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### Approver Evidence and Criminal Conspiracy an Analytical Study under Pakistani Law



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*Approver Testimony, Criminal Conspiracy, Pakistani Criminal Law, Qanun-e-Shahadat Order 1984, Code of Criminal Procedure 1898, Accomplice Evidence, Corroboration Rule*

#### ABSTRACT

This study critically examines the concept of approver evidence and its role in proving criminal conspiracy under Pakistani law. An approver, being an accomplice who turns state witness, occupies a controversial yet significant position within the criminal justice system. The research analyzes the legal framework governing approvers under the Code of Criminal Procedure and the Qanun-e-Shahadat Order, highlighting the procedural requirements for tender of pardon and the evidentiary value of accomplice testimony. It further evaluates judicial principles developed by Pakistani courts regarding corroboration, reliability, and safeguards against misuse. Particular attention is given to conspiracy cases, where direct evidence is often scarce and reliance on insider testimony becomes crucial. The study argues that while approver evidence can effectively uncover complex criminal networks, strict judicial scrutiny and corroboration are essential to prevent false implication and ensure fair trial guarantees. The paper concludes with recommendations to strengthen procedural safeguards and enhance the credibility of such testimony.

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## I. Introduction

The concept of approver evidence occupies a significant position within the criminal justice system of Pakistan, particularly in cases involving complex offences such as criminal conspiracy. Under Pakistani law, an approver is an accomplice who, having participated in the commission of an offence, is granted pardon on the condition that he makes a full and true disclosure of the circumstances within his knowledge relating to the offence and the persons involved therein. The statutory basis of this mechanism is primarily found in the Code of Criminal Procedure, particularly sections 337–339, which empower courts to tender pardon to an accomplice. The evidentiary value of such testimony is governed by the Qanun-e-Shahadat Order, especially Articles 16 and 129(b), which recognize the admissibility of accomplice testimony but advise judicial caution. The rationale behind utilizing approver evidence lies in the pragmatic necessity of penetrating the secrecy that typically surrounds conspiratorial crimes. Since conspiracies are hatched in concealment and executed through coordinated efforts, direct evidence is often scarce, making insider testimony indispensable for effective prosecution (Rakha, 2023).

Criminal conspiracy, as defined under section 120-A of the Pakistan Penal Code, consists of an agreement between two or more persons to commit an illegal act or a legal act by illegal means. The offence is complete upon the formation of the agreement itself, irrespective of whether the intended act is ultimately carried out, subject to certain statutory exceptions. This distinctive feature renders conspiracy a substantive and independent offence, distinguishable from abetment or attempt. Given the clandestine nature of conspiratorial agreements, proving the existence of a “meeting of minds” poses considerable evidentiary challenges. Consequently, the testimony of an approver often becomes central in establishing the chain of events and the shared intent among co-accused. However, reliance on such testimony necessitates a careful balancing of prosecutorial necessity with safeguards against misuse, as the approver may have motives of self-exculpation or revenge (Goswami et al., 2021).

The legal framework governing approver evidence in Pakistan reflects a blend of common law principles and statutory codification. Article 16 of the Qanun-e-Shahadat Order explicitly states that an accomplice is a competent witness against an accused person, and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice. Nevertheless, Article 129(b) embodies a rule of prudence by permitting the court to presume that an accomplice is unworthy of credit unless corroborated in material particulars. This dual approach underscores the distinction between a rule of law and a rule of practice. While the law does not mandate corroboration as an absolute requirement, judicial practice in Pakistan has consistently emphasized the need for independent corroborative evidence to ensure the reliability of such testimony. This cautious stance reflects the inherent risk that an approver may tailor his statement to secure pardon or mitigate punishment (Rakha, 2022).

In cases of criminal conspiracy, approver evidence assumes heightened significance because conspiracies are typically proved through circumstantial evidence. Direct evidence of agreement is rare; instead, courts infer conspiracy from conduct, communications, and surrounding circumstances. The insider account provided by an approver can bridge evidentiary gaps by detailing the planning, allocation of roles, and execution strategies adopted by conspirators. Such testimony may illuminate the mental element men's *rea* by demonstrating the intentional coordination among participants. However, Pakistani courts have consistently maintained that approver evidence must be scrutinized with utmost care, particularly in capital or high-profile cases. The courts examine whether the approver has made a complete and truthful disclosure, whether his statement is consistent with other evidence on record, and whether it withstands cross examination. This judicial vigilance seeks to prevent miscarriages of justice arising from false implication of innocent co accused (Gless et al., 2024).

The interplay between approver evidence and the constitutional guarantee of fair trial further complicates the legal discourse. Article 10-A of the Constitution of Pakistan enshrines the right to a fair trial and due process, thereby imposing an obligation upon courts to ensure that reliance on approver testimony does not compromise procedural fairness. The grant of pardon must be conditional upon full disclosure, and failure to comply may result in withdrawal of pardon and subsequent prosecution of the approver. This conditional immunity mechanism is designed to secure truthful cooperation while maintaining accountability. Moreover, the defense retains the right to rigorously cross-examine the approver to test his credibility and expose inconsistencies. In conspiracy trials, where the stakes are often high and multiple accused are implicated, adherence to due process safeguards becomes essential to preserve public confidence in the administration of justice (Zahira et al., (2006).

An analytical study of approver evidence in relation to criminal conspiracy under Pakistani law thus necessitates an examination of statutory provisions, judicial interpretations, and underlying policy considerations. The law recognizes the practical necessity of utilizing insider testimony to dismantle organized criminal schemes, yet it simultaneously imposes cautionary principles to mitigate the risk of abuse. The tension between evidentiary necessity and reliability forms the core of this legal discourse. By critically evaluating legislative provisions, judicial precedents, and procedural safeguards, one can assess whether the current framework adequately balances effective prosecution with the protection of accused persons' rights. In the context of evolving criminal patterns and increasing sophistication of conspiratorial offences, the role of approver evidence remains both indispensable and controversial within Pakistan's criminal jurisprudence (AllahRakha, 2024).

