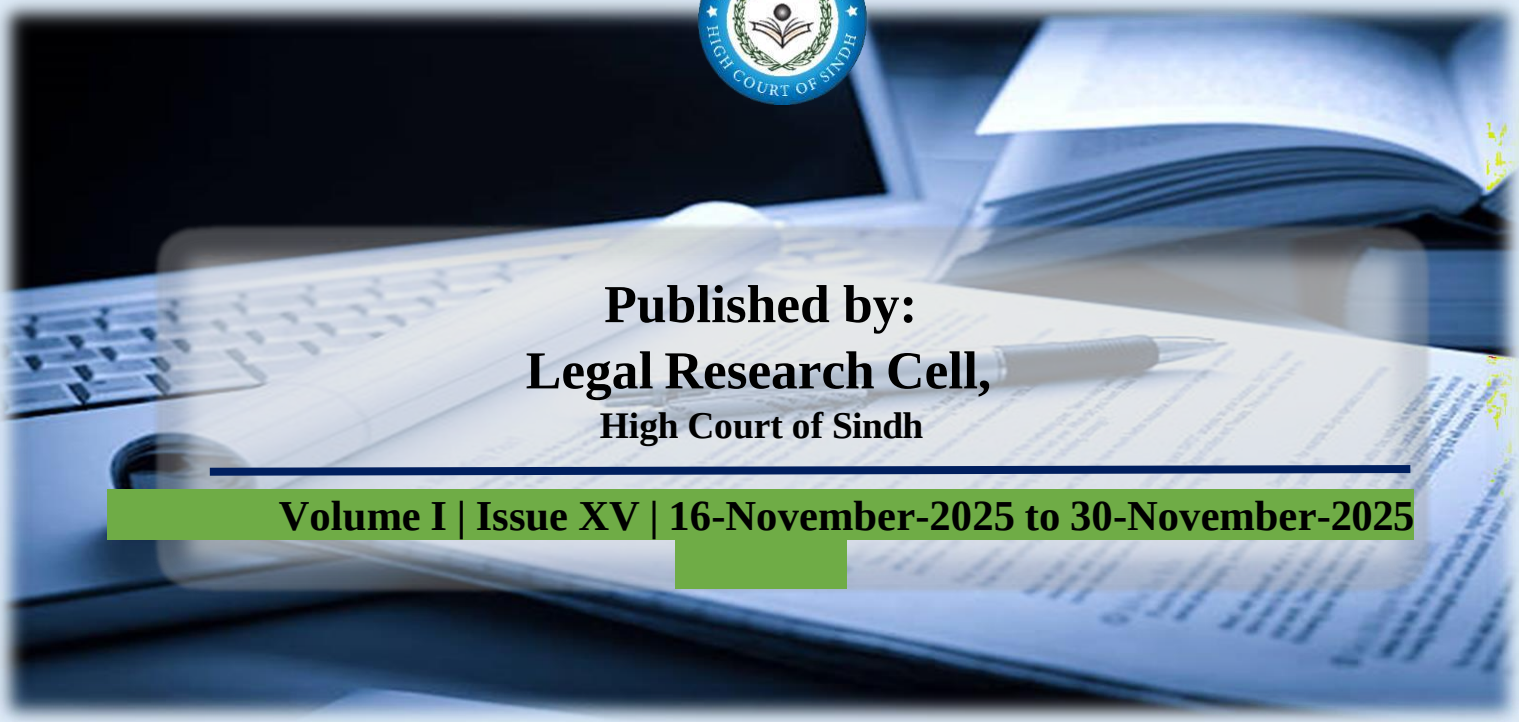
HIGH COURT OF SINDH

Case Law Review

Fortnightly Bench Update



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FORTNIGHTLY BENCH UPDATE

(16-11-2025 to 30-11-2025)

An Overview of Recent Judgments of the Supreme Court of Pakistan, Sindh High Court, and Lahore High Court, Compiled and Published by the Legal Research Cell, High Court of Sindh, Karachi

NOTABLE JUDGMENTS

4.		Whether the imposition of a penalty upon the appellant, as an auditor, for endorsing the company's reclassification of investments under IAS-39, was lawful—specifically, whether the act constituted a willful or negligent violation justifying penal action, or whether it was instead the product of professional judgment in an area where the accounting standards allowed more than one reasonable interpretation?	SECP Law	10
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SUPREME COURT OF PAKISTAN

1. **Supreme Court of Pakistan**
C.A.No. 1413 of 2021
Muhammad Aslam Chattha v. Shehnaz Akhtar Zahoor Ahmed and another

Present: **Mr. Justice Shahid Waheed**
Justice Ms. Musarrat Hilali
Mr. Justice Naeem Akhter Afghan

Source: https://www.supremecourt.gov.pk/downloads_judgements/c.a._1413_2021.pdf

Facts: The respondent married the appellant in July 2002. She alleged that since 2004 the appellant had abandoned her and failed to provide financial maintenance. After repeated mistreatment and the appellant's refusal to fulfil his legal duty, she filed a Family Court suit on 11 May 2017 seeking Rs.50,000 per month as maintenance from June 2004 onward. The Family Court granted maintenance of Rs.10,000 per month retrospectively from June 2004 with a 15% annual increase. On appeal, the first appellate court restricted the retrospective period to the date of filing the suit. The respondent challenged this before the Islamabad High Court, which restored the Family Court's decree. The appellant approached the Supreme Court only on the point that, according to the precedent in *Khurshid Begum* (PLD 1972 SC 302), past maintenance cannot exceed six years.

