Khyber Pakhtunkhwa
Judicial Academy
Professionalism, excellence & diversity

MANUAL FOR TRAINING OF TRAINERS (TOT)

IN COMPLIANCE WITH THE JUDGMENT OF THE PESHAWAR HIGH COURT

ASIF ULLAH V. GOVERNMENT OF KHYBER PAKHTUNKHWA (WP NO. 5504-P/2025 & 5560-P/2025

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Director General's Note

The development of this Training Manual reflects the continued commitment of the Judicial Academy to strengthening the capacity of justice sector stakeholders through structured, need-based, and practice-oriented training. The Manual has been prepared in the backdrop of landmark judicial pronouncement, ***Asif Ullah v. Government of KPK and others (WP No. 5504-P/2025)*** that has highlighted systemic challenges within the criminal justice system and have underscored the need for improved standards in investigation and prosecution.

The Manual is structured into thematic modules covering key areas of criminal investigation and trial, including FIRs, crime scene management, medical evidence, digital forensics, documentation of investigation, prosecutorial functions, and related domains. These modules are designed not merely to revisit legal principles, but to address commonly observed gaps in practice and to promote consistency, accuracy, and accountability in the justice process.

This program adopts a Training of Trainers approach, whereby judicial officers are prepared to serve as Master Trainers. It is expected that, through this mechanism, the learning will be effectively cascaded to Investigation Officers, Prosecutors, Medical Officers, and other relevant stakeholders at the district level. The emphasis remains on ensuring that legal requirements and procedural standards are clearly understood and are meaningfully translated into practice.

The Academy will continue to facilitate and support this process through coordination, provision of training resources. It is hoped that this Manual will serve as a useful reference for enhancing professional standards, improving coordination among stakeholders, and contributing towards a more effective and fair criminal justice system

Jehanzeb Shinwari
Director General

Dean's Note

The Training of Trainers (ToT) program has been designed in pursuance of the directions issued by the Honourable Peshawar High Court in ***Asif Ullah v. Government of KPK and others (WP No. 5504-P/2025)*** , which has addressed systemic deficiencies in criminal investigation and trial processes, and has laid down principles and reform-oriented directives for strengthening the justice sector.

In developing this Manual, the judgment of the Honourable High Court has been treated as the grund norm, forming the primary basis of all modules and training themes. Nonetheless, some additions have been incorporated from the *Handbook on Criminal Investigation* written by the Research Society of International Law (RSIL) under the directions of the Honourable Supreme Court of Pakistan.

The Academy has further undertaken a Training Needs Assessment (TNA) and conducted Focused Group Discussion (FGDs) with key stakeholders, including members of the judiciary, police officers, and prosecutors. The themes emerging from these consultative processes have been integrated into the modules of this Manual.

The central idea, in line with the spirit of the judgment, is to develop Master Trainers from the judiciary, who will, in turn, impart structured and focused training at the district level to Investigation Officers, Prosecutors, Medical Officers, and other relevant stakeholders. The objective is not merely dissemination of knowledge, but correction of identified deficiencies and improvement of practices in investigation and prosecution.

The Master Trainers shall remain in continuous collaboration with the Academy, ensuring consistency in content, approach, and outcomes, and thereby contributing to the effective realization of the directions of the Honourable High Court. This collaborative framework is intended to ensure that the spirit of the judgment is translated into measurable improvements in the justice sector.

It is hoped that the collaborative endeavors will yield dividends for translating the vision and directions of judgment of the Honourable Peshawar High Court into justice sector improvement.

Ahmad Iftikhar
Dean Faculty

Standard Operating Procedures (SOPs) for Master Trainers

1. Roll-Out of District-Level Trainings

- Upon completion of the ToT program, Master Trainers shall conduct training sessions at the district level for Investigation Officers, Prosecutors, Medical Officers, and other relevant stakeholders.
- The objective of such trainings shall be to translate judicial directions into practical field-level understanding and corrective practices.

2. Coordination with the Judicial Academy

- All district-level training activities shall be coordinated with the Academy in advance.
- The Academy shall be consulted regarding:
    - Training content and modules
    - Duration and schedule of sessions
    - Target audience and participant composition

3. Standardization of Content

- Master Trainers shall ensure that training is delivered in accordance with the worked out modules and learning objectives.
- Emphasis shall remain on:
    - Identified deficiencies
    - Judicial directions
    - Practical corrective measures

4. Use of Learning Management System (LMS)

- The Academy's Learning Management System (LMS) shall be utilized for:
    - Sharing training materials and modules
    - Uploading presentations and reading resources

  - Maintaining participant records
- All trainers and participants shall be appropriately on-boarded onto the LMS.

5. Assessment and Evaluation

- At the conclusion of each training session, a test/MCQ-based assessment shall be conducted to evaluate participant's understanding.
- Assessment results shall be documented and shared with the Academy.

6. Reporting Requirements

- Master Trainers shall submit a post-training report to the Academy, including:
  - Profile of participants
  - Modules covered
  - Key observations and challenges
  - Assessment outcomes

7. Level-4 Evaluation (Impact Assessment)

- As a follow-up, Master Trainers shall provide feedback on training impact at the field level, including:
  - Improvements in investigation and prosecution practices
  - Reduction in identified deficiencies
  - Any persistent gaps requiring further intervention
- Such impact evaluation shall be periodically shared with the Academy.

8. Continuous Collaboration

- Master Trainers shall remain in ongoing coordination with the Academy for:
  - Updates in law and practice
  - Refinement of training methodologies
  - Training activities scheduled and carried out

Module-1: Crime Scene Management

Introduction

Crime scene management is a decisive stage of investigation, directly affecting the integrity of evidence and the outcome of trial. The Honourable Peshawar High Court, in the cited judgment, has emphasized strict compliance with modern forensic standards in preservation, documentation, and collection of evidence at the crime scene, identifying serious deficiencies in current practices that undermine fair trial and weaken prosecutions.

The Honourable Court has mentioned the mandatory duties of Investigating Officers, including proper documentation through photography and videography, forensic sampling, and maintenance of neutrality. It has further directed that any lapse or deviation must be accounted for, and has cautioned against the fusion of roles which compromises impartial investigation.

In addition, the Honourable Court has highlighted the need for systemic reforms, including provision of investigation kits, establishment of specialized Crime Scene Units, strengthening of forensic support, and adoption of digital and technological tools for transparency and evidentiary integrity.

This module is designed to eqipy Master Trainers in identifying and conveying the key judicially emphasized principles and deficiencies to Investigation Officers and Prosecutors, and other stakeholders so that the target audience clearly understands what is required in practice, where current shortcomings lie, and how to implement necessary corrections. The focus is on ensuring that the directions of the Honourable Court are effectively translated into improved crime scene practices and overall enhancement of investigation quality.

Learning Objectives / Outcomes

By the end of the training session, participants (Master Trainers) will be able to:

- Clearly identify the directions of the Honourable Court on crime scene management and convey them effectively to the target audience including Investigation Officers and Prosecutors.
- Emphasize to trainees the essential requirements of preservation, documentation, and forensic handling of crime scenes in accordance with law.
- Highlight common deficiencies and lapses in current practices and guide trainees on how these are to be avoided and corrected.
- Stress the importance of neutrality, role separation, and accountability in crime scene handling.
- Guide trainees on the practical application of modern techniques and technology, including videography, digital recording, and forensic coordination.
- Reinforce the need for compliance with standardized procedures and forensic guidelines in evidence collection and transmission.
- Enable trainees to align field practices with the directions of the Honourable Court, leading to improved quality of investigation and prosecution.

Course Contents

Mandatory Directives for Investigating Officers (IOs)

- Preservation and Documentation: IOs are legally required to ensure the preservation and systematic documentation of the crime scene according to modern forensic standards. This includes mandatory photography and videography, the preparation of sketches, and the development of detailed scene plans.
- Forensic Sampling: The judgment mandates forensic sampling at the scene. Any deviation or failure to comply with these documentation and sampling standards must be explained by the IO in writing.
- An investigating officer must maintain strict neutrality and is prohibited from combining the roles of complainant, raiding officer, and investigator, as such fusion compromises the fairness of the trial.

- Investigation Kits and Vans: The court directed the Provincial Government to provide standardized, well-equipped investigation kits to every IO and to ensure the availability of investigation vans to facilitate proper evidence collection and preservation.

Institutional Reforms and Specialized Units

- Crime Scene Units: The judgment directs the creation of specialized Crime Scene Units with defined roles, adequate staffing, and modern equipment. This includes the creation of specific posts for Assistant Forensic Scientists (Crime Scene) to assist in professional management.
- FSL Capabilities: The independent Forensic Science Laboratory (FSL) is envisaged to include a specialized department for crime scene management.
- Model District Police: The establishment of a Model District Police in Peshawar with logistical arrangements for crime scene operations, such as specialized vehicles and forensic kits.

Stakeholder Recommendations and Training

- Mandatory Videography: The Additional Chief Secretary of the Home & Tribal Affairs Department recommended that videography of crime scenes be made mandatory to ensure transparency and real-time monitoring.
- Prosecutorial Involvement: One proposal suggested the participation of public prosecutors at crime scenes to provide immediate legal guidance to investigating officers.
- Specialized Training: Stakeholders emphasized that IOs require specialized training in crime scene management and evidence collection techniques. The court directed that such structured training be conducted through the KP Judicial Academy and Police Training Academies.
- SOPs for Forensic Science: IOs are directed to follow the guidelines of the Punjab Forensic Science Agency regarding the collection, preservation, and transmission of samples until local standards are fully matured.

Modern Technology and Digitization

- Digital Recording: The court ordered the complete digitization of the criminal justice system, which includes the digital recording of the entire investigation through audio and video technology starting from the crime scene.
- CCTV Integration: The Police Department is directed to scale technology-based tools, including CCTV integration and body-worn cameras for officers managing scenes, to ensure evidentiary integrity.

Required Reading.

1. Chain of Custody and the Impact of Delay

- State v. Sadam (2016 PCrLJ 1815): This case settles that the absence of an identifiable chain of custody for firearms or explosives recovered from a crime scene results in the acquittal of the accused. It establishes that if live rounds or weapons are sent to experts after a delay without a record of who held them in safe custody during that period, they lose all evidentiary value.
- Mustaqeem v. Nawab Khan (2016 YLR 905): Settles that a positive Forensic Science Laboratory (FSL) report is inadmissible if the empties recovered from the scene were sent after an unexplained delay (in this case, 11 days) without documentation of their interim custody.
- Sher Rehman v. State (2018 MLD 221): Reinforces that a ten-day gap between the dispatch of explosive materials and their receipt by the Bomb Disposal Unit constitutes a glaring discrepancy that makes a conviction unsustainable.
- Ghulam Mustafa Alias Baggi v. State (2014 PCrLJ 89): Settles that gross delays in sending medical evidence—specifically body parts removed during autopsy—to the chemical examiner (in this case, over a year) casts fatal doubt on the prosecution's case.

