

# From FIR to Failure: How Criminal Prosecutions Lose Credibility Between Registration of Case and Judgment

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## Abstract

The First Information Report (FIR) is envisaged as the procedural gateway through which criminal justice is set into motion in Pakistan. Despite its centrality, criminal prosecutions initiated through FIRs frequently culminate in acquittals, hostile witnesses, compromised trials, or findings of benefit of doubt. This article undertakes a comprehensive socio-legal and doctrinal examination of the gradual erosion of prosecutorial credibility between FIR registration and final judgment. It interrogates how FIRs are routinely misused as instruments of coercion, extorting monetary benefits, and elite bargaining; how police structured prosecutions undermine evidentiary integrity; and how prosecutorial marginalization, investigative bias, and systematic corruption collectively distort the criminal process. Anchored in constitutional principles, statutory interpretation, and authoritative judicial precedents, particularly the Lahore High Court's seminal observation in 2025 MLD 1879 (*Sumera Rasheed v The State and others*), the study argues that prosecutorial failure in Pakistan is not incidental but structurally engineered. The article proposes that without institutional realignment, accountability mechanisms, and prosecutorial empowerment, criminal law will continue to serve private power rather than public justice.

**Keywords:** First Information Report, Criminal Prosecution, Police Discretion, False FIRs, Prosecutorial Marginalization

## Introduction

The First Information Report (FIR) occupies a foundational position within Pakistan's criminal justice system. Statutorily grounded in section 154 of the Code of Criminal Procedure, 1898 (Cr.P.C.), the FIR is intended to perform a limited

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yet vital function: to record information relating to the commission of a cognizable offence so that criminal law may be set into motion. This article examines how systematic and procedural failures at initial stage contribute to the eventual failure of criminal trials. Doctrinally, the FIR is neither substantive evidence nor determinative instrument of guilt. Its legal value lies in initiating investigation, preserving spontaneity, and guarding against subsequent embellishment.

Yet, the lived reality of criminal justice in Pakistan reveals a deeply unsettling paradox. While FIRs are registered in vast numbers, a significant proportion of prosecution collapse at trial, resulting in acquittals, withdrawals, compromises, or finding of benefit of doubt. This phenomenon is not episodic; it is structural. The journey from FIR to judgment is marked by systematic distortions that progressively erode credibility, integrity, and public confidence.

This article advances the central thesis that criminal prosecutions in Pakistan fail not because crimes are absent or laws are inadequate, but because the criminal process itself has been captured, monetized, and strategically manipulated. The FIR, instead of serving as a neutral procedural gateway, has been transformed into a coercive tool, used for recovery, intimidation, social pressure, political engineering and elite bargaining.

### **Doctrinal Purpose of FIR under Pakistani Criminal Law**

Section 154 Cr.P.C. mandates that every information relating to the commission of a cognizable offence, if given orally to officer in charge of a police station, shall be reduced to writing and registered. The language of the provision leaves little room for discretion. Judicial interpretation has consistently reinforced this mandatory character.

The Supreme Court in *Lal Din v SHO* held that refusal to register an FIR in a cognizable offence constitutes a violation of statutory duty and fundamental rights, emphasizing that police discretion begins after registration, not before it (1997 MLD 246). Similarly, in *Muhammad Bashir v The State*, the Court reiterated that FIR registration is meant to protect citizens against arbitrary policing and subsequent manipulation (PLD 2007 SC 539).

Doctrinally, the FIR serves three principal functions:

- Triggering investigation under Chapter XIV Cr.P.C.;
- Preserving the earliest version of the occurrence;
- Providing transparency and accountability in policing.

However, these doctrinal purposes have been progressively hollowed by operational practice at police stations.

### **FIR Registration: From Statutory Duty to Negotiated Power**

Despite judicial clarity, FIR registration in Pakistan is frequently treated not as a legal obligation but as a negotiable commodity. Police officers routinely exercise informal discretion to delay, refuse, or condition registration upon extraneous considerations, including monetary inducement or external influence.

This distortion produces two equally damaging outcomes:

- Selective non-registration, where genuine complaints are denied access to justice unless they “negotiate”;
- Strategic over-registration, where FIRs are registered with exaggerated or fabricated allegations to exert pressure.
- Both practices undermine the rule of law and distort the criminal process from its very inception.

Courts have repeatedly condemned this culture of discretionary registration. In *Muhammad Akram v The State*, the Supreme Court observed that manipulation at the FIR stage irreparably damages the prosecution’s credibility, regardless of subsequent procedural compliance (2009 SCMR 230).

