



2022

ANNUAL

REPORT

**PUNJAB CRIMINAL PROSECUTION
SERVICE INSPECTORATE**



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PUNJAB CRIMINAL PROSECUTION SERVICE INSPECTORATE
PUBLIC PROSECUTION DEPARTMENT

ABBREVIATIONS

ACC	Anti-Corruption Courts
AD	Administrative Department
ADPP	Assistant District Public Prosecutor
AO	Arms Ordinance
APG	Additional Prosecutor General
ATC	Anti-Terrorism Courts
CFMS	Case Flow Management System
CNSA	Control of Narcotics Substances Act
CPD	Center for Professional Development
Cr.PC	Code of Criminal Procedure, 1898
DAC	District Appeal Committee
DDO	Drawing and Disbursing Officer
DDPP	Deputy District Public Prosecutor
DPG	Deputy Prosecutor General
DPP	District Public Prosecutor
DSC	District Scrutiny Committee
IMC	Internal Monitoring Committee
IO	Investigation Officer
JC	Junior Clerk
MIC	Magistrates of First Class
MS-30	Magistrates Section 30
PCPS	Punjab Criminal Prosecution Service

PCPSI	Punjab Criminal Prosecution Service Inspectorate
PFSA	Punjab Forensic Science Agency
PGP	Prosecutor General Punjab
PPC	Pakistan Penal Code, 1860
SSV	Serious Sexual Violence
SJM	Special Judicial Magistrates

GLOSSARY

Adverse Outcome	A judicial outcome of criminal case against the assessment made by Prosecution in the case.
Areas of Inspection	The aspects covered or to be covered in an inspection
Case Consigned to Record u/s 512 CrPC	Case no more tried by the Court due to absence of prosecution witnesses, or absconding of accused and it is consigned to record room. Theoretically, these cases can be recalled and tried on arrest of accused person(s) or availability of Prosecution witnesses.
Case in Court	A case of which a court has taken cognizance.
Case Review Report	A review of all the available material of a case by the prosecutor u/s 9(7) PCPS Act 2006. It is written by a prosecutor regarding assessment of the case on available evidence and consists of recommendations whether to prosecute an offender or not and the charges on which accused may be prosecuted, if any.
Challan	<p>Description of all the investigation carried out by police and presented before Magistrate u/s 173 CrPC</p> <ul style="list-style-type: none">(i) Complete challan: Final report of the investigation by police submitted to Magistrate.(ii) Incomplete Challan: Report u/s 173 CrPC submitted to the court still pending investigation.(iii) Interim Challan: Report submitted by police to a court when a challan u/s 173 CrPC has not been submitted within stipulated time

(iv) Supplementary Challan: Report u/s 173 CrPC with additional evidence / document before a court.

(v) Cancellation report: Report u/s 173 CrPC for cancellation of a case reported earlier. (cancellation of FIR)

Scheduled Inspection

An inspection carried out by the Inspectorate according to the schedule issued with an advance notice to the concerned prosecution office.

Scrutiny Memo

A memorandum required to be prepared compulsorily by a prosecutor u/s 9(5) PCPS Act 2006, when a report u/s 173 CrPC is presented before him by the police. In fact, it consists of observations / scrutiny notes in respect of result of the investigation in a case.

Special Inspection

An inspection, with or without notice, carried out on the directions of the Competent Authority.

Surprise Inspection

An inspection carried out by the Inspectorate without giving notice to the concerned prosecution office and not included in the Annual Schedule.

Threshold Test

A test applied by the prosecutor at remand stage whereby the prosecutor must decide whether there is at least a reasonable suspicion that the accused has committed an offence.

Trials Disposed-of

Cases decided or consigned to record by the Court.

MESSAGE BY THE DIRECTOR GENERAL



I am pleased to submit the Annual Report, 2022 of the Punjab Criminal Prosecution Service Inspectorate (PCPSI), covering all activities of the Inspectorate during the preceding calendar year, 2022, highlighting key areas of the Prosecution Service inspected and observed by the Inspectorate as well as outlaying brief history, vision, basic structure, functions, responsibilities and modus operandi of the Inspectorate. The Inspectorate remained successful in materializing the inspection plan chalked out at the beginning of the year. The Inspectorate also carried out surprise and special inspections with a view to address the pressing matters of the Service.

The Report in hand outlines the prosecutorial work as observed by the Inspectorate dividing the prosecutorial work in three different categories; prosecution in Districts, prosecution in Special Courts and prosecution in Superior Courts. The Inspectorate followed its core values of transparency and efficiency while carrying out inspections of prosecution offices across the Province. Besides, the aspects which have previously been covered in inspection reports, new areas namely ‘An Overview of the Year 2022’, ‘The Reporting Process’, ‘Difficulties Faced by the Inspectorate’, ‘Detail of Cases Finalized and Submitted to Administrative Department’, ‘Position of Prosecutors vis-à-vis Working of the Criminal Courts’, ‘Administrative & Financial Matters’, ‘Custody of Memos and Case Review Reports’ have been included keeping in view the changing judicial dimensions. As pointed out by the Superior courts, the aspect of pending reports u/s 173 with the police, which were previously not included in inspection areas, have now been robustly focused on by the Inspectorate. The inspection reports, based on qualitative evidence, have been forwarded to the Administrative Department with clear observations and recommendations with a view to exert every possible effort for uplifting of the standards of criminal justice across the Province.

The Inspectorate faced difficulties in carrying out its responsibilities due to shortage of human resource both officers and officials, and facilities relating to the touring vehicles. However, the Inspectorate would continue teamwork as its principle motto to bring in desired results in terms of ensuring best prosecutorial work across Punjab to boost the image of the Punjab Criminal Prosecution Service as exemplary for other prosecution Services in the country.

SARDAR HUMZA ALI

(PMS/ex-PCS)

DIRECTOR GENERAL (INSPECTION)

11th July, 2023

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INTRODUCTION

Established in 2008, the Punjab Criminal Prosecution Service Inspectorate is an attached department of Public Prosecution Department. Initially, its name was Directorate General of Inspection vide notification No. SRO-III(S&GAD) 6-2/2007 and was renamed as Directorate General of Monitoring & Evaluation in 2014 vide notification No. S.O (Cab-I) 2-2/2005 dated 17-11-2014. The promulgation of new law namely the Punjab Criminal Prosecution Service Inspectorate Act 2018 named it as the Punjab Criminal Prosecution Service Inspectorate.

The purpose of establishing the Inspectorate, as per preamble of the Punjab Criminal Prosecution Service Inspectorate Act 2018, was to introduce an effective system of monitoring and evaluation of the Punjab Criminal Prosecution Service and to deal with the matters ancillary thereto. Since its inception in 2008 and subsequently since promulgation of the Act in 2018, the Inspectorate is striving for betterment of prosecutorial functioning in the province through effective mechanism of monitoring and evaluation by pointing out loopholes in the criminal justice system within the ambit of criminal prosecution that need to be plugged in with an ultimate object to curb in the repetition of omissions and commissions resulting in miscarriage of justice.

VISION

Provision of effective system of monitoring and evaluation of the Criminal Prosecution Service for better delivery of justice across the board where every citizen of the state would feel that his rights, as outlined by the Constitution of Pakistan, are safeguarded against all criminal activities done against his person or property.

MISSION

The Inspectorate has a mission to strive for

- Effective system of monitoring and evaluation;
- Conduct of inspections as desired by the Law maintaining fair play and transparency;

- Provision of mechanism that would enhance public confidence on the Criminal Prosecution Service;
- Point out the loopholes with in the Service that need to be plugged in;
- Raising the prosecutorial standards across the province;
- Taking a proactive approach for the uplift of the Service.

FUNCTIONS AND RESPONSIBILITIES

As per Section 4 of the Punjab Criminal Prosecution Service Inspectorate Act, 2018, the functions and responsibilities of the Inspectorate can be outlined as follow;

- Monitor the performance, work and conduct of the Service;
- Carry out periodic inspections of the Service;
- Advise the Government on improvement of the Service;
- Cause studies and research on the working of the Service for the purpose of reforms therein;
- Take steps and measures to improve efficiency of the Service;
- Perform such other functions as assigned to it by the Government or as are necessary for carrying out the purposes of the Act.

POWERS OF THE INSPECTORATE

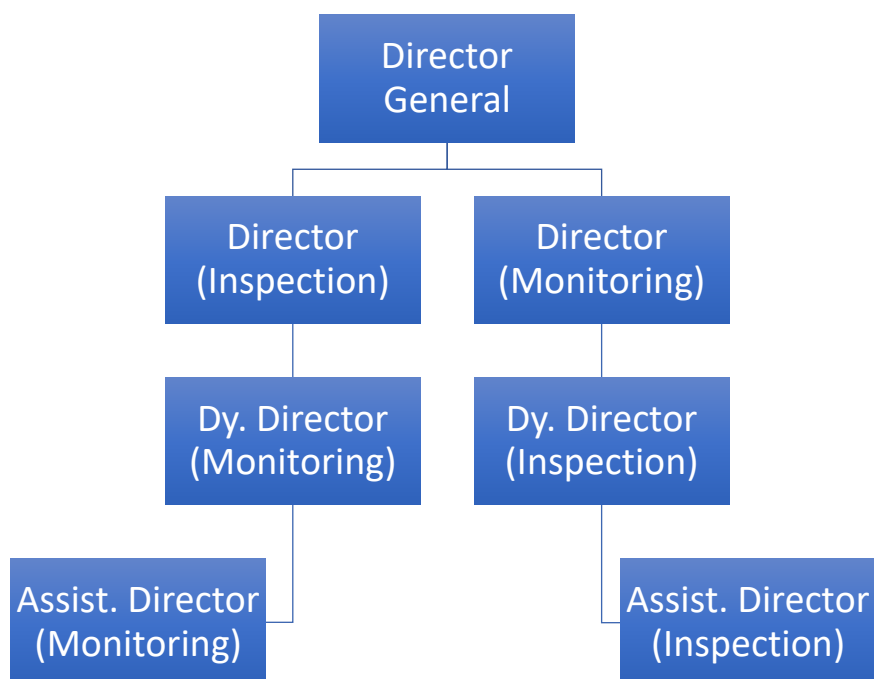
The Act, through Section 5 gives the following powers to the Inspectorate in discharge of its functions and responsibilities;

1. The Inspectorate may require, for effective and meaningful inspection of the Service, require any information or record maintained by
 - a) An investigation agency;
 - b) An agency or a department of the Government empowered to sanction prosecution under the law;
 - c) The Punjab Forensic Science Agency (PFSA);
 - d) Prisons in the province
 - e) The Directorate of Reclamation and Parole.

2. Every such agency or department of the Government shall extend cooperation and assistance to the Inspectorate in the discharge of its functions under the Act or the rules and supply information or record in form and manner as may be prescribed.

ORGANIZATIONAL STRUCTURE

The Inspectorate is headed by the Director General, Punjab Criminal Prosecution Service Inspectorate who administers and looks after the affairs of the Inspectorate. He is assisted by Director(s), Deputy Director(s) and Assistant Director(s). The Inspectorate has its established office at Lahore. The pictorial organogram of the Inspectorate is as follow;



OFFICERS OF THE INSPECTORATE

The following officers remained posted in the Inspectorate during the year 2022 against the posts detailed below;

DESIGNATION	NAME OF OFFICER	SERVICE GROUP & BPS
Director General	Sardar Humza Ali	Ex-PCS (BS-20)
Director (Monitoring)	Syed Najaf Iqbal (Transferred on 08-06-22)	PMS / Ex-PCS (BS-19)
Director (Monitoring)	Mr. Kashif Muhammad Ali (8-08-22 to 11-10-22)	PMS / Ex-PCS (BS-19)
Director (Inspection)	Vacant	Additional Charge Given to Mr. Muhammad Asif Ashraf

Deputy Director (Monitoring)	Mr. Muhammad Asif Ashraf	DPG / Prosecution (BS-18)
Deputy Director (Admn)	Mr. Abbas Haider Khan	DPG / Prosecution (BS-18)
Deputy Director (Inspection)	Mr. Babar Meraj	DDPP / Prosecution (BS-18)
Senior Law Officer	Ms. Asiya Yasin (Transferred on 15-09-22)	DDPP / Prosecution (BS-18)
Senior Law Officer	Mr. Saqib-ul-Hassan Shah	DDPP / Prosecution (BS-18)
Assistant Director (Monitoring)	Mr. Attif Raza Awan	Prosecution (BS-17)
Assistant Director (Monitoring)	Mr. Usman Rasheed	Prosecution (BS-17)
Assistant Director (Monitoring)	Mr. Muhammad Siddique	Prosecution (BS-17)
Assistant Director (Monitoring)	Mr. Shakir Ali	Prosecution (BS-17)
Assistant Director (Inspection)	Mr. Salman Tabish (Transferred on 31-10-22)	ADPP / Prosecution (BS-17)
Assistant Director (Inspection)	Mr. Muhammad Azeem	ADPP / Prosecution (BS-17)
Assistant Director (Inspection)	Mr. Jawad-ur-Rehman	ADPP / Prosecution (BS-17)
Assistant Director (Inspection)	Mr. Aftab Ahmad	ADPP / Prosecution (BS-17)

The officers posted in the Inspectorate are acutely short in number as compared to the prosecutors posted across the province and prosecution field offices of the province. The shortage of officers rendered it difficult for the Inspectorate to materialize the inspection schedule. Requests were made to the Administrative Department for the enhancement / creation of more seats for the officers.



Farewell of Mr. Najaf Iqbal, Ex- Dir (M)



Farewell of Mr. Khalid Ayaz Khan, EX-DG (I)

POSITION OF THE OFFICIAL STAFF OF THE INSPECTORATE

The detail of the official staff, sanctioned posts, working strength and vacant posts is shown in the table below;

Sr. No	Description	Pay Scale	Sanctioned Post	Working	Vacant
1	Private Secretary	17	1	-	1
2	Personal Assistant	16	3	-	3
3	Senior Data Processor	16	1	-	1
4	Assistant	16	3	-	3
5	Stenographer	15	5	-	5
6	Data Entry Operator	12	2	1	1
7	Junior Clerk	11	10	03	7
8	Dispatch Rider	4	1	1	0
9	Driver	4	2	1	1
10	Chowkidar	1	1	1	0
11	Mali	1	1	-	1
12	Naib Qasid	1	10	05	05
13	Sanitary Worker	1	1	1	0
TOTAL			41	13	28

As shown by the table above, the Inspectorate is facing acute shortage of support staff, as 28 seats of officials in various categories out total 41 seats are lying vacant, causing difficulties for the Inspectorate to achieve its targets.

BUDGET ALLOCATION

The Inspectorate was provided the budget, detailed below, to runs its day to day affairs during the financial year 2021-22;

Budget Head	Amount Allocated (Rs.)
Salary	26,960,000/-
Non-Salary	9,131,000/-
Total	36,091,000/-

LOGISTICS

The vehicles detailed below were used by the officers of the Punjab Criminal Prosecution Service Inspectorate in discharge of their duties. None of the vehicles is owned by the Inspectorate rather all the vehicles are borrowed from other Departments. Particulars of the official vehicles are as under;

Vehicle / Model	Capacity	Vehicle Owned By
Honda City (2007)	1300	Prosecutor General Punjab
Suzuki Baleno (2004)	1300	S&GAD Govt. of Punjab
Suzuki Cultus (2007)	1000	Public Prosecution Department
Suzuki Cultus (2007)	1000	Prosecutor General Punjab

Shortage of vehicles remained one of the major causes creating difficulties for the Inspectorate to access prosecution field offices throughout the province for the purpose of physical inspections. The officers had to use either public transport or their personal vehicles to visit the far-flung areas of the Punjab for inspections which, on one side, posed a constraint towards their efficiency and, on the other side, cast a burden on government exchequer on account of Travelling Allowance.

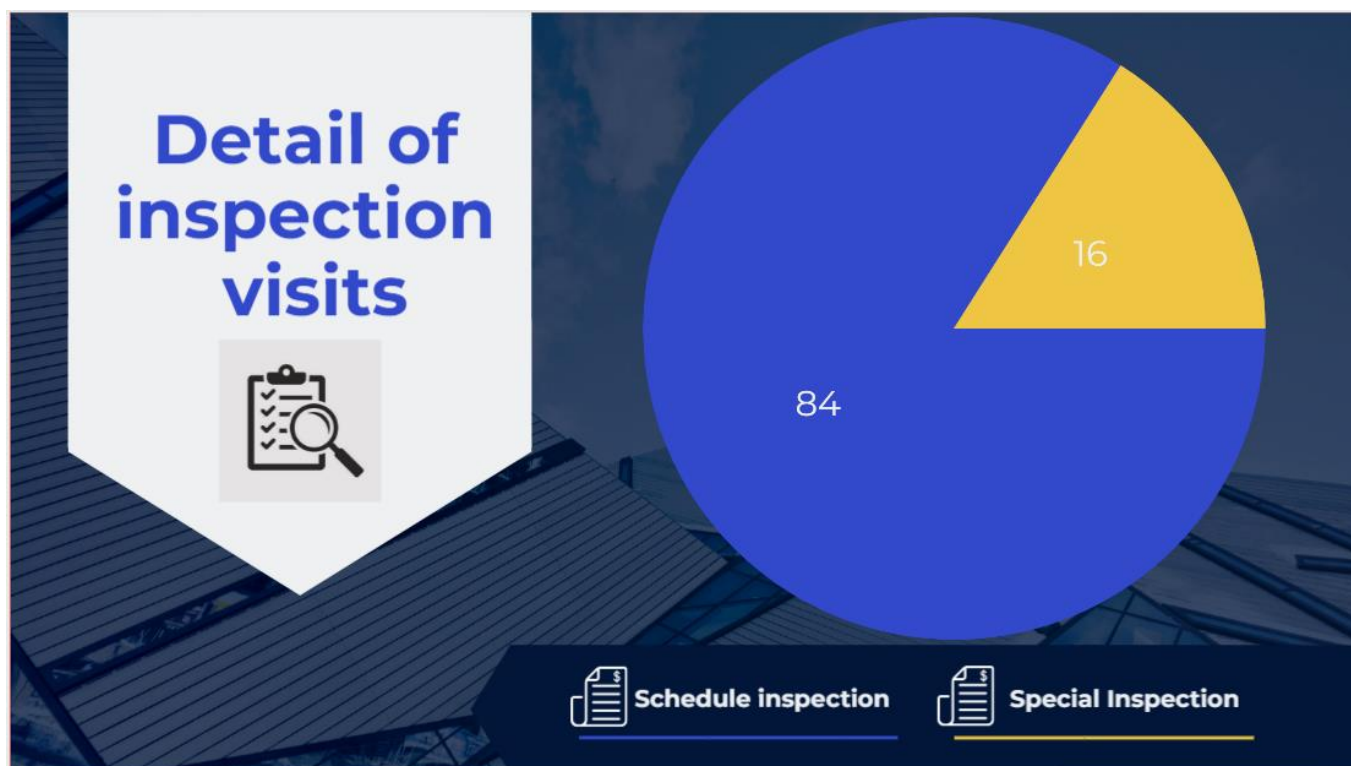
THE YEAR 2022 AT A GLANCE

Inspection schedule for the year 2022 was issued by the Punjab Criminal Prosecution Service, with a purpose to carry out the functions assigned to it by the Punjab Criminal Prosecution Service Inspectorate Act 2018, vide letter No. PCPSI/DD(M)/Misc/1-42/2014-670 dated 29-12-2021.

