclude under the repealed law.
 - iii) After the Award, property vests in the acquiring agency, and objections can only be raised through a Reference under the law.

19. Lahore High Court
Sui Northern Gas Pipelines Ltd. v. Waseem Majid Malik & others
ICA No.34877 of 2020
Mr. Justice Shahid Karim, Mr. Justice Raheel Kamran
<https://sys.lhc.gov.pk/appjudgments/2025LHC3529.pdf>

Facts: The respondents had challenged an election notice issued by appellant through constitutional petition before the Single Bench of High Court with submissions that the Federal Government could only be represented on the Board of Directors of SNGPL through directors nominated under Section 165 of the Companies Act, 2017 (2017 Act) in proportion to its shareholding in SNGPL. Finally, it was stated that the Federal Government was not eligible to contest elections under Section 159 of the 2017 Act and for it be restrained from participating in the elections scheduled. The constitutional petition was dismissed by the Single Bench of High Court. Through this appeal under Section 3 of the Law Reforms Ordinance, 1972, the petitioner has not challenged the entire judgement of Single Bench but has challenged a specific portion by which it was held that respondent No.1 had the standing to bring the dispute before the High Court in the exercise of its jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

Issues

- i) What are the conditions to invoke the jurisdiction of High Court under section 160 of the Companies Act, 2017?
- ii) Whether the act or function of Federal Government being a member and major shareholder of SNGPL is amenable to the jurisdiction of the High Court?
- iii) Whether the Federal Government as a member of SNGPL can contest the elections of office of Director under Section 159(3) of the Companies Act 2017 Act?
- iv) Can High Court exercise constitutional jurisdiction, if an adequate and efficacious remedy is available under the law?

Analysis:

- i) The first condition stipulated in the above provision to engage the jurisdiction of a High Court is that the act must not only be performed by a person within the territorial jurisdiction of that High Court but also must relate to functions in connection with the affairs of the Federation, a Province or a local authority. Only then can the jurisdiction of a High Court be engaged to make an order directing that person to refrain from doing anything he is not permitted by law to do or to do anything he is required by law to do. Thus, the conditions contained therein

must be established to exist before any order can be passed under Article 199(1)(a)(i) of the Constitution. It follows indubitably that if a person is not performing functions in connection with the affairs of Federation, a Province or a local authority, that person cannot be subjected to an order by a High Court. The distinction brought forth in Article 199(1)(a)(i) is a distinction between public and private acts of a person though he may otherwise be performing functions in connection with the affairs of Federation, a Province or a local authority. If that person is performing public functions then a High Court has the jurisdiction to make an order under Article 199. On the contrary, if that person is merely performing acts of a private nature and are private functions, then the authority of this Court to make an order is seriously in doubt. The primary purpose of the engagement of Article 199 is to confer powers on a High Court in respect of functions of the State involving some exercise of sovereign or public power and not otherwise.

ii) The act in question was of the Federal Government in seeking to contest an election of the Board of Directors of SNGPL. That function is quintessentially a private function being undertaken as an ordinary member of a company incorporated under the 2017 Act. By the mere fact that Federal Government holds a major shareholding in SNGPL does not mean that it becomes amenable to the jurisdiction of this Court under Article 199 of the Constitution while performing its functions as a member of SNGPL. That cannot be the intention of the law and the Constitution. As a shareholder of SNGPL the Federal Government has the same set of rights as other shareholders conferred by the provisions of the 2017 Act. The mere fact that the Federal Government has ventured into corporate enterprises and purchased shares of a company does not mean that in such capacity too the Federal Government is subject to the jurisdiction of a High Court.

iii) It must be borne in mind that the challenge is to the set of exercise of rights, as a member, to contest an election to the office of a director of company. That right flows from the provision of the 2017 Act. It is not a State action issue (as described in *America*). Simply because the Federal Government is a member of a company will not clothe it with the right to maintain a constitutional petition. Imagine the unpalatable result this argument will ensue. What follows is this: only the Federal Government (and none of the other members) can maintain a constitutional petition. The other members will have to take recourse to remedy under Section 160. Such a result is not countenanced by law or the Constitution. The Federal Government is merely a member of SNGPL and has the same rights and privilege as other members.

iv) It is evident that the jurisdiction has been conferred on a High Court in respect of all matters arising under the 2017 Act. As adumbrated, the remedy has been provided by section 160 conferring power on the court to declare elections of directors invalid. That power cannot be usurped under Article 199 of the Constitution as efficacious and adequate remedy has been provided by law and this aspect should have been taken consideration while holding that the constitutional petition was competently filed. The superior courts have time and again held that in case there is an adequate and efficacious remedy provided by

law, a High Court will not exercise its jurisdiction and collateral challenges have not been allowed to sustain.

- Conclusion:**
- i) See above analysis No.i
 - ii) See above analysis No.ii
 - iii) The Federal Government is merely a member of SNGPL and has the same rights and privilege as other members.
 - iv) In case there is an adequate and efficacious remedy provided by law, a High Court will not exercise its jurisdiction and collateral challenges have not been allowed to sustain.

20. Lahore High Court
Ahmed Amin v. Learned District Judge, Attock and others
Writ Petition No.2787 OF 2019
Mr. Justice Mirza Viqas Rauf
<https://sys.lhc.gov.pk/appjudgments/2025LHC3536.pdf>

Facts: The petitioner challenged the proceedings arising from a family suit involving dissolution of marriage through khula, recovery of dower, maintenance, dowry articles, and gold ornaments; the suit was decreed by the Family Court, petitioner filed an appeal which was dismissed due to non-prosecution, hence this constitutional petition.

Issues:

- i) Whether the Family Court can invoke provisions of the Code of Civil Procedure despite the exclusion under Section 17 of the Family Courts Act, 1964, to meet the ends of justice?
- ii) Whether an appellate court under Section 14 of the Family Courts Act, 1964 has the power to dismiss an appeal for non-prosecution and restore it upon showing sufficient cause?

Analysis:

- i) There is no cavil that Section 17 of the Act, 1964 excludes the applicability of provisions of the Code of Civil Procedure (V of 1908) (hereinafter referred to as “CPC”) to the proceedings before the Family Court in respect of Part-I of Schedule with exception of Sections 10 and 11 of the CPC but it does not mean that Family Court would be completely debarred to call in aid any of the provisions of CPC, when ends of justice so demand and require. The purpose of ouster of the provisions of the CPC in the proceedings before the Family Courts is to avoid the technical implication of such provisions so as it would not frustrate and hamper the proceedings before the Family Courts which otherwise are supposed to be speedy and expeditious. In nutshell, despite clog of Section 17 of the Act, 1964, in absence of any specific provision in the Act, 1964 dealing the subject, Family Courts are not precluded to invoke the provisions of CPC or to draw an analogy therefrom for securing the ends of justice.
- ii) I feel no cavil to observe that an appellate court dealing with an appeal under Section 14 of the Act, 1964 not only is vested with the inherent power to dismiss the appeal for non-prosecution but it can also restore the same on showing

sufficient cause by the appellant if his appeal has been dismissed on account of default.

- Conclusion:** i) Family Court can invoke provisions of the Code of Civil Procedure despite the exclusion under Section 17 of the Family Courts Act, 1964, to meet the ends of justice.
ii) See above analysis No2.

21. Lahore High Court
Shahid Mehmood & Co. (Pvt.) Ltd. v. Additional District Judge, Faisalabad & others
Writ Petition No.46926 of 2023
Mr. Justice Muhammad Sajid Mehmood Sethi
<https://sys.lhc.gov.pk/appjudgments/2025LHC3661.pdf>

Facts: The petitioner contested an ejectment petition filed by private respondents. The application for leave to contest was dismissed, and ejectment was ordered by the Rent Tribunal. The appeal against this order was also dismissed. The petitioner contended that during pendency of the proceedings, the respondents ceased to be owners of the premises and the petitioner executed a new tenancy agreement with another third person, who had acquired lawful ownership. It is alleged that this change of ownership was brought to the Court's notice after the initial application for leave to contest had been filed.

- Issues:**
- i) Whether newly discovered facts, not pleaded in the application for leave to contest, can be considered by the courts at a later stage?
 - ii) Whether newly discovered facts revealing a jurisdictional flaw warrant consideration in ejectment proceedings?
 - iii) Does cessation of the landlord-tenant relationship at the appellate stage invalidate the foundation of an ejectment petition?
 - iv) Can superior courts consider subsequent developments or foundational facts not originally pleaded, and remand the matter for fresh adjudication?
 - v) Can a landlord amend pleadings to include grounds based on events occurring after initiation of eviction proceedings?
 - vi) Whether a writ of certiorari can be invoked to quash a decision tainted by jurisdictional error, legal mistake, or irrationality?

Analysis:

- i) Generally, an application for leave to contest must set out all material and substantial defenses. There is no cavil with the well settled proposition that grounds not pleaded in the leave application cannot be considered subsequently, whether during trial or at the appellate stage. However, the Courts may entertain newly discovered facts in exceptional circumstances, provided such facts were genuinely not available or known at the time of filing the leave application and are material to the outcome of the case. Typically, this requires the filing of a formal application to amend the pleadings or to place the new facts on record.
- ii) Newly discovered facts warrant incorporation into the application for leave to contest the ejectment petition. Where such a newly discovered plea reveals a

fundamental jurisdictional flaw, such as the non-existence or cessation of the landlord-tenant relationship, based on subsequent developments or newly discovered documents, courts— particularly appellate courts—may consider the same.

iii) The relationship of landlord and tenant is the very foundation of an ejectment petition, and if it is shown at the appellate stage that this relationship ceased to exist (e.g., due to a sale, transfer, or extinguishment of tenancy rights), the entire foundation of the ejectment petition may collapse.

iv) It is well established that superior courts may take cognizance of subsequent developments or newly surfaced foundational facts, particularly when they affect the right to initiate or continue litigation, or when they go to the root of the matter, even if not originally pleaded. In such cases, the superior court may permit amendment of pleadings, remand the matter to allow necessary amendments, frame fresh issues regarding the existence of tenancy, and order a fresh adjudication based on the revised factual and legal matrix. In *Messrs Habib Bank Limited v. Sultan Ahmed and another* (2001 SCMR 679).

v) The law regarding the entitlement of a landlord to amend the pleading by adding new and different grounds arising from events occurring subsequent to the institution of eviction proceedings is well established. In *Shah v. Centre Park Plaza Limited & another* (2024 KEELC 13468), the Court recognized the existence of a periodic tenancy between the parties and emphasized the importance of considering subsequent events, such as the termination of the tenancy, in determining the rights and obligations of the parties.

vi) It is well-settled through a consistent line of authority from the superior Courts of the country that a decision made by a lower court or tribunal may be set aside by issuing a writ of certiorari in instances where the court or tribunal has acted outside the limits of its lawful authority, has overstepped the bounds of its jurisdiction or has failed to observe the requirements of natural justice in circumstances where such standards are applicable. Besides, such an order may also be quashed where a legal mistake is apparent on the face of the record, or where the decision is so irrational that it satisfies the test of what is known as *Wednesbury unreasonableness*.

- Conclusion:**
- i) See above analysis No i.
 - ii) Newly discovered facts warrant incorporation into the application for leave to contest the ejectment petition.
 - iii) If it is shown at the appellate stage that this relationship ceased to exist the entire foundation of the ejectment petition may collapse.
 - iv) Superior courts may take cognizance of subsequent developments or newly surfaced foundational facts even if not originally pleaded.
 - v) See above analysis No v.
 - vi) See above analysis No vi.
-

22. Lahore High Court
Muhammad Siddique V. The State and another
Criminal Appeal No. 9/2025
Mr. Justice Tariq Saleem Sheikh, Mr. Justice Raja Ghazanfar Ali Khan
<https://sys.lhc.gov.pk/appjudgments/2025LHC3697.pdf>

Facts: Appellant was convicted by the Anti-Terrorism Court in a case registered under the Anti-Terrorism Act, 1997. High Court accepted appeal and acquitted him.

Issues:

- i) What are constituent elements of offence under section 8 of Anti Terrorism Act, 1997?
- ii) What is the distinction between the offences under sections 8(d) and 11-G(1) of the Anti-Terrorism Act, 1997?
- iii) What is the legal import of the word “carries” as used in section 11-G of the Anti-Terrorism Act, 1997?
- iv) What is the scope and application of the maxim *noscitur a sociis* in statutory interpretation?

Analysis:

- i) We begin with section 8 of the ATA. 1 It prohibits various acts to prevent sectarian hatred. These include using threatening, abusive, or insulting words, behaviour, images, or sounds, as well as displaying, publishing, or distributing material containing such content, and possessing it with a view to its being displayed or published. The offence is complete if either of two conditions is met: first, the person commits the act with the intent to stir up sectarian hatred; or second, in the given circumstances, sectarian hatred is likely to be thereby stirred up. The law thus targets both deliberate incitement and conduct that creates a real risk of sectarian conflict.
- ii) It is noteworthy that although section 8(d) and section 11-G(1) of the ATA both refer to possession or carrying of material linked to sectarian or extremist activity, they criminalize different forms of conduct. Section 8(d) applies to possessing threatening, abusive, or insulting material intended or likely to stir up sectarian hatred. It is content-based and applies only where the material is provocative and held for public dissemination. In contrast, section 11-G(1) is concerned with the visible association of the material with a proscribed organization rather than its content. It penalizes wearing, carrying, or displaying items such as flags, banners, or uniforms linked to such groups, even if they are not abusive or insulting, regardless of intent to incite hatred. Significantly, mere possession does not constitute an offence under either provision. In both cases, criminal liability arises only when further elements are established, such as intent or likely effect under section 8(d) and public display or circumstances giving rise to reasonable suspicion under section 11-G(1).
- iii) According to Black’s Law Dictionary (9th ed.), the word “carry” has several meanings, including the following: (i) to convey or transport, (ii) to possess and convey (a firearm) in a vehicle, including the locked glove compartment or trunk of a car, (iii) figuratively, to possess or hold (insurance, etc.). However, section 11-G does not use “carries” in isolation. It appears alongside other terms... In sub-

section (1) of section 11-G of the ATA, the Legislature has used the word “carries” alongside “wears” and “displays” in two distinct clauses. In clause (a), it occurs between “wears” and “displays”, which are followed by the phrase “any article, symbol, or any flag or banner.” In clause (b), the same three words precede the phrase “any uniform, item of clothing, or dress.” Applying the principles discussed above, the word “carries” in section 11-G does not mean mere possession in the general or passive sense but connotes carrying in a way that is visible or suggestive of support or membership of a proscribed organization. It must involve public presentation (such as wearing or displaying emblems, articles, or other material at rallies, group events, or other conduct indicating active affiliation). The prosecution must meet this evidentiary threshold to secure a conviction under section 11-G.

iv), the maxim *noscitur a sociis* dictates that it must be construed in their light and colour. Bennion explains: “A statutory term is recognised by its associated words. The Latin maxim *noscitur a sociis* states this contextual principle ... A word or phrase in an enactment must always be construed in the light of the words, and particularly general words, cannot be read in isolation; their colour and their content are derived from their context.” Crawford states: “In order to ascertain the meaning of any word or phrase that is ambiguous or susceptible to more than one meaning, the court may properly resort to the other words which the ambiguous word is associated in the statute. Accordingly, if several words are connected by a copulative conjunction, a presumption arises that they are of the same class unless, of course, a contrary intention is indicated.” In *Bourne (Inspector of Taxes) v. Norwich Crematorium Ltd.* [1967] 1 WLR 691, at 696, Stamp J. stated: “English words derive colour from those which surround them. Sentences are not mere collections of words to be taken out of the sentence, defined separately by reference to the dictionary or decided cases, and then put back into the sentence with the meaning which you have assigned to them as separate words ...”. The principle of *noscitur a sociis* must be distinguished from the doctrine of *eiusdem generis*, which states that “where general words follow the designation of particular things or classes of persons or subjects, the general words will usually be construed to include only those persons or things of the same class or general nature as those specifically enumerated. For example, where a law prohibits the exclusion of any persons on account of their color from ‘barber shops, eating houses, or other places of public resort,’ the latter phrase will be restricted to places of the same general character of those specifically enumerated.” . S.M. Zafar states that the two maxims operate in most situations identically, but there is a slight difference between them. The principle of *noscitur a sociis* was judicially recognized in our country in *Shakeel Shah v. The State and others* (2022 SCMR 1), *Barkurdar v. Appellate Tribunal/Additional District & Sessions Judge, and others* (PLD 2016 Lahore 101) (FB), *M/s Asfaq Trading Company v. Collector of Customs* (2016 PTD 2111), *Messrs Kashmir Pottery Works v. The Commissioner of Sales Tax* (PLD 1973 Lahore 837 : 1973 PTD 453).