### **FIR as an Instrument of Recovery and Coercion**

One of the most pervasive abuses of criminal law in Pakistan is the use of FIRs as tools of private recovery. Criminal proceedings are initiated not to prosecute crime but to compel a settlement, payment, or compromise in matters that are fundamentally civil in nature.

Property disputes, commercial disagreements, partnership conflicts, rent matters, and even family disputes are routinely criminalized through FIRs containing

allegations of theft, cheating, breach of trust, or intimidation. Once the desired recovery is achieved, the prosecution loses momentum, witnesses withdraw, and the case collapses.

The Supreme Court has unequivocally held that criminal law cannot be used as a substitute for civil remedies. In *Zulfiqar Ali v The State*, the Court warned against the “criminalization of civil disputes” and held that such abuse constitutes a misuse of the process of law (PLD 2014 SC 317). Despite this judicial stance, the practice remains endemic due to the absence of effective deterrence.

### **FIRs as Tools of Blackmail and Intimidation**

Beyond recovery, FIRs are frequently deployed as instruments of blackmail and intimidation. The mere registration of an FIR carries social stigma, reputation harm, and immediate coercive consequences such as arrest, remand, and travel restrictions. These consequences operate irrespective of the ultimate outcome of the trial and even cancellation of FIRs.

Police complicity in this process is often motivated by monetary gain or external pressure. Sections are exaggerated, multiple accused are nominated, and non-bailable offences are mechanically inserted to maximize the coercive impact. Conversely, in some cases, inappropriate and diluted sections are deliberately applied to confer unlawful benefit upon the accused or to retain room for subsequently declaring them innocent. As a consequence, courts are inundated with complaints relating to non-registration of criminal cases, misapplications of penal provisions, dishonest and tainted investigations, bribe and frequent requests for transfer of investigations.

In *Shafqat Hussain v The State*, the Supreme Court cautioned that the criminal process must not be allowed to become means of harassment or oppression, observing that abuse at the initiation stage contaminates the entire prosecution (PLD 2018 SC 63).

### **Structural Consequences of Abusive FIR Registration**

The misuse of FIRs produces long-term structural consequences that directly contribute to prosecutorial failure:

- Over-implication of accused persons dilutes focus and evidence;
- Fabricated narratives collapse under cross-examination;
- Interested witnesses lack credibility at trial;
- Investigations begin with bias, not neutrality.

Once an FIR is infected with malafide intent, no amount of procedural compliance can salvage the prosecution. Courts are bound to scrutinize such cases which compel heightened caution, often resulting in acquittals on the basis of reasonable doubt.

### **FIR and the Presumption of Innocence**

The misuse of FIRs directly undermines the presumption of innocence, a cornerstone of criminal jurisprudence. Although an FIR is not proof of guilt, its practical consequences invert the burden, forcing accused person to navigate arrest, incarceration, and prolonged litigation to reclaim innocence.

This inversion violates constitutional guarantees under Article 4 and 10-A of the Constitution of Pakistan, which ensure due process and fair trial. Judicial recognition of the inversion is evident in *Tariq Pervez v The State*, where Supreme Court Emphasized that suspicion, however strong, cannot substitute proof beyond reasonable doubt (1995 SCMR 1345).

### **Early Judicial Skepticism and FIR Credibility**

Courts frequently encountered cases where FIRs are contradicted by subsequent evidence, delayed explanations, or trial testimony. In such circumstances, courts have consistently held that FIR credibility is foundational to the prosecution case. In *Ghulam Sarwar v The State*, the Supreme Court held that unexplained delay or manipulation at the stage of FIR creates serious doubt about the truthfulness of the prosecution story, entitling the accused to acquittal (2008 SCMR 1221).

This judicial skepticism reflects a broader recognition: when the FIR is compromised, the prosecution is structurally weakened from inception.

### **Interim Conclusion: FIR as the First Site of Prosecutorial Failure**

The analysis thus far demonstrates that prosecutorial failure in Pakistan begins not at trial but at the very moment of FIR registration. The FIR has been transformed from a procedural safeguard into a strategic weapon, serving private interests rather than public justice.

This structural distortion sets the stage for subsequent failures in investigation, prosecution, and adjudication. Which will be examined in the next parts of this article.

