

## **THE RIGHT TO EXPEDITIOUS JUSTICE AGAINST INORDINATE DELAY FOR CRIMINAL CASES IN PAKISTAN**

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*The right of victims and the accused persons for the expeditious disposal of criminal cases is provided to every citizen of Pakistan. However, this is easier said than done. In reality, Pakistani judiciary faces the most daunting challenges to ensure that cases they handled are expeditiously disposed. Currently, the inordinate delay in the Pakistani judiciary in the disposal of criminal cases is not much in consistence with international documents, treaties, conventions, and Islamic law as well. Inordinate delay in determining and hearing of criminal cases undermines the public's trust in the judiciary. This unending and ongoing delay of pending cases is exacerbated by having more new cases as the population increases. This paper analyses the relevant laws and decided cases that illustrate delay in the disposal of criminal cases which amount to the violation of the rights of victims, accused persons, witnesses and those immediately related to them.*

### **INTRODUCTION**

Right to speedy justice or speedy trial is considered one of the fundamental procedural rights of a person accused of a criminal wrong in national as well as international law.<sup>1</sup> Right to speedy justice is enshrined in the constitutions and laws of many nations and is also found in numerous documents and treaties all over the world. Islam has also given the same weightage, if not more, to speedy justice to a common man. However, the issue is that the right to speedy justice is hampered by delay in the criminal justice system in Pakistan, when cases take way too long to be disposed.<sup>2</sup> Delay has been considered as one of the drawbacks of administration of justice in Pakistan.

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Delay in determining and hearing of cases in the criminal courts in Pakistan is posing a serious threat to justice in Pakistan. The position of delay in Pakistan has become unacceptable and not manageable as opposed to the other countries such as the United Kingdom (UK) and Malaysia. Postponement of criminal cases has become a daily routine in Pakistan. With loads of pending criminal cases in criminal courts, this nightmare is exacerbated by new cases, hence uncontrollably increasing day by day.<sup>3</sup> If justice is delayed, it means, justice is being denied, according to the maxim “Justice delayed is justice denied.”<sup>4</sup>

### MEANING AND IMPORTANCE OF JUSTICE IN ISLAM

Islamic law mainly derived from the Quran and the *Sunnah* (the traditions of the Prophet Muhammad (*s.a.w.*)). In Islam, the word justice means to put a thing in its correct shape. In the same way, it also includes the equal treatment with others. Similarly, justice is also considered as a moral virtue and a quality of human personality. In the same fashion, it has also been regarded as equality because it puts a balance between rights and duties. Justice is emphasised in Islam because it has been considered one of the attributes of Allah (*s.w.t.*). Ninety-Nine attributes of Allah (*s.w.t.*) have been mentioned in the Quran, and *Al-Adil* is one of them and it means “the Provider of justice”. Likewise, *Al-Muqsit* is also another attribute of Allah (*s.w.t.*) and it means “the Dispenser of Justice”.

Justice, as explained by the Quran is one of the most fundamental virtues in Islam. No other moral virtues are more emphasised in the Quran and Hadith than justice, primarily as a response against the pre-Islamic social order which paid little if any attention to justice. Justice in Islam is well-defined in the Quran, commanding mankind to behave in a fair and just manner, irrespective of their race, gender or socio-economic status. Allah (*s.w.t.*) commands: “O ye who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts), lest ye

swerve, and if ye distort (justice) or decline to do justice, verily Allah is well-acquainted with all that ye do”.<sup>5</sup> Allah (*s.w.t.*) not only explains the definition of justice but also the conditions of justice. In this verse, people are commanded by Allah (*s.w.t.*) to be fair and just in all circumstances, and in all situations to maintain justice in the society. Islam commands its followers to be just even in the face of strong conflicting emotions, i.e., love and hatred towards other fellow human beings cannot stand as obstacles in dispensing justice.

