

In one of the pre-partitioned cases (Khurshid Hussain Salihon Shah 1941), the court distinguished between cases in which only one person is implicated in contradistinction to those where several persons are alleged for commission of an offence. The court observed that in the former category of cases, a dying declaration happens to be the strongest piece of evidence, while it cannot be acted upon for conviction in the latter category without corroboration. This rule of general application has now been overruled by the courts in Pakistan and India (Muhammad Khan 1961; Harbans Singh 1962). The reason for such decisions is that the number of implicated persons does not have anything to do with credibility of a dying declaration rather its credibility depends its conformity with the attending circumstances and the integrity of the declarant.

III. Criteria for Determining the Genuineness of a Dying Declaration:

There is no cavil with the assertion that ascertaining the genuineness of a dying declaration is an exercise into a question of fact (Omar Ali 1962). That is why the courts have articulated the different benchmarks for determining the veracity of a dying declaration. In Taj Mahmud (1960), the court enumerated the following factors in this regard:

1. "Whether intrinsically it rings true,
2. Whether there is no chance of mistake on the part of the dying man in identifying or naming his assailants, and
3. Whether it is free from prompting from any outside quarter and is not inconsistent with the other evidence and circumstances of the case."

In another case Abdur Rahim (1997), the criterion for evaluating the genuineness of a dying declaration was laid down as under:

1. "there was no chance of mistaken identity,
2. the deceased was capable of making statement,
3. the deceased made the statement without much length of time after sustaining the injury,
4. the statement rings true,
5. the statement was free from promptness of outsiders, and
6. the deceased was not a man of questionable character."

In Munir Ahmad (1986), some of the main factors for ascertaining the veracity of a dying declaration were enumerated as following:

1. "Whether the maker had the requisite capacity to make the dying statement,
2. Whether the maker had an opportunity to recognize the assailants,
3. Whether there were chances for mistake on the part of dying man in identifying and naming his assailants,
4. Whether it was free from prompting from any outside quarter, and
5. Whether the witnesses who heard the deceased making his statement heard him correctly and whether their evidence can be relied on."

Some factors cause a fatal blow to the value of a dying declaration, e.g. tutored and touched up dying declaration does not have any value. If it is proved that a dying declaration was prompted by the relatives, the courts generally keep such statements out of consideration. In one of the pre-partitioned judgments it was affirmatively required by the court that Magistrate should take every step to ensure that "no influence is brought to