### **Police Structured Prosecution: From Investigation to Engineering**

In Pakistan, criminal prosecution is not organically shaped by law but structurally engineered by police discretion. Although the Code of Criminal Procedure, 1898 envisages investigation as a neutral fact-finding exercise, in practice it operates as a mechanism to validate a pre-constructed narrative, usually embedded in the FIR.

Investigating officers often approach cases with predetermined outcomes, shaping the investigation to support nominated accused or to weaken the case for later withdrawal. The Supreme Court has repeatedly emphasized that investigation must be fair, impartial, and objective, serving both prosecution and defence alike, yet this principle remains largely theoretical in everyday policing (*Zulfiqar Ali v The State*, PLD 2014 SC 317).

The police-structured model manifests through:

- Selective examination of witnesses;
- Deliberate suppression of exculpatory material;
- Artificial recoveries;
- Mechanical preparation of challans.

Once such a prosecution reaches trial, its collapse becomes structurally inevitable.

## **Investigative Bias and Selective Construction of Evidence**

Lop-sided investigation is one of the most persistent causes of prosecutorial failure. Investigating officers routinely examine only interested or partisan witnesses, while independent witnesses, often available at the scene are ignored without explanation. The Supreme Court in *Zulfiqar Ali v The State* held that non-association of independent witnesses, when available, creates serious doubt about the fairness of the investigation and damages the prosecution case irreparably (PLD 2014 SC 317). Similarly, in *State v Abdul Khaliq*, the Court observed that selective evidence collection amounts to investigative dishonesty, which courts cannot endorse (PLD 2011 SC 554).

Such investigative practices reflect not incompetence but strategic bias, aimed at short-term leverage rather than sustainable conviction.

## **Elite Influence and the Political Economy of Criminal Cases**

Criminal prosecution in Pakistan operates within a broader political economy of power. Politically connected individuals, influential landlords, industrial elites, and local power brokers frequently manipulate police machinery to initiate, control, or terminate criminal cases.

This elite capture enables:

- Registration of FIRs against rivals;
- Suppression of complaints against influential persons;
- Manipulation of investigation timeline;
- Strategic weakening of prosecutions at trial.

The Supreme court has acknowledged that selective enforcement of criminal law violates the principle of equality before law. In *Asfandiyar Wali v Federation of Pakistan*, the court warned that politicization of criminal justice erodes institutional legitimacy and public trust (PLD 2001 SC 607).

## **Prosecutorial Marginalization: Law on Paper, Irrelevance in Practice**

Despite the establishment of provincial prosecution services, public prosecutors in Pakistan remain institutionally sidelined. Their role is largely to conducting trials

based on police-prepared records, with minimal authority to influence investigation or discard mala fide cases.

Prosecutors typically:

- Receive case files after investigation is concluded;
- Lack power to order reinvestigation;
- Face administrative pressure to defend every challan.

The Supreme Court in *State v Abdul Khaliq* candidly acknowledged that prosecutors often inherit defective cases and are unfairly blamed for acquittals that are structurally predetermined (PLD 2011 SC 554). This marginalization undermines prosecutorial independence and convert trials into procedural formalities.

### **Monetization and Corruption Across the Criminal Process**

Corruption functions as a parallel procedural regime within Pakistan's criminal justice system. From FIR registration to arrest, remand, recovery, and final reporting monetary consideration frequently dictate official conduct.

Monetization manifest through:

- Payment for registration or alteration of FIR sections;
- Payment for arrest or non-arrest;
- Payment for favorable investigation reports;
- Payment for delay or facilitation.

The Supreme Court in *Shafqat Hussain v The State* condemned this pervasive corruption, observing that once investigation becomes transactional, truth becomes irrelevant (PLD 2018 SC 63). Such systemic corruption destroys the evidentiary foundation of prosecutions.

### **Witness Manipulation, Hostility, and Strategic Withdrawal**

Witness testimony remains central to criminal trials, yet witness hostility has become so common that courts now approach oral evidence with inherent skepticism. Witnesses frequently retract statements due to intimidation, inducement, compromise, or fatigue caused by prolonged proceedings.

In *Ghulam Sarwar v The State*, the Supreme court held that where witnesses turn hostile, the prosecution must provide strong independent corroboration; otherwise, conviction cannot be sustained (2008 SCMR 1221). This predictable judicial approach incentivizes strategic witness withdrawal, particularly in cases designed for coercion rather than conviction.

### **Delay, Trial Fatigue, and Evidentiary Decay**

Delay is among the most destructive forces in criminal prosecution. Trials often extend over several years due to adjournments, non-production of witnesses, transfer of judges, and administrative inefficiencies.

