

Supreme Court: Police Delay in FIR May Trigger Section 201 PPC and Contempt

The Supreme Court upheld a murder conviction but ruled that deliberate police delay in registering an FIR may attract Section 201 PPC, departmental action and contempt proceedings.

Supreme Court of Pakistan judgment analysis
Published 19 September 2026 | Shahbaz Shah, Advocate High Court

Case: Jail Petition No. 384 of 2023

Court and date: Supreme Court of Pakistan | 16 September 2026

Bench: Justice Muhammad Hashim Khan Kakar and Justice Salahuddin Panhwar

Result: Leave refused; life sentence maintained; police-accountability directions issued

The ruling in one sentence

The Supreme Court of Pakistan has held that delay in registering an FIR is not fatal to a prosecution when the informant promptly reported the offence and the police caused the delay, while a police officer who deliberately fails to register a cognizable offence may face action under Section 201 of the Pakistan Penal Code, departmental proceedings and, for future defiance of binding directions, contempt proceedings.

In *Ali Raza Siyal v The State*, Jail Petition No. 384 of 2023, the Court refused leave and maintained the petitioner's conviction and sentence of life imprisonment for murder. The reported judgment also issued significant nationwide and Sindh-specific directions concerning prompt FIR registration, police accountability and the language used for citizens who report crime.

The murder case and conviction

The prosecution case arose from an occurrence on 30 April 2012 at about 8:30 p.m. in District Dadu. According to the witnesses, the informant Shahid Ali Siyal, his father Ashique Ali, his cousin Muhammad Qayoom and two neighbours were standing in the street outside the informant's house.

Ali Raza Siyal arrived armed with a dagger, accompanied by his father Ghulam Shabir Siyal, who carried a cudgel. On Ghulam Shabir's instigation, Ali Raza inflicted a dagger blow below the left nipple of Ashique Ali. The injured man was taken to Sita Road Hospital, where he died.

The Additional Sessions Judge-I/MCTC, Dadu, convicted Ali Raza under Section 302(b) PPC and sentenced him to rigorous imprisonment for life as Ta'zir. He was also ordered to pay Rs.100,000 compensation, with six months' simple imprisonment in default. The benefit of Section 382-B Cr.P.C. was allowed.

The Sindh High Court, Circuit Court, Larkana, dismissed Criminal Jail Appeal No. S-59 of 2019 on 24 August 2023. The convicted person then sought leave to appeal before the Supreme Court.

Why the conviction was maintained

The Supreme Court found the ocular account of the informant and eyewitness Muhammad Qayoom consistent and confidence-inspiring. Their evidence was fully supported by the medical testimony.

The location and nature of the single dagger injury, below the left nipple, and the immediate death were consistent with the eyewitness version. The investigating officer had also recovered the dagger from the petitioner's house on his pointation.

Minor discrepancies about the precise location of electric bulbs or the condition of a cart were treated as natural consequences of the seven-year interval between the 2012 occurrence and the recording of evidence in 2019.

Relying on *Zakir Khan v The State* (1995 SCMR 1793), the Court held that these details did not affect the core prosecution case.

The relationship of the witnesses to the deceased was not a reason to reject their evidence. The Court considered it unlikely that the victim's son and nephew would falsely substitute an innocent person for the real assailant without any motive. It further observed that the trustworthy evidence of the informant alone could sustain the conviction.

No misreading, non-reading, illegality or material irregularity was identified in the High Court's reappraisal. Leave was therefore refused.

The FIR was registered after more than three days

The offence occurred at about 8:30 p.m. on 30 April 2012, but the FIR was registered on 3 May 2012. Ordinarily, unexplained delay in a murder FIR can raise concerns about consultation, deliberation or fabrication.

The record, however, showed that the informant was not responsible for this delay. Roznamcha entry Ex.9-A recorded that the police left for the place of occurrence at 8:40 p.m. on the same night. The Lash Chakas Form Ex.9-B recorded that a police officer saw the body at 9:00 p.m.

These contemporaneous records proved that the police knew of the murder and visited the scene within minutes. The informant had acted promptly; the police delayed the formal registration.

The Supreme Court applied *Muhammad Bux alias Shahzaib v The State*, Criminal Petition No. 1021 of 2021. The victim or informant cannot be made to suffer for delay caused by police misconduct, omission or negligence. Courts examining delay must ask who caused it, rather than merely count the hours between occurrence and registration.

Police delay may attract Section 201 PPC

Section 154 Cr.P.C. requires the officer in charge of a police station to reduce information about a cognizable offence into writing and register the FIR. Once such information reaches the officer, registration is a legal duty, not a matter of discretion.

