

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Appeal Nos. S-44, 45 & 46 of 2022

Appellants : 1. Shah Hussain Shah s/o Hussain Shah, Syed  
2. Syed Hasnain Shah s/o Shah Hussain Shah, Syed  
Through Mr. Amanullah G. Malik, Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Date of hearing : 04.09.2025  
Date of Judgment : 18.09.2025

## **J U D G M E N T**

**KHALID HUSSAIN SHAHANI, J.** –These three consolidated criminal appeals arise from the conviction judgment dated 26th May 2022, rendered by the learned Additional Sessions Judge-V, Sukkur, and present before this Court a compelling case study in the systematic failures that can plague criminal justice administration when procedural safeguards are compromised and constitutional protections are disregarded. The appeals challenge convictions under various provisions of the Pakistan Penal Code, 1860 and the Sindh Arms Act, 2013, but more fundamentally, they raise questions that strike at the very foundation of our criminal justice system, questions about the sanctity of evidence, the integrity of investigation, and the inviolable right of every citizen to a fair trial under the Constitution of the Islamic Republic of Pakistan, 1973.

2. The prosecution narrative, as unfolded through FIR No.28/2020 registered on 28<sup>th</sup> February 2020 at 0115 hours by complainant ASI Hubdar Ali Jatoi, presents what appears on its surface to be a straightforward case of armed confrontation between police personnel and accused persons at the third floor of Royal Plaza, Sukkur. According to this narrative, police patrolling party, while conducting routine duties on the night of 27<sup>th</sup>-28<sup>th</sup> February 2020, was informed by one Imdad Ali Shah about the presence of armed persons at Royal Plaza, Sukkur. The subsequent encounter allegedly resulted in firearm injuries to PC Nasir Hussain and the arrest of the present appellants. However, as our detailed analysis shall reveal, this apparently straightforward case conceals within its folds such fundamental contradictions, procedural violations, and evidentiary failures that it serves as a stark reminder of how easily the scales of justice can be tilted when the guardians of law themselves fail to observe the very procedures they are sworn to uphold.

3. The incident generated not one but three separate criminal cases, reflecting the prosecution's attempt to cast as wide a net as possible in its effort to secure convictions. FIR No.28/2020 was registered under Sections 353, 324, 335, 336 & 34 PPC, while FIR No.29/2020 and FIR No.30/2020 were registered under Section 23(i)(A) Sindh Arms Act 2013 against Syed Hasnain Shah and Shah Hussain Shah respectively. After the case was transferred from Anti-terrorism Court jurisdiction to ordinary criminal jurisdiction, the learned Additional Sessions Judge-V, Sukkur conducted the trial and ultimately convicted both appellants with severe sentences.

4. Shah Hussain Shah was sentenced to two years rigorous imprisonment under Section 353 PPC and five years' imprisonment with Rs.50,000 fines under Section 23(i)(A) Sindh Arms Act. Syed Hasnain Shah received more severe punishment, two years rigorous imprisonment under Section 353 PPC, seven years rigorous imprisonment under Section 324 PPC, seven years rigorous imprisonment under Sections 335 & 336 PPC with Rs.100,000 compensations to the injured, and five years' imprisonment with Rs.50,000 fines under Section 23(i)(A) Sindh Arms Act. All sentences were ordered to run concurrently with benefit under Section 382-B Cr.P.C.

5. Mr. Amanullah G. Malik, the learned counsel for the appellants, has presented before this Court a comprehensive challenge to these convictions that goes far beyond the ordinary realm of criminal appeals. His arguments, supported by a meticulously prepared written synopsis, reveal not merely technical objections to the trial court's findings, but fundamental violations of constitutional rights and mandatory procedural requirements that render the entire prosecution case legally untenable. The learned counsel has identified what can only be described as a catalogue of failures on the part of the investigating agency and prosecution that collectively create such overwhelming doubt about the appellants' guilt that the principle of presumption of innocence, reinforced by the benefit of doubt doctrine, compels their acquittal.

