

ACCOMPLICE/APPROVER

[Sections 337 and 338, Cr.P.C.]

Bribe-giver not an accomplice. Informer (complainant) who gives bribe giving information to Anti-Corruption authorities soon after demand of bribe and getting accused caught red-handed with tainted money, held, is not an accomplice. No corroborative evidence is necessary to believe such a witness. (SC) 1970 SCMR 770 Rashid Ahmad. (SC) 1974 SCMR 58 Ubedullah.

Bribe-giver an accomplice and his statement requires corroboration. PLD 1959 Kar. 714 Jalal Khan overruled see above.

Unwilling bribe-giver is not an accomplice. Slightest corroboration is sufficient to render such person's evidence reliable. Marked currency notes recovered from accused's drawers amounts to corroboration of testimony of bribe-giver. Accused rightly convicted. (SC) 1974 SCMR 58 Ubedullah.

Relationship. Near relationship of the approver with the accused does not remove taint from his testimony. Corroboration in material particular is necessary. (SC) 1969 P.Cr.L.J. 1209 Hassu v. Crown.

Possibility that facts already known to the police were tutored to the approver must be excluded before accepting approver's statement. Presence of such possibility renders it unsafe to rely on testimony of approver without material corroboration. PLJ 1974 Cr.C. (Lah.) 482 Shah Muhammad.

"Suspect witness". The evidence of a witness himself suspected of the crime should be corroborated like the evidence of an approver or accomplice. (FB) PLD 1964 Pesh. 288 Muhammad Ayub.

Pardon to approver u/S. 337, Cr. PC must be in writing. No order tendering pardon on record. Evidence of such witness not considered. (DB) PLJ 1976 Lah. 828 Noor Shah etc. 1976 P Cr.L.J. 1265.

Pardon to approver u/S. 337 and 338 Cr.P.C. when applied for with the support of the heirs of the deceased should be allowed. PLJ 1993 Cr. C. (Kar.) 131, Manzoor Ahmed etc.

Only two culprits. Where there are only two culprits in case under section 302, PPC and one of them turns approver. Such approver has a strong interest deposing adversely to the other accused. (SC) 1969 SCMR 907 Taja v. The Crown 1970 P Cr.L.J. 103.

Approver's own trial, his previous statement admissible under section 339 (2), Cr. PC. (DB) PLD 1955 Lah. 375. Iftikhar-ud-Din v. Crown.

Approver's own trial, his statement under section 164, Cr.P.C. not admissible. (FC) PLD 1956 FC 7 Fazlan v. Crown.

When there is effective pardon under section 337, Cr.P.C. only then provisions of section 339, Cr.P.C. apply. (SC) PLD 1958 SC 317. Rafiq Ahmad.

Statement of approver may be corroborated by confession of co-accused. (SC) PLD 1958 SC (Pak.) 317 Rafiq Ahmed.

Without independent corroboration no conviction can be based on the statement of the approver alone. (DB) PLD 1975 Lah. 103 Muhammad Sabir.

Solitary statement of approver cannot be made the basis of conviction unless corroborated by independent evidence, both as to commission of crime and implication of the accused in it. (SC) 1969 SCMR 269 = 1969 P Cr.LJ 565 Aslam Khan v. Ghulam Ghaus. (DB) 1978 P Cr.L J 529. Shah Muhammad.

Nature of corroboration. Corroboration in every detail of crime is not necessary. Recovery of blood-stained clothes and knife enough corroboration of approver's evidence. (SC) PLD 1970 SC 166 = 1970 P Cr.L.J. 533 Abdul Khaliq.

Approver's evidence cannot be viewed without natural re-action of distrust and incredibility. Such evidence should satisfy double test; (a) His evidence must show that he is a reliable witness, (b) Whether his evidence has received sufficient corroboration. (SC) PLD 1971 SC 447 Dr. Muhammad Bashir.