Conclusion: i) See above analysis(i)

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

23. Lahore High Court
M/s 5H INSAAT Ve Ticaret Anonim Sirketi v. Secretary etc.
W.P.No.1712/2025
Mr. Justice Jawad Hassan
<https://sys.lhc.gov.pk/appjudgments/2025LHC3570.pdf>

Facts: The petitioner was awarded a contract for certain works after completion of all legal formalities and submission of performance securities. The petitioner subsequently sought mobilization advances and commencement orders, which were not issued despite considerable delay. The petitioner through this writ petition challenged the termination notices issued under the contract and sought intervention of the Court.

Issues

- i) What is the legal status, role, and rights of a bidder in public contracts?
- ii) Can the Court intervene in a dispute when an alternative remedy through arbitration is available?
- iii) What are the classifications of arbitration?
- iv) What are the legal benefits of arbitration and its relevance to public interest projects?
- v) What are the legal duties of a Secretary under the Punjab Government Rules of Business?

Analysis:

- i) A bidder is an individual or organization that submits a proposal to undertake a specific project or provide goods/services at a specified price and in the context of public interest projects or government contracts, the bidders play an important role in competing for projects/contracts. The basic role of a bidder is to (i) submit proposals or bids for a project or contract; (ii) provide goods or services as specified in the said project or contract and (iii) comply with the terms and conditions of the project/contract awarded to him. Whereas the rights of a bidder include the right of fair evaluation of his bid, right to be notified of bid evaluation results and most importantly, right to protest or dispute the awarding of the contract if necessary.
- ii) The core point involved in this case is whether in presence of an alternate remedy available to the parties in the shape of arbitration, this Court can intervene in it. Before making any observation in relation thereto, it would be significant to first discuss regarding the arbitration and its scope. (...) therefore, in view of the above background and the facts of the case, specifically when consensus has also been reached between the parties for amicable settlement of the dispute, the impugned notices of termination dated 12.05.2025 are set-aside.
- iii) There are two types of arbitration. The first is “voluntary arbitration” in which the parties agree to arbitration voluntarily, through a contract or agreement and

second type is known as “mandatory arbitration” which is required by law or contract, and the parties must participate in the process.

iv) The first and the basic benefit of arbitration is the faster resolution of a dispute because it contains a process which is faster than the traditional litigation, reducing the time and cost associated with resolving disputes. Arbitration can be more cost-effective than approaching the Court as it eradicates many of the formalities and procedures associated with the litigation. It is commonly used to resolve commercial disputes, labour disputes, (...) Another important aspect of the matter, which also needs consideration, is that the Project relates to welfare of the public at large and it would not be wrong to say that a public interest project only aims to benefit society as a whole, often addressing social, environmental, or economic issues because it improves quality of life and promotes sustainable development.

v) Under Rule 3(3) of the Punjab Government Rules of Business, 2011 (the “Rules of Business”), business of the Government has been distributed amongst several Departments in the manner indicated in the Second Schedule and functions of the Secretary are described under Rule 10 of the Rules of Business, (...) This Court, while interpreting the aforesaid provisions of the Rules of Business first time has given verdict regarding responsibilities and functions of the heads of government departments in the case of PIA Officers Cooperative Housing Society Ltd. (...) by holding that the Secretary, being official head of the department, is responsible for its efficient administration and discipline, for the conduct of business assigned to the department and for the observance of laws and rules.

- Conclusion:**
- i) See analysis No. i.
 - ii) The Court may intervene despite arbitration if circumstances warrant and parties consent to amicable settlement.
 - iii) See analysis No. iii.
 - iv) Arbitration offers efficient dispute resolution, and public interest projects warrant judicial care to prevent harm to societal welfare.
 - v) A Secretary is legally responsible for the department’s efficient administration and adherence to laws and rules.

24. Lahore High Court
Mrs. Farzana Nasir v. Sui Northern Gas Pipelines Ltd.
R.F.A. No. 39-LD of 2023
Mr. Justice Muzamil Akhtar Shabir
<https://sys.lhc.gov.pk/appjudgments/2025LHC3584.pdf>

Facts: An appeal was dismissed for non-prosecution after the appellant allegedly received SMS notification from the court after the hearing date. Restoration of the appeal was sought, challenging the office objection based on a court-issued Circular about reliance on SMS.

Issues: i) What is the legal nature and effect of a “circular” in legal contexts?

- ii) Whether a Circular issued by the Registrar of the High Court regarding digital communication services can bar a legal remedy?
- iii) Whether constitutional guarantees under Articles 4 and 10-A of the Constitution of the Islamic Republic of Pakistan, 1973 require adjudication of a restoration application on its merits?
- iv) Whether dismissal of a case on technical grounds is justified when it prejudices a party due to an act of the court or its functionary?

Analysis:

- i) While “circular” does not have a specific legal definition, it is used in legal contexts to describe documents that are widely circulated or sent to multiple recipients for information or instructions. In legal terminology, a “circular” or “circular letter” refers to a letter, circular, or other written communication that is widely disseminated among a group of people, often for informational or instructional purposes. It is a method of communicating information to a large and diverse group, such as in a government administration, a business, or an organization and may also be addressed to public at large. A circular might contain official information, instructions, updates, new policies or policy changes disseminated to employees or other stakeholders or may share news or events. In essence, a circular letter is a form of written communication designed for broad distribution and information sharing, and its usage can extend into legal contexts as a description of a widely distributed document.
- ii) A Circular issued by the Registrar of a High Court regarding intimation of Mobile App, SMS, notification or similar digital services primarily serves as an administrative instruction to facilitate communication and transparency. It does not have the force of law, does not create modify or extinguish substantive legal rights, obligations or liabilities, and is not enforceable as a judicial order. Its legal value is limited to procedural guidance non-compliance of which by litigant or counsel typically does not attract legal penalties unless the Circular is backed by a specific Law, Rule or Order of the court.
- iii) Besides the application for restoration even otherwise ought to be decided on its own merits especially when Article 10-A of the Constitution of Pakistan guarantees the right to a fair trial and due process for all citizens of Pakistan and Article 4 of the Constitution guarantees protection of law and right of the parties to be treated in accordance with law.
- iv) Needless to mention that it is settled proposition of law that an act of court or its functionary should not prejudice the rights of any party and it is in the interest of justice to decide the matters on merits instead of dismissing the same on technical grounds,

Conclusion:

- i) A circular is an informational document for broad communication and does not possess binding legal force.
- ii) No, such a Circular cannot bar a legal remedy as it lacks the force of law.
- iii) Constitutional guarantees under Articles 4 and 10-A of the Constitution of the Islamic Republic of Pakistan, 1973 require that a restoration application be adjudicated on its merits.

iv) Dismissal on technical grounds is unjustified where court's act causes prejudice.

25. Lahore High Court
Muhammad Ramzan v. The State
Murder Reference No. 68/2022 & Criminal Appeal No. 16787-J/ 2022
Mr. Justice Farooq Haider & Mr. Justice Ali Zia Bajwa
<https://sys.lhc.gov.pk/appjudgments/2025LHC3644.pdf>

Facts: The Sessions Court convicted the appellant and sentenced to death under section 302 PPC, on the charge of murder of complainant's father. Hence the appeal was filed by the convict. Murder reference was also sent to the Hon'ble Lahore High Court.

Issues:

- i) What reflects from a delayed FIR regarding presence of witnesses?
- ii) What is required to establish the presence of a 'chance witness' at the time and place of occurrence?
- iii) How the conduct of witnesses, to prove their presence at the time and place of occurrence, is important?
- iv) What is the effect of producing the bloodstained clothes of the witnesses during the investigation?
- v) What is meant and purpose of injury statement?
- vi) Whether a thing is to be done in that manner in which the law requires to be done?
- vii) Whether a document can be exhibited/ proved without production of scribe?
- viii) Whether medical evidence is a substantive or confirmatory type of evidence?
- ix) What is importance of motive when the substantive evidence is discarded?
- x) Whether single dent in case of prosecution is sufficient for acquittal of the accused?

Analysis:

- i) This state of affairs also reflects that occurrence was not promptly reported to the police. Therefore, case was not promptly registered after the occurrence, which fact reflects that none of the cited witnesses including the complainant was present at the place of occurrence at relevant time of occurrence and time was consumed for procuring, inducing and engaging the witnesses including the complainant; then tailoring story for the case of prosecution and registering the case in its present form after much delay and in above scenario, First Information Report (crime report), which is cornerstone of the case of the prosecution, has lost its relevance/significance, and cannot provide any support to the case of prosecution and superstructure i.e. case of prosecution raised on the basis of such sort of FIR is bound to fall.
- ii) Therefore, they both were "chance witnesses" and were thus required to establish valid, cogent, plausible and acceptable reason to prove their presence at the "time & place" of occurrence.
- iii) So, aforementioned conduct of the complainant being son of the deceased as well as Abdul Majeed and Muhammad Latif (cited eye witnesses), who were

maternal cousins of the complainant, was unnatural and not appealing to common prudent man and reflects that they were not present at the “time & place” of occurrence.

iv) By now it is well settled that if bloodstained clothes of the complainant and cited eye witnesses have been produced during investigation, same provide strong corroboration to the ocular account regarding presence of the eye witnesses at the “time & place” of occurrence.

v) Furthermore, injury statement is meant only for mentioning description of injuries and brief report of Police Officer qua manner in which injuries are supposed to have been caused or poison suspected to have been used (as the case may be) as provided in 25.39 of the Police Rules, 1934 and it is clarified that injury statement is not prepared for the purpose of recording statement of injured/complainant qua detail of occurrence like recording of information under Section: 154 Cr.P.C.

vi) It goes without saying that detail of occurrence is incorporated in First Information Report Register whereas its substance in Daily Diary of the Police Station and it is trite law that when law prescribes a thing to be done in a particular manner, it should be done in that manner or not at all and in this regard famous Latin maxim “A communi observantia non est recedendum” can be safely referred.

vii) Learned Deputy Prosecutor General and learned counsel for the complainant remained unable to refer any witness in whose statement, said document has been brought on the record by the prosecution; scribe of said document has not been produced during trial of the case, so said document was neither brought on the record according to law nor exhibited/proved.

viii) Even otherwise, it is trite law that medical evidence is mere supportive/confirmatory type of evidence; it can tell about locale, nature, magnitude of injury, duration of the injury and kind of weapon used for causing injury but it cannot tell about identity of the assailant who caused the injury; therefore, same cannot provide any corroboration to the case of prosecution in peculiar facts and circumstances of the case.

ix) Even otherwise, motive is a double edged weapon, it cuts both the ways, it can also be a reason for false implication; furthermore, when substantive evidence has been discarded, then motive loses its significance and becomes immaterial for conviction.

x) It is well established principle of law that single dent/ circumstance in case of prosecution is sufficient for acquittal.

- Conclusion:**
- i) See above analysis No.i.
 - ii) See above analysis No. ii.
 - iii) See above analysis No. iii.
 - iv) Production of blood-stained clothes provide strong corroboration to the ocular account regarding presence of witnesses at the “time & place” of occurrence.
 - v) See above analysis No.v

- vi) It is trite law that when law prescribes a thing to be done in a particular manner, it should be done in that manner.
- vii) A document can be exhibited/proved by producing its scribe.
- viii) It is trite law that medical evidence is mere supportive/confirmatory type of evidence.
- ix) When substantive evidence has been discarded, then motive loses its significance and becomes immaterial for conviction.
- x) Single dent/ circumstance in case of prosecution is sufficient for acquittal.

26. Lahore High Court
Ali Raza v. The State
Criminal Appeal No.33146/2022.
The State v. Ali Raza
Murder Reference No.155/2022
Mr. Justice Farooq Haider, Mr. Justice Ali Zia Bajwa
<https://sys.lhc.gov.pk/appjudgments/2025LHC3872.pdf>

Facts: The appellant preferred this appeal against his conviction in a murder case and the trial court forwarded murder reference for confirmation.

Issues:

- i) Whether is the importance of FIR in a criminal case, when not recorded upon first visit of complainant to Police Station?
- ii) When human blood disintegrates and what would be value of Forensic report, confirming blood upon recovered weapon, after such period?
- iii) Whether a witness can corroborate his own version as a recovery witness of weapon of offence?
- iv) What is nature of medical evidence?
- v) How motive is to be looked and what is nature of motive evidence?

Analysis:

- i) It is important to mention here that while deciding criminal cases, First Information Report (F.I.R) is always considered relevant and cornerstone of the case of prosecution; as a matter of fact, it is the information which is recorded under section 154 Cr.P.C. by the Police and importance is given to said document while keeping in view the consideration that it is first information without any adulteration, pollution, inducement, consultation or deliberation after the occurrence but if it has come on record that after the occurrence, complainant met police official but did not make his statement about detail of the occurrence or though stated detail of the occurrence to the police official, however, the same was not recorded then and there rather First Information Report was subsequently recorded on information provided by the complainant through written application or oral statement.
- ii) It goes without saying that blood disintegrates in the period of three weeks, therefore, report of PFSA, Lahore (Exh.PO) regarding said Chhurri about blood on swab taken from the blade of the Chhurri is inconsequential.
- iii) Law is well settled that no one can corroborate his own version, hence, Shan Abbas being recovery witness cannot corroborate his own version which he has

deposed as eye witness i.e. ocular account.

iv) It is trite law that medical evidence is mere supportive/confirmatory type of evidence; it can tell about locale, nature, magnitude of injury and kind of weapon used for causing injury but it cannot tell about identity of the assailant who caused the injury.

v) As far as motive is concerned, it is trite law that motive is the double-edged weapon and can cut both sides equally and also could be equal reason for false implication of the accused and in this regard case of “MUHAMMAD ASHRAF alias ACCHU versus The STATE” (2019 S C M R 652) can safely be referred. Even otherwise, when ocular account has been discarded then motive is of no help to the case of prosecution. It is also relevant to mention here that motive is neither substantive nor direct or corroborative piece of evidence rather only circumstance leading to the offence.

- Conclusion:**
- i) An FIR recorded after first visit of informer to Police Station can neither be termed as First Information Report in stricto sensu nor weight/importance can be given it.
 - ii) Blood disintegrates in the period of three weeks, after such period detection of blood bears no value.
 - iii) No one can corroborate his own version.
 - iv) Medical evidence is mere supportive/confirmatory type of evidence, it can merely tell about locale, nature, magnitude of injury and kind of weapon used and not the identity of accused.
 - v) Motive is the double-edged weapon, it's only a circumstance leading to the offence. Its neither a substantive nor corroborative evidence.

27. Lahore High Court
Karamat Ali v. The State, etc.
Criminal Appeal No. 5394/2022
Murder Reference No.12/2022
Mr. Justice Farooq Haider, Mr. Justice Ali Zia Bajwa
<https://sys.lhc.gov.pk/appjudgments/2025LHC3719.pdf>

Facts: Through this single judgment the Honorable court disposed of Crl. Appeal No.5394/2022 against “convictions & sentences” and Murder Reference No.12/2022 sent by trial court, as both the matters have arisen out of one and the same judgment passed by learned Addl. Sessions Judge, Nankana Sahib. Appellant along with his co-accused was tried under Sections: 302, 324, 34 PPC {offences under Sections: 337 A (i), 337 F(i), 337 F(ii) PPC were added subsequently} , trial court acquitted Abdul Hameed co-accused whereas convicted and sentenced the appellant.

Issue:

- i) What may be the effect of delay in reporting of an incident?
- ii) What may be the consequences of registration of case FIR after an unexplained delay and what opinion may be formed by a court from this state of affairs?

- iii) Who is a chance witness, in legal parlance?
- iv) Whether evidence of a witness who denies admitted facts should be believed?
- v) What is the evidentiary value of a statement of witness recorded after delay?
- vi) Whether stamp of injury on the body of a witness makes his statement believable?
- vii) What is the evidentiary value of an eye witness who is also a recovery witness?

