Extra-Judicial Confession important case laws:

2008 SCMR 841. Mst. Irshad Bibi V/S Iftikhar & Others

S.302/364/34 PPC. Conviction order based on extra-judicial confession is well if prosecution succeeded in establishing that such statement had been made truly and voluntarily and same was corroborated by circumstantial evidence. Accused had categorically denied the allegation and extra-judicial confession before the prosecution witnesses, in absence of corroboration, was not acceptable. High Court after having taken into consideration material available on record in accordance with law had rightly concluded that the prosecution case was full of doubt and accused were rightly acquitted from the charge of murder. LEAVE TO APPEAL AGAINST ACQUITTAL REFUSED.

NLR 1995 CrLJ 192. Rizwan Ahmad V/S The State (Lahore).

S.302/34 PPC. Accused who made extra-judicial confession before father and brother of deceased, would not be granted bail in a case U/S 302 as this evidence would be sufficient to connect him with murder. BAIL REFUSED

1995 PCrLJ 1802. Muhammad Ramzan Butt @ Luboo Butt. V/S The State (Lahore).

S.302/460 PPC. Bail should not be withheld as a punishment in cases where extra-judicial confession which is the weakest type of evidence is not supported by any other independent evidence. BAIL GRANTED

1995 PCrLJ 1804. Sardar Ali V/S The State (Lahore).

S.302 PPC. Extra-judicial confession made by accused jointly is not admissible. BAIL GRANTED

NLR 1996 CrLJ 48. Muhammad Shahban etc. V/S The State (Karachi).

S.302/324/34 PPC. Case of accused who is charged on basis of his extra-judicial confession when there is no direct evidence to link with commission of offence, would be a case of further enquiry. BAIL GRANTED

1997 MLD 9. Ikhtiar V/S The State (Lahore).

S.302/201 PPC. Accused was arrested on basis of extra-judicial confession allegedly made by him with respect to murder of his step-mother before complainant and his companions, but companions of complainant had sworn in affidavits to the effect that accused did not make confessional statement before them. Solitary ingredient of extra-judicial confession of accused, even if taken into account in toto, was not enough to prove as a barrier against accused for his admission to bail. BAIL GRANTED

1997 MLD 1565. Shakeel Ahmed V/S The State (Lahore).

S.302/379/411/34 PPC. Extra-judicial confession allegedly made by accused was the only material available against him which was not corroborated by any other evidence. Some signs of injuries, according to the witnesses of extra-judicial confession, were apparent on both the hands of accused which could be a corroborative piece of evidence but the accused after his arrest was not got medically examined in this regard. No recovery of churri was effected at the instance of accused. Involvement of accused in the case, thus needed further inquiry. BAIL GRANTED

1997 MLD 2575. Nisar & Others V/S The State (Lahore).

S.302 PPC. Accused were not named in the FIR and none had seen the occurrence. Only evidence against accused was of extra-judicial confession allegedly made by them after three days of the occurrence before the close relatives of the deceased who informed police about the same after more than six months. BAIL GRANTED

2001 MLD 566.Talib Hussain V/S The State (Lahore)

S.302/34 PPC. Blind murder - Benefit of doubt. Extra-judicial confession. Accused was arrested on the statement of prosecution witnesses wherein it was stated that the accused had made extra-judicial confession before them. Validity. Such confession, unless corroborated by some evidence, would be extremely insufficient to warrant conviction. Benefit of doubt was to be extended to accused even at bail stage. BAIL GRANTED

2001 PCrLJ 710. Muhammad Hassan & another V/S The State (Karachi).

S.302/34 PPC. Incident unwitnessed. Witnesses of extra-judicial confession had not disclosed to anybody about the same which itself was a weak evidence requiring strong independent corroboration which was yet to be brought on record by the prosecution. Said witnesses appeared to have been set up in order to make out the prosecution case. Accused had been nominated in the end of the FIR due to suspicion which however strong, could not take place of proof to warrant conviction on a capital charge. Accused at such stage did not appear to be guilty of the offence. BAIL GRANTED

