

The Murasila, the Scribe, the Doctor and the Proceedings at the Spot and the Hospital: A Guide to Recording and Testing Evidence in Pakistani Criminal Trials. A Study of the Supreme Court and the Peshawar High Court (1978–2026)

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Abstract

In a murder or hurt case tried in Khyber Pakhtunkhwa the first few hours leave behind a small set of papers: the murasila, the injury sheet, the inquest report, the medico-legal certificate (MLC), the OPD chit, the FIR, the site plan and the post-mortem report. Most trials are decided on whether these papers agree with each other and with the witnesses. This paper follows the reported law on those papers through four phases, from the Supreme Court's reliance on medical jurisprudence in the 1970s and 1990s, to the recent Peshawar High Court and Supreme Court decisions that read the scribe, the doctor and the investigating officer against the clock. It draws on one hundred judgments set out in Annexure A, fifty on the murasila, the scribe, and the spot and hospital proceedings (Group A) and fifty on medical evidence, the doctor, the post-mortem and the dying declaration (Group B), and it adds in Annexure B one hundred and twenty-four practical points for a lawyer who is recording and testing evidence. All research was done on the Pakistan Law Site only. The paper also sets out the authorities that go the other way, where a lapse in the early record was held not to be fatal.

Keywords: murasila; scribe; FIR; first information report; medico-legal certificate; post-mortem; dying declaration; Article 46 Qanun-e-Shahadat; Article 129(g); inquest report; injury sheet; site plan; recording of evidence; cross-examination; Peshawar High Court.

1. Introduction

A murasila is the written report sent by a police officer from the spot, or from the hospital, to the police station, on which the formal FIR is registered. The man who writes it (the scribe) is usually the SHO, an ASI or a head constable, and he is nearly always a prosecution witness. The doctor who examines the injured, or conducts the autopsy, is the second witness whose papers fix the time and the manner of the incident. The Investigating Officer (IO) then visits the spot, prepares the site plan and collects the articles. These three witnesses carry the early record, and the trial lawyer's work with them, in examination-in-chief or in cross-examination, is often what decides the case.

The courts have developed a consistent method for reading this record. They set out the time of every step on one line and ask whether the report could have been recorded when the prosecution says it was. They ask whether the scribe took a doctor's note before recording the statement of an injured person who later died. They ask whether the post-mortem agrees with the site plan on the direction of the wounds and the time of death. And they ask whether the witnesses on whom the prosecution relies were produced. Where the answers are unsatisfactory, the Court infers that the report was made after consultation and deliberation, or that the eye-witnesses were not present, and the benefit of doubt follows. Where the answers are satisfactory, even serious irregularities have been overlooked.

This paper is meant for use at the trial table. Parts 3 to 8 give the law, part 9 gives the authorities that go the other way, and Annexure B turns the law into questions to put to each witness.

2. Sources and Method

Every judgment in this paper was found and read on the Pakistan Law Site, and nothing was taken from any other source. About one hundred and forty judgments were read; the one hundred cited in Annexure A are the ones that bear most directly on the topic. A dagger (†) in Annexure A marks an entry based on the head-note and the opening of the judgment only; the others were read at greater length. Benches and dates were taken from the text of each judgment.

Where the head-note and the judgment disagree on a citation (for example, the page of Muhammad Zahir Shah) this is noted. Coverage of the period before 2000 on the site is thin on this subject, and only a small number of reported Supreme Court and Peshawar High Court judgments before 2000 were found; they are used because they state the medical principles on which the later cases build. Please read the full text of a judgment before citing it in court.

3. The Statutory Framework

The relevant provisions are listed so that each question in Annexure B can be tied to a source.

- **Section 154, Cr.P.C.** requires that information of a cognizable offence be reduced to writing and entered in the FIR register. The murasila is the written form in which that information is carried to the police station when the officer receives it elsewhere.
- **Section 157, Cr.P.C.** deals with the investigation, and with the preliminary inquiry that the police may hold on receiving information. The courts treat an FIR recorded only after a preliminary investigation or inquiry with suspicion, as the product of consultation: Umar Daraz (2025 YLR 1284) and Sajid (2023 PCrLJ 19).
- **Sections 161, 162 and 164, Cr.P.C.** govern statements to the police and before a Magistrate; section 162 bars the signing of a statement to the police and restricts its use to contradiction. Late recording of statements under section 161 damages credibility: Fazal Maula (2016 MLD 42).
- **Section 172, Cr.P.C.** requires the IO to maintain a case diary, and **section 173** the final report.
- **Section 174, Cr.P.C.** and the **Police Rules, 1934** (the chapter on inquests, including R. 25.2) govern the inquest report. The precise rule numbers should be checked against the current text; the judgments cited here refer to the inquest report and the injury sheet as documents the police prepare at the hospital or the spot.
- **Section 510, Cr.P.C.** admits the report of the Chemical Examiner, the Serologist and similar experts without calling them; **section 540** gives the Court power to summon or recall a witness; **section 342** governs the examination of the accused.
- **Article 46, Qanun-e-Shahadat Order, 1984** makes a statement by a person as to the cause of his death relevant. The Supreme Court holds that no condition of imminent expectation of death is attached: Riaz v. Gulzar (2026 SCMR 980).
- **Article 59** (expert opinion), **Article 129(g)** (presumption that evidence withheld would be unfavourable), **Article 155** (refreshing memory) and **Article 157** (corroboration by former statements) of the same Order, and its provisions on examination-in-chief, cross-examination and re-examination, govern the way these witnesses are examined.
- **The Penal Code** provisions most often involved are sections 302, 324 and 337-A to 337-F, with 338 and 338-A for isqat-i-haml (Wahid Ullah, PLD 2026 Pesh 150). In narcotics cases the Control of Narcotic Substances Act, 1997, and the Khyber Pakhtunkhwa Act of 2019 apply, with the Police Rules on safe custody.

4. Phase One (1978–1999): Medical Jurisprudence as the Test

The early reported decisions deal with what the doctor's evidence can and cannot prove. In Ali Ahmad (1978 SCMR 384) the Supreme Court used the contents of the stomach and the cooling of the body to hold that a double murder had happened in the night and not at nine or ten in the morning, and the head-note records that time of death is an approximate opinion that depends on several factors. In Mir Muhammad (1995 SCMR 610) the absence of blackening around the wounds supported the eye-witnesses, and the Court also refused to be moved by an FIR lodged two hours after the incident when the defence had not even suggested to the eye-witnesses that the document was not lodged at the time and place it purported. In Zarif Khan (PLD 1994 Peshawar 176) the High Court said that medical opinion is not conclusive and inviolable and must be tested against the principles of medical jurisprudence and firearms, and that a site plan is not substantive evidence but has value for what the IO himself observed. In Raza Khan (1998 PCrLJ 530)

a divided bench reached different views on the weight of an expeditiously lodged FIR.

The point to carry forward from this phase is that the medical man can be cross-examined on the science, and the court will measure his evidence against textbooks and the other evidence. The point against the defence is that the absence of a medical fact, such as blackening, is often consistent with the prosecution case.

5. Phase Two (2000–2014): The Supreme Court Fixes the Weight of Expert Evidence

In Muhammad Tufail (PLD 2002 SC 786) the Supreme Court dealt with the dispersion of pellets and with the absence of burning and blackening, and said that the effect depends on the gun, the charge, the barrel and the muzzle, and that when the Court is convinced the witness has seen the incident, a conflicting opinion of the doctor does not negate it. Faryad Ali (2008 SCMR 1086) put the rule in a form that has been repeated since: medical evidence is confirmatory, it cannot establish the presence of the accused or the weapon, but a conflict between it and the ocular account on the number and nature of injuries can help to decide the role of an individual accused. The Court also held that the benefit of doubt is a right. In Waheed Akhtar (PLD 2003 SC 697) a prompt report, an injured witness who stood the cross-examination, and a medical account in agreement carried the prosecution. In Sikandar (2006 SCMR 1786) delay in registration was held of no significance because the body had to be carried three hours down a hill path and the SHO came to the house himself.

In the High Court this was the period in which dying declarations recorded in hospitals began to be scrutinised for fitness. In Ali Zar (2008 PCrLJ 1655) the Court held that when the injured was brought critically wounded the police officer ought to have obtained the doctor's certificate of fitness before recording his statement, and that his failure left the fitness in doubt. Other cases of the period (Aurangzeb, 2011 YLR 191; Pasand Khan, 2011 YLR 1664; Muslim Khan, 2012 PCrLJ 1331; Ghaffar Ali, 2015 PCrLJ 169) show the lines that were to be followed: the doctor's silence is not decisive at bail stage; medical evidence that contradicts the ocular account exposes it to serious debate; the spread of shot-gun pellets can support a complainant; and the stamp of injuries proves presence but not truth.

6. Phase Three (2015–2022): The Scribe and the Doctor under Close Reading

The decisions of this phase turn the scribe and the doctor into central witnesses. Sher Umar Khan (PLD 2015 Peshawar 143) set out a mechanism for recording a dying declaration: preferably before a Magistrate; failing that, before a public servant such as a Medical Officer; and where neither a Magistrate nor a police officer is present, before two or more reliable disinterested witnesses or, failing them, two or more police officials. Muhammad Karim (2016 PCrLJ 250) and Siraj (2016 PCrLJ Note 36) added that a declaration made at night needs an identified source of light. Salim Khan (2018 MLD 1585) preferred a silent MLC to a doctor's oral claim in cross-examination that the injured was conscious. In Basit (2018 PCrLJ Note 116) an interpolation in the murasila and the scribe's failure to note the time raised the suspicion of consultation, and in Zahir Hussain (2018 YLR Note 186) the dispute over who wrote the murasila helped to bring about an acquittal in a narcotics case.

The Supreme Court's decision in Somaidd (2019 SCMR 1008) is the strongest authority on the scribe. The conviction depended on a dying declaration made at the police station and converted into the FIR. One witness said he recorded it, then said it was written by a police witness, and that witness denied having written it. The Court held that the person who records a dying declaration is the most important witness to verify it and that the prosecution must show the words are the declarant's alone, without prompting or additions. In Abdul Khaliq (2021 SCMR 325), by contrast, the declaration was recorded in the presence of the doctor who endorsed it, withstood extensive cross-examination, and was corroborated by the weapon and the medical evidence; it was upheld.

In the Peshawar High Court, Noor Zaman (2021 YLR 1711) is a clear example of the doctor-time argument: the Medical Officer had examined the lady at 8.00 a.m., the report was made at 8.10 a.m., the injury sheet was prepared at 8.20 a.m., the doctor recorded neither blood pressure nor pulse and gave no fitness certificate, and the scribe had not asked for one. Asad (2021 YLR 254) and Arshad Ali (2024 MLD 212) show the Art. 129(g) argument applied to the Moharrir, the carrier of the murasila and the marginal witnesses.

7. Phase Four (2023–2026): The Timeline Method

The recent decisions work in a distinct manner. The Court lays the times of the scribe, the doctor, the complainant and the IO next to each other and decides the case on the result. In *Farzand Ali* (2023 YLR 2374) the police were told at 6.10 p.m., but the doctor examined the injured at 6.03 p.m., and the scribe's order of events could not stand. In *Nawab Khan* (2024 YLR 457) the scribe said he took the report in the emergency room at 11.15 a.m. while the doctor said the injured reached him at 11.30. In *Umar Daraz* (2025 YLR 1284) the Court held that the injured was examined before the report, that no certificate of consciousness was taken from the scribe or given by the doctor, and that the six entry wounds on the right chest and abdomen made it necessary to have one. In *Zarshad* (2024 PCrLJ 546) the scribe obtained the complainant's signature twice on the *murasila* and could not explain it. In *Said Rehman* (2025 YLR 632) the place at which the report was made was doubtful because the complainant passed three police stations on the way to the hospital, the nearest only two kilometres from the spot.

The Supreme Court applied the same method. In *Abdul Hayee* (2025 SCMR 281) it held that the time recorded in the FIR could not be true because the proceedings that preceded it, from clearing debris to preparing six injury statements and inquest reports, could not be done within thirty minutes. In *Ghulam Mustafa* (2025 SCMR 1633) the post-mortem was done before the FIR although the police were on the scene, and the Court inferred deliberation and fake eye-witnesses. In *Ghulam Sarwar Ghangro* (2026 SCMR 251) full rigor mortis after seven and a half hours, and the doctor's own estimate of a death-to-autopsy interval of sixteen to eighteen hours, contradicted the time of occurrence. In *Rajesh* (2025 SCMR 1876) a video dying declaration from a woman 38.5 per cent burnt, recorded by relatives, was rejected because it was inaudible and showed tutoring.

8. Thematic Analysis

8.1 The scribe

The scribe must be produced and must be able to say who dictated, where the report was recorded, at what time, in whose presence, and whether anything was added. His failure to ask the doctor whether the injured could speak has been held against the prosecution in *Zarshad* (2024 PCrLJ 546), *Noor Zaman* (2021 YLR 1711) and *Umar Daraz* (2025 YLR 1284). An unexplained second signature on the *murasila* (*Zarshad*), an unnoted time or an interpolation (*Basit*), and a *murasila* not scribed at the spot (*Mehmood Hussain*, 2023 PCrLJ Note 84) are further grounds. The scribe's evidence on what the injured did not say, such as a source of light, can decide an identification case (*Fazal Dayan*, 2021 YLR Note 106; *Fazal Nawaz*, 2024 PCrLJ 993).

8.2 The Moharrir and the carrier

The carrier of the *murasila* and the Moharrir who received it are links in the proof of the time of the FIR. In *Arshad Ali* (2024 MLD 212) the *murasila* was unsigned and the carrier never cited, and the Moharrir's word was not enough. In *Asad* (2021 YLR 254) the scribe contradicted the IO on whether the *murasila* travelled with the case property, and the Moharrir and the marginal witnesses were not produced.

8.3 The doctor who examines the injured

The MLC and the injury sheet fix the time, the history, the wounds and the condition of the patient. The courts look for the doctor's record of consciousness, orientation, pulse and blood pressure, and for a certificate or endorsement of fitness to make a statement (*Ali Zar*, 2008 PCrLJ 1655; *Noor Zaman*; *Umar Daraz*; *Rehmat Ullah*, 2026 YLR, *Bannu Bench*; *Sadam Ullah*, 2022 PCrLJ Note 123). An oral claim at trial cannot make up for a silent MLC (*Salim Khan*, 2018 MLD 1585). The doctor's own time of arrival and examination, as in *Nawab Khan*, may contradict the scribe. Conflicts between two doctors on the number of entry wounds have caused acquittal (*Muhammad Yousuf*, 2026 PCrLJ 1427), and so have conflicts between the doctor and the witness on the discharge date (*Faisal*, 2026 YLR 428).

