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FORTNIGHTLY CASE LAW BULLETIN

(01-09-2025 to 15-09-2025)

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

	Supreme Court of Pakistan	defence by accused; Plausibility of defence version and creation of doubt in prosecution case; Legality of approach disbelieving the prosecution evidence with respect to one accused, while maintaining the conviction of the other on the same set of evidence; Scope of selective reliance on certain portions of the defence evidence while discarding the rest.	Criminal Law	
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LATEST LEGISLATION/AMENDMENTS

SELECTED ARTICLES

1. **Supreme Court of Pakistan**
The Collector of Customs v. M/s Al-Amna International
C.P.L.A.78-K/2024
Mr. Justice Yahya Afridi, CJ, Mr. Justice Muhammad Shafi Siddiqui, Mr. Justice Shakeel Ahmad
https://www.supremecourt.gov.pk/downloads_judgements/c.p._78_k_2024.pdf

Facts: The High Court held that the authority of Customs to assess and recover sales tax and advance income tax is extinguished once the imported goods have crossed the customs barrier. The Federal Board of Revenue acting through its Collectorates and the Directorate of Post Clearance Audit now seeks leave to appeal against those decisions.

Issues: i) How the levy, collection, and recovery of import-stage fiscal imposts are regulated?
ii) Whether the section 32 of the Customs Act, 1969 authorizes Customs authorities to recover sale import-stage Sales Tax and Advance Income Tax?
iii) Whether section 6 of the Sales Tax Act, 1990 vests any jurisdiction in Customs authorities to recover any tax under this Act?
iv) How the section 148 of the Income Tax Ordinance, 2001 bring the collection of advance income tax at import-stage comes in the domain of Customs authorities?
v) Whether the Customs authorities have jurisdiction to recover import-stage sales tax and advance income tax discovered to be short-levied after clearance of goods due to a wrongly granted exemption?

Analysis: i) The levy, collection, and recovery of import-stage fiscal imposts in Pakistan are regulated by three separate statutes: the Customs Act, the Sales Tax Act, and the Income Tax Ordinance. Each contains its own charging provisions, setting out the basis and scope of the liability imposed. At the same time, both the Sales Tax Act and the Income Tax Ordinance contain provisions that refer to the manner and timing of collection at the import stage, making cross-reference to the procedural framework of the Customs Act.
ii) The language of this provision is significant in two respects. First, the word "taxes" is expressly included alongside "duty" and "charge", by virtue of the Finance Act, 2014. This clarifies that Section 32 applies to fiscal imposts other than customs duty, including those collected at the import stage under the Sales Tax Act and the Income Tax Ordinance. Second, the provision contains no temporal restriction limiting its application to pre-clearance situations or an express bar to exercise its authority post clearance of imported goods. On the contrary, the five year limitation period presumes that certain errors, particularly those discovered through post-clearance audit, will be detected long after the goods have been released…In addition to Section 32, other provisions of the Customs Act empower the customs authorities to exercise its authority and can impose duties and taxes subsequent to the time of import.

iii) Section 6(1) of the Sales Tax Act, as reproduced above, presents three distinct aspects that require consideration for present purposes. First, Section 6(1) provides that tax in respect of goods imported into Pakistan "shall be charged and paid in the same manner and at the same time as if it were a duty of customs". It is noteworthy that the phrases "charged" and "paid" operate at different points in the tax event: the former concerns the imposition and quantification of liability, while the latter specifically concerns the discharge of that liability…Second, by specifically incorporating "collection, payment and enforcement including recovery" in its language, Section 6(1) of the Sales Tax Act draws in customs provisions under the Customs Act that relate to these specified functions. What is of particular importance here is that "enforcement including recovery" indicates that insofar the charge and payment of sales tax for goods imported are concerned, the reference to Customs Act is not merely confined to the initial point of collection at the clearance gate, but extends to the suite of measures by which as assessed liability is pursued and realized thereafter…And finally, one must appreciate that Section 6(1) of the Sales Tax Act contains an in-built qualifier for the Customs authorities to assume jurisdiction; i.e., "where no specific provision exists in this Act". The effect of this clause is to preserve the primacy of any specific sales tax provision that covers the same field.

iv) The above provisions in essence provide: (i) a direction in subsection (5) that advance income tax at the import be collected "in the same manner and at the same time" as customs duty under the Customs Act; and (ii) the incorporation under subsection (6) of the provisions of the Customs Act "so far as they relate to the collection of customs duty." Where Section 148(5) of the Income Tax Ordinance provides that advance income tax is to be collected at the same manner and at the same time, as customs duty, it places import-stage income tax on the same procedural footing as customs duty, both in terms of timing and process. The liability arises under the Income Tax Ordinance, but its point of collection is deliberately synchronised with customs clearance, so that the fiscal obligation is discharged together with customs duty at the clearance gate.

v) The provisions of Section 32 of the Customs Act and Section 6(1) of the Sales Tax Act, as presently worded, contain the language inserted by the Finance Acts of 2014 and 2015. These amendments are material because they reveal the legislative intent that prompted the inclusion of the terms "taxes" in Section 32 and "including recovery" in Section 6(1). Taken together with the subsequent omission of Section 11 of the Sales Tax Act by the Finance Act 2024, a clear trajectory emerges…this Court is satisfied that under the statutory framework comprising the Customs Act, the Sales Tax Act, and the Income Tax Ordinance, as read in light of the various Finance Act amendments discussed above, the Customs authorities do retain jurisdiction to recover import-stage sales tax and advance income tax, even where short-levy is discovered after clearance of goods…For the reasons recorded above, it is declared that the Customs authorities have jurisdiction, within the statutory limitation, to recover import-stage sales tax

and advance income tax that was not levied owing to a wrongly granted exemption, even if such short-levy is discovered after clearance of goods.

Conclusion: i) The levy, collection, and recovery of import-stage fiscal imposts are regulated by the Customs Act, the Sales Tax Act, and the Income Tax Ordinance.
ii) The section 32 of the Customs Act, 1969 authorizes Customs authorities to recover fiscal imposts other than customs duty, including those collected at the import stage under the Sales Tax Act and the Income Tax Ordinance. Second, the provision contains no temporal restriction limiting its application to pre-clearance situations or an express bar to exercise its authority post clearance of imported goods.
iii) Section 6(1) provides that tax in respect of goods imported into Pakistan, shall be charged and paid in the same manner and at the same time as if it were a duty of custom.
iv) Section 148(5) of the Income Tax Ordinance provides that advance income tax is to be collected at the same manner and at the same time, as customs duty, it places import-stage income tax on the same procedural footing as customs duty, both in terms of timing and process.
v) The Customs authorities do retain jurisdiction to recover import-stage sales tax and advance income tax, even where short-levy is discovered after clearance of goods. The Customs authorities have jurisdiction, within the statutory limitation, to recover import-stage sales tax and advance income tax that was not levied owing to a wrongly granted exemption, even if such short-levy is discovered after clearance of goods.

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2. **Supreme Court of Pakistan**
Ambreen Akram v. Asad Ullah Khan etc.
Civil Petition No. 1107-L of 2015 and Civil Appeal No. 247-L of 2017
Mr. Justice Syed Mansoor Ali Shah, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._1107_l_2015.pdf

Facts: Marriage between the petitioner and the respondent was solemnized through nikahnama, but rukhsati was delayed for a year. The petitioner claimed maintenance, which was allowed by the Family and District Courts, later set aside by the High Court on the ground that as the marriage was never consummated, she was not entitled to maintenance, hence; this petition.

Issues: i) When does a Muslim woman become entitled to maintenance within a marriage?
ii) Under what circumstances, if any, may a husband be excused from his marital obligation to pay maintenance to his wife?

Analysis: i) A holistic reading of the aforesaid contemporary Islamic principles, constitutional and statutory protections, and judicial precedents affirms that the

right to maintenance flows unconditionally from the solemnization of a valid marriage and constitutes a binding legal duty.
ii) A husband may only be excused from paying maintenance where he proves through clear, cogent, and compelling evidence that the wife has wholly and unjustifiably withdrawn from the marital relationship including its emotional, residential, and relational aspects. The burden of proof lies squarely on the husband. This exception in favour of the husband must be narrowly construed to support structural gender inequalities which demand a cautious and rights oriented approach to interpreting such exceptions, ensuring that maintenance remains a shield against economic vulnerability, not a tool of coercion.

Conclusion: i) Maintenance is an unconditional legal duty arising from a valid marriage.
ii) A husband is excused only if he proves the wife unjustifiably withdrew; the burden lies on him.

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3. **Supreme Court of Pakistan**
Qazi Khalid Ali v. Federation of Pakistan through its Secretary Ministry of Law and Justice Government of Pakistan & others
C.P.L.A.147-K/2023
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Syed Hasan Azhar Rizvi, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._147_k_2023.pdf

Facts: The Civil Petition for leave to appeal is directed against the impugned Order of the High Court as petitioner was denied pensionary benefits by the competent authority despite having been served in diverse constitutional, academic, and administrative capacities including as Judge of the High Court and Chairman of the Federal Service Tribunal.

Issues: i) What is the scope of Rule 5 of the Federal Service Tribunal (Chairman and Members) Service Rules, 1983 regarding pensionary benefits?
ii) Whether entitlement to pension is a vested right enforceable under law?

Analysis: i) The High Court, while rendering the impugned order, followed an altogether different pathway to decline the claim and also failed to consider the impact and effect of Rule 5 of the Federal Service Tribunal (Chairman and Members) Service Rules, 1983, which cannot be made inconsequential or redundant, and which unambiguously articulates that if a person who is neither a Judge or retired Judge of a High Court, nor is or has been in the service of Pakistan, is appointed as Chairman, he shall be entitled to such salary, allowances, and privileges as are admissible to a Judge of a High Court.
ii) Pension articulates the payment of a fixed amount according to the scheme of pension in accordance with the law, rules, and regulations or the pension scheme in vogue, which is recompensed on a regular basis to a person on his superannuation. The foremost and predominant strength of mind is to afford and safeguard economic refuge and shelter and to recuperate old-age security. In

general phenomena, superannuation or stepping down is considered a second inning in which a retired person aspires to live up to his highly anticipated imaginings or dreams and devote time to his kith and kin and friends. After retirement, the timely payment of pension is considered the main source of income for livelihood. If the service is pensionable and the payment of pensionary benefits is protected under the law, rules, and regulations then it becomes a vested right and not charity, alms, or donation but compensation for services.

Conclusion: i) See analysis No.ii.
ii) Payment of pensionary benefits is protected under the law, rules, and regulations then it becomes a vested right.

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4. **Supreme Court of Pakistan**
Syed Saad Ali & another Javed Iqbal V. Federation of Pakistan through Secretary Ministry & others
CPLA. Nos. 407-K & 499-K/2021
Mr. Justice Muhammad Ali Mazhar, Mr. Justice Syed Hasan Azhar Rizvi
Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._407_k_2021.pdf

Facts: The petitioners, in serious apprehension that their period of contract service will not be extended, filed the petitions before the High Court for the relief that their appointment may be declared a regular appointment and that Regulation 21(1) of the Regulations is ultra vires the Constitution of the Islamic Republic of Pakistan, 1973 and the fundamental rights guaranteed under it. The High Court dismissed both the petitions vide a consolidated judgment. Hence, the petitioners had challenged the impugned judgment before the Supreme Court of Pakistan.

Issues: i) What is meaning of terms “intra vires” and “ultra vires”?
ii)Whether the constitutionality of any law, rules, or regulations, can be scrutinized and surveyed, and the law can be struck down?
iii)Whether the doctrine of severability permits the court to sever the unconstitutional portion of a partially unconstitutional statute?
vi) Whether each case has to be decided on its own facts?
v)What is doctrine of “sub-silentio” and its effect?
vi) Whether each case has to be decided on its own facts?
vii) Whether the decisions sub silentio have no precedential value?