NLR 2002 SD 702. Mumtaz Ali V/S The State (Karachi)

S.302 PPC. Statements of complaiaant and other PWs to the effect that accused had announced the murder of deceased would be merely hearsay without independent corroboration. Accused implicated in murder case on such statements released on bail as case against him required further enquiry. BAIL GRANTED

2004 MLD 1818. Muhammad Yaseen & 2 Others V/S The State (Lahore)

S.302 PPC. Accused were not named in FIR but subsequently complainant in his statement had shown suspicion upon 11 persons including accused persons that they had murdered deceased. During investigation conducted by different police officer, eight co-accused were let off and accused were sent to judicial lock up on the insistence of complainant party. Only evidence available against accused was that they had made extra-judicial confession before the complainant and other witnesses. Doctor in post-mortem examination had not found any external injury on the person of deceased and according to report of chemical examiner no poison was detected in viscera of the deceased. Case of further enquiry. BAIL GRANTED

2007 MLD 1279.Muhammad Younis @ Macca V/S The State (Lahore)

S.302 PPC. Accused was not named in the FIR rather he was shown as the informer of the presence of the dead-body in a factory. Another accused suspected as murderer of the deceased in the FIR on the basis of strong motive had been exonerated by complainant and he later on had involved the present accused. Complainant, had stated that extra-judicial confession had been made by accused before him and other witnesses admitting that he had killed the deceased after committing rape with her, but the chemical examiner's report did not support the version of the complainant. No other incriminating material was available on record against the accused. Case demanded further probe. BAIL GRANTED.

2008 YLR 16. Ali Sher V/S The State (Lahore)

S.302/109/34 PPC. Incident was a case of blind murder which was reported to the police through a report made under S.174 CrPC by one who had found dead bodies of two persons. Accused and his co-accused were involved in the case on the basis of statement recorded under S.161 CrPC. whereby it was claimed that accused and his co-accused had made extra-judicial confession of murdering both deceased. Said extra-judicial confession recorded by the police was in the form of a joint statement of all accused. Gun alleged to have been recovered at the instance of accused was not sent to Fire Arm Expert. Evidentiary value of recovery of gun would be open to serious criticism. Case of further inquiry within the meaning of S. 497 CrPC, in circumstances, had been made out in favour of accused. Co-accused had already been released on bail and case of accused was at par with that of said accused. BAIL GRANTED.

2008 PCrLJ 1505.. Nazar Hussain V/S The State & another (Lahore)

S.302/34/109 PPC. Accused was not named in FIR but was subsequently involved along with his co-accused through supplementary statement. Supplementary statement of the complainant and the witnesses, showed that accused and his co-accused confessed their guilt before prosecution witnesses. Statement of said witnesses had revealed that all accused confessed their guilt jointly before the said prosecution witnesses, which was not admissible in evidence. Remaining evidence which was last seen and recovery of pistol, prima facie, was not sufficient to establish any offence against accused. BAIL GRANTED

NLR 2004 SD 818. Dadan @ Dad Muhammad V/S The State (Larkana)

Case of two versions of murder occurrence would be case of further inquiry when accused was not nominated in FIR but implicated in statements of PWs recorded U/S 164 . BAIL GRANTED

2004 SCMR 283. Naseem Malik V/S The State (SC.DB)

S.419/420/468/417/477/109 PPC. Statement of co-accused implicating the accused can be validly taken into consideration while deciding such matters. BAIL OF CO-ACCUSED CANCELLED.

