

Defective Investigation: A Hidden Barrier to Effective Prosecution of Criminal Cases

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Abstract

Defective investigations have now become an unignorable challenge for the successful prosecution of criminal cases. These are such types of defects that lead to acquittals even in an ostensibly strong case. Such investigations create a permanent obstruction even for prosecutors to conduct trials effectively and efficiently before courts. This study aims to analyze the impact of defective investigation on the effective prosecution of criminal cases. For this study, a qualitative case study approach will be employed. Fifteen recent most reported criminal cases have been selected wherein acquittals have been attributed to defective investigations by higher courts in Pakistan. Through the analysis of these cases, this research identifies recurring investigative deficiencies that need to be removed. This research has provided valuable insights into those areas of criminal cases where investigation methodologies and outdated practices need improvement. Based on the findings of the reported criminal cases, this study has offered practical recommendations to change the defective investigation into effective investigation. Through rectification of these fundamental defects and implementation of the recommendations as provided in this study, the investigating agency will be able to aid justice through successful prosecution of criminal cases.

Keywords: Investigation, Successful Prosecution, Defective Investigation, Criminal Trial, Criminal Justice System

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1. Introduction

Investigation of a crime is far from routine work, especially in contesting cases or in situations which involve skillful and sophisticated offenders. It comprises on various steps: (1) proceeding to the spot for inspection; (2) ascertainment of the facts and circumstances of the case; (3) then discovering new facts, and afterwards, attempts to arrest the accused offender; (4) collection of relevant and admissible evidence related to the commission of the offence is the main purpose.

This may involve (a) examination of various persons, including the accused, and documentation through recording their statements, if the investigation officer (I.O.) deemed it necessary; (b) thereafter, search of the places and seizure/recovery of necessary items to support the investigation and trial; and (c) last but not least, discovering material facts or relevant information from the accused to further uncover main facts of the case and to prove the charge. (*State of Bihar v. P.P. Sharma 1991*).

Investigation falls under the jurisdiction of the police. It can be initiated independently or upon the instructions of higher authorities or of a court of competent jurisdiction. The concept of investigation is deep-rooted in our criminal justice system (CJS). The main provisions in the Criminal Procedure Code (CrPC) are: 155, 156, 157, 159, and 202. These provisions govern the initial stages of investigation. Whereas, provision 173 provides how to submit the investigation report before the court: when the case is ready for the court, either as an interim report, within 14 days plus an additional 3 days from the registration of the First Information Report (FIR), or as a complete report. The concept of interim report within 14 days was introduced through amendments in CrPC in 1992. Prior to this amendment, there was no specific time limit for completion of investigation. Under the Police Rules of 1934, there existed a concept of incomplete reports. The I.O. has the permission to submit as many incomplete reports as he deemed necessary (*Saif Ullah v. The State 2023*). Upon completion of the investigation, if the I.O. determines that there is adequate evidence to proceed with the trial, then they are required to submit the report to the court. On the other hand, if the I.O. determines that there is insufficient evidence linking the accused to the offence, then they may submit a report i.e. interim, to the Magistrate through prosecutor (*State of Bihar v. P.P. Sharma 1991*). Here comes the role of a prosecutor.

Before 2006, the Prosecution had a limited and almost negligible role in CJS. There was no concept of independent prosecution. The police officials often acted as Prosecutors. Then the Punjab Criminal Prosecution Service Act 2006 came. It established an independent prosecution service for the province of the Punjab. Now the role of the prosecutor is an important one during the investigation. Now the I.O. is required to submit the report to the Prosecutor. Then after a thorough review of the report, he submits it to the court (Ramzan Kasuri et al., 2021). Upon this, the Magistrate has the authority to review the report. Then he, after his own satisfaction, may take cognizance and issue the process or if desires a warrant to the accused for his appear for trial (*State of Bihar v. P.P. Sharma 1991*).