Islam orders the Muslims to do justice without fear or favour. Allah (*s.w.t.*) says in the Quran: “O you who believe! Stand out firmly for Allah as just witnesses, and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety, and fear Allah. Verily Allah is well-acquainted with what you do”.<sup>6</sup> Allah (*s.w.t.*) prohibits the immorality and oppression.<sup>7</sup> One of the purposes of sending the messengers is to establish justice in the society among the people.<sup>8</sup> In the same fashion, Allah (*s.w.t.*) loves those who act justly.<sup>9</sup> Allah (*s.w.t.*) says: “Verily, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice. Excellent is that which Allah instructs you. Verily, Allah is ever hearing and seeing”.<sup>10</sup>

Besides Quran, the *Sunnah* also emphasises justice among people. The Prophet (*s.a.w.*) said that a just ruler is the shadow of God on earth.<sup>11</sup> The reward for being just and fair is tremendous. Those who practice justice in all their matters will be given special, exalted status on the Day of Judgment. Abdullah ibn Amr reported that the Prophet (*s.a.w.*) said: “Verily, those who were fair will be in the presence of Allah upon pulpits of light, near the right hand of the Merciful, the Exalted, and both of His sides are right (being equal in honor); those who practiced justice in their rulings and with their families and in all that they did”.<sup>12</sup>

The Prophet (*s.a.w.*) had always performed justice without a difference between Muslims and Non-Muslims, friends and enemies, rich and poor. There are so many examples of justice from the life of Prophet (*s.a.w.*) from which the inspiration can be seen. Aishah (*r.a.*) reported that: “A woman of the Makhzoom

family with good connections was found guilty of theft. For the prestige of the Quraysh, some prominent people including Usama ibn Zayd (*r.a.*), interceded to save her from punishment. The prophet refused to forgive the crime and expressed displeasure saying: ‘many a community ruined itself in the past as they only punished the poor and ignored the offenses of the exalted. By Allah, if Muhammad’s daughter Fatima would have committed theft, her hand would have been served’<sup>13</sup>.

Adding more to it, the Prophet (*s.a.w.*) reminded his companions the command of Allah (*s.w.t.*) and mentioned: “I have forbidden injustice for myself and forbade it also for you. So avoid being unjust to one another”;<sup>14</sup> “who does justice, a paradise for him, and who does injustice, a fire for him”;<sup>15</sup> “there are seven categories of people whom God will shelter under the shade of his throne on the day when there will be no shade except this. One is the just leader”.<sup>16</sup> In this tradition, the Prophet (*s.a.w.*) has clearly mentioned that the just ruler and any person who provides justice to a common man will get the shelter of the throne of God. So as far as the justice in Islam is concerned, both the Quran and *Sunnah* command the Muslims to perform justice fairly and avoid injustice in all the circumstances without any prejudice and partiality irrespective the religion, cast and color either it is against friends and enemies or against relatives.

## **RIGHT TO SPEEDY TRIAL: INTERNATIONAL STANDARDS**

Authors has described earlier, that the right to a speedy or fair trial is an international and constitutional right of a common man all over the world, so now, it is pertinent to mention here, that how this right has been recognised and acknowledged by constitutions, international conventions, treaties, and documents. Black’s Law Dictionary explained fair trial as: “fair trial is a trial by an impartial and disinterested tribunal in accordance with regular procedures; esp., a criminal trial in which the defendant’s constitutional and legal rights are respected”.<sup>17</sup>

The right to speedy trial first found formal expression in Magna Carta in the statement: “No freeman shall be taken or imprisoned, or disseized of his freehold, or liberties, or free customs, or be outlawed, or exiled, or any otherwise destroyed; nor will we not pass upon him, nor condemn him, but by lawful judgment of his peers, or by the law of the land. We will sell to no man; we will not deny or defer to any man either justice or right”.<sup>18</sup> The right to a speedy trial has developed over thousands of years. In 1215, Magna Carta was a key first step in giving all freemen the right to fair trial by jury. Then, after World War II, the Universal Declaration of Human Rights 1948 (UDHR) recognised the fundamental rights of human beings, including the right to a speedy and fair trial. In the UK, since 1953, Article 6 of the European Convention on Human Rights was brought into UK law in 2000 by the Human Rights Act.

