

P L D 1993 Lahore 430

Before Ausaf Ali Khan and Mian Abdul Khaliq , JJ

ZAHID HUSSAIN --- Appellant

versus

THE STATE --- Respondent

Criminal Appeal (SCT) N9.19 of 1992, decided on 3rd May, 1993,

(Mian Abdul Khaliq J)

(a) West Pakistan Arms Ordinance (XX of 1965)--

---- S. 13 --- Police witness --- Police official is as good a witness as any other person and the standard of adjudging his evidence is the same on which the evidence of any, other witness is adjudged.--[Witness].

(b) West Pakistan Arms Ordinance (xx or 1965)...

---- S. 13 --- Criminal Procedure Code (V of 1898), S.103 --- Evidence of recovery --- Judicial approach must be very cautious in dealing with the evidence where independent witnesses despite their availability are not picked up to witness the recovery.

(c) Criminal Procedure Code (v or 1898)--

S. 103 --- Scope --- Personal search --- Provisions of S. 103, Cr.P.C. are not attracted to the case of personal search.

(d) West Pakistan Arms Ordinance (XX of 1965)--

---- S. 13 --- Criminal Procedure Code (V of 1898), S.103- Appreciation of evidence --Omission to take independent witnesses from the locality was significant and could not be brushed aside or thrown away lightly especially when the recoveries were made in broad daylight --- Trial Court had dealt with the defence evidence in a very casual manner and rejected the same for no obvious reason --- Accused was acquitted on benefit of doubt in circumstances.

M. Asif Khan for Appellant. Ch. Abdul Nabi for the State.

Date' of hearing: 3rd May, 1993.