Analysis:

- i) It is well settled that when there is delay in reporting the incident to the police, then prosecution is under obligation to explain such delay and failure to do that will badly reflect upon the credibility of prosecution version.
- ii) This state of affairs reflects that none of the cited eye witnesses including the complainant was present at the “time & place” of occurrence and time has been consumed for procuring, inducing and engaging the witnesses, tailoring story for the case of prosecution and then registering the case in its present form after much delay and in above scenario, First Information Report (crime report), which is cornerstone of the case of the prosecution, cannot be termed as promptly recorded and such sort of FIR cannot provide any support to the case of prosecution rather superstructure i.e. case of prosecution raised on the basis of such sort of FIR is bound to fall.
- iii) “A chance witness, in legal parlance is the one who claims that he was present on the crime spot at the fateful time, albeit, his presence there was a sheer chance as in the ordinary course of business, place of residence and normal course of events, he was not supposed to be present on the spot but at a place where he resides, carries on business or runs day to day life affairs. It is in this context that the testimony of chance witness, ordinarily, is not accepted unless justifiable reasons are shown to establish his presence at the crime scene at the relevant time. In normal course, the presumption under the law would operate about his absence from the crime spot. True that in rare cases, the testimony of chance witness may be relied upon, provided some convincing explanations appealing to prudent mind for his presence on the crime spot are put forth, when the occurrence took place otherwise, his testimony would fall within the category of suspect evidence and cannot be accepted without a pinch of salt.”
- iv) It is well settled that if any witness denies the admitted fact, then his evidence cannot be believed.
- v) It is well settled that if statement of the witness is recorded with delay, then it diminishes its evidentiary value.
- vi) It is well settled that injured witness is not necessarily a truthful witness and he cannot be believed merely because he is having stamp of injuries on his body.
- vii) If recovery witness is the eye witness then his testimony cannot provide any corroboration to the ocular account because he cannot provide any

corroboration to his own testimony.

- Conclusion:**
- i) See above analysis No. i
 - ii) See above analysis No. ii
 - iii) See above analysis No. iii
 - iv) See above analysis No. iv
 - v) See above analysis No. v
 - vi) See above analysis No. v i
 - vii) See above analysis No. vii

28. Lahore High Court
Muhammad Ahmad v. District Judge, Pakpattan, etc.
W.P. No. 23462/2025
Mr. Justice Asim Hafeez
<https://sys.lhc.gov.pk/appjudgments/2025LHC3687.pdf>

Facts: The petitioner operated a medical store where he was repeatedly found by the Punjab Healthcare Commission to be unlawfully practicing allopathic medicine without the required qualifications and licenses. Despite the Commission sealing the premises on multiple occasions, he unlawfully de-sealed and resumed business. He later acknowledged his misconduct through an affidavit and apology. The Commission's hearing committee imposed a fine, which was upheld in appeal. Challenging this, petitioner filed this constitutional petition before the Lahore High Court, which ultimately dismissed the petition, affirming the Commission's authority and due process.

- Issues:**
- i) Does the Commission's regulatory procedure under the 2016 Regulations conflict with Section 22 of the Punjab Healthcare Commission Act, 2010?
 - ii) Whether the interchangeable use of the terms "fine" and "penalty" under the Act, 2010 affects the legality of penalties imposed by committees?
 - iii) Can the Hearing Committee constituted by the Commission legally impose fines under the Act, 2010?
 - iv) Can an admission made through affidavit and apology be relied upon?
 - v) Does the Commission's enforcement mechanism violate principles of procedural due process in quackery-related actions?

Analysis: i) Learned counsel for the petitioner failed to convince that action proposed and powers extended under Regulations 2016 are inconsistent with or violates the scope and mandate of parent statute - section 22 of the Act, 2010 in the context of present case. Evidently, inspection envisaged under section 22 of the Act, 2010, and procedure provided and authority extended to the Enforcement Managers under Regulations, 2016, seems mutually exclusive and manifest no apparent conflict or contradiction – peculiarity of this case hinges around allegations of quackery, and one who practices quackery cannot claim to run a healthcare establishment. I find no compelling reason and justification to declare that checks and preventive mechanisms provided under Regulations, 2016 are inconsistent or

lack application in the context of section 22 of the Act, 2010. Evidently, section 22 of the Act, 2010 provided an added tier in cases where Commissions deems further examination into the activities carried out by proclaimed healthcare establishment. Hypothetically thinking; there may be an occasion where report(s) submitted by the Enforcement Manager(s), eyes and ears of the Commission, may require further probe / examination into the scope of activities carried out by the delinquent, and the Commission may opt for mechanism provided under section 22 of the Act, 2010 - scope and intent of this judgment is not to dilate upon or discuss every possible situation and proceed to narrow down the options available in the context of peculiar situation encountered by the Commission. Section 22 of the Act, 2010 is not attracted, which otherwise manifest no conflict or aberration in enforcement of the Regulations, 2016, framed to realize and achieve the purpose of the Act, 2010. Regulations, 2016 provides for deployment of Enforcement Managers to maximize the reach of the Commission to take steps to achieve bigger objective, i.e., to curb quackery. Enforcement Managers are authorized to inspect, collect evidence, prepare report and make submissions with the competent authority / committee(s) to enable later to act promptly and exercise powers and discharge functions assigned by the Commission - section 40 of the Act, 2010 empowers the Commission to make regulations for carrying out the purposes of the Act, 2010 and one of the functions and powers of the Commission is to take necessary steps to ban quackery in terms of section 4(2)(q) of the Act, 2010. Reading of section 22 of the Act, 2010 in a manner suggested by counsel for the petitioner would render the Regulations, 2016 ineffective, rather redundant. And such connotation in the context of circumstances of the case is unwarranted. I dismiss the argument that visits conducted and report prepared by the Enforcement Manager(s) are contrary to the mandate of or constitutes breach of section 22 of the Act, 2010.

ii) Is section 28 of the Act of 2010 confers exclusivity to the Commission with respect to imposition of fine? Apparently, the expression “fine” and “penalty” has been interchangeably used in the Act, 2010, hence, for the purposes of present judgment, there is no occasion to dilate upon them separately, to understand each’s specific connotation. There is no cavil that power to impose and collect penalty is conferred upon Commission in terms of Section 4(2)(g) of the Act – and those powers are exercised by the competent authority(ies) as mandated by the terms of the statute. And manifestation of such powers and functions by the Commission resulted into an establishment of Anti Quackery cell – regulated under the Resolutions 2016. Regulations, 2016 defines an expression „competent authority“ in terms of regulation 2(c) and in terms thereof, the Commission is empowered to form committees for hearing of those matters reported to it, regarding acts and incidences of quackery – this manifests an intent to take steps to ban quackery in exercise of function assigned under section 4(2)(q) of the Act, 2010. Commission is a corporate body – juridical person – which operates and functions through assigns / delegatee(s) or bodies / committees, being qualified as an alter-ego of the Commission. Board constituted under section 5 of the Act, 2010 is not a Commission, nor the Chairperson could claim to be a Commission.

Committee(s), instrumentalities of the Commission, in terms of Regulations, 2016, are empowered to examine the reports submitted by Enforcement Managers, scrutinize the reports, afford hearings to identified delinquents and make recommendations / orders, including imposition of fines, as the case may be – imposition of fines are regulated under regulation 7(4) of the Regulations, 2016.

iii) Powers exercised by the Committee, be it the hearing committee, which is a competent authority, are manifestation of the powers and functions of the Commission... Exercise of powers, vested in the Commission, by the committee(s) constituted by the Commission, would not constitute a breach of section 28 of the Act, 2010, in the context of imposition of fines.

iv) Submission of affidavit and acceptance of allegations constitutes an admission, which can be used against the petitioner in absence of any exception pleaded... no-where, petitioner alleged that affidavit was procured through coercion, misrepresentation or undue influence.

v) No case of abuse of procedural and substantial due process is made out – opportunity of hearing was granted and fine imposed commensurate with the gravity of allegations and acts detrimental to public interest(s). Documents reflect that petitioner appeared before the Committee, appointed by the Commission to conduct hearing and evaluate the report and evidence submitted by the Enforcement Manager(s), where petitioner was confronted with allegations in a question-answer session, who acknowledged his wrongdoing and act of de-sealing premises on four occasions, unlawfully. Nothing substantial is available to counter or dismiss allegations of practicing allopathy without authorization / license – which activity is termed as quackery and attracts appropriate action under the relevant law. I have examined the grounds of appeal, wherein, no-where, petitioner alleged that affidavit was procured through coercion, misrepresentation or undue influence. Submission of affidavit and acceptance of allegations constitutes an admission, which can be used against the petitioner in absence of any exception pleaded – conceptually and legally there is a difference between admission and confession; former is attracted to this case. Even otherwise, regulatory wrongdoing(s) is a specie of strict liability wrong(s), where guilty act alone has to be established.

- Conclusion:**
- i) The Commission's regulatory procedures under the 2016 Regulations do not conflict with Section 22 of the Punjab Healthcare Commission Act, 2010.
 - ii) The interchangeable use of "fine" and "penalty" under the Act, 2010 does not affect the legality of penalties imposed by committee.
 - iii) Hearing Committee constituted by the Commission are legally empowered to impose fines under the Act, 2010.
 - iv) An affidavit and apology constitute valid admission unless coercion or undue influence is specifically alleged and proven.
 - v) The Commission's enforcement actions followed procedural due process and were legally sound in addressing quackery-related violations.

29. Lahore High Court
Muhammad Manzoor v. Muhammad Shafi (deceased) through legal heirs, etc.
Civil Revision No. 3483/2014
Mr. Justice Asim Hafeez
<https://sys.lhc.gov.pk/appjudgments/2025LHC3677.pdf>

Facts: This Civil Revision is directed against concurrent decisions, whereby, suit for declaration and perpetual injunction, instituted by respondent No.1, was decreed by the trial court, which decision was affirmed by the Appellate Court through its judgment.

Issues

- i) Is the Mutation an instrument in the context of Article 91 of Limitation Act?
- ii) Whether transactions of sale are to be challenged under section 42 or under section 39 of the Specific Relief Act, 1877?
- iii) What is limitation period for filing a declaratory suit under Article 120 of Limitation Act?
- iv) What is effect of failure to prove underlying transaction?

Analysis:

- i) Mutation is not an instrument in the context of Article 91 of the Act. Mutation records the effect of change in the ownership in fact caused by virtue of a legal transaction, effected through written document for the purposes of Article 91 of the Act. Mutation is not the document of title but evidence thereof. Mutation in-fact embodies a transaction and an effect extended thereto for the purposes of revenue record. In essence Mutation is the progeny, cause and effect of the transaction(s) and not predecessor thereto. Aforesaid attribute(s) of Mutation(s) is a settled proposition of law and no tweaking is required. Hence, Mutation is not an instrument and Article 91 of the Act is not attracted to this case.
- ii) Facts alleged depict that declaration was sought against void and unenforceable transaction(s) of sale, which transactions, in wake of denial, are not classifiable as voidable transactions under the scope of sections 19 & 19-A of the Contract Act 1872 – factum of extending consent to alleged transactions and execution of mutations in the first place was not alleged. Since declaration, being the primary and fundamental relief, was sought therefore section 42 of the Specific Relief Act 1877 and not the section 39 thereof is attracted.
- iii) Declaration of rights, allegedly prejudiced upon execution of mutations, was sought and that is within six years of the accrual of case of action – bringing Article 120 in focus. Case-laws cited by counsel for the petitioners are distinguishable, primarily on two counts; firstly, Article 91 of the Act is not attracted, – mutations are not the instruments. And secondly, transactions impugned were void and not voidable – attracting Article 120 and cause would accrue from 07.03.2007– which brings suit within six years.
- iv) Once underlying transaction was not proved, simplicitor, impugned mutations are ineffective and insufficient to refute the title of the respondent No.1. This manifest terminal failure on the part of the petitioner.

- Conclusion:** i) Mutation is not an instrument and Article 91 of the Limitation Act is not attracted.
 ii) See above analysis No.ii
 iii) See above analysis No.iii
 vi) Once underlying transaction was not proved, mutation is ineffective and insufficient to refute the title.

30. Lahore High Court
Muhammad Bakhsh (deceased) through L.Rs. & others v.
Jiwan Hayat & others
Civil Revision No.940-D of 2006
Mr. Justice Ahmad Nadeem Arshad
<https://sys.lhc.gov.pk/appjudgments/2025LHC3636.pdf>

Facts: Respondents/ plaintiffs filed suit for declaration challenging entries in the revenue record. Trial Court dismissed the suit but appeal was accepted by District Court and the suit was decreed. Judgment was assailed before High Court through revision petition but the same was dismissed.

Issues: i) What is the evidentiary value and legal status of mutation entries under the law?
 ii) When does admission of facts become conclusive and binding on a party making it?
 iii) After the promulgation of the West Pakistan Muslim Personal Law (Shariat) Application Act, 1962, were limited owners entitled to their Shari'ah share upon the termination of their limited interest under Section 3 of the Act?

Analysis: i) Presumption of truth and correctness is not attached to the entries made in the mutation. In order to prove these entries strong and unimpeachable evidence is required. Entering a mutation or reporting factum of acquisition of any right in an estate to Patwari is mere ministerial act, which would not confer or extinguish any right in property. Under section 42 of Land Revenue Act, 1967, no witnesses or respectables are required either to accompany the person reporting acquisition of such an interest to Patwari nor to witness the entering of a mutation in said connection... The date of death mentioned in the mutations do not find corroboration through any other evidence. The entries in the mutation register by themselves are not conclusive evidence of the facts which they purport to record.
 ii) Although admission of facts are only relevant and are not conclusive proof of the matters made through said admission. However, such admissions become conclusive and are binding on a party making them only if it amounts to a representation on a matter of fact made to the other party, who in consequence of such representation has altered its position. When admission is thus acted upon by the party to whom it is made, it operates as estoppel and becomes in a way conclusive, inasmuch as the party making it is not then permitted to show that the admission was wrong.

iii) As per Section 3 of the West Pakistan Muslim Personal Law (Shariat) Application Act, 1962, limited interest of female holders terminates and in terms of Section 5 of the Act (ibid) on the termination of the limited estates, the property was to be considered as the ownership of the last full owner and should have devolved upon his legal sharai heirs alive at the time of his death and if anyone of such heir had died prior to the termination of the limited estate his heirs would get the share to which their predecessor would have been entitled if alive. Accordingly, the limited owners were also entitled to their sharai share whether alive or dead.

Conclusion: i) see above analysis (i).
 ii) see above analysis (ii)
 iii) Yes. The limited owners were entitled to their sharai share whether alive or dead.

31. Lahore High Court
The State v. Muhammad Irfan alias Pomi
Murder Reference No. 221 of 2021
Mr. Justice Muhammad Tariq Nadeem, Mr. Justice Raja Ghazanfar Ali Khan
<https://sys.lhc.gov.pk/appjudgments/2025LHC3801.pdf>

Facts: The appellant was convicted under Section 302(b) of the Pakistan Penal Code for committing *qatl-i-amd* and sentenced to death, along with an order to pay compensation to the legal heirs of the deceased; the remaining accused were acquitted by the trial court; appellant filed an appeal against his conviction and sentence, while complainant challenged the acquittal of the co-accused; a murder reference was also filed for confirmation of the death penalty.

Issues: i) Whether eyewitness testimony can be rejected solely due to the witnesses' relationship with the deceased?
 ii) Whether recording and translating evidence without the witness and court's presence violates legal requirements?
 iii) Whether an acquittal creates a double presumption of innocence that the prosecution must overcome to secure a conviction?
 iv) Whether failure to provide simultaneous Urdu translation of English-recorded witness testimony violate fair trial rights under Article 10-A of the Constitution?

Analysis: i) It is settled proposition of law that mere relationship of eye witnesses with the deceased by itself is no ground to disbelieve their evidence. Even otherwise, their evidence is trustworthy and confidence inspiring which cannot be discarded merely on the basis of their relationship with the deceased especially when they have no animosity with the appellant.
 ii) From bare reading of the above reproduced provisions of law, it manifests that the intention of the law (code) is that Urdu has been declared as the language of subordinate courts, but in the Province of Punjab, the same has not been implemented up till now, and in Sessions Courts, evidence is being recorded in

English. It is noteworthy that law is very much clear on the point that the evidence should be taken down in the language of witnesses by the Magistrate or Judge himself or be recorded in his presence, hearing and superintendence. Similarly an authenticated translation of such evidence in the language of the court or in English is also a legal requirement. Normally in the Province of Punjab, witnesses give their evidence in Urdu language whereas in Sessions trials, evidence is mostly recorded in English language and it has become a trite that evidence is translated in Urdu by the Reader of the Court subsequently in the absence of witnesses, accused and the Presiding Officer of the court.

iii) It is well settled law that every accused, after his acquittal, had earned a double presumption of innocence, for rebuttal of which heavy onus lays on the prosecution but it had failed to discharge the same.

iv) It is worthwhile noticeable here that most of the witnesses in the Province of Punjab give their evidence in Urdu, which the accused can also easily understand, for the reason, if the evidence of a witness dictated by the Presiding Officer in English is simultaneously translated in Urdu, it shall become convenient for the Presiding Officer to comply with the provisions of Section 360 Cr.P.C. as well. This practice, in our view, shall definitely reduce the chance of any violation of the right of fair trial given to the parties in terms of Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973.