Moreover, the most important Article 10 of the UDHR states that: “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and any criminal charge against him”.<sup>19</sup> Article 10 explains that everyone is equal before the law to be heard by the independent and impartial tribunal. When his criminal right is violated or any criminal charge has been made against him, he has a right to be trialed fairly. He is entitled to access to justice within a reasonable time. In addition, Article 6 of the European Convention on Human Rights 1950 (ECHR) also provides and protects the right to a speedy or fair trial. This article states: “In the determination of his civil rights and obligations or any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”<sup>20</sup>

The difference between Article 10 of the UDHR and Article 6 of the ECHR is that the later provides a reasonable time to be heard by the courts. This article explains clearly that when any person charged with any kind of offense, he has a right to be heard within a reasonable time. Likewise, the International Covenant on Civil and Political Rights 1966 (ICCPR) has also provided the

right to a fair trial. Article 14(1) states: “All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”<sup>21</sup> All these conventions and treaties have in essence provided the right to fair and speedy trial which is binding upon all Member States.

### RIGHT TO SPEEDY TRIAL IN PAKISTAN

Pakistan has ratified these international conventions and treaties and thus the Constitution of the Islamic Republic of Pakistan provides the right to a fair trial in its Article 10(A). Right to a fair trial was introduced as a fundamental right in Article 10(A) of the constitution when the (Eighteenth Amendment) Act 2010 was constituted. The Constitution in the form of Article 10(A) explains as: “Right to a fair trial – for the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process”.<sup>22</sup> Albeit, the right to a fair trial in the form of article 10(A) was introduced into the constitution in 2010, but a lot of judgments by the superior courts had already declared and recognised the right to fair trials such as the case of *Sharaf Faridi and 3 Others v. the Federation of Pakistan and Another*,<sup>23</sup> it was perceived that the right to the fair trial and access to justice to all is unbreakable right preserved in Article 10 of the Constitution. It was also examined that the right to access to justice is considered as the right to a fair and proper trial by an impartial court or tribunal and also includes the right to be treated according to law. Supreme Court of Pakistan has affirmed these observations in the case of *Al-Jehad Trust and Others v. Federation of Pakistan and Others*.<sup>24</sup> It describes that the right to a fair trial had already been acknowledged and recognised by the superior courts of Pakistan before its insertion in the Article 10(A) of the Constitution of Pakistan.

Moreover, Article 37 of the Constitution mentions the right to inexpensive and expeditious justice. Clause (d) of Article 37

states as: “[T]he State shall ensure inexpensive and expeditious justice”.<sup>25</sup> It is the responsibility of the State to provide inexpensive and expeditious justice to the parties concerned. Furthermore, Chapter 1, Rule 4, Volume III of the Rules and Orders of the Lahore High Court states as follows: “Speedy disposal of cases: Magistrates shall give priority to criminal cases when an accused person is in custody. A criminal case shall be proceeded with from day to day as far as practicable and disposed of quickly. Witnesses, who are present, should be examined promptly and shall not be detained longer than may be necessary. Adjournments, when necessary, shall be as short as the circumstances permit”.<sup>26</sup> Magistrates in district judiciary who conduct the criminal trials in criminal courts have been directed to expeditiously conduct criminal cases. It is pertinent to mention here that this provision encourages speedy trial but it does not impose any time limit which is very difficult to implement while deciding criminal cases in courts. Moreover, this rule is applied to entire Pakistan not only in the jurisdiction of Lahore high court particularly in light of Article 37 of the Constitution.

The main objective of the procedure of criminal law is to take the accused to justice as soon as possible. The motive is that if the accused is found guilty, then he must be punished, and if he is declared innocent, he must be acquitted. All these principles and rules have been discussed in the case of *Muhammed Hussain v. State*.<sup>27</sup> Speedy trial within a reasonable time is the international and constitutional right of an accused, and it is the responsibility of the criminal courts to dispose of the criminal cases as timely as possible. However, the fact is, there is huge backlog of cases in courts which could not be discounted, but despite all such difficulties, cases in which accused were in custody, were to be given preference.<sup>28</sup> Courts have the duty-bound to keep the balance while deciding the cases, so that neither the justice would be delayed too much nor it would be so quick that it may be considered as a mockery to justice.<sup>29</sup>