## II. Methodology

This research adopts a doctrinal and analytical legal research methodology to examine the evidentiary value of approver testimony in cases of criminal conspiracy under Pakistani law. The study primarily relies on qualitative analysis of statutory provisions, judicial

precedents, and established principles of criminal jurisprudence. Central to this inquiry are the relevant provisions of the Pakistan Penal Code, particularly Sections 120-A and 120-B concerning criminal conspiracy, and the Code of Criminal Procedure, especially Section 337 which governs the tender of pardon to an accomplice. In addition, Articles 16 and 129 of the Qanun-e-Shahadat Order are examined to assess the admissibility and corroborative requirements of accomplice evidence. The methodology emphasizes interpretation of statutory language in light of constitutional safeguards and procedural fairness. By analyzing legislative intent and judicial construction, the research aims to evaluate whether approver evidence satisfies the threshold of proof beyond reasonable doubt in conspiracy trials. This doctrinal approach ensures that the discussion remains firmly grounded in authoritative legal sources, reflecting the hierarchical structure of law within Pakistan's criminal justice system.

The study further employs a case law analysis method, focusing on leading judgments delivered by the Supreme Court of Pakistan and various High Courts. Reported cases interpreting accomplice testimony, corroboration requirements, and standards of credibility are critically examined. Particular attention is paid to judicial observations regarding the rule of prudence that an approver's statement, though legally admissible, requires independent corroboration in material particulars. The methodology includes comparative scrutiny of instances where convictions were sustained primarily on approver evidence and where courts rejected such testimony due to inconsistencies or mala fide motives. Through thematic categorization of judgments, the research identifies patterns in judicial reasoning concerning voluntariness of pardon, procedural compliance, and safeguards against misuse. This analytical evaluation facilitates an understanding of how Pakistani courts balance the prosecutorial necessity of insider testimony with the accused's fundamental right to fair trial. The objective is to determine whether the prevailing judicial standards adequately prevent wrongful conviction while enabling effective prosecution of complex conspiratorial offences.

In addition to doctrinal analysis, the research adopts a conceptual methodology to clarify the theoretical foundations of criminal conspiracy and accomplice liability. Criminal conspiracy, as defined under Pakistani penal law, constitutes an agreement to commit an illegal act or a legal act by illegal means. The methodology therefore examines the evidentiary challenges inherent in proving such clandestine agreements, where direct evidence is often unavailable and reliance on insider testimony becomes inevitable. Within this conceptual framework, the status of an approver being a self-confessed participant granted conditional pardon is scrutinized from the standpoint of credibility, bias, and inducement. The study explores jurisprudential debates regarding whether approver evidence constitutes substantive evidence or remains inherently suspect due to the accomplice's vested interest in securing immunity. By analyzing scholarly commentary and established legal doctrines, the research situates Pakistani practice within broader common law traditions. This conceptual clarification assists in understanding why corroboration has evolved as a rule of prudence rather than an absolute rule of law, thereby shaping judicial discretion in conspiracy prosecutions.

The methodology also incorporates a constitutional analysis to ensure that the evaluation of approver evidence aligns with fundamental rights guaranteed under the Constitution of Pakistan. Article 10-A, which ensures the right to fair trial and due process, serves as a guiding principle in assessing whether reliance on approver testimony conforms to constitutional mandates. The research examines procedural safeguards surrounding the tender of pardon, including voluntariness, full disclosure of circumstances, and compliance with statutory requirements. It further analyzes whether courts adequately safeguard the accused's right to cross-examination and confrontation. By integrating constitutional standards with statutory interpretation, the methodology ensures a rights-based evaluation of evidentiary practices. This approach recognizes that criminal conspiracy trials often involve multiple accused persons and complex factual matrices, thereby increasing the risk of prejudice. The study therefore measures the use of approver evidence against constitutional benchmarks to determine whether current practices strike an appropriate balance between state interest in prosecution and individual liberties.

A comparative analytical dimension is also incorporated to contextualize Pakistani law within broader common law jurisprudence. Although the research remains primarily focused on domestic legal principles, it references persuasive authorities from jurisdictions sharing similar evidentiary traditions, particularly those influenced by British common law. The methodology evaluates how courts in these jurisdictions have treated accomplice testimony in conspiracy cases and whether corroboration requirements differ in degree or application. This comparative insight assists in identifying strengths and potential deficiencies within Pakistani practice. However, foreign jurisprudence is employed strictly as persuasive authority rather than binding precedent. The comparative method enriches the analytical depth of the study by highlighting doctrinal consistencies and divergences in handling approver evidence. It also enables a critical appraisal of whether reforms may be necessary to enhance procedural safeguards or evidentiary standards. By situating Pakistani law within this wider legal tradition, the research underscores the dynamic interaction between inherited legal principles and indigenous constitutional developments.

The methodology adopts a critical evaluative approach to assess policy implications and practical outcomes. Beyond textual interpretation and judicial review, the study considers empirical realities of conspiracy prosecutions, including investigative challenges, prosecutorial strategy, and risks of fabricated testimony. The research evaluates whether the conditional pardon system effectively incentivizes truthful disclosure or inadvertently encourages self-serving narratives. It also examines appellate scrutiny standards applied when convictions are based substantially on approver testimony. Through systematic synthesis of statutes, case law, constitutional norms, and scholarly discourse, the methodology aims to present a balanced and comprehensive legal analysis. The ultimate objective is not merely descriptive but normative: to determine whether existing legal safeguards sufficiently ensure reliability and fairness in the use of approver evidence in criminal conspiracy trials under Pakistani law. This

structured methodological framework ensures coherence, analytical rigor, and adherence to established principles of criminal justice within Pakistan's legal system.

