CHAPTER II

OF WITNESSES

3. *Who may testify.* All persons shall be competent to testify unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind:

Provided that a person shall not be competent to testify if he has been convicted by a Court for perjury or giving false evidence:

Provided further that the provisions of the first proviso shall not apply to a person about whom the Court is satisfied that he has repented thereafter and mended his ways:

Provided further that the Court shall determine the competence of a witness in accordance with the qualifications prescribed by the injunctions of Islam as laid down in the Holy Quran and Sunnah for a witness, and, where such witness is not forthcoming, the Court may take the evidence of a witness who may be available.

Explanation. A lunatic is not incompetent to testify, unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

Evidence Act, 1872. Corresponding section 118 of Evidence Act reads as follows:

118. *Who may testify.* All persons shall be competent to testify unless the Court considers that they are prevented from understanding the question put to them or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

Explanation. A lunatic is not incompetent to testify, unless he is prevented by his lunacy from understanding the question put to him and giving rational answers to them.

Synopsis

1. Scope.
2. Competency of witnesses.
3. Child witness, competency of.
4. Preliminary enquiry to test competency of child witness.
5. Omission to administer oath to child witness--effect.
6. Appreciation of evidence of child witness.

7. Accused, not a competent witness.
8. Competency of counsel as witness.
9. Lunatic, incompetency of, as witness.
10. Close relations, testimony of.

1. Scope. Witnesses in adversary litigation occupy pivotal position. Without truthful witness, it may well nigh be impossible for Courts to reach a correct conclusion in the case. The witnesses should, therefore, be treated with dignity and respect by Courts in cases before them. The witness while deposing in cases should feel assured that any attempt by party, against whom he is deposing, to intimidate or to humiliate him, will not be allowed by Court and that he will be provided full protection against all such attempts.[1]

The term "witness" has not been defined to give it any technical sense.[2]

Art. 3 of Qanun-e-Shahadat Order is not repugnant to injunctions of Islam.[3] The general rule on the subject of the competency of witnesses is contained in Art. 3.[4] But rule enunciated in Art. 3 is not an absolute or inflexible rule.[5] Art. 3 suggests that the rule generally is in favour of admission of all evidence of doubtful character though weight to be attached to it will be a matter for the Court's discretion.[6]

This Article makes no distinction between prosecution and defence witnesses.[7] But the practice of examining the same person as a witness both for prosecution, and for defence is to be condemned. If a witness is called for the prosecution, the defence must elicit the facts wanted by it by putting questions to him in his cross-examination at the proper time.[8]

Testimonial compulsion. Reluctance on part of witnesses to give evidence in cases has been due to rough and undignified treatment meted out to them by Courts and humiliation and intimidation they suffer at the hands of counsel for party against whom they appear to depose. The Court possesses ample power to provide protection to witnesses when confronted with such a situation.[9] Testimonial compulsion is the very foundation of the law of evidence for without such compulsion every refusal to give evidence will render administration of justice impossible. Testimonial compulsion is not a legal fetish. It is a necessity and also the general rule. The constitutional prohibition of self-incriminating evidence is an exception designed to defend justice and insure the accused against self-created criminal traps.[10] A natural person, and not an incorporated entity, has testimonial competence and, as such,

1. NLR 2000 Cr. 109=PLJ 1999 SC 1702=1999 SCMR 1418.
2. 2003 Cr.L.J. 265 (FB).
3. NLR 1992 SD 221.
4. AIR 1952 SC 54=1952 SCR 377=AIR 1919 Cal. 1021 (DB).
5. 1995 P. Cr. L.J. 803 (SC AJ&K).
6. AIR 1916 Bom. 229=17 Cr.L.J. 256 (DB).
7. AIR 1925 Rang 122=26 Cr.L.J. 492.
8. AIR 1954 Madh-B. 21=ILR 1954 Madh-B 181=1954 Cr.L.J. 448.
9. NLR 2000 Cr. 109=PLJ 1999 SC 1702=1999 SCMR 1418.
10. AIR 1957 Cal. 520 (Such liberty should be confined within the limits of the doctrine).

privilege against testimonial compulsion under Art. 13 (*b*) of Constitution of Pakistan can be claimed only by a natural person and not an incorporated entity.[11]

Availability or convenience of taking evidence. The section deals with competence of witnesses and not with the availability or convenience of recording their evidence. As a leper is a competent witness, the mere fact that his evidence could not be recorded in a court of law would not justify giving him up as a witness; his evidence, if necessary, may be recorded on commission.[12]

Independent witness. This is a common feature of social culture that no independent person would come forward to depose against a murderer for reason of avoiding the wrath of the desperate man.[13]

2. Competency of witnesses. Court has to test the capacity of a witness to depose by putting proper questions. It has to ascertain in the best way it can whether from extent of his intellectual capacity and understanding, witness is able to give rational account of what he has seen or heard on a particular occasion.[14] The Court can adjudge the capability of witness to testify from his recorded evidence.[15] Ordinarily the only test of competency is that a witness should not be prevented from understanding the question put to him or from giving rational answers to those questions by tender years or other cause.[16] Where there was nothing on record to show that witnesses in question, were not competent to testify. They appeared to be truthful witnesses, therefore, their testimony could be safely relied upon.[17] But this is subject to the proviso to this section. When a person is called upon to give evidence and when there is reason to suspect that he may be incapable of giving rational answers to questions put to him, this is, as a rule, known either to the prosecution or to the defence or to both. In such a case the usual course is for the attention of a Court to be drawn to the matter and for the Court to question the person with a view to ascertaining whether he is competent to give evidence. And when a Court has decided that a witness is competent, the Court should not intervene at a latter stage *suo motu* and reverse its previous decision and expunge the evidence already recorded specially when that evidence has been recorded at length.[18]

Only those persons are competent to testify to whom Court considers that they are competent to understand and give rational answers to the questions put to them, but where a person due to his tender age or extreme old age, is unable to understand the proceedings, the Court may refuse to call him as witness.[19]

Islamic injunctions as to competency of witnesses. As stated in Holy Quran, evidence in its real sense is neither for favouring nor opposing any party but is to

11. NLR 1995 SCJ 128.
12. AIR 1963 Orissa 29.
13. 2001 Cr.L.J. 762.
14. NLR 2003 Cr. 474 (DB).
15. 1993 P. Cr. L.J. 2158 (SC AJ&K).
16. AIR 1930 Sind 129 (Understanding is the sole test of competency)+AIR 1927 Pat. 406 (DB).
17. 1992 MLD 860=PLJ 1992 Lah. 183.
18. AIR 1941 Pat. 513=42 Cr.L.J. 878 (FB).
19. 2002 YLR 504.