8.4 The doctor who conducts the post-mortem

The post-mortem fixes the time of death, the interval between injury and death, the number, site and direction of wounds, and often the range. It has been used to contradict the time (*Ghulam Sarwar Ghangro*; *Ali Ahmad*), the

direction of fire (Arshad Ali, 2024 MLD 212) and the claim of suicide (Shakir Ullah, 2026 PCrLJ 239, on strangulation against hanging). Delay in the post-mortem is not fatal if explained (Maskeen Ullah, 2023 SCMR 1568; Zalwanoor, 2024 YLR 383). The medical evidence is confirmatory: it does not identify the assailant (Faryad Ali; Umar Daraz).

8.5 The spot proceedings

The IO's site plan, the articles he collects and the way he records them are tested against the murasila and the witnesses. A site plan made by the IO on his own, with no one pointing out the spot, did not support the dying declaration (Khyal Mir, 2018 YLR 1698). Where a bulb and a tube light were collected from places that did not fit the site plan, the source of light failed (Ahmad Kamal, 2023 YLR 1625). The recovery proceedings must be narrated alike by the complainant and the marginal witness (Zaki Ullah, 2023 YLR Note 36). The inquest report must carry the FIR number and the sections (Ali Nawaz, 2022 YLR 1793).

8.6 The hospital proceedings

The sequence in which reports, injury sheets and doctors' examinations occur has been repeatedly examined. The usual order is report, injury sheet, doctor (Irfanullah, 2023 YLR 868). Where the doctor comes first, or the IO records the report at another hospital after the injured was shifted (Sadam Ullah), or the injured is shown to have spoken to a police officer before the doctor was consulted, the report may be treated as the product of a preliminary investigation. The OPD chit is a neutral time-stamp (Saif-ur-Rehman, 2026 YLR 686; Zalwanoor).

8.7 The dying declaration

The law is well settled: Article 46 requires no condition of imminent death (Riaz, 2026 SCMR 980), the declaration may support a conviction if true and free from prompting (Sher Umar Khan, PLD 2015 Pesh 143), but it is a weak kind of evidence needing close scrutiny (Muhammad Karim). The proof turns on the recorder (Somaidd), the fitness certificate (Ali Zar), the light and the position (Muhammad Karim; Siraj), the match with the medical findings (Faqir Said, 2020 YLR 1169) and the manner of recording (Rajesh).

9. The Authorities That Go the Other Way

A lawyer who relies on these decisions must also know when they have not worked. A procedural order, such as the injury sheet before the doctor, is not fatal if the report is confidence-inspiring (Irfanullah, 2023 YLR 868). Defective investigation, such as no site plan and no MLR on the file, did not hurt the prosecution in Sahar Gul (2025 YLR 5), where the trial had been properly held. A delay is explained by distance, the need to take the injured to hospital and the family's priorities (Maskeen Ullah; Sikandar; Muslim Khan). Where the scribe rushed the injured to the hospital to save lives, the conduct was called natural (Saif-ur-Rehman). A dying declaration recorded in the presence of a doctor who endorsed it and was cross-examined is reliable (Abdul Khaliq; Zahir Shah, 2020 PCrLJ 387). A conflict between the doctor and the eye-witnesses does not negate the ocular account if the court is convinced the witness saw the incident (Muhammad Tufail; Faryad Ali). The recovery chain was accepted where each link was proved (Khan Zada, 2024 MLD 1645; Muhammad Imtiaz, 2024 YLR 1390). In all these cases the witnesses stood the test of cross-examination, and this is the point to bear in mind when the defence and the prosecution prepare.

10. Practical Guide

10.1 For the defence

Prepare a single page timeline from the exhibits. Ask each witness for the minute and the place of each act. Test the scribe on the order of documents, on the doctor's note, on the second signature, on the carrier and on what the complainant did not say. Test the doctor on arrival, history, vital signs, consciousness, the register entries and the written certificate. Test the post-mortem doctor on the interval, rigor, stomach contents and direction of wounds, and on the match with the site plan. Test the IO on who pointed out the place, what he collected and why, and whether he recorded the statements at once. Where a necessary witness has not been produced, mark Article 129(g). Do not rely

on a single irregularity; the cases that succeed show several that point to the same conclusion, that the report was written after consultation or that the witnesses were not there.

10.2 For the prosecution

Produce every link: the scribe, the Moharrir, the carrier, the doctors, the identifier of the body, the marginal witnesses and the person who sent the samples. Put the OPD chit and the register on the record. Have the doctor say in chief that the injured was conscious, oriented and able to speak and that he endorsed the statement. Have the IO narrate the spot proceedings in order with exhibits, and exhibit the MLC and the post-mortem. Record dying declarations before a Magistrate if possible, and otherwise before the doctor and independent witnesses, and make recordings audible with a transcript.

11. Open Questions

- The reported cases do not settle how long a preliminary inquiry may last before it turns the later report into a statement under section 161 and not an FIR; the Peshawar High Court has so far decided the point on the facts.
- The weight of a doctor's oral explanation of a silent MLC has been decided against the prosecution in Salim Khan (2018 MLD 1585) but the reasoning differs from case to case. The reader should compare Khyal Mir (2018 YLR 1698), where the Court thought a later certificate showed over-activity by the IO.
- The pre-2000 coverage on the site is thin. A search of the printed reports for earlier Peshawar and Supreme Court decisions on the inquest and the dying declaration may yield more authority.
- Several recent head-notes have citation errors (for example the 2026 YLR pages of Rehmat Ullah). The full text should be checked before citing.

12. Conclusion

The cases show that the early record, and the three witnesses who produce it, are the field on which many criminal trials are won or lost. The Supreme Court has given the rule on dying declarations and the weight of expert evidence; the Peshawar High Court has given the detailed method of testing the scribe and the doctor against the clock. A lawyer who builds the timeline, puts the right questions to the right witness and records the answers exactly will find that the law in this paper works for the defence and for the prosecution alike. The one hundred and twenty-four points in Annexure B are meant to be taken to the court room.

Annexure A: One Hundred Judgments in Question-and-Answer Form

Group A (entries 1 to 50) covers the murasila, the scribe, and the spot and hospital proceedings. Group B (entries 51 to 100) covers medical evidence, the doctor, the post-mortem and the dying declaration. Each entry gives the citation with bench and date, a short question, and an answer that begins with the provisions involved. Entries are grouped by court within each group. A dagger (†) means the answer is based on the head-note and the opening of the judgment only.

Group A, Part 1: Murasila, scribe, spot and hospital proceedings. Supreme Court of Pakistan

No.	Citation	Question	Answer
1	Mir Muhammad v. The State, 1995 SCMR 610 (Sajjad Ali Shah CJ, Muhammad Munir Khan, Irshad Hasan Khan JJ; 30.1.1995) †	The FIR was lodged two hours after the occurrence at a police station two miles away. Can the defence attack it as a later document?	Provisions: s. 302 PPC; s. 154 Cr.P.C.; Art. 185(3) Constitution. Only if the point is put to the witnesses. The eye-witnesses were not even suggested in cross-examination that the FIR was not lodged at the time and place it purported to be, the FIR carried the names of the eye-witnesses, of the accused, their weapons and the part of each, and nothing showed it was not a genuine document. The Court upheld it. Lesson for the cross-examiner: put the time, place and sequence of the report to the scribe and the complainant.
2	Waheed Akhtar v. Aftab, PLD 2003 SC 697 (Mian Muhammad Ajmal, Syed Deedar Hussain Shah, Abdul Hameed Dogar JJ; 28.3.2003) †	Where the crime report is prompt and an injured witness supports it, how heavily does the Supreme Court rely on both?	Provisions: ss. 302, 307 PPC; s. 154 Cr.P.C.; Art. 185(3) Constitution. The crime report was lodged promptly, named the accused and gave the specific role of causing the fatal injuries with a chhuri; the injured witness repeated the same facts and was not shaken, and the medical evidence supported the role. The parties were related and no earlier enmity existed. These features together made the prosecution case safe. Use this as the model of what a defence lawyer is up against when the report, the injured witness and the doctor all agree.
3	Sikandar v. The State, 2006 SCMR 1786 (Muhammad Nawaz Abbasi, Raja Fayyaz Ahmed JJ; 18.1.2006) †	Does delay in registering the case matter where the body took three hours to reach the house and the SHO himself recorded the statement there?	Provisions: s. 302 PPC; s. 154 Cr.P.C. No. The deceased was fired at on a kacha path in a hilly area about two kilometres from his house, bringing the body home took three hours, and the SHO, on learning of the incident, himself went to the house, recorded the complainant's statement and registered the case. Delay in registration was of no significance. The point for the defence: delay must be measured against the geography and the conduct of the police, not by the clock alone.
4	Somaid v. Ali Gohar alias Gohar Zaman, 2019 SCMR 1008 (Manzoor Ahmad Malik, Syed Mansoor Ali Shah, Qazi Muhammad Amin Ahmed JJ; 30.4.2019) †	The FIR is the dying declaration made at the police station, but the person who wrote it was not produced. What is the effect?	Provisions: s. 302(b) PPC; Art. 46 Qanun-e-Shahadat; s. 154 Cr.P.C. Fatal to the prosecution. One witness said he recorded the statement, then said it was written by a police witness on his dictation, and the police witness denied writing it, so who recorded the last words was 'shrouded in mystery'. The Supreme Court held that the person who records a dying declaration is the most important witness to verify it, that the prosecution must show it contains the words of the declarant alone without prompting or additions, and acquitted the accused. This is the leading authority for cross-examining a scribe.
5	Ali Taj v. The State, 2023 SCMR 900 (Sayyed Mazahar Ali Akbar Naqvi, Muhammad Ali Mazhar, Athar Minallah JJ; 12.1.2023) †	Is a report lodged two hours after the occurrence, at a police station five kilometres away, prompt?	Provisions: ss. 302(b), 324, 396, 353, 148 PPC; s. 7 Anti-Terrorism Act, 1997; s. 154 Cr.P.C. Yes, on those facts. The Court held the FIR prompt, which showed the truth of the prosecution case and excluded deliberation and consultation. Both ocular witnesses were injured, their injuries were supported by the medical evidence, and the stamp of injuries proved their presence at the spot. Compare Group B: the stamp of injuries proves presence, not truthfulness.
6	Muhammad Usman v. The State, 2023 SCMR 1097 (Munib Akhtar, Sayyed Mazahar Ali Akbar Naqvi JJ; 11.4.2023) †	Is a report lodged one hour after the occurrence prompt, and what follows from that?	Provisions: ss. 324, 337-F(iii) PPC; s. 154 Cr.P.C. The FIR, lodged about one hour after the occurrence on the same day, was held prompt. Promptness showed the truthfulness of the prosecution case and excluded the possibility of deliberation and consultation. The three ocular witnesses were cross-examined at length and nothing adverse to the prosecution was brought out. The lesson is that an hour is not a delay if the witnesses stand the test.

No.	Citation	Question	Answer
7	Maskeen Ullah v. The State, 2023 SCMR 1568 (Sardar Tariq Masood, Jamal Khan Mandokhail, Muhammad Ali Mazhar JJ; 14.6.2023) †	The eye-witnesses took the injured to the hospital, he died on the way, they carried the body home and only then reported at the police station. Is the FIR delayed?	Provisions: s. 302(b) PPC; s. 154 Cr.P.C.; s. 174 Cr.P.C. (inquest). No. The occurrence was at 5.15 p.m. in broad daylight; the injured died on the way; the body was brought home and the complainant lodged the report at 8 p.m. at a police station 21 kilometres away. The Court held there was no conscious delay, the anxiety of close relatives being to save life, and promptness excluded consultation. The inquest report and injury statement were prepared at the house after the FIR and the post-mortem was done at 5 a.m. the same night, so the delay in post-mortem was also explained by the circumstances, especially the distance.
8	Kamran v. The State through A.G. Khyber Pakhtunkhwa, 2024 SCMR 1419 (Syed Hasan Azhar Rizvi, Musarrat Hilali, Naeem Akhtar Afghan JJ; 19.4.2024) †	Can a supplementary statement taken from the complainant in the hospital and a video of the occurrence support bail refusal?	Provisions: s. 497 Cr.P.C.; s. 392 PPC; Art. 185(3) Constitution; s. 164 Cr.P.C. Yes. In the FIR the complainant had not named the culprit; through a supplementary statement recorded by the police on the day of the occurrence, while he was admitted in hospital, he nominated the petitioner. The father and a witness, after seeing the CCTV video, charged the petitioner in statements under s. 164, and the forensic analysis found no editing. The post-mortem cause of death and the blood-stained chhuri supported the case, and bail was refused. Note that this is a bail ruling, not a final appraisal.
9	Abdul Hayee v. The State, 2025 SCMR 281 (Jamal Khan Mandokhail, Musarrat Hilali, Malik Shahzad Ahmad Khan JJ; 21.10.2024) †	Can the time written in the FIR be disproved by the number of proceedings that had to precede it?	Provisions: ss. 302(b), 148, 149 PPC; s. 7(a) Anti-Terrorism Act, 1997; s. 3 Explosive Substances Act, 1908; s. 154 Cr.P.C. Yes. After a bomb blast at a check post a lot of time must have been spent arranging a crane, removing the debris, bringing out six bodies and preparing the injury statements and inquest reports, which could not be done in the 30 minutes the prosecution claimed. The Court held that the FIR was not lodged at the time shown in its column; the wrong time had been entered to show promptness. Convictions set aside. The method is a model: count the acts that the police say preceded the FIR and compare them with the clock.
10	Ghulam Mustafa alias Raja Buledi v. The State, 2025 SCMR 1633 (Athar Minallah, Irfan Saadat Khan, Malik Shahzad Ahmad Khan JJ; 12.5.2025) †	What is the effect when the post-mortem is done before the FIR is lodged?	Provisions: s. 302(b), 34 PPC; s. 154 Cr.P.C.; s. 174 Cr.P.C. The occurrence was at about 6.20 p.m., the post-mortem was conducted at about 7.20 p.m. and the FIR was lodged at 9.30 p.m., although the police station was two furlongs away and the patrolling police reached the shop soon after the occurrence. The Court inferred that the FIR was lodged after deliberation and consultation, that the eye-witnesses were not present, and that the three hours and ten minutes were spent procuring fake eye-witnesses. Acquittal on benefit of doubt. Ask the scribe and the doctor for the exact time of every step.
11	Riaz (deceased) v. Gulzar, 2026 SCMR 980 (Jamal Khan Mandokhail, Musarrat Hilali, Shakeel Ahmad JJ; 13.8.2025) †	The injured himself reported the matter to the Head Constable at the casualty of the hospital. Is that report a dying declaration, and is it prompt?	Provisions: s. 302(b) PPC; Art. 46 Qanun-e-Shahadat; s. 154 Cr.P.C. Yes to both. Art. 46 admits a dying declaration without any pre-condition that the maker should be in imminent expectation of death. The incident was reported by the injured at 8.50 a.m., within thirty-five minutes of the occurrence, to the Head Constable at the casualty and recorded as a murasila at 9.25 a.m.; the report was endorsed by the eye-witness. The prosecution case was held proved on this basis.