### III. Results

The findings of this analytical study reveal that the concept of approver evidence under Pakistani law occupies a pivotal role in the prosecution of criminal conspiracy, particularly where direct evidence is scarce or unavailable. Under the provisions of the Code of Criminal Procedure, 1898, especially sections relating to tender of pardon, an accomplice may be granted conditional pardon in exchange for full and true disclosure of the circumstances within his knowledge. The courts in Pakistan have consistently maintained that while an approver is a competent witness, his testimony is inherently suspect due to his participation in the offence. Therefore, judicial practice requires corroboration in material particulars before a conviction can safely be based upon such evidence. The research indicates that in conspiracy cases where the agreement itself constitutes the offence approver testimony often becomes the linchpin of the prosecution's case. The courts, however, exercise caution and apply the rule of prudence to ensure that the evidence of an approver is not accepted blindly. This balance between necessity and reliability forms the cornerstone of judicial reasoning in conspiracy prosecutions within the Pakistani legal framework (Baig, 2023)

The study further demonstrates that criminal conspiracy under the Pakistan Penal Code, 1860, particularly section 120-A and 120-B, is predominantly proved through circumstantial evidence and the conduct of the accused. Since conspiracy is usually hatched in secrecy, direct independent witnesses are rarely available. In this context, the testimony of an approver becomes crucial in unveiling the internal dynamics of the agreement between coconspirators. Judicial precedents in Pakistan emphasize that the essence of conspiracy lies in the meeting of minds, and this mental element is often inferred from surrounding circumstances. The research findings highlight that courts have developed a consistent jurisprudence requiring that the approver's statement must inspire confidence and must be corroborated by independent evidence connecting the accused with the crime. The corroboration need not extend to every detail but must relate to material aspects implicating the accused. Consequently, approver evidence serves as an evidentiary bridge linking circumstantial facts with the existence of a conspiratorial agreement, thereby strengthening prosecutorial efforts in complex criminal cases.

Moreover, the results indicate that Pakistani courts strictly scrutinize the voluntariness and credibility of the approver before relying upon his testimony. The legal framework mandates that the pardon must be tendered lawfully, and the approver must make a full and truthful disclosure. If it is established that the approver has concealed material facts or given false evidence, the pardon may be revoked, and he may be tried for the original offence. Judicial interpretation underscores that the approver's evidence is not legally inadmissible but is treated with caution as a matter of practice rather than law. Courts often examine whether

the approver's statement is consistent, coherent, and free from material contradictions. The study reveals that where corroborative evidence such as documentary proof, recovery of incriminating articles, or independent witness testimony exists, the evidentiary value of the approver is substantially enhanced. Conversely, in the absence of corroboration, convictions based solely on uncorroborated approver testimony are viewed as unsafe, reflecting the judiciary's commitment to safeguarding the rights of the accused.

The research also finds that approver evidence significantly impacts the evidentiary burden in conspiracy trials. Although the prosecution retains the primary burden of proof beyond reasonable doubt, the disclosure by an approver often shifts the evidentiary landscape by providing detailed insight into the formation and execution of the conspiracy. Courts have clarified that the statement of an approver must be evaluated in light of the entire prosecution case, rather than in isolation. The principle that "an accomplice is a competent witness but a tainted source" has become a guiding doctrine in Pakistani jurisprudence. The study further notes that judicial reliance on approver testimony is influenced by the gravity of the offence, the complexity of the conspiracy, and the availability of supporting evidence. In high-profile or organized crime cases, approver evidence has been instrumental in exposing criminal networks. However, courts remain vigilant to prevent misuse of this mechanism as a tool for false implication or prosecutorial overreach, thereby preserving the integrity of the criminal justice system.

Additionally, the findings reveal procedural safeguards embedded within Pakistani law to prevent abuse of the approver mechanism. The tender of pardon is subject to judicial oversight, ensuring that it is granted in the interest of justice and not as a coercive tactic. The approver must make his statement before a competent Magistrate, and such statement is recorded in accordance with statutory requirements to ensure transparency and authenticity. The research highlights that defense counsel frequently challenges approver testimony on grounds of inducement, inconsistency, or ulterior motive. Pakistani courts have responded by developing a cautious approach, often seeking corroboration through independent circumstances such as call records, forensic reports, or financial transactions. This procedural vigilance demonstrates that while approver evidence is a pragmatic tool in dismantling conspiracies, it is not treated as conclusive proof. Rather, it functions within a framework of evidentiary checks and balances designed to protect against wrongful conviction and uphold the constitutional guarantee of fair trial.

The study concludes that approver evidence remains an indispensable yet carefully regulated instrument in the adjudication of criminal conspiracy cases under Pakistani law. The results show that the judiciary has struck a measured balance between prosecutorial necessity and the rights of the accused. While recognizing that conspiracies are clandestine and difficult to prove, courts insist upon corroboration as a rule of prudence, thereby reinforcing the standard of proof beyond reasonable doubt. The analytical assessment indicates that the success of conspiracy prosecutions frequently depends upon the credibility and consistency of the approver, supported by independent evidence. The jurisprudential trend reflects an

evolving understanding that justice demands both effective crime control and protection against miscarriages of justice. In sum, approver evidence, when properly scrutinized and corroborated, strengthens the enforcement of criminal law in Pakistan, yet its acceptance is always conditioned upon strict judicial evaluation in accordance with established legal principles (Nazir et al., 2025).

### **A. Judicial Evaluation of Approver Evidence in Criminal Conspiracy**

The findings of this analytical study reveal that the concept of approver evidence under Pakistani law plays a decisive role in the prosecution of criminal conspiracy, particularly in complex and organized offences. Under Article 16 of the Qanun-e-Shahadat Order, an accomplice is deemed a competent witness against an accused person, and a conviction is not rendered illegal merely because it proceeds upon the uncorroborated testimony of an accomplice. However, judicial practice has consistently emphasized prudence by requiring material corroboration. In cases involving conspiracy under Section 120-A and 120-B of the Pakistan Penal Code, direct evidence is rarely available due to the clandestine nature of conspiratorial agreements. Consequently, the prosecution frequently relies upon approvers who, having participated in the offence, provide insider testimony. The research demonstrates that courts adopt a cautious approach, scrutinizing the credibility, voluntariness, and consistency of the approver's statement before assigning evidentiary weight (Ajmal et al., 2022).

