

# FIR AND WITNESSES

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Witnesses not named in F.I.R. A witness who is not mentioned in the F.I.R. it is safe not to consider his evidence. (DB) PLD 1956 Lah. 840 Khalil.

Witness not named in FIR by itself is not sufficient to hold him as a set up witness. PLJ 1990 Cr.C. (Kar.) 379 Waheed alias Siraj.

Witness not named in F.I.R. is not sufficient to discredit his presence at the place of occurrence. (DB) NLR 1982 Cr. 31 Yousaf.

Witness not mentioned in the complaint. The names of the witnesses not mentioned in the complaint and their names appearing after 6 months of complaint. Evidence of such witnesses rejected. PLD 1962 Lah. 91 Abdul Qayum.

Eye-witness not mentioned in the F.I.R. The evidence of the eye-witnesses not mentioned in F.I.R. ruled out of consideration. (DB) PLD 1962 Kar. 800 Mamoon.

Witness not mentioned in F.I.R. relied on, because he was found otherwise truthful and disinterested, but the complainant did not mention him because he did not know him as he did not belong to the locality. (DB) 1971 P.Cr.L.J. 602 Fazal.

P.Ws. names not mentioned in F.I.R. Mere non-mention of names in F.I.R. is not always a sufficient reason for discarding evidence of a person claiming to be an eye-witness. (SC) PLD 1964 SC 26 Siraj Din v. Kala etc.

Eye-witnesses not named in F.I.R. can still be relied on when F.I.R. is made neither by an eye-witness nor by a relation of deceased. (DB) PLJ 1975 Cr.C. (Lah.) 63 Sattar.

Witness not named in F.I.R. The court may in a fit case consider such evidence when it finds support from some other reliable evidence. (DB) PLD 1985 Kar. 229. Chandoo.

Accused not named in F.I.R. A witness who names a person as an accused not named in the F.I.R. it is dangerous to act on his evidence. (SC) PLD 1959 SC (Pak.) 491 (492) Muhammad Din.

Non-production of witnesses mentioned in F.I.R. One given up as having been won over and the other as unnecessary. No adverse inference to be drawn. (DB) 1972 P.Cr.LJ 292 Muhammad Shafi etc.

Eye-witness not examined or re-examined about actual occurrence as being closely related to the complainant as that would have been only repetition of other eye-witnesses. Held, such procedure not legal. (DB) PLJ 1981 Cr.C. (Pesh.) 74 Haji Mir Aftab.

Non-examination of eye-witness mentioned in F.I.R. Circumstances of the case, demanding that the witness should have been examined. Inference adverse to the prosecution in such a case could and should be drawn. (SC) 1972 SCMR 286 Shah Nawaz v. Lal Khan etc.

Witness mentioned in F.I.R. substituted, version of occurrence altered during trial and injuries on deceased not explained properly. Benefit of doubt given to the accused. PLJ 1987 SC 45 Aleem Nasir.

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