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Criminal Justice System in Pakistan: A Critical Analysis of Cross-Examination in Courts

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Abstract: *The use of the Art of Cross-Examination in criminal trials in Pakistani courts is negatively affecting the outcomes of cases because of prejudice and hostility on the side of cross-examining lawyers and hostile witnesses. The finest person to hone the art of cross-examination is a dedicated legal expert skilled in witness examination methods. The criminal justice system in Pakistan is generally in disrepair. The three components of the criminal justice system that require improvement are the police, the prosecutors, and the court system. The primary focus of this study was on cross-examination in Pakistani criminal courts, not on other conflict-resolution strategies. Even the best trial attorneys must perform under cross-examination since it is a challenging tactic. The majority of the research's sources came from online sources, academic publications in libraries, and works by local and international researchers. A witness for the opposing side who had already testified was questioned during cross-examination. The cases of Pakeeza Bibi, Zakir Jafri Noor Muqaddam, Sughran Bibi, and Salma Bibi were investigated. A witness' testimony, knowledge, or credibility was confirmed or challenged through a cross-examination. This investigation leads to the conclusion that cross-examination is a methodical process. The strict regulations, well-established methods, and distinctly measured strategies of the examiner increase the chances of success.*

Key Words: Cross-Examination Criminal justice system, Criminal trials, Investigation, Pakistan

Introduction

Due to prejudice and enmity on the side of cross-examining lawyers and hostile witnesses, the application of the Art of Cross-Examination in criminal trials in Pakistani courts is having a detrimental effect on the outcomes of cases (Am. Jur. 2020). This is having a detrimental effect on the outcome of cases as a result of the Art of Cross-Examination. The legislative and judicial authorities must break their silence and take prompt action by keeping a close check on the implementation of this procedural regulation, especially within the criminal justice system. This is particularly crucial in light of recent events (Am. Jur. 2021). This study examines the practice of cross-examination in criminal trials from the perspectives of legal practitioners, witnesses, jurors, legal policymakers, and legal educators.

In both civil and criminal cases, the cross-examination of witnesses is a crucial phase that may have a substantial impact on the outcome (Aron, Roberto., et al). Interrogating the subject of the inquiry in order to coerce them into accepting responsibility for the evidence requires both the science and the art of interrogation (Babitsky, S., & Mangraviti, J., Jr. 2017). Every advocate must be able to successfully question witnesses from the other side. A lawyer is skilful if, during direct testimony, he or she is able to highlight a witness's shortcomings in a manner that prevents the court from being misled into reaching an unfavourable conclusion for the client [5]. In other words, the attorney is able to prevent the court from rendering an unfavourable verdict in the client's favour. This talent is advantageous to some of the world's most renowned lawyers (Brodsky, S. L. 2019). The part of the trial known as cross-examination is loaded with danger and might result in the death of a defendant. The use of cross-examination, whether on purpose or by mistake, will always have unintended negative consequences. All of this arises due to lawyers'

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incompetence or paralyzing fear of making mistakes while defending their clients in court (Brown, P. M. 2018).

The cross-examination of the witnesses is the "meat and potatoes," so to speak, of a jury trial. In contrast to the opening statement, the witness examination is much more structured and monotonous, but also far more concentrated (Davies, L., E. 2019). These qualities, which contain both positive and negative traits, may be used to deduce the strengths and weaknesses of the attorney being examined. We are aware, for instance, that lawyers who give poor opening statements and who cannot appreciate the objective of direct or cross-examination often lose their cases. In its judgement in the case of Abdul Aziz vs. Ms Sikandar, the Peshawar High Court described cross-examination as "getting the witness to reveal the truth." The date of this ruling was January 21, 2021 (Ehrlich, J.W. 2018). This illustrates that a lawyer's ability to coax the truth out of a witness is not a matter of chance, but rather a skill that must be developed through practice and experience.

In the great majority of instances, the kind of evidence necessary to prove a case in a certain process differs from procedure to procedure. In the context of the legal system, there are both extrajudicial and judicial proceedings. It is claimed that operations conducted outside of a courtroom are extrajudicial, while those conducted inside a courthouse are judicial. In Sheo Raj v. State, the court relied on the Code of Criminal Process to provide a detailed account of a legal procedure. The definition of the court may be found in the Code of Criminal Procedure:

According to the legal definition, a "judicial procedure" is "any action in which evidence is or may legally be gathered under oath"(Gibbons, J. 2003).