Such delays result in:

- Fading memories;
- Unavailable and deceased witnesses;
- Lost or contaminated physical evidence;
- Weakened forensic value.

The Supreme Court has consistently held that unexplained delay strengthens the presumption of innocence. In *Muhammad Akram v The State*, the Court observed that delay weakens the prosecution case and benefits the accused as a matter of law (2009 SCMR 230).

### **Judicial Doctrine of Benefit of Doubt**

Pakistan's criminal jurisprudence accords paramount importance to the doctrine of benefit of doubt. Even a single reasonable doubt must result in acquittal, as this doctrine safeguards against wrongful conviction.

In *Tariq Pervez v The State*, the Supreme Court famously held that benefit of doubt is a right, not a concession, and must be extended liberally to the accused (1995 SCMR 1345). While doctrinally sound, this principle exposes the fragility of police structured prosecutions built on compromised investigations.

### **Judicial Realism: “You Can Take the Horse to Water”**

Courts increasingly encounter cases where complaints themselves withdraw support, admitting the FIR was lodged under misconception, pressure, or misunderstanding. In such situations, courts have acknowledged the limits of coercive prosecution.

The oft-quoted judicial metaphor “You can take the horse to water but you cannot make him drink”, reflects judicial realism that criminal law cannot be forcibly pursued against unwilling complaints in the absence of independent evidence (*Muhammad Akram v The State*, 2009 SCMR 230).

### **Judicial Recognition of Perjury and Engineered Prosecution: 2025 MLD 1879**

A more doctrinally precise judicial acknowledgement of prosecutorial decay emerges in 2025 MLD 1879 (*Sumera Rasheed v The State and others*) (*Muhammad Amjad Rafiq, J.*) where the Lahore High Court examined the systemic vice of perjury and its corrosive impact on the criminal justice process. The Court characterized false evidence as a pathology that stigmatizes the judicial system and irreparably damages both victims and innocent accused, observing that truthful witnesses are frequently silenced within the system “clutched in the hands of powerful persons” who procure stock witnesses to control the trajectory of criminal cases. Courts, the judgment lamented, are consequently compelled to search for the truth through “half-truths” and crippled evidence.

The Court went beyond individual culpability and called for an empirical study to understand how criminal cases are structured with the assistance of police and influential actors, particularly through the strategic selection, retention, or withdrawal of witnesses to manipulate prosecutions. Read in the context of FIR-initiated prosecutions, this observation underscores how credibility is not merely lost at the trial stage, but systematically compromised from the investigative phase onward, where witness lists, evidentiary narratives, and prosecutorial continuity are engineered to serve private power rather than public justice.

## Interim Synthesis

The cumulative analysis demonstrates that prosecutorial collapse is not accidental but structurally produced. By the time a case reaches judgment, its fate is often predetermined by distortions embedded at investigation and prosecution stage.

### False FIRs: The Genesis of Structural Miscarriage of Justice

The First Information Report (FIR) occupies a foundational position in Pakistan's criminal justice system, yet it is frequently misused as a tool of coercion, vendetta, and leverage rather than as a truthful account of a cognizable offence. The law presumes that FIR sets the criminal process in motion, but jurisprudence has repeatedly clarified that FIR is not substantive evidence and can be false, exaggerated, or malafide (*Tariq Pervez v State*, 1995 SCMR 1345).

False FIRs are often lodged:

- To settle personal and property disputes;
- To pressurize adversaries into compromise;
- To shield real offenders;
- To gain strategic advantage in civil and political conflicts.

Once a false FIR is registered, the entire criminal process becomes structurally distorted, making subsequent failure almost inevitable.

### Legal Consequences of False FIRs under PPC and Cr.P.C.

Pakistan's legal framework does contain deterrent provisions against false implication, but these provisions are rarely invoked in practice. Section 182 PPC criminalize false information given to a public servant, while section 211 and 193 PPC deal with false charge and false evidence respectively (Pakistan Penal Code 1860, ss. 182, 193, 211).

Similarly, section 195 Cr.P.C. restricts prosecution for perjury related offences without court sanction, which often results in institutional reluctance to proceed against complainants even where falsehood is judicially established. The Supreme Court in *Muhammad Bashir v The State* lamented that failure to prosecute false complaints encourages abuse of the criminal process (PLD 2007 SC 539).

This culture of impunity reinforces the cycle of false FIRs and prosecutorial collapse.

