

[Articles 44]

not as a substantive piece of evidence but as a corroboratory piece of evidence which requires independent corroboration. [2006 P.Cr.L.J. 62]

Confessional statement alone—Cannot form 'sole basis' for conviction. [1991 PSC (FSC) 852]

Retracted judicial confession—Can be taken into consideration if corroborated. [1991 PSC (FSC) 852]

Confession of co-accused could be taken into consideration against him and also against such other persons against whom said confession was made, but only when they were being tried jointly. Confession of accused against co-accused could not be considered without further proof against him and he could not be punished on said confession at bail stage. [2005 YLR 1220]

Confession of co-accused. Confession of co-accused is admissible and can be taken into consideration when circumstantial evidence is proved against the maker thereof. [2010 MLD 877]

Letter by absconding accused. Letter written by absconding accused is not admissible in evidence at all—Principles. [2005 SCMR 1175]

3. **Inculpatory confession**—Admissible against co-accused as well under Art. 43 of Qanun-e-Shahadat, 1984, but such result can successfully be achieved only when confession is proved in the very terms of Art. 43 and occasion of proof or otherwise comes only at trial. [1998 MLD 1195]

4. **Use of confessional statement against co-accused.** Under Article 43 on the basis of confessional statement alone, conviction can be recorded and it can be used against co-accused, provided it is proved, inspiring confidence, and corroborated by the other reliable and cogent evidence. Where corroborative evidence is lacking, it is not safe to rely only on the retracted and uncorroborated confessional statement for the conviction of the makers and co-accused. [PLD 2009 Pesh. 1] It is a settled law that one corroborative piece of evidence cannot corroborate and other piece of evidence of same nature. The corroboration must come from independent and credible source. [PLD 2006 S.C. 538]

44. Accused persons to be liable to cross-examination. All accused persons, including an accomplice, shall be liable to cross-examination.

NOTES

Historical background stated. [PLD 1991 SC 787]

45. Admission not conclusive proof but may estop. Admissions are not conclusive proof of the matters admitted but they may operate as estoppels under the provisions hereinafter continued.

NOTES

Admission Not conclusive—May operate estoppel. [1992 ALD 482]