DETAIL OF INSPECTION VISITS

The Inspectorate conducted ninety-three (93) inspections during the whole year of 2022 with following break-up;

Nature of Inspection	Number of inspections Conducted	%age of Total Inspections
Scheduled	78	84 %
Special / Fact Finding	15	16 %
Total	93	

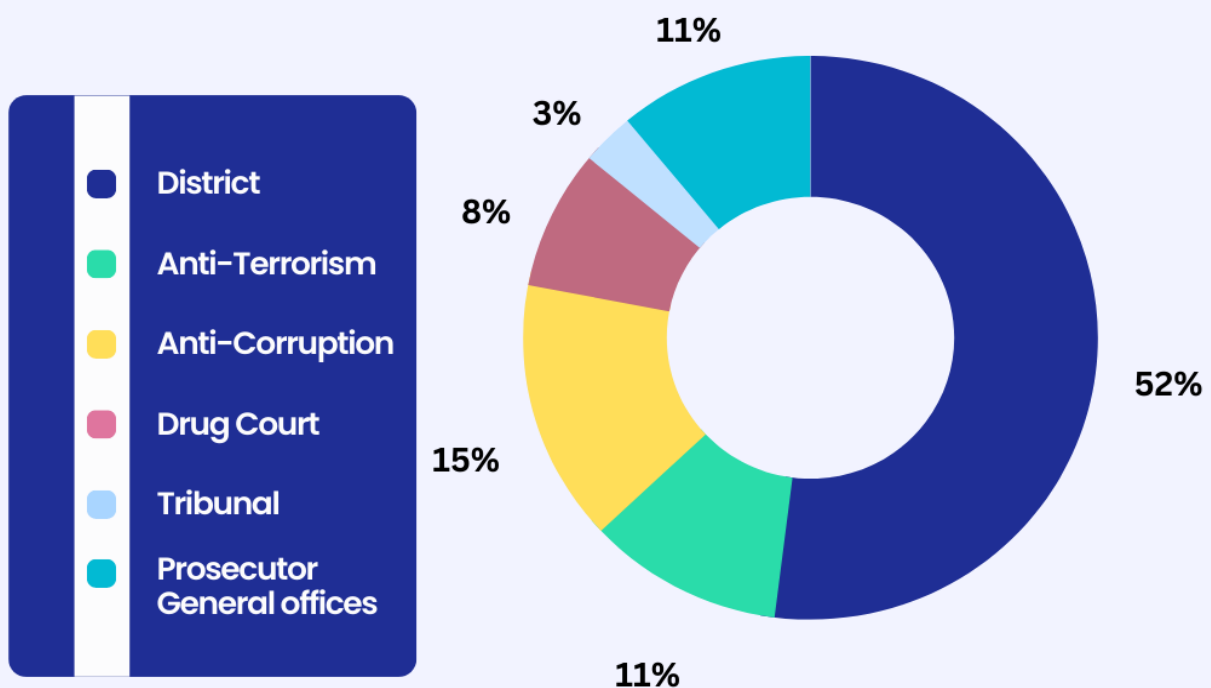


CATEGORY-WISE INSPECTION VISITS

The detail of various prosecution offices (category-wise) inspected by the Inspectorate is as follows;

Sr. No	Prosecution offices Inspected	Number of Inspections	%age of Total Inspections
1	District Prosecution offices	49	52 %
2	Anti- Terrorism Courts	10	11 %
3	Anti-Corruption Courts	14	15 %
4	Drug Courts	7	8 %
5	Tribunals	3	3 %
6	Prosecutor General Offices	10	11 %
TOTAL		93	100%

CATEGORY-WISE INSPECTION VISIT



AREAS OF INSPECTION

The inspectorate covered a vast variety of areas in its inspection during the year 2022. The areas of inspection may broadly be divided into the following categories;

i) Administrative Matters

The inspectorate focused on administrative matters at all the prosecution offices because these matters contribute a lot towards better delivery of services by the Department. The administrative matters looked into by the inspectorate, during physical inspections, include attendance of the officers and officials, position of the buildings for prosecution offices, matters related to service of the officers and officials, preparation of record by the officials for smooth functioning of the offices, proportionate posting of officers and officials in Tehsil Prosecution offices and working strength of the officers and officials.

ii) Financial Matters

The financial matters of the prosecution offices have also been looked into by the Inspectorate while conducting physical inspections and budgetary problems and constraints have been highlighted while preparing inspection reports. Many suggestions have been put by the inspectorate in this regard. For example, it has repeatedly been pointed out by the Inspectorate that the field offices relating to Special courts may be provided separate budget for smooth functioning of the prosecution offices along with DDO powers.

iii) Pre-Trial Prosecution

The matters inspected by the Inspectorate at pre-trial stage include application of threshold test at remand stage, preparation of scrutiny memos and case review reports, raising of objections by the prosecutors, pendency of challans with the police (current and previous years), online scrutiny by the prosecutors, and working of District Scrutiny Committee, timely submission of reports u/s 173 CrPC by the prosecutors into courts, writing of letters for defective investigation against the IOs , and matters ancillary thereto.

iv) Prosecution at Trial Stage

The prosecutorial matters at trial stage inspected by the Inspectorate include appearance of the prosecutors in courts, contesting the bail matters, assailing the bail orders where the prosecutors are of the opinion that a bail granting order is fit to be assailed, tendering of

prosecution evidence and production of prosecution witnesses before courts, and matters ancillary thereto.

v) Post-Trial Prosecution

The matters relating to post-trial prosecution inspected by the Inspectorate include obtaining the copies of judgments, tendering opinion as to fitness for appeal or otherwise by the prosecutor, submission of the judgements by the courts before the District Appeal Committee, writing letters against the official witnesses where they cause damage to the prosecution case.

REPORTING PROCESS

The reporting process adopted by the Inspectorate was contributive as the Inspection Teams shared the Draft Inspection Reports with the concerned prosecution Offices for having their comments / views. The Inspectorate gave a stipulated timeframe to the prosecution offices to give their feedback on the observations made in the draft inspection reports. If the comments / views of the concerned prosecution offices were received within the stipulated time, the inspection reports were finalized keeping in view the comments / views of the prosecution offices. Where the Inspectorate did not receive the comments / views of the concerned prosecution offices, it left with no other option except finalizing the same without the comments / views of the prosecution office. However, the fate of the observations, in such cases, was left to be decided by the Administrative Department.

This mode of reporting, on one hand, made it possible for the prosecution offices to have their point of view before finalization of the inspection reports. On the other hand, this process went a long way in lessening the burden of the Administrative Department as many matters which have clearly been elaborated and explained by the prosecution offices are dropped off the final report by the Inspectorate.

SPECIAL INITIATIVES TAKEN BY THE INSPECTORATE

During the year 2022, the Inspectorate took several initiatives with a view to improve service delivery by the Prosecution Department. These initiatives include

- Collaboration with PITB for the improvement of CFMS and to work on grey areas where actions were needed to improve the functioning of the CFMS that would ultimately go a long way to solve the problems being faced by prosecutor while working on CFMS.

- Special attention and weightage was given to special and surprise inspections to ensure the attendance of the prosecutors and qualitative prosecutorial working.
- After the introduction of appeal and revision section in the CFMS, the inspectorate specially focused, during its inspections, to ensure the implementation of the Departmental instructions to upload decisions of the Superior courts regarding revision and appeals into the CFMS.
- Special instructions were given to all the inspection teams to collect data from the CFMS before proceeding on inspection visits in order to discuss the same with the DPPs and the officers concerned with a view to handle the highlighted areas on priority basis.
- After the instructions from the Lahore High Court, Lahore, special focus was given towards the pendency of reports u/s 173 Cr.PC and the prosecution offices were instructed to take all the necessary steps to clear the pendency regarding reports u/s 173 Cr.PC.
- During inspection visits, it came to the fore that the cases were being consigned to record without preservation of prosecution evidence; the attention of the prosecution offices was invited to the fact and instructions have been given to ensure preservation of prosecution evidence before consigning the cases to record.

DIFFICULTIES FACED BY THE INSPECTORATE

It is commendable for the Inspectorate, as a whole, that it achieved all of its yearly plans despite the fact that the Inspectorate faced many problems that may have hampered the performance of the Inspectorate. Firstly, the Inspectorate faced acute shortage of officers and officials. The number of the officers posted in the Inspectorate is way less than the officers and officials whose activities are to be monitored and inspected by the Inspectorate. Secondly, the Inspectorate face acute shortage of officials that affects the performance of the Inspectorate as the officers could not have ministerial support in discharge of their official duties and activities relating to preparation of inspection reports. The problems relating to logistic support such as vehicle facilities made it difficult for the Inspectorate to access the prosecution offices across the Province. The shortage of touring vehicles forced the Inspectorate to use public transport or personal transport by the officers of the Inspectorate that came heavy on the coffers of the Public Exchequer.

INQUIRIES AND PROBES CONDUCTED BY THE INSPECTORATE

Besides conducting regular / scheduled and surprise inspections, the Inspectorate also conducted inquiries and probes forwarded to it by the Administrative Department. During the year 2022, the Inspectorate conducted 5 inquiries and probes which have been submitted to the quarters concerned after completion.

PROSECUTION IN DISTRICTS

All the District prosecution offices along with their Tehsil prosecution offices were inspected by the Inspectorate. The nature of inspections regarding districts was mainly of two kinds: scheduled inspections which were conducted according the annual schedule issued by the Inspectorate; whereas, surprise / fact finding inspections were conducted without giving any notice to the prosecutions offices. This dual methodology plays a key role to keep officers more efficient and diligent in discharge of their duties.

The Scheduled inspections were carried out manly on inspection proformas circulated to concerned prosecution offices before the due date of inspection allowing the prosecutors adequate time to complete the proformas after consulting their relevant record. The veracity of the information provided through these proformas were ensured by taking acknowledgment form the prosecutors in shape of their signatures on the proformas. Moreover, these proformas were countersigned by the officers in-charge of the Prosecution offices, the DPP in most of the cases. These proforma contained details of cases scrutinized by the prosecutors, case review reports u/s 9(7) PCPS Act 2006 written by the prosecutors, detail of convictions & acquittals pronounced by their allocated courts during the period of inspection. The proformas were also available on the PCPSI website <https://pcpsi.punjab.gov.pk> for the ease of the prosecutors.

The Surprise / Fact-finding Inspections were carried out on the directions of the Competent Authority. The visits of these inspections were mainly focused to ensure punctuality of officers and officials, maintenance of record, pendency of police reports, en-route challans etc.

TOTAL NUMBER OF INSPECTIONS CONDUCTED

The Inspectorate conducted 49 inspections of District prosecution offices during the year 2022. After conducting the inspection, the inspecting officers prepared inspection reports, shared the draft with the officer concerned prosecution office and, after receiving replies, submitted reports to Administrative Department with recommendations. The detail of all the inspections in this regard is as follow;

Sr. No	Name of Station	Date of inspection	Mode of Inspection
1	Multan	15/Feb/22	Special
2	Lahore	7/May/22	Special
3	Lodhran	7/May/22	Special
4	Sheikhupura	7/May/22	Special
5	Faisalabad	7/May/22	Special
6	Sargodha	7/May/22	Special
7	Lahore (Model Town)	11/May/22	Special
8	Okara	23/Sep/22	Special
9	Kasur	7/Oct/22	Special
10	Tehsil Pattoki	7/Oct/22	Special
11	Lahore Cantt	3/Nov/22	Special
12	Jhang	24/Jan/22	Scheduled
13	Faisalabad	27/Jan/22	Scheduled
14	Khanewal	16/Feb/22	Scheduled
15	Vehari	17/Feb/22	Scheduled
16	R.Y.Khan	22/Feb/22	Scheduled
17	Rajanpur	23/Feb/22	Scheduled
18	Mianwali	25/Feb/22	Scheduled
19	Muzaffargarh	10/Mar/22	Scheduled
20	Chakwal	17/Mar/22	Scheduled
21	Attock	21/Mar/22	Scheduled
22	Multan	25/Mar/22	Scheduled
23	Lahore (Model Town)	18/Apr/22	Scheduled
24	Lahore (District Courts)	14/Apr/22	Scheduled
25	Lahore (Cantt)	21/Apr/22	Scheduled
26	Sahiwal	30/May/22	Scheduled
27	Lahore (Session Court)	30/May/22	Scheduled

Sr. No	Name of Station	Date of inspection	Mode of Inspection
28	Okara	9/Jun/22	Scheduled
29	Pakpattan	9/Jun/22	Scheduled
30	Sialkot	14/Jun/22	Scheduled
31	Nankana Sahib	16/Jun/22	Scheduled
32	T.T.Singh	23/Jul/22	Scheduled
33	Chiniot	19/Jul/22	Scheduled
34	Gujranwala	21/Jul/22	Scheduled
35	Sheikhupura	15/Aug/22	Scheduled
36	Bahawalnagar	10/Aug/22	Scheduled
37	Narowal	23/Aug/22	Scheduled
38	DG Khan	29/Sep/22	Scheduled
39	Lodhran	8/Sep/22	Scheduled
40	Gujrat	15/Sep/22	Scheduled
41	Hafizabad	15/Sep/22	Scheduled
42	Sargodha	10/Oct/22	Scheduled
43	MB Din	17/Oct/22	Scheduled
44	Layyah	20/Oct/22	Scheduled
45	Bhakkar	21/Oct/22	Scheduled
46	Kasur	14/Nov/22	Scheduled
47	Rawalpindi	1/Dec/22	Scheduled
48	Jhelum	8/Dec/22	Scheduled
49	Bahawalpur	31/Dec/22	Scheduled

ATTENDANCE OF PROSECUTORS IN COURTS

The presence of the prosecutors in the prosecution offices as well as in their allocated courts is the basic key element for effective and successful prosecution. essential. The PCPSI made surprise visits of different prosecution offices in the preceding year and, during such visits, a number of prosecutors were found absent from duty without intimation. Apart from prosecutors, the member

of ministerial staff i.e., Junior Clerk, Naib Qasids etc. were also found absent from duties without intimation. For example, during a surprise visit of tehsil prosecution office Pattoki dated 07/10/2020 and Okara dated 23/09/2022, prosecutors and members of the ministerial staff were found absent without any intimation. It was also noted that the members of the ministerial staff arrived late in the office on the day of inspection.

During the inspection of District Okara, 5 ADPPs were found absent without intimation. Similarly, 51 officials were found absent without intimation. Members of official staff kept arriving in office till 01:00 PM. Lack of cleanliness in the prosecution offices was also noted. It was also noted that the maintenance of the office building was not ensured by DPP as well.

Another surprise inspection was conducted of model town prosecution office on 11/05/2022. The inspection was focused on the attendance of prosecutors and ministerial staff. Four prosecutors were found absent during this inspection visit.



Inspection visit of District Sahiwal



Inspection visit of District Sahiwal

OBSERVANCE OF UNIFORM BY PROSECUTORS

During surprise inspection visits, the aspect regarding observance of uniform by the prosecutors was also checked. Prosecutors were mostly found observing the dress code, i.e., proper uniform during discharge of their duties. It was observed during inspection of district Chakwal that one prosecutor was not wearing proper uniform.

OFFICE BUILDING AND FACILITIES

The matters relating to office building and other related facilities were also observed by the Inspectorate during inspection visits. Overall position of building and facilities for prosecutors were found satisfactory in all districts. For the provision of infrastructural facilities to prosecutors at district as well as tehsil level throughout the province, a phased programme was formulated by the Department. Construction of 05 office buildings for District prosecution offices of Districts (Hafizabad, Lodhran, Mianwali, Narowal, and Pakpattan) have been completed in Annual Development Programme 2022. Construction of three Prosecution offices (TT Singh, Sargodha, Jhang) is still under the way.



Inauguration of Hafizabad Prosecution Building



Inauguration of Hafizabad Prosecution Building

WORKING STRENGTH OF PROSECUTORS AND MINISTERIAL STAFF

The aspect of working strength of prosecutors and ministerial staff was also focused and it was noted that some districts were facing acute shortage of support staff. The Inspectorate recommended rationalization of prosecutors and ministerial staff in some districts. For example, excess of support staff was observed in district Okara whereas acute shortage of support staff was noticed in Chakwal. During inspection visit to Lahore and Tehsil Pattoki (District Kasur), the Inspectorate recommended rationalization of prosecutors and support staff for better and smooth working of the prosecution offices.

INITIATIVES TAKEN BY THE DIRECTOR GENERAL INSPECTION

In the light of observation of the Hon'ble Lahore High Court, Lahore in Writ Petition No. 43744/2022 regarding pendency of reports u/s 173 Cr.PC, the Director General, Inspection took

many initiatives to clear pendency of reports u/s 173 CrPC. In compliance of the directions of the Lahore High Court regarding timely submission of reports u/s 173 Cr.PC the Director General Inspection conducted surprise inspections of prosecution offices of Kasur, Patoki and Okara.

In this regard, the Director General (Inspection) issued three letters No. PCPSI/CFMS-CELL/1-2/2022 dated 19-08-22, No. PCPSI/CFMS-CELL/1-2/2022-560 dated 13-09-22 and No. PCPSI/CFMS-CELL/1-2/2022 dated 19-08-22 to the DPP Okara regarding pendency of police reports against the FIRs registered during the years 2010 to 2022 to all districts of province of Punjab. The District Public Prosecutors were directed to take all necessary steps to clear pendency of reports u/s 173 Cr.PC and timely submission of the same in courts.

- **Surprise Inspection of Pttoki**

According to Section 173, Code of Criminal Procedure, 1898, the police is under an obligation to submit the result of investigation in shape of report within 14 days from the date of recording of FIR to the court of competent jurisdiction through public prosecutor. The Hon'ble Lahore High Court, Lahore in Writ Petition No. 43744/2022 has also observed slackness on the part of prosecution for untimely submission of report u/s 173 Cr.P.C in the court. Hence, this aspect was categorically considered during this inspection. During inspection of the office, 38 reports u/s 173 Cr.P.c (Scrutinized & un-scrutinized) of different police stations were found pending in the office without any justification. Necessary disciplinary proceedings were recommended against ministerial staff for non-submission of Police Reports u/s 173 Cr.P.C into the concerned court despite forwarding by prosecutors. Necessary disciplinary proceedings were also recommended against concerned prosecutor for not ensuring the transmission of reports u/s 173 Cr.PC back to Police for rectification.

- **Surprise Inspection of Okara**

During inspection of the prosecution office, Okara, 386 reports u/s 173 Cr.P.C (Scrutinized & un-scrutinized) of different police stations were found pending in the office without any justification. Surprisingly, many cases found to be scrutinized in the year 2019, 2020 & 2021. As per instructions issued by Public Prosecution Department vide letters No. DIR(O&R) PPD/7-31/2011-4464 dated 11-08-21 & No. DIR(O&R) PPD/7-31/2011-3944

dated 30-08-22, reports u/s 173 Cr.P.C received from police are required to be entered in record both electronically and manually. But, these instructions of the Department were flouted blatantly, and it was found that 194 cases were pending in the DPP office against which no entry was made in CFMS and Challan registers. To confirm this aspect some of the cases were also checked from CFMS and it was found that no entry about their receipt was made in CFMS. According to Section 9 (5)(a) of Punjab Criminal Prosecution Service Act, 2006, a prosecutor after scrutiny of report u/s 173 Cr.PC may return the same within three (3) days to the officer in-charge of the Police Station or investigation officer, as the case may be, if he finds the same to be defective for removal of such defects as identified by him. Contrary to the said provision of law, it was found in 32 cases, the prosecutors had raised objections during scrutiny, but these reports had not been sent back to the police for rectification of objections till the date of inspection. The delay in many cases ranged from four (4) months to one (1) year. It was also found in 160 cases the prosecutors had forwarded the reports, but these reports had not been submitted in the court till the date of inspection. The delay in numerous cases ranged from one (1) year and above. The position was found very bleak and casts a serious question mark over the performance of DPP Okara, concerned prosecutors, Members of the IMC and Superintendent and concerned clerks. The practice required to be curbed in the interest and improvement of Punjab Criminal Prosecution Service. A probe was recommended against the DPP, the concerned prosecutors, Superintendent, the concerned clerks and members of the IMC, to dig out the truth regarding unjustified retention / pendency of the more than 386 reports u/s 173 Cr.P.c in violation of statutory provisions of the Cr.P.c and PCPS Act 2006 and to fix the responsibility thereof.

- **Surprise Inspection of Kasur**

During inspection visit of Kasur, pendency of reports u/s 173 CrPC was found as 113 reports u/s 173 Cr.PC were pending in cabins of office rooms. It was noticed that only twenty-five (25) reports were forwarded to the courts by the prosecutors but were not submitted in the court concerned as yet. Out of 25, four (4) were forwarded in the year 2019 which showed a great negligence on the part of prosecutor and three (3) were forwarded in 2022. But in others 18 cases, no date was mentioned. Out of those 113 reports

u/s 173 Cr.PC, in 14 cases road certificates were attached with reports u/s 173 Cr.PC. Keeping in view the observations of Hon'ble Lahore High Court Lahore in different Writ Petitions regarding delays in submission of reports u/s 173 Cr.PC in the court of the competent jurisdiction, the DPP Kasur was directed to provide feedback regarding pendency of police reports u/s 173 Cr.PC to the department on monthly basis and get cleared backlog without further delay.