2006 PCrLJ 1469. Rehmat @ Rahmani & another V/S The State (Lahore)

S.457/380/411 PPC. Delay of two days in lodging FIR. Accused who were involved in the matter on suspicion, had been challaned mainly on the ground that they had made extra-judicial confession before prosecution witnesses. Despite being joint, confessional statement was ditto of FIR. Accused were behind the bars for the last two months and they did not have a previous history of involvement in such like cases. BAIL GRANTED

2 : Appreciation of Evidence

2003 PCrLJ 206. Dilshad Hussain V/S The State (Lahore)

S.295-B & 84 PPC. Art.40 Qanoon-e-Shahadat. Appreciation of evidence. Retraced confession in which no other evidence was available on record to prove the charge. Question was as to whether conviction could be recorded on the basis of a retracted confession if there was no other corroborative evidence on record. Not permissible in Islam to inflict punishment on an accused person if he retracted from the confession allegedly made by him. Accused had taken the plea that he was a true Muslim and could not even think of defiling the Holy Quran. Convicting a Muslim on the charge U/S 295-B PPC to imprisonment for life when he had clearly denied the charge and claimed that he was a true Muslim and could not even think of such an act and when the only evidence available with the prosecution was that of extra-judicial confession, would be clearly without any lawful justification. No Muslim could even think of saying or claiming before his fellow Muslim that he had shown any disrespect to the Holy Qur’an, if any one did so such a person could not be in sound mental health. Report opf the Medical Superintendent had lent support to the view that if it was believed that accused had actually made such a statement before the witnesses, he must be suffering from a fit of insanity at that particular time which was covered by S.84 PPC. Prosecution had not been able to prove the charge against the accused beyond reasonable doubt. ACQUITTAL

1997 PCrLJ 709. Sheraz Ahmed V/S The State (Lahore).

S.302 PPC. Only evidence against the accused was his extra-judicial confession made after 2.5 months of the occurrence ................................................................................................................

KLR 1995 CrC 280. Muhammad Saleem V/S The State (Bahawalpur).

S.302 PPC. Extra-judicial confession is generally a weak piece of evidence and has to be received with caution. It can only be worthy of credit if (a) it comes from an unimpeachable source and (b) it is corroborated by any piece of credibvle evidence. ACQUITTAL

1995 PCrLJ 905. Liaquat Ali V/S The State (Lahore DB).

S.302 PPC. Extra-judicial confession was weakest type of evidence which required that before it was relied upon, it must be supported by some independent circumstantial evidence coming from an unimpeachable source.

NLR 1995 CrLJ 29. Faiz Baksh V/S The State (Bahawalpur).

S.302 PPC. Sentence of life imprisonment would be unsustainable after court’s findings that no conviction can be made on extra-judicial confession as same is weak type of evidence. (2) Extra-judicial confession made to witnesses who were also witnesses of recovery of crime weapon, would be unreliable. ACQUITTAL

1995 MLD 664. Muhammad Aslam Pervez @ Ghazi V/S The State (Lahore).

S.302 PPC. One witness of extra-judicial confession was not known to the accused and not in a position to help him while the second was interested being relative of the deceased. Both prosecution witnesses joined investigation late.

1996 MLD 627. Muhammad Anwar V/S The State (Lahore DB).

S.302/34 PPC. S.164 CrPC. Occurrence was unwitnessed event. Extra-judicial confession made in the case appeard to be the outcome of undue influence and was supported by highly interested and inimical witnesses and belied by medical evidence. Wajtakkar evidence did not advance the prosecution case. ACQUITTAL

1996 MLD 909. Shafqat Ali @ Patta V/S The State (Lahore DB).

S.302/34 PPC. Art.38/39/42/43 Qanoon-e-Shahadat. Where prescribed formalities which aid in ascertainment of voluntariness of extra-judicial confession were not available, it would not be given that much weight which is accorded to judicial confession. Extra-judicial confession is admissible if material on record could lead to conclusion that it was made voluntarily and was true, its probative value would be the same as that of recorded U/S 164 CrPC. Said confession must be proved by unimpeachable evidence and only be relied upon which its supportive evidence is invulnerable. It would be further unreliable when the words of the maker were not reproduced accurately. ACQUITTAL

NLR 1996 SD 388. Muhammad Asghar V/S The State (FSC.DB).