Analysis: i) The terms “intra vires” and “ultra vires” are both Latin phrases, and diametrical opposites. The expression ultra vires means “beyond the powers”. If an act entails legal authority and it is done with such authority, it is symbolized as intra vires, that is, within the precincts of powers, but if it is carried out shorn of authority, it is ultra vires.
ii) It is well-settled that the constitutionality of any law, rules, or regulations, can be scrutinized and surveyed, and the law can be struck down if it is found to be offending the Constitution due to an absence of law-making and jurisdictive

competence, or found in violation of the fundamental rights enshrined therein. At the same time, it is an established precept of the interpretation of laws, one backed by judicial sagacity and prudence in the form of numerous precedents of the superior courts, that the law should be saved rather than be destroyed and the court must lean in favour of upholding the constitutionality of legislation unless it is ex facie violative of a constitutional
provision. The function of the judiciary is not to legislate or question the wisdom of the legislature in making a particular law, nor can it refuse to enforce a law.

iii) The doctrine of severability permits the court to sever the unconstitutional portion of a partially unconstitutional statute in order to preserve the operation of any uncontested or valid remainder. The words contained in statutes, rules,
or regulations, are first to be understood in their natural, ordinary, or popular sense, and phrases and sentences are construed according to their grammatical meaning, unless that leads to some absurdity or unless there is something in the context, or in the object of the statute, to suggest the contrary. The vires of law, rules, or regulations can be challenged if its provisions are ex facie discriminatory, in which case actual proof of discriminatory treatment is not required to be shown, but there is also a presumption in favour of the constitutionality of the enactments, unless it is ex facie violative of a constitutional provision.

iv) It is a well settled exposition of law that each case has to be decided on its own facts. Every litigant deserves a fair chance of being heard and the decision of the court must be founded and structured on the facts of the case.

v) The doctrine of "sub-silentio" accentuates a legal principle where a judgment is rendered without specifically and precisely avowing or attending to the exact question of law raised for determination. In fact, sub silentio, a Latin term, literally translates to "under silence" or "in silence". In legal milieus, it points towards an incidence where the Court decides a lis without appreciating or deliberating the particular point of law raised before it, which disturbs the precedential value of the judgment. This doctrine often denotes that if the court, in its judgment, overlooked or dispensed with a crucial point of law raised before it, then the precedential value of such decision is seriously disturbed. A decision is not binding if it was reached at without argument, without reference to the critical terms of the law, and without citation of authority. Such a decision, taken as sub silentio, lacks authoritative weight…since it was decided without argument, without reference to the crucial words of the rule, and without any citation of authority, it was not binding and would not be followed. Thus, judgments passed sub silentio and without arguments are of no moment. This rule has ever since been followed.

vi) This Court, in the case of Uch Power (Pvt.) Ltd. v. Income Tax Appellate Tribunal (2010 PTD 1809), explained that the decisions sub silentio have no precedential value. Such decisions are defined as "those which are given on a point of law not perceived by the Court or present to its mind." Whereas, in the

case of Municipal Corporation of Delhi v. Gurnam Kaur ((1989) 1 SCC 101), the Supreme Court of India, while quoting Salmond on Jurisprudence, explained that a decision passed sub silentio in the technical sense is when the particular point of law involved in the decision is not perceived by the court or present to its mind.

Conclusion: i) See analysis Para No.i
ii) The constitutionality of any law, rules, or regulations, can be scrutinized and surveyed, and the law can be struck down.
iii) The doctrine of severability permits the court to sever the unconstitutional portion of a partially unconstitutional statute in order to preserve the operation of any uncontested or valid remainder.
iv) Each case has to be decided on its own facts.
v) The doctrine of "sub-silentio" accentuates a legal principle where a judgment is rendered without specifically and precisely avowing or attending to the exact question of law raised for determination.
vi) The decisions sub silentio have no precedential value

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5. **Supreme Court of Pakistan**
Muhammad Abid v. Government of Khyber Pakhtunkhwa thr. Secretary Excise, Taxation & Narcotics Control Department, Peshawar & others
CPLA No.706/2021
Mr. Justice Muhammad Ali Mazhar, Ms. Justice Musarrat Hilali
https://www.supremecourt.gov.pk/downloads_judgements/c.p._706_2021.pdf

Facts: The petitioner, a government servant, was removed from service after an inquiry on the allegation of remaining absent from duty. His departmental appeal was dismissed, and his appeal before the High Court was also rejected. He, therefore, filed a petition for leave to appeal before the Supreme Court of Pakistan.

Issues: i) What is the purpose of issuing show cause notice to delinquent official/officer?
ii)Whether it is right of the accused official/officer to cross-examine witnesses produced against him during inquiry proceedings?

Analysis: i) The main purpose of issuing a show cause notice to any delinquent is to provide him a fair and reasonable opportunity to offer an explanation against the charges of misconduct reported or noted against him. Obviously, if the reply to the show cause notice is not found satisfactory, the employer/management/competent authority may decide to hold an inquiry into the allegations and may also appoint an inquiry officer or constitute an inquiry committee to conduct an inquiry against the wrongdoer, and after completion of the inquiry proceedings, submit a report to the competent authority for necessary action in accordance with law.

ii) Watertight procedure is already provided for conducting departmental inquiries, and sanguine to the philosophy/principle of natural justice and due

process of law, a right of cross examination is recognized as an inalienable and undeniable right. Furthermore, if this valuable right is repudiated, it will amount the strangulation and deprivation of the well-entrenched right of defense, despite this right being provided for in all Civil Servants (Efficiency & Discipline) Rules unequivocally and distinctly... In a regular inquiry, it is a precondition that an even-handed and fair opportunity should be provided to the accused and if any witness is examined against him then a fair opportunity should also be afforded to cross-examine the witnesses. In a departmental inquiry on the charges of misconduct, the standard of proof is that of balance of probabilities or preponderance of evidence. Where any authority regulates and performs its affairs under a statute which requires the compliance of the principles of natural justice then it should have been adhered to inflexibly... No evidence which is accusatorial to the opposite party would be admissible unless such party is afforded an even handed opportunity of assessing its exactitudes by cross-examination, which is a most essential device to unearth the truth. If the elementary principle of law is not contented, then obviously, the whole edifice of unwarranted proceedings will fall apart. Whether the evidence is trustworthy or inspires confidence could only be determined with the tool and measure of cross-examination. The possibility cannot be ruled out in the inquiry that a witness may raise untrue and dishonest allegations due to some animosity against the accused which cannot be accepted unless he undergoes the test of cross-examination which indeed helps to expose the truth and veracity of allegations...

Conclusion: i) The main purpose of issuing a show cause notice to any delinquent is to provide him a fair and reasonable opportunity to offer an explanation against the charges of misconduct reported or noted against him.
ii) Yes, right of cross examination is recognized as an inalienable and undeniable right of the accused official/officer during inquiry proceedings.

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6. **Supreme Court of Pakistan**
Shafqat Ali v. Mst. Zaib Un Nisa and others
Civil Petition No. 74 of 2025
Mr. Justice Amin-ud-Din Khan, Mr. Justice Syed Hasan Azhar Rizvi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._74_2025.pdf

Facts: Respondent No.1 filed a Family Suit for recovery of dower, dowry articles, and maintenance, which was decided by the Family Court, awarding her either seven tolas of gold or Rs. 100,000 as dower. Appeals by both parties were dismissed, but during execution proceedings, the Executing Court ordered recovery of the gold or its market value. The petitioner challenged this in a Revisional Court, which ruled that only the fixed Rs. 100,000 was payable since the gold was given in lieu of that sum. Respondent No.1 then invoked the constitutional jurisdiction of the High Court, which overturned the Revisional Court's decision and upheld her right to recover either the gold or its prevailing value. The petitioner has now filed a Civil Petition for Leave to Appeal before the Supreme Court.

Issues: i) What are the options for a decree-holder when a decree provides alternate modes of satisfaction?
ii) Can executing court direct payment of the current market value of gold ornaments if their return is not possible?
iii) What is the scope of constitutional courts' jurisdiction after the trial and appellate courts have adjudicated a matter?

Analysis: i) Where a Decree expressly affords alternate modes of satisfaction, the decree-holder retains the liberty to exercise her choice.
ii) An executing court can direct payment of the current market value of gold ornaments if their return is not possible.
iii) Once the trial and appellate forums have adjudicated upon a matter, the constitutional courts exercise only limited supervisory jurisdiction and cannot re-appraise evidence or substitute their own opinion for that of the appellate court.

Conclusion: i) It is choice of the decree-holder.
ii) Yes, an executing court can direct payment of the current market value of gold ornaments if their return is not possible.
iii) See above analysis no.iii

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7. Supreme Court of Pakistan
Province of Punjab through the District Collector, Bhakkar v. Muhammad Chiragh, etc.
Civil Petition No. 385-L of 2021
Mr. Justice Shahid Waheed, Mr. Justice Shahid Bilal Hassan
https://www.supremecourt.gov.pk/downloads_judgements/c.p._385_l_2021.pdf

Facts: A decree for specific performance was passed in favour of a buyer based on an agreement to sell land allotted under a government scheme. The government's first appeal was rejected due to non-payment of court fee, and the High Court upheld this rejection during revision proceedings.

Issues: i) Whether a memorandum of appeal can be rejected without determining the exact deficiency in court fee and granting reasonable time for rectification?
ii) Whether the appellate court is obligated to comply with procedural requirements under Order VII Rule 11(c) and Section 149 CPC before rejecting an insufficiently stamped memorandum of appeal?
iii) Whether the High Court erred in dismissing the revision petition without addressing the procedural lapses by the District Judge?
iv) Whether Section 28 of the Court Fees Act, 1870, read with Section 149 CPC, allows retrospective validation of an insufficiently stamped legal document upon payment of the deficient court fee?
v) Whether the power to extend time under Section 149 CPC is discretionary and not an absolute right of the litigant?
vi) Whether denial of fair opportunity to remedy court fee deficiency amounts to a violation of the fundamental right to fair trial under Article 10-A of the

Constitution?

vii) Whether ministerial staff's failure to report the exact deficiency in court fee affects the legality of the appellate court's rejection order?

Analysis: i) It was incumbent upon the District Judge to first ascertain the precise amount of the deficient court fee and subsequently grant a reasonable period for the petitioner to remedy this shortfall. This essential exercise was neglected, rendering the rejection of the memorandum of appeal invalid.

ii) It is also crucial to note that, under the provisions of section 107 in conjunction with Order XLI, Rule 3 CPC, the stipulations of Order VII, Rule 11 (c) CPC extend to the memorandum of appeal as well. Consequently, an appellate Court possesses the same authority and obligations as a Court of original jurisdiction when dealing with suits filed before it. Therefore, just as a Court of original jurisdiction is mandated by Order VII, Rule 11 (c) CPC to grant sufficient time for rectifying any court fees deficiencies in the plaint, an appellate Court is equally obliged to do the same concerning a memorandum of appeal. In this context, it is essential to emphasise that the question of discretion does not come into play. The appellate Court is required to first explicitly and accurately assess the amount of the Court fee deficiency before proceeding further. Following this determination, the Court must grant a reasonable period for the appellant to rectify the deficiency. Thus, rejecting a memorandum of appeal is deemed unlawful without first adhering to these essential criteria.

iii) The significance of this oversight alone warranted a revision of the order that led to the rejection of the first appeal. However, the High Court overlooked this critical aspect when it dismissed the petitioner's application under Section 115 CPC. So viewed, the order of the High Court is also illegal.

iv) Moreover, section 28 stipulates that a document requiring a stamp will be deemed invalid unless it bears the appropriate markings indicating that the court fee has been duly paid. However, the statute recognises the possibility of human error; if a document is inadvertently accepted, filed, or utilised in any court without the necessary stamping, the presiding judge possesses the discretion to allow for its subsequent proper stamping. If the judge deems it appropriate to grant this allowance, once the document is correctly stamped, it and all related proceedings will be considered as valid as if the necessary stamping had been executed at the outset. These provisions impose a dual responsibility on the court, particularly when documents are not properly stamped. Firstly, the court must ascertain the exact amount of applicable court fees. Secondly, it may provide the necessary timeframe for the party involved to remedy any deficiencies in the payment, ensuring both compliance with the law and the preservation of fairness in the legal process.

v) These provisions do not obligate the Court to grant an extension of time for parties to address any deficiencies in court fees. Instead, the authority to remedy such deficiencies lies within the Court's discretion, meaning that it cannot be assumed as an automatic right.

vi) The petitioner was deprived of a fair trial, which is a right protected under Article 10-A of the Constitution. The significance of this oversight alone warranted a revision of the order that led to the rejection of the first appeal.
vii) Upon reviewing the record, we noted that when the memorandum of appeal was initially presented, the ministerial staff reported that court fees were needed. However, the specific amount of the deficient court fee was not indicated, leaving a crucial gap in the proceedings.

Conclusion: i) A memorandum of appeal cannot be rejected without first determining the deficiency and allowing time for correction.
ii) The appellate court must comply with procedural requirements before rejecting an insufficiently stamped appeal.
iii) The High Court erred by failing to address procedural illegality in the revision petition.
iv) the law allows retrospective validation upon payment of deficient court fee.
v) the court's power to allow time for deficiency is discretionary, not absolute.
vi) denial of opportunity violates the right to fair trial under Article 10-A.`
vii) such failure affected the legality of the rejection order.

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8. **Supreme Court of Pakistan**
Dr. Muhammad Bashir Qasim through legal heirs v. Gulzar Mehmood & 2 others
Civil Petition No.1032-K of 2025
Mr. Justice Irfan Saadat Khan, Mr. Justice Aqeel Ahmed Abbasi
https://www.supremecourt.gov.pk/downloads_judgements/c.p._1032_k_2025.pdf

Facts: The petitioners, claiming ownership of the disputed property through an unexecuted sale agreement, resisted rent proceedings initiated by the respondent who purchased the property through a registered deed. The courts below, treating the petitioners as tenants, held that their failure to comply with the tentative rent order constituted default under the Sindh Rented Premises Ordinance, thus justifying striking off their defence and ordering eviction, while disputes regarding ownership were left to be determined by the competent civil court.