- **Monthly visit of Prisons by the District Public Prosecutors**

Rule 395 of the Pakistan Prisons Rules 1978 states that;

“(i) Every [Sessions Judge] of District and Officer in-charge of prosecution shall visit once a month the under-trial prisoners confined in the prisons or prisons under his jurisdiction with the express object at knowing all those cases which appear to be delayed. (ii) The Superintendent shall submit a monthly list to the [Sessions Judge of District and officer in-charge of Prosecution] and the Inspector-General, giving the name and other particulars of all under-trial prisoners other than those committed to Sessions, who have been detained in prison for more than three months since their first admission.”

The aspect regarding monthly visit of DPPs to prisons was also examined in order to ensure speedy trial of under trial prisoners & timely submission of reports u/s 173 Cr.PC. DPPs were directed to arrange meetings and liaise with superintendents of jails regarding timely submission of reports u/s 173 Cr.PC of under-trial prisoners.

UNJUSTIFIED PENDENCY OF REPORTS U/S 173 Cr.PC

According to Section 5(a) of Punjab Criminal Prosecution Service Act, 2006, a prosecutor shall scrutinize the report u/s 173 Cr.PC and may return the same within three (3) days to the Police for removal of such defects as identified by him if he finds the same to be defective or, if it is fit for submission, file the same before the court of competent jurisdiction. During the scheduled and surprised inspection visits, violation of said provision of law was noticed in many districts. During a surprise visit of tehsil Pattoki dated 07/10/2020 and of District prosecution office Okara dated

23/09/2022, pendency of reports u/s 173 Cr.PC was noted. The reports u/s 173 Cr.PC were found pending scrutiny despite lapse of stipulated statutory period in four districts. During inspection visit of district Kasur 113 reports u/s 173 CrPC were found pending scrutiny. Unjustified retention of 38 reports u/s 173 Cr.PC was also noticed during surprised visit of tehsil Pattoki. Similarly, 386 and 26 reports u/s 173 Cr.PC were found overdue with prosecutors in districts Okara and Dera Ghazi Khan respectively. During inspection visit of Cantonment Prosecution Office on 03/11/22, 806 reports u/s 173 Cr.PC (scrutinized & un-scrutinized) were found pending in office without any justification. 631 reports scrutinized and forwarded by prosecutors but not submitted in the courts were also found in the same office.

VIOLATION OF DEPARTMENTAL INSTRUCTIONS REGARDING ADHERENCE TO POLICE STATION ALLOCATION ORDERS

The Public Prosecution Department issued instructions on 20.07.2011 regarding scrutiny of Police Reports u/s 173 CrPC by concerned prosecutor and, for this purpose, police stations were allocated to prosecutors. This aspect was checked and examined by the inspectorate during its inspections. It was noticed that generally the instructions of the department were being complied with in all districts of Punjab except six (06) districts where it was found that prosecutors scrutinized and forwarded police reports u/s 173 CrPC pertaining to police stations not allocated to them. The observations to this effect alongwith the name of delinquent officers were submitted to Public Prosecution Department for further necessary action.

UN-EQUAL DISTRIBUTION OF WORK

The District Public Prosecutors are authorized under Section 9(3) of Punjab Criminal Prosecution Service Act, 2006 to distribute work amongst the prosecutors. This power ought to be exercised on equal basis for smooth running of prosecutorial affairs. This aspect was focused during inspections carried out in year 2022 and it was found that in three districts namely Sargodha, Faisalabad and Lahore allocation of police stations and courts were not judiciously done. The Inspectorate recommended withdrawal of these orders. It was noted at district Sargodha that some prosecutors have been allocated courts but police stations were not allocated to those prosecutors. The Administrative Department, in order to bring conformity with the spirit of said provision of law, has also issued instructions vide letter No. Dir (0&R) PPD/7-31/2011 dated 20.07.2011 to

allocate police stations to the concerned prosecutors for scrutiny of reports under section 173 CrPC. Keeping in view both these aspects, logic and prudence requires that same police stations for the purpose of scrutiny of reports u/s 173 CrPC should be allocated to prosecutor according to allocation of police stations to their respective courts in which they have been deputed to conduct prosecution, but position was found different on ground. For instance, during the inspection visit of Cantt Courts, Lahore, it was noted that incharge Cantt courts was deputed in the court of Magistrate Sec 30 while he was assigned to scrutinize only the challans triable by Magistrate First Class. The DPP Lahore was directed to ensure equal distribution of work.

APPLICATION OF THRESHOLD TEST AT REMAND STAGE

As per Section 6 of the Code of Conduct for Public Prosecutors, threshold test is required to be applied by Prosecutors during remand proceedings. The purpose of threshold test is to assess prima facie evidence and issue further guideline for the purpose of collection of evidence. This fact was checked with emphasis, and it was found that in most of the cases threshold test was either not applied by prosecutors or opinion was given in just one or two lines which can't be termed as threshold test. Such instances were noticed in three districts. It was observed that in some districts, police directly approached court and ignored the aspect of forwarding the challan by prosecutors. During inspection visit to district Kasur, 18 cases were found to have been forwarded without applying threshold test. The DPPs were directed to ensure the application of proper threshold test.

PREPARATION OF SCRUTINY MEMO U/S 9(5) PCPS ACT 2006

Section 9(5) of Punjab Criminal Prosecution Service (Constitution, Functions & Powers) Act, 2006 deals with scrutinizing the reports u/s 173 CrPC. A prosecutor is required to raise certain valid objections and send it to the police station for removal of the same in order to forward it to the court. Prosecutor is also required to write scrutiny memo in each case. This aspect was examined, and it was found satisfactory that scrutiny memos were being written in each case. However astonishingly it was observed that unnecessary objections were being raised by prosecutors in four district Kasur, Lahore, Faisalabad and Lodhran. Further, challans were sent back to police stations by concerned prosecutors many times. In Faisalabad, the ratio of invalid objections was found to be 3.77%. In district Lodhran, prosecutors raised objections in English language which caused problems for IOs. Directions were issued to prosecutors to raise objection in Urdu. Some instances of unnecessary objection are mentioned hereunder;

In case FIR No 987/21 u/s 377B/377/511 PPC PS Kahrur Pakka following objections were raised by the prosecutor.

- 1 Why CCTV footage was not taken into possession.
- 2 Why did the IO not show the conspicuous situated near the place of place of occurrence in site plan,
Inspection team observed that occurrence took place near maize corpse and in such like situation there is no chance of installation of CCTV camera. It was also observed that conspicuous place was not mentioned by complainant in his complaint.

In case FIR No 754/21 u/s 376 PPC PS Saddar Duniyapur following objections were raised by the prosecutor

- 1 Why the DNA of victim and accused was not conducted?
- 2 Why the report of DNA was not attached with challan?

Inspection team observed the objections raised by the prosecutor were self-contradictory as if DNA was not conducted why prosecutor asked for attachment of DNA report.

RETENTION & CUSTODY OF SCRUTINY MEMOS U/S 9(5) PCPS ACT 2006

As Per Guidelines 'Performance Standard Document' issued by Prosecutor General Punjab in year 2012, regarding retention of memorandum, it is required that after submission of Report under section 173 Cr.P.C in the Court, the memorandum of the case shall be kept in a separated file by the prosecutor and he shall submit original copy of memo to the office of DPP on weekly basis. During inspections, it was found satisfactory in all districts of Punjab.

ESTABLISHMENT OF FRONT DESK FOR ENTRY OF REPORTS U/S 173 Cr.PC INTO CASE FLOW MANAGEMENT SYSTEM

For effective monitoring of criminal prosecution and digital tracking of all criminal cases right from registration of an FIR, till finalization / disposal by the courts, Public Prosecution Department decided to start entry of report u/s 173 Cr.P.c into Case Flow Management System which required

receiving of all reports u/s 173 Cr.PC at a center point i.e office of district public prosecutor. In view of this, all district public prosecutors in the province were directed to ensure following procedure;

- Report u/s 173 Cr.PC from all police stations of the districts shall be received in the office of DPP and the DPP will be responsible to assign such reports to concerned prosecutors.
- Scrutiny of report u/s 173 Cr.P.c pertaining to offences punishable with sentence of ten year or more shall be assigned by name only to a deputy district public prosecutor included in the panel of one to twelve experience and competent DDPPs .

However, this practice was stopped in the light of observation of Hon'ble Lahore High court, Lahore in writ petition No 43744/22.

WRITING OF CASE REVIEW REPORT U/S 9(7) PCPS ACT, 2006

The code of conduct for Public Prosecutors was issued in year 2016 through which it was made obligatory for all prosecutors to write case assessment by way of report u/s 9(7) of PCPS Act, 2006 and application of evidential test and public interest keeping in view the available evidence in the case. It was noticed that case review u/s 9(7) PCPS Act, 2006 were mostly written on prescribed PPD-01 form and prosecutors started writing case review in cases scrutinized by them keeping in view the gravity and heinousness of the offences committed by the accused. Prosecutors also applied evidential test and public interest test and gave their clear recommendation regarding fitness for trial or otherwise.

It was found that writing of case review u/s 9(7) was being practiced in all districts however, in two districts Sahiwal and Kasur it was noticed that case review was being written stereo typed in magisterial cases. Directions were issued in this regard.

WORKING OF DISTRICT SCRUTINY COMMITTEE (DSC)

District scrutiny committee is under an obligation to re-scrutinize 20 % of police reports scrutinized and forwarded to it by prosecutors. Since the establishment of Front Desk vide order No. Dir (O & R) PPD/7-31/2011-4464 dated 11-08-2021 for receiving of reports u/s 173 Cr.P.c at centre working of District Scrutiny Committee remained dysfunctional. However, the Committee resumed its function again after stoppage of Front Desk. This aspect was checked and found that

threshold was achieved by all districts except three districts (D.G. Khan, Lahore, Muzaffargarh), where it was found that the Committee did not perform its functions and failed to re-scrutinize 20% of reports u/s 173 Cr.PC.

WORKING OF DISTRICT APPEAL COMMITTEE (DAC)

In order to check the position of Post-Trial Prosecution, the record related to working of Appeal Committee was checked and analyzed. It was found that the position of working of District Appeal Committee was getting better. Previously in only a few case references were submitted to District Appeal Committee but now position in this regard is getting better and references are being submitted in every case. It was noted in three districts that in some of the cases the quantum of sentence was not in consonance with law. The District Appeal Committee overlooked this aspect and did not recommend it for revision. This aspect was observed in district Khanewal, Dera Ghazi Khan and Okara. The Constitution of appeal committee in sub divisions of District Lahore was found against the guidelines issued by Prosecutor General Punjab.

WORKING OF INTERNAL MONITORING COMMITTEE (IMC)

The Public Prosecution Department issued directions for constitution of Internal Monitoring committees at district level to ensure maintenance of record as per Prosecution guidelines issued by Prosecutor General Punjab. The rationale behind constitution of IMC committees were to improve the maintenance of record at local level. During inspection it was noticed performance of IMC is required to be improved in many aspects. The function of IMC is to check maintenance of record. It is also the duty of IMC to monitor appeals against acquittal and revision against conviction. IMC is under obligation to note the submission of reports u/s 173 CrPC within stipulated time and recommend action against specific officers who fail to comply with directions. During inspection visits, it was found that in four districts (Chakwal, Kasur, Mianwali and Okara) record was not properly maintained. IMC failed to perform its duty in this regard. It was found that inspection reports were written by members of IMC on single page with general observations / remarks. These reports did not contain the detail of areas covered by IMC and no specific observations were made.

WRITING OF FORMS RELATING TO ADVERSE OUTCOME OF CASES

The Worthy PGP has issued guidelines for preparation of AOC form in acquittal cases falling under offences of Murder, Financial Offences, Sexual offences, and GBV offences vide letter No. PGP/PSO/PA/48/18-1818 dated 15-08-19 to all the prosecutors working in the Punjab. During perusal of record, it was found that prosecutors have written AOC-1 forms and duly submitted to DPP who further wrote AOC-2 forms. Position regarding writing of AOC forms remained satisfactory in almost all districts.

NON-EXAMINATION OF VICTIMS

A witness is someone who provides information and sheds light on facts of case in a court of law. The testimony of a witness is necessary to prove case against culprits. Amongst all witnesses, a witness who provides major and crucial information in criminal case is called Star Witness. The testimony of a star witness may serve as basis for building and presenting a criminal case and his testimony may cinch a conviction.

The victim of an offence serves the role of star witnesses in Serious Sexual Violence (SSV) cases. This important aspect was checked with emphasis during inspections in year 2022 and it was noticed that, in many cases, the police failed to associate the victim in investigation and record their statements. In many cases it was also observed that during trial of the case, complainant or eyewitnesses resiled from their testimony before the court making exoneration easy for the accused persons. Strangely, the victims of the offence in those cases (mostly the minors) were also not produced before the court. Such instances were noticed in three districts (Attock, Rahim yar Khan and chakwal). Instances of two districts are given below:

In case FIR No 210/17 u/s 354/34 PS Talagang, district Chakwal, the accused was acquitted due to resiling statement of the complainant but statement of the victim was not recorded during trial. Similarly, in case FIR No. 1078/19 u/s 377/511 PPC PS Kanpur, district Rahim Yar khan statement of the victim was not recorded. It is also astonishing to note that in some cases statement of a minor victim was not recorded and accused was acquitted due to resiling statement of complainant. For instance, in case FIR No 194/19 u/s 377/511 PPC PS Khanpur and in case FIR No 48/19 u/s 377/511, PS Sadiq Abad District Rahim Yar Khan, the victim, who was a minor child, were not

produced in the court. The PCPSI is of the view that had the victims in these cases produced before the court, the fate of the case would have been different.

In Case FIR NO 55/21 u/s 376/511 PS Fateh Jang District Attock where minor victim was not produced in court for testimony. In another case FIR No 121/21 u/s 377/511 PS new airport District Attock minor was not produced for deposing.

NON-EXAMINATION OF MATERIAL WITNESSES

In many cases it was noted that acquittal in the cases are due to Non- examination of material witnesses. It is duty of prosecutor to choose and get examined material witness in the court in order to get conviction in the criminal cases. During inspection it was found that in some cases material witnesses are not cited which cause acquittal in the cases. For instance, in case FIR NO. 454/21 dated 30.09.2021 u/s 376/337 A-1 PPC PS Gale Waal, Lodhran victim stated that her devar was present on the day of occurrence but his name was not cited in the calendar of witnesses by the prosecution it means that the best evidence within the meaning of article 129(G) of QSO was withheld. PCPSI issued directions in this regard.

NON-PRODUCTION OF CASE PROPERTY DURING TRIAL

It is obligatory upon the Prosecution to produce the allegedly recovered material from the accused before the Court as evidence during trial to prove its case. Since the case property serves the role of foundation of any criminal case and nonproduction of the same during trial is fatal to prosecution case. It is settled principle of law that court cannot convict an accused merely on the statements of the witnesses without production of the incriminating material. During perusal of record, it transpired that in many cases, the case property was not produced before the court. Such type of instances was noticed in one district Sialkot. In case FIR No252/21 u/s 381-A PS Saddar (Sialkot), the court acquitted the accused on the ground that neither case property was produced nor exhibited during course of trial. Perusal of judgement in aforementioned case depicted that court acquitted accused on following ground.

“As far as recovery of alleged parts of stolen motorcycle is concerned it is noteworthy that said case property was neither produced by the prosecution nor got exhibited during the course of trial. It is settled law that in order to prove any recovery, production and exhibition of same in the court is essential”.

USE OF FORENSIC AND TRACE EVIDENCE

In the modern world, forensic evidence plays very important role in criminal cases. In cases where accused are unknown only circumstantial evidence is available and, in such cases, forensic evidence is helpful to trace the real culprit. Use of forensic evidence is mandatory in gender base violence cases. During the year this aspect was also checked and inspected. For instance, in district Sheikhpura, in case FIR No 564/20 u/s 377 PPC P.S. Farooq Abad, the accused were not produced for DNA profiling and were acquitted.

In Another case FIR No 159/19 u/s 13-20-65AO PS DHUMMAN Chakwal recovered weapon was not sent to ballistic expert to determine its nature and fitness.

ANALYSIS OF JUDGMENTS OF ACQUITTAL

In order to ascertain the level of prosecution in terms of scrutiny of cases at the time of submission into the courts and conducting prosecution in courts and to avoid repetition of mistakes in future, the analysis of judgments of acquittals is of vital importance. Keeping in view this important fact, the Inspectorate perused the judgments of acquittal on merit and pre-mature acquittals u/s 249-A/265-K CrPC. Scanning of these judgments depicted that some material flaws in investigation were not noticed and pointed out at the time of scrutiny by prosecutors or in some cases defective prosecution during trial was noticed. These points were duly highlighted in inspection reports during the year 2022. Initiation of disciplinary proceedings was recommended against IOs for defective investigation yet standard of investigation in narcotics cases remained poor. Some common reasons for acquittal in narcotics, murder and rape cases as well as offence against property and fraud and forgery noticed by the Inspectorate are as under;

- **Serious Sexual Violence (SSV) Cases**

Star witnesses in the cases were not cited as witnesses in calendar of witnesses. These types of flaws could easily be removed at the time of scrutiny. Strangely star witnesses were also not produced before the court for recording of evidence. Instance was noted in case FIR No. 1014/18 u/s 376(iii) PPC, P.S Chung.

- **Narcotics Cases**

Keeping in view the instructions of Hon'ble Lahore High Court, Lahore contained in judgement cited as PLJ 2022 CRC 492 wherein comprehensive measures have been suggested to deal with narcotics cases.

Cases falling under Control of Narcotics Substance Act, 1997 were perused at length and found some common drawbacks in such cases are detailed below;

- i) Entries found not made in register No. 19 about receiving and handing over the sample parcel and remaining property. Submission of sample parcel after 72 hours. Instances were noticed in case FIR No. 48/21 PS Hadyara & FIR No. 2492/20 PS Shadbagh, Lahore
- ii) Muharar handed over the sample parcel to I.O but I.O could not deposit to PFSA due to shortage of time and also did not return the same to muharar for safe custody. After two or three days of keeping in his possession, he deposited into PFSA. Instance was noticed in case FIR No. 2492/20 P.S Shadbagh, Lahore.
- iii) Muharar did not made entries in Roznamcha about case property. . Instance was noticed in case FIR No. 2492/20 P.S Shadbagh. Lahore.
- iv) Non submission of case property in Malkhana Sadar even after lapse of one year. Instance was noticed case FIR. No. 301/20 P.S. city Raiwind. Lahore.
- v) Statements of the witnesses did not match with dates of road certificates about submission of parcels into PFSA, Malkhana in Police Station and Saddar Malkhana. Lahore.

- **Murder Cases**

During inspections in the year 2022, the following were observed as the main reason of acquittal in murder cases;

- i) Contradictions in statements of prosecution witnesses and documentary evidence.
- ii) Resiling of eye witnesses during trial.
- iii) Inappropriate selection of witnesses. For example, in Case FIR No.685/2018 offence 302 PPC, Police Station City, Jalalpur Pirwala, Multan, the alleged occurrence was witnessed by wife Mst. Asia Bibi and daughter of Mst. Asia Bibi of deceased but both of them have not been produced before the court in order to get record their statements. It is worth mentioning here that both said lady eye witnesses have not been produced either before the police during the course of investigation or before this court for the purpose of getting record their statement.

- iv) Shortcomings in scrutiny of reports u/s 173 Cr.PC
- v) Non-submission of recovered articles to PFSA

- **Financial Matters**

It was observed by the Inspectorate during the year 2022 that the courts were pronouncing acquittals in financial matters, generally, for the following reasons, inter alia;

- i) The material witnesses whose evidence was crucial for the cases were not being produced before the courts. For instance, the same was observed in Inspection report of Rajanpur dated 22-02-22 in case FIR No.42/20 u/s 420/406/379/411, Pakistan Penal Code, P.S. Shahwali, the actual victims of the case were two females who were not produced before the court and the accused was acquitted on the sworn affidavit of the complainant whose status was nothing more than an informer.
- ii) Neither the original agreements nor the copies thereof were being produced before the court by the prosecution despite the fact that the whole case was based on the agreement between the parties. The fact was observed and highlighted in Inspection report of Bhakkar dated 21-10-22 in case FIR # 293/17 PS City Bhakkar, u/s 420/468/471 PPC.