S.302 PPC. Extra-judicial confession becomes tainted piece of evidence when a doubt has been created as to whether accused at all had made extra-judicial confession. Very strong independent corroboration for making it basis of conviction would be required. ACQUITTAL

NLR 1998 CrLJ 74. Muhammad Naeem V/s The State (Lahore).

S.302 PPC. Extra-judicial confession becomes unacceptable when dead body was not even identifiable and same was not even detected for a number of days. (2) Conduct of witness of extra-judicial confession in not handing over accused to police or making a report to police casts serious doubt on their veracity and renders extra-judicial confession unreliable. (3) Mere fact that accused was not able to point out any enmity against witnesses of extra-judicial confession would not by itself be sufficient to rely upon their evidence which suffers from inherent defects. ACQUITTAL

1998 PCrLJ 1941 Sabir V/S The State (Quetta DB).

S.302(b) PPC. Under the Islamic concept of criminal administration of justice, extra-judicial confession has been considered as no evidence for the purpose of awarding punishment to accused. ACQUITTAL

1998 SCMR 1281. Muhammad Aijaz Ahmed V/S Raja Fahim Fazal & 2 Others (FB).

S.302/34 PPC. No ocular evidence was available to connect the accused with the commission of the offence. Unexplained long silence of prosecution witnesses about the extra-judicial confession allegedly made by accused had made their genuineness doubtful and the same were not corroborated by any independent or unimpeachable circumstances. Prosecution evidence was neither probable nor inspired confidence. Concurrent finding of acquittal by courts below was based on cogent and sound reasons and did not suffer from any impropriety, illegality or infirmity. LEAVE NOT GRANTED TO COMPLAINANT

2000 SCMR 528. Ziaul Rehman V/S The State (FB).

S.302 PPC. Art.39/40 Qanoon-e-Shahadat. Extra-Judicial Confession. Evidence of extra-judicial confession alone without any corroboration was not sufficient to maintain any conviction thereon. One weakpiece of evidence could not corroborate another similar evidence. 2: Accused about a month prior to registration of FIR quarreled with his wife, who thereafter left his house alongwith her brother leaving the two children in the accused custody. Brother of accused’s wife, allegedly went to accused’s house to enquire about the children when allegedly accused made an extra-judicial confession before him admitting to have thrown the children in the canal, thus, causing their death. Such extra-judicial confession was alleged to have been heard by two other witnesses. accused, during investigation led the I.O. in presence of the witnesses to the canal. Nothing incriminating could be recovered from the place. accused, in his statement before the court, denied the allegation and pleaded innocent but neither produced any evidence in his defence nor he made any statement u/s 340(2) crPC. Although there was evidence of extra-judicial confession but that evidence was not corroborated by any other evidence produced by prosecution. Neither the bodies of the children nor any other incriminatory evidence could be recovered by the police. Evidence of pointing out the place of occurrence by the accused, could not be of any consequence to the prosecution as nothing incriminatory was recovered therefrom. Such evidence, in fact, was inadmissible as same could not be considered as exception to Art.39 Qanoon-e-Shahadat. Accused had merely pointed out the place to police as being the place where the children had been thrown by him and that pointation had not led to discovery of any fact for the purpose of Art.40 of the Qanoon-e-Shahadat. Such evidence could not be relied upon as corroborating evidence. JUDGEMENT SET-ASIDE

200 SCMR 1634. Nasreen Akhtar V/S The State.

S.302 PPC. Retracted extra-judicial confession. Evidentiary value. Mere fact that co-accused had retracted the extra-judicial confession would not by itself lessen its evidentiary value when the retracted extra-judicial confession had been fully corroborated in material particulars by recovery evidence of crime weapons, medical evidence and opinion of Handwriting Expert. (2) S.164 CrPC. Extra-judicial confession. Retraction... Effect.... Unless such extra-judicial confession of co-accused was corroborated in material particulars, it would not be prudent to base conviction on its strength alone. APPEAL DISMISSED