The study further establishes that the evidentiary value of an approver's testimony is intrinsically linked to the requirement of corroboration in material particulars. While Article 16 permits reliance on uncorroborated testimony, superior courts have developed the rule of prudence that independent corroborative evidence must connect the accused with the commission of the offence. The results indicate that corroboration must not merely confirm peripheral details but must relate to substantive elements of the conspiracy, such as agreement, intent, and overt acts. Judicial precedents illustrate that courts distinguish between general corroboration of the occurrence and specific corroboration implicating each accused person. Therefore, the prosecution bears the burden of establishing a nexus between the approver's account and independent evidence, including documentary records, recoveries, or circumstantial facts, thereby safeguarding against false implication motivated by personal benefit or pardon.

Another significant finding concerns the legal framework governing the grant of pardon to an accomplice. Under Sections 337 and 338 of the Code of Criminal Procedure, a court may tender pardon to a person supposed to have been directly or indirectly concerned in, or privy to, an offence on condition of full and true disclosure. The research indicates that the validity of approver evidence depends upon strict compliance with procedural safeguards. The confession must be voluntary, recorded in accordance with law, and free from coercion or inducement beyond the statutory pardon. If the approver conceals material facts or gives false evidence, the pardon may be withdrawn, and the approver may be tried for the original

offence. The courts have consistently held that failure to comply with mandatory procedural requirements vitiates the evidentiary value of such testimony.

The results also highlight the inherent risks associated with reliance on approver testimony in conspiracy cases. Since an approver testifies under an expectation of leniency, the possibility of exaggeration, selective disclosure, or fabrication cannot be ignored. The study reveals that Pakistani courts recognize the approver as a tainted witness whose evidence must be received with caution and examined with heightened scrutiny. Judicial reasoning underscores that the rule of corroboration is not merely technical but rooted in principles of fairness and due process. Where corroboration is absent or unreliable, courts have acquitted accused persons, emphasizing that suspicion, however strong, cannot substitute proof beyond reasonable doubt. Thus, the protective approach adopted by the judiciary reinforces the constitutional guarantee of fair trial and due process.

Furthermore, the findings demonstrate that in offences involving multiple accused persons, the evidentiary threshold becomes more stringent. Corroboration must extend to each individual conspirator rather than collectively implicating the group. Courts have repeatedly held that mere association or presence is insufficient to establish participation in a criminal conspiracy unless accompanied by evidence of a prior meeting of minds. The approver's testimony must therefore be supported by independent circumstances demonstrating agreement, common intention, or coordinated action. The analytical review of case law indicates that where corroborative evidence is circumstantial, it must form a complete chain leading unequivocally to the guilt of the accused. Any break in this chain benefits the accused under the settled principle of criminal jurisprudence.

Results of this study affirm that approver evidence constitutes a legally admissible yet cautiously evaluated form of proof in criminal conspiracy cases under Pakistani law. The statutory framework permits its use, but judicial interpretation imposes strict safeguards to prevent miscarriage of justice. The courts balance the necessity of insider testimony in unveiling concealed conspiracies against the potential for abuse inherent in accomplice evidence. The doctrine of corroboration, procedural compliance in the grant of pardon, and adherence to the standard of proof beyond reasonable doubt collectively shape judicial outcomes. Accordingly, approver evidence, when corroborated and lawfully obtained, significantly strengthens the prosecution case; however, in the absence of reliable corroboration, it remains insufficient to sustain conviction (Cheema, 2015).

## **B. Evidentiary Value of Approver Testimony in Establishing Criminal Conspiracy**

The evidentiary worth of an approver in cases of criminal conspiracy under Pakistani law occupies a pivotal yet delicate position within the criminal justice framework. Criminal conspiracy, as defined under Section 120-A of the Pakistan Penal Code, 1860, is predominantly hatched in secrecy, making direct evidence scarce and circumstantial proof central to adjudication. In such circumstances, the testimony of an accomplice who has been tendered pardon under Sections 337 and 338 of the Code of Criminal Procedure, 1898, becomes

instrumental for unveiling the concealed agreement between conspirators. The approver, having participated in the commission of the offence, provides insider details regarding the formation of intent, allocation of roles, and execution of the unlawful design. However, while Article 16 of the Qanun-e-Shahadat Order, 1984 recognizes an accomplice as a competent witness, Pakistani courts traditionally exercise caution in relying solely upon such testimony. The superior judiciary has consistently held that although a conviction is legally sustainable on uncorroborated approver evidence, prudence demands independent corroboration in material particulars to eliminate the risk of false implication motivated by self-preservation (AllahRakha, 2023).

The jurisprudential basis for caution in accepting approver testimony stems from the inherent unreliability associated with a self-confessed participant in crime. The approver, by virtue of seeking pardon, may be influenced by inducement, fear of punishment, or expectation of leniency. Pakistani courts, particularly the Supreme Court of Pakistan, have reiterated that the evidence of an approver must pass the dual tests of credibility and corroboration. Credibility relates to the intrinsic consistency and coherence of the statement, whereas corroboration requires confirmation from independent evidence connecting the accused with the commission of conspiracy. In conspiracy trials, corroboration may emerge through documentary evidence, recovery of incriminating material, electronic communications, or testimony of independent witnesses. The rationale behind this cautious approach is embedded in the principle that criminal conviction must be grounded in proof beyond reasonable doubt. Therefore, although the approver serves as a vital prosecutorial tool, his evidence cannot be treated as gospel truth without judicial scrutiny and supporting material evidence that strengthens the prosecution's narrative.