Group A, Part 2: Murasila, scribe, spot and hospital proceedings. Peshawar High Court

No.	Citation	Question	Answer
12	Raza Khan v. The State, 1998 PCrLJ 530 Peshawar (Jawaid Nawaz Khan Gandapur, Mian Muhammad Ajmal, Mrs. Khalida Rachid JJ; heard 30.7.1997) †	What does an FIR lodged with expedition and giving a detailed narration of the occurrence do for the prosecution?	Provisions: ss. 302/34, 324/34 PPC; s. 154 Cr.P.C. This is the only pre-2000 Peshawar case on this subject that the site returned in full. In the lead opinion, the benefit of doubt is a matter of right, not grace, and a motive once set up must be proved. In the separate opinion of Mian Muhammad Ajmal J, an FIR lodged with expedition, with a detailed narration, excludes the possibility of false implication or concoction. Because the bench was divided and the head-note is mixed, read the full text before citing.

No.	Citation	Question	Answer
13	Aurangzeb v. The State, 2011 YLR 191 Peshawar (Liaqat Ali Shah J; 24.9.2010) †	At bail stage, is it fatal that the doctor gave no opinion on the nature of the injury, and what does the murasila show about the injured's state?	Provisions: s. 497 Cr.P.C.; ss. 324/34 PPC. No. The murasila showed that when the IO reached the hospital the injured was unconscious, which met the argument about the intention to take life; the complainant and eye-witness were unanimous on the firing, so it did not advance the accused's case that the doctor gave no opinion about the nature of the injury. Non-recovery of the weapon three months after the occurrence also did not matter. Pre-arrest bail was dismissed. Read this for the limits of the doctor-silence argument.
14	Muslim Khan v. The State, 2012 PCrLJ 1331 Peshawar (Nisar Hussain Khan J; 12.3.2012) †	When the FIR was lodged in a hospital 60 kilometres from the spot, is the delay held against the complainant at bail stage?	Provisions: s. 497(5) Cr.P.C.; ss. 302/324/34 PPC. No. The spot was 35/36 kilometres from the police station and the report was lodged in a hospital about 60 kilometres away; the first priority of the relatives was medical aid, not reporting. The medical report, with several stitched wounds that could not have come from one shot given the spread of pellets under medical jurisprudence, supported the complainant, blood was recovered, and the Court found no ground for grant of bail (cancellation application). Combine this with the medical-jurisprudence line in Group B.
15	Ubaidullah alias Baidul v. Muhammad Hayat, 2015 PCrLJ 1023 Peshawar (Abdul Latif Khan, Lal Jan Khattak JJ; 14.5.2014) †	What happens when the place where the FIR was recorded is contested and the IO's times clash with the doctor's times?	Provisions: ss. 302, 324, 337-F(iii), 429, 436, 148, 149 PPC. The FIR was lodged after 16 hours following consultations and preliminary investigation; the prosecution witness contradicted the complainant on where the matter was reported; the IO said he was busy investigating another case but neither FIR nor daily diary of that case was produced; the IO said the injured were examined at 10 a.m. but the Medical Officer examined them from 9 to 9.40 a.m., before the injury sheet was prepared; and the complainant was not shown on the site plan. Doubts were fatal. This is a model for building a time-line chart.
16	Mst. Shopari Bibi v. The State, 2015 PCrLJ 1584 Peshawar (Assadullah Khan Chamkani, Muhammad Daud Khan JJ; 5.3.2014) †	Is a delay of one hour and forty-six minutes in the report enough to doubt it, in an appeal against acquittal?	Provisions: ss. 302/34 PPC; s. 417(2-A) Cr.P.C. The explanation for the delay was not plausible and motive was not established, so the time was taken to have been consumed in consultation and deliberation; identification at night without a source of light was also doubtful, and the solitary eye-witness, the mother, could not be relied on. The acquittal was maintained. Delay is judged with the other defects.
17	Fazal Maula v. The State, 2016 MLD 42 Peshawar (Abdul Latif Khan J; 3.6.2014) †	What follows when the delay in the report is accompanied by delay in recording the witnesses' statements under s. 161?	Provisions: ss. 324, 337-F(v) PPC; ss. 154, 161, 164 Cr.P.C. An unexplained delay of an hour left open false implication on suspicion; nothing showed what prevented the IO from recording the statements of witnesses present with the complainant at the time of the report; credibility of a witness whose s. 161 or s. 164 statement is recorded late without explanation becomes highly suspicious; one infirmity that impeaches a witness can make the whole statement doubtful. The stamp of injuries on the complainant was no guarantee of truth; the doctor contradicted him, and no empty was found though four shots were alleged.
18	Sher Zad Khan v. Mst. Zulekha, 2016 PCrLJ 541 Peshawar (Assadullah Khan Chamkani, Muhammad Daud Khan JJ; 26.3.2014) †	A woman complainant reports the murder after two hours but says she did not know the accused. What does the delay show?	Provisions: ss. 302(b), 337-F(ii) PPC; Art. 129(g) Qanun-e-Shahadat. A two-hour delay not plausibly explained suggested that the complainant took time for deliberation and consultation to name the accused; she made dishonest improvements; the site plan did not show the family members she named and the IO had not recorded their statements; the site plan negated her version. Benefit of doubt. Compare the site plan with the murasila line by line.

No.	Citation	Question	Answer
19	Syed Zahir Hussain v. The State, 2018 YLR Note 186 Peshawar (Lal Jan Khattak, Qalandar Ali Khan JJ; 20.10.2017)	Who wrote the murasila? The SHO complainant says a constable wrote it on his dictation, but the IO says the SHO wrote it himself.	Provisions: s. 9(c) Control of Narcotic Substances Act, 1997; s. 154 Cr.P.C. This contradiction on the authorship of the murasila, recovery memo and card of arrest, joined with the failure to prove ownership of the vehicle or that the accused was driver, and with the plastic carton not being taken into possession, raised doubt. The complainant said the murasila was written by a constable whose name he could not recall; the Excise Inspector said the SHO wrote it; the IO said all three documents were in the seizing officer's handwriting. Acquittal. A narcotics case, but the point applies to every murasila.
20	Basit v. Asghar Jan, 2018 PCrLJ Note 116 Peshawar (Lal Jan Khattak, Qalandar Ali Khan JJ; 5.9.2017)	The murasila showed an addition and the scribe did not note the time of the report. What is the inference?	Provisions: ss. 302, 324, 34 PPC; s. 154 Cr.P.C. The murasila which laid the foundation of the case had addition or interpolation; the omission of the scribe to show the time of the report, and of the complainant to specify the weapons, gave rise to the suspicion that the report was recorded after consultation and deliberation. The same ASI had drafted the murasila, prepared the inquest report and the injury sheet, and referred the deceased and the injured for post-mortem and medical examination. Motive was not proved and the witness's presence was doubted (no blood-stained earth at his place in the site plan).
21	Khyal Mir v. Tahir Hassan, 2018 YLR 1698 Peshawar (Lal Jan Khattak, Qalandar Ali Khan JJ; 10.10.2017) †	The FIR lodged by the injured is treated as his dying declaration, but the IO drew the site plan without any pointation. What is the effect?	Provisions: s. 302 PPC; Art. 46 Qanun-e-Shahadat. The Court held that the site plan, prepared by the IO on his own (neither the deceased nor anyone else pointed out the spot), recovered no cut grass or sickle and cited no place from which the deceased was cutting grass, so it did not support the dying declaration; the sole injury was on the back of the left thigh, a non-vital part, and death followed after five days. Benefit of doubt. Spot proceedings and the declaration are tested against each other.
22	Muhammad Tahir v. Akhtar Ali, 2020 MLD 864 Peshawar (Rooh-ul-Amin Khan, Ahmad Ali JJ; 3.9.2019) †	The complainant is a police officer; his murasila differs from his statement in court and his own daily diary entry is inconsistent. Does the court trust him?	Provisions: ss. 302, 324 PPC; s. 417 Cr.P.C. No. In an appeal against acquittal, the Court noted many contradictions between the murasila and the complainant's statement in court, that it did not appeal to a prudent mind that the accused would spare the witnesses when three persons were riding the motorcycle, and that the complainant's own daily diary entry on the day recorded that he was going home as his brother had been murdered and applied for three days' leave. Acquittal not disturbed. Always call for the daily diary.
23	Anwar Kamal v. The State, 2020 PCrLJ Note 116 Peshawar (Ikramullah Khan, Sahibzada Asadullah JJ; 19.11.2019) †	The injured died soon after the shots, but the family took the body to a hospital 7/8 km away instead of the police station. What is the legal consequence?	Provisions: ss. 302(b), 324 PPC; Art. 129(g) Qanun-e-Shahadat. The FIR was delayed by about fifty minutes; the Court found the circumstances suggested an abnormal conduct and treated the delay as significant. A nephew of the complainant, named as eye-witness, did not come to the trial and was abandoned as won over, so Art. 129(g) applied and a negative inference was drawn against the prosecution. The ocular and medical evidence also conflicted.
24	Asad v. The State, 2021 YLR 254 Peshawar (Musarrat Hilali, Ahmad Ali JJ; 3.12.2019) †	The scribe of the FIR says the murasila did not go to the police station with the case property, contradicting the IO. Is that important?	Provisions: s. 9(c) CNSA, 1997; Art. 129(g) Qanun-e-Shahadat; R. 22.70 Police Rules, 1934. Yes. The scribe, who had affirmed receipt of the murasila, negated the IO's stance that the murasila went along with the case property. The Moharrir to whom the contraband was said to have been handed over was not produced; the constable who took the samples to the laboratory was not examined; the second marginal witness was not examined; there was no store-room register or entry; the samples reached the laboratory after about three days from an unnamed official. Adverse inference under Art. 129(g); acquittal.
25	Fazal Dayan v. The State, 2021 YLR Note 106 Peshawar (Rooh-ul-Amin Khan, Syed Muhammad Attique Shah JJ; 23.2.2021) †	The injured made his report in the hospital at night but did not mention any source of light. Does that matter?	Provisions: s. 302(b), 109, 34 PPC; Art. 46 Qanun-e-Shahadat. Yes. The occurrence was at about 11 p.m.; the murasila disclosed no source of light and the ASI who incorporated the report in the murasila affirmed it; how the injured identified the accused in pitch dark was not shown. The prosecution failed to prove its case and the accused were acquitted. The scribe is the best witness to what the injured did not say.

No.	Citation	Question	Answer
26	Ali Nawaz v. The State, 2022 YLR 1793 Peshawar (Sahibzada Asadullah, Muhammad Naeem Anwar JJ; 9.6.2021) †	The inquest report does not bear the FIR number or the sections of law. Is that a minor clerical omission?	Provisions: ss. 302(b), 34 PPC; s. 154 Cr.P.C.; s. 174 Cr.P.C.; R. 25.2 Police Rules, 1934 (inquest). No. The report was made at the police station as an FIR with a delay of forty-five minutes, and the injury sheet and inquest report were prepared after registration of the case, yet the inquest report lacked the FIR number and the sections of law. The Court asked why, and held that the circumstances showed the prosecution had not proved its case. The Court also noted unnatural conduct of the complainant and eye-witness. Compare the inquest report with the FIR column by column.
27	Ghulam Jan v. The State, 2022 YLR 1547 Peshawar (S. M. Attique Shah, Sahibzada Asadullah JJ; 17.3.2021) †	The complainant had a mobile phone but reported only when the police arrived nearly three hours later. Is that conduct natural?	Provisions: ss. 302(b), 324 PPC; s. 154 Cr.P.C. No. The incident occurred at 5 p.m. and was reported at 7.45 p.m. on the arrival of the local police, who took nearly three hours to reach the spot; the complainant did not inform the police though he had his own mobile. In the second part of the headnote, the incident occurred on a metalled road with traffic plying, yet the complainant showed no interest in shifting the body to the police station or the hospital. Acquittal.
28	Riaz v. The State, 2022 PCrLJ 1070 Peshawar (Lal Jan Khattak, Ishtiaq Ibrahim JJ; 14.9.2021) †	What if the murasila places the occurrence on the complainant's land but the site plan shows another place?	Provisions: ss. 302(b), 34 PPC. The disparity among the complainant's statement, the site plan and the murasila about the place of occurrence led the Court to conclude that she was not present at the time of occurrence. The murasila said the place was her land, but the site plan showed the deceased on the ridge between the land of another person and a non-metalled thoroughfare. The other eye-witness was a chance witness residing about four kilometres away who gave no reason for his presence. Acquittal.
29	Mehmood Hussain v. The State, 2023 PCrLJ Note 84 Peshawar (Lal Jan Khattak, Ishtiaq Ibrahim JJ; 31.3.2022) †	The raiding party recovered the contraband but the murasila was not written at the spot; it was written at the police station. Is the explanation of 'security reasons' accepted?	Provisions: s. 9(c) CNSA, 1997; s. 154 Cr.P.C. No. About 2400 kilograms of opium were recovered from a truck, but the murasila was scribed at the police station after the accused, the vehicle and the contraband were brought there. The security explanation was not appealable to a prudent mind: the raiding party had a good number of police officials and the information was received in advance, so more men could have been arranged. The omission created dents and left open deliberations and false implication during the journey between two districts. Acquittal.
30	Zaki Ullah v. The State, 2023 YLR Note 36 Peshawar (Lal Jan Khattak, Ishtiaq Ibrahim JJ; 16.3.2022) †	The complainant says he opened the secret cavity on the spot, the marginal witness says a mechanic did it. Is that a slight contradiction?	Provisions: s. 9(c) CNSA, 1997. No. The recovery witness, a constable, admitted in cross-examination that the cavity was opened by a mechanic called by the SHO, whereas the complainant said he himself opened it with tools on the spot. The Court held the contradiction was not slight, since both witnesses gave a quite different account of a very important aspect of the recovery proceedings. The spot proceedings must be narrated alike by every witness.
31	Tariq Mehmood alias Asif Khan v. The State, 2023 YLR Note 13 Peshawar (S. M. Attique Shah, Sahibzada Asadullah JJ; 11.5.2022) †	The complainant says the police reached the spot soon after the incident; the IO says he called her to the spot fifty minutes after his arrival. Which version does the court accept?	Provisions: ss. 302(b), 324, 34 PPC. The IO's account contradicted the complainant's, and the Court doubted that she was present at the spot at the relevant time. When examined on that point she said that she and other accompanying persons came after the IO's arrival. The benefit of doubt went to the accused. Always compare the complainant's account of police arrival with the IO's.
32	Irfanullah v. The State, 2023 YLR 868 Peshawar (S. M. Attique Shah, Sahibzada Asadullah JJ; 10.5.2022) †	The scribe took the report from a dying police official while treatment was in progress, before preparing the injury sheet and sending him to the doctor. Is the report fatal?	Provisions: ss. 302(a), 353 PPC; s. 15 KP Arms Act, 2013. No. The report was made at 3.15 p.m.; the doctor and the scribe both said treatment was in progress while the police official was drafting the murasila. The order (first report, then injury sheet, then doctor) was a procedural lapse and did not outweigh the confidence-inspiring report of the injured, who had no reason to falsely implicate the accused. The conviction under s. 302(a) was altered to s. 302(c). Contrast 2021 YLR 1711 where the doctor's time preceded the report.