When proving and satisfying a legal relationship between two parties is the main objective of the inquiry, judicial intervention is often necessary. This is true in the vast majority of instances. If it is not the case, then that is clearly not the case. This research focuses primarily on cross-examination in Pakistani criminal courts, as opposed to alternative methods of dispute resolution (Gow, J. E. 2020).

After a witness has been interrogated in a Pakistani criminal court, the opposing side may perform cross-examination to discover more about the witness's case knowledge, biases, how he came to know the facts, capacity to remember details, and ability to recognize and describe items (Haydock, R., & Sonsteng, J. 2020).

The purpose of this research is to make it simpler for a first-time attorney to appear in court and to make cross-examination more intelligible than ever before (Kennedy, R. 2017). If practising lawyers take my advice and learn to grasp successful and even easy cross-examination, I will have achieved my mission (Kestler, J. L. 2022). Cross-examination will be effective and even straightforward. An individual who is subjected to cross-examination may perceive an attempt to impeach, discredit, or otherwise harm them. In contrast to "friendly" cross-examination, in which the cross-examiner does not question the other party about evidence that supports or aligns with their position, "user-friendly" cross-examination asks questions that are aimed to elicit answers that are fair to all parties (Mauet, T. A. 2022). In "friendly" cross-examination, the cross-examiner does not ask the other party about evidence that supports or aligns with their position. It is my hope that trial lawyers will be able to use the findings of my research when interviewing "hostile" witnesses or witnesses who are hostile to the side the attorney is attempting to convey. My objective is also that trial attorneys will be able to use the results of my study.

In terms of cross-examination, the present research is notable since it is conducted inside the constraints of the legal framework established for Pakistan's Criminal Courts. The law in Pakistan established this structure. The primary purpose of the study is to improve the criminal justice system by putting light on the problems plaguing it and examining the many potential remedies to those problems. According to the conclusions of this research, in order to improve social justice in Pakistan's criminal courts, an impartial, unbiased, and objective cross-examination method is necessary. This research is important because it indicates that the current approach our lawyers use to cross-examine witnesses is inefficient for safeguarding the safety of witnesses and enhancing the efficiency of the legal process. This study is significant because it examines the inadequacies of the existing method our attorneys employ to cross-examine a witness in terms of the witness's safety and the integrity of the court process. This study is significant since it analyses the inadequate nature of the existing strategy. The outcomes of this research should serve as a caution to lawyers who may be tempted to assume that conducting a successful cross-examination of a witness requires them to ask the question to which they are most interested or from which they anticipate getting a response. It is difficult to obtain justice if witnesses are not safeguarded throughout trials and if they are not handled in accordance with cross-examination norms. Our

shortcomings are often attributable to our lack of expertise in applying the trade. If we take this step and write specific regulations on the art of cross-examination for use in Pakistan's Criminal Courts, we may be able to assist in the system's improvement.

Literature Review

Cross-Examination as an Art

Following the conclusion of direct examination, the opposing attorney performs cross-examination. If the person with deep insight believes that it is significant, it will be reviewed again. At the conclusion of the preliminary, the advisers provide their concluding remarks. It is an art to strike a balance between the kind of questions posed during direct examination and cross-examination by the defence counsel.

Cross-examination is a difficult technique that puts even the most well-prepared trial lawyers to the test. Since this is often the determining element between acquittal and acquittal, it is hard to exaggerate the significance of a preliminary attorney's ability to scrutinise an observer's direct statement and expose its flaws in a jury-appreciable way. Despite the popular belief that cross-examination is more of an art than a science, even unskilled preliminary counsel may conduct a successful examination of witnesses by adhering to the following criteria Am. Jur. (2020).

Appropriate Ground Work is the Vital for Succeeding in Cross-examination

Preparation is the key to success in any aspect of the legal profession, including cross-examination, just as it is in practically every other aspect of the legal profession. "Viable cross-examiners are "sharp-witted" and are prepared to take their observer down a pre-chosen road to collect the information that is vital to their case or defence. The meticulous study of the facts of the case and the legal precedents upon which the case is founded are necessary preconditions for the development of such talents. If everything went according to plan, the attorney conducting the examination would already be familiar with all of the information that the person elicits from an observer during the cross-examination. Because of the preparation, the preliminary attorney is able to provide the information to the jury in a clear and concise manner. In any event, the majority of the time, spontaneous answers will appear (Am. Jur. 2021). In such kinds of circumstances, planning is the key to fast developing a strategy for making use of unexpected facts, and it's the best way to do it. According to what the illustrious Louis Pasteur said, "chance favours the mind that is prepared (Aron, Roberto., et at al.