In the specific context of criminal conspiracy, the role of the approver becomes particularly significant because conspiracy is complete upon the agreement to commit an illegal act or a legal act by illegal means. Unlike substantive offences requiring overt acts, conspiracy often operates covertly, making the testimony of an insider indispensable to demonstrate the meeting of minds. The approver elucidates the pre-concert, planning process, and shared intention among co-accused persons. Pakistani courts have acknowledged that in conspiratorial offences, direct evidence of agreement is seldom available; hence, circumstantial evidence and approver statements are often interlinked. However, the courts have also emphasized that corroboration must relate not merely to peripheral aspects but to material particulars implicating each accused individually. The legal standard ensures that collective liability under Section 120-B of the Pakistan Penal Code is not imposed mechanically. Instead, judicial assessment must establish that each alleged conspirator consciously participated in the unlawful agreement, supported by credible and corroborative proof.

The procedural safeguards associated with tendering pardon to an accomplice further reflect the seriousness attached to approver evidence. Under the Code of Criminal Procedure, the court must ensure that the pardon is granted conditionally upon full and true disclosure of the circumstances within the knowledge of the accomplice. Failure to make a complete and

truthful statement may result in revocation of pardon and subsequent prosecution. This statutory mechanism seeks to balance prosecutorial necessity with judicial fairness. Additionally, the statement of the approver is recorded under oath, and he is subjected to cross-examination by the defense, thereby satisfying the requirements of due process. The defense is entitled to challenge inconsistencies, prior contradictory statements, or ulterior motives. Through cross-examination, the reliability of the approver is tested rigorously, safeguarding the constitutional right to fair trial under Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973.

Significant dimension relates to the distinction between corroboration in material particulars and general corroboration. Pakistani jurisprudence clarifies that corroboration must connect the accused with the crime and not merely confirm that the crime occurred. For instance, if an approver alleges that meetings were held to plan a terrorist act, independent evidence must substantiate the presence or involvement of the accused in such meetings. Mere proof of the occurrence of the terrorist act would not suffice. This principle ensures individualized assessment of criminal responsibility. Furthermore, courts often seek corroboration from circumstantial chains, such as financial transactions, call data records, or recovery of weapons linked to the accused. The evidentiary threshold thus aims to protect against wrongful convictions while recognizing practical difficulties inherent in prosecuting conspiracies. The balance struck by Pakistani courts demonstrates adherence to both evidentiary flexibility and the fundamental doctrine of benefit of doubt.

The evidentiary value of approver testimony in criminal conspiracy cases under Pakistani law is both indispensable and cautiously regulated. While statutory provisions permit reliance upon accomplice evidence, judicial prudence mandates corroboration to uphold the sanctity of criminal justice. The dual emphasis on credibility and independent confirmation reflects a harmonization between prosecutorial effectiveness and protection of accused persons against arbitrary conviction. In conspiratorial offences, where secrecy prevails and direct proof remains elusive, the approver serves as a gateway to unveiling clandestine agreements. Nonetheless, courts remain vigilant to ensure that such testimony does not become a tool of misuse. The prevailing legal position thus underscores that approver evidence, though competent and admissible, attains decisive probative force only when substantiated by reliable corroborative material, ensuring compliance with the overarching standard of proof beyond reasonable doubt (Abbas et al., 2025).

## IV. Discussion

Under Pakistani criminal jurisprudence, the concept of approver evidence occupies a significant yet controversial position, particularly in cases involving criminal conspiracy. Criminal conspiracy is defined under Section 120-A of the Pakistan Penal Code as an agreement between two or more persons to do an illegal act or to do a lawful act by illegal means. The offence is complete upon the formation of the agreement itself, irrespective of

whether the illegal act is ultimately executed. In such offences, direct evidence is rarely available because conspiracies are hatched in secrecy. Consequently, the prosecution frequently relies upon insider testimony, commonly referred to as approver evidence. The statutory framework for tendering pardon to an accomplice is provided under Sections 337–339 of the Code of Criminal Procedure. An approver is an accomplice who is granted conditional pardon in exchange for making a full and true disclosure of the circumstances within his knowledge relating to the offence and the persons concerned therein. This mechanism aims to dismantle organized criminal conduct by penetrating the veil of secrecy surrounding conspiratorial arrangements. However, its admissibility, evidentiary value, and reliability are subjects of strict judicial scrutiny (Hussain et al., 2023).

The legal foundation for approver testimony in Pakistan is rooted in procedural safeguards embodied in the Code of Criminal Procedure. Under Section 337 Cr. P.C., a Magistrate or a Court may tender pardon to a person supposed to have been directly or indirectly concerned in, or privy to, an offence, on the condition that he makes a complete and truthful disclosure of all material facts. This pardon is not absolute but conditional; failure to comply with the terms may result in prosecution under Section 339 Cr.P.C. The evidentiary competence of an accomplice is further recognized under Article 16 of the Qanun-e-Shahadat Order, which declares that an accomplice shall be a competent witness against an accused person. Nevertheless, illustration (b) to Article 129 of the same Order permits the Court to presume that an accomplice is unworthy of credit unless corroborated in material particulars. Thus, while the law allows reliance upon approver testimony, it simultaneously mandates caution. The procedural requirements, including recording of statement under oath and ensuring voluntariness, are indispensable to protect against coercion and fabricated confessions. The judiciary ensures that pardon is granted judiciously and not as a mechanical device to secure convictions in complex conspiracy cases.

In prosecutions for criminal conspiracy, approver evidence often constitutes the backbone of the prosecution's case due to the clandestine nature of the offence. Since conspiracy is generally proved through circumstantial evidence and conduct of parties, the insider account of an accomplice may provide direct insight into the formation of the unlawful agreement. However, Pakistani courts have consistently held that conviction solely on uncorroborated approver testimony is legally permissible but prudentially unsafe. The superior judiciary, including the Supreme Court of Pakistan, has emphasized that corroboration must connect the accused with the crime in material particulars, particularly regarding the agreement and participation in the conspiracy. Corroborative evidence may be direct or circumstantial, such as recovery of incriminating documents, communication records, or conduct consistent with the alleged plan. The rationale behind requiring corroboration lies in the inherently tainted character of accomplice testimony, as the approver testifies under inducement of pardon. Therefore, while approver evidence is admissible and may be decisive, its probative value depends upon independent confirmation of essential elements of the conspiracy. Judicial caution remains the guiding principle in assessing such testimony.