6. The most striking contradiction that emerges from the evidence relates to the identity of which accused carried which weapon. The complainant ASI Hubdar Ali Jatui, in his examination-in-chief, testified with apparent certainty that "*the person who was armed with repeater disclosed his name as Shah Hussain Shah and the person who was armed with TT pistol, disclosed his name as Syed Hasnain Shah.*" However, this seemingly confident assertion

crumbled under cross-examination when the same complainant admitted that "*the accused Hasnain Shah was fell down in stairs and who has received some injuries.*" This fundamental inconsistency creates an irreconcilable conflict in the prosecution narrative because the complainant's own testimony establishes that the person who fell down on the stairs was the one armed with the repeater, yet he initially claimed that this person was Shah Hussain Shah while later admitting it was Hasnain Shah who fell down. Such a contradiction is not a minor discrepancy that can be overlooked in the interest of substantial justice; rather, it goes to the very root of the eyewitness testimony and raises serious questions about whether the complainant was actually present at the scene or whether his testimony is the product of subsequent reconstruction rather than actual observation.

7. The Supreme Court of Pakistan, in the landmark case of *Tariq Pervaiz v. The State* (1995 SCMR 1345), established the fundamental principle that guides our approach to such contradictions: "The burden of proving the case is always upon the shoulders of prosecution and prosecution is bound to prove the case beyond shadow of a reasonable doubt, and if a single circumstance creates doubt in the case of prosecution it goes in favour of accused and the benefit of doubt shall be extended to the accused not as a matter of grace but as a matter of right." This principle finds even greater application in the present case where the contradiction is not merely about peripheral details but about the core facts of the prosecution case.

8. Even more damaging to the prosecution's case is the contradiction regarding the medical treatment of the injured PC Nasir Hussain. Throughout the entire trial, every single prosecution witness, including the complainant, the injured himself, the mashir, and the investigating officer, consistently maintained that PC Nasir was taken to Civil Hospital Sukkur for treatment. The complainant testified that "*The injured PC Nasir Hussain was sent through PC Ali Gohar at Civil Hospital Sukkur for his treatment.*" The injured PC Nasir testified that "*ASI has send me through P.C. Ali Gohar to Civil Hospital Sukkur for medical treatment. I remained for few hours at Civil Hospital for medical treatment.*" The mashir PC Asadullah stated that "*We shifted the injured PC Nasir in police mobile and sent him at Civil Hospital Sukkur through PC Ali Gohar.*" The investigating officer testified that he "went to Civil Hospital Sukkur to inspect the injury of PC Nasir" and prepared the *mashirnama* at Civil Hospital.

9. However, this carefully constructed narrative was completely demolished by the testimony of the Medical Officer Dr. Muhammad Iqbal, who categorically stated in cross-examination: "*The injured PC Muhammad Nasir was not produced before me at Civil Hospital Sukkur*". *I was available on my duty at Civil Hospital, Sukkur after 1200 hours, I have directed by management of Civil Hospital Sukkur for checking and medical examination of injured PC Muhammad Nasir at ICU of Hira Hospital Sukkur.*" "It is fact that I had not received any written order for checking at Hira Hospital Sukkur". The doctor further clarified that "*PC Muhammad Nasir not remained indoor patient at Civil Hospital, Sukkur*" and that "*nobody referred to PC Muhammad Nasir from Civil Hospital to Hira Hospital Sukkur.*" He also testified that "*I do not remember that on the day of incident I was available in Civil Hospital or not. It is fact that police letter is not showing time of issuance or time of receiving nor time of receiver is mentioned*". "*It is fact that according to medical certificate I am not able to disclose that injured received injuries with bullets or pellets. Voluntarily says that injured received fire injuries*".

10. This contradiction is not merely about where the injured was treated; it reveals a fundamental flaw in the prosecution's narrative that suggests deliberate fabrication. If PC Nasir was never taken to Civil Hospital Sukkur, then why did every prosecution witness, including the investigating officer who claimed to have prepared a *mashirnama* at Civil Hospital, maintain this false version? The only logical explanation is that the prosecution witnesses were either not present at the scene as claimed or were deliberately perpetuating a false narrative. The Supreme Court's observation in *Muhammad Mansha v. The State* (2018 SCMR 772) is particularly relevant here: "The rule of benefit of the doubt is essentially a rule of prudence which cannot be ignored while dispensing justice following the law. The conviction must be based on unimpeachable evidence and certainty of guilt and doubt arising in the prosecution case must be resolved in favor of the accused."

11. The learned counsel for the appellants has also highlighted what can only be described as a systematic violation of Section 103 of the Code of

Criminal Procedure, 1898, which mandates the association of two or more respectable inhabitants of the locality as witnesses to searches and recoveries. This provision is not merely directory but mandatory, as consistently held by the superior courts. The complainant admitted in cross-examination: "*It is fact that at about more than one hundred flats are available in the Royal Plaza. It is fact that chowkidars and other employees of Royal Plaza, Sukkur were available. It is fact that at about 10/15 flats were available on the third floor of Royal Plaza.*" Despite this admission of the availability of numerous potential private witnesses, the prosecution deliberately chose to use only police personnel as mashirs.