No.	Citation	Question	Answer
33	Noor Ullah v. The State, 2023 YLR 1039 Peshawar (Sahibzada Asadullah, Muhammad Faheem Wali JJ; 17.8.2022) †	The SHO is the complainant. He cannot name the informer or say who brought the body to the hospital. What is the effect?	Provisions: s. 302(b) PPC; s. 154 Cr.P.C. The occurrence was said to be in a market but no shopkeeper was cited; the doctor said two persons identified the body but only one appeared and said nothing on transport from the spot; the SHO could not name the informer or give his phone number, did not know who brought the body, did not know the wounds, and admitted that no relative or private person had come forward to report. Appeal allowed. Lesson: ask the complainant to narrate every link from spot to hospital.
34	Ahmad Kamal v. The State, 2023 YLR 1625 Peshawar (S. M. Attique Shah, Sahibzada Asadullah JJ; 12.5.2022) †	Identification was claimed in the light of bulbs, yet the IO collected a bulb and a tube light from places that did not match the site plan. What does the Court say?	Provisions: s. 302(b), 34 PPC. At the pitch-dark time of the occurrence, identification depended on light, so the spot inspection was crucial: the bulb was taken from the complainant's main gate at point D while the tube light from the electric pole was shown at point A, and the site plan showed no light where the deceased was hit. The Court held the source of light was not established. Acquittal. Ask the IO: what did you collect, where, and where is it in your site plan?
35	Farzand Ali v. The State, 2023 YLR 2374 Peshawar (Sahibzada Asadullah, Muhammad Naeem Anwar JJ; 8.2.2022) †	The police were informed at 6.10 p.m. but the doctor examined the injured at 6.03 p.m. Does the scribe's order (report, injury sheet, inquest, doctor) survive?	Provisions: ss. 302(b), 324, 337-F(i), (ii), (vi), 148, 149 PPC. No. The scribe said that first the report was made as a murasila, then the injury sheets and inquest reports were prepared, then the injured were sent to the doctor, but the doctor examined the injured at 6.03 p.m., before the matter was reported. The complainant, scribe and doctor did not support one another, and the post-mortem times (8.30 and 9.30 p.m.) and the injury-to-death interval (20 minutes to one hour) cut the prosecution's story further. Presence of witnesses at the spot was doubtful.
36	Javed Khan v. The State, 2023 PCrLJ Note 17 Peshawar (Sahibzada Asadullah, Muhammad Naeem Anwar JJ; 21.9.2021) †	The report was lodged at 5 p.m., the doctor's post-mortem report does not state the time the body arrived or was examined. Is that a lacuna?	Provisions: ss. 302(b), 34 PPC. Yes. The occurrence was at 4 p.m.; the report was made at 5 p.m. to a police official who drafted the murasila, prepared the injury sheet and inquest report and sent the body to the mortuary; the post-mortem report did not mention the time of arrival or examination, and the doctor later said it was 6.30 p.m. The appeal was allowed. A missing time entry becomes a gap that the prosecution has to fill.
37	Sajid v. The State, 2023 PCrLJ 19 Peshawar (Lal Jan Khattak, Musarrat Hilali JJ; 2.11.2021) †	The report was made at 5.20 p.m. but the FIR was chalked out the next day at 5.35 p.m., with an inquiry in between. What follows?	Provisions: s. 302(b) PPC; s. 154 Cr.P.C. A 24-hour gap between the report and the FIR, with no explanation, and an inquiry conducted by a police official that the IO had not seen and that was not on the record, showed that the FIR was lodged after consultation, deliberation and preliminary investigation. The IO's evidence on the place of occurrence (field of another person) also differed from the FIR (playground). Acquittal.
38	Zarshad v. The State, 2024 PCrLJ 546 Peshawar (S. M. Attique Shah, Sahibzada Asadullah JJ; 9.5.2023) †	The injured complainant was shot in vital parts and reported in the hospital. The scribe did not ask the doctor whether he could speak. And why did the scribe take the complainant's signature twice on the murasila?	Provisions: ss. 302(b), 149 PPC. Two separate findings. First, the scribe did not consult the Medical Officer before the report, asked for no certificate on capability to talk, the doctor was not associated with the process and the scribe was not a medical expert, so the report needed independent corroboration. Second, the signature of the complainant was obtained twice on the murasila and the scribe could not explain it; that failure to explain was by itself sufficient to show that the report was recorded after consultation. Acquittal.
39	Fazal Nawaz alias Muhammad Shafi v. The State, 2024 PCrLJ 993 Peshawar (Fazal Subhan, Dr. Khurshid Iqbal JJ; 15.11.2023)	The complainant claims he took shelter in a nearby house, which the FIR, the site plan, the scribe and the IO do not mention. Is that fatal?	Provisions: s. 302(b) PPC. It destroyed his credibility. The FIR said nothing about shelter; the complainant said in cross-examination that he had pointed out a house 28 to 30 feet away to the IO; the site plan had no such house; the IO said there was no place of shelter near the spot, and the scribe also affirmed there was none. The inquest report, prepared at the scene, showed that other persons, not the complainant, identified the body. The appeal was allowed. Check each new fact the witness adds at trial against the FIR, the scribe and the site plan.

No.	Citation	Question	Answer
40	Nawab Khan v. The State, 2024 YLR 457 Peshawar (Sahibzada Asadullah, Shahid Khan JJ; 13.12.2022) †	The scribe says he took the report in the emergency room in the presence of the doctor at 11.15 a.m.; the doctor says the injured arrived at 11.30 a.m. and was examined at 11.31 a.m. What does that show?	Provisions: s. 302(b) PPC. The two witnesses contradicted each other on material points: if the scribe was believed, the doctor lost credibility; if the doctor was believed, the scribe did. The Court inferred that the medical examination was conducted much earlier than the report and the record was silent on who brought the injured to the hospital and when. Acquittal. Fix the minute-by-minute time of arrival, report, injury sheet and examination from the register of the hospital.
41	Arshad Ali v. The State, 2024 MLD 212 Peshawar (Ishtiaq Ibrahim, Muhammad Faheem Wali JJ; 17.5.2022) †	The murasila was not signed or thumb-marked by the complainant and the constable who carried it was never cited as a witness. Is the Moharrir's word enough?	Provisions: s. 302(b) PPC; s. 154 Cr.P.C. No. The Sub-Inspector said he sent the murasila by a constable, and the Moharrir said the constable brought it, but the constable did not figure in the calendar of witnesses and the murasila was unsigned and without thumb impression. That created a serious dent: it could not be believed that the murasila had actually been brought by a constable who was never examined. The Court relied on Javed v. The State, 2020 YLR 311. Acquittal. The carrier of the murasila is a witness to be demanded.
42	Khan Zada v. The State, 2024 MLD 1645 Peshawar (Mingora Bench) (Dr. Khurshid Iqbal J; 6.3.2023) †	When is the murasila-and-parcels chain accepted in a narcotics case?	Provisions: s. 9(d) KP CNSA, 2019. When each link is proved. The seizing officer separated representative samples of 10 grams from each substance, put the samples and remaining stuff in seven parcels, sealed each with a monogram, recorded the report as a murasila, prepared the recovery memo in the presence of a constable and the Head Moharrir, and sent the murasila and the parcels. Recovery was held proved. Contrast with Asad (2021 YLR 254) where the links broke.
43	Muhammad Imtiaz v. The State, 2024 YLR 1390 Peshawar (Muhammad Ibrahim Khan, Ishtiaq Ibrahim JJ; 7.3.2023) †	If the complainant repeats in court what the murasila said, and the recovery witness confirms the memo, is safe custody proved?	Provisions: s. 9(d) KP CNSA, 2019. Yes. The complainant repeated what he had written in the murasila (that he handed over the case property, murasila and the car to the recovery witnesses to take to the police station, and drafted the application to the Forensic Science Laboratory), the recovery constable confirmed the memo bore his signature, and the safe custody and transmission for analysis were held proved; the sentence was modified.
44	Zalwanoor v. The State, 2024 YLR 383 Peshawar (Sahibzada Asadullah, Shahid Khan JJ; 2.11.2022) †	How do an OPD chit and the hospital record support a murder case?	Provisions: ss. 302(b), 324 PPC. The OPD chit showed the body arrived at 8.05 p.m.; the doctor confirmed death and referred the body onward; the scribe, informed of the arrival, reached the hospital, and the complainant reported; another witness verified the report and identified the body before the police and the doctor. The presence of the witnesses at the spot and in the hospital was held proved. The Court also held that delay in lodging the FIR and in the post-mortem was explained. Prosecutors should put the OPD chit on the record.
45	Said Rehman v. The State, 2025 YLR 632 Peshawar (Ishtiaq Ibrahim, Sahibzada Asadullah JJ; 7.11.2023) †	Where was the report really made: at the police station or at the hospital?	Provisions: ss. 302(b), 324, 427, 148, 149 PPC. The complainant admitted that three police stations lay on the way to the hospital but did not report at any; the nearest was only 2 kilometres from the spot although the doctor said death was immediate; the murasila was taken by one SI while the injury sheets and inquest reports were prepared by another SI, neither of whom was posted in the casualty. The scribe, the complainant and a witness taken together showed the report was made at the police station and the bodies shifted to the hospital afterwards, so the place of reporting was doubtful. Acquittal.
46	Umar Daraz alias Muhammad Umar v. Mst. Durdana, 2025 YLR 1284 Peshawar (Shakeel Ahmad, Dr. Khurshid Iqbal JJ; 14.11.2024)	The injured was examined at 5.20 p.m., before his report. What is the legal effect?	Provisions: ss. 302(b), 324 PPC; Art. 46 Qanun-e-Shahadat. The timelines of the FIR, injury sheet and inquest report did not coincide, and examination of the victim before his report suggested the report was lodged after preliminary investigation, a procedural misstep consistently held detrimental to the prosecution. The Court cited Muhammad Zahir Shah (2023 YLR 2323 Peshawar; the judgment itself gives a different page), Sajid (2023 PCrLJ 19), Muhammad Sheeraz (2021 PCrLJ 26) and Naem Gulzar (2021 PCrLJ 1586 Lahore). Also see Group B for the doctor's certificate.

No.	Citation	Question	Answer
47	Sahar Gul v. The State, 2025 YLR 5 Peshawar (Ishtiaq Ibrahim CJ, Sahibzada Asadullah J; 11.6.2024) †	The IO prepared no site plan, collected no blood and did not place the MLR or post-mortem report on the file for a hospital murder. Is the case lost?	Provisions: ss. 302(b), 302(c), 324 PPC. Not necessarily. The Court held that the flaws were obvious but the trial had been conducted in accordance with law and both sides had a proper opportunity to lead evidence, so the defective investigation had no adverse bearing on the prosecution case; the conviction was converted to s. 302(c) with a reduced sentence of twelve years. A warning: the defence must show actual prejudice, not just lapses.
48	Habibullah Shah v. The State, 2026 YLR 1958 Peshawar (Bannu Bench) (Muhammad Tariq Afridi, Abdul Fayaz JJ; 22.7.2025) †	The murasila does not say how the injured was taken to the hospital. Does that matter?	Provisions: ss. 302(b), 324, 34 PPC. Yes, with the delay. The occurrence was at 6.30 p.m., the report at 7.45 p.m., the distance to the police station 5/6 km, and the complainant said they left the spot at 6.50 p.m. and reached the hospital at 7.45 p.m. without mentioning the mode or source of transport, either in evidence or in the murasila; the distance could be covered in half an hour. The unexplained delay led to the inference of consultation and deliberation. Appeal allowed.
49	Saif-ur-Rehman v. The State, 2026 YLR 686 Peshawar (S. M. Attique Shah, Sahibzada Asadullah JJ; 3.12.2024) †	The scribe chose to rush the injured to the hospital rather than record the report at the spot. Is that conduct held against the prosecution?	Provisions: ss. 302(b), 324, 34 PPC. No. The OPD chits fixed the arrival of the complainant at 3.51 a.m. and of the accused at 3.55 a.m.; the Medical Officer confirmed the times; the scribe displayed natural conduct by prioritising the lives of the injured lying at the spot; the post-mortem confirmed the incident at the stated time. The matter was promptly reported.
50	Zahir Abbas v. The State, 2026 YLR 978 Peshawar (Bannu Bench) (Sahibzada Asadullah, Kamran Hayat Miankhel JJ; 7.3.2024) †	The incident was at 4 p.m., reported at 4.40 p.m. and the FIR was chalked out at 5.10 p.m. Is there a delay problem?	Provisions: ss. 302(b), 354, 452, 506 PPC. No. The report to the local police at 4.40 p.m. was prompt; the brother of the deceased reported and the sister, an eye-witness, verified it. The body was shifted to the police station where the matter was reported. The ocular account, which stood up to a searching cross-examination, was supported by the other evidence.

Group B, Part 1: Medical evidence, MLC, post-mortem and dying declaration. Supreme Court of Pakistan

No.	Citation	Question	Answer
51	Ali Ahmad v. The State, 1978 SCMR 384 (Muhammad Akram, Dorab Patel, Qaisar Khan JJ; 24.4.1978) †	Can the contents of the stomach and the cooling of the body disprove the alleged time of the occurrence?	Provisions: ss. 302/34 PPC; s. 45 Evidence Act, 1872 (expert opinion; now Art. 59 Qanun-e-Shahadat, 1984). Yes. Both deceased left the village early in the morning and nothing showed they had taken food, yet their stomachs contained semi-digested food; the Court held that the occurrence in all probability took place during the preceding night, 2 or 3 hours after the evening meal, and not at 9/10 a.m. as alleged. The head-note also records that the assessment of time of death is an approximate opinion that depends on several factors, one being the cooling of the body (Glaister, Medical Jurisprudence and Toxicology). A leading pre-2000 case for cross-examining the doctor on stomach contents.
52	Mir Muhammad v. The State, 1995 SCMR 610 (Sajjad Ali Shah CJ, Muhammad Munir Khan, Irshad Hasan Khan JJ; 30.1.1995) †	Does absence of blackening around a wound hurt the eye-witnesses?	Provisions: s. 302 PPC; Art. 185(3) Constitution. No. The Court held that the absence of blackening around the wounds supported the eye-witnesses (referring to Modi's Medical Jurisprudence and Toxicology, 21st ed., p. 227). The head-note under 'Medical jurisprudence' records that blackening is found if a shot-gun is fired from a distance of not more than three feet, and a revolver or pistol from a shorter distance; the full figures are in the judgment and should be read there. There was no conflict between the ocular and medical evidence, and the empties matched the gun recovered from the accused.