2. Physical Preservation and Documentation Protocols

- Muhammad Ayoob v. State (2012 PCrLJ 1438): Settles that if arms and ammunition are not sealed at the spot where they were allegedly recovered, or if they are produced in court in an unsealed condition, the recovery is rendered "highly doubtful".
- Karamat Hussain v. State (2018 YLR 685): Establishes that the site plan (crime scene sketch) prepared by the Investigating Officer (IO) is not a substantive piece of evidence and can only be used to corroborate or contradict direct ocular evidence.
- Rashid Minhas v. Muhammad Fayyaz (2012 PCrLJ 817): Settles the evidentiary value of crime scene photography, holding that photographs are admissible if they accurately depict the scene and can be corroborated by medical and forensic reports.
- Ishtiaq Ahmad Mirza v. Federation of Pakistan (PLD 2019 SC 675): This case, affirmed in *Zahir Jaffer* (2025 SCP 220), settles that modern technological evidence (CCTV, audio, video) be scrutinized for authenticity and integrity according to protocols laid down in the judgment.

3. Mandatory Standards and IO Responsibilities

- Saddam Hussain v. State (PLD 2020 SC 310): Settles that the State is mandated to provide each IO with a comprehensive handbook and a standardized investigation kit to ensure scientific management of crime scenes.
- Mehboob Hassan v. Akhtar Islam (2024 SCMR 757): Settles that the non-observance of mandatory provisions and rules by IOs during the initial stages of investigation (at the scene) violates constitutional rights and is a primary cause for the acquittal of real offenders.
- The State v. Bashir (PLD 1997 SC 408): Settles that the fusion of roles—where the same officer acts as raiding officer, eyewitness, complainant, and investigator—undermines neutrality and violates fair trial guarantees under Article 10-A.

- Qambar Ali Shah v. Province of Sindh (2024 SCMR 1123): Reiterates that the quality and impartiality of the investigation starting from the crime scene directly affects trial outcomes; biased or partisan management undermines the rule of law.

Module-2: First Information Report (FIR)

Introduction

The First Information Report (FIR) is the point at which the criminal law is set into motion and, therefore, holds critical significance in the overall integrity of the criminal justice process. The Honourable Peshawar High Court, in the cited judgment, has mentioned the mandatory nature of FIR registration under Section 154 CrPC, emphasizing that any refusal or delay is unlawful and entails legal consequences.

The Honourable Court has further clarified the true legal character of the FIR, emphasizing that it is only an initiating document and not substantive evidence, and that it neither determines guilt nor justifies arrest in the absence of independent grounds. At the same time, the Court has highlighted serious problems in practice, including false and exaggerated FIRs, inaccurate recording, and the unlawful practice of “progress FIRs,” which have been declared inconsistent with constitutional guarantees of fair trial.

The judgment also directs systemic improvements, including enhanced accountability, prosecutorial oversight from the inception stage, digitization of FIR processes, and improved standards in recording.

This module is designed to equip Master Trainers in identifying the key legal principles, recurring deficiencies, and reform directions highlighted by the Honourable Court, and in effectively conveying these to Investigation Officers, Prosecutors and other stakeholders. The emphasis is on ensuring that the target audience clearly understands what the law requires at the stage of FIR, what errors are commonly committed, and how such errors are to be corrected in practice, so as to strengthen investigation and uphold fairness in the criminal justice system.

Learning Objectives / Outcomes

By the end of this training session, participants (Master Trainers) will be able to:

- Clearly identify and convey the mandatory nature of FIR registration and the legal consequences of refusal or delay.
- Emphasize to trainees the correct legal status of FIR as an initiating document.
- Clarify to trainees the distinction between registration, investigation, and arrest, ensuring lawful exercise of powers.
- Highlight common deficiencies and malpractices, including false, exaggerated, and “progress FIRs,” and guide on their correction.
- Reinforce the importance of accuracy and faithful recording of the complainant’s version, free from distortion or embellishment.
- Stress the need for accountability and legal consequences in cases of misuse of FIR mechanisms.
- Guide trainees on the practical implications of judicial precedents and directions governing FIR.
- Enable trainees to align their practices with reform measures, including prosecutorial oversight and digitization.
- Ensure that trainees are able to translate these principles into improved field practices.

Course Contents

Mandatory Nature and SHO’s Duty (Section 154 CrPC)

- Mandatory Registration: The Court affirms that under Section 154 of the Code of Criminal Procedure (CrPC), the Station House Officer (SHO) is duty-bound to register a cognizable offence immediately upon receipt of information. Compliance with this section is considered mandatory, and any violation is a breach of statutory duty.

- No Preliminary Inquiry: The SHO has no discretion to refuse registration or conduct a preliminary inquiry to judge the truth of the information before recording an FIR.
- Initiation of Criminal Law: Registration of an FIR merely sets the criminal law in motion; investigation into the truth or sufficiency of the allegations follows the report.
- Penalties for Refusal: Refusing to register an FIR constitutes an offence under Sections 166, 217, and 219 of the Pakistan Penal Code (PPC) and is considered misconduct under the Police Act.

Legal Significance and Evidentiary Value

- Initial Record Only: The judgment emphasizes that an FIR is intended only as an initial record to initiate investigation and should not be treated as substantive or decisive evidence.
- Not a Prerequisite for Arrest: The existence of an FIR is not a condition precedent for starting an investigation or making an arrest. Conversely, the mere registration of an FIR does not justify an immediate arrest without further material grounds.
- Promptness: Prompt registration is of "foundational importance" to prevent manipulation, loss of evidence, and memory lapses.

Abuse and Malpractice

- False and Frivolous FIRs: The system is frequently burdened by false, frivolous, or exaggerated FIRs often lodged in collusion with police to implicate innocent persons. These proceedings are noted to offend constitutional guarantees.
- "Progress" or "Performance-Based" FIRs: The judgment strongly condemns the practice of registering "progress FIRs". The court declared this practice unconstitutional and unknown to the law, directing that any such FIRs be discharged.

- Inaccurate Recording: It is observed that FIRs often do not accurately reflect the complainant's true account due to coaching or "casting the net wider" by the scribe.

Guidelines and Reform Directives

- e-FIR and Digitization: The court directed the Provincial Government to introduce an e-FIR system (online registration) and ensure province-wide digitization of FIR records.
- Prosecutorial Oversight: The District Public Prosecutor should be involved from the initiation of an FIR, and prosecutors have a statutory duty to scrutinize these reports.
- Officer Qualifications: The scribe preparing an FIR (Moharrir or station clerk) should ideally have legal knowledge and not be below the rank of Sub-Inspector.
- Verification and Caution: Officers must caution complainants that lodging a false report is a punishable offence under Section 182 PPC.
- Performance Metrics: The court ordered that police performance should not be assessed based on the number of FIRs registered, as this encourages spurious reports.
- Promptness in Hospitals: Casualty police posts must ensure the immediate reporting of cases at hospitals to prevent delays and manipulation.

Required Reading

1. Mandatory Registration and SHO's Duty

- Muhammad Bashir v. SHO Okara (PLD 2007 SC 539): This is a seminal case establishing that an Officer in Charge (SHO) cannot refuse to record an FIR when information discloses a cognizable offence. The SHO has no authority to hold a preliminary inquiry into the truth or falsity of the information before registration.

- Balqaiz Ali Shah v. Atta Ullah Jan (2025 PLD Pesh 36): This judgment reiterates that the registration of an FIR merely sets the criminal law in motion. Questions of the truth or sufficiency of the allegations belong to the subsequent investigation process, not the registration stage.
- Abdul Rehman Malik v. The State (2020 SCMR 2037): The court held that Rule 24.4 of the Police Rules, 1934 does not allow police to subjectively refuse an FIR at its inception. If a Justice of the Peace orders registration under Section 22-A CrPC, it constitutes a judicial determination that the initial police refusal was unlawful.

2. Evidentiary Value and Legal Status

- Capt. Dr. Munir Ahmed Khan v. The State (1997 PCr.LJ 348): It was observed that an FIR is a simple device to set the law in motion and it is not essential that every minute detail of the incident be incorporated at that initial stage.
- Nasima Bibi v. The State (2008 PCr.LJ 613): This case describes the FIR as the "foundation stone" of a criminal case. While it is not substantive evidence, it is vital for trial as it is used to corroborate (under Article 153 QSO) or contradict (under Article 140 QSO) the informant’s testimony.
- The State v. Maheen Zafar (2018 PCr.LJ 841): The court ruled that procedural irregularities, such as the informant's failure to sign the FIR, do not nullify the report or vitiate the subsequent trial if the information relates to a cognizable offence.

3. Promptness and the Consequences of Delay

- Bashir Ahmed v. State (2015 MLD 313): This case emphasizes that delay in lodging an FIR cannot be taken lightly. An unexplained delay casts serious doubt on the prosecution's case and can lead to the acquittal of the accused.
- Haider Ali v. DPO Chakwal (2015 SCMR 1724): The Supreme Court noted pervasive systemic failures where police routinely violated Section 154 CrPC

by refusing to register FIRs. The court issued detailed directives to ensure strict adherence to registration mandates and to penalize delinquent officials.

4. Arrest and Multiple Versions

- Sughran Bibi v. The State (PLD 2018 SC 595): A landmark ruling stating that the mere registration of an FIR does not justify an arrest. There must be sufficient material grounds beyond the nomination in an FIR to warrant a suspect's detention.
- Mst. Sughran Bibi v. State (Human Rights Case No. 10842-P of 2018): This case clarifies that the registration of multiple FIRs for the same incident is generally not permitted. Instead, the Investigating Officer should record all different versions of the same incident as statements under Section 161 CrPC within the same case file.

Module-3: Digital Forensics & Cybercrime

Introduction

The increasing reliance on digital technologies has transformed the nature of evidence in criminal investigations, making digital forensics and cybercrime a central component of modern criminal justice. The Honourable Peshawar High Court, in the cited judgment, has highlighted the growing importance of digital evidence, while emphasizing the need for strict adherence to legal standards governing its admissibility, authenticity, and evidentiary value.

The Honourable Court has directed the adoption of modern technological tools and complete digitization of the criminal justice system, including e-FIR, digital investigation processes, and electronic record management. At the same time, it has recognized the risks of manipulation, fabrication, and misuse of digital evidence, particularly in light of emerging technologies such as artificial intelligence, thereby requiring heightened scrutiny and compliance with established legal protocols.

The judgment further emphasizes institutional strengthening, including development of forensic science capabilities, involvement of digital forensic experts, and structured training of all stakeholders. It also underscores the need for clear legal frameworks to ensure admissibility of expert reports and digital material.

This module is designed to equip Master Trainers in identifying and conveying the essential legal requirements governing admissibility, authenticity, and evidentiary weight of digital evidence to Investigation Officers and Prosecutors and other stakeholders. The focus is on ensuring that the target audience clearly understands what is required to collect, preserve, present, and prove digital evidence in accordance with law, and how deficiencies in this regard can undermine prosecution. The module aims to enable Master Trainers to translate these judicially settled principles into improved field practices, ensuring reliable use of digital evidence in the justice process.