However, the courts also observed that the investigation in CJS must be devoid of any objectionable aspects or any weaknesses that could legitimately give rise to a doubt that the investigation was unfair and it was motivated by some ulterior motives. It is also the responsibility of the I.O. to carry out the investigation without any misconduct. It also should not use his power for harassment against any of the accused persons. The I.O. should demonstrate his fairness and awareness to eliminate any possibility of fabrication, forgery, and falsification. He should not build a cock-and-bull story. He should demonstrate impartial behaviour. He should dispel any doubts regarding its authenticity. His role is not to strengthen the prosecution case, with evidence that could lead to a conviction, but to uncover the genuine and unadulterated truth for the justice (*Babubhai v. The State of Gujarat 2010*).

Defective investigation on the other hand is also a reality. Now, it is an established legal principle that not only a fair trial but also a fair investigation constitutes a part of constitutional rights. Therefore, investigations must be conducted by the I.Os. fairly, transparently, and judiciously, and in accordance with the principles of rule of law. The I.O. is required to adhere to the Police Rules besides established principles of practice. He must also maintain diligence, truthfulness, and

fairness in his approach and investigation. He is completely responsible and accountable for the manner and methodology which he employed in the investigation. Upon the conclusion of the investigation, he must promptly submit a report without unnecessary delay which should reflect the conclusions drawn by him. His duty is to compile all relevant information and materials which he believes represent the actual sequence of events and the true facts about the commission of the alleged crime and the accused persons involved. He is expected to thoroughly examine the evidence from all perspectives (*Zakia Ahsan Jafri v. The State of Gujarat 2022*).

The Supreme Court of Pakistan also observed that our CJS is deficient in tackling the issue of defective investigations. The majority of human rights cases that come before higher courts involve, in one way or another, inefficiency of I.O. in conducting investigations. However, alone the court is unable to address numerous complaints regarding defective investigation and nor is it its primary function to scrutinize the transparency or integrity of investigations. This responsibility lies with the government. Ineffective investigations have caused significant fractures in our justice system. Therefore, recognizing the recurring nature of this issue, its significant public importance, and its direct impact on the fundamental rights of citizens is important. The court observed that we need an effective plan regarding defective investigations and it should be aimed at grievances of citizens are addressed promptly. The court also pointed out that instances of misconduct or maladministration in investigations should be dealt with swiftly at the local level (*Haider Ali v. DPO Chakwal 2015*). Therefore, this research is being conducted.

This research is important because it confronts the hidden issue of defective investigations and its debilitating effect on the effective prosecution of criminal cases. In some cases which otherwise looks good for conviction, such investigations lead them as well to acquittals; hence, these investigations are hindering justice. Through the analyzes of real-world examples where investigations have become cause of failure of prosecutions, the study attempts to identify recurring defects committed by I.Os. This study can be used to improve investigative methods and outdated practices. In due course, the research aims to provide practical solutions to transform defective investigations into effective ones, to successfully prosecute the cases and to uphold the justice.

2. Research Methodology

This study employs basically a qualitative case study approach, which has its own benefits, (Baskarada, 2014; Gammelgaard, 2017) to analyze the impact of defective investigations on the effective prosecution of cases in Pakistan. For this purpose, fifteen recent most reported criminal cases wherein acquittals were attributed to faulty investigations by higher courts will be examined. Comprehensive analysis of these cases will be made with focus to identify recurring investigative deficiencies. Through examination of these court decisions from past cases, we can gain valuable insights into the specific reasons why investigations were deemed faulty and how they play their roles into acquittals. This real-world case-laws-based study is important for our study because it allows us to identify recurring defects in investigations. It is doctrinal research methodology, which is still considered worldwide as primary and gold standard legal research methodology (Bhagamma, 2023; VanGestel & Micklitz, 2011) because it goes deep into the core legal sources and analyzes them judiciously. By using this method, we will focus on legal interpretations to identify gaps, that is also a very useful approach (Watkins, 2017), in effective investigations and defective investigations. This analysis will directly guide investigating agency and other concerned institutions in understanding how investigations can be improved to ensure successful prosecutions in the future.