No.	Citation	Question	Answer
53	Muhammad Tufail v. The State, PLD 2002 SC 786 (Iftikhar Muhammad Chaudhry, Syed Deedar Hussain Shah, Hamid Ali Mirza JJ; 2.5.2002) †	The doctor's opinion on the range of the gun-shot does not match the distance the eye-witnesses gave. Does the ocular evidence fall?	Provisions: s. 302 PPC; Art. 185(3) Constitution; Art. 59 Qanun-e-Shahadat. No. The head-notes state that the dispersion of 12-bore pellets increases with range but also depends on the individual gun and the charge in the cartridge; that absence of burning and blackening suggests a longer rather than a nearer distance but also depends on the powder, the barrel length and the muzzle diameter; and that when the court is convinced the witness has seen the incident, a conflicting opinion of the doctor or expert neither negates nor nullifies the witness (referring to 1996 SCMR 1887, PLD 1993 SC 895, 1998 SCMR 1778 and PLD 1976 SC 53). The death sentence was upheld.
54	Faryad Ali v. The State, 2008 SCMR 1086 (Faqir Muhammad Khokhar, Muhammad Akhtar Shabbir, Zia Perwez JJ; 9.4.2008) †	What is the role of medical evidence, and when does a conflict with the ocular account matter?	Provisions: ss. 302(b)/34, 324 PPC; Art. 185 Constitution. Medical evidence is confirmatory: it cannot establish the presence of the accused or the weapon used, but only the doctor can say which kind of weapon caused a specific injury. Where the ocular account is straight, fair and confidence-inspiring, it prevails over a conflict with the medical evidence; mere conflict is not enough to suggest the eye-witnesses were absent, but a conflict on the number and nature of injuries may help to decide the role of an individual accused.
55	Abdul Khaliq v. The State, 2021 SCMR 325 (Mushir Alam, Qazi Muhammad Amin Ahmed JJ; 4.9.2020) †	Is a dying declaration recorded in the presence of the doctor, and attested by him, reliable?	Provisions: s. 302(b) PPC; Art. 46 Qanun-e-Shahadat. Yes, on these facts. The deceased was rushed to a hospital where the doctor attended; the doctor endorsed the statement, stood extensive cross-examination, was categorical about the deceased's capacity to communicate, said the statement was recorded in his presence, and denied connivance with the police. Mere presence of relatives who brought the injured did not by itself impair the value of the statement. It was corroborated by the weapon recovered, matching the casings, and by the medical evidence. A model of what a good dying declaration looks like.
56	Zafarullah v. The State, 2006 SCMR 1454 (Mian Muhammad Ajmal, Sardar Muhammad Raza Khan, Karamat Nazir Bhandari JJ; 29.10.2003) †	What is the value of the stamp of injuries on the eye-witnesses?	Provisions: ss. 302, 324, 452, 323 PPC. The presence of the two injured eye-witnesses at the spot was proved by the stamp of injuries on them, and their testimony was supported by another eye-witness without animus, by the medical evidence of the deceased and the injured, by recoveries at the accused's pointation, and by the Serologist and Forensic Science Laboratory reports. The conviction was upheld. Pair this with Group B Peshawar authorities that say the stamp of injuries proves presence but not truthfulness.
57	Ali Taj v. The State, 2023 SCMR 900 (Sayyed Mazahar Ali Akbar Naqvi, Muhammad Ali Mazhar, Athar Minallah JJ; 12.1.2023) †	What do injured eye-witnesses supported by the medical evidence prove?	Provisions: ss. 302(b), 324, 396 PPC; s. 7 Anti-Terrorism Act, 1997. Both ocular witnesses had sustained injuries which were fully supported by the medical evidence, and the testimonies of the injured witnesses and the stamp of injuries clearly proved their presence at the spot. Prosecution lawyers should always produce the MLC of the injured witness through the doctor.
58	Muhammad Saeed v. The State, 2024 SCMR 1421 (Jamal Khan Mandokhail, Syed Hasan Azhar Rizvi, Naeem Akhtar Afghan JJ; 20.5.2024) †	What does the interval between injury and death in the post-mortem report prove?	Provisions: s. 302(b) PPC; Art. 46 Qanun-e-Shahadat. The post-mortem report showed the interval between injury and death to be about one hour and 35 minutes, which confirmed that the injured remained alive for a considerable period and could tell the two witnesses, who immediately responded to her hue and cry, about the knife blows. The post-mortem also confirmed a stab wound on the abdomen. The petition was dismissed and life imprisonment maintained. The head-note adds that a dying declaration is a question of fact for each case.
59	Kamran v. The State through A.G. Khyber Pakhtunkhwa, 2024 SCMR 1419 (Syed Hasan Azhar Rizvi, Musarrat Hilali, Naeem Akhtar Afghan JJ; 19.4.2024) †	How does the court use the post-mortem cause of death and the forensic report on the weapon at bail stage?	Provisions: s. 497 Cr.P.C.; s. 392 PPC. The post-mortem report recorded the cause of death as injuries to the liver and major vessel of the abdomen, the recovered chhuri was found stained with human blood by the FSL, and the Court held that the medical evidence and the recovery of the crime weapon fully supported the prosecution and connected the petitioner with the crime. Bail was refused.

No.	Citation	Question	Answer
60	Ghulam Sarwar Ghangro v. The State, 2026 SCMR 251 (Muhammad Hashim Khan Kakar, Ishtiaq Ibrahim, Ali Baqar Najafi JJ; 21.10.2025) †	Can the stage of rigor mortis at post-mortem show that the alleged time of death is wrong?	Provisions: s. 302(b) PPC. Yes. The occurrence was said to be at 6 p.m. and the post-mortem was done at 1.30 a.m., 7 hours 30 minutes later, with rigor mortis fully developed; the Court noted rigor mortis ordinarily begins 2 to 4 hours after death and reaches full development in about 12 hours in a temperate climate, so full rigor in a young man of 26 was implausible, and the doctor himself admitted a death-to-post-mortem interval of 16 to 18 hours, putting death between 7.30 and 9.30 a.m. This showed the occurrence did not take place at the time the witnesses said. A model cross-examination of the post-mortem doctor.
61	Maskeen Ullah v. The State, 2023 SCMR 1568 (Sardar Tariq Masood, Jamal Khan Mandokhail, Muhammad Ali Mazhar JJ; 14.6.2023) †	Is delay in the post-mortem fatal?	Provisions: s. 302(b) PPC; s. 174 Cr.P.C. Not if explained by the circumstances. The inquest and injury statement were prepared at the house after the FIR, the body was then sent to the hospital where the post-mortem began at 5 a.m. the same night, and the police station was 21 kilometres from the place of occurrence. The Court held that the delay was explained; the petition was dismissed.
62	Iftikhar Kiyani alias Khara v. The State, 2025 SCMR 1360 (Muhammad Hashim Khan Kakar, Salahuddin Panhwar, Ishtiaq Ibrahim JJ; 28.4.2025) †	When is the ocular account held to be supported by the medical evidence so that conviction is upheld?	Provisions: ss. 302(b), 34 PPC. Where the two eye-witnesses were consistent on date, time, place and manner, previously knew the accused, were present naturally, withstood lengthy cross-examination, and the medical evidence matched the firearm role attributed to the appellant, the defence of false implication of a close relative while sparing the real killer was held inherently implausible. Conviction upheld.
63	Rajesh alias Rajoo v. The State, 2025 SCMR 1876 (Athar Minallah, Irfan Saadat Khan, Malik Shahzad Ahmad Khan JJ; 9.7.2025) †	The dying declaration was recorded on video by relatives of a woman who was 38.5% burnt. Can it be relied on?	Provisions: s. 302(b) PPC; Art. 46 Qanun-e-Shahadat. No. The recording was not properly audible; the deceased was 38.5% burnt and whether she could speak was a question the prosecution had to answer; the statement was recorded neither by the IO, the Medical Officer nor any independent person, but by her relatives; and the video showed she was being dictated and tutored and only said yes or no. The Court held that an audio or video tape produced as evidence must be clearly audible or viewable. The accused was acquitted.
64	Riaz (deceased) v. Gulzar, 2026 SCMR 980 (Jamal Khan Mandokhail, Musarrat Hilali, Shakeel Ahmad JJ; 13.8.2025) †	What is the legal basis for relying on a dying declaration, and is imminent expectation of death required?	Provisions: Art. 46 Qanun-e-Shahadat; s. 302(b) PPC. It is admissible without any pre-condition that the maker must be in imminent expectation of death; courts attach great importance to it on the presumption that 'truth sits upon the lips of the dying man'. The two grounds are necessity (the victim is generally the only principal eye-witness) and the sense of impending death creating a sanction equal to the oath. Here the report was made by the injured to the Head Constable at casualty and endorsed by his brother.
65	Shahid Iqbal v. The State, 2026 SCMR 1178 (Malik Shahzad Ahmad Khan, Salahuddin Panhwar JJ; 25.8.2025) †	What is the effect when the medical officer supports the role attributed to the accused?	Provisions: ss. 302(b), 302(c), 34 PPC. The ocular account on the role of causing firearm injuries was confidence-inspiring and was supported by the medical evidence from the Medical Officer. The prosecution had proved its case, but because of extenuating circumstances the conviction was altered from s. 302(b) to s. 302(c). The reader should see how the doctor's evidence is used as support rather than as the foundation.

Group B, Part 2: Medical evidence, MLC, post-mortem and dying declaration. Peshawar High Court

No.	Citation	Question	Answer
66	Zarif Khan v. The State, PLD 1994 Peshawar 176 (Muhammad Bashir Khan Jehangiri, Qazi Muhammad Farooq JJ; 23.1.1994) †	Is a medical opinion conclusive? What is the value of a site plan?	Provisions: ss. 302, 337-F(v) PPC. The head-notes hold that medical opinion is not conclusive and inviolable and must always be tested against the well-known principles of medical jurisprudence and firearms. The site plan is not substantive evidence, but it has evidentiary value as to matters that are the result of the IO's own observation and not entered at the instance of the eye-witnesses (Tori Singh v. State of U.P., AIR 1962 SC 399). The prosecution is not obliged to examine all the eye-witnesses. Pre-2000 and useful for both sides.

No.	Citation	Question	Answer
67	Ali Zar v. Shah Khalid, 2008 PCrLJ 1655 Peshawar (Zia-ud-Din Khattak, Syed Yahya Zahid Gilani JJ; 1.8.2008) †	The injured was brought to the hospital critically wounded three hours after the incident. Must the police officer get the doctor's certificate before recording his statement?	Provisions: s. 302/34 PPC; Art. 46 Qanun-e-Shahadat. Yes. The Court held that the police officer had to obtain a certificate from the doctor that the injured was in a fit condition to make the statement, none was obtained and no reasonable explanation was given, so fitness remained doubtful. The two prosecution witnesses did not support the case, and the site plan, drawn at the pointation of a witness, belied the dying declaration. Absconding for about three years was no substitute for real evidence.
68	Pasand Khan v. The State, 2011 YLR 1664 Peshawar (Dost Muhammad Khan, Yahya Afridi JJ; 8.2.2011) †	The complainant is a DSP who is the only eye-witness. What if the medical evidence contradicts his account?	Provisions: ss. 302, 337-H, 337-F(ii) PPC. The medical evidence fully contradicted the ocular account, the complainant made improvements and omitted facts to reconcile self-clashing facts, another witness departed radically from his s. 161 statement, the site and locale of injuries suggested the act of one person while three brothers were charged, and the DSP did not describe the weapons. The Court said both witnesses lied knowing they were under oath. Acquittal.
69	Aurangzeb v. The State, 2011 YLR 191 Peshawar (Liaqat Ali Shah J; 24.9.2010) †	Is the doctor's failure to give an opinion on the nature of the injury a ground for bail?	Provisions: s. 497 Cr.P.C.; ss. 324/34 PPC. Not by itself. When the complainant and the eye-witness are unanimous, it does not advance the accused's case that the doctor gave no opinion about the nature of the injury. The murasila itself showed the injured was unconscious on the IO's arrival. For trial, the lesson is to put the nature of the injury (Ss. 337 PPC categories) to the doctor expressly.
70	Ghaffar Ali v. The State, 2015 PCrLJ 169 Peshawar (Mrs. Irshad Qaiser J; 8.10.2012) †	What is the value of the stamp of injuries on the injured witness when the IO's report and the medical report disagree?	Provisions: ss. 324, 337-A(iii) PPC. The head-note states that the stamp of injuries on the victim could prove his presence on the spot but in no way certified that all he or his companion stated was the whole truth. The IO's report and the medical report contradicted each other, the witnesses did not tally with the FIR, and the complainant could not authenticate his presence. Benefit of doubt.
71	Sher Umar Khan v. Khan Pur alias Khaney, PLD 2015 Peshawar 143 (Rooh-ul-Amin Khan, Syed Afsar Shah JJ; 30.1.2014) †	Who should record a dying declaration and how?	Provisions: Art. 46 Qanun-e-Shahadat; s. 417(2-A) Cr.P.C. The Court held that the dying declaration should preferably be recorded by a Magistrate; if that is not possible, by a public servant such as a Medical Officer or any other person; in the absence of a Magistrate and a police officer, in the presence of two or more reliable disinterested witnesses; and if two independent witnesses are not available, in the presence of two or more police officials. A conviction may rest on a dying declaration alone if true and free from outside prompting, but it must be tested with the surrounding circumstances. Here the claim that the injured was fully conscious and oriented was not believable and prompting by a close relative could not be ruled out.
72	Muhammad Karim v. Abd-u-Sattar, 2016 PCrLJ 250 Peshawar (Qaiser Rashid Khan, Assadullah Khan Chamkani JJ; 2.6.2015) †	The conviction rests on the dying declaration alone. Was the injured able to identify the assailant at night?	Provisions: s. 302(b) PPC; Art. 46 Qanun-e-Shahadat. The Court said sanctity attaches to a dying declaration because a dying man is not expected to lie, but, being a weak kind of evidence, it requires close scrutiny and corroboration. There was no doubt about his capability to talk and being conscious, but the report mentioned no source of light at night, the site plan showed none and the IO did not take one into possession, and the injured was shown at 15 paces; identification was held next to impossible. Acquittal.
73	Siraj v. The State, 2016 PCrLJ Note 36 Peshawar (Qaiser Rashid Khan, Assadullah Khan Chamkani JJ; 9.9.2014) †	The injured said he was fired at from behind in the night but described no source of light and the IO recovered no bulb. What follows?	Provisions: s. 302(b) PPC. Identification of the accused in a dark night, from the back, created doubt, and the benefit of the doubt went to the accused; the brother of the deceased had contradicted the injured's story. Ask the scribe whether the injured said anything on light.