Issue: Whether, in light of Article 120 of the Limitation Act, 1908 and relevant Islamic and statutory principles, a neglected wife can be awarded retrospective maintenance for more than six years prior to filing the suit, and what the maximum recoverable period of such past maintenance is?

Rule: Islamic law, constitutional provisions, and the Family Courts Act impose a continuous obligation on the husband to maintain his wife according to his means. The Supreme Court precedents in *Nasima Bibi*, *Khurshid Begum*, and *Farah Naz* hold that Article 120 of the Limitation Act applies to suits for arrears of maintenance, prescribing a six-year limitation period from when the right to sue accrues. Maintenance is a monthly, recurring obligation, and non-payment constitutes a "continuing wrong" under Section 23 of the Limitation Act, meaning each month generates a fresh cause of action. Limitation rules determine the time for filing a suit—not the validity of the underlying claim or debt, and arrears remain a payable debt owed by the husband.

Application: The Court emphasized that a wife's right to maintenance is deeply rooted in Quran, Sunnah, juristic consensus, and statutory law. The husband's failure to maintain the

wife constitutes a recurring breach each month, creating successive and fresh causes of action. Thus, even if earlier months fall beyond six years, the suit remains within limitation so long as the husband's refusal occurred within six years before filing the suit—which the record confirms. The appellant's argument that he is willing to pay only six years of arrears attempts to exploit a technical limitation rule to escape his long-standing legal and moral obligations. Because maintenance arrears are a debt and the respondent filed her suit within the permissible timeframe, she is entitled to claim maintenance for the full period pleaded and proved—beginning in 2004. The Court refused to allow the appellant to benefit from his prolonged neglect and emphasized the protective philosophy of Islamic family law and the Limitation Act's purpose of preventing injustice rather than aiding negligent husbands.

Conclusion: The Supreme Court held that the respondent's suit was within limitation due to the continuing nature of the maintenance obligation, and she was entitled to claim past maintenance from June 2004 as decreed by the Family Court. The High Court's judgment restoring full retrospective maintenance was upheld. Accordingly, the appeal was dismissed with no order as to costs.

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2. **Supreme Court of Pakistan**
C.P No. 5364 of 2024
Muhammad Hassan Sultan v. Chairman Union Council and another

Present: **Mr. Justice Yahya Afridi, Honourable Chief Justice of Pakistan**
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Miangul Hassan Aurangzeb

Source: https://www.supremecourt.gov.pk/downloads_judgements/c.p._5364_2024.pdf

Facts: The petitioner, Muhammad Hassan Sultan, married respondent No.2, Morial Shah, in 2016, having unconditionally delegated to her the right to divorce through clause 18 of the nikahnama. The couple later moved to New York and had a daughter in 2021. In June 2023, marital discord emerged, and respondent No.2 returned to Karachi with the child. On 03.07.2023, she exercised her delegated right of divorce and issued a notice of talaq under Section 7 of the Muslim Family Laws Ordinance, 1961. During this ninety-day statutory period, she withdrew the proceedings on 10.08.2023, and the Chairman, Union Council disposed of the case on 11.08.2023. Subsequently, the petitioner served his own notice of divorce on 23.08.2023, but later sought suspension of those proceedings. The Chairman ultimately disposed of

the second proceedings on 03.01.2024 for lack of jurisdiction, holding that the wife resided in New York and thus the Pakistan Mission there was the proper Arbitration Council. The petitioner challenged both orders before the Sindh High Court, which dismissed his petition; he then invoked the Supreme Court's appellate jurisdiction.

Issue: (i) Whether a talaq, "in any form whatsoever," once initiated under Section 7, can be withdrawn within the ninety-day period?

(ii) Whether the same principle applies when a wife initiates divorce under an unconditional delegation of the right of talaq?

(iii) Whether the orders of the Chairman were lawful in disposing of the first proceedings upon revocation and the second proceedings for lack of jurisdiction, and whether the wife's filing of a divorce case in New York undermined her earlier revocation in Pakistan?

Rule: Section 7 of the Muslim Family Laws Ordinance mandates that any pronouncement of "talaq in any form whatsoever" must be notified to the Chairman and will not take effect until ninety days have passed unless revoked earlier. Section 7 applies to all forms of talaq, including talaq-e-bidat, as established in Ali Nawaz *(PLD 1963 SC 51) and* Aziz Ahmad (PLD 2025 SC 469) cases. Section 8 provides that when the right to divorce is delegated to the wife, the provisions of Section 7 apply mutatis mutandis, meaning the wife assumes the same powers and responsibilities as the husband, including the right of revocation. Rule 3(b) of the West Pakistan Rules fixes jurisdiction with the Union Council where the wife resides at the time of pronouncement, and S.R.O. No.1086(K)/61 authorizes Pakistan Missions abroad to act as Arbitration Councils for Pakistanis residing overseas.

Application: The Court held that the wife's delegated right to divorce, being unconditional, carried with it the full statutory framework of Section 7, including the right to revoke the divorce within ninety days. Since she withdrew the notice within that period, the Chairman correctly disposed of the first proceedings. The petitioner's argument that talaq-e-bidat becomes effective instantly was rejected because Section 7 explicitly governs "talaq in any form whatsoever," and binding precedent confirms that even triple talaq does not take immediate effect under Pakistani law. His contention that delegated divorce does not include the power to revoke was also dismissed, as Section 8 expressly places the wife in the same legal position as the husband for purposes of Section 7. The wife's subsequent filing of divorce proceedings in New York was held irrelevant to the legality of her Pakistani revocation, since neither the Arbitration Council nor the High Court could examine motives behind foreign proceedings. Regarding the second order, the Chairman correctly found a lack of jurisdiction because respom ndent No.2 was residing in New York when the

petitioner issued his notice; under Rule 3(b) and the SRO, only the Pakistan Mission in New York could entertain such proceedings. Moreover, the petitioner himself had requested suspension of the proceedings, and with no legal basis to keep them pending, the Chairman properly disposed of the matter. The petitioner never challenged the vires of the SRO before the High Court, so it remained binding.