Issues: i) What is the legal consequence of non-compliance with an order passed under Section 16(1) of the Sindh Rented Premises Ordinance, 1979?
ii)What remedy is available to tenants who claim ownership of rented premises or dispute the landlord–tenant relationship after default has been established?

Analysis: i) If an order under section 16(1) of the SRPO 79 is not complied with, it is a well-settled principle of law that the defence of the other side is struck off being a mandatory requirement of law.
ii)In matters where default has been established, the only course available to the tenants either claiming ownership of the rented premises or denying the ownership of the landlord and tenant is to vacate the said premises and to pursue

their civil suits, and upon favourable judgment, by competent court, they may claim the possession of the property afterwards.

Conclusion: i) Non-compliance with an order under Section 16(1) of the SRPO, 1979, mandates striking off the tenant's defence.
ii)Tenants in default must vacate the premises and pursue ownership claims through civil suits.

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9. **Supreme Court of Pakistan**
Binyameen v. The State through A.G. KPK & another
Criminal Petition No. 1055 of 2025
Mr. Justice Syed Hasan Azhar Rizvi, Mr. Justice Naeem Akhter Afghan
https://www.supremecourt.gov.pk/downloads_judgements/crl.p._1055_2025.pdf

Facts: The petitioner sought post-arrest bail under sections 302, 324, 34 of the Pakistan Penal Code (PPC) read with section 15 of the Khyber Pakhtunkhwa Arms Act, 2013.

Issues: i) Whether, in the circumstances of the case, the continued detention of the petitioner despite submission of challan and absence of trial proceedings would amount to withholding bail as a matter of punishment, contrary to the settled principle of law?
ii) Whether, in light of the firearm expert's report that, and given that common intention under Section 34 PPC was not clearly established, the case against the petitioner falls within further inquiry under Section 497(2) CrPC, thereby entitling him to post-arrest bail?

Analysis: i) Challan has already been submitted but till date the prosecution has not examined any witness at the trial. The petitioner being in judicial custody is no more required for any further investigation or probe. The allegations levelled in the FIR by the complainant against the petitioner are yet to be proved at the trial. According to settled principle of law, bail cannot be withheld as mere punishment.
(ii) In the FIR it has been alleged by the complainant that his brother/ deceased was fired upon by the petitioner and other co-accused. The deceased had received four firearm injuries on his body. The report of the firearm expert confirms that no crime empty was fired from the .30 bore pistol allegedly recovered from the petitioner. The allegations levelled in the FIR by the complainant against the petitioner are yet to be proved at the trial.

Conclusion: i) See analysis i above.
ii) It is yet to be determined at the trial as to whether the petitioner had shared common intention with the nominated co-accused in committing the murder of deceased and he is vicariously liable for the occurrence.

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10. **Supreme Court of Pakistan**
Shahid Iqbal v. The State
Jail Petition No.614 of 2021
Mr. Justice Malik Shahzad Ahmad Khan, Mr. Justice Salahuddin Panhwar
https://www.supremecourt.gov.pk/downloads_judgements/j.p._614_2021.pdf

Facts: The petitioner challenged his conviction for the offence u/s 302(b) PPC by the trial court and maintained by the hon'ble High Court.

Issues: i) Whether exceeding the exercise of right of private defence, more than the needed, attracts the applicability of offence under section 302(c) of the PPC or otherwise?

Analysis: i) It is evident that the petitioner was attacked upon by Muhammad Abbas (deceased) on the day and time of occurrence during which he (petitioner) was injured and the petitioner in order to save his life while exercising the right of private defence made fire shots on the deceased but as the petitioner exceeded the right of selfdefence by causing three (03) firearm injuries on the body of the deceased, therefore, his case falls within the ambit of section 302(c) PPC. Reference in this context may be made to the judgment reported as "Allah Nawaz v. The State" (2009 SCMR 736), wherein at page Nos.739 & 740, in paragraph Nos.10 & 11, of the judgment, it was observed as under:-

> *"10…… his According to confession, the appellant claimed that Muhammad Amir deceased, assaulted him with a Lathi on which he fired at Muhammad Amir while Shahzad also struck him from the back on which he fired two shots at Shahzad. Now it is settled law that confession is to be rejected or accepted as a whole. We noticed that while Shahzad was unarmed, Muhammad Amir, deceased, was statedly carrying Lathi, as against that, the appellant/accused was equipped with fire-arm and inflicted injuries to both the deceased at the vital part of the body i.e. the chest. In the circumstances we are of the view that the appellant exceeded his right of self-defence. 11. In view of the above, we convert his conviction from 302(b) to 302(c) of the P.P.C. and alter the sentence of death to 14 years' R.I. on two counts. The appellant will also pay compensation of Rs.1,00,000/- to the legal heirs of the deceased, in default he would undergo simple imprisonment for one year……"*

Similar view was taken in the judgments reported as *"Aziz Ullah v. The State"* (2008 SCMR 922) and *"Haji Inayat Ali v. Shahzada and others"* (2008 SCMR 1565), wherein the Court convicted and sentenced the accused of the said cases under section 302(c) PPC instead of section 302(b) PPC, when it came to the conclusion that the accused acted while exercising their right of self defence, however, they exceeded in exercising the said right.

Conclusion: i) When the accused exceeds in exercise of the right of private defence, even when the deceases is aggressor, it would come within the ambit of section 302(c) of the PPC, subject to strong, independent and confidence inspiring evidence.

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11. **Supreme Court of Pakistan**
Rasheed Ahmad alias Sheeda v. The State
Jail Petition No.559 of 2017
Mr. Justice Athar Minallah, Mr. Justice Malik Shahzad Ahmad Khan, Mr. Justice Salahuddin Panhwar
https://www.supremecourt.gov.pk/downloads_judgements/j.p._559_2017.pdf

Facts: The petitioner was convicted under Section 302 PPC and sentenced to death by the Trial Court. The High Court upheld the conviction but altered the sentence to life imprisonment. The petitioner challenged the judgment of the High Court in the Supreme Court. The prosecution relied on two eye-witnesses who were not residents of the crime area and failed to explain their presence at the crime scene. Furthermore, the postmortem was conducted with delay and none of the natural witnesses, including the husband or children of the deceased, were produced by the prosecution.

Issues: i) Whether the testimony of chance witnesses, who were not residents of the area and failed to explain their presence at the crime scene, can be safely relied upon?
ii) Whether the unexplained delay in conducting the postmortem examination casts doubt on the presence of the prosecution eye-witnesses at the time of occurrence?
iii) Whether withholding of natural witnesses by the prosecution amounts to suppression of best evidence, warranting an adverse inference?

Analysis: i) Eye-witnesses were not residents of the area, where the occurrence took place and they had not given any reason for their presence at the spot at the relevant time, therefore, they are chance witnesses and it is not safe to rely upon their evidence as observed in the judgments reported as "Mst. Sughra Begum and another v. Qaiser Pervez and others" (2015 SCMR 1142) and "Muhammad Irshad v. Allah Ditta and others" (2017 SCMR 142).
ii) There is a delay of about fifteen (15) hours and twenty (20) minutes in conducting postmortem examination on the dead-body of deceased...the delay in conducting postmortem examination on the dead-body of deceased, was result of the delay in handing over the police documents to the abovementioned medical officer. The above referred delay in conducting postmortem examination on the dead body of the deceased is also suggestive of the fact that the prosecution eye-witnesses were not present at the spot, at the time of occurrence and the said delay was consumed in procuring the attendance of fake eye-witnesses of the occurrence. Reference in this context may be made to the cases reported as 'Muhammad Ilyas Vs Muhammad Abid alias Billa and others' (2017 SCMR 54),

"Khalid alias Khalidi and two others vs. The State" (2012 SCMR 327) & "Sufyan Nawaz and another vs. The State and others" (2020 SCMR 192).

iii) Husband of deceased and children of the deceased were the natural eye-witnesses of the occurrence being inmates of the area, where the occurrence took place but none from them appeared in the witness box. The said fact has also created another dent in the prosecution story because the prosecution has withheld the best evidence, therefore, an adverse inference under Article 129(g) of Qanun-e-Shahadat Order, 1984, can validly be drawn against the prosecution that had the abovementioned witnesses been produced in the evidence, they would not have supported the prosecution case.

Conclusion: i) See above analysis No i.

ii) Delay in conducting postmortem examination is suggestive of the fact that the prosecution eye-witnesses were not present at the spot.

iii) Adverse inference under Article 129(g) of Qanun-e-Shahadat Order, 1984, can be drawn that had the witnesses been produced, they would not have supported the prosecution case.

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12. **Supreme Court of Pakistan**
Muhammad Ali v. The State
Jail Petition No.541 of 2021
Mr. Justice Malik Shahzad Ahmad Khan, Mr. Justice Salahuddin Panhwar
https://www.supremecourt.gov.pk/downloads_judgements/j.p._541_2021.pdf

Facts: The petitioner was tried, convicted and sentenced to life imprisonment by the Trial Court. His appeal before the High Court was dismissed, and he thereafter assailed the conviction before the Supreme Court.

Issues: i) What considerations guide the Court in reaching a decision on a case?

ii) Do minor discrepancies between ocular account and medical evidence render the prosecution case doubtful?

iii) Is delay in conducting postmortem examination fatal to the prosecution case?

Analysis: i) It is by now well settled that it is the quality and not the quantity of evidence which weighs with the Courts to decide any case.

ii) We are of the view that minor variations in ocular account and the medical evidence of the prosecution about the seat of injury, as stated above is inconsequential because it is by now well settled that an eye-witness is not expected to give photo-picture of each and every injury received by the deceased, in the state of panic and sensation which develops at the time of occurrence due to the attack and firing of the accused.

iii) Learned counsel for the petitioner while relying upon the judgments reported as "Muhammad Ilyas v. Muhammad Abid alias Billa and others" (2017 SCMR 54) and "Zafar v. The State and others" (2018 SCMR 326), has argued that the postmortem examination on the dead-body of the deceased was conducted with the delay of about nine (09) hours and ten (10) minutes from the occurrence,

which shows that eye-witnesses were not present at the spot and the abovementioned delay was consumed in procuring the attendance of fake eye-witnesses. We are of the view that time must have consumed in making arrangements for the transportation of the dead-body of the deceased to the hospital. Moreover, no question was put to the Medical Officer (Dr. Ali Raza, PW-5), regarding any intentional delay in conducting postmortem examination on the dead-body of the deceased or any delay in receipt of the police papers. Under the circumstances, the delay in conducting postmortem examination on the dead-body of the deceased as pointed out by learned counsel for the petitioner is not fatal to the prosecution case.

Conclusion: i) It is the quality and not the quantity of evidence which weighs with the Courts to decide any case.
ii) Minor discrepancies between ocular and medical evidence do not affect the prosecution case.
iii) Delay in conducting postmortem examination is not fatal to the prosecution case.

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13. **Supreme Court of Pakistan**
Muhammad Irshad & another v. The State
Criminal Petition No.585 of 2025
Mr. Justice Syed Hasan Azhar Rizvi, Mr. Justice Malik Shahzad Ahmad Khan
https://www.supremecourt.gov.pk/downloads_judgements/crl.p._585_2025.pdf

Facts: The petitioners sought pre-arrest bail, contending that the accusations against them were unsupported by medical and investigative findings. The High Court had dismissed their request, which was then assailed before the Supreme Court.

Issues: i) Whether findings of the Investigating Officer concluding that the accused caused
no injury renders the case one of further inquiry for the purpose of pre-arrest bail?
ii) Whether a bailable injury under medico-legal report entitles an accused to pre-arrest bail?
iii) Whether the possibility of mala fide implication due to wide-net nomination of numerous accused entitles an accused to pre-arrest bail?

Analysis: i) During investigation, it was concluded by the Investigating Officer that (…) (petitioner No.2), was merely present at the spot and he did not cause any injury on any member of the complainant party. The said findings of the Investigating Officer have made the prosecution case as one of further inquiry entitling (…) (petitioner No.2), to the relief of pre-arrest bail.
ii) In the medico legal report of (…) the Medical Officer has mentioned the injury on his head as skin deep (…) hence offence under section 337A(i) PPC, which is a bailable offence, is attracted instead of section 337A(ii) PPC, to the extent of the

abovementioned injury, entitling (…) (petitioner No.3), to the grant of pre-arrest bail.

iii) We have also noted that sixteen (16) named and 4/5 unknown accused persons total 20/21 accused persons have been implicated in this case by the complainant, therefore, possibility of malafide involvement of the petitioners in this case by the complainant while using the wider-net cannot be ruled out at this stage.

Conclusion: i) Where the Investigating Officer concludes that no injury was caused, the case becomes one of further inquiry entitling the accused to pre-arrest bail.

ii) A bailable injury under medico-legal report entitles the accused to pre-arrest bail.

iii) Possibility of mala fide implication due to wide-net nomination entitles the accused to pre-arrest bail.

