

always tend to caution the subordinate courts that dying declarations should be subjected to close scrutiny and viewed in their attending circumstances.

The paper is divided into five sections in addition to this introduction and a conclusion. The next section will explain the general principles as to evidentiary value of dying declarations. The section following this will catalogue the criteria evolved by the courts for determining the genuineness of dying declarations. Thereafter, one section each will take up the issue of evidentiary value of dying declarations with respect to the following issues: dying declarations contained in F.I.R., statements of deceased persons made to Police before their death, and more than one dying declaration by the same declarant

## **II. General Principles:**

The general principle regarding the evidentiary value of dying declaration is that it can form the sole basis of conviction without further corroboration from independent sources. This principle has consistently been enunciated by the courts for decades. In one of the pre-partitioned cases, *In re Guruswami* (1940), Sir Lionel Leach C.J. presiding over the full bench of Madras High Court observed that "it is not possible to lay down any hard and fast rule when a dying declaration should be accepted, beyond saying that each case must be decided in the light of the other facts and the surrounding circumstances, but if the Court, after taking everything into consideration, is convinced that *the statement is true, it is its duty to convict, notwithstanding that there is no corroboration in the true sense.*" There are decisions of other High Courts delivered in proximity to the above case wherein the same principle was upheld, e.g. (Muhammad Arif 1941) and Gulabrao Krishanjee 1945).

The same pattern of pronouncing the conviction on the sole evidence of uncorroborated dying declaration has been followed by the judiciary in Pakistan. In one of the famous cases *Abdul Raziq* (1964), the Peshawar High Court affirmed this principle in an indirect manner by stating that "it has now been irrevocably held that it cannot be laid down as an absolute rule of law that a dying declaration cannot form the sole basis of the conviction unless it is corroborated." The court further observed that a dying declaration can be relied upon without jeopardizing the justice when the court is 'fully' convinced of its truthfulness and genuineness. To arrive at this decision, the court referred to the Judicial Committee of Privy Council that held in *Chandrasekera* (1937) that a dying declaration may by itself sustain a conviction provided it is found to be reliable.

When the above referred case of Peshawar High Court came before the Supreme Court in *Abdul Razik* (1965), Chief Justice Cornelius made some valuable observations. It was observed by him that believing or disbelieving dying declaration is not "an exercise in application of law" rather it is "an application of simple human judgment". Thus, whatever manner is followed to ascertain veracity of any statement in a court that manner ought to be pursued in this matter as well. The C.J. stated that the statements of dying men should not be believed if they happen to be inconsistent with the physical and surrounding circumstances as it would be going against "the safe dispensation of justice" (*Abdul Raziq* 1965).