### **Section 22-A & 22-B Cr.P.C.: Remedy or Procedural Illusion?**

Section 22-A and 22-B Cr.P.C., empowering justice of peace to oversee police functions, were introduced as corrective mechanism against excesses. In theory, these provisions offer relief against non-registration or wrongful registration of FIRs. However, judicial experience reveals that these powers are often exercised mechanically, without meaningful scrutiny of facts. The Supreme Court in *Yousaf v Additional Sessions Judge* clarified that justice of peace must not act as post office of the police or complainant (PLD 2016 SC 135). Despite the guidance, indiscriminate directions for registration frequently results in criminalization of civil disputes, over relying on police comments, negative directions on legitimate applications, further burdening the system.

### **Criminalization of Civil Disputes**

One of the most persistent distortions in Pakistan's criminal justice system is the conversion of purely civil disputes to criminal cases. Property disputes, contractual disagreements, inheritance conflicts, religious dissenting opinion, and partnership quarrels are routinely given criminal color through selective invocation of PPC sections.

The Supreme court has consistently held that criminal law must not be used to settle civil scores. In *Muhammad Yaqoob v The State*, the Court observed that such misuse undermines the sanctity of criminal prosecution and clogs courts with cases destined to fail (2008 SCMR 120). This phenomenon directly contributes to acquittal rates an erosion of public confidence.

### **Anti-Rape (Investigation and Trial) Act, 2021: Accountability, Deterrence, and Need for Wider Reform**

The Anti-Rape (Investigation and Trial) Act, 2021 represents a significant legislative departure from traditional approach to sexual offence prosecutions by introducing an element of accountability at the very inception of the criminal process. While the Act was envisaged as a comprehensive framework for specialized investigation, expedited trials, and victim centric safeguards, one of its most notable and

practically effective contributions lies in recognizing and addressing the problem of false implication through the misuse of FIRs.

The Act commendably provides a statutory mechanism for registration of criminal cases against complainants who lodged false FIRs and subsequently, during trial, admit the allegations were made under misconception and that the nominated accused were not the real culprits. This provision serves an important deterrent function, particularly in cases commonly described as a tool of coercion or extortion rather than for redress of genuine sexual violence.

However, this corrective approach remains confined to a single legislative instrument. The Supreme Court has consistently observed that statutory reform, unless accompanied by coherent institutional design, yields limited results (*State v Imran Ali*, PLD 2019 SC 805).

In this context, the accountability model introduced by the said Act merits replication across other substantive and procedural laws. Without extending such reforms beyond isolated statutes, even progressive legislative interventions risk operating in silos, addressing symptoms rather than the structural causes of prosecutorial failure that originate at the stage of FIR registration and investigation.

### **Judicial Misdirection and the Limits of Adjudication**

Trial courts operate within the confines of the record placed before them. Where investigation is compromised and prosecution evidence is weak, courts are legally bound to acquit. This often leads to misplaced public criticism of judiciary for acquittals that are structural compelled.

In *State v Abdul Khaliq* (PLD 2011 SC 554), the Supreme court clarified that the courts cannot cure investigative defects or fill prosecution lacuna. Judicial misdirection is therefore not the cause but the consequence of systemic prosecutorial failure.

## **Undue Acquittal is Not Failure of Judiciary but Failure of State**

Acquittal in criminal cases due to investigative defects is often wrongly perceived as failure of courts. In reality, it reflects the constitutional commitments to due process, presumption of innocence, and fair trial.

The Supreme Court in *Khan Muhammad v The State* held that wrongful conviction is a greater injustice than acquittal of the guilty (2015 SCMR 583). This jurisprudential stance reinforces that high acquittal rates are symptomatic of investigative and prosecutorial failure rather than judicial leniency.

## **Comparative Insight: Prosecutorial Control Models**

Comparative jurisdictions place investigation under prosecutorial supervision, ensuring accountability and evidentiary coherence. In contrast, Pakistan's police dominated model marginalizes prosecutors and weakens case ownership.

Empirical studies demonstrate that prosecutorial oversight at investigation stage significantly improves conviction integrity (Jackson, 2018). Pakistan's resistance to such structural reform perpetuates the FIR-to-failure trajectory.