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14. **Supreme Court of Pakistan**
Waqas Javed v. The State through Federal Prosecutor Islamabad and another.
Criminal Petition No.1408 of 2025
Mr. Justice Syed Hasan Azhar Rizvi, Mr. Justice Malik Shahzad Ahmad Khan.
https://www.supremecourt.gov.pk/downloads_judgements/crl.p._1408_2025.pdf

Facts: The petitioner has assailed the order passed by the learned Islamabad High Court, Islamabad, with the prayer to set aside the said order and grant post-arrest bail to him in case registered under Sections 171, 419 & 420 PPC at Police Station Margalla, Islamabad.

Issue: i) Whether an accused person charged under Section 419,420 and 171 PPC, which do not fall within the prohibitory clause of Section 497 Cr.P.C., is entitled to post-arrest bail as a matter of rule?

ii) Whether mere involvement of an accused in another criminal case can be treated as a sufficient ground to deny post-arrest bail in a case where the accused is otherwise entitled to bail on merits?

Analysis: i) The offences under Sections 420 and 171 PPC are bailable and grant of bail in such like offences is the right of an accused whereas the offence under Section 419 PPC does not fall within the ambit of prohibitory clause of Section 497 Cr.P.C. and grant of bail in such like cases is a rule while refusal is an exception.

ii)…but it is by now well settled that mere involvement of an accused in some other case(s) by itself is no ground to refuse bail to him if otherwise he is entitled to the said relief on merits.

Conclusion: i) See above analysis No. i

ii) See above analysis No. ii.

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15. **Supreme Court of Pakistan**
M/s F.C. Security Services (Pvt.) Limited, Peshawar v. Commissioner Inland Revenue, Zone I, Regional Tax Office, Peshawar
Civil Petitions No. 5929 to 5931 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._5929_2024.pdf

Facts: The petitioner, through this Civil Petition, has assailed a consolidated judgment of the High Court, whereby exemption from tax on the income in question was denied**.**

Issues: i**)** Whether a private limited company, though wholly owned by an exempted trust/foundation, can itself claim exemption under sub-clause (2)(i) of clause (58) of Part-I of the Second Schedule to the Income Tax Ordinance, 2001?

Analysis: i) Petitioner do not fall in the category identified in sub-clause (2)(i) of clause (58) of Part-I of the Second Schedule of the Ordinance. The petitioner is an independent legal entity registered under company's laws and hence cannot derive such benefits as extended to the Frontier Constabulary Foundation.

Conclusion: i) See above analysis No.i

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16. **Supreme Court of Pakistan**
Commissioner Inland Revenue (Legal Zone), Large Taxpayers' Office, Lahore v. M/s Seven Star Sugar Mills (Private) Limited, Karachi.
Civil Petition No. 339-L of 2023
Mr. Justice Yahya Afridi, (The Chief Justice), Mr. Justice Muhammad Shafi Siddiqui, Mr. Justice Miangul Hassan Aurangzeb
https://www.supremecourt.gov.pk/downloads_judgements/c.p._339_l_2023.pdf

Facts: An assessment order was passed under section 122(5A) of the Income Tax Ordinance, 2001. The taxpayer filed an appeal before the Commissioner (Appeals), who annulled the assessment and remanded the matter for fresh proceedings. This remand order was challenged before the Appellate Tribunal, which held that the Commissioner (Appeals) had no authority to remand the case once the assessment was annulled, and allowed the taxpayer's appeal. A reference filed by the Department before the Hon'ble High Court was dismissed; the Department then approached the Apex Supreme Court.

Issues: i) What are the Powers of the Commissioner Appeals under Income Tax Ordinance, 2001?
ii) Whether the Commissioner (Appeals) has the power under section 129(1)(a) of the Income Tax Ordinance, 2001 to remand a case for fresh assessment?

Analysis: i) Powers of the Commissioner Appeals are defined under section 129 of the Ordinance as amended *via* Finance Act, 2005: 129. Decision in appeal:-(1) In

disposing of an appeal lodged under section 127, the Commissioner (Appeals) may – 1[(a) make an order to confirm, modify or annul the assessment order after examining such evidence as required by him respecting the matters arising in appeal or causing such further enquires to be made as he deems fit; or](b) in any other case, make such order as the Commissioner (Appeals) thinks fit.
ii) Under section 129 post-2005, the Commissioner Appeals lacked jurisdiction to remand for a fresh assessment and was bound to decide matters…it is unambiguously clear that after the amendment by the Finance, Act, 2005, the CIR(A) may confirm, modify or annul the assessment order because the CIR(A) has wider powers to conduct enquiry. Therefore, in the wake of above the Commissioner Appeals lacks jurisdiction to go beyond the scope of section 129 of the Ordinance of 2001 and remand the matter to lower forum; rather is bound to decide the same and may exercise all such powers as available.

Conclusion: i) See above analysis No i.
ii) The Commissioner Appeals lacks jurisdiction to go beyond the scope of section 129 of the Ordinance of 2001 and remand the matter to lower forum.

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17. **Supreme Court of Pakistan**
Irshad Khan v. The State
Cr.P.L.A No. 219-P of 2023
Mr. Justice Jamal Khan Mandokhail, Justice Musarrat Hilali, Mr. Justice Shakeel Ahmad
https://www.supremecourt.gov.pk/downloads_judgements/crl.p._219_p_2023.pdf

Facts: This Criminal Petition for Leave to Appeal is directed against the judgment of the High Court whereby the appeal filed by the petitioner was dismissed and his conviction and sentence of rigorous imprisonment for life with fine recorded by the trial Court, registered under Section 9-D KP CNSA, were maintained.

Issues: i) Whether deviation from the prescribed procedure under special enactments vitiates criminal proceedings?
ii) Whether non-compliance with Rule 25.14 of the Police Rules, 1934 renders the recovery proceedings doubtful?
iii) Whether a collective forensic report, instead of separate testing of samples, undermines the credibility of chemical examination?

Analysis: i) It is well-recognized principle of criminal jurisprudence arising out of the maxim “communi observantia non est recedendum” that when the law prescribes a specific procedure, it must be followed accordingly; any deviation renders the act questionable. In this context, reference may be made to the case of Noman Mansoor. This Principle is applied more stringently in the cases arising out of special enactments like the “Khyber Pakhtunkhwa Control of Narcotics Substance Act, 2019”, which prescribes severe punishment to the accused, therefore, it requires concrete and strong evidence to bring home guilt of the accused.

ii) Neither the seizing officer nor any official of the police took the pain to make videography of the recovery proceedings to establish that the recovery of the contraband was made from the vehicle driven by the accused-petitioner, nor photographs for complete coverage of the crime scene were taken as contemplated by Rule 25.14 of the Police Rules, 1934.
iii) Neither these samples were tested separately nor individual report of each sample prepared, which is violative of the principles laid down in Ameer Zeb's case (supra). In our view, the collective forensic report not only reduces the credibility of the chemical examination but also raises serious doubts regarding the representative nature of the samples sent for chemical analysis.

Conclusion: i) Deviation from the prescribed procedure under special enactments renders the proceedings questionable.
ii) Non-compliance with Rule 25.14 of the Police Rules, 1934 renders the recovery proceedings doubtful.
iii) See analysis No.ii

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18. **Supreme Court of Pakistan**
Umer Jan v. The State through AG, Khyber Pakhtunkhwa.
Jail Petition No.554/2023 and Criminal Petition NO.127/2023
Mr. Justice Muhammad Hashim Khan Kakar, Mr. Justice Ishtiaq Ibrahim, Mr. Justice Muhammad Ali Baqir Najafi
https://www.supremecourt.gov.pk/downloads_judgements/j.p._554_2023.pdf

Facts: The petitioner and his co-accused were convicted under Sections 302(b) and 324 of the Pakistan Penal Code (P.P.C.). Under Section 302(b), they were sentenced to 25 years of rigorous imprisonment as Ta'azir, along with payment of compensation to the legal heirs of the deceased. In case of default, they were to undergo an additional six months of simple imprisonment. Under Section 324 P.P.C., both were sentenced to five years of rigorous imprisonment and fined, with a further six months of simple imprisonment in case of non-payment. In a separate proceeding under the Khyber Pakhtunkhwa Arms Act, 2013, they were also convicted and sentenced to five years of rigorous imprisonment and fined, with an additional two months of simple imprisonment upon default. Aggrieved by their convictions and sentences, both convicts filed criminal appeals before the High Court. Simultaneously, the complainant submitted a revision petition seeking enhancement of the sentence from life imprisonment to the death penalty. The High Court dismissed the appeals with respect to the petitioner, thereby upholding his conviction and sentence. However, it allowed the appeal of the co-accused, resulting in his acquittal. The complainant's revision petition for enhancement of sentence was also rejected. The petitioner has now filed a criminal petition and a jail petition, seeking leave to appeal against the judgment of the High Court.

Issues: i) What is the golden principle for establishing a criminal case?
ii) Is an inconsistent defence version beneficial to the prosecution's case?

iii) Does the burden on the prosecution shift if the accused raises a defence or fails to prove it?

iv) What is the consistently applied rule regarding the establishment of a defence by the accused, particularly when the defence plea creates reasonable doubt in the prosecution's case?

v) Whether the approach of disbelieving the prosecution evidence with respect to one accused, while maintaining the conviction of the other on the same set of evidence, is legally sustainable?

vi) What the scope of selective reliance on certain portions of the defence evidence while discarding the rest during appreciation of evidence?

Analysis: i) It is trite law that the prosecution must stand on its own legs and prove its case beyond reasonable doubt through independent, reliable and confidence-inspiring evidence.

ii) The prosecution cannot take advantage of any perceived weakness or inconsistency in the defence version.

iii) The burden on the prosecution does not shift merely because an accused takes a plea in defence or fails to prove it.

iv) The rule laid down consistently by this court is that the accused is not required to establish his defence beyond reasonable doubt; even if a defence plea creates a reasonable doubt in the prosecution's case, the accused is entitled to its benefit as of right, not of grace.

v) This exercise is completely against the settled principle of appreciation of evidence, particularly, when no material evidence has been brought on record by the prosecution to distinguish the role of the petitioner from that of the acquitted co-accused.

vi) The selective reliance placed on certain portions of the defence evidence while discarding the rest is contrary to the settled principles of appreciation of evidence and undermines the fairness of the proceedings (…) The manner in which the learned High Court selectively relied upon certain portions of the defence evidence, is contrary to the settled norms of criminal justice.

Conclusion: i) The prosecution is required to establish its case beyond reasonable doubt through legally admissible evidence.

ii) No. The prosecution cannot derive benefit from the improprieties of the defence version.

iii) No.

iv) The accused is not required to establish his defence rather if he creates a reasonable doubt he is entitled to get its benefit as of right.

v) No.

vi) See above analysis No. vi

19. **Supreme Court of Pakistan**
Mst. Wajiha Rasheed v. Adeel Akhter and others
CPLA Nos. 2555 & 2556 of 2022.
Mr. Justice Yahya Afridi CJ, Mr. Justice Muhammad Shafi Siddiqui & Mr. Justice Miangul Hassan Aurangzeb
https://www.supremecourt.gov.pk/downloads_judgements/c.p._2555_2022.pdf

Facts: The parties contracted marriage against dower Rs.10,00,000 in addition to a Plot, but the husband's father sold the plot, leading the petitioner (wife) to file a suit for declaration as to ownership of the plot, which was decreed in her favour. Later on, she sought dissolution of marriage, which was dissolved, but since she failed to prove cruelty, the Family Court rejected her claim for dower. The High Court held that as the dissolution was by *khula*, so she could not retain the dower, including the plot. Hence, the petitioner filed petition for leave to appeal before Supreme Court.

Issues: i) Whether in case of cruelty or brutality by the husband, the wife is entitled to retain her dower on the dissolution of marriage?
ii) Whether the court can look into subsequent events at the time of deciding cases?
iii) Whether the wife has to forgo the dower amount when the marriage is dissolved on the basis of khula?
iv) If the cruelty is not proved, whether the family court can grant decree for dissolution of marriage on the basis of cruelty?

Analysis: i) We tend to agree with the findings of the family court that it would have been a different matter had the petitioner been able to prove cruelty or brutality at the hands of the respondent. In such an eventuality, the petitioner would have been entitled to retain her dower and there would have been no reason for the high court to interfere with the judgment and decree dated 06.11.2014 passed by the family court in Family Suit No.45 of 2012..
ii**)** It is well settled that courts can look into subsequent events at the time of deciding cases. With the passing of the decree dated 06.11.2014 in Family Suit No.45 of 2012 (which has been upheld by the appellate court and the high court), the decree dated 18.10.2011 that was given in the petitioner's favour in Suit No.216/FC of 2010 had become obsolete or unserviceable.
iii) It was held that the only logical conclusion was that the marriage should have been dissolved on the basis of khula in which event the wife would have to forgo the dower amount.
iv) Where the family court had reached the conclusion that no cruelty could be proved by the wife, it could not grant a decree for dissolution of marriage on the basis of cruelty under the Dissolution of Muslim Marriages Act, 1939.