Learning Objectives / Outcomes

By the end of this training session, participants (Master Trainers) will be able to:

- Clearly identify and convey the legal requirements for admissibility of digital evidence, including its status as a “document” and applicability of relevant provisions of law.
- Emphasize to trainees the standards of authenticity, integrity, and proper linkage required for acceptance of digital material as evidence.
- Guide trainees on the evidentiary requirements for various forms of digital evidence, including audio/video recordings, CCTV footage, emails, and call data records.
- Highlight common deficiencies in handling digital evidence, including improper collection, lack of verification, and failure to establish chain of custody.
- Stress the importance of expert involvement and proper certification, including the role of authorized officials and forensic experts in proving digital material.
- Sensitize trainees to the risks of manipulation, editing, and AI-based fabrication, and the need for heightened scrutiny.
- Reinforce the need for compliance with judicially settled protocols and precedents governing digital evidence.
- Guide trainees on the practical implications of digitization and technological tools in investigation, ensuring evidentiary integrity.
- Ensure that trainees are able to translate these requirements into field practices, leading to reliable collection, preservation, and presentation of digital evidence and improved prosecution outcomes.

Scope of the Course and Discussion

Institutional Capabilities and Specialized Departments

- FSL Specialization**:** The court noted proposed construction of state-of-the-art independent Forensic Science Laboratory (FSL) in Peshawar to house multiple specialized disciplines, specifically including digital forensics.

- Federal Investigation Agency (FIA) Capacity: The FIA reported significant improvements in its institutional strength, citing specifically enhanced capabilities in digital forensics and cyber-crime.
- Digital Forensic Experts: The judgment highlights the need for the government to appoint or notify specialized cybercrime/digital forensics experts, including IT/AI specialists, whose reports should be made admissible in court.

Modern Technology and Evidence Management

- Digitization of the Criminal Justice System: The court issued a mandatory directive for the complete digitization of the provincial criminal justice system within one year. This includes:
  - Introduction of an e-FIR system (online registration).
  - Digital recording of the entire investigation process using audio and video technology.
  - Submission of challans in digital form.
  - Digital recording of all judicial proceedings.
- Technological Policing Tools: The Police Department is directed to adopt and scale tools such as CCTV integration, body-worn cameras, GIS mapping, and data analytics while ensuring standard operating procedures (SOPs) for evidentiary integrity.
- Digital Preservation: The court directed that digital preservation of medico-legal records be introduced and made mandatory to prevent tampering and ensure transparency.

Legal and Procedural Framework

- Amendment of Section 510 CrPC: The court recommended amending Section 510 of the Code of Criminal Procedure to include cybercrime/digital forensics experts so that their reports can be used as evidence without requiring their personal appearance in court, similar to chemical examiners or serologists.

- Protocol for Modern Evidence: The judgment reiterates that modern technological evidence (audio recordings, video footage, CCTV data, and other digital material) must be scrutinized for authenticity and integrity in strict compliance with protocols established in the *Ishtiaq Mirza* and *Zahir Jaffer* cases.
- Risks of AI Manipulation: The court explicitly recognized that digital evidence now carries added risks of manipulation, editing, and fabrication due to the increasing use of Artificial Intelligence (AI), necessitating careful judicial scrutiny.

Training and Capacity Building

- Mandatory Training: The court directed that structured and mandatory training for all Station House Officers (SHOs), Moharrirs, and Investigating Officers (IOs) must include specific modules on cybercrime and modern investigation techniques.
- Curriculum Updates: The KP Judicial Academy is tasked with ensuring that training curricula for all stakeholders include modern technology and the latest developments in digital jurisprudence.

Required Reading:

1. Legal Definition and Admissibility of Digital Media

- Government of Sindh v. Farad Naseem (2002 PCr.LJ 1765): Settles that video cassettes fall squarely within the definition of a "document" under Section 29 of the Pakistan Penal Code (PPC) and Article 2(b) of the Qanun-e-Shahadat Order (QSO),.
- Sikander Ahmad Lashari v. The State (2016 YLR 62): Settles that CDs and USB flash drives are included in the definition of a "document" as they are mediums for storing digital information and audio/visual data.
- Muhammad Sadiq alias Husnain v. State (2016 PCrLJ 1390): Settles that confessions recorded on digital media (such as a CD) are admissible under

Article 164 QSO, provided the court witness who prepared the recording appears at trial.

- Ali Raza alias Peter v. The State (2019 SCMR 1982): Confirms that evidence generated by modern devices is accepted through Articles 46A and 78A of the QSO and the Electronic Transactions Ordinance, 2002.

2. Scrutiny Protocols for Authenticity and Integrity

- Ishtiaq Ahmad Mirza v. Federation of Pakistan (PLD 2019 SC 675): Settles that modern technological evidence (audio, video, CCTV) cannot be accepted at face value and must be scrutinized for authenticity, integrity, and proper linkage with the occurrence.
- Zahir Jaffer v. The State (2025 SCP 220): Lays down the protocols for admissibility.
- Asfandyar v. Kamran (2016 SCMR 2084): Settles that CCTV footage requires the prosecution to examine the person who recorded or downloaded the footage to prove its authenticity; mere production in court is insufficient,.
- Qurban Ali v. The State: Settles that to prove the authenticity of emails, the prosecution must trace the IP address to the specific telephone line used and examine the person who created the email address to avoid fabrication.

3. Evidentiary Requirements for Call Data Records (CDR)

- Azeem Khan v. Mujahid Khan (2016 SCMR 274): Settles that CDR data is inconclusive if the prosecution fails to provide voice transcripts of calls, evidence of the area where calls originated, or proof of ownership/SIM allotment in the name of the accused,.
- State v. Behram Khan (2016 MLD 1363): Settles that privately procured CDRs are inadmissible unless they are verified by the concerned telecommunications authorities and signed by the issuing official.

- Asmatullah Khan v. The State (2019 PCr.LJ 1073): Settles that CDR data must be proved by a legally authorized expert official to be considered valid by the court.
- Saifal v. State (2013 PCrLJ 1082): Settles that using the IMEI number to link looted mobile phones to SIMs registered in the name of the accused is strong evidence under Article 164 QSO when corroborated by company representatives.

4. Evidentiary Weight

- Hasham Jamal v. The State (2018 PCrLJ 105): Settles that graphic stills recovered from a cell phone's memory card can prima facie sustain a charge if the timing of the files correlates with the victim's narrative, even in the absence of medical evidence.
- Zahir Jaffer v. The State (2025 SCP 220): Silent Witness theory: a person may be convicted solely on the basis of electronic or forensic evidence, provided the Court is fully satisfied as to its genuineness and protocols are followed.

Module-4: Searches, Recoveries, Discoveries & Chain of Custody

Introduction

Searches, recoveries, discoveries, and the chain of custody form the evidentiary backbone of criminal investigation. The Honourable Peshawar High Court, in the present judgment, has identified serious and recurring deficiencies in these areas, observing that non-compliance with legal requirements frequently results in the collapse of prosecution cases and undermines fair trial guarantees.

The Honourable Court has directed strict adherence to statutory safeguards governing searches, including the requirement of lawful warrants, recording of reasons where exceptions apply, and protection of constitutional rights such as the privacy of the home. It has further emphasized procedural integrity in recoveries and discoveries, including the association of independent witnesses and maintenance of neutrality by ensuring separation of roles within the investigation.

A significant focus of the judgment is on the secure handling and custody of case property, including the establishment of independent Malkhanas under judicial supervision, and strict protocols for sensitive categories such as narcotics. The Court has also underscored the critical importance of an unbroken and well-documented chain of custody, noting that any lapse—particularly delays, improper sealing, or undocumented movement—renders evidence unreliable.

The judgment additionally highlights the need for careful handling of modern and digital evidence, which must meet standards of authenticity and integrity in light of risks of manipulation.

This module is designed to equip Master Trainers in identifying and conveying the key legal requirements, recurring deficiencies, and judicially mandated reforms in relation to searches, recoveries, discoveries, and custody of evidence. The

emphasis is on ensuring that Investigation Officers, Prosecutors and other stakeholders clearly understand what legal standards must be followed, where current practices fall short, and how to implement necessary corrections, so that evidentiary material withstands judicial scrutiny and contributes to fair and effective prosecution.

Learning Objectives / Outcomes

By the end of this training session, participants (Master Trainers) will be able to:

- Clearly identify and convey the legal requirements governing searches, including warrants, recording of reasons, jurisdictional compliance, and protection of privacy rights.
- Emphasize to trainees the importance of procedural safeguards, including association of independent witnesses and lawful conduct during searches.
- Highlight the necessity of neutrality and role separation in recoveries and investigations to ensure fairness and credibility.
- Guide trainees on the correct legal principles governing discoveries, including admissibility requirements under relevant law.
- Sensitize trainees to common deficiencies in recoveries, including contradictions, lack of independent corroboration, and improper documentation.
- Reinforce the importance of secure handling, sealing, marking, and production of case property, including compliance with protocols relating to Malkhana management.
- Stress the requirement of maintaining a complete and unbroken chain of custody, including prompt dispatch of samples and proper documentation at every stage.
- Highlight the serious consequences of lapses, including delays, missing links, or non-production of case property, and their impact on prosecution.
- Guide trainees on the handling of modern and digital evidence within the chain of custody, ensuring authenticity and integrity.

- Ensure that trainees are able to translate these legal requirements into improved field practices, resulting in reliable evidence and stronger prosecution outcomes

Curse Contents: Scope and Discussion

1. Legal Requirements for Searches

- Search Warrants: The judgment identifies the failure to obtain warrants as a systemic issue and directs that conducting searches of dwelling houses without a lawful search warrant is illegal and must be discontinued immediately.
- Searching Women: Specific safeguards are mandated for searching women, including the requirement that the search be conducted by a lady constable and that the accused be accompanied by a woman if being moved.
- Vexatious Searches and Misconduct: Vexatious entry, search, or arrest is penalized under Section 119 of the Police Act 2017 and Article 156 of the Police Order 2002.
- Privacy of the Home: The court links illegal searches to a violation of Article 14 of the Constitution, which guarantees the "privacy of home" as an inviolable right alongside the "dignity of man".

2. Recoveries and Discoveries

- Local Witnesses (Section 103 CrPC): The court observed that recoveries often fail in court when police do not comply with Section 103 CrPC, which requires the presence of respectable local witnesses. While police witnesses are admissible, their evidence must be closely scrutinized if this requirement is ignored.
- Role Separation: To ensure neutrality, the seizing officer (raiding officer/complainant) and the investigating officer (IO) must be distinct persons. The judgment notes that combining these roles compromises the presumption of an independent investigation and violates fair trial guarantees.

- Production of Recoveries: Under "Stage-IV" of an investigation, the IO is statutorily bound to produce all recoveries made during the investigation before a Magistrate.