promote justice for the sake of Allah Almighty. Therefore, at the time of giving evidence a witness should not hesitate to testify even against his/her own interest or against the interests of his/her close-relatives because protection of interests of any party lies with Allah (S.4:135). As Justice is next to piety, therefore any person, no matter he/she is of any faith, can be symbol of piety if Justice is done by that person. Moreover, Justice is not the fief of any national, therefore, piety also cannot be the fief of any class of believers or atheists. Real Justice can only be done when witnesses give evidence based on truth. If the evidence of a witness reflects enmity, bias, love, lust, etc., against or in favour of a person then such evidence is not admissible. If evidence of a witness in favour of a party is not objected by or no doubt is expressed about the evidence of that witness by the opposite party then such evidence would be treated admissible provided the Judge of the Court is also satisfied that the evidence of that witness is free from partiality, favourtism and indecency etc. If the evidence of such person creates some doubt in the minds of common person about partiality or favourtism, then the same may not be treated admissible unless corroborated by other pieces of evidence. Same is the position of evidence of slaves or servants in favour of their masters, wives in favour of their husbands or children in favour of their parents and vice-versa provided they are dependent upon the house-holders.[20]

The Court has to determine competency of witnesses in accordance with qualifications prescribed by injunctions of Islam as laid down in Holy Quran and Sunnah and if Court comes to conclusion that witnesses are not competent, Court may discard their evidence.[1] The conditions as to competency of a witness that he should have capacity to understand and rationally answer the questions put to him; and possess qualifications prescribed by the Injunctions of Islam as laid down in the Holy Qur'an and Sunnah, but where such a witness is not forthcoming, Court may take evidence of any available witness.[2]

Tazkiyah-tul Shahood. Tazkiya means the mode of enquiry conducted by the Court in order to ascertain whether the evidence of the witness is acceptable or not and for the purpose of declaring a witness 'Adil (bearing good moral character) or Ghair Adil (not bearing good moral character). Actually, Tazkiya is the responsibility of the Court so that the Qazi may protect himself from the evidence of Fasiq, a sinful person. After a witness has got his evidence recorded in the Court, the Court shall enquire from Mashhood' alaih (against whom evidence is given) about the credibility and integrity of the witness (However, under the Shi'a, Fiqh, the Tazkiyah is to be made before recording the evidence of the witness). If Mashhood'alaih acknowledges the witness as being credible, then there will be no need for Tazkiyah of the witness, unless Qazi deems it necessary.[3] The Court may conduct Tazkiyahtul Shuhood by making an inquiry, open or secret, of the witnesses produced in the case in accordance with law.[4] Tazkiya-tul-Shuhood means to conduct an open and

20. PLJ 1996 Kar. 229=PLD 1995 Kar. 469.
1. 1986 P. Cr. L.J. 1818=PLJ 1986 Cr.C. 354=KLR 1986 Cr.C. 552.
2. PLD 2001 SC 67=PLJ 2000 SC 1939=NLR 2000 Civ. 650.
3. PLD 1991 FSC 186=NLR 1992 SD 282.
4. PLD 1992 FSC 390.

confidential enquiry to ascertain whether the witnesses are credible or otherwise; thus the credibility of the witnesses shall be conducted by enquiring from the persons of the same walk of life to which the witnesses belong. If they are students from the heads and other staff members of the educational institutions. If they are soldiers from their headquarters. If they are clerks from the concerned office and institution and if they are merchants or belong to various profession or industry, then from trustworthy and reliable persons of the same workshop or factory, whether they are dwelling in the same locality or are residents of the same city.[5]

It is only through the process of cross-examination of a witness in respect of a question asked of him to fulfil the requirements of Tazkiya-tul-Shuhood that an accused can on the one hand impeach the probity and credibility of a witness and by the same process enable the Trial Court to fulfil the necessary requirements of inquiry to reach a conclusion that the witness is a just/Adil witness and that his evidence need not be discarded but needs to be relied upon to decide the case. Even if the requirement in respect of Tazkiya-tul-Shuhood can be fulfilled at the end of the testimony and cross-examination of a witness, then even at that stage the accused must be provided with another opportunity of cross-examining the witness in respect of his status as claimed to be a just/Adil witness.[6]

Islamic provisions do not apply under Qanun-e-Shahadat. In view of absence of any criterion of competency of witnesses in Q.S.O., all witnesses who come forward to depose may be accepted as such.[7] Poviso 3 of Art.3 of Qanun-e-Shahadat does not say that if witnesses bearing qualifications prescribed by injunctions of Islam are not available the accused was to go scot-free. In absence of provision regarding consequence of non-compliance of first part of proviso, it shall be presumed that proviso was directory and not mandatory and as such its non-compliance would not vitiate trial.[8] If a witness, competent, according to injunctions of Islam, is not forthcoming then in that case any witness who is available can be examined. Emphasis, therefore, is upon deciding controversy after examining available witnesses, because rights of people cannot be allowed to be lost merely on account of non-availability of those persons who come up to high standards set in Islam. There having been a general decadence in conduct and characters of people as a whole as compared to early Islamic period, provision for examining available witnesses in the absence of competent witnesses according to Islamic injunctions, is an expedient provision.[9] It may, therefore be said that all Muslim witnesses who are just and acceptable as witness according to Shariah are competent witnesses in the absence of any objection by the opposite party.[10] The question of determining competence of any witness can arise only when one proceeds on assumption that it is doubtful that he possesses requisite character qualifying him for giving evidence. To draw such presumption and hold integrity of a witness in doubt in absence of any

5. PLD 1991 FSC 186=NLR 1992 SD 282.
6. 1992 P. Cr. L.J. 1536 (SAC)+1992 SCMR 113.
7. PLD 1986 FSC 252.
8. 1986 P. Cr. L.J. 1503.
9. PLD 1985 Kar. 730 (DB).
10. 1986 P. Cr. L.J. 1563+PLD 1986 FSC 252.

authentic material was wholly unjustified. Appropriate course would be to presume that witness produced in evidence is competent to give evidence until such presumption rebutted by reliable proof.[11]

It is only when competence of witness is challenged that Court is required by Third proviso to determine such competence in accordance with qualifications prescribed by injunctions of Islam as laid down by Holy Quran and Sunnah.[12] Therefore where competency of witnesses was neither challenged before trial Court nor even in arguments before appellate Court. No question was put to witnesses either about their testimony or their previous character in cross-examination. Witnesses were competent to give evidence.[13] It may further be noted that where objection as to competence of any witness was, not raised even casually in trial Court. It cannot be raised in appeal.[14]

Qanun-e-Shahadat, competency of witness under: Qanun-e-Shahadat lays down the following conditions for giving testimony by a witness:-

(1) Existence of a claim or complaint and the requisition of the testimony in it.