There are several distinct factors which induced delay and the timely access to justice. Studies and researchers have found that

the relocation of criminal magistrates or judges from one criminal court to another interrupted the expeditious disposal of the criminal cases because a new judge may decide to restart the case and recall the witnesses. Some judges are also not that competent to provide the justice within a reasonable time. The spirit of justice is when justice is fair and expeditious. When justice is delayed, it means justice is denied. Pakistan has framed the National Judicial Policy to improve the justice system. The Policy is to strengthen the independence of the judiciary. It enables the judges to decide all the cases in their courts fairly and impartially. If there are obstacles in the way of providing a speedy justice in courts, then it is their responsibility to tackle all those obstacles. For expeditious disposal of criminal cases and to ensure a fair trial, crucial measures were adopted through this Policy to decrease the number of delays.<sup>30</sup> However, practically, expediting the disposal of cases is not happening in Pakistan.

The Law and Justice Commission of Pakistan<sup>31</sup> has highlighted its concern on the delay in the criminal justice system in Pakistan. It is a very serious problem in Pakistan which needs to be settled. The Commission has given lots of suggestions to resolve as the delay is a concern. Commission has suggested to resolve the problem of backlog of cases and to ensure quick disposal of cases. Among the suggestions are that Government should increase the number of judges and judicial officers. Adequate law books and other legal researches should be made available to the judges.<sup>32</sup> On 30 November 2017, according to the Law and Justice Commission of Pakistan, 1,873,085 cases were pending disposal in all the superior and subordinate courts of Pakistan. The pendency at the Lahore High Court stands at 147,542 cases and 93,335 cases at the Sindh High Court. A study conducted on the instructions of Jawad S Khawaja, a retired Chief Justice, concluded that on average it takes 25 years for a case instituted in a court of the first instance to be finally determined by the Supreme Court. The main purpose of this Commission is to introduce improvements in the process of justice and to adopt the best ways for the administration of laws to ensure substantial, inexpensive and



speedy justice.

National Judicial Policy<sup>33</sup> revised edition of 2012 in its 'expeditious disposal of cases' deals with the backlog of cases as follow: "To the clear backlog under different categories, special benches should be constituted for each category on the Provincial Seat and Branch Registries of the Supreme Court and High Court. There should be a commitment of judges to decide the old civil/criminal cases as early as possible".<sup>34</sup> National policy has stipulated some timelines such as Bail applications u/s 497 of Cr.P.C must be decided not more than three days by Magistrate, 5 days by Court of Sessions and 7 days by High Court. Similarly, a challan (receipt) shall be submitted within 14 days. All criminal cases punishable with imprisonment for 7 years and above including death sentence shall be decided within 1 year. The only stipulation of time to decide old cases cannot cope with around 2 million pending cases in Pakistan. It needs more of a research-based framework. It is pertinent to mention here that just stipulation of timelines is not sufficient in correcting the hazard of delayed justice.

The Ex-Chief Justice Mian Saqib Nisar once spoke at the ceremony held in Baluchistan High Court that millions of the cases had been pending for 40 years in the courts. He also said that the judges are responsible for such inordinate delay in the justice system. CJP said that: "no hurdle will be tolerated in the way of providing speedy and inexpensive justice and it is the responsibility of the judges to provide swift justice to people. There was a time when judges would write judgments in their handwriting, so no one could have made changes in their judgment, but today many judges are making decisions without applying basic legal rules. Judges are the most important pillar of the judicial system in the country. We should respect our profession because Allah has attached us to this profession which leads towards respect and forgiveness".<sup>35</sup> He was the chief justice of the supreme court of Pakistan and was so active in all the matters concerned. He further clarified that it is not practical to amend the old laws made by British but what we can do, that if we implement the

present laws and rules, we may be able to provide speedy and inexpensive justice to the parties concerned. He also mentioned that parties need justice as timely as possible because as for now, they have to wait for 30-40 years. Judges are responsible for such a strict nature of delay injustice. He further explained that it is the time that judges make important changes and amendments on the judicial system and play a positive role in their courts.<sup>36</sup>

