

In the case of *Noor M. v. State* (1988) double murder was committed: the both deceased were related to each other as father and son. One of the deceased (son) was married to the daughter of the appellant. Afterwards, the relationship between the spouses got strained. The both parties instituted suits against each other. The suit for dissolution of marriage was filed by the wife of the deceased. As the son and his father (other deceased) were not willing to divorce her, the son instituted the suit for restitution of conjugal rights against his wife. In this background, the son and his father were attacked by the appellant, father of the deceased's wife, along with his relatives by hatchets. One of the victims died soon after reaching the hospital, while the other made a dying declaration in conscious state of mind. It was observed by the court that the dying declaration rings true and is sufficient to convince the court about the guilt of the accused. Despite having such dying declaration, the court corroborated it by motive (judicial proceedings by the parties against each other in the courts) and medical evidence.

In *Ghurphekan v. State* (1972), it was contended that the dying declaration should be discarded because neither it mentioned the name of a certain person nor accounted for the injuries on person of the accused. The court found corroboration of the dying declaration in this case by the evidence of eye-witness, circumstantial evidence, medical evidence and the situs of the injuries received by the accused. The court held that though there were discrepancies in the dying declaration, but those were not of substantial nature to discredit it completely. In fact these discrepancies were the reason for persuading the court to corroborate it and it right did so.

The evidence of abscondance of an accused may or may not be regarded as a corroborative piece of evidence. In *Niaz Ahmad v. State* (2003) both deceased and accused lived in the same courtyard where the incidence of murder took place. After the occurrence, the accused absconded for about four and half months. In this case, abscondance of the accused was regarded as supportive/corroborative of the dying declaration made by the deceased taking into account the heinousness of the murder and absence of the accused from the scene immediately thereafter. But this does not lead us to the conclusion that alleged absconding of an accused should always be treated as corroborative evidence. For instance, it was observed in *Iqbal v. State* (1986) that "abscondance would not provide necessary corroboration particularly where an absconder admitted that he was evading his arrest on account of false implication in case." The decision of the Supreme Court of India in *Khushal Rao v. State* (1958) is also a valuable precedent on this point.

Injuries suffered by an accused during scuffle with a victim which resulted into latter's death may also be treated as corroborative piece of evidence. In *M. Rasheed v. State* (1970), the deceased attributed fatal blow to the accused consistently in F.I.R. and dying declaration. There was nothing on the record which suggested the possibility of the declarant was prompted for making false charge against the accused. In addition to this the court found that the injuries on person of the accused were of the same duration as of the occurrence and, hence sufficient to corroborate the prosecution version primarily based on the dying declaration.

In *Sant Gopal v. State* (1995), a bride burning case, three dying declarations were made. Two of them were discarded as unreliable. The third dying declaration was duly recorded when the deceased was in a fit mental condition to make it. In this dying declaration, she implicated the accused and other in-laws. Despite the fact that the court found the dying declaration to be cogent and truthful, corroborated it by the medical evidence, circumstances of the case and conduct of the accused. The accused though admitted that the deceased resided in his house at the time of the occurrence, but pretended that he did not know how the burn injuries were caused to her. Moreover, he did not extend any plausible explanation of the occurrence and the burn injuries.