No.	Citation	Question	Answer
74	Salim Khan v. Azam Khan, 2018 MLD 1585 Peshawar (Qalandar Ali Khan, Ishtiaq Ibrahim JJ; 13.3.2018) †	The doctor says in cross-examination that the injured was conscious and well oriented, but the MLR is silent. Which prevails?	Provisions: ss. 302(b), 34 PPC; Art. 46 Qanun-e-Shahadat. The documentary MLR prevails over a later oral assertion. The report of the deceased had been recorded in the emergency room by a police officer; the MLR was silent on consciousness; no separate certificate or endorsement on the report existed; the doctor gave no reason why he had not recorded the fact; his oral statement, made in cross-examination, could not overcome the documentary evidence prepared at the very initial stage. The dying declaration was not believed.
75	Zahir Shah v. Ayaz Ali (deceased), 2020 PCrLJ 387 Peshawar (Syed Muhammad Attique Shah, Sahibzada Asadullah JJ; 27.8.2019) †	The defence argues that the shots hit vital organs, so the injured could not be alert. Does the report still stand?	Provisions: ss. 302(b), 324 PPC; Art. 46 Qanun-e-Shahadat. Yes, on these facts: the report was prompt, was taken down in the presence of the doctor, was verified by one eye-witness and endorsed by the doctor, who was thoroughly cross-examined and explained that the injured was conscious and could talk; the eye-witness said the same. The injured was then referred to another hospital where he died. The dying declaration was therefore not discredited. Compare the cases where no endorsement was obtained.
76	Faqir Said v. The State, 2020 YLR 1169 Peshawar (Rooh-ul-Amin Khan, Ishtiaq Ibrahim JJ; 24.10.2019) †	The Medical Officer wrote that the patient was fully conscious; is the report then safe?	Provisions: ss. 302/34 PPC; Art. 46 Qanun-e-Shahadat. Not necessarily. The report was endorsed by the Medical Officer as 'fully conscious', but the report did not specify the firearms and attributed firing with weapons of different calibre to two accused, which was belied by the medical and circumstantial evidence; the Court found 'throwing the net wide', exaggeration and falsehood. Acquittal. A fitness endorsement does not cure inconsistent contents.
77	Noor Zaman v. The State, 2021 YLR 1711 Peshawar (Bannu Bench) (Musarrat Hilali, Sahibzada Asadullah JJ; 13.10.2020) †	The doctor's examination was at 8.00 a.m., but the injury sheet was prepared at 8.20 a.m. and the report at 8.10 a.m. How can he endorse it? And what should he have recorded?	Provisions: s. 302(b) PPC; Art. 46 Qanun-e-Shahadat. The Court found it impossible: how could the Medical Officer examine the lady at 8.00 a.m., before the report, and endorse an injury sheet prepared at 8.20? He did not mention whether she was fully conscious, oriented in time and space, nor record the blood pressure or pulse; he said she was critical with injured lungs, issued no certificate and did not endorse the murasila. The scribe's failure to ask for a fitness endorsement made his conduct not above board. Acquittal.
78	Farzand Ali v. The State, 2023 YLR 2374 Peshawar (Bannu Bench) (Sahibzada Asadullah, Muhammad Naeem Anwar JJ; 8.2.2022) †	How do the post-mortem times and the injury-to-death interval figure in the Court's reasoning?	Provisions: ss. 302(b), 324, 337-F PPC. The doctor who conducted the autopsy confirmed one deceased was examined at 8.30 p.m. and the other at 9.30 p.m., and the post-mortem report put the time between injury and death at 20 minutes to one hour for one deceased. The Court read these with the doctor's examination of the injured at 6.03 p.m., before the report, and held that the complainant, scribe and Medical Officer did not support each other on the occurrence.
79	Sher Bahadar v. The State, 2023 MLD 1128 Peshawar (Mingora Bench) (Muhammad Ijaz Khan J; 18.10.2022) †	The post-mortem shows an irregular wound beneath the skull bone with no firearm injury on the skull or clothing, while eight 7.62 empties were recovered. Is that ground for bail?	Provisions: s. 497, s. 161 Cr.P.C.; ss. 302/34 PPC. Yes, together with other factors. The medical officer reported wounds on the left eyebrow and occipital region and a wound with irregular margins beneath the skull bone, no firearm injury was found on the skull or the clothing, the IO had obtained a second opinion on the weapon but the object was not clear, so it could not be definitively concluded that death was from firearm; the statements of witnesses had been recorded on the second day; the accused was 72 years old. Bail was granted as a case of further inquiry.
80	Nawab Khan v. The State, 2024 YLR 457 Peshawar (Bannu Bench) (Sahibzada Asadullah, Shahid Khan JJ; 13.12.2022) †	What is the importance of the doctor's own admissions on the time of arrival and examination?	Provisions: s. 302(b) PPC. The Medical Officer admitted that the injured was brought at 11.30 a.m. and examined at 11.31 a.m., which contradicted the scribe's report at 11.15 a.m., and the Court drew the inference that the medical examination was conducted much earlier than the report. Cross-examine the doctor on the exact minute of arrival and of the start of examination.

No.	Citation	Question	Answer
81	Zalwanoor v. The State, 2024 YLR 383 Peshawar (Bannu Bench) (Sahibzada Asadullah, Shahid Khan JJ; 2.11.2022) †	How is the delay in post-mortem and in the FIR treated where the OPD chit fixes the arrival of the body?	Provisions: ss. 302(b), 324 PPC. The OPD chit showed the body received at 8.05 p.m., the doctor confirmed death and referred the body to the Civil Hospital, the scribe reached the hospital and the complainant reported, and the delay in lodging the FIR and in conducting the post-mortem was held to be explained. The Court dismissed the appeal.
82	Arshad Ali v. The State, 2024 MLD 212 Peshawar (D.I. Khan Bench) (Ishtiaq Ibrahim, Muhammad Faheem Wali JJ; 17.5.2022) †	The complainant says the deceased was ahead and shot from the front, but the doctor found an entry wound on the back of the head. What follows?	Provisions: s. 302(b) PPC. The complainant's deposition was totally in conflict with the medical evidence: the doctor noted a lacerated wound over the scalp and an entry wound on the back of the head with exit on the left side of the nose; if shot from the front, the bullets would have entered the front. The complainant's added claim about a bulb was also doubted. Acquittal. Compare each wound's site and direction with the site plan.
83	Faisal v. The State, 2026 YLR 428 Peshawar (Qaiser Rashid Khan CJ, Ijaz Anwar J; 10.6.2021) †	The doctor said the injured was discharged on 17th, but the injured said he stayed in hospital until 22nd. Does it matter?	Provisions: ss. 324, 353, 337-F(iii), 34 PPC; s. 7 Anti-Terrorism Act, 1997. Yes. The injured complainant was examined at 10.45 p.m. on 16.5.2019; the doctor said he was discharged on 17.5.2019, while the complainant said he remained hospitalised for six days; the eye-witnesses also contradicted each other on material points, and the ocular account was not supported by the medical evidence. Benefit of doubt. Obtain the hospital's admission and discharge register.
84	Muhammad Yousuf v. The State, 2026 PCrLJ 1427 Peshawar (D.I. Khan Bench) (Muhammad Faheem Wali, Dr. Khurshid Iqbal JJ; 7.11.2023) †	Two doctors disagree on the number of entry wounds; what is the effect?	Provisions: ss. 302(b), 404 PPC. The first Medical Officer noted two entry wounds and did not record that the injured was in his senses; no document was produced before him for the examination; he issued no certificate of consciousness; the autopsy doctor noted one entry wound with exit. The conflict made the injuries dubious: it could not be determined whether one or two shots were fired. The Court also relied on the odd-hours night and other doubts. Appeal allowed.
85	Muhammad Zubair v. The State, 2026 YLR 1151 Peshawar (D.I. Khan Bench) (Farah Jamshed, Inam Ullah Khan JJ; 25.11.2025) †	In an unwitnessed killing, is a delay of about twenty hours in the report consequential?	Provisions: s. 302(b), 34 PPC; s. 15 KP Arms Act, 2013. Yes. The occurrence was said to be at about 5.20 a.m. on 19.6.2022 and was reported at about 1.30 a.m. on 20.6.2022; the explanation offered could not be endorsed and the possibility of consultation and deliberation could not be ruled out. Appeal allowed.
86	Muhammad Ikram v. The State, 2023 PCrLJ 635 Peshawar (Rooh-ul-Amin Khan J; 24.1.2022) †	Can the defence ask for a second chemical analysis of the narcotics after the FSA report is on file?	Provisions: s. 9(d) KP CNSA, 2019; ss. 561-A, 540 Cr.P.C. Not at that belated stage. The defence request to send samples from five packets, which it thought looked like opium, was refused: the defence is not an expert and the exercise might prejudice either side. The prosecution's application to summon witnesses for re-examination under s. 540 was allowed. This case is useful when the question is whether you can re-open the expert evidence.
87	Zarshad v. The State, 2024 PCrLJ 546 Peshawar (S. M. Attique Shah, Sahibzada Asadullah JJ; 9.5.2023) †	Can a scribe who is not a medical expert judge whether the injured can speak?	Provisions: ss. 302(b), 149 PPC; Art. 46 Qanun-e-Shahadat. No. The complainant had been hit on the most vital parts of the body and reported in the hospital; the scribe did not consult the Medical Officer, who confirmed that no opinion was asked and he was not associated with the process. The Court held that, the scribe not being a medical expert, the report needed corroboration from independent sources (relying on Wakeel Khan v. The State, 2021 YLR Note 62). Acquittal.
88	Umar Daraz alias Muhammad Umar v. Mst. Durdana, 2025 YLR 1284 Peshawar (Shakeel Ahmad, Dr. Khurshid Iqbal JJ; 14.11.2024)	Both the scribe and the doctor say the injured was conscious and able to speak. Is that enough?	Provisions: ss. 302(b), 324 PPC; Art. 46 Qanun-e-Shahadat. No. The IO admitted he got no medical certificate; the casualty doctor admitted he gave no certificate of alertness, orientation in time and space, or capability of a lucid statement. The victim had a cluster of six entry wounds on the right chest and abdomen with three exits on the left lower chest, so the scribe was required to obtain, and the doctor to give, a certificate that the injured was conscious in time and place. The Court also held that medical evidence is confirmatory (citing Aqil v. The State, 2023 SCMR 831) and noted the post-mortem put the injury-to-death interval as immediate, which contradicted the ocular account. Acquittal.

No.	Citation	Question	Answer
89	Said Rehman v. The State, 2025 YLR 632 Peshawar (Ishtiaq Ibrahim, Sahibzada Asadullah JJ; 7.11.2023) †	What does the court do when the ocular account is contradicted by the post-mortem?	Provisions: ss. 302(b), 324, 148, 149 PPC. Part of the head-note records that the medical evidence conflicted with the ocular account: if the deceased had been hit at the main gate they would have received injuries on the chest with exit on the back, but the medical evidence and post-mortem report told another story; the deceased were said to have died near the hospital, whereas the doctor confirmed death as immediate. The head-note also records that medical evidence is confirmatory and plays little part in the presence of trustworthy ocular evidence; here the ocular account was not trustworthy. Acquittal.
90	Rehmat Ullah v. Muhammad Ismail, 2026 YLR [page not legible on the site], Peshawar (Bannu Bench) (Muhammad Tariq Afridi, Abdul Fayaz JJ; 16.9.2025) †	The trial court convicted on the dying declaration alone, but the doctor gave no opinion on speech and no Glasgow Coma Scale was recorded. Is the declaration believed?	Provisions: ss. 302(b), 34 PPC; Art. 46 Qanun-e-Shahadat. No. The report was recorded while the injured was lying in a vehicle at the police station; the Medical Officer did not give an opinion or endorse the MLC and injury sheet that he could talk, and no GCS level was recorded; he was admitted to the orthopedic ward with a fractured thigh; two accused were charged but there was one entry wound with exit. Dying declaration is admissible but could not be believed. Acquittal.
91	Sadam Ullah v. The State, 2022 PCrLJ Note 123 Peshawar (Mingora Bench) (Ishtiaq Ibrahim, Wiqar Ahmad JJ; 7.9.2021) †	The doctor wrote that the injured was semi-conscious and not in a position to record a statement; later a certificate of consciousness is produced. What is the weight?	Provisions: ss. 302, 34 PPC; Art. 46 Qanun-e-Shahadat. Little. The Medical Officer at the first hospital observed the injured to be semi-conscious and non-cooperative; the IO, present at the examination, prepared the injury sheet but did not record the report there, and recorded it 45 minutes later at another hospital, taking a thumb impression; the certificate of consciousness was signed by an unknown person with no name or designation and the issuing doctor was not examined. The dying declaration, the only substantive evidence, failed.
92	Said Bahadar v. Amin-ur-Rehman, 2024 PCrLJ 138 Peshawar (Mingora Bench) (Ishtiaq Ibrahim, Wiqar Ahmad JJ; 3.6.2021) †	Is a statement said to be recorded in the presence of a doctor believed when the doctor was never produced?	Provisions: s. 302(b) PPC; Art. 129(g) Qanun-e-Shahadat; s. 164 Cr.P.C. No. The acid victim lost both eyes and died almost a year later; the FIR was registered after two months and five days; the prosecution said the victim recorded a statement on the third day in the presence of a doctor, but the IO could not record his statement under s. 164 even after three months because of the throat injury, and the doctor was not produced; the Court held that these facts, with the delayed FIR, un-natural conduct and unproved light source, led to benefit of doubt.
93	Khyal Mir v. Tahir Hassan, 2018 YLR 1698 Peshawar (Lal Jan Khattak, Qalandar Ali Khan JJ; 10.10.2017) †	Is the doctor's later certificate of consciousness necessary and does it help?	Provisions: s. 302 PPC; Art. 46 Qanun-e-Shahadat. The head-note says that where the injured was conscious and oriented when he lodged the report there was no need for a doctor's certificate, and that the IO's obtaining a certificate after the deceased died five days later showed some overactiveness on his part. The declaration got no corroboration from independent circumstances, the sole injury was on the back of the thigh, and it could not support a conviction. The reader must read the full text for the Court's reading of the certificate, as the head-note is brief.
94	Sahar Gul v. The State, 2025 YLR 5 Peshawar (Ishtiaq Ibrahim CJ, Sahibzada Asadullah J; 11.6.2024) †	What if the MLR of the injured and the post-mortem of the deceased are not placed on the file?	Provisions: ss. 302(b), 302(c), 324 PPC. The Court noted this as one of the obvious flaws of the investigating agency, together with no site plan and no recovery of blood or garments. Because the trial had been properly conducted and each side had a full opportunity, the flaws did not hurt the prosecution case; the conviction was converted to s. 302(c) with twelve years' imprisonment. At trial, always exhibit the MLR and the post-mortem through the doctors.
95	Shakir Ullah v. The State, 2026 PCrLJ 239 Peshawar (Mingora Bench) (Sahibzada Asadullah, Muhammad Naeem Anwar JJ; 25.9.2024) †	Can the post-mortem rule out the defence of suicide by hanging?	Provisions: ss. 302(b), 338-A PPC. Yes, on these facts. The Lady Medical Officer's autopsy recorded ligature marks around the neck covering 3 to 4 inches with a depth of 1 to 2 cm and a bruised area; the report did not show a mark running obliquely upward along the line of the mandible, which is typical of hanging; bruising on the back of the neck, the left chest and both thighs was consistent with strangulation. The medical findings excluded hanging and suicide, and the appeal against conviction was dismissed.