- Conclusion:**
- i) Trustworthy and confidence inspiring evidence cannot be discarded merely on the basis of their relationship with the deceased
 - ii) Recording and translating evidence without the witness and court's presence violates legal requirements.
 - iii) See above analysis No.iii.
 - iv) Simultaneous Urdu translation of English-recorded witness testimony reduce the chance of any violation of the right of fair trial given to the parties in terms of Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973

32. Lahore High Court
Malik Ameer Haider Sangha v. Federation of Pakistan and 05 others
W.P. No. 47550 / 2024
Mr. Justice Abid Hussain Chattha
<https://sys.lhc.gov.pk/appjudgments/2025LHC3836.pdf>

Facts: Through the instant constitutional Petition, the Petitioner prays that the acts of the Respondents, more precisely, the functionaries of Inland Revenue regarding raid and seizure of record at the business premises of his sole proprietorship concern without complying with the requirements of Section 40 of the Sales Tax Act, 1990 (the "Act") be declared as illegal and unlawful, the Respondents be directed to return the record unlawfully seized and be further restrained from taking illegal coercive measures against the Petitioner.

Issues i) Whether the constitutional petition under Article 199 of Constitution of Pakistan is maintainable before High Court to assail statutory infringements?

- ii) What are the requirements to obtain search warrant?
- iii) Whether a search warrant obtained in the name of one business concern can be used to raid and confiscate record of the other business concerns?
- iv) What is fate of the raid and seizure operation by the Inland Revenue Department without complying with the requirements of Section 40 of the Sales Tax Act, 1990?

Analysis:

- i) The stated remedy of appeal is not available to assail statutory infringements which is examined by this Court in exercise of its power of judicial review under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. Hence, the objections qua maintainability are baseless and accordingly, the same are overruled.
- ii) It is explicitly clear from the above that discretion to obtain warrant is not unfettered. There must be a reason to believe that some useful or relevant record required with respect to any proceedings under the Act is available at a particular place. This is an extraordinary power granted by the Act in addition to other powers, such as, to have access to premises, stocks and records, to call for information and posting of an officer at the premises of a tax payer under Sections 38, 38A and 40B of the act. The exercise of power of search, being harsh in nature, has been made dependent upon certain conditions with the objective to place a check on unbridled, arbitrary and capricious use of power.
- iii) Where a person has more than one proprietorship business concerns with different lines of business, it is obligatory to disclose the name of the concern(s) regarding which search warrant is required. A search warrant obtained in the name of one business concern cannot be used to raid and confiscate record of the other business concerns. If their offices were situated at the same place, there was no impediment to list the names and address of all concerns owned by one person regarding which search warrant was required.
- iv) Section 40(2) of the Act unequivocally requires that the officer who has obtained search warrant shall make such search in his presence in accordance with the relevant provisions of the Cr.P.C., Section 103 whereof, obligates that search and seizure must be carried out in the presence of independent witnesses. The Respondent-Department has admitted the seizure of record in the absence of any independent witness and the explanation rendered in this behalf that the said provisions of law do not apply to fiscal matters is unacceptable being in violation of express mandate of law as held in the cases of Master Enterprises, Food Consults and Pakistan Chipboard (surpa). As such, the raid and seizure of record by Respondent No. 5 was unlawful being in derogation to the express provisions of Section 40 of the Act.

Conclusion:

- i) The constitutional petition is maintainable before High Court to assail statutory infringements.
- ii) There must be a reason to believe that some useful or relevant record required with respect to any proceedings under the Act is available at a particular place.

- iii) A search warrant obtained in the name of one business concern cannot be used to raid and confiscate record of the other business concerns.
- iv) See the above analysis No.iv

33. Lahore High Court
Zafar Ali (deceased) v. Ghulam Mustafa Chaudhry, etc
Civil Revision No. 33211 of 2023
Mr. Justice Anwaar Hussain
<https://sys.lhc.gov.pk/appjudgments/2025LHC3768.pdf>

Facts: Petitioner purchased agricultural land under a written agreement and paid substantial consideration over multiple instalments. Dispute arose when petitioner sought specific performance, which respondents opposed by claiming oral rescission and refund of sale consideration.

Issues:

- i) Whether written agreement to sell can be rescinded orally and if so, what is the standard of proof?
- ii) Whether a litigant is obligated to disclose names of witnesses in his pleadings to prove oral rescission of an agreement, keeping in view import of Order VI, Rule 2, CPC?
- iii) Whether an amount of money deposited by the buyer in his own account, in respect of which he could not substantiate his source, can be treated as circumstantial evidence of refund of the sale consideration by the seller, pursuant to an oral recession?

Analysis:

- i) As regards the first question, it is worth mentioning that under Section 62 of the Contract Act, 1872, parties to a contract may mutually agree to rescind it, and such rescission needs not to be in writing. The critical requirement is mutual consent of the parties. The law does not prohibit oral rescission. While oral rescission is legally permissible, the Courts have stressed that it must be established by clear, cogent, and convincing evidence. (...) The above discussion reinforces that the evidentiary burden is high and cannot be met through general or vague assertions. The improbability of undocumented transactions, especially where original transactions were reduced in writing or formally executed, has led the Courts to disbelieve the claims of oral rescission. Moreover, the provisions of Articles 102 and 1036 of Qanun-e-Shahadat Order, 1984 in general and proviso 4 to Article 103 in particular are relevant to the case in hand, since they lay down the basic principle that subsequent oral contract to rescind the earlier written contract may be proved albeit the standard of proof remains the same as required for oral agreement. Taken together, the above referred legal provisions in the light of the judicial pronouncements referred, establish a consistent legal approach: oral rescission is recognized in law, however, strict proof is required in line with legal and evidentiary standards and without such proof—both in pleadings and in evidence—the Courts are unlikely to uphold claims of oral rescission against written agreements.
- ii) At first glance, there appears to be a contradiction between the rule under the

CPC that pleadings must contain only material facts and not evidence i.e., names of witnesses, dates, times, and places that typically form part of evidence—and the judicial requirement that oral agreements or oral rescission must be pleaded with specific details such as the exact date, place, and names of the witnesses. However, this Court is of the opinion that this is more a matter of functional distinction than the actual conflict. The CPC's directive to plead only facts (and not evidence) is meant to ensure that the pleadings define the scope of the controversy clearly, without burdening them with evidentiary material, which is to be introduced later during the trial. But when a party asserts a claim or defence that is inherently exceptional—such as rescission of a written agreement through an oral understanding—the particulars of time, place, and witnesses become essential elements of the factual foundation of the defence itself, not just the evidence. It is in such situations that the Courts have consistently held as examined hereinabove, that general or vague assertions are insufficient, and failure to state these particulars can render the entire defence implausible. Thus, in the context of oral transactions, the details about names of witnesses are not merely evidentiary—rather the same constitute material facts necessary to give rise to the defence, and must therefore, be pleaded to pass the threshold of a valid defence under Order VI Rule 2, CPC.

iii) Under these circumstances, it belies logic that the parties would agree to such an unreasonable arrangement and after payment of a substantial amount in cash, neither written receipt or cancellation was taken, nor was any stamp paper executed or attested at the time of rescission or payment. (...) Further, if the respondents/plaintiffs really made the payment in cash on 07-12-2011, why would they not insist on some form of written acknowledgment even on a plain paper receipt, especially when they were previously meticulous in formalizing extensions and partial payments? The entire narrative is circumstantial evidence indicating that the story of oral rescission is contrived and lacks credibility. As a corollary, mere fact that some amount was deposited by the petitioner/defendant in his bank account on the same day, when the respondents/plaintiffs withdrew an amount from the same branch, does not in itself constitute corroboration of an oral rescission of written agreements, which otherwise could only be proved by clear and cogent evidence that the respondents/plaintiffs failed to lead.

- Conclusion:**
- i) A written agreement can legally be rescinded orally, but such rescission must be proved through clear, cogent, and convincing evidence; vague assertions are insufficient.
 - ii) In cases of oral rescission, disclosure of names of witnesses in pleadings is necessary as they constitute material facts required under Order VI Rule 2, CPC.
 - iii) Mere deposit of money by the buyer in his own account without credible proof of source does not constitute circumstantial evidence of refund or oral rescission.
-

34. Lahore High Court
Muhammad Safraz v. Secretary, Specialized Healthcare and Medical Education department etc.
W.P. No. 43029/2024
Mr. Justice Anwaar Hussain.
<https://sys.lhc.gov.pk/appjudgments/2025LHC3760.pdf>

Facts: The petitioner, a civil servant, challenges the initiation of a new inquiry and a personal hearing notice, arguing that it amounts to reopening a concluded matter. It is asserted that in earlier litigation, the Additional Advocate General informed the Supreme Court of Pakistan that the petitioner had already been exonerated in a prior departmental inquiry on the same facts, precluding any fresh proceedings.

Issues:

- i) What does indicate the term “nonfunctional” of tribunal?
- ii) Whether a constitutional petition can be entertained by the High Court due to the non-functional status of the Service Tribunal, and does such entertainment affect the Tribunal’s constitutionally vested jurisdiction?
- iii) Whether Article 212 of the Constitution confers exclusive jurisdiction upon the Service Tribunal to adjudicate matters relating to the terms and conditions of service of civil servants, including disciplinary proceedings?
- iv) Whether a mere allegation of lack of jurisdiction or mala fides is sufficient to confer jurisdiction upon the High Court where such jurisdiction is otherwise barred under the Constitution?
- v) Whether the initiation of inquiry proceedings falls within the scope of terms and conditions of service of a civil servant?
- vi) Whether a de novo inquiry or personal hearing notice, though not independently appealable, can be challenged if the final disciplinary order is based on disregard of a binding decision by the Supreme Court or the Service Tribunal?
- vii) Whether allegations of mala fide in an inquiry fall within the exclusive jurisdiction of the competent forum and the Service Tribunal?

Analysis:

- i) It is imperative to observe that term “nonfunctional”, merely, indicates that although the Tribunal has been established, it is temporarily not operational, say on account of any vacancy.
- ii) The entertainment of a constitutional petition on account of non- functional Service Tribunal is an exceptional remedy carved-out to ensure that a civil servant is not left remediless on account of non- appointment of Chairman and/or members by the Government, however, this does not and should not so operate as to divest the Tribunal of its constitutionally vested jurisdiction and/or, conversely speaking, vest this Court with constitutionally divested jurisdiction.
- iii) The constitutional scheme under Article 212 is unambiguous and categorical in its terms: exclusive jurisdiction in matters relating to the terms and conditions of service of civil servants lies with the Tribunal, including matters arising from the disciplinary proceedings.

- iv) Mere allegation that an order is without jurisdiction or tainted with mala fides does not ipso facto vest this Court with jurisdiction where it is otherwise barred under the Constitution.
- v) Initiation of inquiry proceedings clearly falls within the terms and conditions of service.
- vi) It would suffice to observe that even if the order directing a de novo inquiry or the issuance of a personal hearing notice is not independently appealable within the departmental hierarchy under the applicable service laws, any final order passed pursuant to such disciplinary proceedings would give rise to a right of appeal before the Tribunal and if the competent authority, while conducting a de novo inquiry or issuing a personal hearing notice, acts in disregard of a final order of the Supreme Court of Pakistan or a prior binding decision of the Tribunal on the same set of facts, such conduct may constitute a valid ground to challenge any final adverse order passed as a consequence of the disciplinary proceedings.
- vii) Similarly, whether the inquiry is based on mala fide also remains within the exclusive jurisdiction of the competent forum under the applicable service laws followed by judicial scrutiny by the Tribunal.

- Conclusion:**
- i) See above analysis No. i
 - ii) Constitutional petition may be entertained due to a non-functional Tribunal, but this does not divest the Tribunal of its constitutional jurisdiction..
 - iii) Article 212 confers exclusive jurisdiction on the Tribunal over civil servants' service matters, including disciplinary proceedings.
 - iv) Alleging lack of jurisdiction or mala fides does not by itself confer jurisdiction where constitutionally barred
 - v) Initiation of inquiry falls within the terms and conditions of service.
 - vi) See above analysis No.vi
 - vii) See above analysis No.vii

35. Lahore High Court
Nusrat Sadiq v. Nadeem Asghar etc.
W.P. No.72122/2021
Mr. Justice Anwaar Hussain.
<https://sys.lhc.gov.pk/appjudgments/2025LHC3883.pdf>

Facts: The petitioner through this petition challenges the Appellate Court's judgment, which modified the Trial Court's decision by awarding her Rs.60,000/- monthly maintenance (with 10% annual increase) including Iddat, reduced the minor's annual increase to 10%, and upheld the finding on dower.

Issues:

- i) Whether the absence of a formal effectiveness certificate nullifies the oral divorce or renders it ineffective?
- ii) Whether the law prohibits a husband from participating through an authorized attorney in proceedings relating to divorce and maintenance?
- iii) Whether a marriage stands dissolved upon pronouncement of *talaq* in triplicate without requiring additional legal or procedural formalities under Islamic law?

Analysis:

- i) The absence of a formal effectiveness certificate does not ipso facto nullify the oral divorce or render it ineffective.
- ii) There exists no bar in law preventing a husband from submitting a written statement or deposing through a duly authorized attorney in matters pertaining to the divorce and maintenance.
- iii) Such an interpretation would run contrary to the spirit of Islamic *Shariah* as also the jurisprudence developed thereof, which recognizes the dissolution of marriage upon the pronouncement of *talaq* in triplicate, rendering the marital relationship extinct without further formalities.

Conclusion:

- i) See above analysis No. i.
- ii) A husband may lawfully participate in divorce and maintenance proceedings through an authorized attorney.
- iii) Talaq pronounced in triplicate dissolves the marriage instantly under Islamic *Shariah* without requiring further formalities.

36. Lahore High Court
Shahid Javed v. Government of Pakistan, etc.
Writ Petition No.4166 of 2025
Mr. Justice Anwaar Hussain
<https://sys.lhc.gov.pk/appjudgments/2025LHC3866.pdf>

Facts: By way of this petition, the petitioner has called in question the order of the Home Department, Government of Punjab whereby his review application was dismissed while maintaining his name on Passport Control List (“PCL”).

Issues:

- i) On which test must a restriction on the freedom of movement be satisfied?
- ii) What is the impact of including of a citizen’s name on the PCL?
- iii) What makes the power of government agencies and departments under Rule 22(2)(b) of the Passports Rules, 2021 (“Rules”) render the mechanism susceptible?
- iv) What action offend the constitutional guarantee provided under Article 15 of the Constitution?
- v) In what manner, should the power to curtail a citizen’s mobility be exercised?
- vi) To what extent, does the presumption of innocence remain intact?
- vii) Are recommendations based on unverified suspicions or incomplete investigations are permissible?
- viii) Is mere involvement in a criminal case sufficient to justify a restriction on international travel?
- ix) How should the Rule 22(2)(b), be interpreted?
- x) In what manner should the decision to curtail a citizen’s right to travel abroad be exercised?
- xi) What is the result of executive actions rendered in deviation from the standard prescribed for executive decision?

- xii) Which legal presumption is associated with a person who has been granted bail?
- xiii) Which Court is invested with power to ensure presence of an under-trial accused, to grant exemption from the personal appearance and to withdraw/cancel the bail?
- xiv) Under what circumstance, does judicial correction become imperative?