3. Case Laws

This study will analyze the impact of defective investigations on successful prosecutions in Pakistan through a qualitative case study approach. Reported criminal cases from higher courts, including the Supreme Court and Provincial High Courts, have been selected for this examination. These cases were chosen specifically because their judgments attributed the acquittals to faulty investigations as one of the reasons. One case shows many problems with the investigations. By examination of these cases, we aim to identify recurring investigative deficiencies that contribute to failed prosecutions.

The analysis will be conducted through two tables. Table 3.1 will look into the details of each case: it will highlight the specific defects as pointed out by the courts in their judgements. This in-depth analysis will allow us to understand the nature and scope of these deficiencies. Thereafter, through Table 3.2 we will synthesize the findings from each case. We will provide a list of the most common defects in investigations which we have identified. This two-table approach will offer a clear and comprehensive picture of the problems occurring due to defective investigations and their impact on prosecutions.

3.1. Case Laws and Defects in Investigations

Sr. No.	Title of the Case	Reported Citation	Court	Defects in Investigation
1.	Sohail Ahmed Siddiqui v. The State.	2024 YLR 811	Karachi High Court	Timing of the memo of inspection of the place of occurrence was unnatural No effort was made by the I.O. to associate any private witness/ independent witnesses to participate in proceedings of recovery of weapon of offence Delay of five days in sending the weapon of offence for forensic analysis
2.	Amir Mehmood v. The State	2024 YLR 309	Peshawar High Court	Due particulars of the vehicle, used in the occurrence, like its registration number, kind and type, colour etc., were neither part and parcel of the investigation nor that of the trial. While proceeding to the police station, it had been fairly conceded that the blood of the deceased was oozing in the vehicle but strangely enough, such circumstantial evidence was not part and parcel of the investigation. I.O. for reasons best known to him had not collected the signs and symptoms of the said circumstantial evidence from the

				rear portion of the vehicle through which the victim was shifted to the police station.
3.	Muhammad Riaz v. Khuram Shehzad	2024 SCMR 51	Supreme Court of Pakistan	No identification parade was conducted for determining the involvement of the accused persons. I.O. did not show the place of incident in the site plan I.O. also admitted that he had not demarcated the place from where the accused had fired at the victim in the rough site plan.
4.	Umed Ali alias Umedo Narejo v. The State	2024 MLD 546	Karachi High Court	I.O. had failed to produce roznamcha entry No.21 in which the names of other accused persons had been mentioned. From the place of incident according to the evidence, 15 empties of Kalashnikov fired by accused were recovered, but those empties were neither sealed nor sent to expert for report by the I.O. In this case accused were charged for making firing upon police party, due to which one Police Constable sustained firearm injury. The investigation was conducted by the police. Court observed that it should have been conducted by some other agency. In police encounter cases Police should not be investigators of their own cause.
5.	Arshad Ali v. The State	2024 MLD 212	Peshawar High Court	In this case, neither the murasila was signed/thumb impressed by the complainant, nor the Constable who allegedly brought the murasila to the police station was produced as witness. I.O. not recorded the statement of Constable who brought the post-mortem documents and garments of the deceased under S. 161 Cr.P.C