No.	Citation	Question	Answer
96	Wahid Ullah v. The State, PLD 2026 Peshawar 150 (Sabit Ullah Khan, Salah-ud-Din JJ; 27.5.2025) †	The radiologist's ultrasound showed an 8-week pregnancy but the charge was only under s. 302. What follows?	Provisions: ss. 302(b), 338, 338-A PPC. The Court held that the prosecution and the trial court had committed an illegality by not framing the charge for isqat-i-haml; an unborn child of 8 weeks is medically not a separate person for s. 302, but s. 338-A protects it as a distinct and independent offence. The appeal was allowed, the judgment set aside and the case remanded for a de novo trial after framing proper charges under ss. 302 and 338-A. Medical evidence of pregnancy must be turned into a charge.
97	Saif-ur-Rehman v. The State, 2026 YLR 686 Peshawar (S. M. Attique Shah, Sahibzada Asadullah JJ; 3.12.2024) †	How do the OPD chits and the post-mortem fix the time of the occurrence?	Provisions: ss. 302(b), 324, 34 PPC. The OPD chits collected from the hospital fixed the arrival of the complainant at 3.51 a.m. and of the appellant at 3.55 a.m.; the Medical Officer confirmed these times and the time of examination; the post-mortem confirmed that the incident occurred at the stated time and the deceased and injured were shifted hurriedly. The Court held the matter was promptly reported and upheld the case (one appellant's sentence was modified). The chit is a neutral timestamp.
98	Manzoor v. The State, 2023 YLR 1170 Peshawar (Lal Jan Khattak, S. M. Attique Shah JJ; 3.11.2022) †	The sole eye-witness's evidence lacks corroboration from medical evidence, and no FSL report on the empties. What follows?	Provisions: ss. 302(b), 427, 34 PPC. The testimony of the sole eye-witness lacked corroboration from circumstantial evidence including the medical evidence. Three empties of 7.62 bore were taken from the spot but there was no FSL report to show whether they were fired from one or more weapons; with the similar dimensions of the injuries, it could not be held that more than one person caused the death as the prosecution alleged. Acquittal.
99	Noor Ullah v. The State, 2023 YLR 1039 Peshawar (Bannu Bench) (Sahibzada Asadullah, Muhammad Faheem Wali JJ; 17.8.2022) †	The doctor says two persons identified the body at the hospital. Only one appeared, and he said nothing on transport. Why is the doctor's statement important here?	Provisions: s. 302(b) PPC. The doctor's own statement that two persons brought and identified the body was the only link in the chain from spot to hospital; one of the two was not produced and the other said nothing on how the body was transported, while the SHO complainant did not know who had brought the body or what wounds it had. The gap in this chain led to acquittal. Cross-examine the doctor on who brought the body and who identified it.
100	Muslim Khan v. The State, 2012 PCrLJ 1331 Peshawar (Nisar Hussain Khan J; 12.3.2012) †	What does the spread of pellets in a shot-gun injury tell the court?	Provisions: s. 497(5) Cr.P.C.; ss. 302/324/34 PPC. The medical report showed several stitched wounds on various parts of the deceased's body, which according to medical jurisprudence could not be the result of a single shot given the ratio of spreading of pellets, supporting the complainant's version that two accused fired with shot-guns; blood and a shot-gun empty were recovered, and the non-recovery of another empty was answerable since a double-barrel gun does not eject empties. The court found no ground for bail.

Annexure B: One Hundred and Twenty-Four Practical Points for Recording and Testing Evidence

These points are meant to be taken to the court room. They are grouped by witness. Where a point rests on a reported judgment, the case is named in brackets and can be found in Annexure A or in the paper. Points marked for the prosecution or the defence are written for that side; the others are useful to both.

1. Before the trial: reading the file for the timeline

- 1.** Build one master timeline on a single page: time of occurrence, time the injured was lifted, time of arrival at the hospital, time of examination by the doctor, time the report was made, time the murasila was written, time it left, time it reached the police station, time of the FIR, time the IO left, time of arrival at the spot, time of the inquest, time of the post-mortem. Every entry should carry the exhibit number it comes from. Contradictions in this one page decided Farzand Ali (2023 YLR 2374), Nawab Khan (2024 YLR 457) and Abdul Hayee (2025 SCMR 281).
- 2.** Collect the entire set of papers a murder case generates in the first hours: the murasila, the FIR, the injury sheet, the inquest report, the application for post-mortem, the MLC, the post-mortem report, the OPD chit, the police docket and the daily diary entries. Check each for the date, hour, FIR number and sections; the lack of FIR number and sections in an inquest report mattered in Ali Nawaz (2022 YLR 1793).
- 3.** Compare the sequence the scribe will give with the sequence the Court has already accepted as proper: report, injury sheet, doctor. If the doctor's time is earlier than the report, the argument of a preliminary investigation before the FIR is open (Noor Zaman, 2021 YLR 1711; Umar Daraz, 2025 YLR 1284).
- 4.** Read the murasila word by word and compare it with what the complainant said in court. Look for facts added later: source of light, motive, weapons, a place of shelter, names of other persons present (Zarshad, 2024 PCrLJ 546; Fazal Nawaz, 2024 PCrLJ 993; Basit, 2018 PCrLJ Note 116).
- 5.** Check the murasila for interpolations, overwriting, a missing time, and two signatures or thumb impressions of the complainant. Ask for the original, not a photocopy, and examine it under magnification if needed.
- 6.** Note who is cited in the calendar of witnesses and who is missing: the scribe, the Moharrir, the carrier constable, the doctor who issued the fitness note, the marginal witnesses. Plan the Art. 129(g) argument from the start (Arshad Ali, 2024 MLD 212; Asad, 2021 YLR 254).
- 7.** Draw the site plan on a single sheet with the positions of the witnesses, and compare it with the murasila. A disparity on the place of occurrence was decisive in Riaz (2022 PCrLJ 1070).
- 8.** Read the post-mortem and the MLC against the FIR and the site plan: the number of wounds, entry and exit, the direction, the part of the body, and the distance. A contradiction in the direction of the wound defeated the ocular account in Arshad Ali (2024 MLD 212).
- 9.** Obtain, before cross-examination, the registers of the hospital: the casualty register, the admission and discharge register, the OPD chit, the mortuary register. Faisal (2026 YLR 428) turned on the discharge date.
- 10.** Obtain the police station's records: Roznamcha (daily diary) of the day, the FIR register entry, the dak register or the movement entry for the murasila carrier, and the log of the vehicle used. Ask the Court to summon them if the prosecution does not produce them (s. 540 Cr.P.C.).
- 11.** Decide which of your points are fatal and which are only helpful. A procedural lapse alone, such as the injury sheet before the doctor, was held not fatal in Irfanullah (2023 YLR 868) and defective investigation was held harmless in Sahar Gul (2025 YLR 5). Build the cross around inconsistencies on material facts, not on mere irregularity.

2. The scribe of the murasila

- 12.** Fix who the scribe is: the SHO, the ASI, the Head Constable, or a constable taking dictation. Ask who held the pen, who dictated, where he was sitting, and what was the writing surface. In Zahir Hussain (2018 YLR Note 186) the complainant said a constable whose name he could not recall wrote the murasila, while the IO said the complainant

wrote it himself.

13. Ask when and how the scribe first learned of the incident: by a call, a message, a visitor, or by seeing the injured. Ask for the name of the informer and the phone number. In Noor Ullah (2023 YLR 1039) the SHO could not name the informer.

14. Ask where he was when he took the report: the spot, the emergency room, the casualty ward, the corridor, the police station, or the vehicle. The place of reporting was in doubt in Said Rehman (2025 YLR 632) and Ubaidullah (2015 PCrLJ 1023).

15. Ask who else was present when the report was dictated: the doctor, a nurse, a relative, another police officer. Presence of relatives who prompt is the line for the defence; the presence of a doctor who endorses it is the line for the prosecution (Abdul Khaliq, 2021 SCMR 325).

16. Ask what time he started and what time he finished writing. A report written in minutes and a report written in an hour tell different stories. Ask how long a murasila of that length takes to write and to read back.

17. Ask whether he read the murasila back to the complainant, whether the complainant read it, and whether the complainant signed or put a thumb impression. In Arshad Ali (2024 MLD 212) the murasila was unsigned and unthumbed.

18. Ask whether the complainant signed twice, on which part, and why. The unexplained second signature was treated as a sign of a report after consultation in Zarshad (2024 PCrLJ 546).

19. Ask whether the murasila was written in one sitting, whether anything was added later, and whether any word was struck out or overwritten. Interpolation in the murasila was held to give rise to suspicion in Basit (2018 PCrLJ Note 116).

20. Ask whether the time of the report is written on the murasila. Omission of the time was a factor in Basit. Ask whether the time written is the time the writing began, ended, or was sent.

21. Ask whether he put in the murasila the weapons, the number of accused, the source of light, the distance and the motive. What is absent from the murasila and appears in court is an improvement; the scribe is the best witness to say what the complainant did not say (Fazal Dayan, 2021 YLR Note 106, on the source of light).

22. Ask whether the injured was bleeding, how the injured was lying, who was holding him, and whether he was speaking continuously or in pieces. A scribe who cannot describe how the injured spoke has not heard him.

23. Ask whether he asked the doctor if the injured could speak, whether he asked for a note, and whether the doctor endorsed the murasila. The scribe's failure to take a fitness endorsement was held to be conduct not above board in Noor Zaman (2021 YLR 1711), and the report needed corroboration in Zarshad.

24. Ask whether the scribe is a medical man. If the answer is no, then his opinion that the injured was 'conscious' is not evidence of consciousness (Zarshad).

25. Ask the order in which he did things: the report, the injury sheet, the inquest report, the shifting of the injured to the doctor. Ask where each document was written. The order is documented in the record; compare it with the doctor's time.

26. Ask whether he went to the spot at all, who accompanied him, and by what means. A murasila not written at the spot was explained away by 'security reasons' in Mehmood Hussain (2023 PCrLJ Note 84) and the explanation was rejected.

27. Ask who took the murasila to the police station, by what means, at what time, and who received it. The carrier is a necessary witness (Arshad Ali, 2024 MLD 212; Asad, 2021 YLR 254).

28. Ask whether he knows what the Moharrir did with the murasila, what time the FIR was registered, and what number it bore. Have him confirm the FIR number before the inquest report is shown to him.

29. Ask the scribe about each of the other documents he prepared (the injury sheet, the inquest report, the application for post-mortem); who dictated the information and whom he questioned. If he questioned the complainant or the witnesses before the FIR, that is preliminary investigation (Umar Daraz, 2025 YLR 1284; Sajid, 2023 PCrLJ 19).

30. Ask whether he recorded statements of any witness at the hospital before the FIR, and whether any inquiry was held. In Sajid an inquiry preceded the FIR and was not on the record.

31. Ask where the complainant's family members were during the writing, whether they were in the room, and whether they spoke to the complainant. Consultation in the hospital corridor is the central allegation of every 'delayed FIR' defence.

32. Ask what the scribe did after sending the murasila: whether he waited, left for the spot, took the body, and what time he reached the police station. His movement must fit the IO's.

33. Confront the scribe with the complainant's version on the same event and ask him to say which one is right. The scribe and the complainant disagreed on the location of the matter's reporting in Ubaidullah (2015 PCrLJ 1023), and the scribe was contradicted by the doctor in Nawab Khan (2024 YLR 457).

3. The Moharrir, the duty officer and the carrier

34. Ask the Moharrir for the time the murasila arrived, who brought it, and in which register the arrival was noted. Ask for the Daily Diary and the register of FIRs.

35. Ask whether the murasila was in a sealed or open form, whether it was signed by the complainant, and whether it was accompanied by any other document. In Asad (2021 YLR 254) the scribe said that the murasila did not accompany the case property, which contradicted the IO.

36. Ask who typed or wrote the FIR from the murasila, whether it was copied word for word, and whether the Moharrir added or omitted any sentence. Compare the FIR with the murasila line by line.

37. Ask when the Moharrir informed the IO or the SHO and by what means. The information given to the IO fixes the time the IO could have reached the spot.

38. Ask the Moharrir about the entries in the Roznamcha for that day: the departure of the IO, the arrival of the dead body, and the departure of the body for post-mortem.

39. Ask the carrier constable how he travelled, how long it took, the route, and what he did on arrival. If he did not come to court, argue Art. 129(g).

40. Ask whether the malkhana register has an entry for case property, who made it, and when. Narcotics cases fail on the register (Asad, R. 22.70 Police Rules, 1934).

41. Ask who sent the samples to the laboratory, on what date, with what receipt, and why any delay. A delay of about three days from an unnamed official was noted in Asad (2021 YLR 254).

4. The doctor who examined the injured (MLC, injury sheet, fitness)

42. Ask the doctor to identify the injury sheet, the MLC and the police docket, and to read the time written on each. Fix the time the injured reached the hospital, when he was seen by the doctor and when the examination ended.

43. Ask whether any police officer was present in the room when the injured was examined, and whether any officer recorded a statement in his presence.

44. Ask who brought the injured to the hospital, and whether the doctor made a note. Ask what the injured said to the doctor about how he was hurt. If the history in the MLC is different from the murasila, use it.

45. Ask for the vital signs: pulse, blood pressure, respiration and the level of consciousness, and whether they were recorded. In Noor Zaman (2021 YLR 1711) neither blood pressure nor pulse was recorded. Ask whether a Glasgow Coma Scale was used; in Rehmat Ullah (2026 YLR, Bannu Bench) none was recorded.