Conclusion: The Supreme Court concluded that a talaq initiated under Section 7—whether by a husband or by a wife exercising an unconditionally delegated right—can be revoked within ninety days and does not attain effect until that period expires. Respondent No.2's revocation was lawful, her subsequent foreign proceedings were irrelevant, and both orders of the Chairman were issued in accordance with law. Consequently, the petition was converted into an appeal and dismissed.

SINDH HIGH COURT

3. **Sindh High Court**
Faran Sugar Mills and others v. Federation of Pakistan and others
Constitutional Petition Nos.D-4144 to 4151 of 2025 and 5111 to 5118 of 2025

Present: **Mr. Justice Adnan Iqbal Chaudhry**
Mr. Justice Muhammad Jaffer Raza

Source: https://caselaw.shc.gov.pk/caselaw/view-file/Mjk0NDUxY2Ztcy1kYzgz
2025 SHC KHI 3380

Facts: The Petitioners are various sugar mills that exported sugar during the 2011–2012 and 2012–2013 crushing seasons under permissions granted by the Economic Coordination Committee (ECC). The State Bank of Pakistan subsequently issued circulars reflecting this permission, and the Trade Development Authority of Pakistan (TDAP), Respondent No. 3, publicized an Inland Freight Subsidy scheme outlining eligibility conditions. Although the Petitioners submitted their subsidy claims, TDAP later withheld disbursement through a letter dated 30.06.2016, acting on the Ministry of Commerce's directions to suspend payments pending a NAB inquiry. The Petitioners claim they were unaware of the inquiry, which has since been closed (July 2023). Earlier, through C.P. D-653/2023, the Court directed the Petitioners to approach TDAP, which then issued a speaking order dated 16.06.2025 declining disbursement due to lapsed funds and pending ministerial instructions. The

Petitioners challenged that speaking order and sought directions for release of the subsidy.

Issue: Whether the High Court, exercising jurisdiction under Article 199 of the Constitution, could compel the Federal Government and its agencies to release the Inland Freight Subsidy or to issue a supplementary or technical supplementary grant after the earlier allocation had lapsed?

Rule: Under Article 84 of the Constitution, only the Federal Government has the authority to authorize expenditure from the Federal Consolidated Fund by issuing a supplementary or excess grant, which is then placed before the National Assembly. Additionally**,** Section 23 of the Public Finance Management Act, 2019 provides that no expenditure may be incurred unless sanctioned and provided for in the relevant financial year, and that all grants lapse at the close of that financial year. Pakistani jurisprudence—including Tandianwala Sugar Mills Ltd., Union Fabrics (PLD 2023 270), K-Electric (PLD 2023 SC 412), *and* Bolan Steel (PLD 2014 Balochistan 173)—establishes that a subsidy is not a fundamental right and therefore cannot be enforced through a writ.

Application: Applying these rules, the Court noted that the speaking order did not reject the Petitioners' claims on merits but merely explained that payments had been halted due to earlier ministerial directions and the NAB inquiry. The Ministry now acknowledged that the inquiry stood closed and that steps for a Technical Supplementary Grant were being pursued. Nevertheless, because the previous grant had constitutionally lapsed**,** disbursement could not legally occur without fresh approval from the competent authorities. The Court emphasized that issuing such a grant is solely within the Federal Government's financial prerogative, and the judiciary cannot compel the Executive to allocate or reallocate funds. Since a subsidy is not a fundamental right and no statutory duty was violated by the Respondents, the Petitioners had no enforceable claim under Article 199. Therefore, the relief sought—release of funds or a direction to issue a supplementary grant—fell outside the Court's jurisdiction.

Conclusion: The Court concluded that it could not issue a writ directing the Federal Government to provide or reauthorize funds for the Inland Freight Subsidy. Given that the grant had lapsed and that subsidies are discretionary benefits rather than enforceable rights, the petitions were legally misconceived. Accordingly, all petitions were dismissed**,** with no order as to costs.

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4. **Sindh High Court**
Muhammad Iqbal v Appellate Bench No.01 and another
M.A. No. 11 of 2020

Present: **Mr. Justice Muhammad Faisal Kamal Alam**

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MjkwOTczY2Ztcy1kYzgz
2025 SHC KHI 3294 2025 SHC KHI 3295

Facts: The appellant, Muhammad Iqbal, a partner in Reanda Haroon Zakaria & Co., Chartered Accountants, conducted a review engagement for his client Al-Abbas Sugar Mills Limited for the period ending 31.03.2017. The client reclassified certain short-term investments from "fair value through profit or loss" to "available for sale," treating them as long-term investments. SECP viewed this reclassification as a violation of IAS-39 and issued a Show Cause Notice on 29.09.2017. After considering his reply, the Executive Director, Corporate Supervision Department (Respondent No.2), imposed a token penalty of Rs.10,000/- on 22.05.2018. The Appellate Bench No.1 of SECP (Respondent No.1) upheld the penalty on 23.12.2019. The appellant challenged the orders before the High Court of Sindh, arguing absence of mens rea, the presence of multiple permissible interpretations under IAS-39, and discriminatory treatment when compared to leniency shown in similar cases.