3. Case Property and the Independent Malkhana

- Establishment of Independent Malkhana: immediate establishment of an independent district Malkhana is required in every district. This facility must be insulated from police and prosecution control and placed under the exclusive supervision of the District and Sessions Judge.
- Handling and Security: All case property must be securely sealed, distinctly marked, and deposited in the Malkhana immediately following custody proceedings.
- Strict Protocols for Narcotics:
    - Courts are ordered not to pass custody or remand orders in narcotics cases unless the case property is actually produced before them.
    - Magistrates must supervise the drawing of representative samples in the presence of the prosecutor, IO, and the accused.
    - Remaining bulk quantity should be destroyed forthwith or as soon as practicable, with a destruction certificate issued by the court.
    - Representative samples must be kept in the independent Malkhana to allow for a fresh FSL examination if the initial report is ambiguous.
- Penalties for Misuse: Unauthorized or negligent personal use of case property constitutes criminal breach of trust and dishonest misappropriation under Sections 403 and 409 of the PPC.

4. Chain of Custody

- Documented Timeline: The IO is required to maintain a strictly documented chain of custody from the moment of collection through dispatch, receipt, storage, and final production before a competent court.

- Immediate Dispatch: To preserve evidentiary integrity, samples for DNA, ballistic, serological, and toxicological analysis must be dispatched to the Forensic Science Laboratory (FSL) immediately.
- Digital and Technological Evidence: Modern evidence like CCTV, audio, or video recordings must be scrutinized for authenticity and integrity due to the risk of AI manipulation. Such evidence must be collected and transmitted in strict compliance with the protocols established in the *Ishtiaq Mirza* and *Zahir Jaffer* cases.
- Scene Documentation: IOs are responsible for the systematic documentation of crime scenes, utilizing modern forensic standards including mandatory photography and videography.
- Consequences for Lapses: Lapses in producing case property or maintaining the chain of custody should be addressed by invoking penal sections (166(1) and 186(2) PPC) and Section 118 of the KP Police Act 2017 against delinquent officials.

Required Reading.

1. Case Law on Searches

- Warrantless Searches: The cited judgment mandates that searching dwelling houses without a lawful warrant is illegal and must be discontinued.
- Recording Grounds for Search (Section 165 CrPC): Investigating Officers (IOs) must record the grounds of their belief in writing before conducting a search without a warrant. In *Ashiq Din v. The State*, the court ruled that a failure to record these grounds results in a complete absence of jurisdiction. Similarly, in *Muhammad Bilal v. SP Dera Ghazi Khan*, a search was held bad in law because the police did not record their reasons in the *Roznamcha*.
- Search Outside Jurisdiction (Section 166 CrPC): In *Murtaza Hussain v. The State*, the court held that an IO must notify the officer-in-charge of the relevant jurisdiction and send copies of the record to the nearest Magistrate; non-

compliance with these mandatory provisions means no conviction can be based on such a defective investigation.

- Witness Requirements (Section 103 CrPC): Before a search, the IO must call two or more respectable local inhabitants to witness the proceedings. While the court noted in *Aqil v. State* that recovery is generally corroborative, the failure to associate public witnesses without a valid explanation creates a doubt that favors the accused.

2. Case Law on Recoveries and Discoveries

- Neutrality of the Investigator: The IO must be a neutral authority and cannot be the complainant or a member of the raiding party. In *Agha Qais* and *State v. Bashir*, the court held that combining the roles of raiding officer and investigator undermines neutrality and violates the right to a fair trial under Article 10A.
- Discovery of Information (Article 40 QSO): Information given by an accused is only admissible if it leads to the discovery of a fact that the police had not previously learned from another source. In *Fazal Akbar v. The State*, the court emphasized that knowledge of the discovered fact must be first derived from the accused.
- Joint Pointation and Recoveries: In *Rashid Aslam v. State*, the court held that a plurality of information (joint pointation) does not necessarily exclude the discovery from the ambit of Article 40. *Ajab alias Rajab v. State* affirmed that joint recoveries are admissible if they establish a clear chain of evidence.
- Contradictions in Recovery: In *Akbar Ali Shah v. State*, the court ruled that material contradictions between the statements of the recovery officer and the marginal (Mashir) witnesses invalidate the recovery evidence.

3. Case Law on Chain of Custody

- The Unbroken Chain: The prosecution must establish a documented timeline from collection to trial to prove evidence has not been tampered with. In

Fayyaz Ahmad v. The State, the court held that the chain must be "unbroken," with one end touching the dead body and the other the neck of the accused.

- Delays in Dispatch: Unexplained delays in sending crime weapons or empties to the Forensic Science Laboratory (FSL) are fatal to the prosecution's case.
    - In *State v. Sadam*, a three-day delay in sending rounds to the expert and a nine-day delay to the FSL without explanation resulted in an acquittal.
    - In *Mustaqeem v. Nawab Khan*, an 11-day delay in sending empties to the FSL led the court to discredit the positive report.
    - In *Sher Rehman v. State*, a 10-day delay between dispatch and receipt by the Bomb Disposal Unit was deemed a "glaring discrepancy" that invalidated the conviction.
- Delays in Medical Samples: In *Ghulam Mustafa Alias Baggi v. State*, body parts held in police custody for over a year before being sent to the chemical examiner cast serious doubt on the authenticity of the evidence.
- Narcotics Handling: In *Ahmed Ali*, the Supreme Court held that the non-production of narcotics without explanation undermines the prosecution case, stressing the need for safe custody and timely sampling. *Muhammad Fayaz* established that using photocopies of destruction certificates after a delay renders the case doubtful.

Module-5: Documentation of Investigation – Case Diaries

Introduction

Proper documentation of investigation through case diaries is essential for ensuring transparency, accountability, and legality in the investigative process. The Honourable Peshawar High Court, in the cited judgment, has identified poor maintenance of case diaries as a systemic deficiency, adversely affecting the quality of investigation and ultimately the administration of justice.

The Honourable Court has emphasized the mandatory nature of maintaining case diaries under Section 172 CrPC, requiring that every step taken during investigation be promptly and accurately recorded. It has further clarified the legal status of case diaries, noting that while they are not substantive evidence, they play a crucial role in aiding the Court in understanding the course, timing, and integrity of investigation.

The judgment also highlights the importance of proper structuring and use of diaries, including separation from statements under Section 161 CrPC, submission alongside the challan, and documentation of prosecutorial coordination and any external interference. It further underscores the role of diaries in ensuring accountability, including justification of arrest and detention, and enabling oversight by prosecutors and supervisory authorities.

This module is designed to equip Master Trainers in identifying and conveying the essential requirements, common deficiencies, and judicially emphasized standards relating to case diaries. The focus is on ensuring that Investigation Officers and Prosecutors clearly understand the purpose, legal limits, and practical importance of proper documentation, and how deficiencies in this regard weaken investigations and prosecution. The module aims to ensure that these principles are translated into disciplined, accurate, and transparent documentation practices in the field.

Learning Objectives / Outcomes

By the end of this training session, participants (Master Trainers) will be able to:

- Clearly identify and convey the mandatory requirements for maintaining case diaries, including regular updates and recording of every investigative step.
- Emphasize to trainees the purpose and legal status of case diaries, including their role as an aid to the Court rather than substantive evidence.
- Guide trainees on the proper structuring of investigation records, including separation of Section 161 CrPC statements and compilation with the challan.
- Highlight the importance of accurate and timely documentation in establishing the sequence, integrity, and legality of investigation.
- Sensitize trainees to common deficiencies, including incomplete, delayed, or inaccurate entries, and their impact on prosecution.
- Reinforce the role of case diaries in justifying arrest and detention and ensuring accountability of investigating officers.
- Stress the need for documenting prosecutorial coordination and any external interference in the investigation process.
- Clarify the limits on use and access, including the restricted evidentiary value and non-availability to the accused.
- Enable trainees to align documentation practices with judicial expectations, ensuring transparency, consistency, and reliability.
- Ensure that trainees are able to translate these requirements into improved field practices, resulting in better investigation quality and stronger prosecution outcomes

Course Contents: Scope and Discussion

1. Mandatory Maintenance and Documentation

- Regular Updates: The judgment mandates that the case diary, maintained under Section 172 CrPC and Police Rules 25.53–25.55, must be properly maintained and regularly updated.

- Recording Every Step: Investigating Officers (IOs) are strictly directed to record every step taken during the investigation in the case diary.
- Consequences for Neglect: A failure to maintain these diaries properly is categorized as a dereliction of duty that entails departmental proceedings.
- Documentation of Interference: If any unauthorized superior or private person attempts to interfere with the investigation, the IO must immediately document this interference in the record.

2. Legal Status and Evidentiary Value

- Use by the Court: While the contents of case diaries cannot be used as substantive evidence to prove facts, the Court may use them to aid in an inquiry or trial for elucidating facts, verifying the timing of investigation, or clearing up obscurities.
- Refresh Memory: An IO may use the case diary to refresh their memory while testifying; however, if they do so, the Court may use the diary to contradict them under Articles 140 and 156 of the QSO.
- Restricted Access: The judgment clarifies that neither the accused nor their counsel is allowed access to case diaries simply because the Court uses them.

3. Role in the Stages of Investigation

- Stage-II (Commencement): The judgment notes that as soon as an investigation commences, every action taken must be recorded in police diaries as provided under Section 172 CrPC.
- Separation from Section 161 Statements: Statements recorded under Section 161 CrPC (witness statements) shall not form part of the case diary itself but must be recorded separately and attached to the diary.
- Submission with Challan: A complete set of all case diaries issued by the IO must be compiled and submitted to the Court alongside the final Police Report (Challan) under Section 173 CrPC.

4. Oversight and Monitoring

- Prosecutorial Oversight: Prosecutors are required to scrutinize investigation files (including diaries) from inception to ensure compliance with the statutory timeframe.
- Liaison Documentation: Regular consultation meetings between the IO and the Prosecutor must be documented and reflected in the investigation diary.
- Internal Monitoring: The judgment highlights that internal police monitoring must include the regular inspection of case diaries to enhance quality and reduce delays.
- Systemic Failures: The Court identified the "poor maintenance of police diaries" as one of the deep-seated systemic flaws contributing to the failure of the criminal justice system in the province.

Required Reading

1. Mandatory Status and Stages of Investigation

- Yasir Khan Case: This case settled that Stage-II (Commencement of Investigation) begins as soon as the FIR is registered. It mandates that every action taken by the police officer to investigate facts, circumstances, and recoveries must be recorded in police "diaries" as provided under Section 172 of the Cr.P.C.

2. Justification for Detention and Arrest

- Government of Sindh v. Raisa Farooq (1994 SCMR 1283): The Supreme Court held that case diaries or any information justifying an arrest must be handed over to the Court. This is to demonstrate that there were reasonable grounds for believing the detention was necessary for the crime charged.