Analysis:

- i) The right to freedom of movement is a fundamental right enshrined in the Constitution, and any restriction on liberty must satisfy the test of procedural fairness.
- ii) The inclusion of a citizen's name on the PCL, particularly, under Rule 22(2)(b) of the Rules, constitutes a serious interference with this right.
- iii) While the above referred Rule permits the government agencies and departments to recommend placement of the name of a citizen on the PCL, the absence of an intelligible framework, objective criteria, or any obligation to provide a hearing to the affected person renders the entire mechanism susceptible to arbitrariness.
- iv) When such discretion is exercised without a clear legislative standard or procedural safeguards, it offends the constitutional guarantee under Article 15 of the Constitution, which secures the right of every citizen to move freely that includes the liberty to travel abroad.
- v) The power to curtail a citizen's mobility cannot rest solely with the administrative machinery or law enforcement agencies, and any such action must be rooted in legal authority exercised in accordance with principles of fairness and accountability.
- vi) The presumption of innocence remains intact unless and until a finding of guilt is recorded by a Court of law.
- vii) To allow recommendations, based on unverified suspicions or incomplete investigations, to serve as the sole basis for denying a citizen the right to travel would not only be constitutionally impermissible but would also elevate executive opinion to the status of conclusive proof.
- viii) This Court is of the opinion that mere involvement in a criminal case is insufficient to justify a restriction on international travel, especially when the accused is admitted to bail by a Competent Court.
- ix) Rule 22(2)(b), to the extent that it confers unstructured discretion, must be interpreted narrowly so as to avoid constitutional invalidity.
- x) It is, therefore, imperative that the decision to curtail a citizen's right to travel abroad be based on a well reasoned and transparent process, endorsed at the highest level of the executive through proper application of mind, and accompanied by adequate notice and opportunity of hearing.
- xi) Any deviation from this standard renders the executive action vulnerable and liable to be set aside for being contrary to the law, and in derogation of the fundamental rights.
- xii) Once a person has been granted bail, the legal presumption is that he is not fleeing justice.

xiii) In addition, the Trial Court is vested with certain powers under the Code of Criminal Procedure, 1898 (“Code”) to ensure presence of an under-trial accused who is on bail. Similarly, the Trial Court retains full authority under the Code to grant exemption from the personal appearance whenever necessary and in case the said exemption is misused, the power vests with the Courts to withdraw/cancel the bail.

xiv) Where liberty is curtailed on the basis of misrepresentation and vague administrative routine, judicial correction becomes imperative.

- Conclusion:**
- i) A restriction on freedom of movement must satisfy the test of procedural fairness.
 - ii) It amounts to infringement of fundamental right to freedom of movement.
 - iii) Absence of an intelligible framework, objective criteria, or any obligation to provide a hearing to the affected person.
 - iv) Exercise of discretion a clear legislative standard or procedural safeguard.
 - v) That such legal authority must be exercised in accordance with principles of fairness and accountability.
 - vi) It remains intact till a finding of guilt is recorded by a Court of law.
 - vii) They are not permissible under the constitution.
 - viii) Mere involvement in a criminal case is not sufficient to justify a restriction on international travel.
 - ix) It must be interpreted narrowly.
 - x) See above analysis No. x
 - xi) It renders the executive action vulnerable and liable to be set aside.
 - xii) That he is not fleeing justice.
 - xiii) See above analysis No. xiii
 - xiv) When liberty is curtailed on the basis of misrepresentation and vague administrative routine.

37. Lahore High Court
TCS etc. v. Muhammad Siddique Ghuman etc.
First Appeal Against Order No. 36959 of 2022
Mr. Justice Anwaar Hussain
<https://sys.lhc.gov.pk/appjudgments/2025LHC3888.pdf>

Facts: Appeal under Section 33 of the Punjab Consumer Protection Act, 2005 was directed against judgment whereby the Trial Court had accepted the complaint of respondent and awarded him Rs.124,000/- as compensation.

Issues:

- i) Whether a courier company is liable for misdelivery to an unauthorized person when the consumer was deceived by a third party and the consignment was booked under a self-collection service?
- ii) Does the subsequent return or recovery of a misdelivered item absolve the courier company of liability for compensation due to earlier negligence?

Analysis: i) The failure to verify identity and the handing over of the parcel to an

unauthorized person constitutes a breach of contractual duty as well as negligence. The fraud, which the intended consignee committed with the respondent, was materialized because of the inefficiency and breach of duty on the part of the appellant-company by handing over the mobile phone to the irrelevant person. The admission of error by the appellant-company is legally significant. It confirms that the appellant-company failed to adhere to standard protocols of identification and verification, which are essential in cases where shipments are booked with agreed self-collection.

ii) The return of the mobile phone at a later stage does not undo the breach, nor does it negate the claim for damages, particularly, where there has been mental distress, delay, and inconvenience caused to the respondent/consumer. The burden on a service provider, particularly one dealing in logistics and insured goods, is to ensure that such lapses do not occur. The reliance on mere representations by an unknown third party pretending to be the desired recipient or his/her representative, without documentary verification, violates the reasonable standards expected of such services under consumer protection principles.

- Conclusion:** i) It is irrelevant that the intended consignee was a fictitious person and was impersonated by someone and the respondent claimant was himself naïve in being trapped and the same does not absolve the appellant-company of its duty to prevent such frauds.
- ii) The subsequent return or recovery of a misdelivered item does not absolve the courier company of liability for compensation due to earlier negligence.

38. Lahore High Court
Muhammad Aslam v. The State & another
Crl. Appeal No.22010/2022
The State vs. Muhammad Aslam
Murder Reference No.79/2022
Bashir Ahmed vs. Muhammad Saeed, etc.
Crl. Appeal No.22009/2022
Mr. Justice Farooq Haider, Mr. Justice Ali Zia Bajwa
<https://sys.lhc.gov.pk/appjudgments/2025LHC3516.pdf>

Facts: The appellants have challenged their conviction and award of death sentence in a murder case registered against them.

- Issues:**
- i) How the extra-ordinary promptitude in registration of a murder case be looked?
 - ii) What medico-legal signs are left by close-range fire shots and why?
 - iii) What is the Burning, Scorching/Charring, Singing, Blackening and Tattooing upon entry wounds?
 - iv) What is effect of non-identification and non-accomping the dead body to hospital by eyewitnesses?
 - v) What is importance of Inquest Report and wisdom behind its preparation?
 - vi) What is evidentiary value of recoveries and when favourable to prosecution?

Analysis:

- i) The matter was reported with extraordinary promptitude. Furthermore, the postmortem examination of the deceased was conducted shortly thereafter, at 3:00 p.m. on the same day. While the swift initiation of autopsy ostensibly reflects procedural efficiency, it simultaneously raises plausible concerns regarding the actual time of the registration of the FIR. The exceptionally short interval between the occurrence, the lodging of the FIR, and the commencement of the postmortem cast doubt on whether all requisite steps, such as police arrival at the scene, initial inquiry, transportation of the body, and formal paperwork, could have been completed within such a narrow timeframe. This unusual promptness creates a reasonable suspicion that the FIR may not have been lodged at the time recorded in its relevant column and that the timing may have been manipulated to lend the appearance of immediacy and procedural regularity.
- ii) In firearm injuries, the presence of burning, scorching, singeing, blackening, and tattooing on the entry wounds serves as critical medico-legal signs of close-range discharge. On the other hand, exit wounds are always free from the aforementioned signs. These effects are caused by the thermal energy and particulate matter released from the muzzle of the firearm upon discharge, and they serve a vital role in estimating the firing distance and evaluating the factual matrix presented by the prosecution.
- iii) Burning is caused by the intense heat and flame expelled from the muzzle of a firearm when it is discharged at very close range...Scorching is distinct from burning in that it primarily results in reddening and charring of the skin surface without full thickness burns. It is caused by the hot gases that escape the muzzle...Singeing refers to the partial burning or curling of hair caused by heat and flame during the firearm discharge. It is generally seen in exposed areas such as the scalp, beard, or forearms...Blackening around a firearm entry wound, also known as soot deposition, smudging, or smoke soiling, is a well-established sign of close-range shooting...It holds significant forensic value in differentiating between near-contact and intermediate-range shots...Tattooing, stippling, or peppering occurs when partially burnt or unburnt grains of gunpowder embed into the skin.
- iv) The eyewitnesses did not even identify the body further weakens their credibility. In the absence of any tangible proof of their presence at the crime scene, their testimony cannot be relied upon. The material contradictions in their statements, along with their failure to accompany the deceased or be listed as identifiers in official reports, strongly indicate that they were not present at the time of the occurrence.
- v) The inquest report, as required under Section 174 Cr.P.C. and Rule 25.35(1) of the Police Rules, must incorporate all material particulars of the investigation conducted up to the time of its preparation as it is prepared in duplicate when the initial investigation has been completed. The subsequent prompt transmission of the report to the medical officer for endorsement signifies the intent to ensure transparency and to forestall any later manipulation or fabrication by the investigating agency. This due process protection is vital to maintaining the credibility and veracity of the investigation from its very inception, as it helps to

rule out the possibility of tampering with or fabricating the police record, including the practice of padding the investigation with false or exaggerated details.

vi) Apart from that, the evidence of recovery, being merely corroborative in nature, could not be safely relied upon in isolation. Such evidence acquires relevance only when the substantive evidence, namely, the ocular account, commands confidence.

- Conclusion:**
- i) Unusual promptness creates a reasonable suspicion that the FIR may not have been lodged at the time recorded in its relevant column and that the timing may have been manipulated
 - ii) The presence of burning, scorching, singeing, blackening, and tattooing on the entry wounds serves as critical medico-legal signs of close-range discharge.
 - iii) These effects are caused by the thermal energy and particulate matter released from the muzzle of the firearm upon discharge.
 - iv) The failure to identify or accompany the dead body to hospital weakens their credibility.
 - v) The inquest report must incorporate all material particulars of the investigation conducted up to the time of its preparation. It helps to rule out the possibility of tampering with or fabricating the police record.
 - vi) Corroboratory evidence acquires relevance only when the substantive evidence, commands confidence.

39. Lahore High Court
Muhammad Rafi v. Muhammad Yousaf
Civil Revision No. 806 of 2015
Mr. Justice Sultan Tanvir Ahmad
<https://sys.lhc.gov.pk/appjudgments/2025LHC3906.pdf>

Facts: A suit was filed for specific performance of an agreement regarding 4 marla property (referred to as property-A), allegedly purchased for Rs.160,000/- out of which Rs.110,000/- was initially paid and the remaining Rs.50,000/- was to be paid within three months. The plaintiff claimed that the entire consideration, along with an additional Rs.40,000/- as registration fee was paid. The defendant admitted execution of the agreement but contended that due to a stay on property-A, both parties mutually agreed to substitute it with another property (property-B), measuring 4 marla and 1 sq.ft., for which a mutation was executed in favour of the plaintiff and an additional sum of Rs 40,000/- was paid which payment was acknowledged at the back of the agreement. The trial court dismissed the suit. The First Appellate Court disagreed with the findings of the trial Court.

Issues: i) Under what circumstances can an existing agreement can be considered legally substituted by a new agreement and who has to discharge such burden?

Analysis: i) This is settled that it is always a question of fact whether the parties have substituted their earlier agreement with a new. This depends upon the intention of

the parties (PLD 1958 (W.P.) Karachi 158). The one who alleges this has the burden to prove (1994 SCMR 2189) (2018 SCMR 1586). The prerequisites include consensus ad idem amongst the parties (1925 Privy Council 232). The Honourable Supreme Court of Pakistan as well as this Court in Muhammad Iftikhar Abbasi (2022 SCMR 1074) and Mst. Waris Jan cases have examined the essentials of novation (PLD 2019 Lahore 333).

Conclusion: i) See above analysis No i.

40. Lahore High Court
Khalid Hussain v. Manzoor Hussain, etc.
W.P. No. 10136 of 2012
Mr. Justice Muhammad Raza Qureshi
<https://sys.lhc.gov.pk/appjudgments/2025LHC3751.pdf>

Facts: By way of this constitutional petition, petitioner has questioned the legality and validity of order passed by the Member (Judicial-VII), Board of Revenue, Punjab, pursuant where to ROR filed by the petitioner and proforma respondents No.15 to 22 was dismissed.

Issues:

- i) Do the concurrent findings of facts of revenue hierarchy become sacrosanct merely because they are concurrent?
- ii) Does a Court or Tribunal have jurisdiction to make an error of law?
- iii) In what way should a forum exercise the jurisdiction bestowed upon it?
- iv) When do the findings of facts become sacrosanct?

Analysis:

- i) It must be borne in mind that concurrent findings of facts by *fora* functioning in revenue hierarchy do not become sacrosanct only because it is concurrent.
- ii) Neither a Court nor a Tribunal has jurisdiction to make an error of law.
- iii) The forum which is invested with the jurisdiction to decide a particular matter, has no jurisdiction to decide it rightly or wrongly because the condition for the grant of jurisdiction is that it should decide the matter in accordance with the law. When a quasi-judicial or judicial forum dealing with the matter goes wrong in law, it goes out of jurisdiction conferred upon it because the said forum has only jurisdiction to decide the matter lawfully but has no jurisdiction to decide wrongly.
- iv) Any finding of facts only becomes sacrosanct if it is based on proper appraisal of evidence and following the mandate of law.

Conclusion:

- i) The concurrent findings of facts are not sacrosanct.
- ii) A Court or Tribunal cannot make legal errors.
- iii) A forum should decide the matter in a lawful manner.
- iv) They become sacrosanct when they are based on proper appraisal of evidence.

41. Lahore High Court
Nabila Hakim Ali Khan v. Government of the Punjab, etc.
W. P. No.51439 of 2023
Mr. Justice Raheel Kamran
<https://sys.lhc.gov.pk/appjudgments/2025LHC3845.pdf>

Facts: The Petitioner assailed the notification issued by the Caretaker Government whereby her services as Ombudsperson Protection against Harassment of Women at Workplace were de-notified. The notification was challenged on the ground that it lacked lawful authority and was in contravention of the legal provisions and tenure protections governing the office. Hence; this constitutional petition.

Issues

- i) When does an Act that states it shall come into force “at once” become enforceable?
- ii) Can an Ombudsperson appointed for a fixed term be removed before the expiry of the term under the Act?
- iii) Are fair trial and due process rights under Article 10-A of the Constitution of Pakistan, applicable to all sub-constitutional laws affecting civil rights?
- iv) Does a Caretaker Government have the authority to remove or dismiss public officials?
- v) Does unilateral revocation of an Ombudsperson’s appointment by a Caretaker Government amount to overreach when the Act is silent on removal procedures?
- vi) What are the constitutional and statutory powers and duties of the Election Commission of Pakistan regarding the conduct of elections?
- vii) Does the Protection against Harassment of Women at the Workplace Act, 2010 disqualify individuals with a political background from being appointed as Ombudsperson?
- viii) What directive did the Court issue regarding the future appointment procedure for the office of the Ombudsperson?