(2) Testimony is to be given before a Court.

(3) Witness should have personal knowledge of the facts stated except in cases where hearsay evidence is admissible such as *res gestae*.

(4) Statement to be given by first uttering the word "Shahadat" e.g. witness first of all to say that: I give Shahadat that ...

(5) Witness remembers the incident or the facts to be deposed.

(6) Witness is able to identify the parties at the time of making the statement.

(7) Conformity of the statement with the claim.

(8) Statements of witnesses of the parties should be corroboratory of each other and not conflicting.

(9) In Hudood cases excepting Qazf, the fact sought to be proved should not have occurred in the distant past. (Maliki, Shafi'i and Hanbali Jurists, however, hold the view to the contrary and do not consider it as condition for giving evidence).[15]

Status of witness. Qanun-e-Shahadat, 1984 does not contain anything which implies discarding the evidence of either the servants or the tenants of a party in support of the claim put forward by their masters/landlords, as such it depends upon the facts and circumstances of each case to accord truthfulness or otherwise to the testimony of a witness other than his status, such as a servant or a tenant etc.[16]

11. PLD 1985 Kar. 730 (DB).
12. PLD 1985 Kar. 730 (DB).
13. 1986 P. Cr. L.J. 1818=KLR 1986 Cr.C. 552.
14. PLD 1985 Kar. 730 (DB).
15. PLD 2001 SC 67=PLJ 2000 SC 1939=NLR 2000 Civ. 650.
16. PLD 2001 SC 67=PLJ 2000 SC 1939=NLR 2000 Civ. 650.

Non-Muslim witness. Phrase "all persons" used in Art. 3 includes non-Muslims.[17]

Competence of witness not determined--effect. Where before the commencement of evidence competence of witnesses were not determined in accordance with the proviso. It was held that provisions of proviso are not mandatory and its non-compliance would not vitiate the trial and since its non-compliance had not caused any prejudice to the accused the irregularity was curable under section 537, Cr.P.C.[18]

Credibility of witnesses. The competency of a person to testify as a witness is a condition precedent to the administration to him of an oath or affirmation, and is a question distinct from that of his credibility when he has been sworn or has affirmed.[19]

Admissibility of evidence. The competency of the witness giving evidence has no bearing upon the admissibility of the evidence given.[20] Admissibility is not solely dependent on the competency of the witnesses. A witness may be competent in view of Art.3, yet his evidence may be inadmissible if it does not speak to facts but to opinions, inferences and beliefs (Art.59) or if it refers to what the witness had not seen and heard (Art.71), *i.e.*, hearsay, or when the witness happens to be a Police Officer and he seeks to prove a confession made to him (Art.38).[1]

Witness guilty of perjury. Witness will be incompetent to testify only if he has perjured.[2] A witness who had been examined also in two other connected cases relating to the recovery of illicit arms from the possession of other persons in the same transaction was not believed and was convicted for perjury and thus, was not a competent witness.[3] Where eye-witness was admittedly convicted and sentenced by a Court of law for having made a false statement before it and conviction on his sole testimony could not safely be based. Recovery of weapon of offence at the instance of the said witness was also not acceptable because of his shady character whose presence at the spot had also become doubtful by the evidence of the Investigating Officer and the possibility of the weapon having been planted upon the accused with the connivance of the complainant could not be ruled out. Accused was acquitted.[4] Where in a pre-emption case witnesses supported wrong plea of pre-emption that they came to know about sale transaction on 28th September, 1991. Besides such witnesses had contradicted themselves in material particulars. Witnesses in question were thus, not truthful witnesses and their evidence with regard to making of Talbs could not be relied upon.[5] But in a recent case Supreme Court has held that doctrine

17. 1997 P. Cr. L.J. 1696=NLR 1997 SD 676.
18. 1986 PSC 524 (FSC).
19. 11 All. 183 (DB)+AIR 1959 Cal. 306=1959 Cr.L.J. 584 (DB).
20. 11 All. 183 (DB).
1. AIR 1946 Nag. 173=ILR 1946 Nag. 126=47 Cr.L.J. 851 (DB).
2. 1992 P. Cr. L.J. 2130=NLR 1992 Cr. 478 (DB).
3. PLD 1994 Kar. 309=PLJ 1994 Cr.C. 265=NLR 1994 Cr. 668=1994 Law Notes (Kar) 96.
4. 1997 SCMR 25.
5. 1995 MLD 1689=PLJ 1995 Lah. 525 (DB).

of *'falsus in uno falsus in omnibus'* was not applicable in prevalent system of criminal Administration of justice and more so, there is no rule universally applicable that where some accused were not found guilty, other accused would *ipso facto* stand acquitted. The Court, has to sift grain from chaff. Therefore appellant's claim that evidence of such witness having not been believed in the case of co-accused should also not be believed in case of appellant was not warranted.[6]

Chance witness. Testimony of a chance witness is not liable to an outright rejection as the Courts can accept his testimony provided the same is corroborated by other evidence. Chances do occur in life as the happening of the chances is integrated with life and it is not a mere impossibility. Facing the testimony of a chance witness, the Court has to remain only alert to look for corroborative evidence.[7] Witness who gives acceptable explanation for his presence at the place of occurrence cannot be considered as a chance witness.[8]