12. The Supreme Court in *State vs. Bashir and others* (PLD 1997 SC 408) has categorically held: "It has been repeatedly held that the requirements of Section 103 Cr.P.C., namely, that two members of the public of the locality should be mashirs of the recovery, is mandatory unless it is shown by the prosecution that in the circumstances of a particular case it was not possible to have two mashirs from the public." This Court in *Yameen Kumhar vs. The State* (PLD 1990 Karachi 275) emphasized: "Section 103 embodies rule of prudence and justice. It is intended to eliminate and guard against 'chicanery' and 'concoction', to minimize manipulation and false implication."

13. The prosecution in this case has manifestly failed to demonstrate any exceptional circumstances that prevented the association of private mashirs. On the contrary, the evidence establishes that the area was densely populated with available witnesses who could have been associated in the recovery proceedings. The deliberate violation of Section 103 Cr.P.C. in such circumstances renders the recovery proceedings highly suspect and unreliable.

14. The chain of custody failure present another insurmountable obstacle to the prosecution's case. The safe custody and transmission of physical evidence is fundamental to forensic reliability, as established by Rule 22.16 of Police Rules, 1934, which prescribes detailed procedures for case property handling, including mandatory entries in Register No. XIX. The Supreme Court has emphasized the chain of custody or safe custody and safe transmission of narcotic drug begins with seizure of the narcotic drug by the law enforcement agency and then dispatch of the representative samples of the seized narcotic drug to the office of the chemical examiner for examination and testing. Any break or gap in the chain of custody or in the safe custody or safe transmission of the narcotic drug or its representative samples makes the report of the

Chemical Examiner unsafe and unreliable for justifying conviction of the accused. In *Mst. Sakina Ramzan v. The State* (2021 SCMR 451), the Supreme Court has elaborated: "The prosecution, therefore, has to establish that the chain of custody has been unbroken and is safe, secure and indisputable in order to be able to place reliance on the Report of the Chemical Examiner." Similar principles apply to all physical evidence, including weapons recovered in criminal cases. In *Kamal Din alias Kamala v. The State* (2018 SCMR 577), the Supreme Court held that "prosecution is under legal obligation to prove the safe custody of the recovered weapon and its safe transmission to the Forensic Science laboratory."

15. In the present case, the prosecution has failed to establish proper entry in Malkhana Register No. XIX, failed to provide safe custody documentation, failed to establish proper dispatch procedures to FSL, and failed to establish an unbroken chain of custody from recovery to analysis. Most damaging of all is the investigating officer's admission in cross-examination that "*three empties were changed in four empties.*" This admission of evidence tampering is not merely an irregularity, but constitutes criminal manipulation of evidence that fatally compromises any forensic conclusions drawn from the tampered evidence.

16. The violation of Section 342 Cr.P.C. presents yet another fundamental flaw in the prosecution case. The statements of accused under Section 342 Cr.P.C. must include all material evidence against them. The Supreme Court in *Jan Muhammad vs. The State* (Crl. Appeal No. 77 of 2020) has established: "A piece of evidence produced by the prosecution against an accused if not put to accused while examining him under section 342, Code of Criminal Procedure cannot be used against him. The rationale behind it is that the accused must know and then respond to the evidence brought against him by the prosecution. He (accused) must have firsthand knowledge of all the aspects of the prosecution case being brought against him."

17. This court in *Habibullah alias Bhutto and 4 others v. The State* (PLD 2007 Karachi 68) has observed: "Under section 342, Cr.P.C. a duty is cast upon the trial Judge to put questions to the accused persons on the incriminating facts which have come in the evidence enabling the accused persons to explain circumstances appearing on the evidence against them." In Special Criminal Jail Appeal No. D-291 of 2019, this Court has held: "It is by now a settled principle of criminal law that each and every material piece of evidence being relied upon

by the prosecution against an accused person must be put to him at the time of recording of his statement under section 342, Cr.P.C so as to provide him an opportunity to explain his position in that regard and denial of such opportunity to the accused person defeats the ends of justice."

18. A review of the Section 342 statements in the present case reveals that crucial pieces of evidence, including specific forensic findings and witness testimonies, were not properly put to the accused for explanation. This violation not only contravenes mandatory procedural requirements but also infringes upon the appellants' constitutional right to fair trial under Article 10-A of the Constitution.