Issue: Whether the imposition of a penalty upon the appellant, as an auditor, for endorsing the company's reclassification of investments under IAS-39, was lawful—specifically, whether the act constituted a willful or negligent violation justifying penal action, or whether it was instead the product of professional judgment in an area where the accounting standards allowed more than one reasonable interpretation?

Rule: The Court reiterated settled legal principles governing penal or quasi-penal action: penalties cannot ordinarily be imposed without establishing mens rea unless the statute creates an absolute liability. Ambiguities in penal provisions must be resolved in favour of the person sought to be penalized, as emphasized by the Supreme Court in the *SBP Case* and earlier authorities. Under IAS-39, reclassification of financial assets from "fair value through profit or loss" is permissible only in "rare circumstances," as reflected in amended paragraphs 50B and 50C. Additionally, precedents such as *Riaz Ahmed* demonstrate that SECP's disciplinary framework allows issuing warnings rather than penalties when multiple interpretations or bona fide errors are involved.

Application: Applying these rules, the Court found that the appellant's endorsement of the client's reclassification reflected his professional judgment rather than any fraudulent or willful breach. The record showed that even SECP acknowledged that reclassification under IAS-39 was legally permissible in certain circumstances. Moreover, the finding

that “rare circumstances” existed was open to more than one reasonable interpretation, especially considering volatile market conditions described by the appellant. The Court also noted that the Appellate Bench did not address important aspects, such as a third-party QCR-compliant opinion supporting the appellant’s accounting treatment, which could have materially affected the regulatory assessment. Further, SECP had itself taken only mild action against the client’s directors by imposing a similar token fine and issuing a warning, demonstrating inconsistency in penal treatment. Given these factors, and applying the principle that ambiguity in penal action must favour the person charged, the Court held that the appellant’s conduct did not exhibit mens rea or willful negligence and that the token penalty could have disproportionate adverse consequences for his professional standing.

Conclusion: The Court concluded that the penalty imposed on the appellant was unwarranted because the reclassification issue involved professional judgment and was not the product of willful default or gross negligence. Accordingly, the appellate order affirming the penalty and the original order imposing it were modified to set aside the penalty. The appeal was disposed of with only a cautionary note advising the appellant to exercise greater diligence in future assignments.

5. Sindh High Court
Province of Sindh and another v Allah Dino Khuwaja and others
R.A No. 233 of 2018

Present: **Mr. Justice Muhammad Hasan (Akber)**

Source https://caselaw.shc.gov.pk/caselaw/view-file/MjkzNTEzY2Ztcy1kYzgz
2025 SHC HYD 3345

Facts: The plaintiff, Allah Dino Khuwaja, owner of Survey No. 395 in Deh Patar, Tando Muhammad Khan, filed Suit No. 59/2013 seeking declaration of easementary right and permanent injunction against government officials after they attempted to stop his use of a road passing through Survey Nos. 400 and 401, which connects his land to the main Tando Muhammad Khan–Hyderabad Road. He claimed that this pathway had existed and been continuously, openly and uninterruptedly used for over 60 years by successive landowners, tenants, and agricultural vehicles. Survey Nos. 400 and 401 were later acquired by the Government where public offices, residences, a mosque and park were built, and around 2001–2002 the Highway Department paved the road. The defendants failed to deny the longstanding use of the pathway and also could not show any alternate access to Survey No. 395. The Commissioner's inspection confirmed the disputed road was the only practical route and had existed for decades. Based on unrebutted evidence, the trial court decreed the suit in 2017, which was upheld in appeal in 2018. The Government then filed a revision under section 115 CPC, but the High Court dismissed it on 20 November 2025, holding that the plaintiff had lawfully acquired the prescriptive right of way and that no illegality or misreading of evidence was shown by the applicants.

Issue: Whether the plaintiff (respondent No.1) had legally acquired an easement right of way over the road passing through Survey Nos. 400 and 401 to reach his land in Survey No. 395, and whether the provincial authorities (applicants) could lawfully stop him from using that road, despite his claim of uninterrupted usage for more than sixty years.?

Rule: The Court applied the law relating to easements by prescription, noting that under section 15 of the Easements Act, 1882, a right of way or other easement is acquired when it has been peaceably, openly and uninterruptedly enjoyed as of right for at least twenty years, and where the land belongs to the Government, the prescriptive period extends to sixty years. Section 26 of the Limitation Act, 1908 reinforces this principle by declaring that such uninterrupted enjoyment as of right for twenty years

(or sixty years in case of Government land) renders the easement absolute. The term "easement" under section 2(5) of the Limitation Act includes a right not originating from contract but allowing one person to use or derive benefit from another's land. The Court relied on the Supreme Court's ruling in *Abdul Khaliq alias Mithoo v. Moulvi Sher Jan* (2007 SCMR 901), which set out that for an easement to be acquired by prescription, the right must be certain, actually enjoyed, independent of any agreement with the servient owner, and peaceably, openly and as of right, without interruption, for the requisite statutory period. Reference was also made to *PLD 1959 Dacca 491*, clarifying that "as of right" implies enjoyment under a claim rather than strictly lawful origin, and *PLD 1963 Dacca 201*, establishing that prolonged use alone is insufficient unless all legal conditions are met. Further reliance was placed on *2004 MLD 1936*, which held that roads used for public convenience create rights in rem that cannot be arbitrarily denied. In addressing the scope of revision, the Court affirmed that under section 115 CPC, as established in *Ikhlaq Ahmed* (2014 SCMR 161), *PLD 2006 SC 309* and *2010 SCMR 1630*, interference with concurrent findings of fact is permissible only in cases of misreading or non-reading of evidence, jurisdictional error or perversity.