Interested witness. An interested witness is one who has a motive for false implication of an accused person.[9] Evidence by interested witness cannot be discarded unless it has been brought on record by defence that involvement of accused in the case was on account of ulterior motives coupled with mala fides on part of interested witness to ensure accused's conviction.[10] Not considering "surrounding circumstances" is totally inconsistent with safe dispensation of justice. Accepting such statements on considerations of opinion expressed in precedent cases regarding similar declaration, accompanied by words indicating reliance on 'some principle of law' held to be 'no less dangerous'; 'careful scarcity, applied to all physical circumstances' appearing from evidence is the only way of arriving at conclusion that statement is 'worth of belief'.[11] Eye-witnesses who are inter-related[12] and they have a previous grudge against accused,[13] would be interested witnesses. Prosecution case based on their evidence must be corroborated by evidence of high quality before using it for recording conviction.[14] But the law does not provide nor it can be the intent of law that evidence of an interested witness should be overlooked irrespective of its probative force. Although in some of the decided cases this rule has been recognised as a rule of prudence but there too it has been emphasized that it could not be rigidly and universally applied.[15]

Case where except for evidence of interested witness, there is absolutely no corroborative evidence available on record. In such a unique situation, the responsibility of Courts becomes double and it may accept the evidence of solitary

6. PLJ 2000 SC 1593=2001 SCMR 177=2000 SCJ 707.
7. 2001 Cr. L.J. 762.
8. 1996 P. Cr. L.J. 1076 (SC (AJ&K)).
9. PLJ 2001 SC 1531=2001 SCMR 199=2001 SCJ 118+1996 P. Cr. L.J. 1689=PLJ 1996 Cr.C. 997=NLR 1996 Cr.L.J. 442 (DB).
10. NLR 2001 Cr. 1=2001 SCMR 905 (SC).
11. PLJ 2001 SC 722=2001 SD 578=2001 SCMR 1474.
12. NLR 1996 SCJ 203.
13. NLR 1999 UC 145 (Sh.C. AJ&K).
14. NLR 1996 SCJ 203.
15. NLR 1999 Cr. 49 (SC).

interested witness if it is trustworthy. As far as verification of statement of interested witness being trustworthy is concerned, it depends upon appreciation of evidence by Court with its clear and honest conscience.[16] For corroboration it would not be necessary that there should be word of independent witness supporting the story put forward by an interested witness. Corroboration could be afforded by anything in the circumstances which tend sufficiently to satisfy mind of the Court that witness had spoken the truth. As to what circumstances would be sufficient as corroboration was not possible to lay down. Question before Court would be that no innocent person had been implicated in addition to those who were guilty, and circumstance relied upon must have bearing on such question.[17] But witnesses who have no enmity or malice towards accused to falsely implicate him cannot be treated as interested witnesses because of their relationship with deceased.[18] Testimony of such witnesses does not require corroboration, muchless independent corroboration.[19]

Merely for reason that a witness is an interested one, his testimony will not be discarded *per se*. For safe administration of justice, Courts are required to apply this rule of caution by seeking corroboration to statement of so-called interested witness on its material parts from other admissible evidence. For safe administration of justice, the Court seized with the matter may rely upon testimony of interested witness and to satisfy its conscience, firstly close scrutiny of prosecution evidence keeping in view the attending circumstances must be undertaken and thereafter Court may look for independent corroboration to testimony of interested witness. If prosecution fulfills these tests, then evidence of interested witness should be accepted to saddle accused with criminal liability.[20] It is neither a rule of law nor an inflexible principle of universal application that deposition of an interested witness in all circumstances must be discarded, if it is uncorroborated by other evidence. It is also not the requirement of any law that the testimony of disinterested and independent witness must in all events be accepted. Every criminal case must be adjusted on its own facts and it is the intrinsic probative value of evidence of a witness which must be considered and taken into consideration for conviction.[1] An inflexible principle cannot be laid down that evidence of a related and interested witness must be corroborated by some independent evidence. If statement of a witness inspires confidence and no independent witness is available in facts and circumstances of a particular case then Court may rely on testimony of an interested witness provided it is otherwise free from doubt. Ocular evidence furnished by eye-witnesses who are related would be reliable when it is corroborated by circumstantial evidence.[2] In order to be satisfied that no innocent persons were being implicated alongwith the guilty, Court would in the case of ordinary interested person look for some circumstance giving sufficient support to his statement so as to create that degree of

16. NLR 2001 Cr. 1=2001 SCMR 905 (SC).
17. PLJ 2000 SC 1593=2001 SCMR 177=2000 SCJ 707.
18. 1999 AC 185 (DB).
19. NLR 2000 Cr. 547 (DB).
20. NLR 2001 Cr. 1=2001 SCMR 905 (SC).
1. NLR 2000 Cr. 264=1999 SCMR 2438=1999 Law Notes (SC) 1131+1999 SCJ 699.
2. PLJ 2001 SC 1531=2001 SCMR 199=2001 SCJ 118+1999 Cr.L.J. 177 (SC)+1996 Cr.L.J. 230 (DB).

accused named therein even though the confession was subsequently retracted.[7] In other words retracted confession alone of an accused is not sufficient to justify the conviction of a co-accused; but where such confession stands unrebutted and there is nothing to show that the accused had reason for naming other men falsely and history fits in exactly with facts known and is corroborated sufficiently by material evidence against a co-accused.[8]

The degree of corroboration required in respect of a retracted confession will depend on the circumstances of each case and no hard and fast rules can be laid down about this matter.[9] Where a confession is made 14 days after arrest by the Police but is retracted at the earliest opportunity before the trial Magistrate, its evidentiary value is negligible as against the co-accused.[10]

Retracted confession of approver. Retracted statement of an approver is admissible against an accused person.[11]

Extra-judicial confession. An extra-judicial confession made before a person who was subsequently made an approver, cannot be relied upon. The approver is no better than an accomplice and therefore his testimony on the extra-judicial confession would need independent corroboration, before it can be acted upon.[12]

17. *Competence and number of witnesses.* (1) The competence of a person to testify, and the number of witnesses required in any case shall be determined in accordance with the injunctions of Islam as laid down in the Holy Quran and Sunnah.

(2) Unless otherwise provided in any law relating to the enforcement of *Hudood* or any other special law,--

(*a*) In matter pertaining to financial or future obligations, if reduced to writing, the instrument shall be attested by two men, or one man and two women, so that one may remind the other, if necessary, and evidence shall be led accordingly; and

(*b*) in all other matters, the Court may accept, or act on, the testimony of one man or one woman or such other evidence as the circumstances of the case may warrant.

Evidence Act, 1872. Corresponding section of Evidence Act reads as follows.