Pakistani jurisprudence reflects a cautious yet pragmatic judicial approach towards approver evidence. Courts recognize that conspiracies, especially those involving terrorism, corruption, or organized crime, are difficult to establish without insider cooperation. Nevertheless, safeguards are rigorously enforced to prevent miscarriage of justice. Before granting pardon, courts must ensure that the approver's statement is voluntary and free from coercion, inducement, or undue influence. Furthermore, the approver must disclose the entire truth; partial or selective disclosure nullifies the benefit of pardon. If the approver conceals material facts or gives false evidence, the protection may be withdrawn, and he may be tried for the original offence. The requirement of corroboration is treated not merely as a technical formality but as a substantive safeguard. Courts examine consistency between the approver's statement and independent evidence, such as forensic findings or documentary proof. The credibility of the witness is assessed through cross-examination, demeanor, and internal coherence of testimony. Thus, while approver evidence serves as an effective prosecutorial tool, judicial vigilance ensures that it does not become an instrument of false implication or abuse of process.

Despite its statutory legitimacy, the use of approver evidence in conspiracy cases is not free from criticism. One major concern is the risk of false testimony motivated by self-preservation. Since an approver seeks immunity from punishment, there exists a potential incentive to exaggerate or fabricate allegations against co-accused persons. This concern is particularly acute in politically sensitive or high-profile cases. Moreover, investigative agencies may be tempted to rely excessively on insider testimony rather than collecting independent corroborative evidence. Such reliance can weaken the integrity of the prosecution's case if the approver's credibility is successfully impeached during trial. Delays in recording statements or procedural irregularities may further undermine evidentiary reliability. Additionally, in conspiracy prosecutions where multiple accused are involved, distinguishing between actual participation and mere association becomes complex. Courts must carefully differentiate between proof of agreement and proof of knowledge. Therefore, while approver evidence can significantly aid in unraveling conspiracies, its misuse may lead to wrongful convictions, thereby undermining the fundamental principles of fair trial and due process guaranteed under Pakistani constitutional and criminal law.

In analytical perspective, approver evidence constitutes a double-edged sword within Pakistani criminal law. On one hand, it provides a pragmatic solution to the evidentiary challenges posed by criminal conspiracy under the Pakistan Penal Code. By enabling an accomplice to testify against co-conspirators, the law seeks to penetrate the secrecy that characterizes conspiratorial offences. On the other hand, the inherently suspect character of such testimony necessitates strict judicial scrutiny and corroboration. The statutory framework under the Code of Criminal Procedure and the Qanun-e-Shahadat Order establishes a balanced mechanism, allowing admissibility while mandating caution. The consistent judicial stance of the Supreme Court underscores that corroboration in material particulars is a rule of prudence elevated to near-mandatory status in practice. Ultimately, the legitimacy of

convictions based on approver evidence depends upon the credibility of the witness, voluntariness of disclosure, and existence of independent supporting evidence. Therefore, within Pakistani law, approver evidence remains an indispensable yet carefully regulated evidentiary tool in the prosecution of criminal conspiracy (Cheema, 2019).

### **A. Conceptual Framework of Approver Evidence and Criminal Conspiracy**

The concept of approver evidence occupies a distinctive position within the framework of Pakistani criminal jurisprudence, particularly when examined in relation to the offence of criminal conspiracy. Under Pakistani law, an approver is an accomplice who is granted pardon on the condition that he makes a full and true disclosure of all material facts relating to the offence and the involvement of other accused persons. The statutory foundation of this doctrine is primarily embedded in the Code of Criminal Procedure, especially Sections 337 to 339, which empower the court to tender pardon to an accomplice during investigation or trial. Complementarily, the evidentiary value of such testimony is governed by the Qanun-e-Shahadat Order, particularly Articles 16 and 129, which recognize an accomplice as a competent witness but simultaneously caution against uncorroborated reliance. In the context of criminal conspiracy, as defined under Section 120-A of the Pakistan Penal Code, the evidentiary challenges are substantial because conspiracy is typically hatched in secrecy. Therefore, approver evidence often becomes central to unraveling the concealed agreement between conspirators. However, its admissibility and probative value are circumscribed by strict judicial scrutiny to prevent miscarriage of justice (Ajmal et al., 2022).

Criminal conspiracy under Pakistani law is essentially an agreement between two or more persons to commit an illegal act or a lawful act by illegal means. The gravamen of the offence lies in the agreement itself rather than the commission of the substantive offence. Due to its clandestine nature, direct evidence of conspiracy is rarely available, and courts are compelled to rely upon circumstantial evidence or insider testimony. In this context, the testimony of an approver assumes considerable importance because he provides firsthand insight into the formation, objectives, and execution of the conspiratorial design. Nevertheless, Pakistani courts have consistently held that the statement of an approver, though legally admissible, is inherently suspect due to the possibility of self-exoneration or shifting of blame. The superior judiciary, including the Supreme Court of Pakistan, has repeatedly emphasized that while a conviction is not illegal solely on the basis of approver testimony, it is unsafe to rely upon such evidence without independent corroboration in material particulars. This cautious approach reflects the balance between effective prosecution of organized crime and safeguarding the rights of the accused under constitutional guarantees of fair trial.

The legal rationale behind granting pardon to an accomplice is grounded in pragmatic considerations of criminal investigation and prosecution. In complex conspiracies, particularly those involving terrorism, corruption, or organized crime, the prosecution may face insurmountable obstacles in obtaining direct proof of agreement among conspirators. The tender of pardon serves as an investigative tool designed to dismantle criminal networks by

incentivizing one participant to disclose the truth. However, the condition precedent for a valid pardon under Pakistani law is the complete and truthful disclosure of all relevant facts within the knowledge of the approver. Failure to adhere to this requirement may result in revocation of the pardon and subsequent prosecution of the approver for the original offence. Judicial interpretation underscores that the pardon must not be granted arbitrarily; rather, it should be exercised judiciously to advance the cause of justice. The discretion vested in courts must align with principles of fairness, proportionality, and the overarching objective of uncovering the entire conspiracy without compromising procedural safeguards.