Application: The plaintiff asserted that Survey No. 395, which he owned, had traditionally been accessed via a road passing through Survey Nos. 400 and 401, connecting to the Hyderabad–Badin/Tando Muhammad Khan road, and that this path had been openly, continuously and uninterruptedly used for over sixty years by previous owners and himself. Over time, this route was upgraded to a metal road by the Highway Department, and government facilities including offices, residential colony, mosque and public park were constructed on Survey Nos. 400 and 401. The applicants later attempted to stop the plaintiff from using the road. In their written statement, the defendants did not deny the plaintiff's claim of long-standing use, only stating that the buildings were under the Building Department and the road was constructed around 25 years ago, without contesting the continuity or nature of its use. The trial court examined issues relating to maintainability, cause of action, usage of the road for sixty years, absence of alternative access and entitlement to relief, and concluded in favour of the plaintiff, finding the use to be as of right and without interruption, with no other viable route to Survey No. 395. The appellate court upheld these findings. During the proceedings, the plaintiff produced revenue records, municipal documents, approved site plans and an inspection report by the Commissioner, supported by testimony of PW-1 (Tapedar), PW-2 (Municipal Clerk) and PW-3 (plaintiff's attorney), all confirming that the road had existed for decades and was the only practical route. The Commissioner's report verified that alternative access was blocked by watercourses and katcha constructions. Defence witnesses made admissions, including that Survey No. 395 was Kabuli land since 1960, the maps produced were incomplete, and no alternate route was identified. Witnesses for the government confirmed the presence of public amenities and accepted that the road

linked to the main road, though they denied knowledge of the disputed land layout. Based on unrebutted evidence and these admissions, the High Court held that the plaintiff had satisfied all legal requirements for acquiring a prescriptive easementary right, as the use was peaceable, open and uninterrupted for over sixty years without any permission, attracting section 15 of the Easements Act and section 26 of the Limitation Act, as interpreted in Abdul Khaliq alias Mithoo. The Court further noted that the road also serves general public access to government offices and facilities, making it a public right in rem as recognised in 2004 MLD 1936. Finally, the High Court found no misreading of evidence, jurisdictional error or illegality in the concurrent judgments, and held that differing interpretation of facts was insufficient to invoke section 115 CPC, dismissing the revision accordingly.

Conclusion: The High Court held that the plaintiff had validly acquired a prescriptive easementary right of way over the disputed road passing through Survey Nos. 400 and 401 to access Survey No. 395. The long, open, peaceable and as-of-right user for more than sixty years against Government-related land fulfilled the statutory requirements. Consequently, the provincial authorities had no lawful authority to restrain him from using that road. The revision application was dismissed and the concurrent judgments of the trial and appellate courts were maintained, with no order as to costs .

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6. **Sindh High Court**
Sahib v The State
Criminal Acquittal Appeal No. S-163 of 2022

Present: **Mr. Justice Muhammad Hasan (Akber)**

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MjkzNTMxY2Ztcy1kYzgz
2025 SHC HYD 3351

Facts: The complainant, Sahib, alleged that he purchased a plot from the accused Zulfiqar Ali for Rs.3,059,910, paying Rs.1,250,000 as advance, but after the transaction was cancelled, the accused returned Rs.750,000 in cash and issued a cheque of Rs.500,000 from his Allied Bank account to settle the remaining amount, which was dishonoured upon presentation. The bank return memo cited insufficient balance, dormant account and forged drawer's signature. During trial, the complainant admitted he never obtained the accused's CNIC or property documents, that he had no direct business dealings with him and that the agreement (Iqrarnama) involved in the transaction had been executed by the accused's brother, not the accused. He also conceded that no civil suit for recovery or specific performance was filed and the cheque displayed different handwriting and pen colours. The prosecution produced no independent evidence linking the accused directly to the transaction or establishing any obligation, leading the trial court to acquit him.

Issue: Whether the acquittal of the accused, Zulfiqar Ali, in a case under section 489-F PPC should be set aside on the allegation that he dishonestly issued a cheque of Rs.500,000 toward refund of payment made in a cancelled plot sale transaction, which was later dishonoured?

Rule: To secure conviction under section 489-F PPC, the prosecution must prove beyond reasonable doubt that the cheque was issued by the accused, that it was issued dishonestly in discharge of an obligation or repayment of a loan and that it was dishonoured upon presentation. Only once this is established does the burden shift to the accused to show that sufficient arrangements existed for encashment. In acquittal appeals, law requires that the acquittal may only be reversed if it is shown to be perverse, unreasonable or manifestly against the evidence, with double presumption of innocence extending to the accused. If even a single circumstance raises reasonable doubt, benefit must go to the accused as of right.

Application: The complainant stated that he had purchased a plot for Rs.3,059,910, paid Rs.1,250,000 as advance, and after cancellation, received Rs.750,000 in cash and a cheque for Rs.500,000 from the accused. However, he admitted during cross-

examination that he did not obtain the accused's CNIC or title documents, that the agreement (Iqrarnama) relied upon was not executed by the accused but by his brother, and that he had no direct dealings with the accused. He further conceded that no civil suit for recovery or specific performance had been filed, and the cheque bore multiple handwritings. Importantly, the bank's return memo cited reasons including insufficient balance, dormant account and forged drawer's signature. This significantly damaged the prosecution's case, suggesting that the cheque was not issued by the accused. No reliable evidence established any obligation against the accused. Given contradictions in witness testimonies and absence of legal steps like civil proceedings, the Court held that dishonest issuance of cheque and existence of obligation were not proved.