Inevitably Not an Unavoidable Action

In addition to enabling an initial attorney to decide whether or not to cross-examine the witness at all, thorough preparation of a case interest enables an initial attorney to decide whether or not to cross-examine the witness at all, which is perhaps the most important decision that can be made regarding the cross-examination process. In the case that the possible benefits of cross-examination are outweighed by the potential drawbacks, or if there is a possibility that the observer will be able to redeem a bad direct statement, then the cross-examination may not be required or even desirable.

A preliminary attorney is required to evaluate whether the direct declaration has helped or hindered his or her case, regardless of whether a cross-examination will support his or her case, whether the cross-examination will enable the observer to redeem or explain poor declaration or incorporate excluded declaration, as well as whether the cross-examination may enable an observer to resurrect credibility lost during direct examination. The option to stand up and say "no questions" after being given straight is a very difficult one, but it could be the right one.

Efficacy of the Cross-Examination Needs to be the Primary Objective

Compelling cross-examinations achieve an objective to the advantage of a preliminary lawyer's case or resistance. The particular objective will be managed by the particular information every individual has or is relied upon to have. Coming up next are shared objectives of cross-examination:

- High point irregularities with other observer's declaration;
- Reveal predisposition with respect to the observer;
- Spell the observer's credibility through indictment or different methods;
- Highlight mistakes or perplexity in the observer's declaration (yet be careful not to enable the observer to correct or explain);
- Categorize the bits of your own case that the observer can substantiate;
- Ascertain and feature bits of the observer's declaration that reinforce your own case or barrier.

Apposite Preparation For The Cross-Examination

A guide should include a Plan for Your Effective Cross-examination. The most efficient way to accomplish the goal that has been set is to outline an arrangement that will motivate the observer to provide information that is pertinent to the situation. Build up the important focuses that need to be established via your questioning in order to get yourself ready for a successful round of cross-examination. A preliminary lawyer may believe that it is helpful to build a layout that specifies the strategy for the cross-examination of each witness, creates visual cue arrangements of points that are to be discussed, and solicits synopses from a few words in lieu of each inquiry that is to be tried. This may be done in order to make the process more manageable.

Lucidity and Straight Forwardness

When you are formulating the plan for your cross-examination, it is important to remember to keep things simple. In point of fact, even the most unexpected and complicated circumstances may be simplified down to fundamental focuses, which will ultimately determine the outcome of the situation. The same applies to the cross-examination. Not only may a confusing order of questions confuse the jury, but it can also confuse the attorney who is conducting the examination. Determine what your goals are, construct a plan to achieve those goals, and then choose the approaches that will provide you with the least amount of difficulty in order to put that plan into action.

A Good Deal Of Knowledge of the Intricacies of Allegation

In the same way that one's credibility is diminished by an official arraignment, an observer's direct comment may become polluted with insignificance. Conversely, if a preliminary attorney botches a denunciation effort, the court's counsel will do everything possible to undermine the credibility of their expert witness. The methods and policies of denunciation need their own seminar. In other words, a preliminary attorney must become adept with them in order to employ them as a weapon and avoid the pitfalls that may result from their wrong use (Babitsky, S., & Mangraviti, J., Jr. 2017). Discover the Basics of Challenging Credibility Completely done with impeachment options

Arresting is not one of the primary methods to destroy an observer's credibility. Some observers undermine their own credibility with deceptive or ineffective reactions. In some circumstances, a qualified preliminary attorney needs just advise the witness to do all necessary acts on behalf of the client. Various witnesses may give seemingly solid evidence declarations directly, only to be discredited based on the financial courses of action which secured their declaration, the witness's personal, professional, or financial interest in the outcome of a case, the witness's preparation methods, the witness's connection to other witnesses before and after the event which prompted preliminary, or the witness's relationship with the restricting party. Even if it appears useless, it may be advantageous to steer cross-examination toward the underlying aim of placing these facts before the jury.