3. Legal Status of Findings in Diaries

- Sher Muhammad Unar's Case (PLD 2012 SC 179): The Supreme Court settled that the finding of guilt or innocence recorded by police in investigation diaries is an "executive order" or "administrative" in nature, not a judicial finding. Consequently, such findings do not culminate in a conviction or acquittal and cannot be used to invoke the principle of double jeopardy.

4. Substantive Evidence vs. Aids to Inquiry

- 1976 SCMR 506: This precedent established that the contents of case diaries cannot be used as substantive evidence to prove facts during a trial.
- 2005 PCrLJ 1970: It was settled that while diaries are not substantive evidence, a Court may use them as an aid to an inquiry or trial for the specific purposes of elucidating facts, verifying the timing of the investigation, or clearing up obscurities.

5. Restricted Access to Diaries

- 2018 PLD 157 PHC: This case settled that neither the accused nor their counsel is allowed access to case diaries. The mere fact that a Court uses the diary to aid its understanding does not grant the defense a right to inspect it.

6. Contradicting Witness Testimony

- Qanun-e-Shahadat Order (Articles 140 & 156): If a police officer uses a case diary to refresh their memory while testifying, the Court is then empowered to use that diary to contradict the officer under the provisions of the QSO.

7. Policy and Coordination

- Amjid Khan and Gul Rehman Cases: These cases led to the 2024 Policy Guidelines which mandate that regular consultation meetings between Prosecutors and Investigating Officers (IOs) must be documented and reflected in the investigation diary to ensure timely submission of reports.

Module-6: Documentation of Investigation & Role of Prosecutors (Challans & Oversight)

Introduction

Effective documentation of investigation and meaningful prosecutorial oversight are central to ensuring legality, transparency, and fairness in the criminal justice process. The Honourable Peshawar High Court, in the cited judgment, has emphasized that investigation must proceed through clearly defined and properly documented stages, and has identified serious deficiencies in documentation practices as a cause of weak prosecutions and miscarriage of justice.

The Honourable Court has reiterated the mandatory requirements of proper documentation, including maintenance of case diaries, systematic crime scene recording, accurate handling of case property, faithful recording of FIRs, and proper medical documentation. It has further directed the adoption of digitization and modern recording methods to enhance transparency and evidentiary integrity.

At the same time, the Honourable Court has redefined the role of the prosecutor as an active and independent participant in the investigation process, emphasizing continuous oversight from inception, scrutiny of challans for legal sufficiency, and timely submission of reports. The Court has also highlighted the responsibility of prosecutors to filter out weak, frivolous, or mala fide cases, and to ensure compliance with statutory timelines to prevent unlawful detention and violation of constitutional rights.

This module is designed to equip Master Trainers in identifying and conveying the essential requirements of proper investigation documentation and the critical role of prosecutorial oversight. The focus is on ensuring that Investigation Officers and Prosecutors clearly understand what must be documented, how it must be documented, and how prosecutorial scrutiny must function to ensure lawful, complete, and timely prosecution. The module aims to ensure that these directions

are translated into coordinated, accountable, and efficient practices in the field, leading to improved investigation quality and stronger, sustainable prosecutions.

Learning Objectives / Outcomes

By the end of this training session, participants (Master Trainers) will be able to:

- Clearly identify and convey the essential requirements of proper documentation of investigation, including case diaries, crime scene records, case property handling, FIR recording, and medico-legal documentation.
- Emphasize to trainees the importance of accuracy, completeness, and timeliness in documentation, and its impact on evidentiary value and prosecution success.
- Highlight common deficiencies in documentation practices and guide trainees on how these are to be corrected.
- Guide trainees on the implementation of digitization and modern recording methods to enhance transparency and integrity of investigation.
- Clearly convey the statutory role of prosecutors in supervising investigations from inception, including coordination with IOs.
- Emphasize the duty of prosecutors to scrutinize challans for completeness and legal sufficiency, and to return defective cases for further investigation.
- Stress the importance of adherence to statutory timelines for submission of challans, and the consequences of delay on legality of detention and fair trial rights.
- Sensitize trainees to the role of prosecutors in filtering out weak, frivolous, or mala fide cases, ensuring that only sustainable prosecutions proceed.
- Reinforce the principles of neutrality, independence, and accountability in prosecutorial conduct.
- Ensure that trainees are able to translate these requirements into coordinated field practices, resulting in well-documented investigations, timely submissions, and effective prosecution outcomes.

Course Contents: Scope and Discussion

Role of the Prosecutor

- Prosecutorial Supervision: Under the KP Prosecution Act 2005 (and its 2025 amendments), prosecutors must actively supervise investigations from inception, meeting regularly with IOs to ensure investigations are impartial and completed within statutory timeframes.
- Scrutiny of Challans (Section 173 CrPC): A critical duty is the scrutiny of final reports (challans). No challan may be forwarded to the court unless a prosecutor has furnished a written opinion on its completeness and legal sufficiency. If deficiencies are found, the prosecutor must return the file for further investigation within three days.
- Submission Timelines: Section 173 of the CrPC mandates that the final report be submitted within 14 days. If delayed, an interim challan must be submitted within the next three days. The court noted that persistent failure to meet these timelines results in unlawful detention and violates Articles 4, 9, and 10-A of the Constitution.
- Filtering Frivolous Cases: The 2025 Amendment Act empowers prosecutors to withhold prosecution in compoundable offences or seek discharge where proceedings are found to be mala fide, weak, or frivolous, thereby serving as a filter for unsustainable cases.
- Round-the-Clock Availability: To assist IOs and appear before the Magistrate on Duty (MOD), the court directed that Public Prosecutors must be available round the clock, including on gazetted holidays.
- Neutrality and Independence: Prosecutors represent the State, not private parties. They are directed to remain neutral and refrain from associating with private counsel or police in a manner that compromises their impartiality.
- Accountability for Delays: Unjustified delays in returning files or retaining challans are to be treated as misconduct and may attract penal action under Section 186(2) PPC for hampering prosecution.

Required Reading.

- *Amjid Khan* and *Gul Rehman*: These cases established that unjustified delays in submitting investigation reports infringe the right to a fair trial under Article 10A.
- *Muhammad Bashir* (PLD 2007 SC 539): Settled that the SHO has no authority to refuse an FIR or pre-judge its truth; the remedy for false reporting is prosecution under Section 182 PPC, not refusal to record.
- *Abdul Hafeez Junejo v The State* (2010 YLR 470): Defined the prosecutor's role in scrutinizing every Section 173 report (including cancellations and discharges) as a responsibility of the government.
- *State vs. Sadam* (2016 PCrLJ 1815): Ruled that an identifiable chain of custody is essential; evidence loses value if there is no record of whose safe custody it was in during delays.
- *Ghulam Mustafa Alias Baggi vs. State* (2014 PCrLJ 893): Held that a considerable delay (one year) in sending medical evidence to the chemical examiner casts doubt on the entire prosecution case.
- *Karamat Hussain v. the State* (2018 YLR 685): Settled that a site-plan is not a substantive piece of evidence and is only corroborative in nature.
- *Syed Maqbool Shah*: Highlighted serious failures where prosecutorial indifference and delayed challans resulted in protracted trials and a denial of justice.
- *Adnan Prince*: Reaffirmed that delays in submitting charge sheets and interim challans exacerbate witness unavailability and reflect systemic failure.

Module-7: Witnesses, Courtroom Preparedness & Role of Prosecutors

Introduction

Witness testimony remains a central component of the criminal trial. The Honourable Peshawar High Court, in the cited judgment, has identified serious systemic challenges affecting witness reliability, attendance, protection, and overall courtroom management, which in turn undermine the fairness and effectiveness of the justice process.

The Honourable Court has emphasized the duty of witnesses to provide truthful testimony, while at the same time highlighting the prevalence of false or “stock” witnesses and directing courts to ensure accountability through appropriate legal measures. It has further stressed the need for robust witness protection mechanisms, procedural safeguards within the courtroom, and the proper recording of witness demeanour to preserve the integrity of testimony.

In parallel, the Honourable Court has addressed deficiencies in courtroom preparedness and trial management, including the culture of unnecessary adjournments, lack of prioritization of evidence, and failure to utilize inquisitorial powers. It has directed that trials be conducted in a disciplined, time-bound, and justice-oriented manner, supported by the use of modern tools such as digital recording.

The judgment also reaffirms the central and independent role of the prosecutor, not merely as a presenter of evidence but as a supervisory authority responsible for ensuring that only credible, evidence-based cases proceed to trial, and that prosecution is conducted fairly, efficiently, and in accordance with law.

This module is designed to equip Master Trainers in identifying and conveying the key judicial directions relating to witnesses, courtroom discipline, and prosecutorial

responsibilities. The focus is on ensuring that Investigation Officers, Prosecutors and stakeholders clearly understand how witness evidence is to be secured, protected, presented, and evaluated; how courtroom practices must support fair and efficient trials; and how prosecutorial oversight must ensure integrity and sustainability of prosecutions. The module aims to ensure that these principles are translated into disciplined, accountable, and effective practices in the field and courtroom.

Learning Objectives / Outcomes

By the end of this training session, participants (Master Trainers) will be able to:

- Clearly identify and convey the role and importance of witnesses in the criminal justice process, including the duty of truthful testimony.
- Emphasize to trainees the need to ensure reliability and accountability of witnesses, including measures to address false or “stock” witnesses.
- Highlight the importance of witness protection mechanisms and in-court safeguards, ensuring safety and freedom from intimidation.
- Guide trainees on the proper handling and presentation of witness evidence, including recording of demeanour and protection from harassment during proceedings.
- Sensitize trainees to common deficiencies affecting witness testimony, including absenteeism, coercion, and lack of preparation.
- Reinforce the importance of courtroom preparedness and discipline, including avoidance of unnecessary adjournments and prioritization of material witnesses.
- Emphasize the proactive role of courts and prosecutors in ensuring efficient trial management, including use of inquisitorial powers and imposition of costs where necessary.
- Clearly convey the independent and supervisory role of prosecutors, including control over prosecution, coordination with investigation, and management of evidence.

- Stress the responsibility of prosecutors to ensure that only credible and evidence-based cases proceed, applying evidential and public interest considerations.
- Guide trainees on the proper conduct of prosecution in court, including production of evidence, coordination with witnesses, and control over private counsel.
- Ensure that trainees are able to translate these principles into improved field and courtroom practices, resulting in reliable witness testimony, efficient trials, and stronger prosecution outcomes

Course Contents: Scope and Discussion

1. Role of Witnesses

- Duty and Accountability: Giving truthful testimony is an obligatory duty; however, the system is often burdened by false or "stock" witnesses. The Court directed trial judges to hold witnesses accountable for perjury by rigorously invoking Section 476 of the CrPC.
- Coercive Measures for Attendance: To prevent delays caused by witness absenteeism, the Court recommended coercive measures such as blocking CNICs or the attachment of salaries for those who deliberately avoid court.
- Witness Protection: The KP Witness Protection Act, 2021 and the Rules of 2025 must be fully operationalized to provide physical protection.
- In-Court Safeguards: The judgment mandates safeguards like screened testimony and video-link examinations to prevent intimidation.
- Recording Demeanour: Trial judges must record the demeanour of witnesses under Section 363 CrPC so that successor judges can properly assess the context of previously recorded evidence.
- Medical and Expert Witnesses:
    - Medical professionals must treat appearing in court as a noble official duty.