2001 PCrLJ 773. Zahid Iqbal V/S The State (Lahore)

S.302(b) PPC. Retracted extra-judicial confession of the accused alone could not be made the sole basis of his conviction without corroboration which the prosecution had failed to bring on record through any other piece of direct or circumstantial evidence. Prosecution evidence fell short of legal proof required in the case of capital charge to establish the guilt of accused for the murder of the deceased. ACQUITTAL

2001 MLD 1587. Mst. Robina V/S The State (Lahore)

S.302(b), 201 & 109 PPC. Case against the accused being that of capital punishment, in such like cases evidence must have come from an unimpeachable source which was missing in the case as there was only extra-judicial confession of the accused and that too before the close relatives of the deceased. Extra-judicial confession was weak type of evidence and capital punishment could not be awarded solely on such evidence. ACQUITTAL

2001 SCMR 1405. Ziaul Rehman V/S The State (FB)

S.302 PPC. Art.40 Qanoon-e-Shahadat. Evidence of extra-judicial confession alone without any corroboration was not sufficient to maintain any conviction thereon. One weak piece of evidence could not corroborate another weak piece of evidence. Accused had merely pointed out the place to the police where he had thrown the children, but the same having not led to the discovery of any fact for the purpose of Art.40 o, such evidence could not be relied upon as corroboratory evidence. Delay of 266 days in filing the petition was condoned as dismissal of appeal for such technical reasons would have caused grave injustice to the accused under the circumstances of the case. ACQUITTAL

2001 SCMR 1914. Mst. Robina Bibi V/S The State (FB).

S.302/392 PPC. Art.39 Qanoon-e-Shahadat. S.164 CrPC. Retracted extra-judicial confession. Such confession can be used against maker thereof, if it is corroborated by other evidence. LEAVE TO APPEAL REFUSED

2002 PCrLJ 1245. Iftikhar @ Kali & 2 Others V/S The State (Lahore)

S.302/392/34 PPC. Evidence of prosecution witnesses with regard to judicial confession of co-accused inspired confidence. Evidence of extra judicial confession though a weak piece of evidence, but if it was corroborated by other independent sources, same could be relied upon. Pistol recovered from co-accused matched with empty recovered from the spot. Recovery of empty, pistol and its matching with weapon and medical evidence had corroborated extra-judicial confession of co-accused and that corroboration had proved case against said co-accused without any shadow of doubt. Conviction and sentence awarded to co-accused by trial court was maintained. CONVICTION MAINTAINED

NLR 2002 SD 723. Mulazim Hussain & Others V/S The State (Lahore DB)

S.302/109 PPC. Prosecution would fail to prove its case when it fails to bring on record any direct evidence connecting accused with commission of murder and has tried to connect accused by procuring/securing evidence of conspiracy as well as of extra-judicial confession. CONVICTION SET-ASIDE.

2002 SCMR 441. Mehrban V/S Muhammaxd Ramzan & another (FB)

S.302 PPC. Accused was only alleged to have made an extra-judicial confession which was denied by him. No other material was available on record to connect the accused with the commission of the offence. Reasons advanced for the acquittal of accused were valid and cogent which required no intereference by Supreme Court. LEAVE REFUSED

2003 PCrLJ 753 , Irfan Ali V/S The State (Lahore).

S.302(b) appreciation of evidence witnesses of extra judicial confession allegedly made by accused were closely related to the deceased who had neither apprehended him nor produced him before the Police, rather their statements were recorded by the Investigation officer after 15/20 days conduct of the said witnesses being most unnatural, evidence of extra-judicial confession could not be relied upon pistol recovered at the behest of accused was his licensed one and the report of the Fire-arm Expert was only to the effect that it was in working condition No crime empty was recovered from the spot No other evidence was available on record to connect the accused with the commission of the crime accused was acquitted in circumstances.