Cross-Examination, Whether a Science or an Art

Even while cross-examination is often seen as more of an art than a science, the accompanying rules may help even unskilled preliminary counsel to perform a competent cross-examination. Communication strategies in cross-examination (Bailey, F. L. 2019) offer a valuable classification of interrogation kinds, cross-examination etiquette, and cross-examination strategies.

It is a provable truth that cross-examination is only sometimes connected with the term "science." The Art of Cross-Examination by Francis Wellman is the most frequently read book on cross-examination (Macmillan Company, 1903; reprinted in 1936). In the preface, a caution is issued: "I have not attempted to address the subject (of cross-examination) in a logical, complete, or exhaustive manner; rather, I will provide a few ideas about the art of cross-examination."

The issue with considering cross-examination an art form is that "The term is wrong in a deceptive way. Moreover, if cross-examination is a talent, then proving its processes would likely be difficult. While it is feasible to educate a pupil to appreciate art, it is quite difficult to train them in the craft itself. "workmanship" may appeal to those who see themselves as court craftsmen or whose identities need separation from plain human legal advisors. The phrase "craftsmanship" may be deceptive when used for cross-examination. Defining cross-examination as a craft creates the erroneous impression that only a small number of beginning attorneys can execute it well. Contrary to common assumptions, cross-examination is not governed by any rules or planned structure. Therefore, it could only observe in amazement and wonder, rather than learn or adapt. A master of the "art" of cross-examination is capable of twisting incredible

narratives, bewildering an audience, and growing with oddly devastating omissions (Brodsky, S. L. 2019). From what we can see, this is accomplished in inexplicable ways that ordinary attorneys could not begin to comprehend, much alone master.

This work categorically opposes such limited and self-referential modes of thought. The art of cross-examination is best honed by a devoted legal professional well-versed in witness examination techniques. There are proven facts to provide, crucial points to emphasise, conjectures to support, and competing ideas to debunk. These things originate from inquiries with specific responses. Thorough organisation, authoritative technique, and the execution of a sound arrangement may yield more triumphs in court than all the sparkle, attractiveness, and imagined court grandeur combined.

In a nutshell, cross-examination is a scientific procedure. The examiner's cross-chance of success is enhanced by its stringent rules, well-established systems, and clearly measured strategies. Effective cross-examination is a talent that can be shown, honed, and learned. Those who are eager may learn and enhance their abilities as preliminary legal advisors (Brown, P. M. 2018).

Surely every cross-examiner has seen an instance in which the questioning went very well. Generally, the most competent lawyers make cross-examination seem simple or at least less intimidating. Thorough preparation based on the logical standards of cross-examination clears the quickest way through the cross-examination of a hostile observer. Given the emphasis on processes, this research has the ability to demonstrate that every technique has logic. In order to begin learning about the discipline of cross-examination, one must first recognise that it is a scientific field.

In recent years, cross-examination has come to be seen as a proactive method of mitigating potential unfavourable results. Time and education have led to the general notion that cross-examination is fundamentally untrustworthy and ought to be abandoned or severely restricted. In this light, "Cross-examination has been seen as a kind of battle. Previous methods were intended to provoke conflict with the observer. They considered that a witness called by the opposition was there to be assaulted or restrained, as well as a source of helpful information for the cross-examining examiner's theory. Every pre-trial attorney has been instructed to anticipate interference, disavowal, and bewilderment from every opposing witness. Excessively many attorneys have been taught that cross-examination is too tough since it requires them to uncover the truth by interrogating witnesses (Davies, L, E. 2019). It is more prudent to await a friendly observer who can do the firsthand examination.

Certain types of cross-examination incorporate aspects of direct assault. But most importantly, cross-examination is a chance to inspire ideal realities as opposed to just refuting false statements. The cutting-edge promoter must train herself to uncover and develop the facts of the case using the opponent's called witnesses.

A supporter may use cross-examination to demonstrate that an observer's direct claim is unconnected to the matter at hand, overstated, or fundamentally inaccurate. Moreover, cross-examination is a unique chance to develop the cross-hypothesis examiner of the case and to include supporting facts. This relieves the cross-examiner of the responsibility of developing a case solely on the evidence of the cross-witnesses and clients.

