

reliable and complementary to each other, but the trial court should have relied upon the dying statement recorded by the Magistrate as it was the most reliable mode of recording such statements. In another case (Abdul Rahman 1971) of the same sort, the deceased made three statements: one at the very spot, another at his house and the last was to a doctor at hospital. All dying declarations implicated the same five accused and they were consistent with respect to material circumstances. The court, without commenting upon the veracity of the first two dying declarations, relied on the last one for conviction as it was most formally and reliably recorded.

VII. Conclusion:

The law of evidence as applicable in Pakistan states that a dying declaration is a relevant piece of evidence. Thereafter, the law is silent as to its evidentiary value. This subject has been dealt with by the courts in their pronouncements. According to which a truthful and genuine dying declaration is sufficient to sustain a conviction without any independent corroboration. Furthermore, ascertaining the veracity of a dying declaration in any particular case is an exercise into a question of fact and not of law. Thus, the usual aids employed by the courts for determining the truthfulness of any statement would all be relevant for evaluating a dying declaration. Each and every dying declaration is liable to be scrutinized in its attending circumstances as well as on the basis of integrity of its maker. Therefore, any observation made in any judicial pronouncement purporting to lay down legal rule as to evidentiary value of a dying declaration should not be followed in another judicial proceeding without thoroughly considering the material circumstances of the both.

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