Conclusion: The prosecution failed to prove the essential ingredients of section 489-F PPC, particularly the existence of obligation and dishonest issuance of cheque. Multiple doubts existed and under settled law, benefit had to be extended to the accused. The acquittal did not suffer from illegality or perversity, so the appeal was dismissed.

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7. Sindh High Court
Shaikh Abdul Saleem and Abdul Wasi v. The State
Criminal Revision Application No. 240 of 2025

Present: **Mr. Justice Jan Ali Junejo**

Source: https://caselaw.shc.gov.pk/caselaw/view-file/MjkwOTQ5Y2Ztcy1kYzgz
2025 SHC KHI 3290

Facts: The applicant and complainant are real brothers, and the dispute appears to stem from civil and family matters. The allegation is that the applicant issued a cheque worth 20 million rupees, which was dishonored due to insufficient funds. The complainant stated that the amount along with gold ornaments was entrusted to the applicant, but no documentary proof was produced to show any legally enforceable liability. The cheque was issued from a dormant bank account, suggesting a possible lack of dishonest intent. The Magistrate granted post-arrest bail on the grounds that the case required further inquiry, that the alleged offence did not fall within the prohibitory clause of Section 497 Cr.P.C., and that there was insufficient material to establish legal liability. The applicant remained present during proceedings, did not abscond and did not interfere with investigation or threaten witnesses. Despite this, the Sessions Judge cancelled bail, calling the order illegal and alleging misuse of concession, even though the supposed misuse was based only on non-payment,

which is the subject of dispute.

Issue: Whether the cancellation of bail, once granted to the applicant, was justified in the absence of any misuse of concession or other strong and exceptional grounds required under Section 497(5) Cr.P.C?

Rule: Bail, once granted, can only be cancelled if there are strong and exceptional grounds such as misuse of the bail concession, interference with investigation, threats to witnesses, potential absconding or if the bail order is perverse or illegal to the extent that it causes miscarriage of justice. Jurisprudence establishes that granting bail is considered the norm while refusal is the exception, particularly for offences not covered under the prohibitory clause such as Section 489-F PPC. For liability under Section 489-F, prosecution must prove that the cheque was issued with dishonest intention to repay a legally enforceable existing liability. The mere dishonoring of a cheque is insufficient without proof of liability. The Supreme Court has also clarified that Section 489-F should not be used as a substitute for debt recovery actions.

Application: There was no evidence presented to confirm that any legal liability existed or that money or ornaments were actually entrusted to the applicant. The issuance of a cheque from a dormant account and the inconsistency between the alleged amount and the cheque value raised doubts that were appropriate for trial consideration rather than grounds for incarceration. The applicant complied with all bail conditions, did not attempt to abscond, did not influence the investigation and exhibited no conduct amounting to abuse of bail concession. The Sessions Judge set aside the Magistrate's order without identifying any exceptional circumstance, effectively substituting judicial discretion instead of correcting an error. The cancellation appeared intended to pressurize recovery of funds, which is outside the purpose of criminal bail jurisdiction.

Conclusion: The High Court held that no exceptional grounds existed to justify cancellation of bail and that the Sessions Judge improperly interfered with the order of the Magistrate. It was held that once bail has been lawfully granted, it cannot be revoked merely due to allegations or pressure for repayment. The criminal revision application was allowed, the cancellation order dated 13 October 2025 was set aside and the bail order dated 25 July 2025 was restored. The surety furnished by the applicant was maintained, and he was ordered to be released if not required in any other case.

8. **Sindh High Court**
Talha Yousuf v. Syed Muhammad Ahsan & Others
Criminal Miscellaneous Application No. 242 of 2024

Present: **Mr. Justice Ali Haider 'Ada'**

Source: https://caselaw.shc.gov.pk/caselaw/view-file/Mjk1NTA1Y2Ztcy1kYzgz
2025 SHC KHI 3407

Facts: The applicant, complainant of FIR No. 823/2023 registered under section 395 PPC, alleged that respondents armed with deadly weapons forcibly entered his mobile accessories shop and removed 99 cartons of stock. Due to threats extended at the spot, he delayed reporting the incident and later lodged the FIR. During investigation, he submitted CCTV footage and repeatedly complained to senior police officials about mishandling of the case. The IO was suspended, yet despite suspension he proceeded to submit a C-Class report. The Magistrate approved the report in summary proceedings, holding that the dispute appeared civil and the delayed FIR weakened the allegation. The applicant challenges the order on grounds of non-application of judicial mind, suppression of material evidence, and an investigation conducted in disregard of statutory duties.

Issue: Whether the learned Magistrate lawfully accepted the C-Class report despite apparent deficiencies in the investigation, disregard of material evidence including CCTV footage, and allegations suggesting commission of a cognizable offence rather than a civil dispute?

Rule: Section 4(1)(l) CrPC defines investigation as the collection of evidence by lawful means. Sections 156 and 157 CrPC, read with Police Rules 25.1, 25.2, 24.4 and 24.7, require the IO to conduct honest, impartial, complete and objective investigation, without prematurely forming opinions. Case law including Syed Qamber Ali Shah v. Province of Sindh (2024 SCMR 1123) and Suo Motu Case No. 19 of 2011 (2012 SCMR 437) reiterates that investigation must be diligent and unbiased. The IO's opinion does not bind the Court; Raja Khurshid Ahmed v. Muhammad Bilal (2014 SCMR 474) and Nazir Ahmed v. State (PLD 2014 SC 241) confirm that a Magistrate under section 190 CrPC must independently assess material before accepting a cancellation. The practice of A/B/C classification, originating from the Bombay Presidency Rules, is recognized as valid usage but requires judicial scrutiny (PLD 2013 Sindh 423).