#### **NATURE AND ADVERSE EFFECTS OF DELAY IN SELECTED CASES**

In the case of *Mazher Farooq*,<sup>37</sup> he was declared innocent by the supreme court of Pakistan after 24 years while remaining in prison. Supreme Court stated that there was no sufficient evidence had been provided by the prosecution in the same murder case. The three-member Supreme Court bench, headed by Justice Asif Saeed Khosa, specified that a weapon offered as evidence in the case did not belong to Mazhar and ordered his release. A trial court had given the punishment of death in case of murder in Kasur in 1992 and the Lahore High Court had also maintained the same death sentence in appeal. Then, he made a further appeal to the Supreme Court of Pakistan and remained in the jail until his acquittal. In this case, Mazhar had spent twenty-four years of his life in prison and lastly acquitted by the Supreme Court. It has highlighted flaws and shortcomings in the criminal justice system which failed to provide speedy justice to the litigants. This case is the best example of inexpensive justice in Pakistan because Mazhar has got the acquittal only after being broke. He lost two-hundred-acre land because of contesting his cases in different courts over the last two and a half decades. There were other cases like Mazhar who lingered in prison while they seek for justice. Pakistan has to urgently improve the judicial system which must provide and ensure expeditious justice to the parties concerned. Delay in the administration of justice adversely affects the whole life of Mazhar who paid 24 precious years of his life in jail, and most important is that he had been acquitted by the Supreme Court finally but at a very great cost.

Another example is the case of two brothers, *Ghulam Qadir & Ghulam Sarwar*,<sup>38</sup> who were acquitted from the Supreme Court of Pakistan 2 years after they had been hanged. Their punishment of death was executed in the Bahawalpur central jail on 12 October 2015. Paradoxically, on 06 October 2016, a three-judge Supreme Court bench comprising Justices Asif Saeed Khosa, Dost Muhammad Khan and Manzoor Ahmad Malik accepted the jail appeals of the convicts and set aside the 26 May 2009 conviction by the Lahore High Court's Multan bench. The 06 October judgment of the Supreme Court held that prosecution had miserably failed to prove its case against the appellants beyond a reasonable doubt. This acquittal has raised a lot of objections to the performance and the coordination between the judicial and prison departments.

## **CONCLUSION**

It can be observed for the above discussion that the right to speedy justice is not only a nation's constitutional right but also an international right which has been acknowledged and accepted by Islamic law, and international conventions and treaties in the world. Many countries have ratified these conventions and treaties, so that is why all Member Countries are bound to provide a speedy and fair justice to their subjects. Like other countries, Pakistan is duty bound to provide an inexpensive and speedy justice. Taking into consideration of the huge backlog of cases, Pakistani judiciary has to make the following radical changes.

There is a dire need to dramatically increase the number of court judges and legal officers due to two million of pending cases and there are only 4000 available judges. Judges are the foot soldiers of justice. Given the current workload of daily cases on judges, these foot soldiers are far less than the required number. Courts and judges must be equipped with computers and other technological devices so that they would be able to manage and maintain their record, and if any judge is transferred, others can easily continue the same case. The four-tier judicial hierarchy in Pakistan needs to be revamped with a three tier system where there should be the district judiciary as the trial courts for all cases,

high courts as the appellate courts for all cases, and Supreme Court as the last resort. For appeal to the Supreme Court, it shall be presided by a judge sitting alone unless the punishment is above 14 years or punishable with death. These suggestions may play a vital role for the settlement of huge pending cases.