				<p>I.O. had not recorded the statement of any Police Official who took the crime articles including the alleged recoveries to the Forensic Science Laboratory</p> <p>I.O. had not verified the status of ownership of any shop where bulb was installed.</p> <p>I.O. did not remember that who took the empties and pistol to the Forensic Science Laboratory.</p> <p>I.O. had not annexed any documents on file regarding safe custody of the recovered articles</p> <p>I.O. did not annex the daily diary regarding departure and arrival to the police station.</p>
6.	Muhammad Zaheer Shah v. Amin-ur-Rehman	2023 YLR 2323	Peshawar High Court	<p>As per facts of this case complainant was carrying the bag of deceased while the other eye-witness had a shopping bag of the deceased while on their way in the company of deceased; however, the I.O. had neither taken the referred luggage of deceased into possession nor shown the same in the site plan to corroborate the version of complainant regarding departure of deceased to another place on the day of occurrence</p>
7.	Mumtaz-ul-Haq v. The State	2023 YLR 2144	Karachi High Court	<p>In this case as per facts it was initiated on the basis of a complaint which was received by him from the Directorate of Anti-Corruption Establishment on 15.08.1995. However,</p> <p>I.O. took a long period of about two years in ascertaining the truth of the contents of said complaint, as the FIR was registered on 05.07.1997</p> <p>Delay of eight years in submitting challan before Court.</p>

					The I.O. in asset beyond means case failed to enquire into and give details regarding the income and other earnings of the accused.
8.	Ali Asghar v. The State	2023 YLR 2015	Federal Shariat Court		In this case the empty of 30 bore pistol was secured on 25.03.2013 and three pistols with live bullets allegedly recovered from the accused on 27.03.2013, they were received in the office of Ballistic Expert on 03.04.2013 i.e. after eight days. The bloodstained clothes of the deceased were never taken into possession by the I.O. Torch in the light of which the witnesses saw and recognized all the three accused persons was never taken into custody. Motorbike upon which all the accused persons were riding when they allegedly attempted to commit robbery and killed the deceased was also not produced in the Court.
9.	Saqib Ramzan v. The State	2023 PCrLJ 1479	Lahore High Court		In this case Police Officer (ASI) on whose complaint FIR was registered also assumed the role of I.O.
10.	Muhammad Imran alias Mana v. The State	2023 MLD 1993	Karachi High Court		In this case the court observed that I.O. admitted that he was told by two witnesses that a bearded man and a maid would often come to the deceased's house, however, both witnesses neither testified at trial—further he admitted that the apartment where the murder occurred was a "huge building" with three gates to it but further acknowledged that no presence of any resident of the building or a member of the building committee or the watchmen at the gates during his investigation.

11.	Lais Khan v. The State	2022 YLR N 9	Peshawar High Court	<p>In this case, the blood-stained earth was recovered from point 'B' where deceased fell to ground, however, I.O. soon thereafter changed his version by stating that the deceased did not fall to the ground.</p> <p>The vehicle which was used for transporting the deceased to Police Station was not taken into possession by the I.O.</p> <p>I.O. recorded the statement of the driver under S.161 CrPC after three days of the occurrence, and he was not produced as witness in the court.</p>
12.	Zahid Rasool v. The State	2022 YLR 1725	Lahore High Court	<p>In this case, as per record the deceased had gone by a tractor for ploughing the fields, however, no tractor was taken into possession or shown in the un-scaled or scaled site plan by the I.O.</p> <p>Blood stained clothes were not taken into possession during the investigation.</p>
13.	Muhammad v. The State	2022 YLR 967	Federal Shariat Court	<p>In this case, no site plan, no sketch was available merely some observations and that too had been drawn at the instance of informant, who was not an eye-witness of the incident</p> <p>No blood-stained earth was collected from the venue.</p> <p>One of the witnesses claimed to have seen the accused through bulb-light but no observation regarding source of light nor the bulb was secured into possession by the I.O.</p>
14.	Imran Hussain alias Mama v. The State	2022 PCrLJ N 84	Karachi High Court	<p>In this case, first defect was delay in sending the crime empties for forensic analysis.</p> <p>I.O. had admitted that at the time of inspection of place of incident private persons were present, but</p>

				he had not cited them as witnesses. Safe custody of the weapons at Police Station and safe transit had also not been established by the I.O.
15.	Fayaz and another v. The State	2022 MLD 1452	Karachi High Court	In this case, main story was that twenty seven kilograms of Charas was recovered from the luggage of accused persons while they were travelling through a bus. During investigation, neither the tickets of bus were collected or recovered from the accused nor tags of those bags were recovered for connecting the accused persons with offence. I.O. also failed to examine the bus driver and its cleaner so also the passengers who were travelling in that bus.

