

13. Production of title deed of witness, not a party. No witness who is not a party to a suit shall be compelled to produce his title deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

NOTES

Fact admitted—Facts which are admitted need not be formally proved. [2000 CLC 90]

14. Production of documents which another person, having possession could refuse to produce. No one shall be compelled to produce documents in his possession which any other person would be entitled to refuse to produce if they were in his possession, unless such last mentioned person consents to their production.

15. Witness not excused from answering on ground that answer will criminate. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceedings, upon the ground that the answer to such question will criminate, or may tend directly or indirectly to criminate, such witness, or that it will expose, or tend directly or indirectly to expose, such witness to a penalty or forfeiture of any kind.

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

NOTES

Evidence of an interested witness can be disbelieved. [1990 ALD 226] Section relates only to witnesses and applies to examination in Court or on Commission. [PLD 1997 Kar 41]

16. Accomplice. An accomplice shall be competent witness against an accused person, except in the case of an offence punishable with Hadd and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

NOTES

Accomplice's evidence. Evidence of an approver or accomplice cannot be accepted for convicting a co-accused unless the same is corroborated by other co-gent and reliable evidence in material particulars. [PLD 2009 Lah. 559] **Accomplice's evidence—Inadmissible in Hadd & Qisas cases.** [1992 P.Cr.L.J. 171] Evidence of accomplice is to be scrutinized if his evidence is inherently worth reliance and he is also corroborated through independent evidence. [PLD 2002 Kar 152] Not necessary that each piece of evidence of other witnesses shall independently establish a particular fact and only then evidence of such witness may be accepted as corroborative piece of evidence for the words of "accomplice". When admissible, can be made the basis of conviction. [PLD 2002 Kar 152] Evidence of accomplice is not to be out rightly rejected but relied upon if corroborated. [2008 YLR 952] Three elements are required to be proved for conviction of hijacking, namely that the accused must have acted unlawfully, used or showed force or threats of any kind and thereby seized or exercised control of the aircraft. (For details please see case titled Muhammad Nawaz Shariff v. State). [PLD 2009 S.C. 814]

17. Competence and number of witness.— (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 Huddood or any other special law,