Analysis:

- i) it is well settled that when an Act of Parliament or a Provincial Assembly provides that it will come into force at once then every provision of it becomes enforceable from the day the Act receives assent of the President or, as the case may be, the Governor, unless any provision of the Act suggests otherwise.
- ii) Section 7(6) exclusively addresses the scenario of resignation by the Ombudsperson, offering this as the sole explicitly stated mechanism for the termination of her tenure. Apart from this voluntary relinquishment of the position by the Ombudsperson herself, the Act does not prescribe any ground or procedure for the Government or any other authority to initiate the removal of the Ombudsperson. 9. In the absence of a statutorily prescribed procedure for the removal of the Ombudsperson, particularly when the appointment is for a fixed term, the incumbent cannot be removed from office prior to the expiration of that term, save for the universally recognized grounds of proven misconduct or incapacity, which would necessitate a due process even if not explicitly detailed within the Act.

iii) It is trite law that the fair trial and due process rights guaranteed by Article 10A of the Constitution are to be read as an integral part of every sub-constitutional legislative instrument that dealt with determination of civil rights and obligations of any person.

iv) the Caretaker Cabinet is appointed under Article 224(1A) of the Constitution upon dissolution of the Assembly or completion of its term. (...) Rule 170(1) of the Election Rules, 2017, further clarifies the power to transfer public officials, stating that the Caretaker Government "may transfer or shuffle public officials, if considered expedient, after the approval of the Commission." This underscores the limitation on the Caretaker Government's authority over public officials. 11. Plain reading of Section 230 reinforces the view that a Caretaker Government has limited powers, primarily aimed at administrative continuity and facilitating elections, without the mandate to take major policy decisions or actions with long-term implications. There are instances where the removal of public officials by a Caretaker Government was deemed unlawful, highlighting that the power of removal/dismissal/termination/reduction in rank is not vested in a Caretaker Government.

v) Indeed, allowing a Caretaker Government to unilaterally revoke the appointment of an Ombudsperson, especially when the relevant Act is silent on removal procedures, could be seen as an overreach.

vi) The Election Commission of Pakistan is constituted by Article 218 of the Constitution, and its purpose is delineated in Article 218(3), which stipulates that it is the duty of the Election Commission to organize and conduct elections honestly, justly, fairly, and in accordance with the law, and to guard against corrupt practices. Article 219 outlines the specific duties of the Commission, which primarily revolve around the preparation of electoral rolls, organizing and conducting elections, and appointing Election Tribunals. Article 220 requires all executive authorities in the Federation and in the Provinces to assist the Commissioner and the Election Commission in the discharge of his or their functions.(...) Section 4 of the Elections Act, 2017, grants the Commission the power to issue directions or orders necessary for the performance of its functions and duties, including ensuring complete justice and securing attendance or production of documents. Section 5 mandates assistance to the Commission from any person or authority, including all executive authorities. Section 8(c) empowers the Commission to issue instructions, exercise powers, and make consequential orders necessary for ensuring that an election is conducted honestly, justly, fairly, and in accordance with the Act and Rules.

vii) It is imperative to note that Section 7 of the Act articulates no such disqualification. Had the Legislature intended to bar individuals with a political background from holding the office of Ombudsperson, it would have explicitly included such a provision.

viii) in the case of *Mushtaq Ahmad Moral and others v. The Honourable Lahore High Court, Lahore and others* (1997 SCMR 1043), to ensure that future appointments to the position of Ombudsperson are beyond reproach, it is apt to direct that the relevant authorities should, with due expediency, formulate and

implement a comprehensive, transparent and merit-based appointment procedure. This must include public advertisement through newspapers having wide circulation, electronic as well as social media to ensure outreach to all eligible and qualified individuals. An evaluation process, preferably involving the Public Service Commission would serve to objectively assess the candidates' suitability.

- Conclusion:**
- i) The Act is enforceable from the day, it receives assent.
 - ii) An Ombudsperson cannot be removed prior to the expiration of the term.
 - iii) Article 10-A is integral part of every legislative instrument.
 - iv) The removal of the public official is not vested in a Caretaker Government.
 - v) The unilateral revocation of an Ombudsperson's could be seen as an overreach.
 - vi) See analysis No.vi.
 - vii) Section 7 of the Act articulates no such disqualification.
 - viii) See analysis No.viii.

42. Lahore High Court
Naeem abbas v. Altaf Hussain etc.
F.A.O.No.47 of 2025
Mr. Justice Syed Ahsan Raza Kazmi
<https://sys.lhc.gov.pk/appjudgments/2025LHC3823.pdf>

Facts: Through this appeal, the appellants have assailed the judgment and decree passed by learned Appellate Court, brief facts of the case are that appellants filed a suit for declaration which dismissed by the trial court. Being aggrieved, they filed an appeal before the learned Appellate Court, which was accepted and the appellants were allowed to amend the plaint and the matter was remanded to the learned Trial Court for decision afresh. Hence this appeal.

Issue:

- i) Whether the appellate court can decide a case on its own if sufficient material is available on record?
- ii) Whether a court can add or remove parties at the appellate stage, if so, what are the guide lines provided by apex courts?

Analysis:

- i) There is no cavil to legal proposition that under Section 107 and Order 41 Rule 24 Civil Procedure Code, 1908, an appellate court can decide a case itself if sufficient material is available on record.
- ii) The court can add or remove parties under Order 1 Rule 10 CPC, either suo moto or on a party's application. However, the court must ensure that the rights of all parties, especially those added at the appellate stage, are protected and afforded a fair opportunity to present their case. 13. It is trite law that in case new parties are added at the appellate stage, they must be given a fair opportunity to present their case. Given the importance of pleadings in civil disputes, and to ensure justice is served, the case should be remanded to the trial court under Order 41 Rule 23 CPC, allowing the new parties to file their pleadings and participate in the proceedings.

Conclusion: i) See above analysis No. i
ii) See above analysis No. ii.

-
- 43. Lahore High Court**
Mst. Tahira Akhtar v. The Chancellor, Women University Multan/Governor of Punjab, etc.
W.P. No.11202 of 2023
Mr. Justice Malik Javid Iqbal Wains
<https://sys.lhc.gov.pk/appjudgments/2025LHC3591.pdf>
- Facts:** The petitioner challenged the minutes of the meeting of the syndicate before High Court, which was remitted to respondent No.1 (Chancellor) in shape of revision for its decision in terms of Section 10(5) of the Women University, Multan Act, 2010 (hereinafter “Act, 2010”), however the same was dismissed. Being aggrieved of the orders of the syndicate and Chancellor of the University as well as advertisement published for the Post of Registrar, the petitioner filed these petitions, which are being decided by this single judgment as identical questions of law and fact are involved therein.
- Issues:**
- i) What does the plain reading of section 14 of the Act, 2010 reveal?
 - ii) Which mechanism does section 14 of the Act, 2010 provide for?
 - iii) What type of bar does 2nd clause of Section 14 imposes?
 - iv) What is the procedural mechanism for the appointment of administrative officers in light of section 4 of the Act, 2010?
 - v) Which forum is empowered to appoint a Registrar on the recommendation of the Vice Chancellor?
 - vi) What are the statutory powers of the Syndicate?
 - vii) What is the doctrine of “Implied Powers”?
 - viii) On which principles must a statutory body act while performing its duties?
 - ix) What is the doctrine of “necessary implication”?
 - x) What does this doctrine (necessary implication) ensure?
 - xi) When is the competent authority entitled to reassess the matter in light of the updated information?
 - xii) Does the selection or recommendation by a committee create any enforceable or vested right to appointment?
 - xiii) What does the plain reading of Sub-statute (3) of Statute 34 of the University Statutes, 2021 come to light?
 - xiv) Can the High Court act as a selection or appointing authority while exercising constitutional jurisdiction?
- Analysis:** i) A plain reading of the above provision of law makes it abundantly clear that the authority to appoint a Registrar vests with the Syndicate, but such appointment is contingent upon a recommendation made by the Vice Chancellor, who performs a gatekeeping or advisory role, ensuring that only suitable candidates are brought forward for consideration.

- ii) The above provision provides mechanism as “in such manner and on such terms and conditions as may be prescribed” means that the process of appointment and the service conditions (such as tenure, salary, benefits, and job responsibilities) must conform to the rules or regulations laid down by the University’s statutes, rules, or governing regulations. This ensures uniformity, transparency, and procedural fairness in appointments, and prevents arbitrary action.
- iii) The second clause of Section 14 imposes a mandatory bar to the effect that the Syndicate shall not appoint any person unless the person possesses the prescribed qualifications and experience. The use of the term “shall not” indicates a prohibitive and non-discretionary obligation.
- iv) The above provision of law reflects the procedural mechanism for initiating the appointment of key administrative officers, including the Registrar. It authorizes the Vice Chancellor to constitute a committee under the relevant provisions of the Act, 2010 to conduct the selection process and recommend a suitable candidate to the Syndicate for appointment (...) the committee constituted by the Vice Chancellor was legally competent to make recommendations for the appointment of Registrar to the Vice Chancellor.
- v) As per Section 14(1) of the Act, 2010, the Syndicate is empowered to appoint a Registrar on the recommendation of the Vice Chancellor, subject to the terms and conditions as may be prescribed.
- vi) Section 31(2)(i) of the Act, 2010 expressly empowers the Syndicate to make or recommend statutes pertaining to the scales of pay, method of recruitment, and other terms and conditions of service of officers (...) as per Section 14(1) of the Act, 2010, the Syndicate is empowered to appoint a Registrar on the recommendation of the Vice Chancellor, subject to the terms and conditions as may be prescribed (...) sub-section (xx) of Section 2 also gives authority to the Syndicate to appoint members to the various Authorities, committees and bodies in a prescribed manner. This assigns to the Syndicate not merely a passive supervisory role, but an active and dynamic responsibility that encompasses policy formulation, strategic planning, and prudent allocation of institutional resources to achieve the objectives set forth under the Act (...) Section 20(1) of the Act, 2010 provides that the Syndicate shall, take effective measures “subject to the provisions of this Act and statutes” meaning thereby the Syndicate must exercise its powers within the framework provided by law (...) the Syndicate, as the highest executive body of the University or a public Institution, may lawfully intervene to reconsider or withhold approval of the recommendation (...) The Syndicate, as the appointing authority, is not bound to accept a recommendation blindly. If it learns of new facts affecting eligibility, integrity, or merit, it has the institutional responsibility to prevent improper appointments by sending the recommendation back for review, not by rejecting it outright without due process (...) The decision making authority (e.g. Syndicate) has the ultimate power to make the final selection. It is not bound by the selection body’s recommendation and can differ with their opinion based on the totality of the circumstances (...) the Syndicate, being the competent authority under the

University Act to recommend and effect changes in the regulatory framework, was well within its jurisdiction and discretion to propose an amendment to Sub-statute (3) to ensure greater legal clarity and administrative precision in the terms and conditions governing these statutory posts.

vii) Where a statutory body is given a power (e.g. to appoint a Registrar), it is also implied that the body has the power to seek clarification, request reconsideration, or defer action where new facts come to light, so long as it does not usurp the role of the recommending authority.

viii) The statutory body must act in furtherance of public interest and institutional integrity, especially universities, being autonomous bodies, must act fairly and in accordance with their internal regulations, but their decision-making should accommodate transparency and fairness, especially in appointments.

ix) The doctrine of “necessary implication” is a well-established rule of statutory interpretation, which mandates that where a statute confers a power, it implicitly confers all powers necessary to carry out that power.

x) This doctrine ensures the functionality and effectiveness of statutory authorities by allowing them to take reasonable actions that are, incidental to their express powers, essential to fulfill their duties, and not inconsistent with the statute itself.

xi) The law recognizes that where material developments arise after the recommendation, but before appointment, the competent authority is entitled to reassess the matter in light of the updated information.

xii) It is well-settled that mere selection or recommendation by a committee does not create any enforceable or vested right to appointment.

xiii) It is evident from a plain reading of Sub-statute (3) of Statute 34 of the University Statutes, 2021, that while it provides that the Registrar, Treasurer, and Controller of Examinations shall be entitled to such perks and privileges as are admissible to Government servants in the corresponding scale of pay, the provision remains limited in its scope. The clause, though valid in so far as it incorporates by reference the benefits structure available to government employees, does not delineate with sufficient clarity the complete perks and privileges including, but not limited to, Basic Pay, Allowances, Pay Protection, and other regulatory norms governing service continuity. In the absence of a comprehensive statutory framework defining these essential terms, ambiguity arises in the administrative application and enforcement of perks and Privileges. This ambiguity, if left unaddressed, may lead to disputes and interpretational inconsistencies, thereby affecting institutional governance and fairness in appointments.

xiv) It is a settled law that the High Court, while exercising constitutional jurisdiction under Article 199 of the Constitution, is not expected to act as a selection or appointing authority so as to substitute its own assessment for that of the competent body.

- Conclusion:**
- i) The authority to appoint a Registrar vests with the Syndicate on the recommendation of Vice Chancellor.
 - ii) This provision provides mechanism for process of appointment and the service

conditions having conformity with the University's statutes, rules and regulations. iii) It imposes a bar that Syndicate shall not appoint any person unless the person possesses the prescribed qualifications and experience.

iv) See above analysis No. iv.

v) Syndicate

vi) See above analysis No. vi

vii) In case of express statutory power to appoint, it is also implied that the body has the power to seek clarification, request reconsideration, or defer action on revealing new facts.

viii) Public interest and institutional integrity.

ix) Where a statute confers a power, it implicitly confers all powers to carry out that power.

x) Functionality and effectiveness of statutory authorities.

xi) When material developments arise after the recommendation, but before appointment.

xii) It does not create any enforceable or vested right to appointment.

xiii) See above analysis No. xiii

xiv) The High Court is not expected to act as a selection or appointing authority...

-
- 44. Lahore High Court**
Ayesha Iftikhar etc. v. Federation of Pakistan etc.
W.P. No. 220388 of 2018
Mr. Justice Khalid Ishaq
<https://sys.lhc.gov.pk/appjudgments/2025LHC3791.pdf>

Facts: The petitioners challenged the executive's interpretation and non-implementation of the binding judgment in *Fazal-e-Haq v. Director of Accounts, Pakistan Post Office Department* (PLD 2003 Lahore 726), which held that administrative control over the accounting organizations, including the Pakistan Post Office Accounting Department, exclusively rests with the Controller General of Accounts under Section 6 of the Controller General of Accounts (Appointment, Functions and Powers) Ordinance, 2001. Contrary to this binding precedent, the respondents, relying on Rule 8 of the Rules of Business, 1973, issued minutes and notifications assuming executive authority to reinterpret and implement the said provision. The petitioners seek implementation of the earlier binding judgment.

Issues:

- i) Interpretation of section 6 of Controller General of Accounts (Appointment, Functions and Powers) Ordinance, 2001.
- ii) Who holds the exclusive authority over the service matters and administrative control of the Accounts Department in Pakistan Post Office?
- iii) Can the executive branch interpret a statutory provision once a Constitutional Court has finally interpreted it?
- iv) What is the proper course for a bench that disagrees with an earlier decision of equal strength on a question of law?
- v) Guiding principles for vertical and horizontal precedents in judicial decision-making.

- vi) Whether the Constitution allow the executive to bypass the authority of a binding judgment delivered by a Constitutional Court? Explain with reference to the principle of separation of Powers.
- vii) Constitutional provisions in various jurisdictions establishing that judicial decisions are binding on all state organs and individuals.
- viii) Whether the principle of separation of powers include the judiciary's authority to review the legality and constitutionality of actions by public and private entities?

Analysis:

- i) The question of interpretation of section 6 has already been decided by the Court in the case reported as *Fazal-e-Haq and another v. Director of Accounts, Pakistan Post Office Department, Lahore and 2 others* (PLD 2003 Lahore 726)... the interpretation of section 6 of the Ordinance, as accorded by *Fazal-e-Haq* judgment supra, still holds the field and the same is binding precedent for all intents and purpose.
- ii) The matter pertaining to terms and conditions of service of employees of Accounts Department of Pakistan Post Office, as well as, the administrative control and authority of all the departmentalized accounting organizations, including the Post Office Accounting Department, exclusively vests in the Controller General of Accounts of Pakistan.
- iii) If a legal question is posed, involving interpretation of a statutory provision of a particular statute and such interpretation has been accorded by a Constitutional Court, having attained finality, as is the case in hand, no question of decision or interpretation by the executive branch arises.
- iv) The reliance may be placed upon the case *Mekotex (Pvt) Limited* (2024 SCMR 1168) wherein, it has been held: ‘.....No doubt, the earlier decision of a bench of a High Court, or of this Court, on a question of law is binding on another bench of equal numeric strength when dealing with the same question, in the sense that the latter bench cannot decide the same question contrary to the first decision. However, the latter bench is not precluded from examining the correctness of the earlier decision or forming a different view. In such a case, the proper course of action is to refer the matter to the Chief Justice of the High Court, or in the case of this Court to the Bench-Constitution Committee, with a request for the constitution of a larger bench to examine the correctness of the earlier decision.’
- v) The same subject has also been elaborately explained by Bryan A. Garner in the “*Law of Judicial Precedents*”, the crux whereof has been summarized in the following terms:
 “A summary of vertical and horizontal precedents. Four statements can sum up the principles of vertical and horizontal precedents discussed in ss 2 and in this ss 3: (1) If an applicable precedent issued from a court hierarchically superior to the one deciding a new case, then the decision must follow the vertical precedent. (2) If an applicable precedent issued from the very court deciding a new case, then the court should follow it, but in certain circumstances may depart from it. (3) If a seemingly applicable precedent issued from a court hierarchically inferior to the

one deciding a new case, then the decision need not (but may) adopt the reasoning and decision.