3.2. List of Common Defects in Investigations

During the analysis of the aforementioned 15 cases, a total number of 21 common defects committed by the I.Os. in investigations were identified. These defects are listed below in Table 3.2. These defects are not solely responsible for the acquittals. However, if they were not present, the outcomes of the cases could have been different. These defects are considered as incurable defects. We are listing them with the aim of highlighting them, so that I.Os, their trainers, and policymakers could get benefits from this analysis in our research.

Sr No.	Common Defects in Investigation
1.	The initial defect identified during the analysis of the case laws is that the first inspection should be conducted with extra care and caution. Moreover, the timing of the memo of inspection of the place of occurrence should not appear unnatural.
2.	It is also being observed that the I.O. is making no effort to involve any private or independent witnesses in the proceedings related to the recovery of the weapon of offence.
3.	The next defect identified is the delay in sending the weapon of offences for forensic analysis.
4.	It has also been observed during above case-law-based analysis that if a vehicle is involved in the commission of the crime, the I.O. pays no heed to identifying its particulars, such as its registration number, type, color, etc. Sometimes, these details were neither part of the investigation nor the trial.
5.	It has also been noted as a common defect in investigations during the analysis of the above case laws that whenever it is alleged that blood was oozing from the body of the deceased, the I.O. fails to take into possession the place or thing from where it was

	oozing to prove this fact. For instance, the investigating officer neglects to seize blood-stained earth, clothes, or vehicles from which the body of the deceased was transported to hospitals or police stations.
6.	In cases of dacoity, etc., I.Os. fail to conduct test identification parades, which is a substantial common defect in fair investigation in such cases.
7.	It has also been observed during the study that I.Os. neglect site plans as an important piece of evidence. Sometimes, they omit crucial particulars such as indicating the place of witnesses, place of recovery, place of the dead body, place of fire shots, and place of occurrence, which is the most common defect in investigations.
8.	During investigations, certain registers of the police station, such as register No. 19 and 21, are vital for corroborating witness testimonies and to prove the crime. However, when I.Os. fail to substantiate the charges through these written documents, it significantly undermines prosecution cases.
9.	Recoveries from the place of occurrence are considered the most decisive evidence. It has been observed that when I.Os. fail to seize them in accordance with rules and laws, it creates inherent defects in investigations and it undermines the core of the main case. This is another common defect where recoveries from the initial inspection of the place of occurrence are not being made in accordance with the law.
10.	It is also a prevalent defect in encounter cases where investigations and witnesses are sourced from the police party involved. In police encounter cases, the police should not be the investigators of their own cause.
11.	I.Os. also sometimes fail to produce all important witnesses in court.
12.	Recording statements of witnesses under Section 161 of the CrPC is now considered one of the most important tasks for the I.Os. in the CJS. However, it can be observed from the analysis of the above case laws that they fail to fulfill this responsibility, and it leads cases towards acquittals. This common defect needs to be addressed and it must be rectified.
13.	Courts have now regarded the safe custody of recovered articles and their secure transmission for forensic analysis as the most important element in the evidence appreciation. The aforementioned cases have demonstrated that when I.Os. fail to establish the safe custody and secure transmission of recovered articles or substances, then courts have taken it as a defect in investigations.
14.	The place of occurrence is paramount for beginning investigations. However, I.Os. sometimes overlook the surroundings of the place of occurrence, such as shops, existence of lights through bulbs, and day and night circumstances. When they fail to take these factors into account and include them as part of the record, then afterwards, these defects cannot be rectified. They always adversely impact the prosecution cases.
15.	The daily diary was initially designed to monitor the activities of police stations. However, it is now being used to corroborate the witnesses and to cross-examine prosecution witnesses as well. I.Os. are neglecting the completion of daily diaries, which they are required to do on a daily basis. This is another common defect.
16.	The delay in completing investigations is now regarded as a defect. It raises doubts in the minds of courts, especially when the delay is unexplained and significant.
17.	I.Os. are also causing delays in sending crime weapons for forensic analysis. They must avoid repeating this common defect, as forensic evidence should be given due weightage by them.