- Reports from Chemical Examiners and other experts are admissible under Section 510 CrPC without formal proof, and the Court recommended adding DNA and cybercrime experts to this section.
- Minor discrepancies in medical reports should not negate a trustworthy and "confidence-inspiring" oral account.

- Protection from Harassment: Courts are mandated to protect witnesses from unnecessary harassment or improper/immoral questions during cross-examination.

2. Courtroom Preparedness

- Trial Scheduling: The Court expressed concern that schedules are often dictated by counsel's personal diaries. It directed that future dates and adjournments must be granted based on the needs of justice, not counsel's convenience.
- Fast-Track Trials: Courts must show "extra vigilance" at least four months before a statutory bail period expires by putting the trial on a fast-track.
- Illegal Strikes and Boycotts: Strikes by lawyers are declared illegal and unconstitutional. Courts are directed not to grant adjournments on these grounds and may appoint State-funded defense counsel if the original lawyer is repeatedly absent.
- Prioritization of Evidence: Lawyers are encouraged to examine material witnesses first to allow for early acquittal under Sections 249A or 265K CrPC if no probability of conviction exists.
- Inquisitorial Powers: Judges are directed to proactively use Section 540 CrPC to summon or recall any witness necessary for a just determination, rather than acting as "silent spectators".
- Imposition of Costs: Under Section 344 CrPC, courts shall impose mandatory costs (minimum Rs. 5,000) on any party—complainant, prosecutor, or witness—whose conduct necessitates an unnecessary adjournment.

- Digitization: The system must transition to digital recording of judicial proceedings and witness depositions within one year to prevent loss of information as memories fade.

3. Role and Responsibilities of the Prosecutor

The Court redefined the prosecutor as an independent, supervisory pillar of the justice system.

Required Reading

1. Witnesses: Reliability, Accountability, and Protection

- Preference for Ocular Over Medical Evidence: It is settled law that if ocular (eyewitness) evidence is found to be trustworthy and "confidence-inspiring," it is given preference over medical evidence and can sustain a conviction on its own.
    - Case Law: ***Muhammad Iqbal v. The State (1996 SCMR 908)***; ***Naeem Akhtar v. The State (PLD 2003 SC 396)***; ***Faisal Mehmood v. The State (2010 SCMR 1025)***; ***Muhammad Ilyas v. The State (2011 SCMR 460)***.
- Curbing Perjury (False Witnesses): The court noted that societal reluctance to testify often leads to the procurement of "stock" or false witnesses. To curb this, trial courts are directed to rigorously invoke Section 476 CrPC.
    - Case Law: The judgment cites a string of Supreme Court authorities for the proactive use of Section 476 to punish false testimony: *PLD 2016 SC 484*; *1987 SCMR 1962*; *1987 MLD 2121*; *PLD 1982 SC 291*; *PLD 1986 SC 6*; *PLD 1984 SC 44*; and *2000 PCrLJ Peshawar 718*.
- Identification Parade Credibility: Identification of an accused without specific reference to the role they played during the occurrence is considered to have no evidentiary value.

- Case Law: ***Kamal Din alias Kamala vs. The State (2018 SCMR 577)***.

- Recording Witness Demeanour: Because judges are frequently transferred, a successor judge must be able to assess the context of a witness's testimony. Therefore, judges are statutorily required to record the demeanour of witnesses.
  - Reference: Section 363 CrPC.

2. Courtroom Preparedness and Judicial Discipline

.Adjournment Costs: It is a settled point that courts possess the inherent power under Section 344 CrPC to impose costs on any party (complainant, prosecutor, or counsel) that causes an unnecessary adjournment.

- Case Law: ***Muhammad Shahid Yousaf v. The State (Order dated 19.01.2021)***. In this case, the Lahore High Court reduced an adjournment cost from Rs. 10,000 to Rs. 5,000, affirming that the phrase "on such terms as it thinks fit" in Section 344 includes the authority to impose costs.

- Illegal Bar Strikes: Strikes and boycotts by lawyers are declared illegal and unconstitutional as they obstruct the right to a fair trial and access to justice.
  - Case Law: ***Shabbir Hussain versus Pakistan Bar Council (W.P. No. 7516 of 2025)***. This case settled that Bar Associations have no legal authority to issue strike notices and that courts must proceed with trials, appointing State-funded counsel if necessary.

- Inquisitorial Duty of the Court: A trial judge is not a "silent spectator" but must proactively use inquisitorial powers to uncover the truth, especially when an investigation is defective.
  - Case Law: ***Khuda Bux (Sindh High Court)***; ***Abdul Bari (Balochistan High Court)***; and ***Muhammad Usman (Supreme Court.

- Trial Timelines (Key Performance Indicators): Trials must be concluded within strict periods: 6 months for juveniles, 12 months for offences up to 7 years, 18 months for offences above 7 years, and 24 months for murder.
    - Reference: National Judicial Policy.

3. Role and Accountability of the Prosecutor

- Duty to Scrutinize Challans: No police report (challan) should be submitted without a written opinion from the prosecutor. The prosecutor has the authority to return defective reports for the removal of identified flaws.
- Liability for Delayed Challans: Failure to submit a challan within the 14-day statutory period is held to be a violation of the fundamental right to a fair trial under Article 10A.
    - Case Law: *PLD 2002 SC 580*; *2009 SCMR 181*; and *PLD 2021 SC 795*. (Also referencing the cases of *Amjid Khan* and *Gul Rehman*).
- The Evidential and Public Interest Tests: Prosecutors are directed to apply a two-stage test before deciding to proceed: (1) Is there a realistic prospect of conviction? (2) Does the public interest favour prosecution?.
- Refreshing Memory: Prosecutors and witnesses (including medical and police officers) are settled in their right to use case diaries or formal reports to refresh their memory during testimony.
    - Reference: Articles 140 and 156 of the Qanun-e-Shahadat Order, 1984.
- Neutral Investigation: The roles of complainant and investigating officer must be separate to ensure neutrality and protect the accused's right to a fair trial.
    - Case Law: ***Nazir Ahmad v. The State (PLD 2009 Kar. 191)***; ***Ashiq alias Kaloo v. State (1989 PCr.LJ 601)***; and ***State v. Bashir and others (1998 PLD SC 408)***.

- Supervisory Authority: Under the KP Prosecution Act, 2005, prosecutors must supervise investigations from inception and scrutinize FIRs to ensure they are lawful and admissible.

Module-8: Basics of Investigation

Introduction

The quality of criminal investigation form the foundation upon which the entire criminal justice system rests. The Honourable Peshawar High Court, in the cited judgment, has anchored the process of investigation within constitutional safeguards, emphasizing that every investigative act must conform to the requirements of legality, fairness, and due process.

The Honourable Court has clarified the essential character of investigation as a truth-seeking exercise, requiring Investigating Officers to act with impartiality, neutrality, and objectivity, and to collect both inculpatory and exculpatory evidence. It has further highlighted critical deficiencies in practice, including mechanical arrests, improper FIR handling, coercive interrogation, and disregard of procedural safeguards.

The judgment also reiterates mandatory legal requirements at key stages of investigation, including prompt and lawful registration of FIRs, adherence to safeguards relating to arrest and detention, prohibition of torture, proper recording of witness statements, and reliance on both oral and scientific evidence.

In addition, the Honourable Court has emphasized the centrality of constitutional rights, including dignity of man, protection against unlawful detention, and the right to fair trial, directing that these principles must guide every stage of investigation.

This module is designed to equip Master Trainers in identifying and conveying the foundational legal principles, recurring deficiencies, and judicially emphasized standards governing criminal investigation. The focus is on ensuring that Investigation Officer, Prosecutors and stakeholders clearly understand the correct legal approach to investigation, the limits of their powers, and the consequences of deviation, so that investigative practices are aligned with constitutional guarantees

and judicial expectations. The module aims to ensure that these principles are translated into lawful, fair, and effective investigation practices in the field.

Learning Objectives / Outcomes

By the end of this training session, participants (Master Trainers) will be able to:

- Clearly identify and convey the constitutional framework governing investigation, including safeguards relating to life, liberty, dignity, and fair trial.
- Emphasize to trainees the role of the Investigating Officer as a neutral truth-seeker, responsible for collecting both inculpatory and exculpatory evidence.
- Highlight the importance of impartiality, neutrality, and separation of roles in ensuring a fair investigation.
- Guide trainees on the correct legal principles governing FIR registration as the starting point of investigation, including mandatory registration and faithful recording.
- Clarify for trainees the lawful parameters of arrest, including the requirement of material grounds and safeguards available to the accused.
- Sensitize trainees to the absolute prohibition of torture and coercive interrogation, and the legal consequences of such practices.
- Reinforce the importance of timely and accurate recording of witness statements, and the proper evaluation of oral and scientific evidence.
- Highlight common deficiencies in investigation practices, including mechanical arrests, delayed actions, and improper evidence handling.
- Guide trainees on the integration of constitutional safeguards into everyday investigative practice, ensuring legality and fairness at every stage.
- Ensure that trainees are able to translate these foundational principles into improved field practices, resulting in credible investigations and sustainable prosecutions.

Course Contents: Scope and Discussion

1. Constitutional Safeguards

- Article 4: Treatment in accordance with law is an inalienable right, extending to under-trial prisoners.
- Article 9: Protects life and liberty, permitting deprivation only in accordance with law.
- Article 10: Provides safeguards against arrest and detention, including the right to know grounds of arrest and access to counsel.
- Article 10-A: Guarantees the right to a fair trial and due process.
- Article 14: Declares the dignity of man as inviolable and forbids torture for extracting evidence.
- Article 25: Ensures equality before the law and equal protection of law.

2. The Investigating Officer (IO) as a "Truth Seeker"

The judgment settles that the role of an IO is that of a neutral authority whose primary object is to "unearth the truth".

- Impartiality: An IO must not commit prematurely to any view for or against any person and must discover actual facts.
- Balanced Evidence: The IO is duty-bound to identify the real offender and gather both inculpatory and exculpatory evidence.
- Neutrality: An IO cannot assume the role of a complainant or a witness for the prosecution alone; they are a material witness for both the prosecution and the defense.
- Separation of Roles: To ensure neutrality, the complainant and the investigating officer must not be the same person.

3. FIR as the Start of Investigation

The First Information Report (FIR) under Section 154 CrPC sets the criminal law in motion.

- Mandatory Registration: Police have no authority to refuse registration or hold a preliminary inquiry if a cognizable offense is disclosed.