The Supreme Court reiterated that where a police official, knowing of a cognizable offence, deliberately fails to set the law in motion, declines or delays registration, or omits legally required proceedings, the conduct is not necessarily a minor procedural lapse.

Where that omission results in loss, destruction or disappearance of evidence, the conduct may squarely attract Section 201 PPC. The excuse that the informant was occupied with funeral rites was held to be irrelevant to the police obligation under Section 154 Cr.P.C.

The ruling is carefully limited. It does not hold that every administrative delay automatically proves an offence under Section 201. The statutory ingredients must be established, including deliberate conduct and the relevant consequence concerning evidence. But a court may no longer dismiss an apparent police-caused delay as harmless without examining it.

Trial courts must investigate the cause of delay

The Supreme Court criticised the trial court for failing to address the police omission, even though the record proved knowledge of the murder on the same night and registration more than three days later.

The judgment directs every trial court to remain alert to deliberate delay in lodging an FIR. Where the record shows that police caused the delay, the court must:

- record a finding on the reason for the delay;
- treat it as more than a routine irregularity;
- take lawful action, including under Section 201 PPC where its ingredients are established; and
- refer the matter to the Inspector General of Police for departmental action where appropriate.

The Court explained that criminal justice is not confined only to the accused already placed before the trial court. If the papers disclose unlawful conduct by the officer responsible for registration, the court is competent and, in a proper case, obliged to notice it.

Supreme Court rejects the word Faryaadi

The judgment also enforced the earlier direction in Muhammad Bux against using the term Faryaadi for a person reporting crime. The Court linked the expression to a colonial and subordinate mindset in which a citizen appears to seek mercy rather than assert a legal right.

The same objection was made to the deferential salutation Bakhidmat Janaab SHO. A station house officer serves citizens; citizens do not approach the officer as supplicants.

The Supreme Court directed strict compliance once and for all. Any further use of such expressions would be treated as defiance of the Muhammad Bux judgment.

This part of the ruling is not merely linguistic. It reflects the legal relationship between the citizen and the police. Reporting a cognizable offence activates a statutory duty. The citizen is a rights-holder, not a petitioner for official favour.

Warning of contempt proceedings

The Court expressed dismay that delayed FIR registration remained common in Sindh despite binding directions and even after the Inspector General of Police had previously been called before the Court.

It warned that future defiance of the Muhammad Bux judgment may invite contempt proceedings against the Inspectors General of Police, Superintendents of Police (Investigation) and concerned Sub-Divisional Police Officers.

This warning concerns continued institutional non-compliance from the date of the judgment. It does not itself convict any officer of contempt, but places senior police leadership on clear notice of the consequences of future breach.

Province-wide report on delayed murder FIRs

The Prosecutor General, Sindh, was directed to prepare a district-wise report of every murder case from 1 January 2025 to 16 September 2026.

For each case, the report must compare the time of occurrence with the time of reporting and identify FIRs registered after 24 hours. It must be submitted within two months for examination in the judges' chambers.

The Registrar of the Supreme Court was separately directed to ensure that the Muhammad Bux judgment is translated into Sindhi for public understanding and uploaded again on the Court's website.

Together, these directions move beyond deciding one appeal. They create a factual basis for measuring delayed registration and make the governing legal duties more accessible to the public and police institutions.

The final order

The Supreme Court found no ground to grant leave. It dismissed the jail petition and maintained the life sentence, compensation order and benefit under Section 382-B Cr.P.C.

The judgment was delivered by Justice Salahuddin Panhwar on a bench with Justice Muhammad Hashim Khan Kakar. It is dated 16 September 2026 and approved for reporting.

Practical effect for lawyers, police and trial courts

Defence and prosecution counsel should obtain the Roznamcha, departure entries, medico-legal and body-inspection records, wireless logs and other contemporaneous material before arguing whether delay in the FIR was genuine or manipulated.

For complainants, prompt reporting may be proved through police records even where the formal FIR was registered later. A police-caused delay should not automatically destroy an otherwise proved prosecution.

For police officers, the judgment makes prompt registration a personal and institutional accountability issue. Senior officers must ensure compliance, while deliberate delay carrying evidentiary consequences may expose the responsible official to criminal and departmental action.

For trial judges, the cause of delay now requires an express finding when police responsibility appears from the record. The remedy must address both evidentiary fairness in the criminal case and possible misconduct by public officials.

This commentary is independent legal analysis for research and general information. The complete judgment, current statutory text and record of a particular case should be checked before reliance in proceedings.