2003 SCMR 1070. Muhammad Kamran & another V/S The State (SC.FB)

S.302(b)/377 PPC. Extra-judicial confession. A three fold proof is required to make the extra-judicial confession the basis of conviction, firstly that in fact it was made, secondly that it was voluntarily made and thirdly that it was truly made. ACQUITTAL

2003 SCMR 1385.Rasab Khan V/S The State (SC.FB)

S.302(b) & 377 PPC.S.12 Zina Ord. Accused was convicted for committing murder of two minors and sodomy with them, Incident was unwitnessed one. No one had seen the minors in the company of accused prior to the incident. Only evidence against the accused was his retracted extra-judicial confession said to have been made efore two prosecution witnesses. Said prosecution witnesses were neither respectables of the locality nor enjoyed such a commanding position so as to have an access to or influence on the police or on the relatives of the deceased to get pardon for the accused and in such a situation, as to what prompted the accused to confess his guilt voluntarily without any duress, coersion or inducement left room for consideration. Old enmity existed between the accused and the prosecution witnesses. Unnatural and inhuman conduct was shown by the said witnesses. Evidence of said two prosecution witnesses, in circumstances, required strict scrutiny and was not worth reliance. Prosecution had failed to prove the case against the accused, as such his appeal was allowed by the Supreme Court. CONVICTION SET-ASIDE.

NLR 2004 CrLJ 1109. Muhammad Zahid & Others V/S The State (Lahore DB)

S.302/34 PPC. Extra-judicial confession made by accused in police custody before complainant is not worthy of any credit. ACQUITTAL

NLR 2004 SD 392. Muhammad Saleem @ Nahna & another V/S The State (Lahore)

S.302/34 PPC. It is needless to mention that joint extra-judicial confession of accused persons carries no value in eye of law. Extra-judicial confession of accused which is found to have been manoeuvred against accused would have no evidentiary value in support of prosecution case as regards culpability of accused persons. ACQUITTAL

2005 SCMR 277.Wazir Muhammad & another V/S The State (Shariat Appellate Bench SC)

S.302/34 PPC. Extra-judicial confession around which the entire prosecution case revolved was made by the accused while being investigated by the police at the police station before a stock witness which was not worthy of credence and the question of its corroboration was immaterial. No direct evidence was available against the accused. Even convincing, forthright or reliable circumstantial evidence had not come on record on the basis of which accused could be convicted. ACQUITTAL

2006 SCMR 463. Zafar Iqbal & Others V/S The State (SC.DB)

S.302/34 PPC. Courts below had based the conviction of accused only on their joint extra-judicial confession, which was defective in law and was not corroborated by any other piece of evidence. Prosecution failed to prove the case against the accused. ACQUITTAL

2006 SCMR 1846. Lal Khan V/S The State (SC.DB)

S.302/34 PPC. Extra-judicial confession. Trial court on the basis of evidence of the daughter, post mortem report and extra-judicial confession of widow convicted and sentenced all three accused for murder of deceased. Sentence maintained by High Court. Validity. Extra-judicial confession of widow being highly doubtful was not reliable as the prosecution witness before whom she allegedly confessed her guilt, did not inform complainant or any other person about her confession, before registration of the case. Probably investigating officer with a view to strengthen prosecution case subsequently manipulated such piece of evidence. ACQUITTAL.

2007 MLD 1561.Abdul Latif & another V/S The State (Lahore)

S.302(b) PPC. Accused initially was not named in the FIR. Different sets of accused were investigated during the investigation. Services of foot trackers and sniffing dogs were also hired to trace the murderers of the deceased. Accused was involved in the case after about nine months of the occurrence on the basis of evidence of extra judicial confession allegedly made by him at a bus stop before two prosecution witnesses, who had neither apprehended the accused nor informed the complainant or the Investigating Officer about the same at that time. Said witnesses after 13 days of the extra judicial confession got their statements recorded U/S 161 CrPC and uptil that stage the accused was not even suspected to be the murderers. No reliance therefore, could be placed on the evidence of said extra judicial confession. ACQUITTAL.