## **Reform Proposal: Structural Collapse to Credible Prosecution**

Building upon the foregoing analysis, it is submitted that meaningful reform of Pakistan's criminal prosecution framework must move beyond cosmetic adjustments and address the structural pathologies embedded within investigation and trial processes. A credible system of prosecution can only emerge through legally enforceable, institutionally supervised, and empirically verifiable reforms, including the following:

### **❖ Mandatory prosecutorial approval prior to submission of challan**

No challan should be submitted under section 173, Cr.P.C. without prior approval of the prosecution Department not individual prosecutor. Each investigation must be certified that the investigation is lawful, evidence based, and capable of sustaining conviction.

### **❖ Joint investigation for serious and sensitive offences**

Statutory constitution of joint investigation teams for each serious, complex and sensitive cases, comprising investigators, prosecutors, and forensic experts to minimize unilateral police discretion and external influence. In other routine cases investigation must be supervised by superior officers on every step.

❖ **Continuous prosecutorial supervision of investigations**

Mandatory and regular supervisory oversight by prosecutors throughout investigation stage, ensuring legality of arrests, recoveries, confessions, and evidentiary collection, rather post-facto scrutiny at trial.

❖ **Statutory penalties for false FIRs and malafide prosecutions**

Enactment and strict enforcement of statutory punishments against complainants, investigators, and prosecuting officials responsible for false FIRs, fabricated evidence, malicious implication of innocent person along with real accused persons or malicious prosecutions.

❖ **Judicial duty to record definite findings on malafide**

Trial and appellate courts should be statutorily obliged to record clear and reasoned findings, at the time of decision, where prosecution is found to be tainted, political motivated or abuse of process, with direction for consequential actions. Remember false implicators are not less criminal than the accused they falsely seek to prosecute; rather, they constitute an independent class of offenders who corrupt the administration of justice itself.

❖ **Independent investigation oversight bodies**

Establishment of autonomous oversight authorities with power to audit investigations, summons records, recommended disciplinary action, and initiate criminal proceedings against delinquent investigators.

❖ **Statutory accountability for investigative delay and process abuse**

Prescribed punishments for investigating officers for unjustified delays in investigation, illegal recoveries, tampering with evidence, or deliberate non-compliance with procedural timelines.

❖ **Forensic integration as an evidentiary cornerstone**

Mandatory forensic corroboration, where available, covering DNA, digital evidence, ballistics, and medical examination.

❖ **Witness protection with enforceable mechanism**

Comprehensive witness protection legislation, including relocation, anonymity, and financial support, backed by enforceable safeguards rather discretionary assurances. Video link facilities must be afforded to the witnesses. Strict time frame for recording of evidence must be provided.

❖ **Recognition of constitutional safeguards in criminal process**

Formal incorporation and enforcement of Miranda-type rights, brady principles and strict chain of custody rules.

❖ **Empirical auditing of acquittals, withdrawals, and discharges**

Systemic data driven audit of acquittals and withdrawn cases to identifying recurring investigative and prosecutorial failures, with mandatory institutional feedback and corrective measures.

Absent these reforms, criminal prosecutions will continue to operate as instrument of coercion, bargaining, and control rather than mechanism of justice, legality, and public trust. The transition from structural collapse to credible prosecution is therefore not optional but constitutionally imperative.

**Conclusion: Reimagining Criminal Prosecution Beyond Ritualism**

Pakistan's criminal justice system is marked by a profound disjunction between the normative promise of law and the operational reality of prosecution. The process, from registration of FIR to final adjudication, has largely devolved into a ritualistic exercise where procedural compliance substitutes substantive justice. Investigations are frequently driven by coercion, expediency, or extraneous influences, while prosecutions remain passive extension of police narratives rather than independent evaluators of legality and evidence. Courts, burdened by systemic deficiencies, are often compelled to adjudicate on compromised records, resulting in predictable acquittals or withdrawals. This structural incoherence undermines public confidence, trivializes victim's rights, and erodes the constitutional guarantees of fair trial. The persistence of such practices reveals that the crises in not legislative but institutional, rooted fragmented authority and absence of meaningful accountability.

Reimagining criminal prosecution requires a paradigmatic shift from form to substance, from discretion to duty, and from power driven outcomes to right-based justice. Prosecution must be repositioned as an autonomous constitutional actor, responsible for scrutinizing investigations, excluding tainted evidence, and ensuring that only legally sustainable cases proceed to trial. Evidence based policing, forensic centrality, and enforceable witness protection must replace confession-oriented investigations and symbolic compliance. Equally, institutional accountability through empirical auditing, penal consequences for mala fide conduct, and transparent oversight mechanism is indispensable. Without structural rehabilitation, criminal prosecution will continue to function as a procedural façade.

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