18.	In many cases where the source of light comes into question, I.Os. fail to secure the bulbs or lights, etc., to substantiate the cases.
19.	In cases where the police are complainants, the same police officer should not act as the investigating officer of that case. This practice goes against the norms of natural justice and it now constitutes as a common defect.
20.	I.Os. must demonstrate their efforts in accordance with legal procedures, not solely through oral submissions during trial, to involve private witnesses during recovery proceedings.
21.	I.Os. in cases depending on circumstantial evidence often fail to collect all relevant and admissible corroborative evidence from the surroundings and circumstances of the cases. They should avoid this negligence to take into possession and make part of the record all relevant and corroborative evidence to prove the case.

4. Recommendations

On the basis of above said identified common defects in investigations, here are some recommendations to improve the investigative process and to convert defective investigation into effective investigation:

1. **Conduct of Spot Inspections with Care:** I.Os. must ensure that the initial spot inspection of the place of occurrence is conducted with extra care and caution (Fish et al., 2010; Singh, 2021). They must adhere to the recognized procedures and rules in order to avoid any unnatural feelings from their investigations.
2. **Involvement of Independent Witnesses:** I.Os. not only must make efforts but also prove them during court proceedings to involve private or independent witnesses in proceedings related to the recovery of weapons or other articles (*Amir Mehmood v. The State 2024*).
3. **In Time Forensic Analysis:** I.Os. must try to avoid unnecessary delays in sending weapons and other relevant articles to be used in evidence for forensic analysis to ensure their prompt and thorough examination (*Muhammad Rahim v. The State 2024*).
4. **Detail Vehicle Particulars:** In cases where vehicles are involved, there I.Os. must pay attention to record all available particulars of vehicles, such as registration numbers, colours, types, and models etc, otherwise it adversely affects the case (*Muhammad Shahid v. The State 2022*).
5. **Bloodstained Evidence:** I.Os. must ensure, especially in murder cases, the proper collection and preservation of bloodstained evidence from the place of occurrence to substantiate the charges and to prove the allegations, other consequences will be acquittal (*Jalat Khan v. The State 2024*).
6. **Test Identification Parades:** In cases of dacoity, etc, where identity of accused are not known, there I.Os. must ensure that test identification parades are conducted to strengthen their fair investigations (Maqsood et al., 2024).
7. **Site Plans:** Site plan has now attained a very important place in evidence. I.Os. must incorporate in site plans all relevant particulars in investigations, such surrounding circumstances, places of dead body, witnesses and accused persons, etc in order to provide a comprehensive understanding of the crime scene and to corroborate the witness's testimony. It has now attained its due importance before the courts (*Muhammad Azam v. The State 2024*).
8. **Maintenance of Record and Documentation:** I.Os. must properly maintain records; they must update their registers, and documentations to substantiate charges like police registers. Especially the store-room register (*Mir Hamal v. The State 2023*).