7. 1953 BLJR 705=AIR 1935 Pat. 586 (DB)+AIR 1938 Pat. 108.
8. AIR 1932 Oudh 321 (DB)+AIR 1946 Cal. 156 (DB)+AIR 1921 Pat. 337 (DB).
9. PLD 1957 Lah. 956
10. AIR 1934 Lah. 718=36 Cr.L.J. 300+AIR 1927 Lah. 765=28 Cr.L.J. 854 (DB)+AIR 1920 Lah. 45 (DB)+AIR 1915 Lah. 467=16 Cr.L.J. 469 (DB).

Art. 17]

134. *Number of witnesses.* No particular number of witnesses shall in any case be required for the proof of any fact.

Synopsis

1. Scope.
2. Financial matters.
3. Divorce cases.
4. Cases affecting estate of dead person.
5. Criminal cases.
6. Perjury cases.
7. Sexual offences and approver cases.
8. Murder cases.
9. Dacoity cases.

1. Scope. This Article has brought about a change in the Law of Evidence, in so far as sub-section (1) states that competence to testify and the number of witnesses required in any case shall be determined in accordance with injunctions of Islam. But the matter has been left at that. It would have been better to clearly lay down the qualifications and number of witnesses required in each case. To leave such fundamental matters to the discretion of trial courts may create confusion and may prove counter productive so far as the ultimate object of doing complete justice is concerned.

Number of witnesses. Clause 2(*a*) has determined the number of witnesses required for certain kinds of instruments.

Azad J & K. Q.S.O. has not been applied to AJ&K. Therefore Shariat Court of Azad Jammu and Kashmir has held that the principle enunciated in Clause 2(*a*) is equally applicable to criminal cases according to Quran and therefore it should be so applied.[13]

Appreciation of evidence. Clause 2(*b*) of Art. 17 has changed the wording of section 134, Evidence Act without effecting its intent, and has enshrined the well-recognized maxim that "evidence has to be weighed and not counted". The Court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact.[14] It is not enough to prove a fact that a number of witnesses should assert it. Proof of a fact would depend upon the character of the witnesses and their competency to speak to that fact.[15] The evidence of one witness, if believed is sufficient to establish any fact to which the witness speaks directly,[16] whereas evidence given by half a dozen witnesses which is not trustworthy would not be enough to sustain a conviction. But where a criminal court has to deal with evidence pertaining to the commission of an offence involving a large number of offenders and a large number of victims, it is usual to adopt the test that conviction could be sustained only if it is supported by two or three or more witnesses who give

13. PLD 1986 Sh. C (AJ&K) 143=NLR 1986 SD 520.
14. 1989 CLC 1489=PLJ 1989 Lah. 324=KLR 1989 CC 98+AIR 1957 SC 614+AIR 1956 Pat. 39+AIR 1956 Pat. 384 (DB).
15. PLD 1958 Dacca 384=10 DLR 136 (DB)+PLD 1957 SC (Ind) 525.
16. PLD 1958 Dacca 384=10 DLR 136 (DB)+AIR 1965 SC 202+AIR 1958 Punj. 164. (Witness having personal interest in litigation but found credible).

a consistent account of the incident. In a sense, the test may be described as mechanical ; but it cannot be treated as irrational or unreasonable. It is, no doubt, the quality of the evidence that matters and not the number of witnesses who give evidence, but sometimes it is useful to adopt a mechanical test.[17]

Enquiry into reliability of witness. Clause (1) of Art. 17 is not exhaustive because it enjoins a Judge or a Qazi to find out for himself from the Holy Qur'an and Sunnah the competence and number of witnesses in a given case.[18] Where there was no material on record to show that witnesses in question, were not competent to testify. Such persons appeared to be truthful witnesses, their testimony could be safely relied upon.[19]

Enquiry about the reliability of a witness may be open as well as secret. In case of secret inquiry, the inquiry report may be read by the Court, but it is not open to inspection by any other person.[20]

Corroboration of evidence. Though the testimony of a single witness, if believed, is sufficient to establish any fact yet as a rule of prudence, a Judge should seek corroboration of evidence to fortify himself about the guilt of the accused, if there is a speck of doubt in his mind relating to the testimony of that particular witness.[1] When the Court thinks it advisible to insist on corroboration of evidence, it cannot be said that it was acting in contravention of or even against the spirit of this section, it is rather a question of proceeding with caution in a case where admittedly many persons were involved and the incident itself took place a very long time ago. However where a witness is neither an accomplice nor anything analogous to an accomplice but an ordinary witness ; as a general rule the Court may act on his testimony without corroboration unless circumstances of a particular case necessitate corroboration.[3]

Document creating future obligation. To establish and prove authenticity and validity of matter pertaining to commercial transaction reduced into writing creating future obligation, may it be financial or otherwise, law requires that the same shall be attested by two men or one man and two women so that one may remind the other, if necessary and evidence shall be led accordingly.[4]

Power of Attorney. Power of attorney is not a document required by law to be attested by two witnesses, therefore, provision of Art. 17 is not applicable to it.[5]

2. Financial matters. The word "Finance" means money matters.[6] Document creating financial liability has to be attested by two witnesses.[7] In order to prove such document plaintiff has to call at least two attesting witnesses and if the document is not proved in accordance with law it has to be excluded from consideration.[8] Sub-Article (2)(*a*) of Article 17 of the Qanun-e-Shahadat clearly prescribes that when matter pertains to financial or future obligations which if reduced in writing, must be attested by two men,[9] or one man and two women. This of course is relevant where the very making of the document is in dispute. Where signatures are obtained on blank forms/documents, mere attestation by the number of witnesses thereon in terms of Article 17(2)(*a*) would not save the document from being declared unenforceable on grounds of unconscionability, inequality of bargaining of power as well as economic duress.[10]

Female witnesses. Production of two female witnesses jointly is only necessary in case of financial matters or future obligations and not in criminal case.[11]

Agreement to sell. Agreement to sell involving future obligations, if reduced to writing and executed after coming into force of Qanun-e-Shahadat, 1984, is required by Art. 17(2)(*a*) to be attested by two male or one male and two female witnesses, as the case may be. Such agreement has to be proved in accordance with the provisions of Art. 79.[12] Such document would not be used in evidence unless at least two attesting witnesses were examined for such purpose, provided they were alive; subject to process of Court; and they were capable of evidence. Where such document was attested by two witnesses but only one witness had been examined, document was not deemed to have been proved in accordance with law and same would be excluded from consideration.[13]

