

**2001 S C M R 1405**

**[Supreme Court of Pakistan]**

**Present: Muhammad Bashir Jehangiri, Sh. Ijaz Nisar and Mamoon Kazi, JJ  
ZIAUL REHMAN---Appellant**

**Versus**

**THE STATE---Respondent**

Criminal. Appeal No.355 of 1994, decided on 17th January, 2001.

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

---S.302---Appreciation of evidence---Corroboration---One weak piece, of evidence cannot corroborate another similar evidence.

**(b) Penal Code (XLV of 1860)---**

---S. 302---Qanun-e-Shahadat (10 of 1984), Art. 40---Appraisal of evidence---Evidence of extra judicial confession alone without any corroboration was not sufficient to maintain any conviction thereon---One weak piece of evidence could not corroborate another weak piece of evidence---Accused had merely pointed out the place to the police where he had thrown the children, but the same having not led to the discovery of any fact for the purpose of Art. 40 of the Qanun-e-Shahadat, 1984, such evidence could not be relied upon as corroboratory evidence---Delay of 266 days in filing the petition was condoned as dismissal of appeal for such technical reason would have caused grave injustice to the accused' under the circumstances of the case---Accused was acquitted in circumstances.

**(c) Limitation-----**

Condonation of delay---Delay of 266 days in filing the petition was condoned as dismissal of appeal for such technical reason would have caused grave injustice to the accused under the circumstances of the case--Accused was acquitted in circumstances.

Muhammad Javed Aziz Sandhu, Advocate.

Supreme Court for Appellant.

Malik Ainul Haq, Advocate Supreme Court for the State.

Date of hearing: 17th January, 2000.