- 9. Avoid Biasness in Investigations:** I.Os. should try to avoid conducting investigations and to introduce witnesses solely from the police party involved, especially in encounter cases, to maintain impartiality and fairness (*Muhammad Saddique v. The State 2024*).
- 10. Produce All Important Witnesses:** I.Os. should not left any one who is acquainted with facts and circumstances of the case to cite and to be produced as witness in courts to strengthen the prosecution case, otherwise adverse presumption would arise (*Ahmed Ali v. The State 2023*).
- 11. Recording Witness Statements:** I.Os. must fulfill their responsibility of recording witness statements under Section 161 of the CrPC diligently, without any unnecessary delay (*Muhammad Anwar v. The State 2024*), to avoid gaps in the evidence. They should record this statement of all persons who have any acquaintance with the case and evidence.
- 12. Safe Custody and Transmission:** I.Os. must adhere to guiding principles laid down by higher courts regarding the safe custody of recovered articles or properties and to secure their safe transmission for their further forensic analysis to meet the standards of evidence appreciation by the courts; if not then these may become reason for acquittal (*Tanveer v. The State 2023*).
- 13. Completion of Daily Diaries:** I.Os. must ensure the timely and accurate completion of daily diaries in order to maintain a comprehensive record of police station activities and to be used as evidence when required by the courts. The entries in these diaries are important to prove the case (*Arshad Ali v. The State 2024*).
- 14. Investigation Delays:** Delays create doubts. I.Os. must minimize delays in completion of their investigations to prevent doubts about the integrity of their process (*Mumtaz-ul-Haq v. The State 2023*).
- 15. Prompt Forensic Analysis:** I.Os. must avoid any kind of delay in sending the crime weapons for forensic analysis so that due weightage to forensic evidence can be given at the time of trial. Such delay goes against prosecution (*Muhammad Rahim v. The State 2024*).
- 16. Secure Source of Light:** Source of light has become main benchmark for the courts of law, no reason why, anyhow I.Os. must secure all evidence related to the source of light from the crime scenes to support case corroboration (*Muhammad Riaz v. Khuram Shehzad 2024*).
- 17. Collect Corroborative Evidence:** I.Os. must always attempt to ensure the collection of all relevant and admissible corroborative evidence to support cases which are depending on circumstantial evidences.
- 18. Enhance Role of Prosecutors:** It is time to strengthen the role of prosecutors in the investigation process by providing them more authority and resources to collaborate closely with I.Os. (Ramzan Kasuri et al., 2021). This police-prosecution-cooperation can improve coordination and it can be used to ensure that legal aspects during investigations are thoroughly followed by the I.Os.
- 19. Implement Special Training Programmes:** We need to develop and implement special training programmes for our I.Os. that should include joint training sessions with all stakeholders, including prosecutors, forensic experts, and legal experts, etc. These programmes should focus on the enhancement of their investigative skills, their understanding about legal principles and procedures (Jamshed et al., 2020).
- 20. Check and Balance Policy:** Last but not least, there is a dire need to establish an effective system of check and balance on I.Os. performances. We must recognize and reward those

officers who are consistently conducting thorough and effective investigations. This could include a system of rewards for exemplary performances and the disciplinary actions for repeated instances of defective investigations (S. 27 Anti-Terrorism Act, 1997). Such a policy can boost quality investigation besides it will also promote accountability among I.Os.

These recommendations are not exhaustive; however, they are based on the analysis of above referred case laws during our study. Through the implementation of these recommendations, I.Os. can improve their investigations. Eventually, this will strengthen prosecution cases during trials and overall CJS.

5. Conclusion

In conclusion, this research reveals the importance of investigation in our CJS through the analysis of fifteen recent reported case laws, wherein defective investigation has become one of the main reasons for acquittals. After analysis of the cases, some common defects were listed independently. These recurring defects have become a challenge for successful and effective prosecution of criminal cases. These defects not only hinder the effectiveness of trials but also impede the efforts of prosecutors to secure convictions, even though the case is otherwise looks strong. These defects are incurable. Moreover, the recommendations proposed in this study offer practical solutions on how to rectify these recurring defects and how to improve investigations. Through the enhanced role of prosecutors, special training programmes for I.Os., and through establishment of a strong check and balance strategy, investigation agencies can strive towards more effective and efficient investigations. Furthermore, through the rectification of these common defects and the implementation of the recommended measures, the I.Os. can aid justice through the successful prosecution of criminal cases. This study is basically a call to action for all stakeholders involved in our CJS. All of them should work collaboratively with an aim to improve investigation practices and to ensure fair administration of CJS.

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