The Constructive Cross-Examination

An attempt is being made by the attorney to get a supporting declaration from the observer. This kind of declaration may either corroborate the declaration made by one of your observers or arraign another observer, both of which may be beneficial to your case depending on the circumstances. It is common to practise wrapping good questions with the phrase "Mr Ahmad, would we be able to agree to that?" since it is usually beneficial. In many cases, the most fruitful kind of cross-examination is conducted first with the master witnesses of the opposing side. For instance, if you can persuade the observer to realise that your teacher is, in all honesty, an expert and that his method is widely accepted and relied upon in the industry, this might prove to be beneficial and successful for you. "obtaining important information," "discrediting witnesses and their evidence," and "bolstering the credibility of other witnesses may be worthy aims within any specific cross; but, these are not the fundamental purposes of constructive cross-examination," The primary idea behind MacCarthy is that in order to be successful in the cross, one must make an effort to present a decent appearance. The appearance is more essential than the actual content (Ehrlich, J.W. 2018).

The Destructive Cross-Examination

Cross-examination that is designed to be destructive is "gotcha" time. Before engaging in potentially harmful cross-examination of a witness, it is best to practise getting the necessary helpful statement from the

witness first, in the event that such a declaration is needed. After having her credibility examined, the observer will most likely disagree with you on the points for which you want her agreement (Gibbons, J. 2003). You will likely destroy the credibility of the observer or, at the least, seriously damage the effect of her statement if you engage in damaging cross-examination. This is the kind of cross-examination that we consider on a daily basis, and more importantly, it is the kind of cross-examination that members of the jury have typically anticipated from gazing at the television and movies.

The Ethics of Cross-Examination

It is reasonable to suppose that the "hostile" counsel will put more pressure on the witness during the cross-examination than the "friendly" attorney would do during the direct examination. In this section, we compare the two distinct styles of preparation writing to determine whether one produces a more even spread of words and whether or not the examination-in-chief method is preferable. It goes without saying that a lawyer will continue to devote themselves fully to the primary cross-examination. Examination in chief and cross-examination are two ways of communication that are extremely similar to one another. There may be a number of reasons for this, including the adversarial nature of the structure and the requirement that legal counsel for both the examination in chief and the cross-examination must present their prepared record of events. Both of these requirements necessitate significant amounts of back-and-forth conversation between advice-givers. The government is determined to convince the jury of their "account," and they are doing it in a relentless manner. In light of this, the examiner makes an attempt to provide the majority of the narrative all by himself or herself, regardless of whether the advice is beneficial or conflicting. This is something that the first council has a problem with. Being able to empathise with one's opponents and putting oneself in their position makes one more effective legal advice. This ability comes from having one's own subjective capacity for empathy (witnesses, members of the jury, contradicting counsel, and so on.). If you are a good person who also happens to be a legal counsel, you are going to have to figure out how to rein in the sympathetic worry that your insight will surely generate. The client may seem to be deserving of sympathy on the surface; nonetheless, the lawyer may exploit their imagination as a weapon against them.

The Limits of Cross-Examination

In this particular instance, it was ruled that the use of cross-examination was sufficient to evaluate whether or not the evidence supporting the master judgement was believable. During the course of the cross-examination, a reliable witness, a doctor who had saved many lives, had shown a perplexed expression that was intended to be in the defendant's favour. However, the Preliminary Court came to the conclusion that the uncertainty might be resolved by re-examining the witness who was pertinent to the case. On the other hand, the prosecution was concerned that the witness may make more confessions to the accused while being questioned by the defence attorney, which would have led to the indictment being riddled with flaws. The High Court held, with certain stipulations, that in the interest of equity, an observer may be exposed to cross-examination if the same thing had been done and was brought to the Court in an acceptable way. However, the caveats were limited to the following:

According to Art.133(2) of Qanoon-e-Shahadat, facts that an observer would submit in the examination in chief are not the only ones that may be brought up during cross-examination. The privilege of being able to call into question the credibility of a witness via the use of cross-examination is a potent one, and it was one that the law bestowed to the parties involved in the proceeding. It was permissible for the accused to conduct a cross-examination of the indictment observer in order to give supporting evidence by presenting real-world instances; nevertheless, these examples had no influence on the certainty that the witness had expressed in their testimony.

It was determined in the case of Zulfiqar Ali v. Fayyaz Bhatti and Six that in order for anything to be considered "fair," it must match "relevant reality." The phrase "relevant reality" refers to any truth or group of circumstances that is crucial to the proceedings and may be used in the context of a case involving an arraignment or a protection request submitted by the person who is to be convicted. It is now very vital to provide proof as quickly as possible of the accused person's legitimate sources of income. The matter would become much more urgent due to the shifting of the burden of proof to the condemned if the indictment had made out a plausible case in accordance with SECTION 14 of the National Accountability Bureau Ord.1999. If the indictment had made out a plausible case, the National Accountability Bureau Ord.1999.