- Verbatim Recording: The scribe is statutorily bound to record the complainant's account faithfully and verbatim without "coaching" or "tutoring" the informant to falsely implicate others.
- Immediate Action: Investigation must commence immediately upon receipt of information, even without waiting for legal heirs to nominate an accused.
- "Progress FIRs": The court declared the practice of "progress FIRs" (registered without a credible complainant) as unconstitutional and unknown to law.

4. Arrest Parameters and "Miranda" Rights

The judgment clarifies that arrest is a coercive measure used only for defined legal purposes, not as a routine consequence of an FIR.

- Material Grounds: "Mere registration of an FIR does not justify arrest"; there must be material grounds and sufficient evidence to believe the accusation is well-founded.
- Miranda-Equivalent Rights: The court explicitly recognized safeguards analogous to "Miranda rights":
    1. The right to be informed promptly of the grounds of arrest.
    2. The right to consult and be defended by a lawyer of choice.
    3. The right against self-incrimination (no one can be compelled to be a witness against themselves).
    4. The absolute prohibition of torture or degrading treatment.
- Statutory Timelines: Under Article 10(2) and Section 61 CrPC, an accused must be produced before a Magistrate within twenty-four hours.

5. Torture during Interrogation

The court takes a stern view of custodial torture, identifying it as a violation of Articles 4, 9, 10, 10A, and 14.

- Absolute Bar: No torture, coercion, or unlawful confinement is permissible for the purpose of extracting evidence.
- Legal Consequences: Torture constitutes an offense under Section 166(1) PPC and the Torture and Custodial Death (Prevention and Punishment) Act 2022.
- Medical Safeguards: To assess claims of torture, pre- and post-custody medical examinations of the accused must be conducted thoroughly and in the absence of police officials.

6. Witness Statements and Evidence

- Section 161 CrPC: Witness statements must be recorded without delay and verbatim.
- Verifying the Accused's Plea: After an arrest, the IO is required to record and investigate the plea of the accused.
- Demeanour: Trial judges are directed to record the demeanour of witnesses under Section 363 CrPC to assist successor judges who may take over the trial.
- Protection: Courts must protect witnesses from unnecessary harassment or improper/immoral questions during cross-examination.
- Circumstantial Evidence: In the modern era, human testimony is fallible; therefore, IOs must give due weight to scientific and circumstantial evidence while following strict protocols to ensure its authenticity.

Required Reading

1. Constitutional Safeguards

- *Javed Ibrahim Paracha v. Federation of Pakistan* (PLD 2004 SC 482): Settled that a person may invoke constitutional jurisdiction as *pro bono publico* if they demonstrate they are litigating for the general welfare and protection of public interest.

- *Premier Battery Industries Private Limited v. Karachi Water And Sewerage Board and others* (2018 SCMR 365): Established that courts may enlarge the scope of an "aggrieved person" under Article 199 to include public-spirited individuals bringing matters of public importance to the court's notice.
- *Independent Media Corporation (Pvt.) Ltd. v. Federation of Pakistan* (PLD 2022 Lahore 288): Affirmed that PIL enables constitutional courts to extend the meaning of "aggrieved person" to a public-spirited actor for bona fide advancement of the public good.

2. FIR as the Start of Investigation

- *Muhammad Bashir v. Station House Officer, Okara* (PLD 2007 SC 539): A landmark case settling that an SHO has no authority to refuse an FIR if a cognizable offense is disclosed, nor can they hold a preliminary inquiry into its truth before recording it. It further settled that an FIR is not a prerequisite for investigation or arrest.
- *Mushtaq Hussain v. State* (2011 SCMR 45): Settled that the spontaneity of an FIR serves as a guarantee of its truth and excludes the possibility of fabrication or consultation.
- *Bashir Ahmed v. State* (2015 MLD 313): Ruled that an unexplained delay in lodging an FIR casts serious doubt on the prosecution's case and may lead to an acquittal.
- *Mst. Sughran Bibi v. The State* (PLD 2018 SC 595): Settled that the registration of multiple FIRs for the same incident is generally not permitted; new versions of an incident should be recorded under Section 161 CrPC rather than through separate FIRs.

3. The IO as a "Truth Seeker"

- *State v. Bashir and others* (1998 PLD SC 408): Established that an IO is a material witness for both the prosecution and the defense, and it is undesirable for the head of a raiding party to also act as the investigator.

- *Nazir Ahmad v. The State* (PLD 2009 Kar. 191): Affirmed the necessity of separation between the complainant and the investigator to ensure non-partisanship.
- *Ashiq alias Kaloo v. State* (1989 PCr.LJ 601): The Federal Shariat Court observed that an investigation where the complainant and IO are fused is a "biased investigation".
- *Babubhai v. State of Gujrat and others* [(2010) 12 SCC 254]: Cited to settle that fair, transparent, and judicious investigation is a minimum requirement of the rule of law.

4. Arrest Parameters and "Miranda" Rights

- *Muhammad Bashir* (implicitly referencing PLD 2007 SC 539): Settled constitutional safeguards for arrested persons: they must be informed of the grounds of arrest, permitted to consult a lawyer, provided with charge information, and given an opportunity to cross-examine witnesses and produce a defense.
- *Manthar Ali v. S.H.O.* (2013 PCrLJ 553 Karachi): Affirmed that the power to arrest is not to be exercised mechanically; it requires sufficient evidence to believe the accusation is well-founded.
- *Muhammad Bilal v. Superintendent of Police, Dera Ghazi Khan* (PLD 1999 Lah 297): Settled that Section 165 CrPC (search without warrant) does not apply to searches for the purpose of arrest, and failure to record grounds for such a search is bad in law.

5. Custodial Torture and Interrogation

- *Haider Ali v. D.I.G. Police* Addressed systemic apathy and directed strict adherence to fundamental rights, including the prohibition of coercive interrogation and the realization of Articles 9, 10, 10A, and 14.

6. Basics of Evidence Collection (Chain of Custody)

- *Muhammad Ayoob vs. the State* (2012 PCrLJ 1438 Karachi): Settled that delays in sending arms to experts (2 months and 26 days) and contradictions in the description of property (different colored bags) make the recovery highly doubtful and result in acquittal.
- *State vs. Sadam* (2016 PCrLJ 1815): Held that unexplained delays in receiving live rounds (nine days) and explosive material (two months) at the laboratory destroyed the chain of custody and the evidentiary value of the items.
- *Ghulam Mustafa Alias Baggi vs. State* (2014 PCrLJ 89): Ruled that a one-year delay in transmitting body parts from an autopsy to a chemical examiner called the entire prosecution case into question.
- *Karamat Hussain v. the State* (2018 YLR 685): Settled that a site plan is not a substantive piece of evidence and may be ignored if direct evidence is found trustworthy.

7. Witness Statements and Confessions

- *Tanveer Ahmed vs. The State* (2011 PCr.LJ 677 Karachi): Settled that a voluntary judicial confession made before a Magistrate can be the sole basis for conviction, even if retracted, provided it receives independent corroboration from other sources.
- *Nasir Ahmad v. State* (citation provided as SC/Journal in text): Held that in cases where an occurrence is unseen, a statement recorded under Section 161 CrPC may be taken into consideration.
- *Zarif Khan v. The State* (PLD 1977 SC 612): Settled that the sanctity of a dying declaration should be respected unless clear circumstances show it is unreliable.

Module-9: Teaching Methodologies & Facilitation Skills (Training of Trainers – ToT)

Introduction

The effectiveness of this training program depends not merely on the content delivered, but on how that content is transmitted to the target audience. The role of Master Trainers is not to restate settled legal principles, but to translate judicial directions into practical understanding for Investigation Officers and Prosecutors, ensuring that identified deficiencies are corrected in the field.

This requires a deliberate shift from traditional lecture-based delivery to a facilitative, structured, and participant-centered approach, where trainers guide learning, encourage engagement, and connect legal principles with real-world investigative and prosecutorial practices.

This module is designed to equip Master Trainers in identifying effective teaching methodologies and developing facilitation and presentation skills, enabling them to communicate clearly, engage adult learners, and ensure that training leads to practical improvement rather than theoretical recall. The emphasis is on delivering training that results in clarity of understanding, identification of errors, and implementation of corrective practices.

Learning Objectives / Outcomes

By the end of this training session, participants (Master Trainers) will be able to:

- Apply adult learning principles to make training relevant and practical.
- Effectively translate judicial principles into field-oriented learning points.
- Design and deliver structured, outcome-focused training sessions.
- Use facilitative techniques to promote active participation and engagement.
- Communicate complex legal concepts in a clear and accessible manner.
- Apply effective presentation skills to enhance delivery and impact.

- Manage participant dynamics and maintain an effective learning environment.
- Use case-based and problem-based methods to reinforce understanding.
- Assess learning through interactive questioning and feedback mechanisms.
- Ensure that training results in practical improvements in field practices.

Required / Suggested Reading

- Principles of Adult Learning (Andragogy) – Malcolm Knowles
- Basics of Experiential Learning – David Kolb

Course Contents: Scope & Discussion

1. Adult Learning Principles (Andragogy)

- Understanding how adult learners learn
- Linking training to experience, relevance, and problem-solving
- Barriers to learning in professional settings (hierarchy, resistance, fatigue)

2. Role of the Master Trainer

- Trainer as facilitator
- Translating judicial directions into practical field guidance
- Focusing on deficiencies, corrections, and outcomes

3. Training Design and Structuring

- Setting clear objectives aligned with field outcomes
- Structuring sessions (introduction → issue → discussion → takeaway)
- Identifying key messages for each session

4. Teaching Techniques

- Guided discussions instead of one-way lectures
- Use of problem-based scenarios and case studies

- Group work and peer learning
- Questioning techniques to stimulate thinking

5. Communication & Presentation Skills

- Clarity, brevity, and precision in communication
- Voice modulation, tone, and pacing
- Body language and engagement techniques
- Use of examples to simplify complex legal concepts

6. Use of Real Cases and Practical Scenarios

- Converting judicial observations into training scenarios
- Highlighting common errors and their consequences
- Linking law with practice

7. Managing Training Dynamics

- Encouraging participation from all ranks
- Handling difficult participants or resistance
- Maintaining focus and time discipline

8. Feedback and Learning Assessment

- Using questions to assess understanding
- Conducting quick evaluations (oral/written)
- Adapting delivery based on participant response

9. Ensuring Impact and Field Application

- Moving from knowledge to behavioural change
- Reinforcing key takeaways
- Linking training with practical implementation in investigation and prosecution

MODULE-10: MEDICAL EVIDENCE

Introduction

Medical evidence constitutes a critical component of the criminal justice process, particularly in cases involving physical injury, sexual offences, and death. The Honourable Peshawar High Court, in the cited judgment, has emphasized that medical evidence serves as an essential corroborative and confirmatory tool, lending objectivity and scientific support to ocular accounts and other forms of evidence.