2007 SCMR 58. Faisal V/S The State

S.302(b)/34 PPC. Allegation against accused was that he committed murder of deceased who used to reside with the former in a shop. Complainant, real brother of deceased, allegedly received message from another prosecution witness to reach at a certain place and on complainant's arrival there along with other witnesses, accused confessed his guilt, stating that he committed murder of deceased as the latter insisted accused for sodomy. Trial court convicted accused and sentenced him to imprisonment for life. High Court, on appeal, maintained the conviction and sentence awarded to accused. Validity. Extra judicial confession of accused coupled with the facts that accused went to witness of confession in early hours of the morning, leaving his duty place without informing his officers, recovery of dead body from place of residence both of accused and deceased, absence of evidence of plea of alibi, concealment of his bag at roof of bathroom of mosque were pieces of evidence which stood established against him in courts below. No illegality, misreading or non-reading of evidence was found in a concurrent findings of guilt recorded against accused by the courts below. LEAVE TO APPEAL REFUSED.

2007 SCMR 162.Shafqat Abbas V/S The State

S.302(b)/324/34 PPC. Alleged disclosure made by one of the accused before Investigating officer in presence of prosecution witness during interrogation, involving other accused in commission of offence, not leading to discovery of a particular relevant fact or incriminating material was inconsequential and inadmissible. By extending benefit of doubt to accused, they had been found entitled to earn acquittal. APPEAL ALLOWED.

2007 SCMR 518. Sheraz Tufail V/S The State (SC.Shariat Appellate Jurisdiction)

S.302(b)/324/201/377 PPC. S.12 Zina Ordinance 1979. Extra-judicial confession. Accused was convicted after trial and sentenced to imprisonment for life, which was maintained by Federal Shariat Court. Plea raised by accused was that both the courts had wrongly convicted him on the basis of circumstantial evidence produced by prosecution in shape of extra-judicial confession. Validity--- Both the courts below had given finding that accused had made confessional statement voluntarily before his own nearest relative who appeared as prosecution witness. Confession of accused was also corroborated with other pieces of evidence recovered during investigation. Conviction could be awarded on the basis of circumstantial evidence alone. Both the courts below had convicted the and sentenced the accused after proper appreciation of evidence on record. Concurrent conclusions arrived at by courts below could not be interfered by Supreme Court in exercise of jurisdiction under Art.203-F(2-B) of the constitution. LEAVE REFUSED.

2007 SCMR 714. Gul Sadbar V/S Malik-Ud-Din & another (SC. Shariat Appellate Bench)

S.302(b) PPC. S.10(3) Zina Ord. Contact of the accused with the witnesses of the extra judicial confession was most natural being the only way to his survival. Extra judicial confession made by accused sounded quite natural which was further supported by the fact that he was produced before the police by the same witnesses. ACCUSED ACQUITTED FROM THE CHARGE U/S 10(3).

NLR 2007 SD 262.Ahmad Baksh V/S The State SC. Larger Bench)

S.302(b) PPC. Evidence of complainant, extra-judicial confession of accused and recovery of dead body of deceased at pointation of accused would be sufficient to establish murder charge against accused when defence plea that accused killed deceased as he suspected her to be lady of bad character remained unsubstantiated. CONVICTION MAINTAINED.

NLR 2007 SD 483.Sheraz Tufail V/S The State (SC. Shariat Appellate Bench)

S.302 PPC. Extra-judicial confession which is corroborated by medical evidence and Chemical Examiner's report can be made basis for recording conviction under S.302 PPC. Conviction/sentence recorded against accused on extra-judicial confession duly corroborated by medical evidence and chemical examiner's report upheld by Supreme Court. (2) Extra-judicial confession made by accused to his close relative cannot be brushed aside as not inspiring confidence when it is corroborated by medical evidence and chemical examiner's report. (3) Conviction with life imprisonment recorded by trial court and affirmed by Federal Shariat Court against accused under S. 302(b) on basis of extra-judicial confession, recoveries of robbed articles from possession of accused, medical evidence and chemical examiner's report upheld by Supreme Court as unexceptionable and not open to interference. CONVICTION UPHELD.