19. The ballistic evidence presents what can only be described as physical impossibilities that defy the laws of physics and common sense. The prosecution witnesses admitted that the accused fired from a distance of 15-20 paces with a 12-bore repeater. PC Asadullah testified: "*There was distance about 15/20 paces in between us and accused persons when accused made firing.*" The same witness admitted: "*It is fact that after firing with 12 bore cartridges from the repeaters, pallets were scattered from five feet.*"

20. The physical reality of ballistics makes it impossible for pellets from a 12-bore weapon to travel 15-20 paces and injure only one person when multiple police personnel were allegedly standing together in the same area. The scattering pattern of pellets from a 12-bore weapon at such distance would necessarily affect multiple persons if they were indeed standing together as claimed. The fact that only PC Nasir sustained injuries while all other police personnel remained unharmed defies the basic principles of ballistics and creates insurmountable doubt about the prosecution version of events. The prosecution's failure to collect and preserve crucial physical evidence further undermines their case. No bloodstained earth or articles were recovered from the crime scene despite claims of significant bleeding. PC Nasir's uniform, which allegedly bore bloodstains from his injuries, was never produced as evidence. No photographs were taken of blood at the incident scene. No pellet marks or bullet marks were documented on the walls of the building despite claims of multiple shots being fired in an enclosed space. The investigating officer admitted: "*It is fact that the blood of injured was not took from place of incident nor we prepared the video or took photographs of blood which was lying on the ground at the place of incident.*" The appellants produced defense witness Abdul Ali who testified about the sale of a licensed 12-bore gun to Shah

Hussain Shah, supported by entries in the sale register. While this witness was cross-examined regarding certain technical aspects of licensing requirements, the fundamental fact that Shah Hussain had purchased a weapon remains unrebutted. More importantly, the trial court failed to properly consider this defense evidence in the context of the prosecution's failure to establish its case beyond reasonable doubt. The Supreme Court has consistently held that defense evidence must be given due consideration even when the prosecution case appears strong, and the failure to do so constitutes a reversible error.

21. The alternative scenario suggested by the defense, that PC Nasir's injuries occurred during an engagement ceremony at Royal Plaza with subsequent police fabrication to secure government benefits, gains credibility when examined against the established contradictions in the prosecution case. The immediate admission to private Hira Hospital rather than government Civil Hospital, the consistent false testimony about Civil Hospital treatment, the absence of physical evidence at the alleged crime scene, the non-production of PC Nasir's duty uniform, and the failure to collect bloodstained articles all support this alternative explanation. While this Court does not conclusively adopt this theory, it demonstrates the reasonable doubt created by the prosecution's failures.

22. The principle of benefit of doubt is not merely a legal technicality but represents a fundamental safeguard against wrongful conviction rooted in both constitutional law and Islamic jurisprudence. The Holy Prophet (Peace Be Upon Him) emphasized that "mistake of Qazi in releasing a criminal is better than his mistake in punishing an innocent." This principle finds expression in modern jurisprudence through cases such as *Ayub Masih v. The State* (PLD 2002 SC 1048), where the Supreme Court observed: "The instant case, as discussed above, is pregnant with serious doubts and the convict-appellant is entitled to outright acquittal on the basis of benefit of doubt."

23. In *Muhammad Zafar and another v. Rustam and others* (2017 SCMR 1639), the Supreme Court established: "It is well settled law that in criminal trial every person is innocent unless proven guilty and upon acquittal by a court of competent jurisdiction such presumption doubles." The principle of double innocence applies with even greater force in appellate proceedings where an accused challenges his conviction. The cumulative effect of the contradictions, procedural violations, and evidentiary failures in this case creates not merely reasonable doubt but overwhelming doubt about the



appellants' guilt. The identity confusion regarding weapon bearers, the hospital admission contradiction, the violation of Section 103 Cr.P.C., the chain of custody failures, the evidence tampering admission, the Section 342 Cr.P.C. violations, the ballistic impossibilities, the missing physical evidence, and the failure to properly consider defense evidence collectively establish that the prosecution has failed to prove its case beyond reasonable doubt.