Approver's evidence. No material contradiction between approver's confessional statement and his deposition in Court. Minor discrepancies and omissions of no consequence. Statement relied on. (SC) PLD 1972 SC 363 Sharif-ud-Din v. Suhbat Khan.

Approver's exculpatory statement as co-accused cannot be used against other co-accused when no pardon is granted to the approver. PLJ 1989 Cr.C. (Lah.) 397. Muhammad Saleem.

Corroboration. Statement of approver must satisfy two essentials; (a) That he took part in the crime. (b) That he is corroborated in material particulars as regards the participation of each accused. (DB) PLD 1954 Lah. 783 Juma v. Crown.

Approver's evidence is to be scrutinised with great care and caution. Courts should be doubly sure that approver's evidence is corroborated in material particular by reliable evidence. 1992 SCMR 1983, Ch. Muhammad Yaquub etc.

Corroboration of approver's evidence is necessary in material particulars. (SC) PLD 1959 SC 377 Ghulam Qadir. PLD 1958 SC (Pak.) 317 = (SC) PLD 1976 SC 404 Abdul Sattar PLJ 1976 SC 258.

Independent corroboration of the statement of the approver is necessary, otherwise it is unworthy of credit. (SC) PLD 1960 SC 237 Muhammad Ayub Khuro v. Pakistan; 1969 SCMR 574 Mst. Mehrun Nisa v. Crown. (FB) PLD 1978 Lah. 523 State v. Z.A. Bhutto.

When corroboration inadequate, appellant acquitted, (SC) 1969 SCMR 602 Dilil-ur-Rehman v. The Crown.

Independent corroboration of statement of approver is necessary. (FB) PLD 1978 Lah. 523 State v. Z.A. Bhutto. PLJ 1978 Cr.C. (Lah.) 234.

Approver's evidence cannot be corroborated by another approver. (FB) PLD 1978 Lah. 523 State v. Z.A. Bhutto PLJ 1978 Cr.C. (Lah.) 234.

when corroboration of the statement of the approver was held to be sufficient by the confession of the co-accused. (FB) PLD 1978 Lah. 523 State v. Z.A. Bhutto.

Evidence of an accomplice cannot be used to corroborate evidence of another accomplice, and if the evidence of the accomplice is not corroborated in material particulars it cannot be acted upon. 1992 SCMR 1983, Ch. Muhammad Yaquub etc.

Accomplice's evidence is not worthy of credence under the Islamic Laws. it can be relied upon only when it is corroborated by other evidence. An accomplice is not a competent witness in offences punishable with Qisas and Hadd and his testimony uncorroborated even in cases of ta'zir will be illegal. Evidence of approver shall also not be accepted without corroboration. PLJ 1991 FSC 139 Haider Hussain v. Pakistan.

Accomplice's evidence. The evidence of an accomplice must be confirmed not only as to circumstances of the crime but also as to the identity of the prisoner. The corroboration should be independent and of material particulars. (SC) PLD 1973 SC 595 Abdul Majid and another.

Accomplice corroboration of. Corroborative evidence need not by itself be sufficient to warrant conviction; such evidence to only confirm co-accused's statement implicating the other accused.

Demand of ransom by accused for recovery of child, confirmed confessional statement of confessing, accused in material particulars. (SC) 1972 SCMR 242 Dalai.

Evidence of accomplice in a corruption case cannot be accepted without independent corroboration. (SC) 1969 P Cr.L.J. 1124 Mehrun Nisa v. Crown.

Evidence of accomplice is not admissible at all in cases punishable with hadd and Qisas. In cases punishable with taazir the evidence is admissible provided it is corroborated in material particulars, but in exceptional cases, for reasons to be recorded by Court, his testimony may be acted upon as sufficient for recording conviction. PLJ 1994 S.C. 206, Federation of Pakistan v. Muhammad Shafi Muhammad, etc. = 1994 SCMR 932.

Exculpatory statement made by accomplice in a murder case is not to be used against another co-accused. (DB) PLJ 1947 Cr. C. (Lah.) 38 Muhammad Bakhsh.