Application: Material on record showed that the IO ignored CCTV footage provided under Article 164 QSO 1984 and relied instead on an unverified defence narrative allegedly supplied by the accused. The IO, already facing suspension and departmental

proceedings, still submitted the C-Class report, raising concerns about objectivity. The Magistrate overlooked the IO's misconduct and failed to evaluate whether armed trespass and removal of property could be relegated to a civil dispute. Delay in FIR was treated as decisive even though intimidation was pleaded and the Supreme Court has consistently held that delay does not defeat otherwise credible allegations in offences involving force. The Magistrate relied entirely on the IO's conclusions and did not examine whether the elements of robbery and criminal trespass were apparent from the FIR and supporting material. Under settled law, this constituted non-application of judicial mind.

Conclusion: The High Court found that the Magistrate erred in accepting the C-Class report without independent evaluation of the evidence, particularly the CCTV footage and the allegations of armed entry and removal of stock. The investigation was incomplete and contrary to statutory duties, and the Magistrate abdicated judicial responsibility. Ratio decidendi: a C-Class cancellation cannot be approved where investigation is defective, incomplete or biased, and the Magistrate must independently scrutinize the record rather than rely on the IO's opinion. Obiter dicta: delay in FIR and existence of monetary disputes do not neutralize allegations of armed robbery; CCTV evidence cannot be ignored, and suspended IOs must not undertake further investigative acts.

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9. Sindh High Court
M/s NTL (Pvt.) Ltd. v. The State & Mirza Raheel Baig
Criminal Acquittal Appeal No. S-303 of 2023

Present: **Mr. Justice Ali Haider 'Ada'**

Source: https://caselaw.shc.gov.pk/caselaw/view-file/Mjk1NTAxY2Ztcy1kYzgz
2025 SHC KHI 3405

Facts: The appellant-company alleged that its former Accounts Officer embezzled Rs. 1,23,79,906 between 2019 and 2021. After the complainant approached the Justice of Peace, FIR No. 157/2022 under section 489-F PPC was registered based on a cheque allegedly issued by the accused as partial settlement, which was dishonoured. At trial, prosecution relied on an audit chart, an Iqrarnama and bank testimony. The trial Court noted inconsistencies in the financial figures stated in the FIR, the audit chart and the Iqrarnama; absence of any departmental proceedings; and failure to link the cheque to a specific legally enforceable obligation. The accused was acquitted. The complainant appealed.

Issue: Whether the trial Court's acquittal was sustainable when the cheque was admittedly issued but the prosecution evidence lacked consistency and failed to establish a definite, enforceable legal obligation under section 489-F PPC?

Rule: Section 489-F requires proof that the cheque was issued dishonestly towards repayment of a loan or fulfillment of an obligation, and was dishonoured. Article 117 QSO places the burden of proving the existence of liability on the prosecution. The Supreme Court in Muhammad Sultan v. State (2010 SCMR 806) and Muhammad Shafi v. Muhammad Raza (2008 SCMR 329) holds that contradictions creating reasonable doubt enure to the accused's benefit, and an acquittal strengthens the presumption of innocence.

Application: The financial figures were drastically inconsistent: the FIR alleged embezzlement of Rs. 1,23,79,906; the audit chart reflected Rs. 16,194,906; the Iqrarnama reflected amounts totalling Rs. 11,754,457—none of which aligned. The audit report lacked conclusions, findings, attribution of liability, or methodology. The company produced no internal disciplinary proceedings, which would ordinarily accompany embezzlement allegations. The Iqrarnama did not explicitly link the cheque to a binding obligation. The accused denied liability in his statement and raised contradictions in the prosecution's timeline. The Court found that the prosecution did not establish the core ingredient of a legally enforceable obligation for which the cheque was issued. In such circumstances, extending benefit of doubt was consistent with settled principles.

Conclusion: The High Court upheld the acquittal, holding that the prosecution failed to prove the existence of a definite legal obligation, a mandatory element under section 489-F. Ratio decidendi: where financial evidence is inconsistent and the prosecution cannot demonstrate a clear, existing, enforceable liability, conviction under section 489-F cannot stand, and an acquittal must be maintained. Obiter dicta: corporate complainants must maintain coherent audit trails and internal disciplinary records; criminal proceedings cannot substitute civil remedies for financial disputes.

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10. Sindh High Court
Babar Mirza Chughtai v. The State & Others
Criminal Miscellaneous Application No. S-509 of 2025

Present: Mr. Justice Ali Haider 'Ada'

Source: https://caselaw.shc.gov.pk/caselaw/view-file/Mjk1NTAzY2Ztcy1kYzgz
2025 SHC KHI 3406

Facts: Respondent No. 11 filed a complaint under sections 3, 4 and 5 of the Illegal Dispossession Act, 2005 alleging that he purchased a 62.50% undivided share in a commercial property through a registered sale deed and was later dispossessed on 28.12.2024 by the applicant. The trial Court took cognizance and issued bailable warrants. The applicant contended that he has been in uninterrupted possession since 2016 under Agreements to Sell executed by the original owner and his widow, supported by payments made through various instruments, and that one legal heir acknowledged his possession. He argued that the dispute is civil, concerns co-ownership, and that IDA is being misused. The civil suit filed earlier had been dismissed. He challenged cognizance.

