

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

Present:

Justice Muhammad Hashim Khan Kakar

Justice Salahuddin Panhwar

Jail Petition No. 384 of 2023

(Against the judgment dated 24.08.2023 passed by the High Court of Sindh, Circuit Court, Larkana, in Criminal Jail Appeal No. S-59 of 2019)

Ali Raza Siyal

...Petitioner

Versus

The State

...Respondent

For the Petitioner: Ms Aisha Tasneem, ASC

For the State: Mr. Saleem Akhtar Buriro, APG, Sindh

Assistance: Mr. Muhammad Subhan Malik, JLC, SCP

Date of Hearing: 16.09.2026

JUDGMENT

Salahuddin Panhwar, J.– Through this jail petition the petitioner seeks leave to appeal against the judgment dated 24.08.2023 passed by a learned Single Judge of the High Court of Sindh, Circuit Court, Larkana, whereby Criminal Jail Appeal No. S-59 of 2019 preferred by him against his conviction and sentence recorded by the learned Additional Sessions Judge-I/MCTC, Dadu, in Sessions Case No. 332 of 2012 arising out of F.I.R. No. 26 of 2012 registered at Police Station Sita Road, District Dadu, under section 302 of the Pakistan Penal Code, 1860, was dismissed. The conviction and sentence of rigorous imprisonment for life as Ta'zir under section 302(b), P.P.C., together with compensation of Rs.100,000/- or in default six months' simple imprisonment, were maintained. Benefit of section 382-B, Cr.P.C. had already been extended by the trial Court.

2. The prosecution case, in brief, is that on 30.04.2012 at about 8:30 p.m. the informant Shahid Ali Siyal, his father Ashique Ali (deceased), his cousin Muhammad Qayoom and two neighbours were standing in the street in front of the informant's house when the petitioner, armed with a dagger, and his father Ghulam Shabir Siyal, armed with a cudgel, arrived. On the instigation of Ghulam Shabir the petitioner inflicted a dagger blow below the left nipple of Ashique Ali, who fell down. The accused decamped. The injured was taken to Sita Road Hospital, where he succumbed. After a full-fledged trial the learned trial Court convicted the petitioner as above. The High Court, upon reappraisal of the entire evidence, found the prosecution case proved beyond reasonable doubt and dismissed the appeal.

3. Arguments heard and record perused. The ocular account furnished by the informant (PW-2) and the eyewitness Muhammad Qayoom (PW-3) is consistent, confidence-inspiring and fully corroborated by the medical evidence of Dr. Abdul Hakeem Shaikh (PW-7). The single dagger blow below the left nipple, the seat and nature of the injury, and the immediate fatality stand in complete harmony with the ocular version. The Investigating Officer (PW-6) recovered the crime weapon (dagger) on the pointation of the petitioner from his house.

4. Minor discrepancies regarding the exact location of the electric bulbs or the condition of a cart are the natural product of the long interval between the occurrence (2012) and the recording of evidence (2019). They do not touch the core of the prosecution case and are to be overlooked, as observed by this Court in ***Zakir Khan v. The State (1995 SCMR 1793)***. The relationship of the eyewitnesses with the deceased does not render their testimony unreliable; rather, it is most unlikely that the son and nephew of the deceased would substitute an

innocent person for the real culprit without any rhyme or reason. Even the solitary evidence of the informant, found trustworthy, is sufficient to sustain the conviction.

5. The occurrence took place at about 8:30 p.m. on 30.04.2012. The Roznamcha entry (Ex.9-A) dated 30.04.2012 records that the police left the station for the place of occurrence at 8:40 p.m. the same night. The Lash Chakas Form (Ex.9-B) of Police Station Sita Road, Dadu, records that the police officer saw the corpse at 9:00 p.m. on 30.04.2012. The police were therefore aware of the occurrence and visited the spot the same night. Despite such knowledge of the occurrence, the F.I.R. was registered on 03.05.2012, after a delay of more than three days. That delay is not fatal to the prosecution, for it is not attributable to the informant. In **Muhammad Bux alias Shahzaib v. The State (Crl.P. No. 1021 of 2021)** this Court, in similar circumstances, treated contemporaneous Roznamcha entries as proof of prompt reporting and held:

“Consequently, the victim cannot be made to suffer on account of the delay occasioned by the conduct, omission or negligence of the police officials. The informant, in the present case, acted with due promptitude in reporting the occurrence, as is borne out from the contemporaneous entry made in the Roznamcha. It is well settled that while examining the effect of delay, the Courts are required to consider whether such delay is attributable to the informant in reporting the crime, and not the delay occasioned by the failure of the police to discharge their statutory obligation of promptly registering the F.I.R.”

The Roznamcha entries dated 30.04.2012 and the Lash Chakas Form in the present case likewise fix the delay on the police, and not on the informant.