- 46.** Ask whether the MLC says that the patient was conscious, oriented in time, place and person, and able to make a coherent statement. If the MLC is silent, an oral claim in cross-examination does not cure it (Salim Khan, 2018 MLD 1585).
- 47.** Ask whether any police officer asked for a fitness certificate before recording the statement, and whether one was given. In Ali Zar (2008 PCrLJ 1655) the Court said the police officer was bound to obtain it when the injured arrived critically wounded.
- 48.** Ask whether the doctor endorsed the murasila, and why not. In Zarshad and Noor Zaman the doctor had not endorsed it.
- 49.** Ask the doctor about the nature of the wounds: entry or exit, size, margins, direction, and the organs involved. Ask whether the wounds on the vital parts would allow the injured to speak in a lucid manner for a long time. In Umar Daraz (2025 YLR 1284) six entry wounds on the right chest and abdomen were considered with the claim that he spoke.
- 50.** Ask for the doctor's opinion on the weapon and the range. For firearm injuries, ask for the presence or absence of blackening, tattooing and burning, and how far the muzzle was (Mir Muhammad, 1995 SCMR 610; Muhammad Tufail, PLD 2002 SC 786). Do not ask for more than the doctor can answer on pellet spread, which depends on the gun and the charge.
- 51.** Ask the number of entry wounds he saw, and compare with the post-mortem doctor. A conflict in the number of entry wounds between two doctors was fatal in Muhammad Yousuf (2026 PCrLJ 1427).
- 52.** Ask whether the doctor classified the injury under the categories of ss. 337-A to 337-F PPC (such as shajjah, hashimah, munaqqilah, jaifah). The category must be proved; the doctor's silence on the nature was met in Aurangzeb (2011 YLR 191), where it did not help the accused at bail stage.
- 53.** Ask whether he sent the injured to another hospital, when, why, and who accompanied. The mismatch in the transfer was explored in Sadam Ullah (2022 PCrLJ Note 123).
- 54.** Ask whether the doctor saw the complainant or witnesses with the injured and whether they were injured themselves. If the witness claims to be injured, ask for the injury sheet and the MLC to be produced; the stamp of injuries proves presence, not truth (Ghaffar Ali, 2015 PCrLJ 169).
- 55.** Ask the doctor to confirm the hospital register entries for the day, the admission and discharge dates, and whether the patient was discharged against advice. Compare with the witness (Faisal, 2026 YLR 428).
- 56.** Ask whether another doctor examined the same patient and whether the findings are the same. Two doctors who disagree on the wounds weaken the injuries (Muhammad Yousuf, 2026 PCrLJ 1427).
- 57.** Ask whether the doctor knew the complainant or the accused, and whether anyone from the police or the family had contacted him before his statement.
- 58.** Ask whether the MLC was written at the time of examination or later, whether it was altered, whether it has a different ink or handwriting, and whether the doctor made the entries himself or dictated them to a dresser.
- 59.** For an injured accused, ask the same questions on the MLC. An unexplained injury on the accused is a defence point on who was the aggressor, and the time and nature of his injuries should be established through the doctor.
- 60.** Ask the doctor to define 'immediate death' or 'a few minutes' in the post-mortem, if the injured is said to have spoken. In Said Rehman (2025 YLR 632) the doctor confirmed death as immediate while the witnesses said the deceased died near the hospital; in Umar Daraz the post-mortem said the interval was immediate.
- 61.** If the MLC or the injury sheet bears a time earlier than the FIR, ask the doctor to confirm the time with the register, and ask the IO to explain how the injured was examined before the report (Ubaidullah, 2015 PCrLJ 1023).

62. For the prosecution: produce the OPD chit or the casualty register and have the doctor prove the time of arrival. OPD chits were a neutral timestamp in Saif-ur-Rehman (2026 YLR 686) and Zalwanoor (2024 YLR 383).

63. For the prosecution: have the doctor state, in examination-in-chief, that the injured was fully conscious, oriented, able to speak coherently, and that he endorsed the statement in his presence (as in Abdul Khaliq, 2021 SCMR 325 and Zahir Shah, 2020 PCrLJ 387). Do not leave this to cross-examination.

64. For the prosecution: ensure the MLC is exhibited and placed on the file along with the post-mortem report; the omission was noted in Sahar Gul (2025 YLR 5).

5. The doctor who conducted the post-mortem

65. Fix the time the dead body reached the mortuary, who brought it, who identified it, and the time the post-mortem began and ended. In Javed Khan (2023 PCrLJ Note 17) the time of arrival and of examination was not in the report and came out later.

66. Ask who identified the body to the doctor and whether that person appeared in court. In Noor Ullah (2023 YLR 1039) the second identifier did not appear.

67. Ask for the application for the post-mortem, the inquest report and the police docket, and the time written on each. The inquest report should be signed and carry the FIR number and sections (Ali Nawaz, 2022 YLR 1793).

68. Ask about the interval between death and the post-mortem as stated in the report, and the state of rigor mortis, livor mortis and decomposition. In Ghulam Sarwar Ghangro (2026 SCMR 251) full rigor mortis after 7.5 hours showed that death had occurred much earlier than alleged.

69. Ask about the stomach contents and the time of the last meal. In Ali Ahmad (1978 SCMR 384) semi-digested food in the stomachs of men who had not eaten that morning showed that death occurred during the preceding night.

70. Ask about the interval between injury and death. In Muhammad Saeed (2024 SCMR 1421) an interval of 1 hour 35 minutes confirmed the injured had remained alive and could speak; in Farzand Ali (2023 YLR 2374) it was 20 minutes to one hour.

71. Ask the doctor to describe each wound and to match it with the ocular account of the position of the deceased and the assailant. If the witness says the deceased was shot from the front and the wound is on the back of the head, say so plainly (Arshad Ali, 2024 MLD 212).

72. Ask for the track of each bullet, the direction (front to back, upward, downward), and the possibility of a single bullet causing more than one wound. A number of entry wounds that cannot match a single shot may support either side (Muslim Khan, 2012 PCrLJ 1331).

73. Ask about the range: blackening, tattooing and burning; and the opinion on the weapon. Remember the Supreme Court's caution that the absence of blackening points to a longer range but depends on the powder, barrel and muzzle (PLD 2002 SC 786).

74. Ask the doctor whether he can say from the wounds that two or more persons fired. Where the wounds have similar dimensions and there is no FSL report on the empties, the number of assailants is not proved (Manzoor, 2023 YLR 1170).

75. Ask the doctor whether he preserved the clothes, the bullet, the pellets, the viscera or the blood, to whom he handed them, and when. The chain of custody of the articles from the post-mortem is as important as that of narcotics.

76. If the case is of strangulation or hanging, ask about the ligature mark, its direction, the depth, the bruising on the neck and the body. In Shakir Ullah (2026 PCrLJ 239) the absence of an obliquely upward mark and the bruises excluded hanging.

77. If the deceased was a woman, ask whether she was pregnant. The failure to frame a charge for isqat-i-haml where the radiologist found an 8-week pregnancy led to a remand in Wahid Ullah (PLD 2026 Pesh 150).

78. Remember that medical evidence is confirmatory: it does not identify the assailant (Faryad Ali, 2008 SCMR 1086; Umar Daraz, 2025 YLR 1284). Use it to attack the ocular account when it contradicts the time, the place, the direction or the number of wounds, and do not expect it alone to win an acquittal.

6. The Investigating Officer on the spot and hospital proceedings

79. Ask the IO the time he received the information, from whom, and in what form. Ask the time he left the police station and the time he arrived at the spot and at the hospital. Compare it with the Roznamcha and the vehicle log.

80. Ask whether he found the complainant at the spot when he arrived. If he says he called the complainant from the house after fifty minutes, this contradicts a complainant who says the police arrived soon after the incident (Tariq Mehmood, 2023 YLR Note 13).

81. Ask who pointed out the place of occurrence. A site plan prepared by the IO on his own, with no pointer, could not support the dying declaration in Khyal Mir (2018 YLR 1698).

82. Ask whether he showed the witnesses on the site plan, with their distances. Absence of the complainant from the site plan was a ground for doubt in Ubaidullah (2015 PCrLJ 1023).

83. Ask what he collected at the spot: empties, blood-stained earth, blood-stained clothes, fired bullets, pellets, wads, a bulb, a tube light. Ask what he did not collect. In Fazal Maula (2016 MLD 42) no empty was found though four shots were alleged; in Ahmad Kamal (2023 YLR 1625) the bulb and tube light did not match the site plan.

84. Ask how and when each item was sealed, who signed the recovery memo, who the marginal witnesses were, and when the items were sent to the laboratory, with what receipt. See Zaki Ullah (2023 YLR Note 36) on contradictions in the recovery proceedings.

85. If the incident was at night, ask for the source of light. If none is in the murasila, the FIR or the site plan, and the IO collected no bulb, identification is doubtful (Fazal Dayan, 2021 YLR Note 106; Siraj, 2016 PCrLJ Note 36; Muhammad Karim, 2016 PCrLJ 250).

86. Ask whether he inspected the injured or the body at the hospital, whether he recorded any statement there, and whether the statement was recorded before or after the doctor's examination. In Sadam Ullah (2022 PCrLJ Note 123) the IO was present at the doctor's examination but recorded the report 45 minutes later at another hospital.

87. Ask whether the IO prepared the inquest report (s. 174 Cr.P.C. and R. 25.2 Police Rules, 1934), when and where, who identified the body, and whether the inquest report carries the FIR number and sections. Inquest reports prepared at the house were upheld in Maskeen Ullah (2023 SCMR 1568); but a missing FIR number in an inquest report counted against the prosecution in Ali Nawaz.

88. Ask who made out the injury statement, whether it was before or after the FIR, and whether the order matches the scribe's. The time shown on the injury sheet must match the time shown on the FIR (Noor Zaman, 2021 YLR 1711).

89. Ask when he recorded the statements of the witnesses under s. 161 Cr.P.C. and why not earlier. Late s. 161 statements damage credibility (Fazal Maula, 2016 MLD 42).

90. Ask whether he recorded any statement of the witnesses present with the complainant at the time of the report. If they were present and he did not record, ask why.

91. Ask whether any inquiry was conducted before the FIR and whether it is on the file. In Sajid (2023 PCrLJ 19) a missing inquiry showed a preliminary investigation.

92. Ask whether he searched for independent witnesses at the place, such as shopkeepers and neighbours. In Noor Ullah (2023 YLR 1039) no shopkeeper was cited for an occurrence in a market.

93. Ask about the means by which the dead body or the injured was moved, and whether the vehicle was examined for blood. The mode of transport was unexplained in Habibullah Shah (2026 YLR 1958).

94. Ask the IO about the distance between the police station, the spot and the hospital, and whether he measured it. Delay is measured against the distances and the way the police acted (Sikandar, 2006 SCMR 1786; Maskeen Ullah).

95. Ask whether the IO was told by anyone that the real culprit was another person, whether he investigated it, and whether he recorded the claims of the accused. Cross-reference to the IO paper for the law on the IO's duties.

96. Ask whether the IO seized the weapon, the cartridges, the phone or the CCTV footage, and whether he sent them for expert examination. CCTV evidence with a forensic report was relied on in Kamran (2024 SCMR 1419).

97. Ask the IO to read the exact paragraph of the site plan or the memo to which he is referring, and not to rely on memory. This helps catch invented details. The Court prefers documents prepared at the time over later oral claims (Salim Khan, 2018 MLD 1585).

98. For the prosecution: have the IO narrate the spot proceedings in chronological order, each step linked to an exhibit, and fix the time of each step. A prosecution witness who cannot do this opens the door to every point above.

7. Dying declaration and the witnesses who prove it

99. Identify the declaration: is it the FIR itself, a separate statement, a statement to a doctor, a statement to a relative, or an audio or video recording? Each needs different proof (Riaz v. Gulzar, 2026 SCMR 980; Rajesh, 2025 SCMR 1876).

100. Insist that the person who recorded the declaration be produced. The Supreme Court called him the most important witness in Somaïd (2019 SCMR 1008).

101. Ask the recorder whether the words are the words of the declarant, whether the questions were put to him, whether he was prompted, and whether he added anything. The prosecution must show that the declaration comprises the words of the declarant alone (Somaïd).

102. Ask who was present, who held the injured, whether relatives spoke. Tutoring by relatives destroyed the declaration in Rajesh (2025 SCMR 1876) and prompting could not be ruled out in Sher Umar Khan (PLD 2015 Peshawar 143).

103. Ask for the doctor's fitness certificate and who signed it. An unsigned or unidentified certificate of consciousness, and a doctor not examined, was fatal in Sadam Ullah (2022 PCrLJ Note 123).

104. Ask whether the injured had the capacity to identify the assailant: light, distance, direction, and whether he mentioned any of these. See Muhammad Karim (2016 PCrLJ 250) and Siraj (2016 PCrLJ Note 36).

105. Compare the declaration with the medical findings: the site of the wound, the number of shots, the weapons. In Faqir Said (2020 YLR 1169) the declaration of two armed assailants with different weapons did not match the medical evidence.

106. Ask whether the injured was in a condition to speak at all: a fractured thigh and hospital ward in Rehmat Ullah; six entry wounds in Umar Daraz; 38.5% burns in Rajesh.

107. For the prosecution: record the declaration before a Magistrate if possible, and otherwise before the doctor and two disinterested witnesses, and put the doctor's endorsement on the declaration (PLD 2015 Peshawar 143; Abdul Khaliq, 2021 SCMR 325). Remember that Art. 46 does not require the declarant to expect death (2026 SCMR 980).

108. For the prosecution: produce the recording with a transcript and make sure the recording is clearly audible. An inaudible recording was rejected in Rajesh.

8. Recording and conducting evidence generally

109. Keep the cross-examination of each witness to the points that matter: time, place, sequence, persons present, documents and handwriting. Do not give the witness the chance to repeat his examination-in-chief.

110. Put each contradiction to the witness in the way the law allows: show the earlier statement, read the sentence, ask if he made it, and have the Court note the answer. The first statement of a witness to the police under s. 161 cannot be

signed and is used only for contradiction (s. 162 Cr.P.C., read with the Qanun-e-Shahadat provision on cross-examination as to previous statements in writing).

111. Ask the Court to note down demeanour, hesitation or any prompting from the bench or from persons present, so that the record shows it.

112. Do not leave the points the Court needs for a ruling to the arguments stage. If the point is the time of the murasila, the witness must be asked and the answer recorded. Courts acquit on the evidence they have, not on what counsel says.

113. Use open questions for facts you do not know and closed questions for facts you can prove. Never ask the question 'why' of a witness whose answer you cannot predict, unless the answer is a risk worth taking.

114. For each witness, prepare a one-page sheet with the exhibits, the pages, the times and the contradictions, in the order you will take them. Number the documents so you can put your hand on them while the witness is waiting.

115. Read the deposition as recorded before the witness signs it. Point out at once any error in a date, an hour or an exhibit mark; an error noticed only at the argument stage is much harder to correct.

116. When a witness who is a police officer says he 'does not remember', ask him to look at the document that records the answer and read it. If he is permitted to refresh his memory from a document written at the time, the document becomes part of the record (Art. 155 Qanun-e-Shahadat).

117. Where a material witness (scribe, Moharrir, carrier, doctor, marginal witness) has not been produced, record at the close of the prosecution evidence that the defence relies on Art. 129(g), and develop the point in the final arguments with the citations above.

118. If the prosecution has abandoned a witness as 'won over', ask for the reasons in the order sheet. Art. 129(g) was applied in Anwar Kamal (2020 PCrLJ Note 116).

119. Apply for the production of records you need, such as the hospital register, the Roznamcha and the vehicle log, in good time, and ask the Court to summon the record-keeper (s. 540 Cr.P.C.). Do not wait until final arguments.

120. For the prosecution: if a witness has been confused on the sequence, a short re-examination to restore the sequence from the documents is permitted. Prepare for it, and do not re-open new matter.

121. For the prosecution: close the gaps before the defence finds them. List the witnesses to be produced: the scribe, the Moharrir, the carrier, the doctors, the marginal witnesses, the identifier of the body, the person who sent the samples. Where a witness is not available, apply for him to be summoned early.

122. Treat the first hours with care in the final arguments: set out the timeline on one page, give the exhibit numbers, and ask the Court to find, step by step, whether the report was recorded before the consultation. Use the Supreme Court cases for the legal rule and the Peshawar cases for the pattern of facts.

123. Always read the full text of a judgment before citing. Many entries in this paper were read from the head-note and the opening of the judgment and are marked with a dagger; the head-note on the law site is sometimes shortened and the citation line sometimes carries an error.

124. Keep a short list of the cases above, with the page and the exact holding, at the table. A citation given in the middle of a cross-examination or an objection is useful only if it is accurate.

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