Conclusion: i) In case of proof of cruelty by the husband the wife is entitled to retain her dower on the dissolution of marriage.

ii) The court can look into subsequent events at the time of deciding cases.
iii) The wife is liable to forgo the dower amount when the marriage is dissolved on the basis of khula.
iv) If the cruelty is not proved, the family court cannot grant decree for dissolution of marriage on the basis of cruelty.

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20. **Lahore High Court**
Najeeb Ullah v. Mangta Khan etc.
Crl. Appeal No: 433/2011
Ms. Justice Aalia Neelum Chief Justice
https://sys.lhc.gov.pk/appjudgments/2013LHC5812.pdf

Facts: The appellant paid respondent No.1 for land, but the registration was repeatedly delayed. Respondent No.1 then offered a different plot, received more money, and executed a registered sale deed. Later on, third parties claimed ownership of that land. Respondent No.1 offered yet another plot (5 Marlas) but allegedly forged the sale deed with incorrect boundaries, causing the appellant a loss of over Rs. 400,000. A criminal case under Section 420 PPC was filed, but the Judicial Magistrate acquitted respondent No.1. Hence, the instant appeal under Section 417(2)(a) Cr.P.C.

Issues: i) Is the approach to deal with an appeal against acquittal same as that for an appeal against conviction?
ii) Under what circumstances can an order of acquittal be interfered with?
iii) When does the presumption of innocence become reinforced or doubled?
iv) What limitations has the august Supreme Court highlighted in its judgment reported as *Jehangir v. Aminullah and others* (2010 SCMR 491) regarding the appellate court's power to convert an acquittal into a conviction?

Analysis: i) It is settled principle of law that an appeal against acquittal has distinctive features and the approach to deal with the appeal against conviction is distinguishable from the appeal against the acquittal because presumption of double innocence is attached in the later case.
ii) The order of acquittal can only be interfered with, if it is found on its face to be capricious, perverse, arbitrary or foolish in nature.
iii) It is established principle of law that after pronouncement of acquittal by a court of competent jurisdiction, the presumption of innocence becomes double.
iv) "It is well settled by now that "there are certain limitations on the power of the Appellate Court to convert acquittal into a conviction. It is well settled that "Appellate Court would not interfere with acquittal merely because on reappraisal of the evidence, it comes to the conclusion different from that of the court acquitting the accused, provided both the conclusions are reasonably possible. If, however, the conclusion reached by that court was such that no reasonable person would conceivably reach the same and was impossible then this court would interfere in exceptional cases on overwhelming proof resulting in conclusive and

irresistible conclusion; and that too with a view only to avoid grave miscarriage of justice and for no other purpose. The important test visualized in these cases, in this behalf was that the finding sought to be interfered with, after scrutiny under the forgoing searching light, should be found wholly as artificial, shocking and ridiculous". The view taken by this Court in *Ghulam Sikandar V. Mamaraz Khan* (PLD 1985 SC 11) is well known that "in an appeal against acquittal this Court would not, on principle, ordinarily interfere and instead would give due weight and consideration to the findings of Court acquitting the accused. This approach is slightly different from that in an appeal against conviction when leave is granted only for the re-appraisement of evidence which then is undertaken so as to see that benefit of every reasonable doubt should be extended to the accused. This difference of approach is mainly conditioned by the fact that the acquittal carries with it the two well accepted presumptions; one initial, that, till found guilty, the accused is innocent; and two that again after the trial a Court below confirmed the assumption of innocence. This will not carry the second presumption and will also thus lose the first one if on points having conclusive effect on the end result the Court below; (a) disregarded;(b) misread such evidence; (c) received such evidence illegally"

Conclusion: i) No. Both approaches are not same rather quite different.
ii) When it is found be capricious, perverse, arbitrary or foolish.
iii) After pronouncement of acquittal by a court of competent jurisdiction.
iv) See above analysis No. iv

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21. **Lahore High Court**
Ali Qasim Gillani etc. v. The State etc.
Crl. Misc. No. 3892-B of 2014.
Ms. Justice Aalia Neelum (The Chief Justice)
https://sys.lhc.gov.pk/appjudgments/2014LHC11595.pdf

Facts: The petitioners sought pre-arrest bail in a case registered under Sections 337-F(vi), 337-A(i), and 337-L(ii) of the Pakistan Penal Code. They were accused of unlawful entry, causing injuries, and theft. The allegations arose after a business dispute. The petitioners challenged the veracity of medical evidence, alleging mala fide intent, discrepancies between the Medico-Legal Report and Radiologist's findings, and misuse of legal process. No previous convictions were attributed to the petitioners.

Issues: i) Whether courts can evaluate merits of the case at the pre-arrest bail stage?
ii) Whether Medical Officer's omission to conduct CT scan by citing financial incapacity of the complainant reflect mala fide?

Analysis: i) It is worth mentioning to note that no doubt the mala fide is sine-quo for grant of pre-arrest bail but keeping in view the dictum laid down by the August Supreme Court of Pakistan in a case of "Meeran Bux v. The State and another"

(PLD 1989 SC 347), it is held that Court while deciding the pre-arrest bail can touch the merits of the case.
ii) The Radiologist also recommended CT scan of nosal bone of the complainant but the Medical Officer did not get it with the comments that the complainant is non affording, which is against the social status of the complainant, which also shows mala fide of the Medical Officer, who with the connivance of the complainant prepared Medico Legal Report, which also makes the case against the petitioner for further inquiry.

Conclusion: i) Court while deciding the pre-arrest bail can touch the merits of the case.
ii) See above analysis No ii.

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22. **Lahore High Court**
Muhammad Waseem alias Vicky v. The State
Crl. Misc.No.221977-B of 2018
Ms. Justice Aalia Neelum (The Chief Justice)
https://sys.lhc.gov.pk/appjudgments/2018LHC4387.pdf

Facts: The petitioner was named in under Sections 302, 324, 148, 149, and 109 PPC. He was accused of participating in a collective firing incident that resulted in the murder of the complainant's real brother and sister-in-law, and injuries to two others. He was arrested on 20.01.2014, and the charge was framed on 21.10.2014. Despite this, no prosecution witness was examined over the next several years. The trial court's record showed that around 70 adjournments were granted, mostly due to the prosecution's failure to produce evidence, with little to no delay caused by the accused. This was the petitioner's second bail application, filed on the ground of inordinate delay in the conclusion of trial.

Issue: i) Can prolonged delay in the conclusion of trial, not attributable to the accused, justify the grant of post-arrest bail in a murder case despite the seriousness of the allegations?

Analysis: i) The gravity of allegation, at one stage, has to yield to consideration of individual liberty and cannot be allowed to deny bail to an accused even in a case where despite he having completed almost 4 years and ten months in Jail, not a single prosecution witness is examined. Period of 4 years and ten months is quite a long period of an individual detention during trial. It becomes a matter of more concern when the Court finds that the prosecution has not been able to take off despite lapse of such a long time inasmuch as not a single witness has been examined. There is nothing on the record to show that either the petitioner is previously convicted or a hardened, desperate and dangerous criminal.

Conclusion: i) See above analysis No. i

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23. **Lahore High Court**
Ghulam Jaffar v. The State etc.
Criminal Appeal No. 29417 of 2022
Ms. Justice Aalia Neelum Chief Justice
https://sys.lhc.gov.pk/appjudgments/2022LHC9825.pdf

Facts: The appellant assailed his conviction by filing Criminal Appeal whereby the Electricity Utility Court convicted the appellant for an offence punishable under Section 462-1 PPC and sentenced him to undergo 01 year and 03 months rigorous imprisonment with the direction to pay a fine of Rs.1,00,000/- and in case of default in payment thereof to undergo simple imprisonment for two months further.

Issues: i) Whether an unexplained delay in lodging the FIR undermines the credibility of the prosecution's case?
ii) Whether failure to produce critical material evidence, such as the wires allegedly used for electricity theft, affects the prosecution's ability to prove the charge?
iii) Whether recovery memos containing alterations or inconsistencies can be relied upon as credible evidence?
iv) Whether failure to establish ownership or possession of the premises weakens the prosecution's case in electricity theft offences?

Analysis: i) There is almost three days delay in lodging the complaint, which needs to be explained by the prosecution. What prevented the complainant from lodging the complaint immediately after preparing the recovery memo? There is absolutely no evidence on the prosecution's side to show the reason for three days delay in lodging the complaint.
ii) According to the prosecution case, the allegation against the appellant was that he was committing theft of electricity by connecting his wire directly from the main cable/line of GEPCO. (…) However, the wire, connected directly with the main cable/line of GEPCO, was not taken into possession. The surveillance team of GEPCO has not secured this piece of evidence nor produced it before the complainant. The prosecution has withheld the best piece of evidence. It is, undoubtedly, the prosecution's duty to lay before the Court all material witnesses and case properties secured during the investigation available to it to unfold its case. Non-production of necessary witnesses or material before the court could be said that the prosecution withheld the best evidence.
iii) As per the recovery memo, it was only mentioned 'Single phase Meter No.181232' and nothing was mentioned reflecting from the recovery memo that where 'Single phase Meter No.181232' was installed. It was also not mentioned by whom and when the said meter was removed or whether the same was sealed after removal from the premises. A perusal of the recovery memo reveals that the consumer's name and the meter number were changed from the one written earlier after putting 'whitener.' The seizer memo shows that the connection was in the

name of Shahid Imran, son of Ghulam Jaffer, the appellant's son.
iv) No documentary evidence is produced by the prosecution to establish that the appellant is the owner of the house. For obvious reasons best known to the complainant, the witnesses have not produced any proof that the premises belonged to the appellant.

Conclusion: i) The unexplained three-day delay in filing the FIR seriously undermines the credibility of the prosecution's case and creates doubt in the occurrence.
ii) See analysis ii above.
iii) See analysis iii above.
iv) In the absence of documentary proof establishing the appellant's ownership or possession of the premises, liability for electricity theft cannot be fastened upon him.

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24. **Lahore High Court**
Syed Imtiaz Hussain (Deceased) through his Legal heirs etc. v. Muhammad Hussain and 35 others
Civil Revision No. 830-D of 2016.
Mr. Justice Mirza Viqas Rauf
https://sys.lhc.gov.pk/appjudgments/2025LHC5519.pdf

Facts: A suit for partition was preliminary decreed with the consent of the parties. In pursuance to the preliminary decree local commission submitted his report, which was objected by both the sides but objections were turned down and final decree was passed. The appeal was accepted by learned ADJ. Hence, the revision petition was filed before the Hon'ble High Court.

Issues: i) Whether appeal is competent against judgment or decree?
ii) Whether the appellate court is competent to dispense with the production of any document?
iii) Whether non preparation of decree is a fault of court or the party and who can be penalized for this fault?
iv) Whether appellate court has power to mould the relief?
v) When the judgment of trial court and first appellate court are at variance, which judgment is to be given the preference by the High Court?

Analysis: i) It clearly manifests that appeal in terms thereof is only competent against the decree and not the judgment.
ii**)** It is also obvious therefrom that an appellate court is though competent to dispense with the production of copy of judgment but not the decree, which is sine qua non for preferring an appeal.
iii) It is an oft repeated principle of law that no party can be made to suffer on account of any act or omission of Court. Preparation of decree was the function of court and its ministerial staff, which was subject to supply of stamp duty by the applicants. There was no fault of respondents in preparation of decree. Had there

been any peccadillo on the part of respondents it cannot be made basis to penalize them in the shape of dismissal of their appeal. This well-known principle is founded on maxim "actus curiae neminem gravabit" (an act of the court shall prejudice no man). A litigant cannot be taxed, much less penalized of the act or omission of the court.

iv) Suffice to observe that decree sheet was prepared during the pendency of the appeal, so the appellate court was vested with the power to mould the relief for meeting the ends of justice.

v) It is cardinal principle of law that in the matter of giving preference to the judgments of lower courts, while analyzing the same in exercise of revisional jurisdiction, the preference and regard is always given to the findings of the appellate court, unless those are suffering with any legal infirmity or material irregularity.

Conclusion: i) Appeal is only competent against the decree and not the judgment.

ii) Appellate court is competent to dispense with the production of copy of judgment but not the decree.

iii) See above analysis No.iii

iv) Appellate court has the power to mould the relief to meet the ends of justice.

v) The preference is given to the findings of the appellate court.

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25. **Lahore High Court**
Mst. Shehnaz Bibi v. Magistrate Ist Class, Sahiwal, and others
Writ Petition No.3893/2024
Mr. Justice Tariq Saleem Sheikh
https://sys.lhc.gov.pk/appjudgments/2025LHC5492.pdf

Facts: The petitioner's two sons were killed in a police encounter and buried in her rivals' area after postmortem; she sought their reburial elsewhere, but the Magistrate dismissed the request for want of jurisdiction.