Agreement to sell executed before enforcement of Qanun-e-Shahadat. While appreciating the strength of evidence, reliance would be placed upon injunctions of Islam despite the fact that Art. 17, Qanun-e-Shahadat, 1984 was not on the statute book on the date when agreement to sell was executed.[14]

Sale-deed, non-examination of witnesses of. Where sale-deed was registered document and purchaser was in possession of disputed land on the basis thereof, then non-examination of its attesting witnesses would not be fatal.[15]

Pronote. A pronote is required to be attested by at least two witnesses,[16] because a document or instrument pertaining to financial or future obligations could

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17. AIR 1965 SC 202.
18. 1992 P. Cr. L.J. 1520 (SAC).
19. 1992 MLD 860=PLJ 1992 Lah. 183.
20. PLD 1986 Sh. C. AJ&K 143=NLR 1986 SC 520.
1. AIR 1956 Pat. 39=1956 Cr.L.J. 95+AIR 1956 Pat. 384 (DB).
2. AIR 1963 SC 1719.
3. AIR 1962 SC 424+AIR 1957 SC 614.
4. 2003 YLR 1866.
5. 2004 CLD 399=PLJ 2003 Lah. 1244=2003 YLR 2843.
6. 2000 YLR 1983=PLJ 2000 Lah. 1723 (DB).
7. 2000 YLR 915=2000 UC 352+2000 YLR 1983=PLJ 2000 Lah. 1723 (DB)+PLD 1995 Lah. 395 (DB).
8. 2000 YLR 1983=PLJ 2000 Lah. 1723 (DB)+PLD 1995 Lah. 395 (DB).
9. 2003 MLD 1280+PLD 1997 Kar. 62=PLJ 1997 Kar. 94=NLR 1997 AC 152 (DB).
10. PLD 1997 Kar. 62=PLJ 1997 Kar. 94=NLR 1997 AC 152 (DB).
11. PLD 2001 SC (AJ&K) 1.
12. 2002 SCMR 1089=PLJ 2002 SC 706=2002 SCJ 893+2001 YLR 1967+2001 UC 100+PLD 1996 Lah. 367 (DB).
13. PLD 1996 Lah. 367 (DB).
14. 2001 YLR 1967.
15. 2002 SCMR 1391.
16. PLJ 2000 Lah. 1619=2000 YLR 2927+PLJ 2000 Lah. 1540.

not be used in evidence unless at least two attesting witnesses were examined for such purpose if they were alive and subject to process of Court.[17]

Document executed before enforcement of Qanun-e-Shahadat. Where an agreement to sell executed prior to coming into force of Qanun-e-Shahadat, 1984 had not been attested by two marginal witnesses, the agreement could not be ruled out of consideration on basis of Arts. 17 & 79, which require every documen. creating financial obligation to be attested by at least two witnesses.[18]

Promissory note. Article 17 has been made applicable subject to provisions of any law relating to Enforcement of Hudood or any other special law. Promissory Note is an instrument provided in S. 4 of Negotiable Instruments Act, 1881, which is a special law.[19] Promissory note is not required to be attested under Negotiable Instruments Act. Therefore requirement as to attestation prescribed by Art. 17(2)(*a*), would not be applicable to a promissory note.[20]

Where a party claimed money on the basis of a writing, execution of which was not denied by the other party, then there was no question of any doubt arising.[1]

Power of Attorney. Where registered power of attorney was executed to deal with financial and future obligations of the Principal, attestation of instrument by two witnesses under Art. 17(2)(*a*), Qanun-e-Shahadat, 1984, was mandatory. Whenever a document is executed conferring authority on the Agent to deal with financial matters of the property on behalf of the Principal and also making him responsible for future obligations either to the Principal in respect of the affairs of his property or with a third person with whom he was dealing on behalf of the Principal, the document squarely fell within the categories of the instruments which are required to be attested by two men or one man and two women in terms of Art. 17(2)(*a*) and before a Court of law the contents of the document were required to be proved as per methodology of Art. 79, Qanun-e-Shahadat, 1984.[2]

Scribe, if an attesting witness. Ordinarily a scribe who had merely scribed a document and handed it over to parties for their signatures and the signatures of attesting witnesses would not become competent attesting witness, if such document was executed elsewhere in his absence.[3] Where no marginal witness of agreement to sell having been produced, the document would not prove itself.[4] Where, however, document in question, was actually executed in presence of scribe and parties and attesting witnesses had signed the same in his presence, he (scribe) could be treated

17. PLJ 2000 Lah. 1540=2000 YLR 2927.
18. 2002 SCMR 1089=PLJ 2002 SC 706=2002 SCJ 893+2001 MLD 957+2000 YLR 1468+1997 CLC 1580=PLJ 1997 Lah. 1526 (DB).
19. 2002 CLD 1753 (DB).
20. 2002 CLD 1753 (DB)+NLR 1994 AC 661.
1. 2002 CLD 1753 (DB).
2. PLD 2003 SC 31=2003 SCJ 676.
3. 2001 YLR 1967+2001 UC 100+1993 CLC 257=PLJ 1993 Lah. 117+PLJ 2000 Lah. 1619=2001

as attesting witness although he had not signed the document in that capacity.[5] Where in addition to one of the marginal witnesses, the scribe of the document appeared in the Trial Court and deposed that the agreement was scribed by him and thumb-impressions were put by the defendant such statement of the scribe could be considered to be a statement of a marginal witness.[6]

Where plaintiff in proof of execution of agreement to sell in his favour had produced the scribe who was not a *Wasiqa Navees* and who obviously could not make any entries in any *Wasiqa Navees* register. Testimony of such a *Wasiqa Navees*, therefore, was not worthy of credence. Statement of the scribe had no evidentiary value as he had signed the same merely as a scribe thereof and not as a witness.[7]

False witnesses. Where notices sent to vendees in terms of S. 13(3), Punjab Pre-emption Act, 1991, relating to Talb-i-Ishhad were not attested by two truthful witnesses because though pre-emptor had knowledge of pre-emption on 1.9.1991, the witnesses supported wrong plea of pre-emption that they came to know about sale transaction on 28th September, 1991. Besides such witnesses had contradicted themselves in material particulars. Witnesses in question, were thus, not truthful witnesses and their evidence with regard to making of Talbs could not be relied upon.[8]

Wills. In the case of wills, it is desirable that all the attesting witnesses capable of being called should be examined to remove all suspicion of fraud.[9]