AWARD OF SENTENCES NOT PROVIDED BY LAW

The courts are empowered to award conviction to any accused person as provided by law and while awarding punishment cannot exercise its own discretion with regard to quantum of punishment. The Inspectorate also checked and analyzed this important aspect of prosecution in terms of whether the conviction awarded to accused person(s) was in consonance with punishment provided by law or not. It was noticed with grave concern that courts awarded punishment to the accused persons either not provided by law or to a lesser extent not commensurate with punishment provided by law. Such type of cases was noticed in almost all districts. The instances noticed include the following type of cases;

Name of the Law	Punishment Provided by the Law	Punishment /Awarded by Court	District Name and FIR No
The Punjab Arms (Amendment) Act, 2015.	Imprisonment for a term which shall not be less than 2 years which may extend to seven years and with fine.	In many cases Fine of Rupees 500/- to 1,000/- only without any imprisonment was awarded.	District T.T.Singh FIR No. 410/21, P.S. Saddar Toba Tek Singh FIR No. 410/21, u/s 13(2)(a), The Punjab Arms Ordinance, 1965 P.S. Saddar Rajanpur IR No. 390/21, u/s 13, The Punjab Arms Ordinance, 1965 P.S. M/W, Shiekhupura
Prohibition of Hadd & Enforcement of Hadd Ordinance 1979	be punished with imprisonment for a term which may extent to 7 year and shall also be liable to fine.	In many cases Fine of Rs. 1,000/- to Rs.3000/- only without any imprisonment was awarded.	District Bahawalpur FIR No. 2002/21, P.S. Saddar Yazmaan District T.T.Singh FIR No. 71/21, P.S. Saddar Toba Tek Singh FIR No. 71/21, u/s 3/4, The Prohibition (Enforcement of Hadd) Order (4 of 1979), P.S. Saddar Rajanpur
SECTION 381-A OF PAKISTAN PENAL CODE, 1860.	“Whoever commits theft of a car or any other motor vehicle, including motorcycle, scooter and Tractor shall be punished with imprisonment of either description for a term which may extend to seven years AND with fine not exceeding the	Conviction awarded = Rs. 5000/	District T.T.Singh FIR No.170/20, P.S. Fazilpur

	value of the stolen car or motor vehicle”		
PAKISTAN PETROLEUM (REFINING, BLENDING AND MARKETING) RULES, 1971	“Any person who contravenes the provisions of any of these rules shall, without prejudice to any other action that may be taken under these rules in relation to the contravention, be punishable for every breach with imprisonment or a term which may extend to three years, or with fine (which shall not be less than fifteen thousand rupees) or with both”	Fine of Rs. 3000	FIR No. 769/21, u/r 26/44 Pakistan Petroleum (Refining, Blending and Marketing) Rules, 1971, P.S Fazilpur, T.T.Singh
Cases related to 462-H to 462-M	Relevant Law: Section 462-N Recovery of outstanding amounts from persons involved in section 462-H to 462-M offences. Any person said to commit or to have committed the offence as mentioned in section 462H to 42M shall also be liable to pay an amount equivalent to the financial loss caused to the Government or the distribution companies concerned. Any such outstanding amount of penalties/fines imposed under this Chapter shall be recoverable as arears of land revenue.	It was observed that in cases registered u/s 462 I & 462-J PPC, the Court did not make order of recovery of outstanding amount equivalent to the financial loss caused to the government or distribution companies.	FIR NO. 192/17 PS Raza Abad, Faisalabad FIR No. 403/19 PS Factory Area, Faisalabad

These aspects were duly highlighted and brought into the notice of Public Prosecution Department through inspection reports.

POSITION REGARDING UPLOADING OF CASES TO CFMS

During the year 2022, the aspect of uploading cases on CFMS was perused and found that prosecutors in every district are uploading cases into CFMS. However, huge pendency of uploading of cases into CFMS was noted in almost all districts. For instance, in district Sheikhpura, 1316 cases pertaining to the year 2021 & 2022, reports u/s 173 Cr.PC had not been submitted to prosecution despite lapse of statutory period. PCPSI issued directions to DPPs regarding completion of uploading process.

PENDENCY OF REPORTS U/S 173 Cr.PC WITH POLICE

It is duty of the prosecution to submit the reports u/s 173 CrPC within stipulated period. Honorable High Court has issued directions accordingly in various writ petitions. In compliance of directions of Hon'ble High Court, PCPSI issued letters for submission of pending reports and this aspect was also examined during inspection visits where huge number of pendency was noticed in almost all districts. Worthy Director General (Inspection) conducted probes as well in the light of directions of Honorable High Court regarding timely submission of reports u/s 173 Cr.P.C. in the district Lahore. In five districts namely Kasur, Okara, Sheikhpura, Lahore and Lodhran, a huge pendency of reports was noticed. PCPSI issued directions to the concerned districts regarding submission of pending reports. During both scheduled and surprise inspections, it was noticed in many districts that reports were retained by ministerial staff even after being forwarded by prosecutors. Such instances were noticed in four districts (Kasur, D.G. Khan, Okara, Gujranwala) and PCPSI issued direction to the concerned DPPs in this regard.

POSITION OF CASES SENT TO COURT BUT NOT SUBMITTED IN COURT

During both scheduled and surprise inspections, it was noticed in many districts that reports were retained by ministerial staff even after being forwarded by prosecutors. Such instances were noticed in four districts (Kasur, DG Khan, Okara, Gujranwala) and PCPSI issued direction to the concerned DPPs in this regard.

MAINTENANCE OF RECORD

As per performance standard document circulated by Prosecutor General Punjab in the year 2011, a Junior or Senior Clerk is required to maintain record under the supervision of concerned

prosecutor. During inspection visits, PCPSI checked the maintenance of record by ministerial staff and it was observed that record was being maintained by ministerial staff. All relevant registers were being prepared and kept as per guideline issued by Prosecutor General, Punjab. However, in five districts (Sheikhupura, Kasur, Okara, Rajanpur, Mianwali) maintenance of record was poor. Registers were not properly maintained and many columns were left blank. It was also observed that there was no mechanism of handing over and taking over of record in case of transfer of prosecutors. PCPSI issued directions in this regard.

ANALYSIS OF WORKING OF DISTRICT PROSECUTION OFFICES

As per Section 4(a) of Punjab Criminal Prosecution Service Inspectorate Act, 2018, the PCPSI is charged with mandate to monitor the performance, work, and conduct of the Punjab Criminal Prosecution Service. The yearly data regarding conduct of Prosecution in courts at district level shows the disposal of cases as follow;

CASES TRIABLE BY MAGISTERIAL COURTS

Category of Case	Year	Magisterial Cases Triable by MS-30	Magisterial Cases Triable by MIC	Magisterial Cases Triable by SJM	Total
Total Decided	2021	4954	100438	38282	143674
	2022	4517	101337	30079	135933
	Inc/dec	-9%	1%	-21%	
No of Convictions	2021	789	54689	27627	143674
	2022	945	50786	17505	69236
	Inc/dec	20%	-7%	-37%	
Acquittal (Merit)	2021	339	3374	466	143674
	2022	234	3646	388	4268
	Inc/dec	-31%	8%	-17%	
Acquittal (Resiling of witness)	2021	2074	10150	27	143674
	2022	1351	24793	229	26373

Category of Case	Year	Magisterial Cases Triable by MS-30	Magisterial Cases Triable by MIC	Magisterial Cases Triable by SJM	Total
	Inc/dec	-35%	59%	88%	
Acquittal (compromise)	2021	1547	21077	88	143674
	2022	1671	9216	30	10917
	Inc/dec	8%	-56%	-66%	
Acquittal (Deficit Evidence)	2021	205	11148	10074	143674
	2022	316	12896	11927	25139
	Inc/dec	54%	16%	18%	

CASES TRIABLE BY SESSIONS COURTS

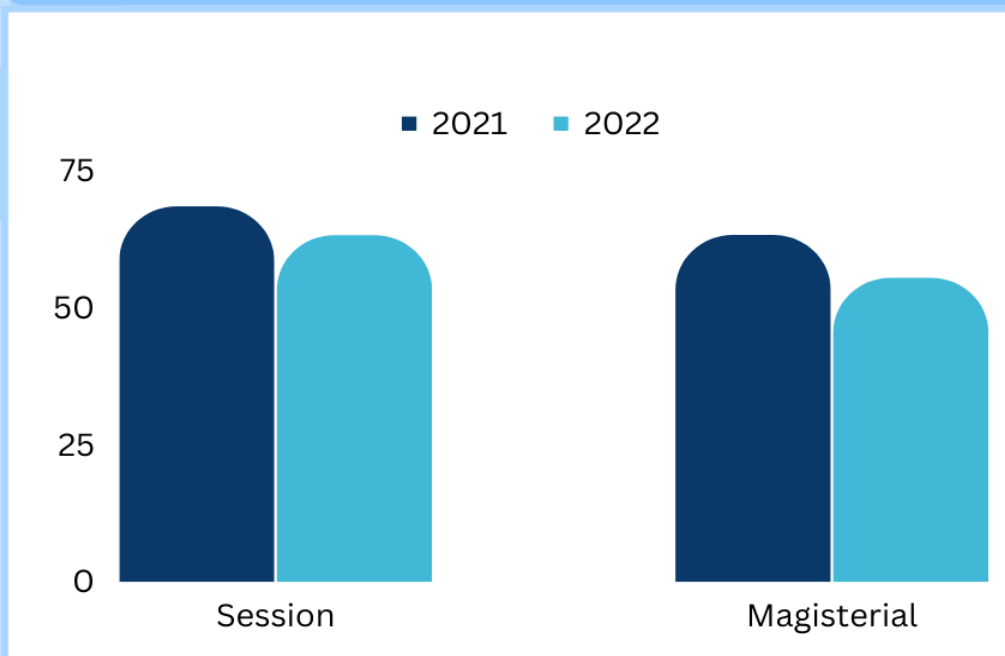
Total Decided	No of Convictions	No of Acquittals			
		Merit	U/S 265-K Cr.P.C		
			Due to reselling of witness	Due to compromise	Due to deficit Evidence / No Ground of Proceedings
39066	24678	7274	6637	587	477

Punjab Criminal Prosecution Service succeeded to secure 57.24 % conviction ratio in year 2022. District Bahawalnagar secured highest conviction ratio (78.92%) whereas district Lahore secured lowest conviction ratio (26.21%). There was 7.2 % decrease in ratio as compared to year 2021.

COMPARISON WITH THE PRECEDING YEAR

Category of Case	Year 2021	Year 2022	Inc/dec
Total Decided	40377	30310	25%
No of Convictions	27179	21237	22%
Acquittal on Merit	6072	3678	39%
Acquittal due to reselling of witness	656	456	30%
Acquittal due to compromise	5826	3883	33%
Acquittal due to defective evidence	644	1056	-39%

CONVICTION RATIO



Punjab Criminal Prosecution Service succeeded to secure 64.44% conviction ratio in year 2021. District Multan secured highest conviction ratio (84.04%) whereas district Lahore secured lowest conviction ratio (43.30%). There was 3.63 % decrease in ratio as compared to the year 2020.

Year	2021		2022	
Category of Cases	Magisterial	Sessions	Magisterial	Sessions
Total Cases Decided (w/o compromise)	96204	29854	131423	39721
No of Cases in which conviction was awarded	64572	21237	83105	27179
Conviction Ratio	67.12	71.14	63.23	68.42

Year	Category of Cases	Total Cases Decided	No of Cases in which conviction was awarded	Conviction Ratio
2022	Magisterial	125016	69236	48.86%
	Sessions	39066	24678	63.1
2021	Magisterial	143674	83075	57.82
	Sessions	40377	27381	67.81

There was a decrease of 8.96% and 4.71% in conviction ratio of magisterial and sessions cases respectively.

RESILING OF WITNESSES

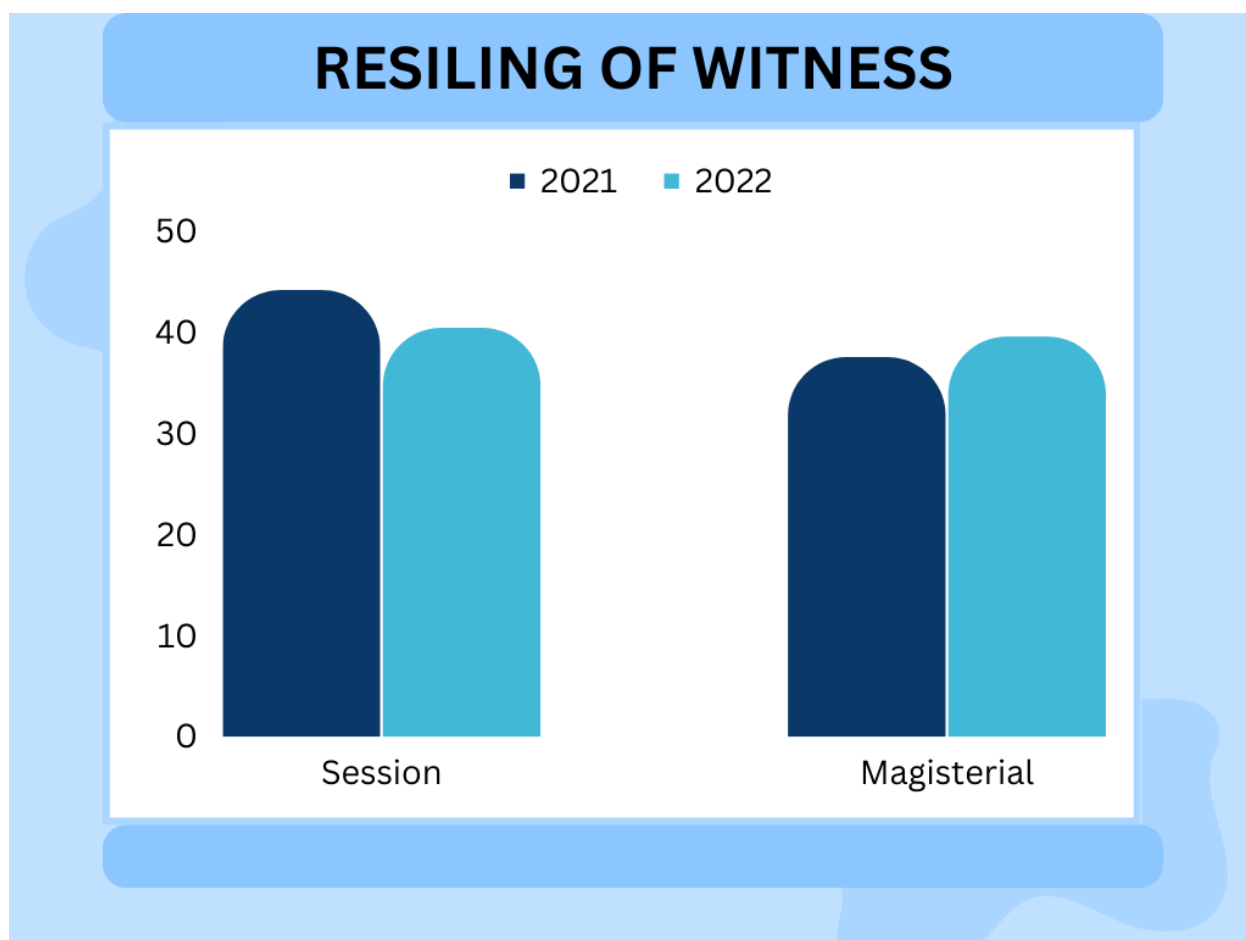
Giving a statement to link a person with an offence and then backtracking has become a challenge in Pakistan's criminal justice system for bringing home guilt of the accused. Since there is no strong penal clause to combat the practice of retracting from previous statement, hence this aspect encouraged individuals to resile. In 2022, the number of cases resulted into acquittal due to resiling of witnesses remained as under;

2022			
Category of Cases	Total Acquittal	Due to reselling of witness	%age
Magisterial Cases	66697	24373	39.54%
Sessions Cases	14975	6637	40.41%
T O T A L	81672	33010	33.91%

The position remained highest in district Nankana Sahib with 76.96% ratio whereas it remained lowest in district Lahore with 8.78%.

In comparison with the previous year, it was found that there was 4.78% decrease in ratio as compared to the year 2021 with the following detail;

	Category of Cases	Magisterial Cases	Sessions Cases	T O T A L
Year 2021	Total Acquittal	60569	13198	73767
	Due to reselling of witness	22712	5826	28538
	%age	37.50	44.14	38.69



The position remained highest in district Nankana Sahib with 80.74% ratio whereas it remained lowest in district Lahore with 11.43%. In comparison with the previous year, it was found that there was 2.46% increase in ratio as compared to the year 2021 with following detail:

2022			
Category of Cases	Total Acquittal	Due to reselling of witness	%age
Magisterial Cases	56058	23420	41.78
Sessions Cases	9489	4626	48.75
T O T A L	65547	28046	42.78

CASES CONSIGNED TO RECORD U/S 512 & 249 Cr.PC

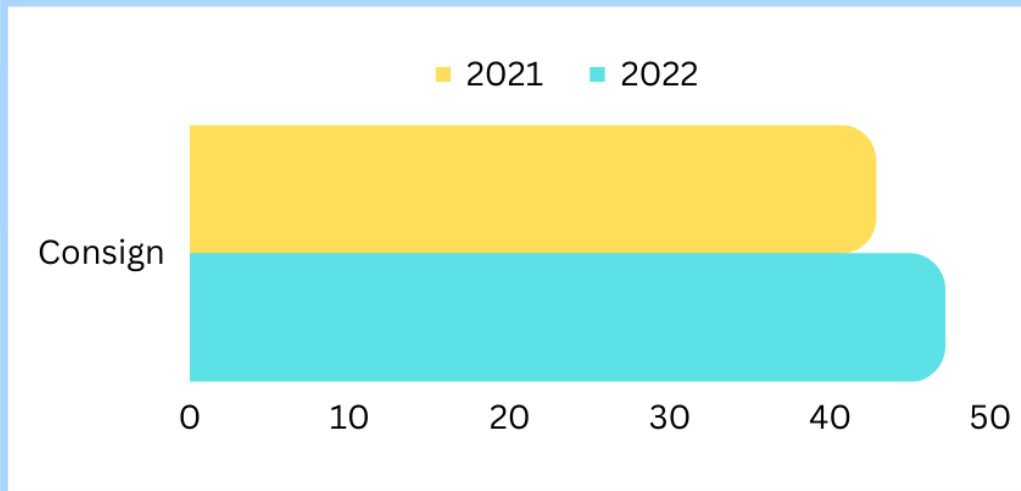
Section 512 Cr.PC is a provision intended to preserve evidence which may be used against the absconder when he is apprehended or brought before the court. It is compulsory to make proclamation and declare the accused an absconder before this section is resorted to. Prosecution is required to preserve material evidence in which secondary evidence cannot be produced. Similarly, in cases consigned u/s 249 Cr.PC coercive measures are adopted to ensure appearance of witnesses. During the year 2022, this aspect was also checked and examined.

Year 2022	Total Disposal	370951
	Total Consigned to record	174915
	%age	47.15 %

Cases consigned to record remained highest in District Sheikhupura with 75.90% ratio. No case consigned to record was reported in district Jhelum. In comparison with the previous year, it was found that there was 4.31% increase in ratio as compared to the year 2021 With following detail:

Year 2021	Total Disposal	345240
	Total Consigned to record	147898
	%age	42.84

CONSIGN TO RECORD



PROSECUTION IN SPECIAL COURTS

The Inspectorate conducted inspections of special courts across Punjab with a view to improve the service delivery of prosecutors working in these courts. Various aspects focused by the Inspectorate during its inspection are discussed hereinafter.

ATTENDANCE OF OFFICERS AND OFFICIALS

Attendance of prosecutors and officials during the inspection of special courts was found satisfactory and attendance registers for both officers and officials were found maintained. In total, four (04) surprise inspections were conducted in 2022 of different Anti-Corruption Courts. During special visits, the position of prosecutors was found as follow.

Total 04 special inspections were conducted of following Anti-Corruption Courts i.e., ACC Lahore-I, ACC Lahore-II, ACC Faisalabad and ACC Sargodha.