Issues: i) What does section 174 Cr.P.C. require from police, and what power does it give to a Magistrate?

ii) What powers do section 176 Cr.P.C, read with the High Court Rules, give a Magistrate in custody deaths and exhumation?

iii) Does any law permit exhumation solely for emotional hardship or access difficulties?

iv) How do Quran and Hadith forbid causing harm to the dead?

v) What lesson about burial is taught in Verse 31 of Surah Maidah through the story of Cain and the raven?

vi) What does Durr-ul-Mukhtar state about relocating a deceased's body according to the four Sunni schools of thought?

vii) What exceptions to the prohibition of exhumation are recognised in *A Selection of Islamic Laws* by Grand Ayatollah Yousaf Saanei?

viii) What conditions for allowing or prohibiting exhumation are outlined in *Tawdheeh al-Masaa'il* by As-Sayyid Ali al-Seestani?

ix) Does the Hadith on visiting graves make it an obligatory duty to visit specific graves or require physical presence?

Analysis: i) Section 174(1) Cr.P.C. mandates that the officer in charge of a police station, or any officer specially authorized by the Provincial Government, must immediately inform the nearest Magistrate when a person has (a) committed suicide; (b) been killed by another person, animal, machinery, or accident; or (c) died under circumstances that raise a reasonable suspicion of an offence. Unless otherwise directed by rules, the officer must proceed to the place of occurrence, conduct an investigation in the presence of at least two respectable residents, and prepare a report describing the apparent cause of death and any visible injuries, including how and by what means they were likely inflicted. Section 174(5) Cr.P.C. empowers a Magistrate of the First Class to conduct inquests.

ii) Section 176(1) Cr.P.C. provides that when a person dies in police custody, the nearest Magistrate authorized to conduct inquests must hold an inquiry into the cause of death. (...) Section 176(2) empowers the Magistrate to order exhumation if necessary to determine the cause of death, even after burial. This provision is supplemented by the Lahore High Court Rules and Orders (Vol. III, Chapter 18, Part A, Rules 2 and 3).

iii) There is no provision in the Code, the Lahore High Court Rules and Orders, or even the Police Rules that permit exhumation merely to alleviate emotional hardship or to address access difficulties.

iv) Verse 58 of Surah Ahzab ordains that those who cause harm to Muslim men and women without justification commit a great sin. Islamic scholars interpret this verse as applicable to both living and deceased Muslims. Similarly, in Hadith Nos. 3208 and 1618 of Sunan Abu-Dawood and Hadith No. 1616 of Ibn-e-Maja, Hazrat Ayesha R.A. narrated that the Prophet Muhammad (peace be upon him) said that causing harm to a dead person is akin to harming a living person.

v) The above principle is further highlighted regarding the deceased in Verse 31 of Surah Maidah, where it is narrated that when Cain was uncertain about how to handle the body of his brother Abel, whom he had murdered, Allah sent a raven as a sign. The raven dug the earth to bury another raven, thus teaching Cain the proper way to bury his brother's body.

vi) The following excerpt from Durr-ul-Mukhtar2 extensively examines the issue of relocating a deceased's body from its original burial site to another location with reference to the views of each of the four recognized Sunni schools of thought:

<u>دفن کے بعد میت کو دوسری جگہ منتقل کرنا:</u> اس بارے میں فقہاکی دو رائیں ہیں۔ مالکیہ اور حنابلہ کے ہاں وہ کسی مصلحت کی وجہ سے منتقل کرنا جائز ہے۔ شوافع کے ہاں سوائے ضرورت کے جائز نہیں اور حنفیہ کے ہاں کسی صورت میں بھی جائز نہیں ۔ (الدرالمختار /480) جس کی تفصیل یہ ہے کہ مالکیہ کے ہاں میت کو ایک جگہ سے دوسری جگہ یا ایک شہر سے دوسہرے شہر میں یاشہر سے دیہات میں اس شرط کے ساتھ کہ میت منتقل کرتے وقت پھٹ نہ جائے اور اس کی بے حرمتی نہ ہو منتقل کرنا جائز ہے نیز اس میں کوئی مصلحت بھی ہو جیسے سمندر یا

کسی درندے کے کھاجانے کا خطرہ ہو یا جہاں منتقل کیاجارہا ہے وہ بابرکت جگہ ہے یا اپنے اہل وعیال کے درمیان دفن کرنا مقصود ہے یا اہل وعیال کے قریب لانے کی وجہ سے ۔حنابلہ کے ہاں میت کو کسی صحیح غرض ومقصد کی خاطر منتقل کرنا جائز ہے مثلا جہاں دفن کیاگیا ہے اس سے بہتر جگہ دفن کرنا کسی بزرگ کے قریب تاکہ اس پر بھی اس کی برکت ہو سوائے شہید کے جب کہ وہ میدان قتال میں دفن کیاگیا ہو تو اس کو وہاں سے منتقل نہ کیاجائے اگر کسی نے منتقل کیا تو واپس اس جگہ لے جانا مستحب ہے۔ کیونکہ شہید کو میدان قتال میں دفن کرنا سنت ہے نبی کریم ﷺ نے مقتولین اُحد کے متعلق حکم فرمایا کہ انہیں اپنی قتل کی جگہوں پر دفن کرو جب کہ انہیں مدینہ میں لایاجارہا تھا۔ (نیل الاوطار 112/4)

شوافع کے ہاں میت کو دفن کے بعدمنتقل کرنے وغیرہ کی غرض سے نکالنا حرام ہے ہاں اگر ضرورت ہو مثلابلاغسل وتیمم دفن کیاگیا یا مغضوب جگہ میں یا کپڑے میں کفنا کردفن کیاگیا یا مال گرگیا ہو قبر میں یا قبلہ رخ دفن نہ کیاگیا ہو تو نکالنا درست ہے۔ اور صحیح یہ ہے کہ کفن کے لیے نہ نکالا جائے کیونکہ کفن کا مقصد پردہ کرنا ہے جو مٹی سے حاصل ہوگیا نیز نکالنے میں بے حرمتی بھی ہے۔ حنفیہ کے ہاں میت کو دفن کرنے کے بعد دوسری جگہ منتقل کرنا کسی صورت میں بھی جائز نہیں۔

vii) The celebrated book, A Selection of Islamic Laws, 3 based on the verdicts of Grand Ayatollah Yousaf Saanei, a prominent Shia jurist, addresses the issue of exhumation in the following terms: ―

> "Issue 290: It is forbidden to exhume the dead body of a Muslim, that is, to open their grave even if it belongs to a child or an insane person. However, it does not matter to do so if the dead body has been decomposed and turned into dust.
>
> Issue 291: To exhume the dead body of a Muslim is not forbidden in the following cases:
>
> 1) When the dead body has been buried in a usurped land whose owner does not consent for the dead body to be buried there.
> 2) When the shroud or any other thing buried with the dead body is a usurped property whose owner does not consent for it to remain with the dead body in the grave. Similarly, when any part of the dead person's legacy for his heirs or heiresses is buried in the grave and the heirs and heiresses do not consent to let it remain with the dead body in the grave, but if the legacy is not considerable and costly, for instance, a ring and the like, especially if it does not inflict any considerable harm to the heirs and heiresses to let it remain with the dead body, it will be a case of Ta'ammul and Ishkaal, (i.e., a case of precaution not to do it). However, if the dead person has willed some certain written prayer, the Holy Quran, or a ring of theirs to be buried with their dead body, it is not permissible to open the grave in order to take these things out, provided that the willed thing to remain with the dead body do not exceed one-third of their property.
> 3) When the dead body has been buried without the obligatory Ghusl or without a shroud; or when others learn that the Ghusl given to

the dead body has been void or the dead body has not been shrouded according to religious rules, or when it is learned that the dead body has not been placed in the grave facing the Qibla.

4) When it is necessary to see the dead body in order to defend a right.
5) When the dead body has been buried in a place where it is seen as disrespect to the dead person, for instance, in a place where garbage is thrown.
6) When it is the matter of a legal purpose which is considered more important than exhumation, for instance, to open the grave in order to take a living baby out of the womb of a dead woman who has been buried.
7) When it is feared that a predator would tear up the dead body or it will be taken away by flood or exhumed by enemies.
8) To bury a part of a buried dead body, but as an obligatory precaution, it must be placed in the grave in such a way that the dead body is not seen."

viii) Similar views are found in Tawdheeh al-Masaa'il by As-Sayyid Ali al-Husseini al-Seestani, another eminent Shia scholar. He states:

"647. If it is proposed to transfer the dead body to some other town or its burial is delayed owing to some reason, the Wehshat prayers (وتشح امنز (should be deferred till the first night of its burial.4

648. It is Haraam to open the grave of a Muslim, even if it belongs to a child or an insane person. However, there is no objection to do so if the dead body has decayed and turned into dust.

649. Digging up or destroying the graves of the descendants of Imams, martyrs, the Ulema, and pious persons is Haraam, even if they are very old because it amounts to desecration.

650. Digging up the grave is allowed in the following cases:

1) When the dead body has been buried in a usurped land, and the owner of the land is not willing to let it remain there.
2) When the Kafan of the dead body or any other thing buried with it had been usurped and the owner of the thing in question is not willing to let it remain in the grave. Similarly, if anything belonging to the heirs has been buried along with the deceased and the heirs are not willing to let it remain in the grave. However, if the dead person had made a will that a certain supplication or the Holy Qur'an or a ring be buried along with his dead body, and if that will is valid, then the grave cannot be opened up to bring those articles out. There are certain situations when the exhuming is not permitted even if the land, the Kafan or the articles buried with the corpse are Ghasbi. But there is no room for details here.
3) When opening the grave does not amount to disrespect of the dead person, and it transpires that he was buried without Ghusl or

Kafan, or the Ghusl was void, or he was not given Kafan according to religious rules, or was not laid in the grave facing the Qibla.

4) When it is necessary to inspect the body of the dead person to establish a right, which is more important than exhumation.
5) When the dead body of a Muslim has been buried at a place that is against sanctity, like, when it has been buried in the graveyard of non-Muslim or at a place of garbage.
6) When the grave is opened up for a legal purpose, which is more important than exhumation. For example, when it is proposed to take out a living child from the womb of a buried woman.
7) When it is feared that a wild beast would tear up the corpse or it will be carried away by flood or exhumed by the enemy.
8) When the deceased has willed that his body be transferred to sacred places before burial, and if it was intentionally or forgetfully buried elsewhere, then the body can be exhumed, provided that doing so does not result in any disrespect to the deceased."

ix) No doubt, the above-mentioned Hadith encourages visiting graves, but it does not create an obligatory command such that noncompliance would entail religious liability. Most importantly, it does not require visitation to a particular grave or obligate a specific individual to visit the grave of a specific deceased person. The prophetic instruction is general in nature and directed at the Muslim community as a whole. Its religious benefit – softening the heart and remembering the Hereafter – can be attained by visiting any grave or cemetery. The benefit of grave visitation primarily accrues to the living, and prayers for the deceased may be offered from any location without the necessity of physical presence at the burial site.

Conclusion: i) Police must inform Magistrate of certain deaths; Magistrate may conduct inquests.

ii) Magistrate must inquire into custody deaths and may order exhumation to determine cause.

iii) Exhumation is not allowed for emotional hardship or access issues.

iv) Quran and Hadith prohibit harming the dead as harming the living.

v) Surah Maidah teaches burial as respect for the deceased through Cain and the raven.

vi) See analysis No.vi.

vii) See analysis No.vii.

viii) See analysis No.viii.

ix) Visiting graves is recommended but not obligatory, and prayers can be made anywhere.

26. **Lahore High Court**
Muhammad Khalid Chaudhry & 02 others. v. Dr. Manzoor Hussain Malik etc.
CR No. 437 of 2025/BWP
Mr. Justice Muzamil Akhtar Shabir.
https://sys.lhc.gov.pk/appjudgments/2025LHC5450.pdf

Facts: The petitioners (defendants 1 to 3) filed this revision petition under Section 115 C.P.C. challenging the order of the Trial Court, whereby in a suit for specific performance filed by respondent No. 1, their application seeking dismissal of the suit on the ground of the arbitration clause in the agreement to sell was dismissed.

Issues: i) What is the requirement when a court relies upon case law in support of its order?
ii) Whether an order otherwise sustainable can be set aside solely on account of reliance upon irrelevant or distinguishable case law?
iii Whether an order based solely on irrelevant and distinguishable case law without independent reasoning is sustainable?

Analysis: i) Where the said court relies upon some case law in support of the order, the proposition required to be decided by reference to said case law should have nexus to the principles laid down therein.
ii) An order which is otherwise sustainable on basis of merits of the case should not be set-aside merely because reference to a judgment based on distinguishable facts and unrelated and irrelevant case law has inadvertently been made in the same.
iii) Where the impugned order is based solely by placing reliance on a judgment which does not discuss or lay down the principle(s) of law subject matter of the case in hand and is distinguishable on facts mentioned therein, and Court gives no other reason for reaching the conclusion that how said case law was relevant, then making reference to such a case-law based on previous judgment to reach the conclusion is not sustainable.