Burden of proof. The party relying upon a document which is denied by the opposite-party must prove its execution in accordance with law. Rule of best evidence has to be followed and if such best evidence is not produced, the standard of proof required to prove the document, would be lacking.[10]

Where case of both the parties hinged on the authenticity and validity of a receipt. Heavy burden was cast on the plaintiff to prove such receipt beyond reasonable doubt.[11]

3. Divorce cases. In divorce and matrimonial causes in England there is a definite established practice that the evidence of the husband or the wife alone is never to be accepted without corroboration either by witnesses or at least by strong surrounding circumstances.[12] The Court may act on the admissions of the wife although they are not supported by any other evidence. But to rely entirely upon such admissions is highly dangerous as collusion between husband and wife is quite

5. 2001 UC 100+2000 YLR 1468+PLJ 2000 Lah. 1778+1993 CLC 257=PLJ 1993 Lah. 117.
6. 2000 YLR 2789 (DB).
7. 2001 YLR 1967.
8. 1995 MLD 1689=PLJ 1995 Lah. 525 (DB).
9. AIR 1926 Oudh 69 (DB) (Especially where its genuineness is challenged).
10. 2001 YLR 1967.
11. 2003 YLR 1866.
12. AIR 1923 Mad. 9 (FB) (Where charges of adultery are made against a known person that man must be made

possible.[13] Therefore the Court should be satisfied by evidence independent of the wife's admission, that the wife has been living in adultery with the co-respondent.[14]

4. Cases affecting estate of dead person. The law is not that the Court should not proceed on the uncorroborated testimony of a litigant for the purpose of making liable the estate of a deceased person, but when an attempt is made to charge a dead person in a matter, in which if he were alive he might have answered the charge, the court will examine the evidence with great care and even with suspicion. But the state of suspicion must not be allowed to prevail if in the end the truthfulness of the witness makes it perfectly clear and apparent.[15]

5. Criminal cases. A court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact.[16] Number of witnesses as required under Art. 17 of Qanun-e-Shahadat, 1984 depends upon the circumstances of each case.[17] No particular number of witness is required in order to record conviction in a criminal case. Conviction can be recorded on basis of evidence of sole eye-witness, if it rings true.[18] No hard and fast rule can be laid down as to how many witnesses would be sufficient for conviction of a person. In some cases, not less that three witnesses have been held to be sufficient. In others the statements of only two witnesses have been considered to be enough.[19] Therefore, it would be incorrect to fix any mechanical tests for conviction or acquittal of an accused person on the basis of number of witnesses supporting the prosecution case. Where a court ordered conviction of an accused identified by at least 6 witnesses and acquittal of an accused identified by a lesser number. It was held that the standard adopted was mechanical and not a proper way of estimating evidence. Multiplicity of witnesses has no virtue where the witnesses are found to be interested.[20]

Tazkiya-ul-Shahood. The object of the principle of Tazkiya-ul-Shahood is that if a false witness makes a statement. It should be thoroughly investigated so that it may not harm anyone.[1] Tazkiya-al-Shahood is compulsory in cases of Hudood and Qisas because doubts cause removal of Hudood/Qisas punishment. It is necessary for a Qazi/Court to go deep in matters of Hudood/Qisas and even if competency of a witness is not challenged by party concerned, evidence of witness cannot be acted upon without subjecting the said testimony to Tazkiya.[2] The principle of Tazkiya-ul-

13. AIR 1925 Bom. 231 (SB).
14. AIR 1927 Bom. 594 (SB).
15. AIR 1960 Cal. 351 (DB).
16. 2002 SCMR 1568=PLJ 2002 SC 901+1991 P. Cr. L.J. 2576=NLR 1992 AC 208+1985 P. Cr. L.J. 1580 (DB)+1985 P. Cr. L.J. 349=PLJ 1985 Cr.C. 13=NLR 1984 Cr. 703+NLR 1984 Cr.L.J. 421=1984 P. Cr. L.J. 1992=KLR 1984 Cr.C. 188 (DB)+1980 P. Cr. L.J. 898=PLJ 1980 Cr.C. 270+PLD 1957 SC (Ind) 525.
17. 1996 P. Cr. L.J. 1461=PLJ 1996 FSC 263=NLR 1996 SD 531 (FSC).
18. PLJ 2003 Sh.C. (AJK) 1=2003 YLR 102.
19. 48 Cr.L.J. 405 (Lah). (Each case depends on its own facts--Witness having opportunity to have full measure of accused's features--Evidence of single witness held sufficient).
20. AIR 1946 Pat. 235=24 Pat. 708=48 Cr.L.J. 182 (DB).
1. 1989 P. Cr. L.J. 1462.

Shahood is relevant only to the cases of Hadd and it has nothing to do with cases of Ta'zir.[3] In Islamic system of administration of criminal justice the evidence to be used against every accused person (more particularly faced with Hudood and Qisas related offences) should be the testimony of witnesses whose integrity piety and uprightness must be above-board. Thus, the Court is charged with an inescapable duty to satisfy itself about the aforementioned virtues of witnesses by conducting the process of Tazkiya-al-Shuhood. (Purgation).[4]

According to Hanafi School of thought the efficacy of Tazkiya-al-Shuhood, once conducted about a witness, does not effete before the expiration of six Islamic months. It means that if a Judge has carried out Tazkiya-al-Shuhood about a witness who is proved as *Aadil* and gives evidence in a case and such a witness again appears as a witness in another case before the same Judge within a period of six Islamic (Arabic) months then no fresh Tazkiya-al-Shuhood of the same witness would be required. The reliability/truthfulness being a virtuous element, if once established to be residing in a person as a mark of his character, would not be amenable to such a quick erosion so as to skint it in a period of time short of six months.[5]

Tazir, punishment of. Where accused is being proceeded against for awarding Tazir purnishment, Tazkia-al-Shahood is not required. Court can legitimately act on evidence without Tazkiya which, to satisfaction of Court, establishes guilt of accused beyond reasonable doubt.[6]

Qisas and Hadd. In point of proof Qisas has been equated with Hadd.[7]

Competence of witnesses. The Court should in its judgment state whether witnesses relied upon were competent witnesses. Where Court did not advert to competence of witnesses while recording or accepting testimony of eye-witnesses. It was held that it can safely be concluded that requirements of Art. 17 read with Art.3 were not fully complied with.[8]

Female witnesses. Production of two female witnesses jointly is only necessary in case of financial matters or future obligations and not in criminal cases.[9]

Prosecution need not produce all possible witnesses. Witnesses essential to the unfolding of the narrative, on which the prosecution is based, must, of course, be called by the prosecution; it is immaterial that the effect of their testimony is for or against the case for the prosecution.[10] But it is not necessary for the prosecution to produce every witness who can speak to a particular fact. Where the prosecution produces one witness when there are two witnesses available, it does not follow that the evidence of the person who has been produced should be disbelieved. What the

3. 1999 Cr.L.J. 394=PLJ 1999 SC 105+PLD 1992 Lah. 45.
4. PLD 2002 Pesh. 65 (DB).
5. PLD 2002 Pesh. 65 (DB).
6. 1999 Cr.L.J. 394=PLJ 1999 SC 105.
7. PLD 2002 Pesh. 65 (DB).
8. NLR 1996 SD 192 (SC).
9. PLD 2001 SC (AJ&K) 1.
10. AIR 1936 PC 289=37 Cr.L.J. 963.