During special visit at ACC Lahore-I, it was found that court was on visit at camp office Sheikhpura and prosecutors also accompany the court. The clerical and other staff was found present.

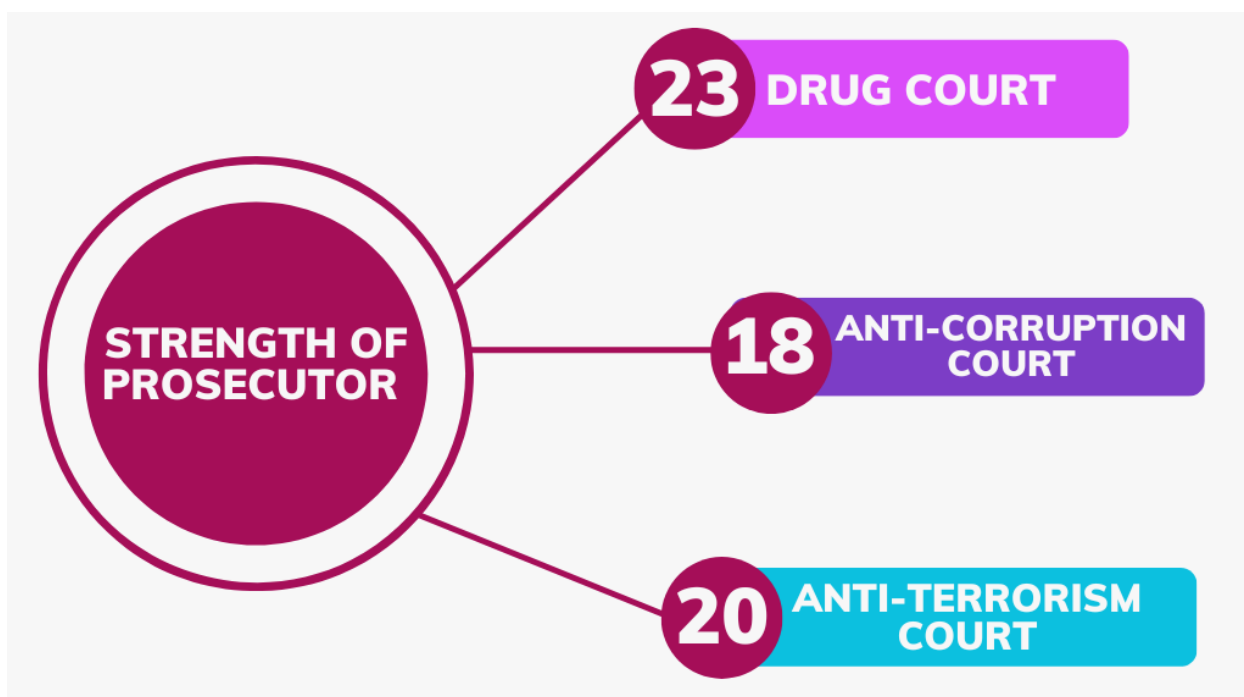
During special visit at ACC Lahore-II, one prosecutor was present and one prosecutor was on casual leave.

During special inspection of ACC Sargodha, the In-charge along with other prosecutors and ministerial staff was found present in the office.

During special inspection of ACC Faisalabad, the In-charge ACC/DPG along with other prosecutors and ministerial staff was found present in the office.

STRENGTH OF PROSECUTORS POSTED AT SPECIAL COURTS

The number of prosecutors whose record was inspected and checked during inspections of special court and the detail of prosecutors posted in special courts is as follows:



Sr. No	Special Court	Working Prosecutors
1	Drug Court	23
2	Anti-corruption court	18
3	Anti-terrorism court	20
Total		61

OFFICE BUILDINGS AND FACILITIES

Prosecutors working in special courts had no separate prosecution offices and they were accommodated in one or two rooms by the court. At some places, court staff was also sharing the same room with the prosecutors. There was acute shortage of essential facilities such as printer, photocopier and internet in the prosecution offices working at special courts. All prosecutors who were working in ATC courts, had no separate office.

FINANCIAL DIFFICULTIES FACED BY PROSECUTION OFFICES

It has been observed time and again by the Inspectorate that the prosecution offices relating to special courts were not being given ample budget to meet the expenses of the prosecution offices. Besides being insufficient, the budget to these offices is being provided in the head of the District

Public Prosecutor of the relevant District. It has been recommended by the Inspectorate that sufficient and separate budget should be provided to the prosecution offices established in special courts with DDO powers to the in-charge prosecutors of the relevant special court that would ultimately lead to smooth functioning of the prosecution offices. For instance, the same matter was discussed in the inspection report relating to visit of the prosecution office, Anti-Corruption Court, Faisalabad conducted on 25-08-22.

PREPARATION OF SCRUTINY MEMOS U/S 9(5) PCPS ACT 2006

During inspections, it was observed that Prosecutors working in special courts were preparing memos u/s 9(5) PCPS ACT, 2006. Instructions of the Department were being complied with. However, during the inspections in 2022 it was observed that special prosecutors were not conducting online scrutiny in following special courts:

Serial No.	Name of Court
1	ATC Lahore-I
2	ATC Bahawalpur
3	ATC D.G. KHAN

WRITING OF CASE REVIEW REPORTS U/S 9(7) PCPS ACT, 2006

The code of conduct for Public Prosecutors was issued in year 2016 through which it was made obligatory for all prosecutors to write case assessment by way of report u/s 9(7) of PCPS Act, 2006 and application of evidential test and public interest keeping in view the available evidence in the case. It was noticed that case review u/s 9(7) PCPS Act, 2006 were mostly written on prescribed PPD-01 form and prosecutors started writing case review in cases scrutinized by them keeping in view the gravity and heinousness of the offences committed by the accused persons. The prosecutors have also applied evidential test and public interest test and given their clear recommendation regarding fitness for trial or otherwise.

DETAIL OF INSPECTION VISITS IN ANTI-TERRORISM COURTS

The Anti-Terrorism Act of 1997 lays down the basic legal framework for counter terrorism prosecutions in Pakistan and Anti-Terrorism courts play pivotal role in this regard. In the year of 2022, total 10 inspections were conducted of Anti-Terrorism courts.

Sr. No	Name of Station	Date of inspection	Mode of Inspection
1	Anti-Terrorism Court, Gujranwala	7/Mar/22	Scheduled
2	Anti-Terrorism Court, Multan	28/Mar/22	Scheduled
3	Anti-Terrorism Court Sahiwal	30/May/22	Scheduled
4	Anti-Terrorism Court Faisalabad	27/Jun/22	Scheduled
5	Anti-Terrorism Court D.G. Khan	4/Aug/22	Scheduled
6	Anti-Terrorism Court Rawalpindi	22/Sep/22	Scheduled
7	Anti-Terrorism Court Sargodha	10/Oct/22	Scheduled
8	Anti-Terrorism Court Lahore-III	20/Oct/22	Scheduled
9	Anti-Terrorism Court Bahawalpur	27/Oct/22	Scheduled
10	ATC Lahore-I	14/Dec/22	Scheduled

It was observed during inspection visits that there were no proper offices constructed for the prosecutors due to which they faced difficulties to maintain and retain the office record. No separate budget was allocated to prosecution offices working with Anti-Terrorism courts and the budget which was given to these offices is generally insufficient e.g., ATC Bahawalpur got only 52305/- per year for running the affairs of the prosecution office. It was also observed the shortage of support staff (Naib Qasid and Clerk) in these prosecution offices whereas in some offices, the Naib Qasids and clerks borrowed from other prosecution offices to run the affairs of prosecution e.g. A junior clerk posted in Anti-Corruption Court prosecution office working with the ATC's prosecutors in addition to his own duties. Sometimes, these factors affect the efficiency of working of prosecutors.

ANALYSIS OF PERFORMANCE OF PROSECUTORS WORKING AT ANTI-TERRORISM COURTS

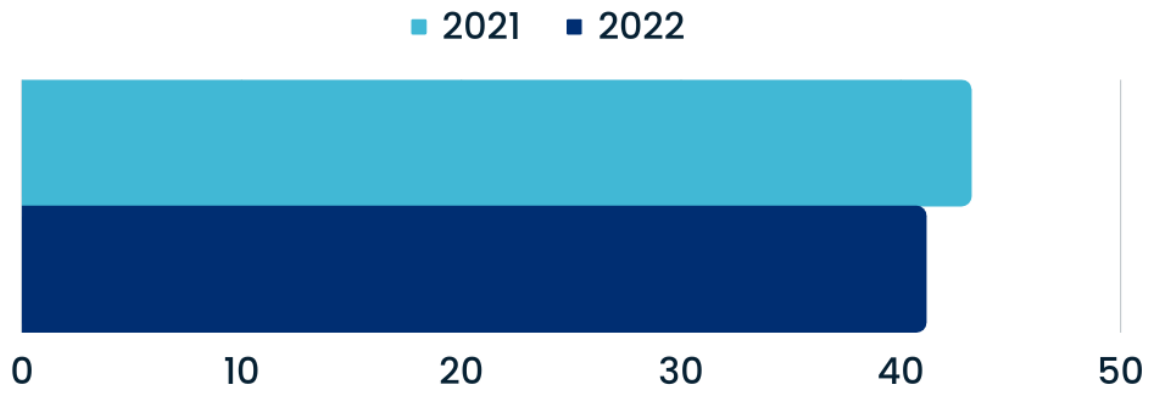
Total Decided	No of Convictions	No of Acquittals		
		Merit	u/s 265-K CrPC	
			Due to resiling of witness	Due to deficit Evidence
466	187	109	103	67

Punjab Criminal Prosecution Service succeeded to secure overall 40.13% conviction ratio in Anti-Terrorism cases during year 2022. ATC Rawalpindi-I secured highest conviction ratio (51.11) whereas ATC D.G. Khan secured lowest conviction ratio (7.69%). Hence, there was 3.05 % decrease in ratio as compared to the year 2021.

There were different reasons due to which accused were acquitted in the cases including defective scrutiny / prosecution, defective investigation, contradictions in the statements of the witnesses, and difference in injuries mentioned in MLC and operation notes.

Year	Total Cases Decided	No of Cases in which conviction was awarded	Conviction Ratio
2022	466	187	40.13
2021	528	228	43.18

CONVICTION RATIO IN ATC COURTS



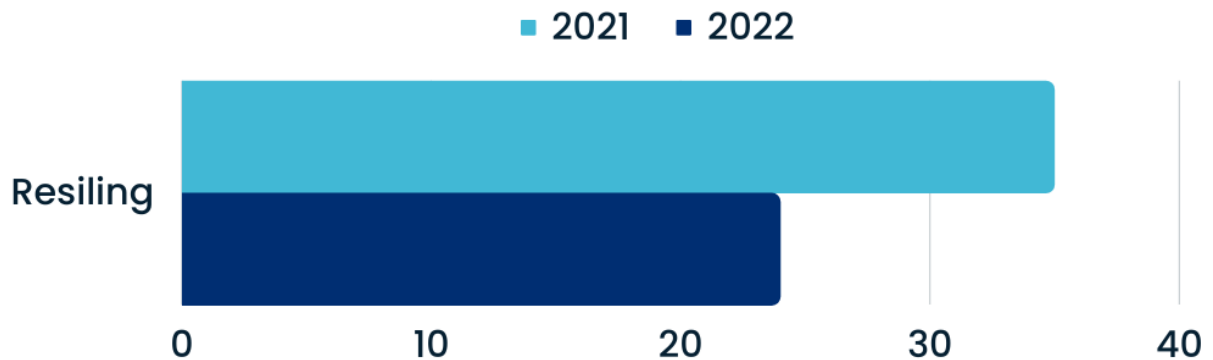
RESILING OF WITNESSES

2022		
Total Acquittal	Due to resiling of witness	%age
279	67	24.01

While comparing the position with that of previous year, it was found that there was 01.91% increase in ratio as compared to year 2021 as detailed below;

2021		
Total Acquittal	Due to resiling of witness	%age
300	105	35.00

RESILING OF WITNESS IN ATC COURTS



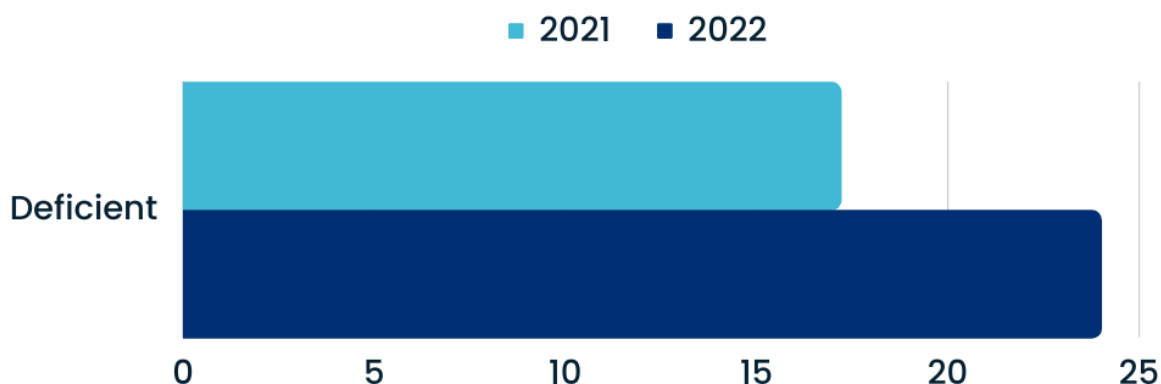
DEFICIENT EVIDENCE

2022		
Total Acquittal	Due to deficient evidence	%age
279	67	24.01

While comparing the position with that of previous year, it was found that there was 6.80% increase in ratio as compared to the year 2021.

2021	
Total Acquittal	825
Due to deficient evidence	142
%age	17.21

DEFICIENT EVIDENCE IN ATC COURTS



CONSIGNED TO RECORD

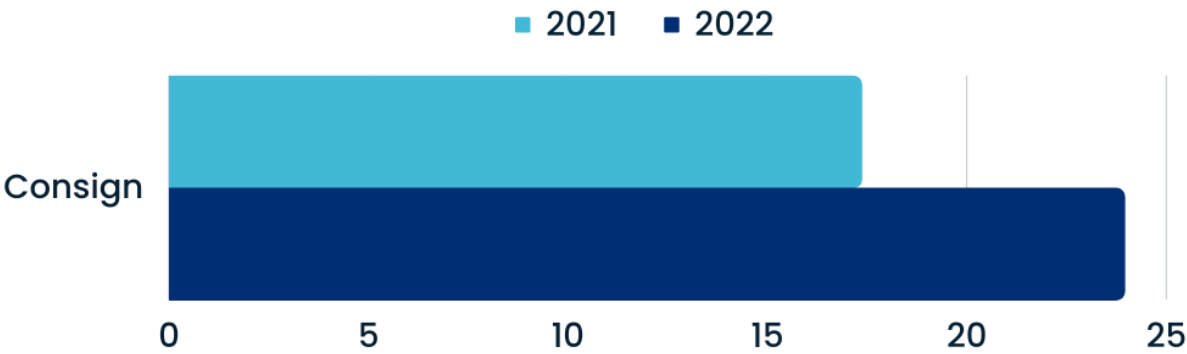
2022		
Total Disposal	Consigned to record	%age
726	174	23.96

Number of cases consigned to record remained highest in ATC Lahore-3 with 34.34% ratio whereas the position remained lowest in ATC Multan-2 with 10% ratio.

While comparing the position with that of previous year, it was found that there was 6.59% increase in ratio as compared to year 2021 as detailed below;

2021		
Total Disposal	Total Consigned to record	%age
852	148	17.37

CONSIGNED CASES IN ATC COURTS



DETAIL OF INSPECTION VISITS TO ANTI-CORRUPTION COURTS

In the year 2022, 11 scheduled and 04 special inspections to ACCs were conducted by Inspectorate.

Special Inspections are carried out with or without notice on the directions of the Competent Authority.

- Work distribution amongst the Prosecutors (Scrutiny of Police Reports u/s 173 Cr.P.C & conduct of trial) by Incharge concerned.
- These visits were made to check the punctuality of officers and officials, maintenance of record, pendency of police reports, Enroute challan etc.
- %age of cases where objections were raised in Irremediable defects.
- %age of cases where objections were raised unnecessarily (for sake of objection).
- No. of letter issued for defective investigation in case of non-rectification of defects.

Sr. No	Name of Station	Date of inspection	Mode of Inspection
1	ACC Lahore-I	07-May-22	Special
2	ACC Lahore-II	07-May-22	Special
3	ACC Faisalabad	07-May-22	Special
4	ACC Sargodha	07-May-22	Special
5	ACC Gujranwala	07-June-22	Scheduled
6	ACC Sahiwal	09-June-22	Scheduled
7	ACC D.G. Khan	03-Aug-22	Scheduled
8	ACC Bahawalpur	18-Aug-22	Scheduled
9	ACC Faisalabad	25-Aug-22	Scheduled
10	ACC Multan	29-Sep-22	Scheduled
11	ACC Lahore-I	14-Sep-22	Scheduled
12	ACC Rawalpindi	22-Dec-22	Scheduled
13	ACC Lahore-II	29-Dec-22	Scheduled
14	ACC Sargodha	30-Dec-22	Scheduled

During inspection visits of prosecution offices working with Anti-Corruption Courts following shortcomings were observed;

1. Lack of Communication

It was observed that there was lack of communication between the prosecutors working in ACCs and the In-charges who were supervising the conduct of these prosecutors regarding the working of prosecutorial work e.g., prosecutors working in ACCs remained ignorant of the fate of the references which were submitted to the In-charge Anti-Corruption Punjab.

2. Un-equal Distribution of Work

During the inspection, it was observed that there was no equal distribution of work among the prosecutors which effected the performance of prosecutors.

3. Defective Investigation, Defective Scrutiny

On perusal of the judgments of acquittal, it was observed that generally accused person were acquitted due to poor investigation, careless prosecution and defective scrutiny as happened in case FIR No. 7/14 PS ACE Attock where the accused was acquitted due to non-appearance of PW Dr. Musa, a crucial witness, who had to verify the exhibited document.

The shortcomings were remediable in nature and could be removed at the time of scrutiny. The concerned prosecutor submitted report u/s 173 CrPC of above said case without removing defects mentioned above.

4. No Information of Case Registration

Prosecution office remained ignorant of the registration of cases as FIRs were not sent to the prosecution office.

ANALYSIS OF PERFORMANCE OF PROSECUTORS WORKING AT ANTI CORRUPTION COURTS

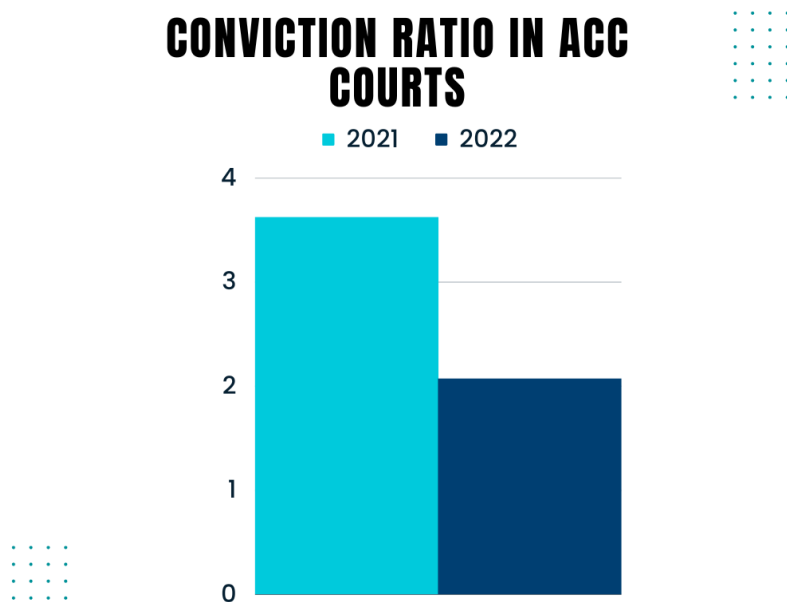
Total Decided	No of Convictions	No of Acquittals		
		Merit	u/s 265-K Cr.P.C	
			Due to resiling of witness	Due to deficit Evidence
773	16	119	490	148

Punjab Criminal Prosecution Service succeeded to secure 2.07% conviction ratio in Anti-Corruption Cases during the year 2022. ACC Sargodha secured highest conviction ratio (9.09%) whereas ACC Lahore-1 and 2, ACC Rawalpindi, Multan, Faisalabad, Sahiwal and D.G. Khan secured zero conviction ratio.