The Honourable Court has clarified that medical professionals perform not only a professional duty of treatment but also a noble official duty in aid of the administration of justice, requiring accuracy, independence, and adherence to prescribed legal and procedural standards. It has underscored that medico-legal documentation, including injury reports, medico-legal certificates, and post-mortem findings, must be prepared with due care, completeness, and application of mind, as deficiencies at this stage directly affect the credibility of prosecution cases.

The judgment has identified serious and recurring lapses in practice, including incomplete or poorly prepared medico-legal reports, omission of essential details, delayed submission of findings, non-adherence to prescribed formats, and lack of proper record-keeping, all of which undermine evidentiary reliability and create opportunities for manipulation.

The Honourable Court has further issued specific directions aimed at reforming the medico-legal system, including ensuring the availability of trained Medico-Legal Officers, mandatory use of prescribed formats, timely preparation and transmission of reports, digital preservation of records, and structured training of medical professionals. It has also emphasized the importance of independent and thorough medico-legal examinations in custodial situations, particularly to safeguard constitutional guarantees relating to dignity of man and protection against torture.

This module is designed to equip Master Trainers to identify and convey the correct legal principles governing medical evidence, the deficiencies highlighted in the judgment, and the standards required to address them. The focus is on ensuring that medical officers, investigators, and prosecutors understand the evidentiary value of medical documentation, the necessity of accuracy and timeliness, and the consequences of lapses, so that medico-legal practices contribute effectively to fair trial and administration of justice.

Learning Objectives / Outcomes

By the end of this training session, Master Trainers will be able to:

- Clearly identify and convey the legal status and evidentiary role of medical evidence as a corroborative and confirmatory component of the prosecution case.
- Emphasize to trainees the dual responsibility of medical professionals—clinical treatment and assistance to the administration of justice—and the standards expected in the discharge of this role.
- Highlight the importance of accurate, complete, and properly structured medico-legal documentation, including injury reports, medico-legal certificates, and post-mortem findings.
- Guide trainees on the mandatory use of prescribed formats and the necessity of recording all essential particulars, including identity details, timing, and circumstances of examination.
- Sensitize trainees to the importance of timely preparation and transmission of medico-legal reports, and the adverse consequences of delays or omissions.
- Emphasize the requirement **of** independence and objectivity in medico-legal examinations, particularly in custodial situations, ensuring that examinations are conducted free from external influence.
- Highlight the role of medical evidence in corroborating or contradicting ocular accounts, and the importance of aligning medical findings with other evidence.
- Draw attention to recurring deficiencies, including incomplete documentation, poor record maintenance, delayed reporting, and non-compliance with legal requirements, and their impact on trial outcomes.
- Guide trainees on the importance of proper preservation and maintenance of medico-legal records**,** including the need for digitization to prevent tampering and ensure transparency.
- Enable trainees to translate these principles into improved medico-legal practices**,** resulting in reliable evidence, strengthened prosecutions, and enhanced fairness in the criminal justice process.

Course Contents: Scope and Discussion

1. Fundamental Role and Importance

- **Noble Official Duty:** Doctors perform two distinct duties: the professional duty of treating the victim and the noble official duty of assisting the State in the administration of justice.
- **Admissibility:** Under **Section 509 CrPC**, depositions of medical witnesses are admissible, and under **Section 510 CrPC**, reports from experts like chemical examiners or serologists are admissible without formal proof unless the Court decides to summon the expert.

2. Medico-Legal Certificates (MLC) and Injury Sheets

- **Form 25.39 (Injury Statement):** This is the mandatory form that must accompany any injured person sent for a medical examination.

- **Form 25.35 (Inquest/Death Report):** The scribe of an FIR or Investigating Officer (IO) is required to fairly and honestly prepare injury sheets, inquest reports, and MLCs.
- **Mandatory Completion:** The Court directed that all columns of the relevant pro forma must be completed with "due application of mind" and reasonable detail.

3. Systemic Deficiencies and Observed Lapses

The judgment identifies a "deep-rooted" pattern of incompetence and negligence in the preparation of medico-legal documents:

- **Omission of Essential Information:** Medical officers frequently fail to record basic but vital data such as the **victim's name, age, parentage**, the identity of the person who brought the victim, and the exact date/time of the examination.
- **Delayed Submission:** Final medical reports are often not provided to IOs promptly, creating opportunities for **manipulation**.
- **Prescribed Formats:** It was observed that reports are frequently not prepared on prescribed formats, or fields are left incomplete, which the Court classifies as a violation of duty and incompetence.
- **Lack of Records:** Hospitals generally fail to maintain detailed records beyond a brief entry in an emergency register.

4. Mandatory Medico-Legal Examinations (Torture Prevention)

- **Pre- and Post-Custody Exams:** Magistrates must ensure that accused persons undergo a thorough **"head to toe" examination** both before and after being taken into police custody.
- **Absence of Police:** These examinations must be conducted thoroughly and in the absolute absence of police officials or the IO to ensure that allegations of torture can be independently assessed.
- **Confirmation of Torture:** If a subsequent medical board confirms torture, the earlier examining medical officers shall face penal and departmental action for dereliction of duty.

5. Key Recommendations and Directives

- **Availability of MLOs:** The Secretary Health is directed to ensure the immediate availability of Medico-Legal Officers (MLOs) at all government-owned health facilities.
- **Specialized Boards:** For high-stakes offences like murder or blasphemy, and for determining lunacy/mental state, a specialized medical board composed of experts in psychiatry and forensic medicine should be constituted.

- **Training:** The Criminal Justice Coordination Committee (CJCC) is directed to organize structured training sessions for medical officers on the preparation of reports and their duties as witnesses.
- **Digital Preservation:** The Court mandated the digital preservation of medico-legal records to prevent tampering and ensure transparency.
- **Penal Action:** Deliberate non-submission of medical reports may be addressed by invoking Sections 175 or 186(2) of the PPC.

Required Reading

- **Impact of Procedural Delays:**
  - ***Ghulam Mustafa Alias Baggi vs. State (2014 PCrLJ 89)***: The Court ruled that a **one-year delay** in transmitting body parts from an autopsy to a chemical examiner called the entire prosecution case into question.
- **Corroboration Requirements:**
  - ***Farooq vs. Musavvir Ahmed (2020 PCrLJ 328)***: Established that IOs are under a legal obligation to send blood-stained earth and weapons for a **serologist's report**. Failure to do so renders the Chemical Examiner's opinion inconclusive.
  - ***Jawad-ul-Haq v. State (2018 PCrLJ 766)***: Settled that serologist reports are **corroborative pieces of evidence** and should not be considered in isolation to uphold a conviction.
  - ***Sahib alias Karo vs. The State (2020 PCrLJ(n) 67)***: Corroborative evidence was discarded because the fingerprints and blood on the murder weapon **did not match the accused**.
- **Medical Corroboration of Circumstances:**
  - ***Syed Tahir Shah v. State (2018 PCrLJ 242)***: The medical report's finding of suffocation, paired with dust particles in the hair indicating the body was dragged, successfully rebutted a defense claim of suicide by hanging.
- **Expert Testimony and Admissibility:**
  - ***Sultan vs. The State (1987 SCMR 1177)***: Clarified that while **Section 510 CrPC** makes reports admissible without formal proof, the report must be "under the hand" of the expert and sufficiently detailed as if they had testified in person

MODULE-11: WORKSHOP (CASE STUDIES & Group Discussions)

Introduction

This module serves as the culminating component of the Training of Trainers programme, designed as an intensive one-day workshop to consolidate and operationalize the principles emerging from all preceding modules. The Honourable Peshawar High Court, in the present judgment, has not only identified systemic deficiencies across the criminal justice process but has also emphasized the need for practical alignment of investigation and prosecution practices with constitutional safeguards and lawful procedures.

In this context, the workshop is designed to move beyond conceptual understanding and focus on application, analysis, and transmission. It provides Master Trainers with a structured environment to engage with realistic case studies reflecting recurring deficiencies highlighted in the judgment—such as defective FIRs, improper crime scene handling, weak chain of custody, flawed medico-legal documentation, and prosecutorial lapses.

The workshop further emphasizes the pedagogical responsibility of Master Trainers, requiring them not merely to understand the law, but to effectively translate judicial directives into clear, structured, and impactful training for Investigation Officers, Prosecutors, and other stakeholders at the district level. Through group activities, scenario-based problem solving, and participant-led presentations, the module strengthens both analytical capacity and facilitative skills.

The focus is on enabling Master Trainers to identify errors, apply correct legal standards, propose remedial measures, and communicate these effectively to the target audience, thereby ensuring that the spirit of the judgment is internalized, implemented, and sustained in field practices.

Learning Objectives / Outcomes

By the end of this workshop, Master Trainers will be able to:

- Integrate and convey the key legal principles and directives from all modules in a cohesive and practice-oriented manner.
- Analyze case-based scenarios to identify investigative, evidentiary, and procedural deficiencies in light of judicial standards.
- Guide trainees in applying correct legal principles to real-life situations, including FIR handling, crime scene management, evidence collection, medical documentation, and prosecutorial oversight.

- Facilitate structured group discussions and activities that promote critical thinking, problem-solving, and collaborative learning among trainees.
- Develop and deliver clear, focused presentations on assigned case studies, highlighting errors, legal requirements, and corrective measures.
- Demonstrate effective training and facilitation skills, including communication clarity, time management, participant engagement, and feedback handling.
- Emphasize to trainees the practical consequences of investigative lapses, including acquittals, evidentiary exclusion, and violations of constitutional rights.
- Guide trainees on translating judicial directives into standard operating practices at the field level.
- Strengthen the ability of trainees to link legal principles with operational realities**,** ensuring lawful and effective investigation and prosecution.
- Ensure that district-level trainings conducted by Master Trainers are interactive, application-focused, and aligned with the objectives of the judgment**.**

Course Contents: Scope and Structure (One-Day Workshop)

1. Thematic Case Studies (Integrated)

- FIR defects (delay, non-verbatim recording, multiple versions)
- Crime scene mismanagement and forensic lapses
- Illegal searches and defective recoveries
- Broken chain of custody and evidentiary gaps
- Deficient medico-legal documentation
- Weak challan scrutiny and prosecutorial failures
- Witness handling, hostility, and credibility issues

2. Group Activities

- Identification of legal errors and procedural violations
- Mapping facts against statutory requirements and judicial directives
- Designing corrective investigative and prosecutorial responses
- Preparing structured findings for presentation

3. Participant Presentations

- Group-wise presentation of case analysis
- Identification of lapses and applicable legal provisions
- Proposed corrective measures and best practices
- Peer and facilitator feedback

5. Reflection and Synthesis

- Key takeaways from all modules
- Translating learning into district-level training plans
- Aligning field practices with judicial expectations

Required Reading / Reference Material

- Relevant portions of the judgment addressing systemic deficiencies across investigation and prosecution
- Handbook of Criminal Investigation (RSIL) – applied sections on evidence handling and procedure
- Selected case law illustrating consequences of investigative lapses (chain of custody, FIR defects, medical evidence, etc.)