24. The constitutional right to fair trial under Article 10-A of the Constitution requires that these procedural safeguards be observed not as mere formalities but as essential protections against wrongful conviction. The Supreme Court in *Ameer Zeb v. The State* (PLD 2012 SC 380) observed: "It is the accused person who is at the receiving end of long and stringent punishments and, thus, safeguards from his point of view ought not to be allowed to be sacrificed at the altar of mere comfort or convenience of the prosecution." The trial court's failure to recognize these fundamental flaws and its reliance on tainted evidence to secure convictions represents a miscarriage of justice that requires immediate correction. The learned trial judge appears to have applied an inappropriately relaxed standard of proof and failed to critically examine the prosecution evidence for internal consistency and reliability. The judgment reveals a troubling tendency to accept prosecution claims at face value without subjecting them to the rigorous scrutiny required in criminal cases where liberty and reputation are at stake.

25. The investigating agency's conduct in this case reveals systemic failures that extend beyond mere procedural lapses to suggest deliberate manipulation of evidence and violation of constitutional rights. The admitted tampering with evidence, the deliberate violation of mandatory procedural requirements, the failure to collect and preserve crucial evidence, and the apparent coordination in presenting false testimony all point to an investigation that was more concerned with securing convictions than with ascertaining truth. Such conduct not only violates the legal and ethical obligations of law enforcement officers but also undermines public confidence in the criminal justice system. The Supreme Court has consistently emphasized that police officers must demonstrate integrity and operate within the bounds of law. In cases where such conduct is established, courts have not hesitated to exclude tainted evidence and acquit accused persons, regardless of the gravity of the charges.

26. The prosecution's reliance on police officers as witnesses, while not per se inadmissible, requires careful scrutiny when procedural violations are established. The Supreme Court has held that evidence of official witnesses can be as reliable as that of public witnesses, but only when there is no particular enmity or motive for false implication and when proper procedures have been followed. In the present case, the systematic violations of mandatory procedures and the admission of evidence tampering render the testimonies of police witnesses inherently unreliable.

27. The forensic evidence, which forms a crucial component of the prosecution case, has been so compromised by chain of custody failures and admitted tampering that it cannot support convictions. The investigating officer's admission that "*three empties were changed in four empties*" alone is sufficient to render the entire ballistic analysis unreliable. When combined with the five days delay in dispatch to FSL without proper documentation, the absence of Register No. XIX entries, and the failure to establish safe custody, the forensic evidence becomes worthless for conviction purposes.

28. The learned Deputy Prosecutor General's attempts to defend the convictions by arguing that minor contradictions do not demolish the prosecution case fail to address the fundamental nature of the contradictions identified. These are not minor discrepancies about peripheral details but fundamental inconsistencies that go to the heart of the prosecution case. When the complainant cannot consistently identify who carried which weapon, when every prosecution witness presents false testimony about hospital treatment, when mandatory procedures are systematically violated, and when evidence is admittedly tampered with, the case moves beyond the realm of minor contradictions into the territory of fundamental unreliability.

29. The absence of any credible motive for the alleged attack further strengthens the defense position. The prosecution witnesses admitted that there was no prior enmity between the appellants and the police, no history of criminal involvement, and no apparent reason for the appellants to attack police officers. In the absence of any established motive, the prosecution's case relies entirely on the alleged eyewitness testimony, which has been demonstrated to be internally inconsistent and unreliable.

30. The physical evidence from the crime scene tells a story that directly contradicts the prosecution narrative. The absence of blood samples, the failure to document pellet or bullet marks on walls, the non-production of

PC Nasir's allegedly bloodstained uniform, and the failure to photograph the crime scene all suggest that the alleged encounter did not occur as described. If the prosecution version were true, there would necessarily be corroborative physical evidence that could be collected and presented. The systematic absence of such evidence supports the inference that the prosecution case is fabricated.

31. The defense suggestion that PC Nasir's injuries occurred during celebratory firing at an engagement ceremony, while initially appearing speculative, gains substantial credibility when examined against the established facts. The immediate admission to a private hospital rather than the government facility where he allegedly was taken, the false testimony about Civil Hospital treatment, the absence of physical evidence at the alleged crime scene, and the failure to produce his duty uniform all support this alternative explanation. More importantly, this alternative scenario explains the contradictions and gaps in the prosecution case in a manner that the prosecution version cannot.