6. The High Court has meticulously examined every contention raised on behalf of the petitioner and has given cogent reasons for rejecting them. No misreading or non-reading of evidence has been pointed out, nor has any illegality or material irregularity been demonstrated that would warrant interference by this Court.

7. Before parting with this judgment, we observe with dismay, once again, the consistent practice of delayed registration of F.I.Rs in the Province of Sindh. Despite directions of this Court, and even after the Inspector General of Police, Sindh, was called in attendance, the practice shows no sign of abating. In the present case the F.I.R. was registered after a delay of more than three days, although information had been furnished the same night. This Court in **Muhammad Bux** (supra) expressed its disappointment at this menace, particularly in Sindh, and directed all Inspectors General of Police in Pakistan in these terms:

“27. Before departing with this judgment, this Court directs that the Inspectors General of Police of all Provinces must ensure that there shall be prompt registration of an F.I.R. once the informant informs the officer in charge of the police station, who is then duty bound to register the F.I.R. without causing any delay. The criminal justice system has evolved, and we have observed that in the investigation of criminal matters time is of the essence. Delay can result in the loss or deterioration of evidence, more particularly forensic evidence, ultimately prejudicing the merits of the case.”

8. Additionally, this Court also observed that the F.I.R carried the expression “Faryaadi”, which this Court expressly discouraged since it depicted a colonial mindset. The Court in **Muhammad Bux** observed that:

“8. Coming to the term ‘Faryaadi’ used in province of Sindh in police proceedings, its origin lies in the Persian word ‘Faryad’, meaning cry, help or lamentation, as noted in Persian dictionary. ...Needless to say that the citizen approaches the authorities as a matter of right and not as a matter of mercy. Similarly, the phrase ‘Bakhidmat Janaab SHO’ is a common salutation used in applications addressed to the Station House Officer (SHO). However, it lacks legal backing and implies a subordinate tone. We concur that it's actually the SHO, who serves the citizens, not the other way around....”

This Court added that:

“Despite the formal departure of British colonial rule, elements of a pre-colonial mindset remain embedded in everyday policing, most visibly in the continued use of the term ‘Faryaadi’.”

Therefore, this Court directs once and for all, strict compliance of the above stated directions, any further use of such terms would be considered defiance of the judgment of this Court in **Muhammad Bux**.

9. This Court further observed in *Muhammad Bux* with regard to section 201, P.P.C.:

“Apart from above, where a police official, having knowledge of the commission of a cognizable offence through any source whatsoever, deliberately fails to set

the law in motion, or despite receiving information, declines or delays the registration of an F.I.R., or omits to initiate the legally mandated proceedings, such omission cannot be viewed as a mere procedural lapse. Rather, where the consequence of such omission is the loss, destruction, or disappearance of evidence, the conduct squarely attracts the provision of section 201 PPC.”

Once information of a cognizable offence reaches the officer in charge, he is bound to reduce it to writing under section 154, Cr.P.C., and to register the F.I.R. forthwith. The excuse that the informant was occupied with funeral rites is alien to that provision.

10. We also observe that the learned trial Court, though the record itself demonstrated that the police had knowledge of a cognizable offence the same night and yet registered the F.I.R. after more than three days, did not advert to this omission. A Court administering criminal justice is not confined to the accused in the array. Where the papers disclose that the officer in charge, knowing of a cognizable offence, delayed registration of the F.I.R., the trial Court is competent and in a proper case obliged to notice that conduct and to proceed in accordance with law, including under section 201, P.P.C. if the ingredients are made out, and to refer the matter to the Inspector General of Police for departmental action. Henceforth, every trial Court shall, while administering justice, remain alive to any deliberate delay in lodgment of the First Information Report. Where such delay is attributable to the police and is apparent from the record, it shall not be treated as a mere irregularity. The Court shall record a finding on the cause of the delay and take such action as the law permits.

11. The Prosecutor General, Sindh, is directed to submit a report of all murder cases from 1 January 2025 to the date of this judgment,

setting out the time of occurrence against the time of report, district-wise, and identifying cases in which the F.I.R. was registered after 24 hours. The report shall be submitted within two months for perusal in our chambers.

12. The Registrar of this Court is directed to ensure that the judgment of this Court in ***Muhammad Bux*** is translated into Sindhi for the understanding of the general public of Sindh and is uploaded on the website of this Court again.

13. Let it be assured that any further defiance of the judgment of this Court in ***Muhammad Bux***, from this date onwards, may invite proceedings for contempt against the Inspectors General of Police, the Superintendents of Police (Investigation) and the Sub-Divisional Police Officers concerned.

14. In view of the foregoing discussion, we find no ground for grant of leave. Leave is therefore refused and the jail petition is dismissed.

Judge

Judge

Islamabad
16.09.2026
Muhammad Subhan Malik (JLC)/-
APPROVED FOR REPORTING