(4) If a seemingly applicable precedent issued from a court outside the jurisdiction, and there is no hierarchical relationship to the deciding court, it may be considered persuasive if it is cogently reasoned—but never binding.”

vi) One thing is settled: there is no scope of any authority of the executive to ignore a binding judgment of a Constitutional Court. In the words of Chief Justice Ajmal Mian⁷; “All three organs have to act within the bounds specified in the Constitution, any transgression or encroachment by one organ over the sphere of the other will result in chaos and uncertainty. It is, therefore, paramount that an equilibrium is to be maintained inter se between the three organs of the State within the limits delineated by the Constitution.”

vii) It is a sine qua non for a successful state that the decisions passed by its judiciary must have binding force. The mandate is specifically supplied in certain Constitutions that expressly subjects the other powers of the State to the decisions of the Courts. The Spanish Constitution of 1978 contains a provision in that regard that “it is compulsory to execute the sentence and other final judgments of Judges and Court”. Likewise, Article 205 of Portuguese Constitution provides that “the decisions of the Courts shall be binding on all public and private entities and shall prevail over all other authorities”. While Article 165 of the South African Constitution states that “An order or decision issued by a Court binds all persons to whom an organ(s) of the State to which it applies”.

viii) Separation of power does not only mean that Judges are independent; it also means that judiciary would effectively yield the power to review the legality, and eventually the constitutionality of the acts of other public and private powers. In John Locke’s account of Separation of Power, the Executive is not limited to enforcing the rules laid down by the legislature.

Conclusion: i) See above analysis No i.

ii) The matter pertaining to terms and conditions of service of employees of Accounts Department of Pakistan Post Office, as well as, the administrative control exclusively vests in the Controller General of Accounts of Pakistan.

iii) If a legal question involving interpretation of a statutory provision arise, no question of decision or interpretation by the executive branch arises.

iv) See above analysis No iv.

v) See above analysis No v.

vi) There is no scope of any authority of the executive to ignore a binding judgment of a Constitutional Court.

vii) See above analysis No vii.

viii) See above analysis No viii.

45. Lahore High Court
Muhammad Faheem v. Province of Punjab through Secretary S&GAD,
Regulation Wing, Punjab, Lahore and 4 others
Writ Petition No. 7787 of 2023
Mr. Justice Malik Muhammad Awais Khalid
<https://sys.lhc.gov.pk/appjudgments/2025LHC3708.pdf>

Facts: By way of filing writ petition, the petitioner has impugned the advertisement being published as well as the recruitment process undertaken by the respondents where 3% disabled persons quota of total sanctioned and overall strength of the cadre post i.e. Junior Clerks has been unlawfully ignored.

Issues:

- i) Whether the failure of the government to advertise and fill posts under the disability quota, and to provide equal employment terms and conditions, constitutes a violation of the fundamental rights of disabled persons under the Constitution of Pakistan and applicable laws?
- ii) Whether the writ of mandamus can be issued to compel the government to comply with statutory obligations related to the employment of persons with disabilities?
- iii) Whether departmental secretaries have a legal duty under the Punjab Rules of Business, 2011 to ensure implementation of the disability employment quota?

Analysis:

- i) The Constitution of the Islamic Republic of Pakistan, 1973 has guaranteed the right to life and to participate in every sphere of it without any discrimination. Constitutional right of equality applies to persons with disabilities and guaranteeing them full enjoyment of their fundamental rights without any biasness. The protection of the right to life, dignity and equality under the Constitution provides a sturdy platform for mainstreaming persons with disabilities (...) It is the obligation of the State under the Constitution to make all possible endeavours to mainstream persons with different abilities and to embrace the diversity in the society (...) There is statutory mechanism for the protection of rights of employment of disabled persons. The Punjab Empowerment of Persons with Disabilities Act 2022 Section 31 of the Act 2022 deals with the 3% quota for persons with disabilities.
- ii) It is the obligation of the respondents to publish the advertisement whereby the above quota of the disabled persons be fixed. Writ of mandamus in Pakistan is a judicial intervention under Article 199 of the Constitution to prevent miscarriage of justice or institutional failure, especially in cases of significant public interest or where government agencies have failed to fulfil their legal duties.
- iii) Rule 10 of the Punjab Rules of Business 2011 provides as '10. Functions of Secretary:- (1) A Secretary shall: (a) the official head of the Department and be responsible for its efficient administration and discipline, for the conduct of business assigned to the Department and for the observance of laws and rules, including these rules, in the Department.

Conclusion: i) The failure of the government to advertise and fill posts under the disability

quota constitutes a violation of the fundamental rights of disabled persons.

ii) See Analysis ii above.

iii) Rule 10 of the Punjab Rules of Business 2011 casts upon duty and responsibility on the Secretary concerned to ensure the implementation of statutory mechanism supra for ensuring good governance and upholding the fundamental rights of the petitioner.

46.

Lahore High Court

Muhammad Shafiq v. The State.

Crl. Revision No. 45 of 2025.

Mr. Justice Ch. Sultan Mahmood

<https://sys.lhc.gov.pk/appjudgments/2025LHC3828.pdf>

Facts:

The parties were in criminal litigation by filing FIR and cross version for an offence of attempt to commit Qatl i Amd. Challan of both the cases were pending before Magistrate. Meanwhile, the injured of the occurrence died. Being dissatisfied with the investigation, the complaint was filed before learned ASJ, who summoned the accused and the judicial record of FIR case. The revision filed before the high court with contention that the ASJ (Trial Court) could not have summoned the record of FIR case from the court of Magistrate.

Issues:

- i) What condition is required to be fulfilled for exercise of power under section 94 of Cr.P.C requiring the production of a document?
- ii) For which purpose and at what stage a party can apply to the court under section 94 of Cr.P.C for production of a document?
- iii) What is meant by the word “thing” used in section 94 of Cr.P.C?
- iv) Whether trial court can summon the record, if yes, what are pre-condition to invoke the Section 94 of Cr.P.C?

Analysis:

- i) The only condition for the exercise of the power under section 94 Cr.P.C is that the production of the document must be necessary or desirable for the purposes of the inquiry or trial before the court. The word 'whenever' in section 94 clearly indicates that a court can exercise the power of requiring the production of any document under this Section at any stage of the inquiry or trial.
- ii) Therefore, any party may at any stage of the inquiry or trial apply to the court, under section 94, for the production of a document and is entitled to its production if it satisfies the court that the production of that document is necessary or desirable for the purposes of such inquiry or trial.
- iii) The word "thing" in section 94, Cr.P.C. should be broadly construed to encompass anything relevant to the offence, the production of which would promote the cause of justice.
- iv) So above analysis clearly reveals that trial court can certainly summon the record and only pre-condition to invoke the Section 94 Cr.P.C is that the court is to be satisfied production of documents or thing which is necessary for just decision of the case. Moreover, scope of section 94 Cr.P.C is very wide and word

whenever suggests that the court could exercise powers conferred to it at any stage or inquiry or trial.

- Conclusion:**
- i) The only condition for the production of the document is that document must be necessary or desirable for the purposes of the inquiry or trial.
 - ii) See above analysis No. ii
 - iii) See above analysis No. iii
 - iv) Trial court can summon the record and only pre-condition is that the court is to be satisfied the production of documents.

47. Lahore High Court
The State v. ASJ, etc.
CrI. Misc. No. 5458-M of 2023
Mr. Justice Ch. Sultan Mahmood
<https://sys.lhc.gov.pk/appjudgments/2025LHC3544.pdf>

Facts: An application, seeking custody of the confiscated sugar stock on Supardari, was filed before the learned Magistrate Section 30. However, the learned Magistrate dismissed the said application. Aggrieved by the dismissal, a criminal revision before the learned Additional Sessions Judge, was filed which stood accepted and it was directed that the sugar stock be handed over on Supardari. Feeling aggrieved by the order of the Revisional Court, the petitioner has preferred the instant petition under section 561-A Cr.P.C.

Issues:

- i) Whether a provincial law can restrict inter-provincial trade without complying with Article 151 of the constitution?
- ii) Whether the Punjab Prevention of Speculation in Essential Commodities Act, 2021 apply to goods in transit for inter-provincial trade given its territorial limits?
- iii) Whether seized goods in inter-provincial trade can be released on *supardari* under a provincial act that excludes Cr.p.c. procedures?

Analysis:

- i) Article 151(4) of the Constitution contains two fold test in this regard; firstly the legislative instrument should contain reasonable restriction in the interest of public health, public order or morality, or for the purpose of protecting animals or plants from disease or preventing or alleviating any serious shortage in the Province of an essential commodity and unlike the Constitution of 1956; secondly the bill has to be presented to the President. The sub Article 4 mandates that the Provincial Act has to be presented to the President so to say the Bill after receiving Governor assent and publication be sent to the President and after receiving Presidential nod it would be an enforceable law to regulate Inter-Provincial trade.
- ii) This Act was passed by the Punjab Assembly on 15 December 2021; assented to by the Governor of the Punjab on 24 December 2021; and was published in the Punjab Gazette (Extraordinary), dated 24 December 2021 clearly there is no Presidential assent. Hence, the Act of 2021 cannot impact any Inter Provincial trade activity, consequently was inapplicable on the transaction under question.

iii) The Section 6(3) deals that 'the provisions of the Code Criminal Procedure shall not be applicable on search and seizure made under this act, hence protection provided under Code of Criminal Procedure about the search and seizure are not applicable as the seized essential commodities would be sold in open market so it is argued in continuation of the same search and seizure wherein ouster of the Code contained in section 7 prescribes the other method of the essential commodities which does not prescribe any power to return the seized essential commodities' (...) the argument advanced by the Learned Law officer that the product so seized under the law cannot be released as the Code of Criminal procedure does not apply to seizure and searches made the Act of 2021. Above legal position clearly establishes that the transaction attracts definition of the Inter- Provincial trade and the relevant articles of the Constitution and the officer was acting under a statute which is not compliant with the Article 151. Consequently, the action of seizure performed by the complainant of the FIR does not have any recognizable administrative and statutory underpinnings and was not sustainable being dehors the law.

Conclusion: i) A provincial law cannot restrict inter-provincial trade without complying with Article 151 of the constitution.
 ii) The Punjab Prevention of Speculation in Essential Commodities Act, 2021 does not apply to goods in transit for inter-provincial trade.
 iii) See analysis iii above.

48. Lahore High Court
Sakina Bibi v. The State and another
Criminal Appeal No.177-2024/BWP
Mr. Justice Tariq Saleem Sheikh, Mr. Justice Raja Ghazanfar Ali Khan
<https://sys.lhc.gov.pk/appjudgments/2025LHC3670.pdf>

Facts: The appellant preferred this appeal against her conviction in a criminal case registered for the offence under section 9 of the CNSA, 1997.

Issues: i) What is the effect of non-production of Register no. xix of the Police Station, upon the safe custody of narcotics?
 ii) What is effect of non-production of road certificate issued by DPO for transmission of narcotics to PFSA?

Analysis: i) The Moharrer of the police station namely Shahid Imran 1110/HC (PW.2) did not utter a single word that any entry was made regarding keeping of the case property i.e. 20 sealed parcels i.e. 14 of opium and six of the charas along with black coloured purse, traveling bag of black colour, two towels as well as one lady's suit of green colour and a mobile phone in register No. XIX prior to keeping the same in Malkhana. Neither the investigating officer nor the Moharrer of the police station produced the attested copy of register No. XIX or attested copy of any road certificate before the court. Similarly neither the Moharrer Shahid Imran 1110/HC (PW.2) nor the investigating officer uttered a single word

that any such entry was made in register No. XIX or in any Roznamcha about handing and taking over of the case property on 12.04.2023 for its transmission to Saddar Malkhana intact. Similarly, neither the Moharrer nor the investigating officer uttered any word about handing over of the sample parcels i.e. seven sealed parcels said to contain opium and three sealed parcels said to contain charas to Muhammad Saleem SI/O for their transmission to PFSA, Lahore intact. This non-mentioning of handing and taking over of the case property as well as sample parcels in relevant register has made the whole prosecution case doubtful so far as the chain of safe custody of the narcotics is concerned.

ii) It is a well settled principle of criminal jurisprudence arising out of maxim “Communi observantia non est recedendum” that when law required a thing to be done in a particular manner, the same must be done accordingly and if the prescribed procedure was not followed, it would be presumed that the same had not been done in accordance with law.

- Conclusion:**
- i) When entries in Register no. xix of Police Station is not mentioned before the court and road certificates issued for transmission of narcotics to PFSA are not produced, the prosecution case becomes doubtful and chain of safe custody is broken.
 - ii) When law required a thing to be done in a particular manner, the same must be done accordingly and if the prescribed procedure was not followed, it would be presumed that the same had not been done in accordance with law.

49. Lahore High Court
Umair Altaf v. The State etc.
Criminal Misc. No.3033-B/2025
Mr. Justice Tanveer Ahmad Sheikh
<https://sys.lhc.gov.pk/appjudgments/2025LHC3495.pdf>

Facts: The petitioner was arrayed as an accused for making a video containing derogatory/blasphemous remarks and uploading it on his TikTok account. The petitioner sought post-arrest bail after its refusal by both the lower courts.

Issues

- i) Whether cognizance of offence under Section 295-A of PPC can be taken without a complaint made by the Federal or Provincial Government or an authorised officer, as mandated by Section 196 of Cr.P.C?
- ii) What should the court do if a report under Section 173 Cr.P.C. is submitted without the required government complaint under Section 196 Cr.P.C?
- iii) Does Section 196 Cr.P.C. bar the registration and investigation of cases before cognizance is taken by the court?

Analysis:

- i) It appears from the very language of said provision of Section 196 of Cr.P.C. that it deals with the stage of taking the cognizance by the Court. Cognizance by the Court is taken after report under Section 173 of Cr.P.C. is received. Compliance of said condition precedent was not mandatory for the lodgment of

FIR and commencement of investigation. Said condition precedent would be required at the time of submission of report under Section 173 of Cr.P.C. to confer jurisdiction upon the learned trial Court to take the cognizance.

ii) If report under Section 173 of Cr.P.C. is submitted before the court, which is not accompanied by any complaint either of the Federal Government or Provincial Government as required under Section 196 of Cr.P.C., the court shall follow the provision of Section 230 of Cr.P.C. and shall stop the proceedings till the above complaint from either of the Governments is received.

iii) In the said cases dictum laid by the honourable superior Courts was that Section 196 of Cr.P.C. does not debar to register and investigate the case in order to come to the truth and the provision of Section 196 of Cr.P.C. would come into play when the court takes cognizance of the offence, because the Function of the court would commence only when challan is submitted to it for trial.

- Conclusion:**
- i) Section 196 Cr.P.C. applies only at the stage of court's cognizance, not at FIR or investigation stage.
 - ii) If the challan lacks the required government complaint, the court must suspend proceedings under Section 230 Cr.P.C.
 - iii) Section 196 Cr.P.C. does not bar investigation and applies only when the court takes cognizance.

50. Lahore High Court
Zubaida Bibi v. District Police Officer and 02 others.
Writ Petition No. 4926-HB of 2025
Mr. Justice Tanveer Ahmad Sheikh.
<https://sys.lhc.gov.pk/appjudgments/2025LHC3501.pdf>

Facts: The petitioner, through the instant petition under Article 199 of the Constitution read with Section 491 Cr.P.C., seeks recovery of her son and nephew, allegedly abducted from their residence by the police officials, who also demanded a bribe for their release. In compliance with court directions, police officials appeared and reported that one detainee, involved in multiple criminal cases, was killed during an encounter by the firing of his own accomplice, with an FIR registered accordingly. The other detainee, also a proclaimed offender in numerous cases, sustained injuries during a similar incident and is currently admitted in hospital, with a separate FIR registered.

Issues:

- i) What is the scope of protection under the Torture and Custodial Death (Prevention and Punishment) Act, 2022 (herein after called Act, 2022) regarding torture during custody, and does it extend to private individuals acting in collusion with public officials?
- ii) What role does the preamble play in determining the legislative intent behind an enactment?
- iii) What is the evidentiary value of statements obtained through torture under the Act, 2022, and how are such statements treated in legal proceedings?

- iv) Which agency is exclusively authorized under Section 5 of the Act, 2022 to investigate complaints against public officials, and what is the effect of this exclusivity?
- v) What exclusive jurisdiction is conferred upon the Court of Sessions under Section 6 of the Act, 2022, and how does the non obstante clause affect other courts?
- vi) Why does the Act, 2022 take precedence over the Anti-Rape (Investigation and Trial) Act, 2021 in cases of custodial rape, and what legal basis supports the investigation by the F.I.A.?
- vii) Whether under Section 4 of the Act, 2022, the F.I.A. is required to investigate only on receipt of a complaint, or does it have suo motu powers to initiate investigations?