Hostility and Bias in Pakistani Criminal Courts

In Pakistan, criminal courts place a significant emphasis on whether or not a witness turns hostile. In high-profile cases, in particular, it has been observed that "there is a regularity in the observers turning hostile, either because of financial considerations or by other enticing offers that undermine the entire criminal justice framework, and people have the impression that the persistent and extraordinary can generally make tracks in the opposite direction." The origins of the concept of the threatening observer can be traced back to customary law, where it was developed to provide adequate defence against the fabrication of misleading observers who persistently undermine the purpose of a gathering by presenting evidence that runs counter to the original intent of the event. It was necessary to classify such a spectator as hostile immediately (Haydock, R., & Sonsteng, J. 2020) in order to launch the defence. Even though they are common in English law, the terms "hostile," and "ominous" are alien to the Indian Evidence Act of 1872. (now the Qanoon-e-Shahadat Order of Pakistan). Common law relaxes the rule prohibiting a gathering from cross-examining a spectator by introducing the terms terrifying observer and dreadful observer. This permits the party that summoned him to cross-examine him after labelling him as an antagonistic observer. As with several other English terms, the precise definition of "antagonistic" has been the subject of much discussion. Some judges determined that an observer is hostile because his comment is critical of the assembly that called him, while others determined that hostile simply communicated an atmosphere of hostility. According to the ruling in Dear v. Knight (Kennedy, R. 2017), the honourable Earle J. evidently deemed a witness to be unfavourable only on the basis that he or she testifies contrary to what was sought to be proven. (Kestler, J. L. 2022).

Research Methodology

In order to finish my research paper, I will study a broad variety of academic materials, as well as the works of both local and international jurists and even some unpublished sources. In this particular research, an evaluation of a document from this source is presented:

- Primary sources like statutes, rules and decisions of the Supreme Court and other higher judiciary of Pakistan;
- Secondary sources like books, reports, the internet, journals and newspaper articles.

The research depends largely on library and academic publications of national or foreign scholars, as well as online sources. Under the supervision of my advisers, the chapter-by-chapter framework will be applied to the findings and facts. Under the eminent direction of the supervisor, the research will be edited and revised until it attains its ultimate form.

As the real thesis research process begins and the researcher covers more content, search phrases will get more specific. For instance, the emphasis may move to one nation for comparison with Pakistan, followed by suggestions for improving the subordinate legislation process in Pakistan. Access to trustworthy databases such as 'j-stor', 'google scholar,' and other comparable search engines is readily available to the researcher. In addition, the author has access to the Federal Urdu University library. As regards trustworthy non-academic sources, there are several legal journals accessible. These include PLD, PLJ, SCMR, and several more.

Results

In cross-examination, a witness for the other side who has already testified is questioned (i.e. direct examination). Then there may be a re-direct investigation. Cross-purpose examination is to verify or refute a witness's testimony, knowledge, or credibility. The only method to determine the value of the evidence and the reliability of a witness is via cross-questioning by an educated and competent attorney. It is the responsibility of a court of law to make every attempt to obtain a just verdict. It would be exceedingly challenging for the learned trial judge to separate fact from fiction in the absence of cross-questioning.

The learned trial court's ruling of learned Additional Sessions Judge, Shujabad, dated 14.07.2021, which was used to strike out the petitioner's ability to cross-examine the prosecution witnesses, has been contested in the present revision petition.

Salma Bibi Case

A criminal case No. 652/18 dated 29.09.2018 was filed against the petitioner by respondent No. 2, Ms Salma Bibi, with Police Station City Shujabad, District Multan, alleging that the two of them committed rape. This is the short version of the facts that led to the filing of the current revision petition. after report submission, The learned trial court issued a summons to the petitioner under section 173 Cr.P.C. to appear at the trial. Salma Bibi resides in Pakistan's Khyber Pakhtunkhwa province's Akhoon Bandi village. She was 20 years old when she was questioned for the 2011 Rural Poverty Report on April 25, 2010. An employee of the Omar Asghar Khan Development Foundation conducted the

interview, which was taped in the Hindko language. The interviewer was not a trained researcher but did have a connection to the community.