From an evidentiary standpoint, the testimony of an approver is classified as that of an accomplice, which is legally competent but prudentially weak unless corroborated. The rule of corroboration, though not a statutory mandate, has evolved as a rule of practice deeply entrenched in Pakistani criminal jurisprudence. Corroboration must relate to material particulars connecting the accused with the commission of the offence and not merely to trivial or peripheral details. In cases of criminal conspiracy, corroborative evidence may include documentary records, electronic communications, recovery of incriminating articles, or conduct demonstrating prior meeting of minds. The courts examine whether the approver's statement is consistent, voluntary, and free from coercion or inducement beyond the lawful pardon. Moreover, contradictions or material improvements in testimony may seriously impair credibility. The judicial assessment thus involves a meticulous evaluation of intrinsic reliability and extrinsic corroboration, ensuring that convictions are founded upon credible and cogent evidence rather than speculative inference.

The constitutional dimension of approver evidence must also be considered in light of the right to fair trial and due process. Article 10-A of the Constitution of Pakistan mandates that every accused person shall be entitled to a fair trial. The use of approver testimony, if unchecked, may potentially infringe this right by enabling convictions based on compromised witnesses. Consequently, courts impose rigorous standards to test voluntariness, consistency, and corroboration. The defence retains the right to cross-examine the approver extensively to expose motives of false implication or ulterior benefit. Judicial pronouncements have clarified that the evidentiary weight of an approver's statement depends upon its coherence and its harmony with other independent evidence on record. Therefore, the interplay between statutory provisions and constitutional safeguards ensures that the mechanism of pardon does not transform into an instrument of injustice or prosecutorial abuse.

This analytical segment, approver evidence within the domain of criminal conspiracy under Pakistani law represents a legally sanctioned yet cautiously applied evidentiary device. It reflects a pragmatic compromise between the necessity of penetrating secret criminal agreements and the imperative of preserving procedural fairness. While statutory provisions empower courts to tender pardon and admit accomplice testimony, judicial practice demands corroboration as a matter of prudence and justice. The offence of conspiracy, by its very nature, necessitates reliance upon insider testimony, yet such reliance cannot be absolute or uncritical. The courts of Pakistan have therefore developed a balanced jurisprudence wherein

approver evidence is neither rejected outright nor accepted unquestioningly. Instead, it is subjected to stringent judicial scrutiny, ensuring that convictions rest upon reliable, corroborated, and legally admissible evidence consistent with the foundational principles of criminal law (Hameed et al., 2021).

## **B. Approver Evidence in Pakistani Criminal Law**

Approver evidence plays a pivotal role in criminal prosecutions under Pakistani law, particularly when addressing complex conspiracies. An approver, under Section 340 of the Code of Criminal Procedure, 1898 (CrPC), is an accused person who, with the consent of the prosecution, agrees to give evidence against co-conspirators. This mechanism is intended to facilitate the uncovering of intricate criminal networks, especially when direct evidence is scarce. The courts place great reliance on approver testimony but simultaneously acknowledge its inherent risks, given the potential for self-interest or partiality. The Supreme Court of Pakistan has consistently emphasized the necessity of corroboration in cases where the prosecution primarily depends on approver evidence, ensuring that the accused's rights under Article 10-A of the Constitution, guaranteeing a fair trial, are protected. Furthermore, approver evidence is scrutinized under Sections 133 and 114 of the Qanun-e-Shahadat Order, 1984, which outline the standards for admissibility, highlighting the need for credibility and the presence of independent corroborative evidence. In cases involving criminal conspiracy, approver testimony can reveal the sequence of events, roles of participants, and the criminal intent necessary to establish a common design. Therefore, while approver evidence is a valuable prosecutorial tool, the courts approach it cautiously to balance the objectives of justice with procedural safeguards (Chaudhry, 2023).

Criminal conspiracy in Pakistan is primarily governed by Section 120B of the Pakistan Penal Code (PPC), which penalizes an agreement between two or more persons to commit an illegal act or a legal act by illegal means. The essence of conspiracy lies in the common intention and active participation in the plan, even if the intended crime is not executed. The law recognizes that the collective nature of conspiracy makes direct evidence difficult to obtain, hence the importance of approver testimony in unraveling conspiratorial networks. Courts have consistently held that mere suspicion or hearsay is insufficient to establish a conspiracy; there must be tangible proof linking each accused to the agreement and its objectives. Judicial precedents, including rulings by the Lahore High Court and the Supreme Court of Pakistan, have emphasized that for conviction under Section 120B PPC, the prosecution must prove both the existence of the agreement and the overt act in furtherance of the conspiracy. In practical terms, approvers provide insight into the planning, coordination, and execution stages, often naming co-conspirators and explaining the methods employed. This legal framework ensures that while the law punishes collective criminal intent, it also upholds due process, demanding that convictions rest on substantive, corroborated evidence rather than unverified allegations.

Given the potential self-serving motives of an approver, the courts in Pakistan insist upon corroborative evidence before granting convictions based solely on such testimony. The principle of corroboration is well-established in Section 134 of the Qanun-e-Shahadat Order, 1984, which mandates that approver evidence cannot be the sole basis for conviction unless it is fully trustworthy. In practice, corroboration may come from documentary evidence, forensic reports, independent witness statements, or electronic communications, especially in complex conspiracy cases involving multiple actors. Pakistani courts have repeatedly emphasized that uncorroborated approver testimony is inherently weak due to the risk of exaggeration, false implication, or bias. The apex judiciary, in several landmark cases, has articulated that while approver evidence can illuminate the conspiratorial structure and participant roles, the ultimate judgment must rest on the totality of evidence. Additionally, the procedural safeguards enshrined in the CrPC ensure that approvers are not coerced into making false statements, and their statements are recorded under judicial supervision. By insisting on corroboration, the legal system minimizes wrongful convictions while simultaneously enabling effective prosecution of criminal conspiracies that would otherwise remain opaque due to their secretive nature.