There was an overall 1.55 % decrease in ratio as compared to the year 2021.

Year	Total Cases Decided	No of Cases in which conviction was awarded	Conviction Ratio
2022	773	16	2.07
2021	856	31	3.62

CONVICTION RATIO IN ACC COURTS



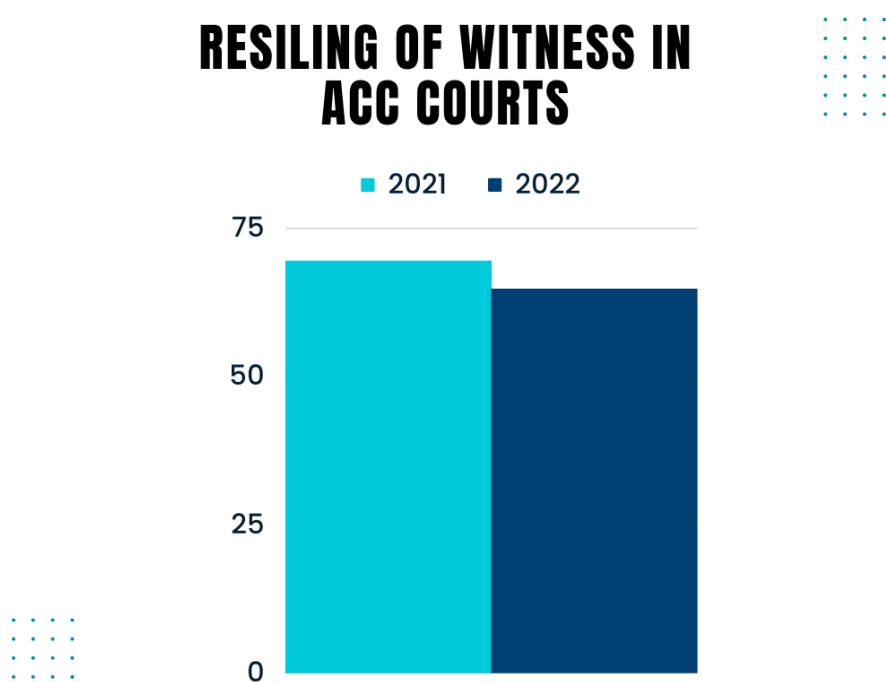
RESILING OF WITNESSES

2022		
Total Acquittal	Due to resiling of witness	%age
757	490	64.72

On comparison with the position of previous year, it was found that there was 4.73% decrease in ratio as compared to year 2021 as detailed below;

2021		
Total Acquittal	Due to resiling of witness	%age
825	573	69.45

RESILING OF WITNESS IN ACC COURTS



DEFICIENT EVIDENCE

Total Acquittal	Due to deficient evidence	%age
757	148	19.55

On comparison with the position of previous year, it was found that there was 2.34% increase in ratio as compared to year 2021.

CONSIGNED TO RECORD

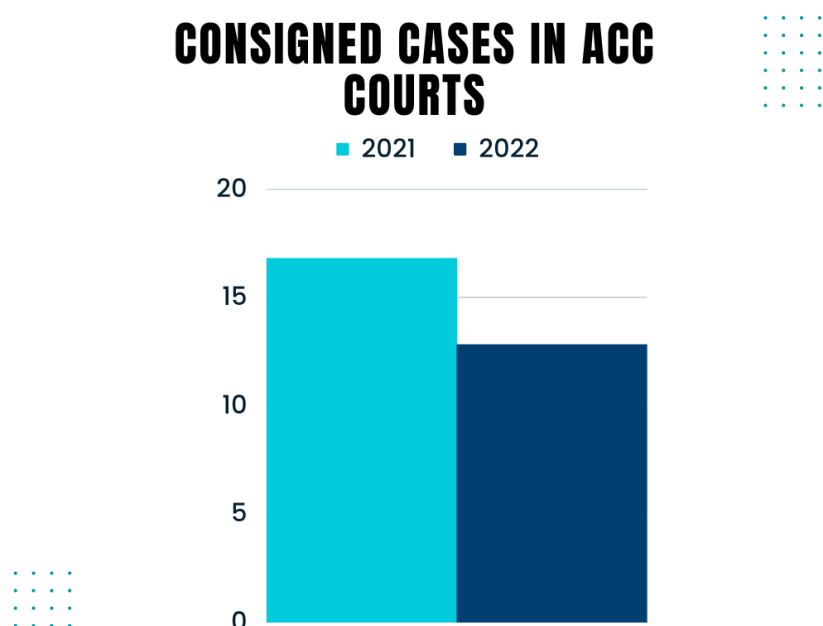
2022		
Total Disposal	Consigned to record	%age
1692	217	12.82

Cases consigned to record remained highest in ACC Lahore-2 with 27.66% ratio whereas position remained lowest in ACC Sargodha with 1.38%.

On comparison with the position of previous year, it was found that there was 3.98% decrease in ratio as compared to year 2021 as detailed below:

2021		
Total Disposal	Total Consigned to record	%age
1619	272	16.80

CONSIGNED CASES IN ACC COURTS



DETAIL OF INSPECTION VISITS TO DRUG COURTS

In the year 2022, seven (07) inspections to the Drug Courts were scheduled by Inspectorate. During the inspection of Drug Court Faisalabad, it was found that no clerk remained posted at drug court Faisalabad during the period under inspection. Prosecutors were themselves maintaining the record of the prosecution office and had requested Administrative Department to direct Prosecutor General Office regarding posting of ministerial staff for maintenance of record and other official affairs.

Sr.No	Name of Station	Date of inspection	Mode of Inspection
1	Drug Court Gujranwala	14-Jan-22	Scheduled
2	Drug Court Rawalpindi	3-Feb-22	Scheduled
3	Drug Court Multan	28-Feb-22	Scheduled
4	Drug Court Faisalabad	27-June-22	Scheduled
5	Drug court Bahawalpur	28-July-22	Scheduled
6	Drug court Lahore	29-July-22	Scheduled
7	Drug Court Rawalpindi	1-Dec-22	Scheduled

During the inspection of Drug Court Gujranwala, it was found that decision registers were not duly signed by the prosecutors. Inspectorate recommended to the administrative department that warning may be given to the prosecutors to remain careful and prompt in future.

ANALYSIS OF PERFORMANCE OF PROSECUTORS WORKING AT DRUG COURTS

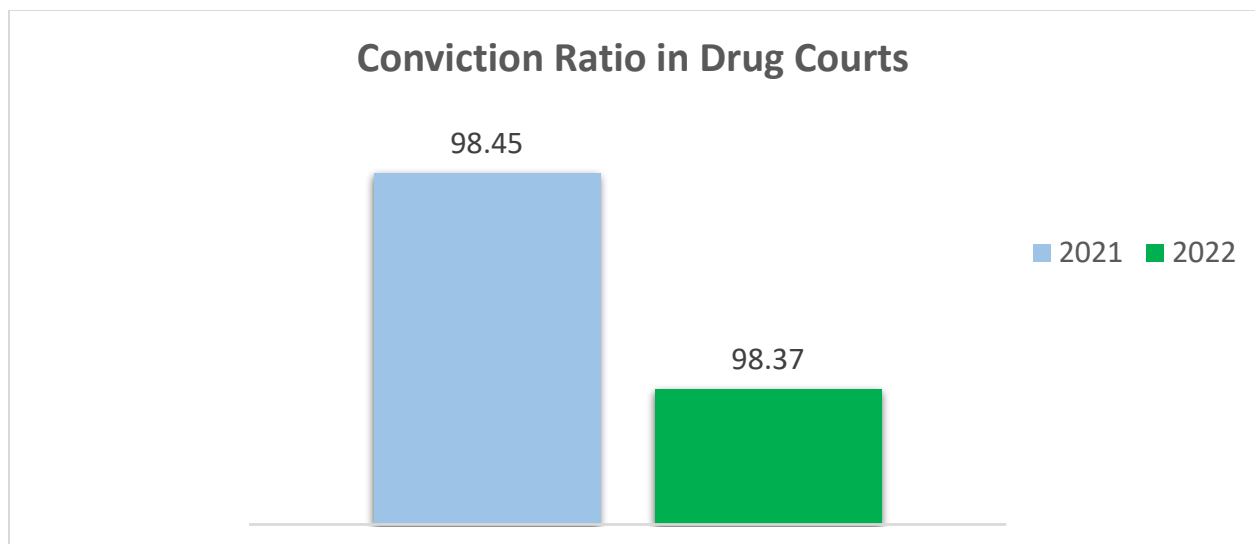
Total Decided	No of Convictions	No of Acquittal	Total Consigned to record
2642	2599	43	307

Punjab Criminal Prosecution Service succeeded to secure 98.37% conviction rate 2022. Drug Court Gujranwala secured highest conviction ratio of 100.00 whereas Drug Court Lahore secured lowest conviction ratio 94.44%. There was 0.08 % decrease in ratio as compared to the year 2021.

Accused persons were acquitted due to defective scrutiny / prosecution / investigation, non-existence of medical rules of DRAP about the medical devices, for the reason that recovered items do not fall in therapeutic goods, the fact that the statements of accused were not recorded on Form No. 05, and no thumb impressions / signatures of accused persons were found on the recovered parcels.

The conviction rate in drug courts during the year 2022 is as follow;

Year	Total Cases Decided	No of Cases in which conviction was awarded	Conviction Ratio
2022	2642	2599	98.37
2021	1806	1778	98.45



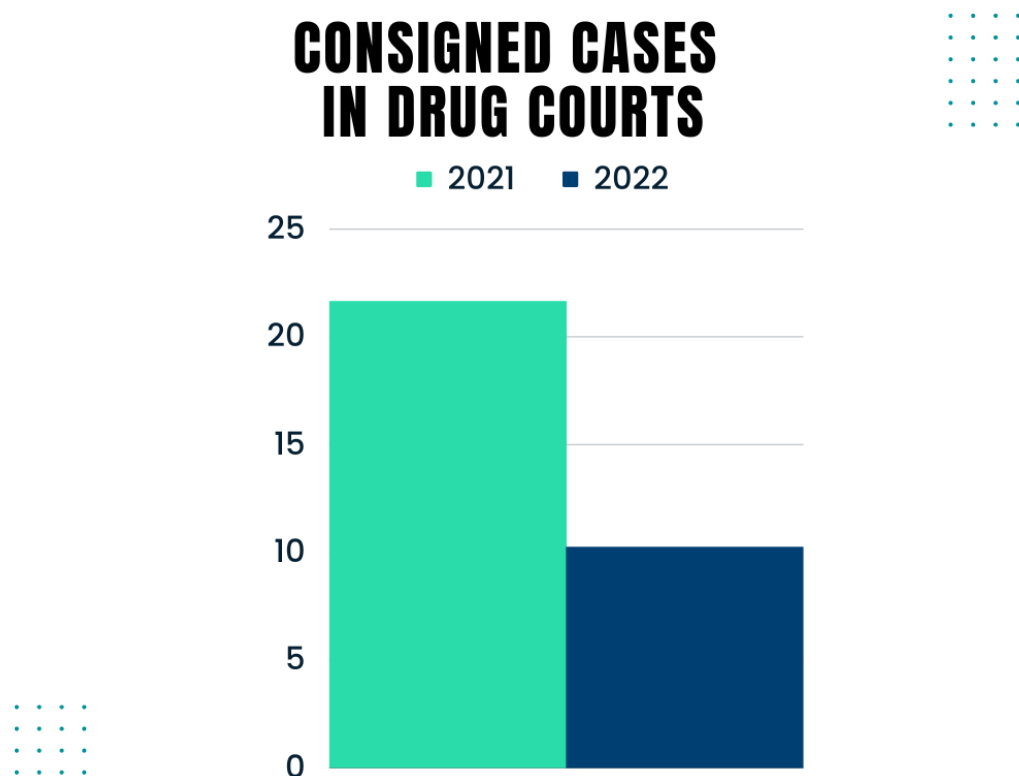
CONSIGNED TO RECORD

2022		
Total Disposal	Consigned to record	%age
2998	307	10.24

Cases consigned to record remained highest in Drug Court Multan with 24.11% ratio whereas position remained lowest in Drug Court Lahore with 1.08% ratio.

On comparison with the position of previous year, it was found that there was 11.39% decrease in ratio as compared to the year 2021 as detailed below;

2021		
Total Disposal	Total Consigned to record	%age
2108	276	21.63



PREPARATION OF RECORD BY MINISTERIAL STAFF

It was observed that ministerial staff was preparing the record of prosecution offices i.e., registers relating to decision, bail, diary & dispatch and challan registers. The position regarding the maintenance of record was found satisfactory during the inspections of special courts.

CHILD PROTECTION COURT, LAHORE

The Punjab Criminal Prosecution Service Conduct Prosecution in Child Protection Court, Lahore. The Prosecutors conducts prosecution on behalf of state. The conduct of Prosecution at Child Protection Court, Lahore during year 2022 has been analyzed and compared with position of year 2021 and found the position as follow;

Year	2022
Total Disposal of Cases	9
Proceeding Abated (Accused died)	1
Consigned to Record	1
Cancellation Report u/s 173 Agreed	1
Total Cases resulted into Conviction	0
Total Cases resulted into Acquittal	6
Conviction Ratio	0.00%
Acquittal Ratio	100.00%

Conviction ratio remained 100% in year 2022 which was also 100% in year 2021 as detailed above whereas the disposal of the cases during 2021 is as follow;

Year	2021
Total Disposal of Cases	5
Proceeding Abated (Accused died)	1
Consigned to Record	0
Cancellation Report u/s 173 Agreed	0
Total Cases resulted into Conviction	0
Total Cases resulted into Acquittal	4
Conviction Ratio	0.00%
Acquittal Ratio	100.00%

PROSECUTION IN SUPERIOR COURTS

The Inspectorate, during the year 2022, conducted inspections of the Superior Courts in compliance of the directions of the Department to observe prosecutorial functioning with a purpose to ensure better prosecution at Superior Courts.

PERFORMANCE OF PROSECUTORS WORKING AT HIGH COURT

According to Article 198(3) of the Constitution of Pakistan, 1973, Lahore High Court has three Benches at Bahawalpur, Multan and Rawalpindi. Camp offices of Prosecutor General Punjab have been established at each Bench. Prosecutors put appear before these courts on behalf of state in criminal cases. The conduct of Prosecution at Lahore High Court Lahore (all benches) during the year 2022 has been analyzed and compared with performance in the year 2021. Detail is as under:

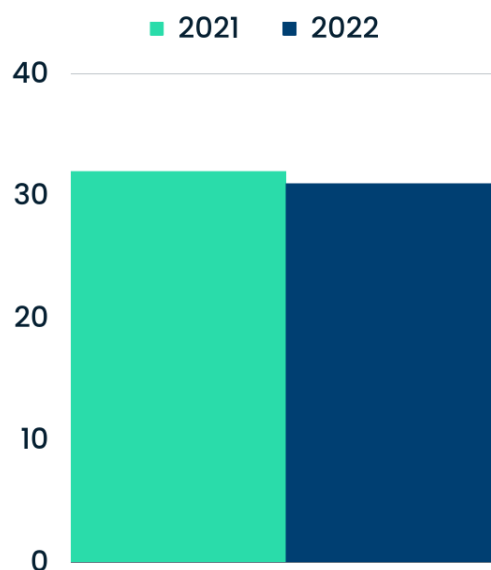
APPEAL AGAINST DEATH SENTENCE

2022	Total Appeals heard & decided	655
	Total Appeals resulted into dismissal (Conviction Maintained)	15
	Total Appeals converted (Conviction modified – Lesser punishment)	188
	Total Appeals allowed (Conviction set-aside)	452
	%age conviction Maintained	30.99%
	%age of conviction set-aside	69.01%

Conviction ratio was remained 30.99% during the year 2022. There was decrease of 1.02% in maintenance of conviction at appellate level as compared to year 2021 which was 32.01% as detailed below:

2021	Total Appeals Heard & Decided	809
	Total Appeals resulted into Dismissal (Conviction Maintained)	67
	Total Appeals converted (Conviction modified – Lesser punishment)	192
	Total Appeals allowed (Conviction set-aside)	550
	Conviction maintained (Ratio)	32.01%
	Acquittal (Ratio)	67.99%

RATIO IN APPEAL AGAINST DEATH SENTENCE



APPEAL AGAINST LIFE IMPRISONMENT

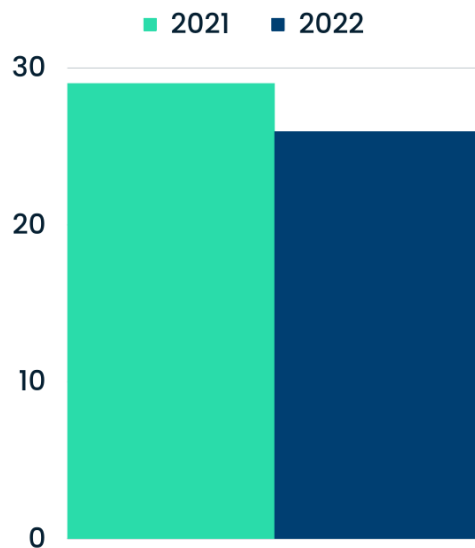
2022	Total Appeals Heard & Decided	825
	Total Appeals resulted into Dismissal (Conviction Maintained)	209
	Total Appeals converted (Conviction modified – Lesser punishment)	5
	Total Appeals allowed (Conviction set-aside)	611
	Conviction maintained (Ratio)	25.94%
	Acquittal (Ratio)	74.06%

Conviction ratio was remained 25.94% during the year 2022. There was decrease of 3.16% in maintenance of conviction at appellate level as compared to year 2021 which was 29.10% as detailed below.

2021	Total Appeals Heard & Decided	780
	Total Appeals resulted into Dismissal (Conviction Maintained)	215
	Total Appeals converted (Conviction modified – Lesser punishment)	12
	Total Appeals allowed	553

	(Conviction set-aside)	
	Conviction maintained (Ratio)	29.10%
	Acquittal (Ratio)	70.90%

RATIO IN APPEAL AGAINST LIFE IMPRISONMENT



APPEAL AGAINST OTHER CONVICTIONS

2022	Total Appeals heard & decided	3050
	Total Appeals resulted into dismissal (Conviction Maintained)	2218
	Total Appeals converted (Conviction modified – Lesser punishment)	18
	Total Appeals allowed (Conviction set-aside)	814
	Conviction maintained (Ratio)	73.31%
	Acquittal (Ratio)	26.69%

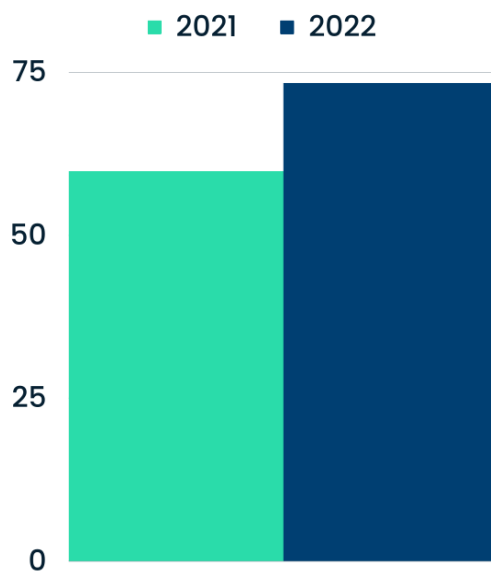
Conviction ratio was remained 73.31% during the year 2022. There was increase of 13.52% in maintenance of conviction at appellate level as compared to year 2021 which was 59.79% as detailed below.