Conclusion: i) The proposition decided by relying on case law must have a nexus with the principles laid down therein.
ii) An order sustainable on merits cannot be set aside merely for inadvertent reliance on irrelevant or distinguishable case law.
iii) An order based solely on irrelevant and distinguishable case law without independent reasoning is not sustainable.

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27. **Lahore High Court**
Ghulam Abbas v. Ghulam Haider
D. No. 111493 of 2025
Mr. Justice Muzamil Akhtar Shabir
https://sys.lhc.gov.pk/appjudgments/2025LHC5546.pdf

Facts: The petitioner filed this Civil Revision to challenge the order passed by learned Additional District Judge, whereby he had allowed the appeal filed by respondent with the result that order passed by the trial court, declining the application for setting-aside ex-parte proceedings initiated against the respondent in a suit for specific performance of contract, was set-aside. On this Civil Revision, separate office objections at Serial Nos. 3, 14 and 26 had been raised by office. Learned counsel for the petitioner primarily contested the office objection at Serial No.14 which is that how this revision is competent in view of Punjab Amendment in Section 115(5) of CPC and the remaining two objections relating to insufficiency of court fee and incomplete case having been filed are dependent upon the decision of objection at Serial No.14 mentioned above.

Issue: i) What is the Punjab Amendment to Section 115 of the code of Civil Procedure 1908 for clarity about the point on filing of a revision?
ii) What is the law which bars second revision, for the reason that if revision had been filed before the Additional District Judge or the appeal had been converted into a revision**?**
iii) Whether filing of civil revision before High Court against an order passed by Additional District Judge is a proper legal remedy, whereby he had allowed the appeal filed by respondent with the result that order passed by the trial court declining the application for setting-aside ex-parte proceedings initiated against the respondent, particularly in the light of Punjab Amendment to Section 115(5) of the Civil Procedure Code 1908?

Analysis: i) For clarity, Sub-Section 5 of Section 115 CPC is reproduced below:

"S. 115 Revision: ……

(5) No proceedings in revision shall be entertained by the High Court against an order passed by the District Court under Section 104."

ii) In view of Sub Sections 3 & 4 of Section 115 CPC which bar second revision in the proceedings and are reproduced below:

"S. 115(3) If any application under subsection (1) in respect of a case within the competence of the District Court has been made either to the High Court or the District Court, no further such application shall be made to either of them." (4) No proceedings in revision shall be entertained by the High Court against an order made under subsection (2) by the District Court."

iii) The said subsection provides that against any order passed in appeal under Section 104 CPC, revision petition is not maintainable. Although the appeal filed by the respondent does not mention under which Section the same had been filed, admittedly it was not an appeal against decree under Section 96 of the CPC and at the most could be treated as an appeal under Section 104 CPC. Whether appeal before the Additional District Judge was competently filed or not, the same has been decided as an appeal against order and not by converting the same into a revision. In view thereof, in terms of subsection 5 of Section 115, remedy of revision was not available against the said order. .

Conclusion: i) See above analysis No. i
ii) See above analysis No. ii.
iii) Against any order passed in appeal under Section 104 CPC, revision petition is not maintainable

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28. **Lahore High Court**
Muhammad Ashraf v. Sui Northern Gas Pipelines Limited Company and another
Writ Petition No. 46461/2025
Mr. Justice Malik Waqar Haider Awan
https://sys.lhc.gov.pk/appjudgments/2025LHC5512.pdf

Facts: Through this constitutional petition, petitioner has challenged passed by learned Additional District Judge/Gas Utility Court, whereby the application for framing of issue was dismissed.

Issues i) Whether the constitutional petition against the interlocutory order is not maintainable?
ii) What is purpose of enactment of the Gas (Theft Control and Recovery) Act, 2016?
iii) What is meaning of Latin maxim "ejusdem generis" and "expressio unius est exclusio alterius"?
iv) Whether special law prevails over general law?
v) Whether barrier of limitation does not come in the way of Gas Utility Companies for recovery of any outstanding amounts due against the defaulting consumers?

Analysis: i) At the very inception, it is imperative to deal with the objection raised regarding maintainability of the instant constitutional petition. It is not the rule of thumb that against an interlocutory order, where a statute bars an appeal, review or revision, constitutional petition is not maintainable. It is for the Court to decide regarding maintainability of constitutional petition, seized of the matter, to appreciate whether the order is hitting the root of the case and if the defect is not rectified, the trial may become defective, and upon its conclusion the appellate court has to remand the case to cure the defect. In my view, it would be sheer wastage of public time and would cause delay in the outcome of final decision.
ii) While having a bird's eye view of the Preamble of the Act 2016, it becomes crystal clear that it is a special law made for specific purposes. Section 20 of the Act 2016 specifically provides that no time bar shall apply in respect to ordering recovery of arrears of dues of any kind or in respect to initiating proceedings in this regard. Section 31 of the Act 2016 further stimulates the intention of the legislature…The Preamble of the Act, 2016 articulates the purpose the legislature intended to achieve. The rudimentary rule for interpretation of a statute is to remain faithful to the intent of the lawmaker and adopt an interpretation which

supports the attainment of the statute's objective. The spirit of Act 2016 is expeditious recovery of amounts due against defaulters. I am clear in my mind that defaults made by the consumers would not become unrecoverable with the afflux of time. For this very purpose, Section 20 of the Act 2016 has been inserted according to which limitation does not come in the way of Gas Utility Companies, defined in Section 2(h) of the Act 2016, for recovery of any outstanding amounts payable by the consumers.

iii) It is a well celebrated Latin maxim "ejusdem generis" and "expressio unius est exclusio alterius" which means that when two rules or laws exist, one general and one specific, the specific rule takes precedence over general rule.

iv) This view has been further fortified by the august Supreme Court of Pakistan through its recent judgment reported as Ahsan Ali Dawach v. The State through Chairman NAB and others (2025 SCMR1041) wherein it has been held that when special law and general law come into collision, the special law prevails, however, in case of deviation, rule of harmonious construction may be adopted.

v) From the above, it is clear and manifest that bar of limitation does not apply for recovery of arrears of dues of any kind, thus framing of issue qua limitation would be going against the intention of framers of the statute and would be a futile exercise

Conclusion: i) It is not the rule of thumb that against an interlocutory order, where a statute bars an appeal, review or revision, constitutional petition is not maintainable.

ii) See above analysis No.ii

iii) When two rules or laws exist, one general and one specific, the specific rule takes precedence over general rule.

iv)When special law and general law come into collision, the special law prevails.

v) Bar of limitation does not apply for recovery of arrears of dues of any kind.

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29. **Lahore High Court**
Saira Bibi & 4 others v. Muhammad Hafeez & another
Writ Petition No.2705 of 2021
Mr. Justice Malik Javid Iqbal Wains
https://sys.lhc.gov.pk/appjudgments/2025LHC5536.pdf

Facts: The petitioners filed family suits before the Family Court in Pakistan. The defendants sought return of the plaints, which was initially rejected. However, on appeal, the Appellate Courts accepted the defendants' appeals and dismissed the petitioners' suits, ruling that although the parties temporarily reside in Pakistan, they are permanent residents of Azad Jammu & Kashmir (AJ&K). Since the marriages were solemnized and registered in AJ&K, the Appellate courts held that no cause of action arose within Pakistan's jurisdiction. Hence these writ petitions, which are decided through this consolidated judgment.

Issues: i) What is one of the condition precedents for invoking the jurisdiction of Family Courts under the Family Courts Act 1964?

ii) According to the Interim Constitution, what is the legal status of State Subjects from AJ&K who have migrated to Pakistan?
iii) Whether status of parties as permanent residents of Azad Jammu & Kashmir excluded them from the territorial jurisdiction of the Family Court in Pakistan?

Analysis: i) One of the condition precedents for invoking jurisdiction of Family Courts Act 1964, besides other requirements stated in Section 5 thereof, is found embedded in the Muslim Family Law Ordinance, 1961, applicability criterion whereof was limited to the Muslim Citizens of Pakistan, wherever they may be.
ii) It is pertinent to observe that the Interim Constitution of AJ&K explicitly recognizes AJ&K as a liberated territory forming part of the State of Jammu and Kashmir. Within this constitutional framework, State Subjects who have migrated to and are residing in Pakistan cannot be treated as foreigners. Rather, in terms of Section 14B of the Act, 1951, they are to be regarded as citizens of Pakistan.
iii) Having said so, this Court holds that individuals, who are recognized as State Subjects of the State of Jammu and Kashmir and are residing in Pakistan, shall be deemed to be citizens of Pakistan in terms of Section 14B of the Act, 1951. Simultaneously, such individuals shall retain their status as State Subjects. This dual legal recognition as both citizens of Pakistan and State Subjects has binding significance in the adjudication of matters relating to personal law, family rights, property entitlements, and civil status within the jurisdiction of Family Courts and other relevant forums in Pakistan.

Conclusion: i) One of the condition precedents for invoking jurisdiction of Family Courts under the Family Courts Act 1964 is found in the Muslim Family Law Ordinance, 1961.
ii) State Subjects from AJ&K who have migrated to and are residing in Pakistan are not considered foreigners; they are to be regarded as citizens of Pakistan.
iii) No, status of parties as permanent residents of Azad Jammu & Kashmir did not exclude them from the territorial jurisdiction of the Family Court in Pakistan.

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30. **Lahore High Court**
Amir Khan v. The State, etc.
Writ Petition No.42652/2024
Mr. Justice Ch. Sultan Mahmood
https://sys.lhc.gov.pk/appjudgments/2025LHC5527.pdf

Facts: The petitioner, a police officer, was directed to arrest accused persons despite their prior exoneration in investigations. He challenged the order of the Ex-Officio Justice of Peace, alleging unlawful interference in the investigative process and violation of legal and constitutional principles.

Issues: i) Whether a Justice of Peace can issue directions beyond lawful jurisdiction without proof of deliberate inaction, misconduct, or mala fide?

ii) In which cases may a Justice of Peace direct the registration of a criminal case against a police officer?

iii) Whether an order passed by a Justice of Peace is binding upon the police authorities?

iv) Whether Courts can interfere with investigation which, under Chapter XIV Cr.P.C. and Police Rules, is the exclusive domain of the police?

v) Whether Section 561-A Cr.P.C. empowers the High Court to quash or transfer investigations?

vi) Whether satisfaction under Section 54 Cr.P.C. is a mandatory precondition before effecting an arrest?

vii) Whether a direction to arrest amounts to an invasion in the process of investigation?

Analysis: i) Where the learned Ex-Officio Justice of Peace was seized of a complaint regarding delay in completion of investigation and submission of challan, he was bound to act within legal parameters. He ought to have called for a written explanation from the Investigating Officer regarding the delay. If found unsatisfactory, appropriate directions could have been issued to the competent supervisory authority to ensure timely completion of investigation and submission of the report in accordance with law. However, any such direction must remain within the scope of lawful jurisdiction and must not encroach upon the investigative discretion of the police, unless there is a demonstrable case of deliberate inaction, misconduct, or mala fide on the part of the officer concerned. The need for caution and restraint in such matters has been emphasized by this Court in Khizar Hayat's case.

ii) The legal position, as now well emphasized, is that an order passed by the learned Ex-Officio Justice of Peace is binding and must be complied with by the police authorities, unless there exists a valid and lawful reason for non-compliance.

iii) The legal position, as now well emphasized, is that an order passed by the learned Ex-Officio Justice of Peace is binding and must be complied with by the police authorities, unless there exists a valid and lawful reason for non-compliance.

iv) It is now trite law that the Courts do not possess the jurisdiction to interfere with the process of investigation, which is an exclusive domain of the police under Chapter XIV of the Code of Criminal Procedure.

v) However, Section 561-A Cr.P.C. does not empower the High Court to quash investigations or transfer them between agencies. This provision only preserves the Court's inherent powers to prevent abuse of process and to secure justice strictly through judicial means, and in this context, the Supreme Court clarified that "ends of justice" under Section 561-A Cr.P.C. pertain solely to judicial proceedings and cannot be extended to cover actions of investigating agencies, which lie outside the scope of judicial process.

vi) The Hon'ble Supreme Court6 further reiterated that the satisfaction required under Section 54 Cr.P.C. is a mandatory precondition before effecting an arrest. In the absence of material justifying such satisfaction, arresting a person solely on the ground of being named in the F.I.R. constitutes an abuse of authority and misuse of police powers.

vii) Arrest is a term of art as has not be defined in the Criminal Procedure Code of 1898. The Section 46 of the Code stipulates that in making an arrest, the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there is submission to the custody by word or action. The next relevant provision is Section 54 which mandates that police officer may arrest the accused. The usage of word may is very meaningful in the scheme of law so the police officer is not under a bounden duty to arrest an accused.

