

shows that part of the dying declaration relied upon is correct and trustworthy, the court can act upon that part of the dying declaration despite the fact that another part of the dying declaration has not been proved to be correct." In this case, rejected part of the dying declaration described that the accused dragged the deceased inside the room, while the other part of the same dying declaration attributed the fatal injuries to the accused which was also corroborated by independent evidence. Similarly, the West Pakistan High Court in *Taj Muhammad v. State* (1960) held that if it is found that the dying man in his statement has indulged in telling lies even partially that would put the courts on guard against accepting the rest of statement without any corroboration.

When a dying declaration does not convincingly establish the identity of assailants, it must be corroborated by other reliable evidence. In the case of *Gopal Singh v. State* (1972), a dying declaration was recorded which did not disclose complete names and addresses of assailants, though some indications as to their identity were there. The court held that conviction cannot be based on such dying declaration without corroboration.

If there are more than one dying declarations in a particular case, they are required to be consistent. But if the court finds inconsistencies and contradictions in them, it will be a valid case for applying the rule of corroboration. In *Ghulam Rasool v. State* (1984), two dying declarations were recorded: the one in a form of F.I.R. and the other as a statement under Sec. 161 Cr.P.C. The both were found to be full of contradictions and inconsistencies. Moreover, they were neither recorded by a Magistrate nor under the certificate of a Doctor stating the fitness of the declarant to make any statement. In such circumstances it was held by the court that these declarations could not be relied upon for conviction of murder without reliable and independent corroboration.

The rule requiring the corroboration of inconsistent dying declarations can only cure minor inconsistencies. If contradictions are of major consequences, mere corroboration would not be sufficient. In *M. Rafique v. State* (1995), two dying declarations were found to be suffering from patent and latent infirmities. The court held that no corroborative evidence however strong it might be cure the patent and latent defects and infirmities. One of the defects in this case was the mismatch of thumb-impressions of the deceased on both dying declarations.

Enmity between the parties is considered as one of the instances requiring corroboration of dying declarations because family feuds are expected to influence the declarant even at the verge of his life. In *Ghulam Hussain v. State* (1966), both parties -the accused persons and the deceased's family- had an established enmity for about five years before the occurrence. The enmity was triggered by a dispute over property left behind by one of their mutual relatives. Certain persons from the both parties including the deceased were bound down in an earlier security proceeding as a result of their fighting. In this background, the dying declaration of the deceased was rightly held to require corroboration. The court corroborated it by the recovery of daggers (articles of offence) at the instance of the appellants and their abscondance from the village for two days after the incidence.

In another case *Gulab Jan v. State* (1985), it was established from the evidence that there was hostility, hatred and aversion between the deceased and the accused. In this case the dying declaration was recorded by a Magistrate after a meeting held between the declarant and his mother. The fact of meeting led to the inference that the deceased might have been tutored by his mother. The court held "such dying declaration could not safely be relied upon without independent corroboration in material particulars." In the instant case, corroboration was required to minimize the adverse effect of hostile relationship between the parties