Analysis:

- i) Preamble of the Act, 2022 speaks about the protection given to a person during custody from torture etc perpetrated by public officials. When the act is read in its context, it also covers private persons, who happen to be the privy to the crime along with public official.
- ii) Preamble of an enactment highlights the object for the achievement of which it is promulgated. It is key for the understanding of a statute.
- iii) The most important aspects of Act, 2022 are that the any statement, information or confession obtained from a person as a result of torture, etc. was made inadmissible in evidence in any proceedings against the said person, rather it was admitted as an evidence against the accused committing the torture, vide Section 3 thereof.
- iv) Under Section 5 of Act, 2022, only F.I.A. was empowered to the exclusion of all the other agencies to investigate the complaint against public officials committing the offence under the Act.
- v) The court of Sessions was given exclusive power/jurisdiction under Section 6 of the Act, 2022 to try the offences, which is also “non obstante” clause, hence excludes all the other courts.
- vi) When both the above enactments are kept into juxta position to each other, the Act, 2022 being latter in the event of time carrying complete overriding effect shall be given preference over the former Act, 2021, which contains “non obstante” clause partially, as such I feel no hesitation in holding that cases of the custodial rape shall be inquired into and investigated by F.I.A. under the Act, 2022 read with F.I.A. Act, 1974 and the rules made thereunder and the provisions of Anti-rape (Investigation and Trial) Act, 2021 shall be given secondary importance and applicability.
- vii) It is made clear to him for academic purpose that Section 4 of the Act, 2022 enjoins a duty upon F.I.A. to investigate the complaints received under the Act, 2022. It does not mean that the F.I.A. shall investigate the crime only on a complaint made to them. The F.I.A. has suo motu powers to enquire into and investigate a crime amenable to its jurisdiction under the F.I.A. Act and the rules made thereunder, as such F.I.A. was bound to take up the matter even if no complaint is moved to them.

- Conclusion:**
- i) The preamble of Act, 2022 protects individuals from torture in custody by public officials and also includes private persons involved in the crime.
 - ii) The preamble outlines the purpose of an enactment and is essential for interpreting the statute.
 - iii) Section 3 of the Act, 2022 renders statements obtained by torture inadmissible against the victim but admissible against the torturer.
 - iv) Section 5 of the Act, 2022 exclusively empowers the F.I.A. to investigate offences by public officials, excluding all other agencies.
 - v) Section 6 of the Act, 2022 grants exclusive jurisdiction to the Sessions Court to try offences, overriding all other courts.
 - vi) The Act, 2022, being later and having complete overriding effect, takes precedence over the Anti-Rape Act, 2021, empowering the F.I.A. to investigate custodial rape cases.
 - vii) Section 4 of the Act, 2022 mandates the F.I.A. to investigate complaints but also empowers it to initiate suo motu investigations without a formal complaint.

51. Lahore High Court
Ifraheem Hadayat. v. Atif Masih, etc.
W.P.No.19347 of 2025
Mrs. Justice Abher Gul Khan
<https://sys.lhc.gov.pk/appjudgments/2025LHC3608.pdf>

Facts: This constitutional petition questions the validity of an order made by the Additional Sessions Judge, who accepted an application under section 265-K of the Criminal Procedure Code (Cr.P.C.) and acquitted respondents No. 1 to 4 from the complaint.

Issues: i) In what circumstances should applications for summary dismissal or premature acquittal in complaint cases to be accepted?

Analysis: i) The consistent judicial position is that once notice has been issued to the accused and cognizance has been taken, courts discourage acquittal under section 265-K, Cr.P.C. This is particularly true in complaint cases under the Illegal Dispossession Act, 2005 where factual disputes regarding possession, ownership, or illegal dispossession must be resolved through trial proceedings. The courts have uniformly emphasized that summary dismissal or premature acquittal undermines the evidentiary process and such applications must be rejected unless it is apparent on the face of the record that no offence is made out.

Conclusion: i) If it is apparent on the face of the record that no offence is made out.

LATEST LEGISLATION/AMENDMENTS

1. Vide Notification No.SOR-III(S&GAD)1-14/2025 dated 04-04-2025; The Punjab Prison Service Rules, 2025 are promulgated.

2. Vide Notification No.SOG(YA&S)9-20/2024 dated 29-04-2025; The Constitution of the Sports Board Punjab is made.
3. Vide Notification No.SO(Admn)4-22/2025 dated 14-05-2025; amendment in existing proviso in rule 22 is made in The Admission of Public into Immovable Antiquities, Rules 2013.
4. Vide Notification NoEstt.I-4/2025-PPSC/632 dated 19-05-2025; the regulation No.25 is replaced in the Punjab Public Service Commission Regulations, 2022.
5. Vide Notification No.SO(Cab-I)2-27/2012 dated 23-05-2025; the amendment is made in first and second schedule of Environment Protection and Climate Change Department of The Punjab Government Rules of Business, 2011.
6. Vide Notification No.SO(Cab-I)2-3/2024(ROB) dated 30-05-2025; the amendment is made at serial No.26 & 31A of first schedule and second schedule in Livestock and Dairy Development Department of The Punjab Government Rules of Business, 2011.
7. Vide Notification No.SO(Cab-I)2-53/88 dated 30-05-2025; the amendment is made at serial No.20 of first schedule in Industries, Commerce and Investment Department of The Punjab Government Rules of Business, 2011.
8. Vide The Provincial Motor vehicles (First Amendment) Act, 2025 dated 30-05-2025; the amendment is made in section 2 & 116-A and repeal of Provincial Motor vehicles (Amendment) Ordinance 2025 of the Provincial Motor vehicles Ordinance 1965.
9. Vide The Police Order (Amendment) Act 2025 dated 30-05-2025; omission of Article 18B, insertion of Articles 18C & 186A, addition of fourth schedule and repeal of The Police Order (Amendment) Ordinance 2025 is made in The Police Order, 2002.
10. Vide The Motor Vehicle (second Amendment) Act 2025 dated 30-05-2025; amendment is made in section 39-A, 107, 112, 112-C, 115, first & fifth schedule of the Provincial Motor Vehicle Ordinance, 1965.
11. Vide The Drugs (Amendment) Act, 2025 dated 30-05-2025; amendment is made in section 31 of the Drugs Act, 1976.
12. Vide The Provincial Motor Vehicles (Third Amendment) Act, 2025 dated 30-05-2025; amendment is made in section 24 of the Provincial Motor Vehicle Ordinance, 1965.
13. Vide The Stamp (Amendment) Act, 2025 dated 30-05-2025; amendment is made in section 27-A, 48 & 73 and insertion of section 50-A of the Stamp Act, 1899.
14. Vide The Provincial Employees Social Security (Amendment) Act 2025 dated 30-05-2025; the amendment in long title and preamble and insertion of section 43-A is made in the Provincial Employees Social Security Ordinance, 1965.
15. Vide The Punjab Workers Welfare Fund (Amendment) Act 2025 dated 30-05-2025; the amendment is made in section 2, 4, 7 & 18 of the Punjab Workers Welfare Fund Act 2019.

16. Vide The Companies Profits (Workers Participation) (Amendment), Act 2025 dated 30-05-2025; amendment is made in section 2, 5 to 7 & 8A of The Companies Profits (Workers Participation) Act, 1968.
17. Vide The official Gazette of Punjab 2025 dated 30-05-2025; the Punjab Financial Advisory Service Act, 2025 is promulgated.
18. Vide The Punjab Arms (Amendment) Act, 2025 dated 30-05-2025; amendment is made in section 3, 4, 7, 8, 11A, 11B, 12, 13, 14, 14A, 15 to 19, 22, 23 & 27, substitution of heading of chapter II and omission of section 27 of the Punjab Arms Ordinance, 1965.
19. Vide The Punjab Judicial Academy (Amendment) Act 2025 dated 30-05-2025; amendment is made in sections 2, 3, 4, 8, 10, insertion of new section 10A & 15-A and substitution of section 15 of The Punjab Judicial Academy Act, 2007.
20. Vide the official Gazette of Punjab dated 30-05-2025; The Punjab Fertilizer Control Act 2025 is promulgated.
21. Vide Anti-terrorism (Punjab Amendment) Act 2025 dated 30-05-2025; amendment is made in section 11EEEE of the Anti-terrorism Act, 1997.
22. Vide the official Gazette of Punjab dated 30-05-2025; The Musarrat Institute of Technology Act, 2025 is promulgated.
23. Vide The Lahore Leads University (Amendment) Act, 2025 dated 02-06-2025; amendments are made in sections 2, 4, 6, 10, 17, 18, 25, 26 & schedule, omission of section 28 and substitution of section 29 of The Lahore Leads University Act, 2011.
24. Vide The National College of Business Administration and Economics, Lahore (Amendment) Act 2025 dated 02-06-2025; amendments are made in Ordinance XX, sections 2, 4, 5, 9 and insertion of section 13-A of The National College of Business Administration and Economics, Lahore Ordinance, 2002.
25. Vide the official Gazette of Punjab dated 02-06-2025; The Imperial Tutorial College University Act, 2025 is promulgated.
26. Vide the official Gazette of Punjab dated 02-06-2025; The Mukabbir University of Science & Technology, Gujrat Act, 2025 is promulgated.
27. Vide the official Gazette of Punjab dated 02-06-2025; The ABWA University Act, 2025 is promulgated.
28. Vide The Times Institute, Multan (Amendment) Act 2025 dated 02-06-2025; general amendment in Act XXV, sections 2, 3, 4, 6, 18 & schedule and addition of section 32 is made of The Times Institute, Multan Act 2020.
29. Vide the official Gazette of Punjab dated 02-06-2025; amendment is made in sections 4, 12, 31 & schedule of the Next Institute of Science and Technology Act, 2025.
30. Vide notification No.SO(TAX)3-5/2015 dated 02-06-2025; amendments are made in The Appellate Tribunal of Punjab Revenue Authority Service Rules, 2017.
31. Vide the official Gazette of Pakistan dated 03-06-2025; The Islamabad Capital Territory Child Marriage Restraint Act, 2025 is promulgated.

32. Vide The Special Technology Zones Authority (Amendment) 2025 dated 05-06-2025, amendment is made in section 6 of The Special Technology Zones Authority Act, 2021.

SELECTED ARTICLES

1. HARVARD LAW REVIEW

<https://harvardlawreview.org/print/vol-138/unwarranted-warrants-an-empirical-analysis-of-judicial-review-in-search-and-seizure/>

Unwarranted Warrants? An Empirical Analysis of Judicial Review in Search and Seizure by Miguel F.P. de Figueiredo, Brett Hashimoto, Dane Thorley

Every year, police perform searches governed by the Fourth Amendment on hundreds of thousands of individuals and their property throughout the United States. Many of the academy's most decorated scholars have focused on the genesis and jurisprudential nature of the Fourth Amendment's warrant requirement. Surprisingly, we know almost nothing about how the Fourth Amendment regulates searches and how searches actually work in practice. In this Article, we pull back the curtain on the search and seizure process by presenting the largest quantitative study of warrants of any kind. We analyze over 33,000 warrant applications filed through Utah's "e-Warrants" system over a three-year period. By utilizing the full texts of the warrant affidavits, along with digital timestamp metadata, we categorize warrants by type, length, and complexity and establish when and for how long judges review warrants. Our key findings demonstrate that the warrant review process is fast and nearly always results in approval. Ninety-eight percent of warrant reviews eventually result in an approval, and over 93% are approved on first submission. Further, we find that the median time for review is only three minutes, and that one out of every ten warrants is opened, reviewed, and approved in sixty seconds or less. Our analyses that account for warrant complexity and length also suggest that many approved warrants are either not read carefully or not read in full (or both). We also perform a qualitative analysis of a randomly selected subsample of warrants and find cases where the review process has clearly failed. Taken together, our results have critical implications regarding the warrant review process that force us to reconsider the constitutional nature of probable cause and the role that judicial review plays as a "check" on police searches. In light of these implications, we explore the political, economic, and logistical constraints that judges face when reviewing warrants and consider pathways to reform that are mindful of these factors.

2. MANUPATRA

<https://articles.manupatra.com/article-details/Exploring-Alternative-Dispute-Resolution-in-Matrimonial-Conflicts-An-Analysis>

Criminal Psychology and Theories of Criminology & Punishments: Understanding the Mind Of Offenders In India By Pankaj Pandey by Vanshita Vijn and Aayush Patodi

In order to understand the complex patterns of crime and its effects on society, criminology—the scientific study of crime and criminality - has become a crucial field of study. In order to lessen the impact of criminality and improve public security, criminologists seek to understand the causes, effects, and control of crime. Given the social, economic, and cultural diversity of India, criminology is especially important there. Indian economic growth, urbanization, and social transformation have created new challenges for the criminal justice system and the law enforcement machinery. In the words of Indian criminologist Dr. R.N. Kaul, "Criminology in India must address the root causes of crime, i.e., poverty, inequality, and social injustice." (Kaul, 1975) Scholars like Dr. Singh have emphasized that an all-encompassing strategy to avoid control should be adopted based on sociology, psychology, law, and economics. (Singh, 2012) Indian Journal of Criminology, a publication of Indian Society of Criminology, is an appropriate venue for scholars to submit research on crime and criminal justice in India. Worldwide, criminology uses inter-disciplinary theories to explain crime and its impact. Criminological theories like classical, positivist, and strain theories provide frameworks to explain crime patterns and design effective interventions. (Siegel, 2020) With the understanding of these theories and their application to the Indian scenario, criminologists can develop context-specific interventions to fight crime and provide justice.

3. **Lawyers Club India**

<https://www.lawyersclubindia.com/articles/power-politics-and-the-law-trump-vs-musk-17768.asp>

Power Politics and The Law: Trump vs Musk by Vanya Garima Kachhap

The power-play between Donald Trump and Elon Musk has geared up into a high stakes struggle for power, with Trump threatening to revoke Elon's government contracts and subsidies if he gets re-elected. This reported tension is stemming from Elon, refusing to support Trump's political campaign and his growing influence. Billions are tied in federal contracts to Tesla, SpaceX, Starlink and the conflict is now posing legal, constitutional and national security issues—especially in terms of how far a President can go in exercising his executive powers to retaliate.

4. **Lawyers Club India**

<https://www.lawyersclubindia.com/articles/ai-ethics-and-power-who-s-really-leading-the-global-tech-race--17770.asp>

AI, Ethics, and Power: Who's Really Leading the Global Tech Race? By Yaksh Sharma

Artificial intelligence is no longer just a futuristic buzzword it's a critical component of global power and influence. Nations are racing to dominate the development and deployment of AI technologies, not only to drive economic growth but also to shape the ethical, legal, and cultural frameworks around its use. From surveillance and automation to education and healthcare, AI is becoming embedded in the fabric of daily life. This

global race isn't just about who has the most data or computing power it's also about leadership, accountability, and trust. While countries like the United States and China continue to invest billions in AI research and infrastructure, other nations are focusing on human-centered development, fairness, and regulatory innovation. The question is no longer who builds the smartest AI, but who builds the most responsible one. Interestingly, AI isn't confined to large-scale industrial or military applications. It's also transforming the creative industries. Platforms that offer AI music services are enabling artists, marketers, educators, and content creators to compose soundtracks that match tone, tempo, and emotion with minimal technical skill. This democratization of creative technology illustrates just how broad AI's reach has become and how different stakeholders around the world are adapting its power to local needs.

5. MANUPATRA

<https://articles.manupatra.com/article-details/ENFORCEABILITY-OF-ARBITRAL-AWARDS-IN-ARBITRATION-HURDLES-TO-THE-IMPLEMENTATION-OF-THE-COVETED-MECHANISM>

Pretty Pixels, Pricey Privacy: The Ghibli AI Trend Unmasked by Umang Binayakia

The unregulated growth of AI and its increasing embedment in day-to-day digital communications demand a strong legal backdrop to respond to privacy threats and jurisdictional issues. As data processing through AI increases in complexity, a legislative approach that is commensurate with global best practices is the need of the hour. Until such time, the users must be cautious when interacting with AI systems, not unwittingly forgoing their personal data rights. While AI opens unprecedented possibilities for innovation, it must be submitted to non-negotiable compliance with privacy legislations. Regulatory agencies, lawyers, and policymakers must strive for exhaustive AI governance to make sure that user data is secure, private, and not exposed to unlawful exploitation. With the increasing intricacies in AI-based data processing, a legislative framework that is keeping pace with international best practices is the call of the hour. Till then, users need to be careful in using AI platforms so that they don't inadvertently undermine their personal data rights.