Two prosecution witnesses who testified in chief throughout the trial are identified as PW-1 and PW-2. The petitioner was given several chances to cross-examine these witnesses, but after failing to do so, the learned trial court revoked his privilege to do so in an order dated 24.10.2020. The petitioner challenged that decision before this court by submitting a revision petition, which was accepted by order dated 18.12.2020. He was given ONE last opportunity to cross-examine PW.1 and PW.2 within this time. It was maintained that the law would follow its own course if he failed to cross-examine these witnesses. The petitioner's knowledgeable attorney claims that following this Court's order, the abovementioned PWs failed to come before the court on multiple days scheduled for cross-examination, but when the Inability of petitioner's attorney was present on July 14, 2021, the petitioner's right has again blocked the opportunity to question the witnesses for the prosecution competent trial court.

Heard arguments Perused a record.

According to the records, the petitioner is being tried for the alleged rape of the complainant, Ms Salma Bibi, making this a case for the death penalty. The ability to cross-examine a witness is an accused person's most useful tool for challenging the credibility of their testimony. The most valuable privilege an accused person may exercise during a trial is the ability to face their accusers. The justification for the right to confrontation is that fairness demands that the accuser and defendant face each other in the courts. John Henry Wigmore brilliantly expressed the right to confrontation when he said that cross-examination is "without a doubt the finest legal engine ever conceived for the discovery of truth." In his renowned work, Chief Justice M. Monir explains the fundamentals of cross-examination as follows: Cross-examination is the most efficient way to elicit the truth and expose dishonesty. The goal is to cast doubt on the veracity, plausibility, and overall worth of the evidence presented in chief and to sift through the facts already stated by the witness to find and highlight inconsistencies or to unearth information that has been withheld but will support the party conducting the cross-examination.

Sughran Bibi Case

In accordance with Article 184(3) of the Pakistani Constitution, Sughran Bibi brought a human rights lawsuit before the Supreme Court of Pakistan. In this case, the plaintiff requested that a second FIR be filed against the police officers who killed her son, Mohsin Ali, during an encounter on March 21, 2008.

The judge took note of three groups of judgments in the case law. The first group of rulings stipulated that there could only be one FIR filed for any given incident, that all subsequent police statements would be recorded in accordance with section 161 of the Code of Criminal Procedure of 1898 (Cr.P.C.), and that the police officials would be free to conduct their own investigation. Overall, this category meant that just one case had to be handled by the police, which meant that only one trial was required (lst category).

Multiple FIRs might be registered under the second category, which said that the police were required to register FIRs under section 154 of the Criminal Procedure Code. This strategy has the effect of allowing the expansion of criminal procedures. Therefore, several FIRs meant numerous cases, and numerous cases meant numerous trials (2nd category).

Zakir Jafri Noor Muqaddam Case

Noor Muqaddam was raped and killed by a man from the same group of wealthy friends, startling Pakistan and bringing to light the appalling levels of abuse women there endure.

People called for an overhaul of the criminal justice system and justice for Noor in the days following her death. Shumaila Jaffery observed the case from Islamabad.

For raping and killing the daughter of a former diplomat who declined his proposal of marriage, a man was found guilty and given the death penalty by a Pakistani court.

Zahir Jaffer, the son of one of Pakistan's wealthiest families, battered, raped and beheaded Noor Muqaddam, a 27-year-old woman.

On July 20 of last year, he was brutally murdered at home. Her futile attempts to flee were captured on CCTV.

The murder sparked outrage across the nation and sparked calls for stronger action to protect women.

For months, news stories focused on the murder of Noor Muqaddam by a man she knew who belonged to the same circle of affluent friends.

It prompted demands for changes to Pakistan's criminal justice system, which has extremely low conviction rates overall and especially for crimes against women.

Each year, the nation sees hundreds of women killed and countless more subjected to violence. Many incidents are not reported.

Case

In the posh F-7 neighbourhood of Pakistan's capital city, Islamabad, a police station's phone rang on July 20 of last year. The caller, whose identity is kept a secret, alerted the police to a crime that had occurred nearby. Noor Muqaddam, 27, had already passed away when the police arrived.

Police reported that Zahir Zakir Jaffer, the son of one of Pakistan's richest industrialist families and a person Muqaddam knew, had taken her captive for two days.

According to the police investigation report, she had begged for freedom, and CCTV evidence proved that she had made at least two attempts to flee.