2021	Total Appeals Heard & Decided	2243
	Total Appeals resulted into Dismissal (Conviction Maintained)	1324
	Total Appeals converted (Conviction modified – Lesser punishment)	17
	Total Appeals allowed (Conviction set-aside)	902
	Conviction maintained (Ratio)	59.79%
	Acquittal (Ratio)	40.21%

CONDUCT OF PROSECUTION (BENCHES-WISE COMPARISON)

Here is comparison of conviction ratio of prosecutors working in Lahore High Court Lahore at all benches. The position runs as follow;

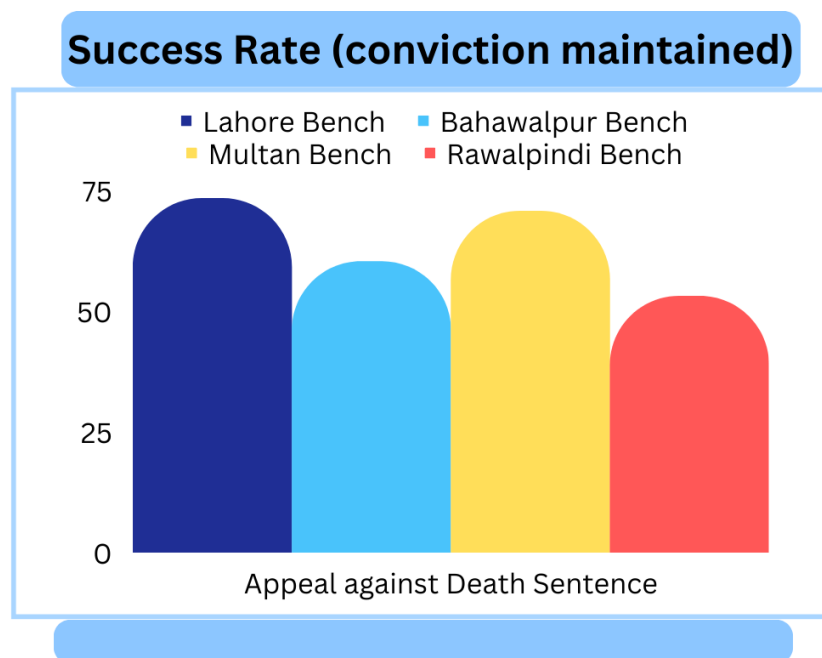
RATIO IN OTHER SENTENCE



APPEAL AGAINST DEATH SENTENCE

Appeal against Death Sentence		Lahore (Principal Seat)	Bahawalpur Bench	Multan Bench	Rawalpindi Bench
2022	Total Appeals Heard & Decided	388	53	120	94
	Total Appeals resulted into Dismissal (Conviction Maintained)	5	0	2	8
	Total Appeals converted (Conviction modified to lesser degree)	98	21	33	36
	Total Appeals allowed (Conviction set-aside)	285	32	85	50
	Conviction maintained (Ratio)	26.55%	39.62%	29.17%	46.81%
	Acquittal (Ratio)	73.45%	60.38%	70.83%	53.19%

The comparison depicts that conviction ratio was remained highest i.e., 46.81% at Lahore High Court Rawalpindi Bench whereas the position was remained on lower side at Lahore Bench with 26.55%.

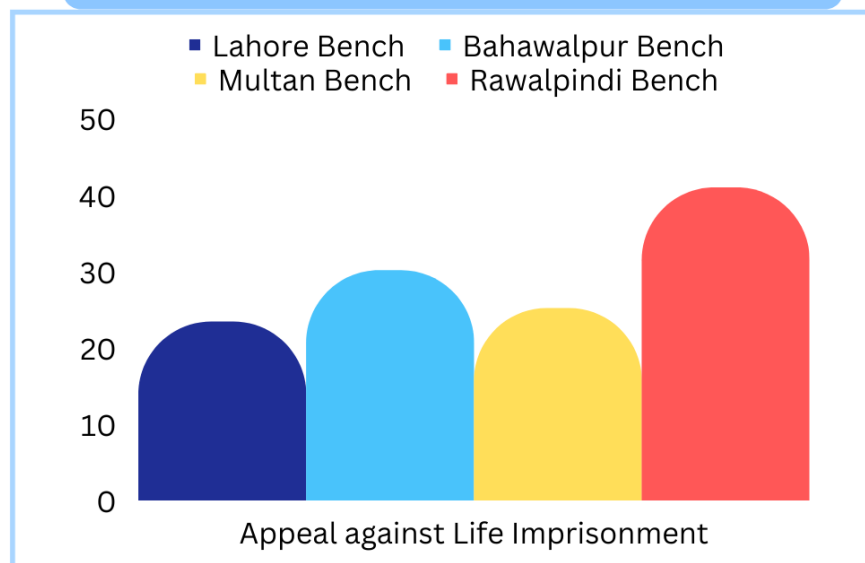


APPEAL AGAINST LIFE IMPRISONMENT

Appeal against Life Imprisonment		Principal Seat	Bahawalpur Bench	Multan Bench	Rawalpindi Bench
2022	Total Appeals Heard & Decided	393	73	298	61
	Total Appeals resulted into Dismissal (Conviction Maintained)	91	22	72	24
	Total Appeals converted (Conviction modified to lesser degree)	1	0	3	1
	Total Appeals allowed (Conviction set-aside)	301	51	223	36
	Conviction maintained (Ratio)	23.41%	30.14%	25.17%	40.98%
	Acquittal (Ratio)	76.59%	69.86%	74.83%	59.02%

The comparison depicts that conviction ratio was remained highest i.e., 40.98% at Lahore High Court Rawalpindi Bench whereas the position was remained on lower side at Lahore Bench with 26.55%.

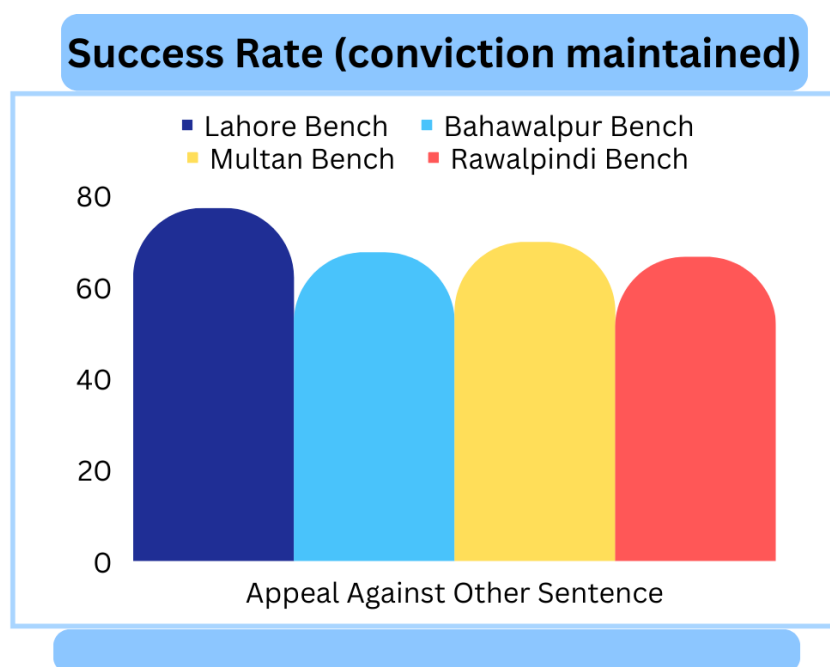
Success Rate (conviction maintained)



APPEAL AGAINST OTHER CONVICTIONS

Appeal against Other Convictions		Lahore (Principal Seat)	Bahawalpur Bench	Multan Bench	Rawalpindi Bench
2022	Total Appeals Heard & Decided	1736	330	487	497
	Total Appeals resulted into Dismissal (Conviction Maintained)	1325	223	340	330
	Total Appeals converted (Conviction modified to lesser degree)	17	0	0	1
	Total Appeals allowed (Conviction set-aside)	394	107	147	166
	Conviction maintained (Ratio)	77.30%	67.58%	69.82%	66.60%
	Acquittal (Ratio)	22.70%	32.42%	30.18%	33.40%

The comparison depicts that conviction ratio was remained highest i.e., 77.30% at Lahore High Court, Lahore whereas the position was remained on lower side at Lahore Rawalpindi with 66.60%.



BAIL PETITION

Total Petitions		Pre-Arrest	Post-Arrest
2022	Total Petitions decided	13140	12773
	Total Petitions resulted into Dismissal	7855	5997
	Total Petitions Allowed	5285	6776
	Success Rate	59.78%	46.95%

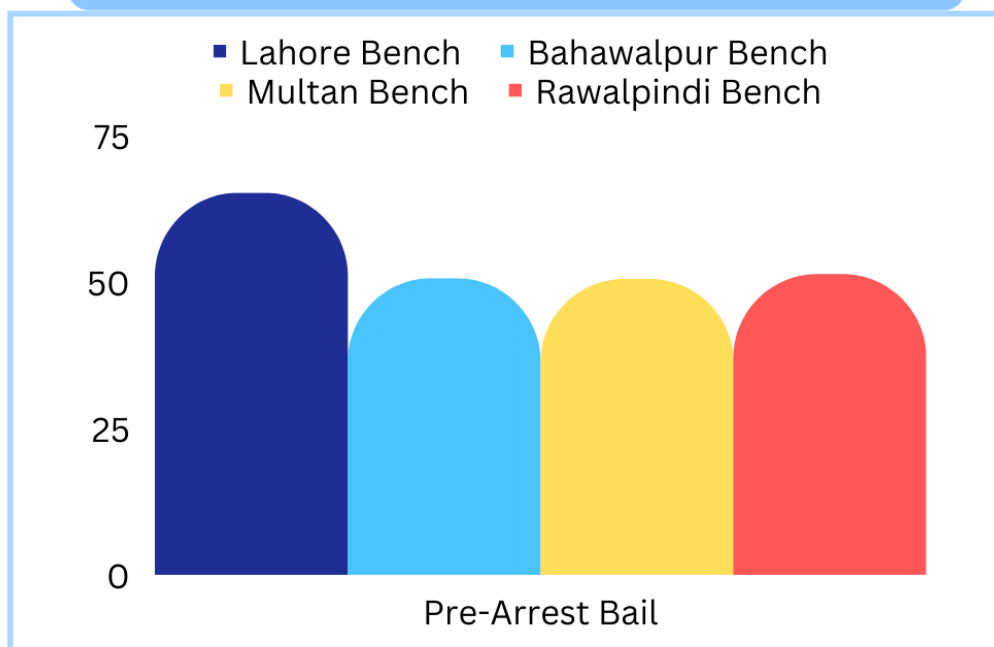
During the year 2022, success rate in Bail before arrest and Bail after arrest was remained 59.78% & 46.95% respectively. Success rate was decrease of 3.34% in Bail before arrest whereas there is a slight increase of 0.23% in bail after arrest as compared to year 2021 as detailed below.

Year	Total Petitions	Pre-Arrest	Post-Arrest
2021	Total Petitions decided	12035	12710
	Total Petitions resulted into Dismissal	7596	5938
	Total Petitions Allowed	4439	6772
	Success Rate	63.12%	46.72%

BAIL PETITIONS (BENCH-WISE POSITION)

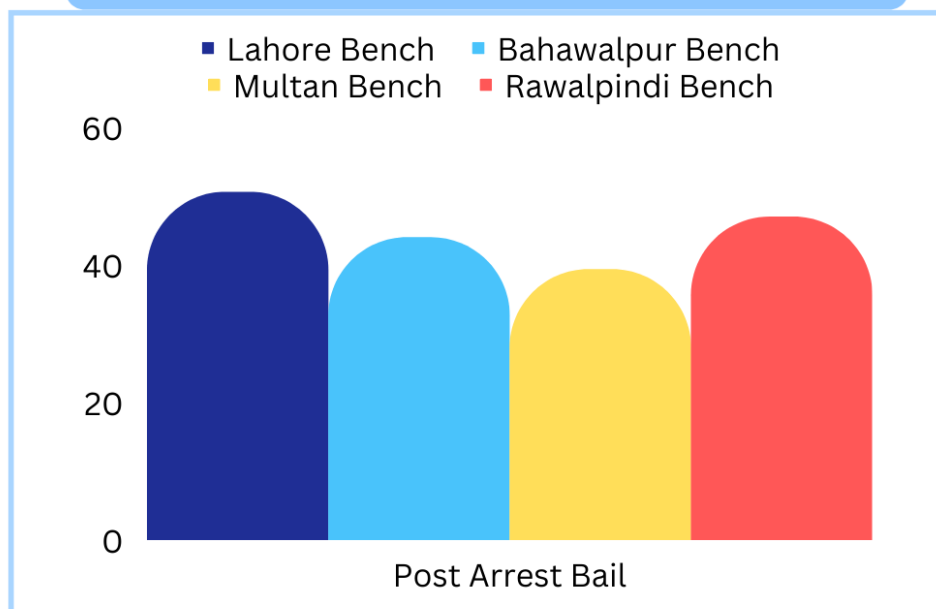
Pre-Arrest Bail		Principal Seat	Bahawalpur Bench	Multan Bench	Rawalpindi Bench
2022	Total Petitions decided	8192	1366	3066	516
	Total Petitions resulted into Dismissal	5348	692	1550	265
	Total Petitions Allowed	2844	674	1516	251
	Success Rate	65.28%	50.66%	50.55%	51.36%

Success Rate (conviction maintained)



Post-Arrest Bail		Principal Seat	Bahawalpur Bench	Multan Bench	Rawalpindi Bench
2022	Total Petitions decided	7127	1323	3048	1275
	Total Petitions resulted into Dismissal	3613	583	1201	600
	Total Petitions Allowed	3514	740	1847	675
	Success Rate	50.69%	44.07%	39.40%	47.06%

Success Rate (conviction maintained)



COMPLIANCE STATUS OF THE PROVISIONS OF SECTION 10(2) PCPS ACT, 2006

Section 10(2) of the Punjab Criminal Prosecution Service Act, 2006 describes that the Prosecutor General or the District Public Prosecutor may, refer to the authority, competent to initiate disciplinary proceedings under any law for the time being in force, to take disciplinary action against any public servant working in connection with investigation or prosecution, for any act committed by him and is prejudicial to the prosecution.

During the inspection visits relating to prosecutorial work done by the prosecutors working in Lahore High Court, this segment was also noticed by the inspectorate. It was observed that Prosecutors working in Lahore High Court did not comply with this provision of law as there were many cases were pointed out in which act of Investigating Officer(s)/Prosecutor(s) was found as prejudicial to the prosecution, and this provision should be invoked but the same was not done. For instances, detail of some prejudicial acts runs as follow;

Difference in date regarding submission of parcel in the office of PFSA.

Recovered items were not submitted in the office of PFSA for analysis.

Secondary evidence was not tendered in accordance with law.

No Explosive was identified through PFSA report from some places of damaged pipelines.

Night occurrence and source of light not mentioned.

Best evidence was not produced.

DNA was not conducted to determine that whether recovered dead body was son of complainant or not.

Call Data Record (CDR) of the mobile phone(s) was not collected and or produced before the trial court.

ESTABLISHMENT OF CFMS CELL AND ENTRY OF APPEALS / REVISIONS INTO CFMS AND DIGITAL TRACKING OF CRIMINAL CASES

To ensure digital tracking of criminal cases, the Department issued directions vide letter No. Dir.(O&R)PPD/7-31/2021-6500 dated 25th of November, 2021 regarding establishment of CFMS cell in the office of Prosecutor General, Punjab for receiving and filing of appeals and revisions and entry of the same into CFMS. This segment was also observed dynamically in inspection visits conducted during the year 2022. It was observed that in pursuance of departmental directions CFMS cell was established at Main office of PGP, Lahore and Camp offices of PGP at Multan and Bahawalpur Benches of Lahore High Court. However, departmental directions in this regard have not yet been complied with at camp office of PGP at Rawalpindi Bench of Lahore High Court as CFMS cell was not constituted.

Position of Working of CFMS cell

- i) It was noticed that in many cases the references for filing of appeal were received to Appeal Committee from different districts, but those cases were not uploaded into CFMS by concerned districts. Upon being pointed out by the Inspectorate, the matter was promptly communicated to concerned district for uploading of those cases into CFMS to proceed further in the matter by Appeal Committee for High Court.
- ii) However, CFMS cell was found functional to the extent of Special Appeal Committees for Child Protection Court and Anti-Corruption Courts, Punjab.

- iii) Further, it was observed to the extent of Main office of PGP that all appeals and revision decided were not uploaded / entered in System because all Prosecutors did not bother to cause enter the decided appeals conducted by them. There was no mechanism to check the name of Prosecutors who did not cause to enter decided appeals and revision conducted by them.

WORKING OF HIGH COURT APPEAL COMMITTEE

The working of Appeal Committees of High Court was inspected. Record was found to be maintained in shape of registers and decisions taken by Appeal Committee. However, it was noticed that decision of Regional Appeal Committee over fitness of appeal or otherwise were not being communicated to concerned District Public Prosecutors / Special Prosecutors working in Special Courts.

Inspectorate recommended that the Prosecutor General Punjab may provide sufficient funds under different heads to meet the day-to-day expenditure at PGP camp offices. Further, PGP may amend the criteria in Appeal Policy to this effect, so that concerned Districts could remain informed about the fate of references submitted by them to concerned High Court Appeal Committee.

SENDING RECORD OF ALL CASES TO PROVINCIAL APPEAL COMMITTEE (PAC) INVOLVING LIFE IMPRISONMENT AND DEATH

During inspection of PGP Camp offices, it was observed that departmental guidelines on challenging the decisions and orders of criminal courts vide letter No. S-Admn/PGP/ 24-79/2021-6348 dated 23.09.2021 to the extent of sending record of cases involving Life Imprisonment and Death to PAC were not complied with during the inspection PGP Camp office at Lahore High Court, Bahawalpur Bench and Multan Bench. It was recommended by Inspectorate that a direction may be issued to ensure compliance of departmental instructions in this regard.

POSITION OF MAINTENANCE OF RECORD (BY SUPPORT STAFF)

During Inspection of PGP Offices, it was observed that support staff has maintained the record to the maximum possible level. However, Inspectorate had also given following recommendation to the department.

“Prosecutor General Punjab may issue job description for support staff working in Special Courts/Tribunals, Lahore High Court, Lahore, Federal Shariat Court of Pakistan and Supreme Court of Pakistan for smooth functioning and maintenance of record”

POSITION OF WRITING FORMS ON ADVERSE OUTCOME CASES (AOC-3)

The Prosecutor General Punjab had issued guidelines for preparation of AOC Forms vide letter No. PGP/PSO/PA/48/18-4818 dated 15-08-2018. It sets out the steps to be taken by prosecutors when a criminal case concludes (in an acquittal or discharge) in the following circumstances: as a result of section 249-A or 265-K of the Code of Criminal Procedure (Cr. P.C.) or at the end of a trial or dismissal of a prosecution Appeal or Revision. Initially, this procedure is to be followed in cases involving charges of murder (section 302 PPC), financial offences (sections 403, 406, 420, 468, 471 PPC) and Sexual and Gender Based Violence offences (sections 336 A, 354, 354 A, 365 B, 376, 377, 496 A of the PPC).

Justice may not be served where a case concludes in a conviction such as the when the trial process demonstrates that the accused was not involved in the criminality. In the right circumstances, an acquittal/discharge may not be an adverse outcome in a trial as it may serve the ends of justice. Cases resulting in an acquittal/discharge are termed AOC. If the case involves more than one accused and results in an acquittal/discharge of some of the accused, then the AOC procedure is still to be followed.

FORM AOC-3: This form is to be completed by the appellate prosecutor in the case. It is to be completed if a prosecution appeal is dismissed in the High Court or the Supreme Court. The form is to be provided to the Prosecutor General and one copy must be kept on the prosecution file.

Position of writing of Forms on Adverse Outcome Cases was inspected vigorously in inspection visits conducted during the 2022. Departmental instructions were duly complied with and position in this regard was found satisfactory to the extent of Camp office of PGP at LHC Bahawalpur Bench. While partial compliance was observed to the extent of Camp office of PGP at Multan Bench. But the position of writing of AOC3 was very pathetic to the extent of Main Office of PGP,

Lahore and Camp office of PGP at Rawalpindi Bench as departmental instructions were not complied with.

OBJECTIVE OF WRITING OF AOC:

The objective of the process is to learn from the case and where appropriate work with other criminal justice agencies and authorities to implement necessary changes.

ANALYSIS OF JUDGMENTS OF ACQUITTAL

During 2022, acquittal judgments were analyzed to assess the role of prosecutors while conducting prosecution at appellate level.