While approver evidence is valuable, its utilization presents significant challenges under Pakistani law. One primary challenge is credibility assessment, as the courts must discern whether the approver's testimony is motivated by self-preservation or promises of leniency under Section 340 CrPC. Furthermore, conspiracies are often complex, involving multiple actors, financial transactions, and communication networks, which makes it difficult for a single approver to provide a complete and accurate account. The courts must also reconcile discrepancies between approver statements and independent evidence, carefully analyzing inconsistencies that may arise due to memory lapses, intentional omissions, or strategic exaggeration. Additionally, defense counsel frequently exploits the potential bias inherent in approver testimony, arguing that the approver has an incentive to implicate others to reduce personal liability. These challenges necessitate meticulous judicial scrutiny and the employment of legal safeguards, including cross-examination, corroboration, and judicial discretion in weighing evidence. Consequently, while approver testimony remains an indispensable tool in prosecuting criminal conspiracies, its limitations demand a balanced and cautious approach to prevent miscarriage of justice.

Judicial interpretations in Pakistan underscore the nuanced approach towards approver evidence in criminal conspiracy cases. The Supreme Court has consistently held that an approver's statement must be treated with caution and examined critically, citing precedents such as *State vs. Zafar Ali* and *Muhammad Imran vs. The State*, which stress corroboration as a prerequisite for conviction. The courts evaluate the reliability of approver testimony based on consistency, plausibility, and alignment with independent evidence. Additionally, high courts have recognized that in organized crime or terrorism-related conspiracies, approver statements may be central to establishing the broader criminal scheme, especially when physical evidence is limited. Judicial discourse also emphasizes procedural compliance,

mandating that approvers be examined in court and that their statements are voluntarily given. These interpretations reflect a dual objective: ensuring effective prosecution of conspiracies while protecting the constitutional rights of all accused. Consequently, the jurisprudence surrounding approver evidence provides a structured framework for courts to weigh the probative value of such testimony against potential risks, ensuring that convictions are both legally sound and just.

The reliance on approver evidence in criminal conspiracy cases has significant implications for Pakistan's criminal justice system and policy-making. Effective use of approvers can accelerate the dismantling of criminal networks, prevent escalation of organized crime, and facilitate the collection of intelligence crucial for law enforcement. However, excessive reliance on approver testimony without rigorous corroboration can undermine public confidence in the judiciary and lead to wrongful convictions, contravening the principles of natural justice under Article 10-A of the Constitution. Policy reforms may include enhanced procedural safeguards, standardized guidelines for approver testimony, and capacity-building for investigative agencies to gather independent evidence. Moreover, transparency in plea arrangements and clear limitations on immunity granted to approvers can mitigate abuse and ensure accountability. I approver evidence, when judiciously employed within the framework of Pakistani law, serves as a powerful tool in prosecuting criminal conspiracies, striking a delicate balance between effective law enforcement and the preservation of fundamental legal rights (Ahmed et al., 2025).

## Conclusion

The role of approver evidence in criminal conspiracy cases under Pakistani law is both pivotal and delicate, reflecting the broader principles of justice and procedural fairness enshrined in the Pakistan Penal Code (PPC) and the Criminal Procedure Code (CrPC). An approver, as defined under Section 340 of the CrPC, is a co-accused who agrees to disclose the details of a criminal conspiracy in exchange for certain legal concessions, usually immunity from punishment. The reliance on approver testimony is particularly critical in conspiracy cases, where direct evidence is often unavailable due to the covert nature of the criminal agreement. Courts in Pakistan have consistently emphasized that while approver evidence can be compelling, it cannot be accepted uncritically; corroboration is a legal requirement to safeguard against false or self-serving statements. This underscores a fundamental balance in criminal jurisprudence: encouraging culpable participants to assist law enforcement while ensuring that convictions are not based solely on potentially biased testimony. The judiciary, through landmark rulings, has established rigorous standards for evaluating approver evidence, considering credibility, motive, and consistency with independent facts to uphold both the letter and spirit of the law.

The interplay between approver evidence and the legal framework for criminal conspiracy highlights the procedural safeguards embedded in Pakistani law. Conspiracy,

codified under Sections 120B and related provisions of the PPC, involves an agreement between two or more persons to commit an unlawful act, or a lawful act by unlawful means. Detecting and proving such conspiracies often presents significant challenges due to their secretive nature and reliance on circumstantial proof. Approver testimony, therefore, becomes a key instrument in exposing hidden agreements, unraveling complex criminal networks, and facilitating effective prosecution. Nevertheless, the courts have repeatedly emphasized the necessity of corroboration from independent evidence, whether documentary, electronic, or testimonial, to prevent miscarriages of justice. Judicial precedents, such as *Muhammad Bashir v. State* and other Supreme Court decisions, illustrate that approver evidence must be assessed with caution, ensuring that it aligns with objective facts and does not solely rely on incentives provided by the state. Hence, the law strikes a careful balance between incentivizing truth-telling and maintaining the integrity of the judicial process.

Approver evidence in criminal conspiracy cases functions as both a procedural tool and a substantive safeguard within Pakistani law. Its effectiveness lies in its ability to uncover the internal dynamics of conspiratorial arrangements that might otherwise remain concealed, thereby promoting accountability and the rule of law. At the same time, the legal framework imposes stringent safeguards requiring corroboration, assessing credibility, and scrutinizing motives to prevent misuse and ensure that convictions rest on sound, reliable evidence. This dual role underscores a broader principle in criminal jurisprudence: justice must be achieved without compromising fairness or procedural propriety. For law enforcement and the judiciary, approver evidence represents a mechanism to navigate the complexity of conspiracies, but it simultaneously demands meticulous legal scrutiny to prevent the subversion of justice. The analytical study of approver evidence in Pakistani law demonstrates that while it is indispensable for effective prosecution, its careful regulation reflects the judiciary's commitment to upholding both the letter and spirit of criminal law in a democratic society.

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