

1998 S C M R 2538

[Supreme Court of Pakistan]

Present: Mamoon Kazi and Wajihuddin Ahmed, JJ

MUHAMMAD AKBAR --- Petitioner

versus

THE STATE---Respondent

Criminal Petition No.33-K of 1998, decided on 14th July, 1998.

(On appeal from the judgment of the High Court of Sindh dated 28-3-1998 passed in Criminal Appeal No. 180 of 1992). ,

(a) Penal Code (XLV of 1860)---

---S. 365-A/34---High Court had correctly appraised the evidence keeping in view the requirements of law---Abduction of the abductee had been established beyond doubt---Accused was one-of the persons who used to visit the abductee regularly during his captivity and was also instrumental in suggesting to him to pay ransom and obtain his release---Accused was not previously known to the abductee, nor any motive was attributed to the abductee by the defence to implicate the accused falsely in the case ---Abductee having had a good opportunity to see the accused regularly during his captivity, holding of identification test after a long delay could not render his evidence unreliable.

Asghar Ali v. The State 1992 SCMR 2088; The State v. Farman Hussain PLD 1995 SC 1 and Ghulam Rasul v. The State 1988 SCMR 557 distinguished.

(b) Qanun-e-Shahadat (10 of 1984)---

---Art. 22---Penal Code (XLV of 1860), S.365-A/34---Identification test not a requirement of law---Holding of identification test is not a requirement of law but only one of the methods to test the varacity of the evidence of an eye-witness who has had an occasion to see the accused and claims to identify. him.--[Identification Parade].

(c) Qanun-e-Shahadat (10 of 1984)---

---Art. 22---Penal Code (XLV of 1860), S.365-A/34---Identification test, when not necessary---Where a witness has spent considerable time with the accused and has had an opportunity to take a good look at him, holding of identification test would not be necessary. ---[Identification Parade].

Iqtidar Ali Hashmat, Advocate Supreme Court and Shabbir Ghauri, Advocate-on-Record for Petitioner.

Nemo for the State.

Date of hearing: 14th July, 1998.