While examining the judgments relating to offence u/s376 P.P.C., it was noted that the accused were acquitted in such cases due to reasons that no effort was made for conducting grouping of semen with vaginal swabs and the profile of accused facing trial. As the Honorable Federal Shariat Court has made it mandatory for conducting the grouping of semen with vaginal swabs and the profile of accused facing trial in such like cases.

The Inspectorate recommended the matter to Prosecutor General Punjab to issue guidelines for implementation of reported cases of Federal Shariat Court i.e., “Mst. Ehsan Begum v. The State” (PLD 1983 Federal Shariat Court 204) and Abid Javed alias Mithu v. The State (1996 PCr.LJ 1161” to ensure the identity of a suspect in such like cases.

Further, while scanning the judgments, it was also noticed that the accused were acquitted in some cases due to reason that ‘crime empties were sent to the PFSA after arrest of the accused’. In such situation, courts presumed that possibility of manufacturing of the crime empties before their dispatch to the concerned Agency to obtain positive report cannot be ruled out and recovery of weapon lost its sanctity and becomes inconsequential. For instance, detail of two cases runs as follow:-

(Crl.Appeal No.84124-J of 2017 titled ‘Babar vs The State etc. relating to case FIR No.279, dated 18.06.2016 under section 302 PPC Police Station Satellite Town, judgment dated 08.03.2022)

(Crl.Appeal No.693 of 2014 titled ‘Imtiaz alias Heera vs The State etc. relating to case FIR No. 564, dated 06.12.2011 under section 302/34 PPC Police Station Zafarwal, District Narowal, judgment dated 13.01.2022)

The Inspectorate recommended the matter to Prosecutor General Punjab to overcome this flaw, to take up the matter with Inspector General Police, Punjab and guidelines may be issued in this regard for officers responsible for investigation in term of sub-section 1 of section 10 of Punjab Criminal Prosecution Service Act, 2006.

PERFORMANCE OF PROSECUTORS WORKING AT SUPREME COURT

The Punjab Criminal Prosecution Service Conduct Prosecution in criminal cases before Hon’ble Supreme Court of Pakistan. The Prosecutors conducts prosecution on behalf of state in Criminal Matter relating to Province of Punjab. The conduct of Prosecution at August Supreme Court (All benches) during year 2022 has been analyzed and compared with position of year 2021 and found the position as follow:

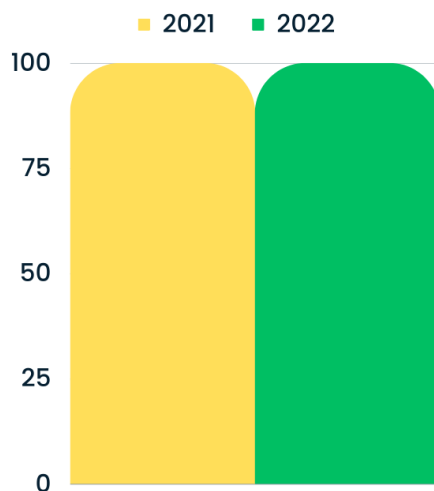
APPEAL AGAINST DEATH SENTENCE

2022	Total Appeals heard & decided	3
	Total Appeals resulted into dismissal (Conviction Maintained)	3
	Total Appeals converted (Conviction modified – Lesser punishment)	0
	Total Appeals allowed (Conviction set-aside)	0
	%age conviction Maintained	100%
	%age of conviction set-aside	0.00%

Conviction ratio remained 100% which was also 100% in previous year (2021).

2021	Total Appeals Heard & Decided	1
	Total Appeals resulted into Dismissal (Conviction Maintained)	1
	Total Appeals converted (Conviction modified – Lesser punishment)	0
	Total Appeals allowed (Conviction set-aside)	0
	Conviction maintained (Ratio)	100.00%
	Acquittal (Ratio)	0.00%

RATIO IN DEATH SENTENCE



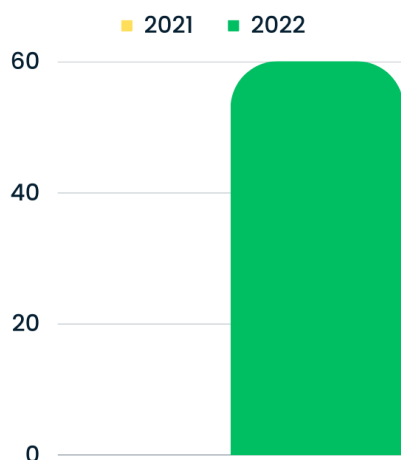
APPEAL AGAINST LIFE IMPRISONMENT

2022	Total Appeals Heard & Decided	5
	Total Appeals resulted into Dismissal (Conviction Maintained)	0
	Total Appeals converted (Conviction modified – Lesser punishment)	3
	Total Appeals allowed (Conviction set-aside)	2
	Conviction maintained (Ratio)	60.00%
	Acquittal (Ratio)	40.00%

Conviction ratio was increased by 60% which was 0% in previous year (2021) as detailed below.

2021	Total Appeals Heard & Decided	1
	Total Appeals resulted into Dismissal (Conviction Maintained)	0
	Total Appeals converted (Conviction modified – Lesser punishment)	0
	Total Appeals allowed (Conviction set-aside)	1
	Conviction maintained (Ratio)	0.00%
	Acquittal (Ratio)	100.00%

RATIO IN LIFE IMPRISONMENT



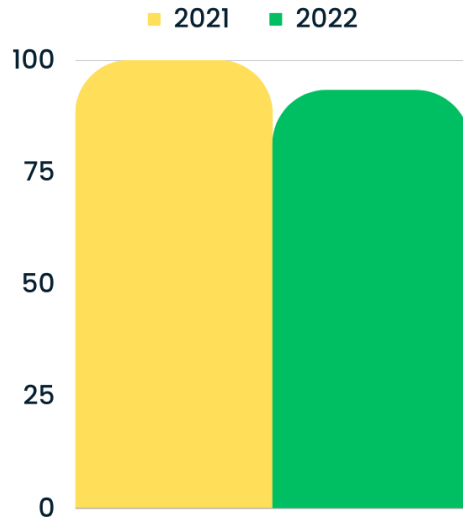
APPEAL AGAINST OTHER CONVICTIONS

2022	Total Appeals heard & decided	15
	Total Appeals resulted into dismissal (Conviction Maintained)	14
	Total Appeals converted (Conviction modified – Lesser punishment)	0
	Total Appeals allowed (Conviction set-aside)	1
	Conviction maintained (Ratio)	93.33%
	Acquittal (Ratio)	6.67%

Conviction ratio was decreased by 93.33% which was 100% in previous year (2021).

2021	Total Appeals Heard & Decided	3
	Total Appeals resulted into Dismissal (Conviction Maintained)	3
	Total Appeals converted (Conviction modified – Lesser punishment)	0
	Total Appeals allowed (Conviction set-aside)	0
	Conviction maintained (Ratio)	100.00%
	Acquittal (Ratio)	0.00%

RATIO IN OTHER SENTENCE



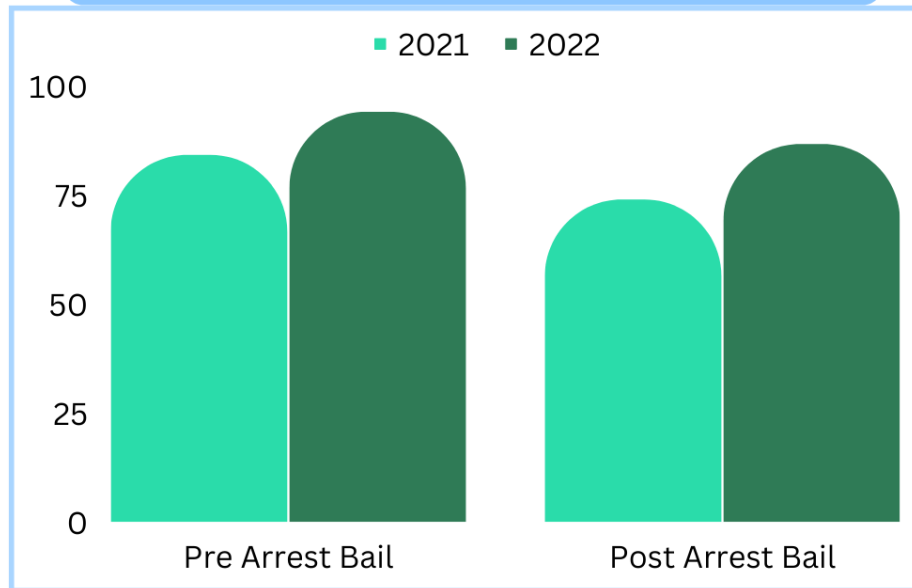
BAIL PETITIONS

Total Appeals		Pre-Arrest	Post-Arrest
2022	Total Petitions decided	1496	415
	Total Petitions resulted into Dismissal	1406	359
	Total Petitions Allowed	90	56
	Success Rate	93.98%	86.51%

During the year 2022, success rate in Bail before arrest and Bail after arrest was remained 93.98% & 86.51% respectively. Success rate was increased of 9.89% & 12.66% in Bail before arrest and Bail after arrest respectively as compared to year 2021 as detailed below.

Year	Nature of Petition	Pre-Arrest	Post-Arrest
2021	Total Petitions decided	465	325
	Total Petitions resulted into Dismissal	391	240
	Total Petitions Allowed	74	85
	Success Rate	84.09%	73.85%

Success Rate (conviction maintained)



Following segments were observed during inspections carried out in the year 2022.

SUPREME COURT APPEAL COMMITTEE

In Supreme Court Appeal Committee references received from prosecutors who are conducting prosecution before Supreme Court of Pakistan and references received from other quarters / Appeal Committees. Here is role of SCAC on both aspects is discussed one by one.

REFERENCE RECEIVED FROM PROSECUTORS CONDUCTING PROSECUTION BEFORE SUPREME COURT OF PAKISTAN

Total References Received	References found fit for assailing	References found not fit for assailing
28	0	28

REFERENCES RECEIVED FROM OTHER QUARTERS / APPEAL COMMITTEES

Total References Received	References found fit for assailing	References found not fit for assailing
46	19	27

COMPLIANCE STATUS OF PROVISION OF SECTION 10(2) PCPS, ACT 2006

In 2022, it was for the first time that compliance status of the provisions of section 10(2) of The Punjab Criminal Prosecution Act, 2006 was inspected.

It was observed that prosecutors working in superior courts do not invoke the provisions of section 10(2) of PCPSA, 2006 on the pretext that the same provisions have already been exercised by prosecutors who conducted scrutiny and trial of the case.

The Inspectorate pointed out this issue and the Prosecutor General, Punjab was requested to resolve issue as to whether the provisions of section 10(2) of the Punjab Criminal Prosecution Service Act, 2006 are obligatory to be invoked by the Prosecutors working in superior courts or not.

ANALYSIS OF JUDGMENTS OF ACQUITTAL

Analysis of acquittal judgments was done for the first time during the year, 2022 at the level of Supreme Court of Pakistan. Judgments of acquittal were analyzed to assess the role of prosecutors while conducting prosecution at Supreme Court level. For example, while perusing the judgments, it was observed as follow;

- i) the accused were acquitted in some cases due to the issues regarding relevancy and admissibility of evidence. Hon'ble Supreme Court of Pakistan observed that only one witness was appeared in the current round as the remaining two witnesses died during the absconsion period of the appellant. Although the statements of both the witnesses were admissible in evidence under Article 46 of the Qanun-e-Shahadat Order, 1984 but this aspect has not been taken into consideration and relied upon by the learned courts below, which omission cannot be resolved at this stage, therefore, any order passed by this Court would not be in the interest of safe administration of criminal justice. Further, it is admitted position that the learned Trial Court while convicting the appellant had relied upon the medical evidence comprising the postmortem report and the statement of the doctor in the earlier trial of the three co-accused of the appellant but the same was never exhibited during the current trial of the appellant. The detail of the case is

Crl. Appeal No. 437 of 2020 titled ‘Khalid Mehmood @ Khaloo v. The State’. The date of judgment is 10.02.2022.

- ii) it was also noticed that the accused were acquitted in some cases due to issues regarding selection of witnesses by the prosecutors. Hon’ble Supreme Court of Pakistan observed that Complainant also claimed that one Shahbaz also witnessed the occurrence but his evidence was withheld by giving him up being unnecessary. So, the most natural and best evidence was not produced. The detail of the case is Crl. Appeal No. 260 of 2020 titled “Muhammad Javid vs. The State”. The date of judgment is 01.10.2021.

The Inspectorate referred a reference to the Administrative Department with the recommendations that Director CPD may be directed to arrange a training programme for capacity building of the Prosecutors working in District Prosecution Offices regarding procedure to make admissible the statements of deceased witnesses in trial of accused who remained absconder during the trial of other accused persons and selection of witnesses whose evidence is natural and best according to the circumstances of the case.

PROSECUTION IN TRIBUNALS

The Punjab Criminal Prosecution Service Inspectorate also conducted inspections of special Tribunals as follow;

LIVE STOCK TRIBUNAL

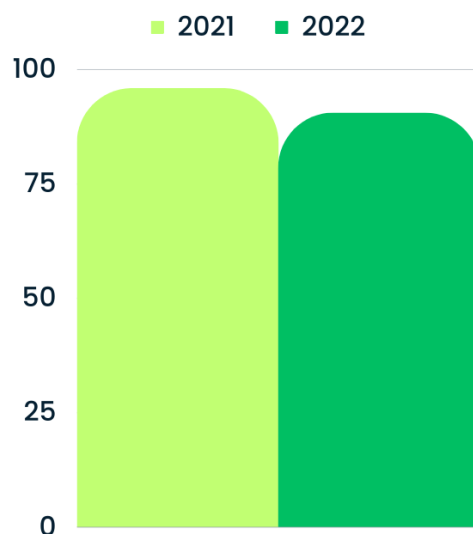
The Punjab Criminal Prosecution Service Conduct Prosecution in Live Stock Tribunal. The Prosecutors conducts prosecution on behalf of state. The conduct of Prosecution at Live Stock Tribunal, Lahore during year 2022 has been analyzed and compared with position of year 2021 and found the position as follow:

Year	2022
Total Disposal	95
Total cases resulted into Conviction	76
Total cases resulted into Acquittal	8
Total Fine imposed	4770000
Conviction Ratio	90.48%
Acquittal Ratio	9.52%

Year	2021
Total Disposal	58
Total cases resulted into Conviction	46
Total cases resulted into Acquittal	2
Total Fine imposed	1270000
Conviction Ratio	95.83%
Acquittal Ratio	4.17%

Conviction ratio was remained 90.48% in year 2022 which was 95.83% in year 2021. Conviction ratio of 5.92% was decreased in year 2022 as compared to year 2021 as detailed below.

CONVICTION RATIO



ENVIRONMENTAL TRIBUNAL

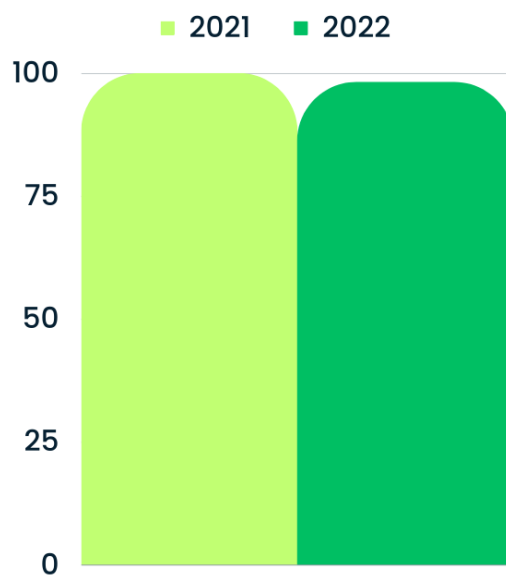
The Punjab Criminal Prosecution Service Conduct Prosecution in Environmental Tribunal, Lahore. The Prosecutors conducts prosecution on behalf of state. The conduct of Prosecution at Environmental Tribunal, Lahore during year 2022 has been analyzed and compared with position of year 2021 and found the position as follows:

Year	2022
Total Cases Disposed Off	169
Total Cases Consigned	3
Total Cases resulted into Conviction	163
Total Cases resulted into Acquittal	3
Fine Imposed	6670000
Conviction Ratio	98.19%
Acquittal Ratio	1.81%

Conviction ratio was remained 98.19% in year 2022 which was 100% in year 2021. Conviction ratio of 1.84% was decreased in year 2022 as compared to year 2021 as detailed above.

Year	2021
Total Cases Disposed Off	273
Total Cases Consigned	155
Total Cases resulted into Conviction	122
Total Cases resulted into Acquittal	0
Fine Imposed	3705000
Conviction Ratio	100.00%
Acquittal Ratio	0.00%

CONVICTION RATIO



CONCLUSION

To conclude with, the Inspectorate remained successful in achieving its targets in the year 2022 set in the Annual Inspection Schedule along with special and surprise visits despite logistic and other problems. The Inspectorate inspected and monitored the performance of the Prosecution Department at pre-trial, trial and post-trial stages. It also focused on the administrative and financial matters of the prosecution offices. On the whole, performance of the Inspectorate during 2022 remained satisfactory and it did its best to contribute positively towards the betterment of criminal justice system in the province.

OBSERVATIONS

The following are the main observations of the Inspectorate during the year:

- The Inspectorate faced problems due to non-formulation of service rules that is causing problems for the officers and officials regarding their service matters such as promotion.
- The Inspectorate faced acute shortage of vehicles that makes touring across the province extremely difficult.
- Number of officers posted in the Inspectorate is far less than the prosecutors posted across the province and prosecution field offices of the province.
- The Inspectorate is facing acute shortage of support staff. More or less 28 seats of officials in various categories out of a total 41 seats are lying vacant since long.
- During visits to the field offices, it was observed that prosecutors use to raise unnecessary or irrelevant objections while scrutinizing reports u/s 173 CrPC. Also, they do not formally approach police authorities for non-rectification of objections by the IOs as well as for repeated flaws and defects by the IOs during investigation.
- No proceedings are being initiated against the resiling witnesses or for non-submission of forensic and digital evidence before the courts. Also, statutory provisions of law are not complied with in cases consigned to record room u/s 512 CrPC.
- It was also observed that no real efforts were made by DPPs to clear the pendency of scrutiny of reports u/s 173 CrPC.
- Prosecution offices at the special courts are facing financial constraints due to non-provision of separate budget.

- The Inspectorate duly observed and pointed out deficiencies at the post-trial stage. In many cases, the courts do not award sentences in accordance with the provisions of the relevant laws and, in many cases, the Prosecution also does not assail such sentences. There is a lack of communication between the prosecutor and the Chairman, Special Court Appeal Committee, Punjab regarding the fitness of references sent to the later as the grounds of acquittal are not discussed in the draft of appeal while declaring the case as fit for appeal.
- It was observed that Prosecutors do not submit written arguments while conducting prosecution at appellate stage.

RECOMMENDATIONS

On the basis of the observations made as discussed supra, recommendations for the improvement of prosecutorial work at all forums are formulated as under;

- Administrative Department should take up the issue on priority for the provision of suitable working environment and career progression for its human resource.
- Suitable vehicles may be provided to the Inspectorate for its easy access to the prosecution offices.
- A request has recently been forwarded to the Administrative Department for the creation of more seats for the officers which needs to be followed up promptly.
- Administrative Department is requested to make arrangements for filling in these posts either by fresh recruitment or by transfer from S&GAD.
- The grey areas pointed out by the Inspectorate at the scrutiny level should be addressed promptly in order to make a strong case for prosecution before the trial courts so the culprits are not able to manage any relief by the courts due to defective investigation.
- The Department may take solid steps to ensure proceedings against the resiling witnesses, ensure production of forensic and digital evidence before courts and compliance of statutory provisions by the courts while consigning cases to record.
- The DPPs may be directed by the Department to exert material efforts to clear the pendency of reports u/s 173 CrPC.
- Prosecution offices at the special courts should be given sufficient and separate budget for smooth functioning of the field offices.

- In first instance, the prosecution should ensure conviction by courts in accordance with the provisions of relevant law. Secondly, in order to assail the sentences at a higher forum, it must do away with the problems pertaining to the communication between Incharges of prosecution in various special courts and ensure proper discussion on grounds of acquittal before drafting and filing of appeals.
- Prosecutors should be strictly directed to submit written arguments while conducting prosecution at appellate stage.



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