She can be seen in the horrifying footage leaping out of a first-floor window, but she was later pulled back inside, where she was tortured, raped, killed, and then beheaded.

According to her killer, Muqaddam's "crime" was that she refused to marry him. Pakistan was shaken by the horrific circumstances of the incident. The hashtags #Justice For Noor and #End Femicide became popular on social media, and women's rights activists marched through the streets. Many female victims of domestic violence and sexual assault came forward to tell their own stories.

Last July, after learning of Noor Muqaddam's murder, barrister Khadija Siddique awoke in the eastern city of Lahore, several hundred kilometres from Islamabad.

"It served as both a flashback and a harsh reality check for me. I might have taken Noor's position because "To the BBC, she spoke.

After the couple split up in 2016, Khadija Siddique's lover stabbed her 23 times on a busy road in Lahore. The original punishment for her attacker was seven years, but it was eventually lowered to just two.

The Lahore High Court then exonerated him in 2018, saying that the courts couldn't just rely on the victim's testimony. Later, the sentence was reinstated by Pakistan's Supreme Court.

The horrifying murder of Noor Muqaddam took place just three days after he was freed from prison on July 17, last year.

Khadija Siddique had the good fortune of family support, which helped her case receive public attention–many don't. Her trial was expedited. But according to her, justice is rarely served in the majority of violent assault instances against women.

"Investigations go wrong because investigating officials are underqualified and poorly trained. When crucial evidence is not gathered, it is typically disregarded, or it is delayed excessively, it loses its value as evidence in court "said she.

Justice for Noor was sought by many in the days following her passing. The courtroom in Islamabad was packed, and her family was there. They were visibly upset when the judge announced the decision.

After Noor Muqaddam declined to get married to him, Jaffer held her prisoner at his family's residence in an upscale area of the city for two days.

Jaffer told journalists during one of the hearings as he was being led out of the courtroom by about a dozen police officers: "I was angry, I killed Noor with a knife."

The shocking information disclosed in court astounded Pakistan. Women's rights protesters marched through the streets, and candlelight vigils were held.

Many women came forward and revealed their personal accounts of sexual and domestic abuse.

When it came to aiding the murder, two of Jaffer's housekeepers received 10-year prison terms; nevertheless, his parents were cleared of any wrongdoing.

Shaukat Muqaddam, her father, described the decision as a victory for justice and expressed his desire to make sure that those who torture and murder women in Pakistan are no longer allowed to get away with their crimes.

I'm pleased that justice was carried out, he said.
I've been stating that this is the case for all the daughters in my nation, not just my daughters.
He promised to appeal to the parents of Jaffer's case to be freed.
Jaffer, a US citizen of Pakistani descent, age 30, has the option of appealing the decision.

The cross-examination process allows defendants or their lawyers to question witnesses along with officials involved in the investigation of a criminal matter to expose weaknesses in the prosecution's case.

Pakeeza Bibi Case

Pakeeza Bibi claimed she was on her way home with her friend Anum Saleem when they arrived at Abbaseen College, where a black Corolla had been parked. Accused Faizan alias Faizi committed rape

while Qari Naseer took the wheel as they made their way back to Ghaziabad Township. The male accused then drove the car to APS Abbottabad, where he committed sexual activity with Ms Bibi. Police confiscated Mst Pakeeza Bibi's blood- and semen-stained uniform and vaginal swabs from her. Naseer and Faizan were put on trial for rape, and Hussain and Anum Saleem for aiding in the crime.

Anum claimed that she was not been sexually assaulted since she was menstruation. The judge determined that there was no proof of coerced boarding of the car and that both girls deliberately entered it, unaware of the repercussions.

Conclusion

A nation like Pakistan seldom celebrates knowledge. It is especially true in academic disciplines that have an impact on the lives of the general population. Without defining the system and how it functions, the existing information concentrates on reform or enhancements. There is a severe knowledge deficit in the judicial industry. A quick explanation of the criminal justice system, which this review will attempt to provide in a timely way, might serve as a starting point. Pakistan's criminal justice system is generally in terrible shape. Police, prosecutors, and the judiciary are three areas of the criminal justice system that require improvement. Policymakers must give the outdated and colonial-era Police Department their immediate attention. A significant contributor to the negative perception of Pakistan's justice system is the participation of courts and judges in political issues as well as their political ties.

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