

**P L D 1962 Supreme Court 102**

**Present: A. R. Cornelius, C. J., S. A. Rahman, Fazle-Akbar,**

**B. Z. Kaikaus and Hamoodur Rahman, JJ**

**ALI AHMED alias ALI AHMED MIA-Appellant**

**Versus**

**THE STATE-Respondent**

Criminal Appeal No. 9-D of 1961, decided on 31st January 1962.

(On appeal from the judgment and order of the High Court of East Pakistan, Dacca, dated the 12th December 1960, in Criminal Appeal No. 258 of 1960).

**(a) Evidence Act (I of 1872)-----S. 73**-Handwriting identification-Court entitled to make independent comparison of handwriting, apart from opinion of expert.

**(b) Evidence-----**Finding of fact based on adequate evidence Cannot be set aside in appeal by surmises or speculation.

**(c) Conviction---**May be based on evidence of sole disinterested witness.

**(d) Pakistan Criminal Law (Amendment) Act (XL of 1958)-----S. 6 (5) read with S. 5 (1)**-Sanction-Accused public servant no longer in service at time of grant of sanction-Jurisdiction of Court to try accused not affected whether sanction was necessary in law or not.

Abu Md. Abdullah Advocate Supreme Court instructed by Naimuddin Ahmad Attorney for Appellant.

Abdul Rye Chowdhury Advocate Supreme Court Instructed by A. W. Mallick Attorney for Respondent.

Date of hearing : 31st January 1962.