2008 YLR 606. Muhammad Ramzan @ Dhurla V/S The State (Lahore)

S.302(b) PPC. Prosecution case hinged on the testimony of one of the prosecution witnesses who had found a skeleton and in those presence accused had confessed their guilt. No other evidence was available to connect accused with the occurrence. In absence of recovery of any empty, recovery of pistol from accused was of no consequence. Notyhing was on the record to show that deceased had sustained any injury with sharp-edged weapon. Recovery of hatchet, in circumstances was also un-consequential. Evidence of extra-judicial confession was a weak type of evidence which was normally fabricated in cases which were unwitnessed. Extra-judicial confession of accused being joint, could not be treated as a legal evidence. Prosecution having miserably failed to bring home the charge to accused,. ACQUITTAL.

2008 MLD 1542. Farooq Ahmed & another V/S The State (Lahore)

S.302(b) PPC. Witnesses of extra-judicial confession allegedly made by accused had neither tried to cause his arrest nor they had any authority to help him and confessional statement of accused, therefore, could neither be relied upon nor the same could be used against his co-accused who had been implicated therein. ACQUITTAL

2009 PCrLJ 26. Shaukat Ali V/S The State (Lahore

S.460/396 PPC. Art.39 Qanoon-e-Shahadat. S.103 CrPC. Primarily none of the accused was nominated in the FIR and only their description were given therein, but later on complainant had nominated the accused in his supplementary statement on the basis of his suspicion, who after arrest, confessed their gult. Said confession made by the accused in custody of police was inadmissible in view of Art.39 of Qanoon-e-Shahadat. ACQUITTAL

NLR 2007 SD 361. Amanullah & another V/S The State (FSC.DB)

S.10(4) Zina Ord. 1979. S.302(b) PPC. Extra-judicial confession is rightly regarded as a weak piece of evidence. In absence of any other satisfactory evidence, it is to be thoroughly examined with utmost care and caution. It should be supported by convincing independent corroboration and fat that it was truly and voluntarily made should also be ascertained. Held: In present case, extra judicial confession by two accused met with required standard and were rightly believed by trial court. (2) Extra judicial confession which finds corroboration from recoveries would be reliable piece of evidence. CONVICTION UPHELD.

2006 SCMR 231.Sajid Mumtaz & others V/S Basharat & Others (SC.FB)

S.164 CrPC. court before acting upon a retraced extra-judicial confession must inquire into all material points and surrounding circumstances to satisfy itself fully that the confession cannot but be true. As an extra-judicial confession is not a direct evidence, it must be corroborated in material particulars before being made the basis of conviction. Status of the person before whom the extra-judicial confession is made must be kept in view. Joint judicial confession cannot be used against either of accused. Extra-judicial confession is always a weak type of evidence which can easily be procured, whenever direct evidence is not available. Exercise of utmost care and caution has alw;ays been the rule prescribed the Supreme Court in such cases. Motivating factors for a person guilty of offence entailing capital punishment to make a confession generally are (i) to boast off, (ii) to ventilate the suffocating conscience and (iii) to seek help when actually trapped by investigation from a third person who is authoritative, socially or officially. Extra-judicial confessions have almost become a norm when the prosecution cannot otherwise succeed. When the Investigating Officer fails to properly investigate the case, he resorts to padding and concocions like extra-judicial confession, which by now have become the signs of incompetent investigation. Judicial mi8nd, therefore, before relying upon such weak type of evidence, capable of being effortlessly procured, must ask a few questions, like why the accused should at all confess, what is the time lag between the occurrence and the confessionb, whether the accused had been fully trapped during investigation before making the confession, what is the nature and gravity of the offence involved, what is the relationship or friendship of the witnesses with the maker of confession and what above all is the position or authority held by the witness. LEAVE TO APPEAL AGAINST ACQUITTAL REFUSED