

In Janat Gul (1968), the deceased made two statements: one at the place where he was shot and another was made to the Police Officer in Police Station. The former statement was made in front of witnesses and recoded by one of them. It also contained his thumb-impression. The latter dying declaration of the deceased omitted to mention about the earlier statement. Despite this omission, both statements were found to be in *pari materia* with one another and exactly alike in sequence of the incident. The court observed that the omission to mention the first statement in the subsequent one was immaterial in such circumstances. In another case (Muhammad Afzal 1960) of the same kind, the deceased made two dying declarations: one was brief and another was detailed. In the former dying declaration the deceased mentioned the name of the accused only, while in the latter he also told about the names of the witnesses. In other respects both dying declarations were found to be consistent with the surrounding circumstances. The both statements were held to be admissible by the court as brevity of the one and detail of another do not adversely affect their veracity when they are in conformity as to material facts.

If dying declarations by the same declarant are found to be contradictory with respect to material particulars or there are omissions which are not immaterial per se, such statements are liable to be excluded from the evidence. In Fazal Ahmad (1971), the prosecution relied upon two dying declarations: one was contained in F.I.R. and another was made before the Magistrate. There were some material discrepancies in the both dying declarations. In the F.I.R. the deceased stated that she had illicit relations with the appellant for last two years. While in the second dying declaration she stated that her illicit relations with the appellant were for the last one year. In addition to this, the second dying declaration omitted to mention some material facts which were told at the time of the first statement. In such circumstances, the dying declarations were held as not creditworthy. The same was the fate of Bakhat Jamal (1969) and Gulab Jan (1984). In these cases the courts refused to attach any value to the dying declarations of the deceased keeping in view material inconsistencies and self contradictions between them.

There is another trend gleaned on the analysis of the cases in Pakistan that to place reliance on one of the dying declarations which is proved by the most reliable evidence without testing the veracity of others. Though this mode of preference is helpful in dispensation of justice, but the same may prove to be dangerous if the courts shut their eyes about inconsistency between such dying declarations. That is why the courts while preferring one dying declaration over another always look into their consistency as inconsistency between such statements is bound to raise question about the integrity of their maker. A caution made in this regard by Karachi High Court (Pir Muhammad Khan, 1970) is worthy to be reproduced verbatim, "the veracity of the two declarations cannot be divisible as a natural consequence. If anything is said in one impairing the integrity of the maker, it is a matter for serious consideration whether the other can be treated on better footings. To extend preferential and favorable treatment to any one of them, there must be some strong grounds to eliminate every possibility of doubt."

Let us refer to two reported cases substantiating the ratio laid down in the above referred case. In Matiur Rehman (1984), two dying declarations were made by the deceased: one was recorded by a Magistrate and another was recorded under Section 161 Cr.P.C. a day earlier. Both statements were narrating the same facts and circumstances that the deceased had been fired at by the accused. It was held that both statements were