Court has to see is whether the evidence of the witness read as a whole carries conviction to the mind that his evidence is truthful, or whether it suffers from any inherent defect.[11] Though a Court ought to take into consideration the absence of witnesses whose testimony would be expected, it must judge the evidence as a whole taking into consideration the persuasiveness of the testimony given.[12]

Single reliable witness sufficient to prove case. Conviction can be based on uncorroborated testimony of a solitary but dependable witness.[13] The evidence of such witness must be clear, cogent and consistent and should be of an unimpeachable character.[14] Unless corroboration is insisted upon by a statute, Court should not insist on corroboration, except in cases where the nature of the testimony of a single witness itself requires as a rule of prudence, that corroboration should be insisted upon, for example in the case of a child witness or of a witness whose evidence is that of an accomplice or of an analogous character such as in sexual offences.[15] Where accused had been nominated in the promptly lodged F.I.R. with specific role, Court in view of the provisions of Art. 17(2) could act on the evidence of one male or female witness in the circumstances of the case as two adult male witnesses had been mentioned in F.I.R. whose statements under S. 161, Cr.P.C. had also been recorded, but they had died after the submission of the challan.[16]

A crime is seldom committed in the presence of only one witness, leaving aside those cases which are not of uncommon occurrence, where determination of guilt depends entirely on circumstantial evidence, if the Legislature were to insist upon plurality of witnesses, cases where the testimony of a single witness only could be available in proof of the crime, would go unpunished. Moreover in such cases the Courts will be indirectly encouraging subornation of witnesses. Therefore as the law stands, it is the duty of the Court to convict, if it is satisfied that the testimony of a single witness is entirely reliable.[17] The matter must depend upon the circumstances of each case and the quality of the evidence of the single witness whose testimony has to be either accepted or rejected. If such testimony is found to be entirely reliable, there is no legal impediment to conviction of the accused person on such proof.[18] It is however necessary that the Court should bear in mind that prudence requires that when the prosecution relies solely on the testimony of a single witness it should act with caution and should require corroboration of such testimony. If with this rule of prudence in mind, it comes to the conclusion that the testimony of the witness can be

11. ILR 1954 Hyd. 906.
12. AIR 1946 PC 16=72 Ind. App. 305=ILR 1946 Lah. 1.
13. 1991 P. Cr. L.J. 826=NLR 1991 Cr.L.J. 479=PLJ 1991 Cr.C. 233=NLR 1991 Cr. 490 (DB)+1985 P. Cr. L.J. 2983=NLR 1985 Cr. 559.
14. 2001 SCMR 199=PLJ 2000 SC 1531=2001 SCJ 118=2001 UC 362.
15. PLD 1957 SC (Ind) 525=AIR 1957 SC 614+70 Mad. LW 1012.
16. 1996 P. Cr. L.J. 762.

acted upon even without corroboration and decides to convict the accused on that testimony, the conviction cannot be set aside.[19]

Even as the guilt of an accused person may be proved by the testimony of a single witness, the innocence of an accused person may be established on the testimony of a single witness, even though a considerable number of witnesses may be forthcoming to testify to the truth of the case for the prosecution.[20] Therefore an order under section 110, Criminal P.C. cannot be justified if there are only two witnesses to support the prosecution against a large body of respectable witnesses to testify in favour of the accused.[1]

Limit on production of witnesses cannot be imposed. Where, in a proceeding under section 113, Criminal P.C., the Magistrate, after recording the evidence of as many witnesses for the defence as had been examined on behalf of the prosecution, declined to examine the rest of the witnesses for the defence. It was held that the witnesses were not to be counted by heads in this manner, and that it was not open to the Magistrate to put such an arbitrary limit on the number of witnesses for the defence.[2]

Corroboration, when necessary. Whether corroboration of the testimony of a single witness is or is not necessary must depend upon facts and circumstances of each case and no general rule can be laid down in a matter like this which must depend upon the judicial discretion of the Judge before whom the case comes.[3] In other words a person can legally be convicted on the evidence of a solitary witness. But the question is whether in the particular circumstances of the case it is safe to do so.[4] Generally speaking, oral testimony in this context may be classified into three categories, namely (1) wholly reliable, (2) wholly unreliable and (3) neither wholly reliable nor wholly unreliable. In the first category of proof, the Court should have no difficulty in coming to its conclusion either way. It may convict or it may acquit on the testimony of a single witness, if it is found to be above reproach or suspicion of interestedness, incompetence or subornation. In the second category, the Court equally has no difficulty in coming to a conclusion. It is in the third category of cases, that the Court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial.[5]

Independent witnesses. It is not necessary that independent evidence must be examined but where there is evidence that a large number of independent witnesses could have deposed about the incident, their absence from the list of witnesses and the presence of only partisan witnesses does create a doubt whether the version, which is being given by them, is to be believed or not.[6]

19. AIR 1955 NUC (Sau) 1645.
20. PLD 1957 SC (Ind) 525=AIR 1957 SC 614=1957 SCR 981.
1. 8 Ind. Cas. 249 (Lah).
2. AIR 1919 Cal. 69=20 Cr.L.J. 20 1 (DB).
3. PLD 1957 SC (Ind) 525=AIR 1957 SC 614+AIR 1961 Guj. 20.
4. AIR 1960 MP 31 (DB).
5. PLD 1957 SC (Ind) 525=AIR 1957 SC 614=1957 SCR 981.
6. AIR 1955 All. 189=1955 Cr.L.J. 473 (DB).