



RCBHC

RESEARCH CENTER, HIGH COURT OF BALUCHISTAN

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COURT: HON'BLE MR. JUSTICE NAJAM-UD-DIN MENGAL
SUBJECT: CRIMINAL LAW
DATE: 26TH MARCH 2025
BY: WASEEM AHMED RESEARCH OFFICER

QUERY: *"When disclosure of accused may be used as an admissible evidence against co accused?"*

Respected Sir!

In response to the query, it is submitted that based on the following precedents, it is established that the **disclosure of a co-accused is admissible in evidence**, particularly when it leads to the **discovery of new facts** or is **corroborated by other material evidence**. Courts have consistently upheld this principle under **Article 40 of the Qanun-e-Shahadat Order, 1984**, affirming that statements of a co-accused can be relied upon when properly substantiated.

In *Khuda-e-Noor & Others vs the State* (2018 P Cr. L J 1071), the Hon'ble High Court of Balochistan held that the ***disclosure of a co-accused is admissible in evidence*** when it ***leads to the discovery of new facts***, as provided under ***Article 40 of the Qanun-e-Shahadat Order, 1984***. The court relied on the ***statement of the co-accused recorded before the investigating officer***, which was corroborated by other evidence, affirming its ***probative value in criminal proceedings***.

In this case, the co-accused, Tariq Aziz, made a disclosure during the investigation, admitting his guilt and implicating co-accused (his father and brother) and revealing *details about the premeditation and execution of the crime. His statement disclosed the motive (honor killing), the plan (discussing it with his father and brother), and the manner of execution (separating the victim and shooting her)*. The court ***relied on his statement***, which was ***corroborated by medical evidence and eyewitness testimonies***.

"27. The ocular account of prosecution case is further supported by circumstantial evidence i.e. disclosure of appellant Tariq Aziz recorded before the I.O. in presence of PW-4, wherein the appellant Tariq Aziz has admitted his guilt and perusal of his disclosure Ex.P/4-A, wherein he disclosed that his brother Amir Aziz told him that the movement of one Attaullah was found nearby their home and he has some illicit and unfair relationship with our sister Bibi Samreen. When he came to know that he discussed the same with his father appellant Khuda-e-Noor as there are separately residing and his father Khuda-e-Noor directed him to kill his sister Samreen this is matter of our honour and prior to one day of occurrence, he along with his brother Amir Aziz and father Khuda-e-Noor with consultation of each other came on the fatal day to the house of her mother Bibi Zubaida and separated their other sisters and closed them in another room while taken out Bibi Samreen from the house and by means of firing killed her.

28. The perusal of above disclosure of the appellant Tariq Aziz coupled with discovery of new facts i.e. on coming to know the objectionable relations of his sister with one Attaullah, he consulted his father and brother and thereafter made a preplan, and with furtherance of common intention, arrived at the place of occurrence armed with weapons, managed to separate the mother and the other sisters, locked them in a room, and thereafter took out Samreen from the

house and killed her. As such, the disclosure coupled with discovery of new facts is admissible under the law as per Article 40 of Qanun-e-Shahadat, 1984."

Thus the Court, in this case, found that the **disclosure of the co-accused, followed by discovery of new facts and corroborated by medical and circumstantial evidence, was reliable.**

In Criminal Bail Application No. S-903 of 2021, the Sindh High Court, Hyderabad Circuit, held that the **evidentiary value of a co-accused's disclosure is to be determined at trial**. The court ruled that while such disclosures may be considered evidence, they must be **evaluated alongside other material evidence** to establish their reliability.

The court ruled: *"The evidentiary value of the disclosure of co-accused can be ascertained at the time of evidence, not at the stage of bail before arrest."*

Conclusion

The judicial precedents discussed establish a legal principle: **the disclosure of a co-accused is admissible in evidence when it leads to the discovery of new facts or is corroborated by independent evidence**. Courts have recognized that such disclosures can be an essential component in criminal trials, particularly when supported by other material facts. Accordingly, courts may consider a co-accused's disclosure as **relevant and admissible evidence**, provided it meets the legal standards set forth under **Article 40 of Qanun-e-Shahadat, 1984**.

The End