Conclusion: i) A Justice of Peace cannot interfere with police investigation without proof of mala fide, misconduct, or deliberate inaction.

ii) A Justice of Peace may direct registration of a criminal case only in extreme cases involving clear abuse of authority or highhandedness.

iii) An order of a Justice of Peace is binding on police unless there exists a valid and lawful reason for non-compliance.

iv) Courts cannot interfere with investigation, as it exclusively lies with the police under Chapter XIV Cr.P.C. and Police Rules.

v) Section 561-A Cr.P.C. does not empower the High Court to quash or transfer investigations, as it pertains solely to judicial proceedings.

vi) Satisfaction of the police officer under Section 54 Cr.P.C. is mandatory before arrest.

vii) A direction to arrest invades investigation as arrest under Section 54 Cr.P.C. is discretionary, not mandatory.

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31. **Lahore High Court**
Maryam Bibi V. The State and 8 others
Writ Petition No. 45328 of 2025
Mr. Justice Tanveer Ahmad Sheikh
https://sys.lhc.gov.pk/appjudgments/2025LHC5459.pdf

Facts: Through petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner assailed order passed by District Police Officer whereby investigation of case was changed on the recommendation of District Standing Board.

Issues: i) What are the parameters for exercising authority under Article 18-A of the Police Order, 2002 to order for further investigation / re-investigation or transfer of investigation?

ii) What is the scope for further investigation / re-investigation after charge has been framed by court and trial has started?

iii) What condition has been imposed by Section 24-A of the General clauses Act, 1897 on exercise of power by an authority?

Analysis: i) Crux of the above judgments leads to the conclusion that the order for further investigation / reinvestigation / transfer of ongoing investigation should be passed not as a routine matter. It should not be passed merely on the ground that one party was dissatisfied by the opinion of the Investigating Officer. It cannot be passed to oblige the one party to the detrimental of the other party. It has to be passed sparingly and in exceptional cases, where it appears that; i. certain aspects regarding basic constituting elements of the offence, or version of the accused could not be investigated. ii. new facts / better evidence or further information has become available, which has direct essential / vital nexus with the alleged crime. iii. some proclaimed offender in the case has been arrested and important piece of evidence like recovery of weapon of offence has to be collected and other allied matters has to be investigated. iv. defects of vital nature in the already conducted investigation has been marked / detected/ pointed out. v. already conducted investigation remained unsatisfactory due to nonavailability of required evidence. vi. initial investigating officer has extended undue favour to one party by induction of false evidence, or causing some material piece of evidence to disappear or otherwise happens to be biased or partial. vii. Investigating Officer happens to be negligent, incompetent or has failed to perform his duty properly. viii. investigation needs to be transferred to some other forum or team due to some technical/sensitive issues. ix. there is any other compelling circumstance, which makes it necessary that investigation should be transferred to some other officer.

ii) So far as passing of order for further investigation/reinvestigation after framing of the formal charge is concerned, scope for the same slims down and stands confined to limited circumstances, because when investigation has been completed regarding an accused person and report under Section 173 of Cr.P.C. has been submitted regarding him, it indicates that each and every aspect of the case regarding the said accused has already been probed into and material produced by both the sides has already been collected and brought on file and I.O has also rendered opinion, therefore, such like order may be passed in very exceptional circumstances and in rarest of rare case, where some new information emerges, which requires further probe/clarification necessitating the supplementary investigation for the collection of more evidence.

iii) It is also pertinent to mention here that Session 24-A of the General Clauses Act, 1897 (inserted by Act IX of 1997) speaks that when a power has been conferred on an authority for passing any order, the authority shall pass the order reasonably, fairly, justly and for the advancement of the purpose of enactment and the authority shall also give reasons for passing the order.

Conclusion: i) See above analysis (i)

ii) Such like order may be passed in very exceptional circumstances and in rarest of rare case, where some new information emerges, which requires further

probe/clarification necessitating the supplementary investigation for the collection of more evidence.

iii) The authority shall pass the order reasonably, fairly, justly and for the advancement of the purpose of enactment and the authority shall also give reasons for passing the order.

LATEST LEGISLATION/AMENDMENTS

1. Vide The Pakistan Citizenship (Amendment) Act, 2025 dated 13-08-2025; amendment in section 14-A of the Pakistan Citizenship Act, 1951 is made.
2. Vide The Legal Practitioners and Bar Councils (Amendment) Act, 2025 dated 29-08-2025; amendments are made in section 7 & schedule, substitution of section 5A & 5B of The Legal Practitioners and Bar Councils Act, 1973.
3. Vide Official Gazette of Pakistan dated 02-09-2025; The Pakistan Land Port Authority Act, 2025 is enacted to administer an integrated system of facilities for cross border movement of goods and passengers at land ports.
4. Vide The Petroleum (Amendment) Act, 2025 dated 02-09-2025; amendments are made in sections 2, 4 & 23 of The Petroleum Act, 1934.
5. Vide The Anti-Terrorism (Amendment) Act, 2025 dated 04-09-2025; amendments are made in section 2 & 11EEEE of The Anti-Terrorism Act, 1997.
6. Vide Notification No. SO(CAB-1)6-10/2025 dated 01-09-2025; The Lahore High Court Leave Rules, 2025 are promulgated.
7. Vide Notification No .SO(CAB-I)2-2/2011(ROB) dated 08-08-2025; the existing heading at serial No.40 is omitted and heading at serial No.7 is inserted in The Punjab Government Rules of Business, 2011.
8. Vide Notification No. SO(CAB-I)2-13/2016(ROB) dated 08-08-2025; amendment is made at serial No.30 first schedule and serial No.15 & 16 of second schedule in The Punjab Government Rules of Business, 2011.
9. Vide notification No. SO(CAB-I)2-30/2013(P) dated 12-08-2025; amendment is made at serial No.18 & 36 of first schedule and serial No. 14 & 43 of second schedule in The Punjab Government Rules of Business, 2011.
10. Vide Notification No. SO(Cab-I)2-47/85.V-II(P) dated 20-08-2025; amendment is made at serial No. 24 & 24A of first schedule and serial No.13 of second schedule in The Punjab Government Rules of Business, 2011.
11. Vide Notification No. SO(Cab-I)2-24/82. II(P) dated 20-08-2025; amendment is made at serial No.57 of second schedule in The Punjab Government Rules of Business, 2011.

SELECTED ARTICLES

1. HARVARD LAW REVIEW
https://harvardlawreview.org/print/vol-138/the-counterfeit-sham/

The Counterfeit Sham by Sarah Fackrell

There's a new front in the IP rhetoric wars. Plaintiffs in "Schedule A" cases tell judges that they need to secretly seize the assets of hundreds of defendants all at once in order to defeat the machinations of nefarious foreign "counterfeiters" — even in cases where no counterfeiting (or even plain trademark infringement) is alleged. Proponents of bills that would allow Customs and Border Protection to seize products that might infringe design patents try to equate those products with "counterfeits," invoking the specter of counterfeit drugs to suggest that design patent infringement threatens the health and safety of U.S. citizens. Although design patent infringers may sometimes also be counterfeiters, these two legal offenses are actually and meaningfully different. Unlike counterfeiting, design patent infringement does not require the use of any trademarks or any likely consumer confusion. Even if we're discussing "counterfeiting" in the more colloquial sense, a competitor need not identically copy a product — or do anything deceptive at all — in order to infringe a design patent. A product that infringes a design patent is not necessarily more dangerous or harmful than any other product. For these reasons and others, the direct equation of design patent infringement to counterfeiting is false and the appeal to fear is fallacious. This Article argues that policymakers, judges, and other decisionmakers should not fall for this sham.

2. Lawyers Club India
https://www.lawyersclubindia.com/articles/additional-evidence-in-appellate-proceedings-a-study-of-iqbal-ahmed-v-abdul-shukoor-2025--17960.asp

Additional Evidence in Appellate Proceedings: A Study of Iqbal Ahmed v. Abdul Shukoor (2025) by Sankalp Tiwari

The decision of the Supreme Court of India in Iqbal Ahmed (Dead) by LRs. and Another v. Abdul Shukoor makes an important clarification of the principles regarding the production of fresh evidence in appellate proceedings under Order XLI Rule 27(1) of the CPC. The judgment, handed down by a Bench headed by Justice Pamidighantam Sri Narasimha and Justice Atul S. Chandurkar, does not really decide a private case with regard to specific performance of a contract, but something much more, namely, lays down an authoritative exposition on what the approach of the appellate courts has to be in entertaining applications for admitting fresh evidence. The main issue at hand was not just if the plaintiffs had a valid and enforceable sales contract, but also if the defendant could present new documentary evidence at the appellate stage that was unavailable during the trial court.

3. **Lawyers Club India**
https://www.lawyersclubindia.com/articles/prolongation-of-criminal-case-for-unreasonable-period-amounts-to-mental-incarceration-sc-17948.asp

Prolongation of Criminal Case for Unreasonable Period Amounts to Mental Incarceration: SC by Adv. Sanjeev Sirohi

It is entirely in order and so also definitely in the fitness of things that while most firmly sticking to logic and displaying pragmatism, the Supreme Court in a most learned, laudable, landmark, logical and latest judgment titled K. Pounammal v. State Represented by Inspector of Police in Criminal Appeal No. 1716 of 2011 and cited in Neutral Citation No.: 2025 INSC 1014 in the exercise of its criminal appellate jurisdiction that was pronounced as recently as on August 21, 2025 while upholding the conviction of a former Inspector of Central Excise who is a 75-year-old woman in a 22-year-old bribery case, has reduced her sentence to the period already undergone, citing mitigating factors including her advanced age and the "mental incarceration" caused by protracted legal proceedings. We need to note that the criminal appeal before the Apex Court was filed against the order of the Madurai Bench of the Madras High Court confirming the judgment of the Special Judge, Central Bureau of Investigation (CBI) convicting the appellant for the offences under Section 7, Section 13(2) read Section 13(1)(d) of the Prevention of Corruption Act, 1988. Most commendably, the top court also underscored the relevance of the reformative theory of justice holding that, "Amongst these theories, reformative approach has become increasingly acceptable to the modern jurisprudence… The focus would be on the crime, and not on the criminal." Very rightly so!

4. **SPRINGER LINK**
https://link.springer.com/article/10.1007/s11192-025-05315-0

A note on the topic of single-author articles in science by Petr Praus

It is now common practice for scientists to collaborate in teams and publish multi-author articles. Consequently, the number of single-author articles has been declining. This decline was assumed to follow an exponential model, which was verified using data from various research areas, including Engineering, Natural Sciences, Social Sciences, and Humanities and the Arts, for the period from 2000 to 2023. In the fields of Engineering and Natural Sciences, the number of co-authors has consistently increased over time. Conversely, in Social Sciences and Humanities & the Arts, single-author articles continue to prevail over multi-author ones. Single-author articles were evaluated based on the number of references and the ranking of the journals in which they were published. In the field of Theatre, most articles contained up to 20 references. However, in fields such as Chemical Engineering, Biology, and Economics, the majority of articles had between 20 and 60 references. In 2023, more than 25% of single-author articles in Metallurgy & Metallurgical Engineering, Economics, History, Law, Biology, Immunology, Mathematics, and Astronomy & Astrophysics were published in Q1 journals. This study provides an exploration of the scientific literature across selected

research areas. It demonstrates that single-author articles are unlikely to disappear entirely, as individual researchers continue to pursue independent research and publication.

5. MANUPATRA

https://articles.manupatra.com/article-details/THE-EGREGIOUS-INCREASE-OF-SEXUAL-HARASSMENT-CASES-AND-ERRATIC-JUSTICE-AMONG-FOREIGN-TOURISTS-IN-INDIA

The Egregious Increase of Sexual Harassment Cases and Erratic Justice Among Foreign Tourists in India by Trisha Raj and Himanshu Yadav

The increase in sexual harassment cases in India is increasing with an unexpected pace, causing grave concern regarding safety of women and children. Each day more than hundred rape cases are reported in India and there may be more than hundred unreported too. What used to be a national issue has now transformed itself as a global issue, now not only domiciled are prone to harassment but also foreign nationals who visits India as a tourist or student are subject to such threats. The US state department has issued a travel guidelines for its foreign tourists travelling India alone, warning them against the crimes committed against women and other safety concern1 These guidelines have somehow tarnished India's global image and have labelled it as an unsafe for women, which is true at some extent. Atithi Devo Bhava" is a Sanskrit phrase from Indian culture, meaning "The guest is equivalent to God." It reflects the traditional Indian value of hospitality, emphasizing respect and care for guests. However, the increase of assaults and harassment to foreign tourists has led to panoptic criticism of laws and legal consequences after an act in the country. The speed of justice and the physical and psychological trauma of victims after incident are too in question. The major concern is how judiciary and central government tackle this issue. If not articulated properly, this issue can cause an alarming situation in an international market and a decrease of foreign nationals in India. And there must be quick look into this problem. Are Indian laws sufficient to address this problem or there is a need of new laws for protecting the dignity of women who come to India in need of spiritualism and gets back trauma in return. How can we formulate laws as soon as possible to witness a safe tourism in India and how state and union government come together to address and solve the dilemma of female tourists.