### Notes

- 1 Brian Farrell, “The right to a speedy trial before international criminal tribunals”, *South African Journal on Human Rights*, 2003, Vol. 19, No. 1, pp. 98-117.
- 2 Law and justice commission of Pakistan, the criminal justice system, available at [http://www.ljcp.gov.pk/Menu%20Items/Reports\\_of\\_LJCP/03/22.pdf](http://www.ljcp.gov.pk/Menu%20Items/Reports_of_LJCP/03/22.pdf).
- 2 Richard Blue, Richard Hoffman, and Louis-Alexandre Berg, “Pakistan Rule of Law Assessment–Final Report”, Prepared for the USAID/Pakistan by Management System International, Washington D C, (2008).
- 3 William Gladstone Quotes. Quotes.net. STANDS4 LLC, 2018. Web. 8 Apr. 2018.
- 4 The Quran, 4:135.
- 5 The Quran, 5:8.
- 6 The Quran, 16:90.
- 7 The Quran, 57:25.
- 8 The Quran, 60:8.
- 9 The Quran, 4:58.
- 10 Anwar Ahmad Qadri, *Justice in Historical Islam: 1968*, P.7.
- 11 *Sahih Muslim: 4493*.
- 12 *Sahih Bukhari*, see also Anwar Ahmad Qadri, *Justice in Historical Islam: 1968*, P.11.
- 13 *Sahih Muslim*, also see Mustafa Rashid Issa, *Natural Justice in Islam and Human Laws: Journal of Philosophy, Culture, and Religion*; ISSN 2422-8443. Vol.15, 2016.
- 14 Abu Dawud, see also Anwar Ahmad Qadri, *Justice in Historical Islam: 1968*, P.11.

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- 15 Sahih Bukhari: 620; Sahih Muslim: 1712.
- 16 Black's Law Dictionary (9th ed. 2009).
- 17 Magna Carta, 1215, Chapter 39, 40.
- 18 Article 10, Universal Declaration of Human Rights. UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html> [accessed 29 October 2019].
- 19 Art. 6 Par. 1, The European Convention of Human Rights- the United Nations.
- 20 Article 14(1), International Covenant on Civil and Political Rights. UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> (accessed 28 October 2019).
- 21 Article 10A, Constitution of Islamic Republic of Pakistan, 1973.
- 22 PLD 1989 Karachi 404 at 448.
- 23 PLD 1996 SC 324.
- 24 Article 37(d), the Constitution of the Islamic Republic of Pakistan, 1973.
- 25 Chapter 1, rule 4 of Volume III of the Rules and Orders of the Lahore High Court.
- 26 PLD 1959(WP) Lah 322.329.
- 27 2005 YLR 1979.
- 28 PLD 2003 Lah 27.
- 29 National Judicial Policy 2009 – (Para 10 of short term measures for expeditious disposal of criminal cases).
- 30 The Law and Justice Commission of Pakistan is a Federal Government institution, established under an Ordinance (XIV) of 1979. The Commission is headed by the Chief Justice of Pakistan and comprises 12 other members including the Chief Election Commissioner, Chief Justice, Federal Shariat Court, 4 Chief Justices of High Courts, Attorney General for Pakistan, Secretary, Ministry of Law & Justice, Chairperson, National Commission on the Status of Women, among others. Each Province is represented by one member.

- 31 Law and justice commission of Pakistan, the criminal justice system, available at [http://www.ljcp.gov.pk/Menu%20Items/Reports\\_of\\_LJCP/03/22.pdf](http://www.ljcp.gov.pk/Menu%20Items/Reports_of_LJCP/03/22.pdf).
- 32 The Government constituted the National Judicial (Policy Making) Committee under an Ordinance (LXXI) of 2002. The Chief Justice of Pakistan is the Chairman of the Committee and the Chief Justice, Federal Shariat Court and Chief Justices of 4 provincial High Courts are its members. The Secretary, Law & Justice Commission of Pakistan is designated as Secretary to the Committee. The Committee is mandated to formulate and implement judicial policy and prepare schemes for improving the capacity and performance of the administration of justice.
- 33 National Judicial Policy 2009, Revised Edition 2012, Published by Secretariat, Law, and Justice Commission of Pakistan, Supreme Court Building, Islamabad, [www.ljcp.gov.pk](http://www.ljcp.gov.pk).
- 34 Published in Dawn, April 12th, 2018.
- 35 *Ibid.*
- 36 Nasir Iqbal, 'Death-row Convict Found Not Guilty – After 24 years', Dawn, 25 Nov. 2016, available at: <https://www.dawn.com/news/1298706>.
- 37 Supreme Court of Pakistan, Crim. App. Nos. 249 & 250 of 2010, para.9 (6 Oct. 2016).



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