32. The appellants' production of evidence regarding licensed weapons demonstrates their bona fide position and contradicts the prosecution claim of unlicensed weapons. While the defense witness was cross-examined regarding certain technical aspects of weapon licensing, the fundamental point that the appellants had legitimately purchased weapons remains established. The prosecution's failure to properly investigate these license claims and the trial court's failure to give due consideration to this evidence represent additional failures in the administration of justice. The pattern of procedural violations and evidence manipulation established in this case suggests a deliberate attempt to secure convictions through improper means rather than through legitimate investigation and prosecution. Such conduct not only violates the rights of the accused but also brings the entire criminal justice system into disrepute. Courts have a constitutional obligation to reject such tainted evidence and ensure that convictions are based only on legally obtained and reliable evidence.

33. The international standards for criminal justice, including those embodied in the International Covenant on Civil and Political Rights to which Pakistan is a signatory, require that criminal convictions be based on evidence that meets strict standards of reliability and admissibility. The evidence in this case falls far short of these standards and would not support convictions in any system that respects the rule of law and individual rights.

34. The social cost of wrongful convictions extends far beyond the immediate impact on the accused persons. When innocent persons are convicted based on tainted evidence and flawed procedures, it undermines public confidence in the justice system, encourages police misconduct, and creates a culture of impunity that ultimately harms society as a whole. Courts have a responsibility to prevent such outcomes by strictly enforcing procedural requirements and evidentiary standards. The learned trial judge's failure to recognize and address these fundamental flaws represents not merely an error in judgment but a failure of judicial responsibility. Trial courts are the first line of defense against wrongful convictions and have an obligation to scrutinize prosecution evidence carefully, ensure compliance with procedural requirements, and protect the constitutional rights of accused persons. When trial courts fail in this responsibility, appellate courts must intervene to correct the error and reaffirm the principles that govern criminal justice administration.

35. After this exhaustive analysis of the evidence, legal precedents, and constitutional principles, this Court reaches the inescapable conclusion that the prosecution has failed to establish the guilt of the appellants beyond reasonable doubt. The numerous procedural violations, fundamental contradictions, evidence tampering, and constitutional breaches create such overwhelming doubt about the prosecution case that the principle of presumption of innocence, reinforced by the benefit of doubt doctrine, compels the appellants' acquittal. The convictions cannot stand on such a foundation of procedural violations and evidentiary failures. Justice requires not merely the punishment of the guilty but also the protection of the innocent, and when the evidence is so tainted and unreliable that it cannot support convictions beyond reasonable doubt, courts have no choice but to acquit the accused and thereby reaffirm the principles that distinguish a just legal system from arbitrary exercise of power.

36. The rule of law demands that convictions be based on evidence that meets the highest standards of reliability and admissibility. The evidence in this case, compromised by systematic procedural violations, admitted tampering, fundamental contradictions, and constitutional breaches, falls far short of these standards. To uphold such convictions would not serve the cause of justice but would instead legitimize a process that violates the very principles our legal system is designed to protect.

37. Accordingly, this Court finds that the learned trial court committed grave errors in law and fact by convicting the appellants on the basis of such fundamentally flawed evidence. The judgment dated 26th May 2022 cannot be sustained and must be set aside. The appellants, having been wrongfully convicted on the basis of tainted evidence and flawed procedures, are entitled to immediate relief and restoration of their freedom and reputation.

38. The appeals are therefore allowed in their entirety. The convictions and sentences imposed upon both appellants are set aside. The appellants are acquitted of all charges under the benefit of doubt principle, which operates not as a matter of grace or judicial discretion but as a matter of right flowing from the fundamental principle that the prosecution must prove guilt beyond reasonable doubt. The appellants, are present on bail, their bail bonds stand cancelled and sureties discharged. The case property shall be disposed of according to law after observing due legal formalities.

39. This judgment serves not only to correct the specific injustice suffered by these appellants but also to reaffirm the fundamental principles that must govern criminal justice administration in a society governed by the rule of law. The systematic failures revealed in this case require serious attention from all stakeholders in the criminal justice system to prevent their recurrence and to restore public confidence in the administration of justice. The investigating agencies must recognize that their obligation is to ascertain truth through proper legal procedures, not to secure convictions through improper means. The prosecution must understand that their role is to present evidence that meets legal standards, not to defend convictions obtained through flawed processes. The trial courts must remember that their primary responsibility is to ensure justice through careful examination of evidence and strict adherence to legal procedures. Only through such collective commitment to legal principles and constitutional values can the criminal justice system fulfill its essential function of protecting society while safeguarding the rights of all citizens. This judgment, while addressing the specific case of these appellants, serves as a reminder of these eternal principles and an affirmation of this Court's unwavering commitment to their enforcement.

**J U D G E**