Issue: Whether cognizance under the Illegal Dispossession Act, 2005 could be taken when the complainant purchased only an undivided share, while the applicant's longstanding possession was preferable to contractual arrangements protected under law, making the dispute essentially civil?

Rule: Section 3 of the IDA prohibits forcible and unlawful dispossession. Section 9 applies CrPC to IDA proceedings. Section 53-A of the Transfer of Property Act protects possession taken in part performance of a contract. Case law (Niaz Ahmed v. Aijaz Ahmed, PLD 2024 SC 1152; Mst. Gulshan Bibi, PLD 2016 SC 769; Shaikh Muhammad Naseem, 2016 SCMR 1931) clarifies that IDA applies only where force is used to dispossess a lawful occupier and is not a substitute for resolution of co-ownership or title disputes. Co-sharers are deemed jointly in possession of undivided property unless partitioned, and IDA does not apply to bona fide civil disputes.

Application: The complainant purchased only a 62.50% undivided share; therefore, he could not claim exclusive possession of the entire property. The applicant's possession since 2016 was supported by Agreements to Sell, part-payment schedules, negotiable instruments, and an undertaking by a legal heir. No co-heir disputed the agreements or objected to the applicant's possession. The complaint alleged dispossession of the entire premises, which is legally untenable without partition. No evidence showed the use of force required by section 3. The Supreme Court's latest interpretation restricts IDA to cases of forcible occupation, not co-ownership disputes. The dispute concerned title, share, and possession rights—matters for a civil court. Thus, the trial Court erred in taking cognizance without examining the foundational requirements of IDA.

Conclusion: The High Court held that the dispute is civil, rooted in co-ownership and contractual possession, and does not attract the provisions of the IDA. Ratio decidendi: the IDA applies only when a lawful owner or occupier is forcibly dispossessed; a purchaser of an undivided share cannot invoke criminal jurisdiction to challenge longstanding contractual possession. Obiter dicta: parties claiming exclusive possession of

undivided property must seek partition or civil remedies; section 53-A protects transferees in possession, and criminalization of civil disputes is inconsistent with the intent of the Act.

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11. **Sindh High Court**
Travel Agents Association of Pakistan and another v. International Transport Association and others
Judicial Miscellaneous Application No. 20 of 2025

Present: **Mr. Justice Muhammad Jaffer Raza**

Source: **https://caselaw.shc.gov.pk/caselaw/view-file/MjkxMjkzY2Ztcy1kYzgz**
2025 SHC KHI 3331 2025 SHC KHI 3333 2025 SHC KHI 3338

Facts: The Plaintiffs, the Travel Agents Association of Pakistan and another party, filed Civil Suit No. 882 of 2024, which later stood converted into Judicial Misc. Application No. 20 of 2025 after the promulgation of the Civil Court Amendment Act, 2025. Defendant No. 1, the International Air Transport Association, filed an application under Section 4 of the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act, 2011 seeking a stay of proceedings on the basis of an arbitration agreement. During the hearing of this application, the Defendant argued that such applications must be decided by the Civil Court, not the High Court, due to the legislative scheme of the Act. The Court framed a legal question to resolve whether the pending application should continue before the High Court or be referred to the Civil Court in light of the new jurisdictional framework created by the 2025 Amendment Act.

Issue: Whether applications under Section 4 of the 2011 Act for stay of legal proceedings—particularly where the underlying civil suit stands within the pecuniary jurisdiction of the Civil Court after the 2025 amendments—must be adjudicated by the High Court as the "Court" defined in Section 2(d) of the Act, or whether such applications must instead be heard by the Civil Court as the "court" in which the legal proceedings are pending?

Rule: The statutory framework consists primarily of the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act, 2011, which defines "Court" in Section 2(d) to mean the High Court or another superior court notified by the Federal Government. However, Section 4 of the Act—using the term "court" with a small "c"—provides that a party seeking a stay of legal proceedings based on an arbitration agreement must apply to "the court in which the proceedings have been

brought." Section 3(2) similarly states that an application to stay proceedings under Article II of the New York Convention may be filed in the Court "in which the legal proceedings are pending." Both Section 2(d)'s definition clause and long-established interpretive principles—articulated in cases such as Muhammad Khan, Bank of Bahawalpur Ltd., and *Kashif Mumtaz*—clarify that statutory definitions apply only insofar as the subject and context permit, and must not be read in a manner that produces redundancy, absurdity, or contradictions. Jurisprudence from various High Courts, including Zaver Petroleum, A.M. Construction, and Tallahassee Resources, supports the interpretation that Section 4 applications fall within the jurisdiction of the Civil Court where the suit is pending, whereas enforcement applications under Section 6 lie exclusively before the High Court.

Application: Applying these rules, the Court found that the use of the lowercase "court" in Section 4, combined with the contextual language "in which the proceedings have been brought," demonstrates legislative intent that stay applications must be filed in the court where the civil action is instituted—i.e., the Civil Court after the 2025 amendments. The Court reasoned that interpreting Section 4 to mean the High Court would render redundant the phrases "in which the proceedings have been brought" and "in which the legal proceedings are pending," used both in the Act and in Article II of the New York Convention. Such redundancy would contradict well-established rules of statutory interpretation. The Court preferred the reasoning in Zaver Petroleum, which held that the meaning of "Court" in Section 3(2) need not follow the definition in Section 2(d) when doing so would create absurdity. Conversely, the Court declined to follow the Lahore High Court's view in Tradhol International, because that approach reads Section 4 as referring exclusively to the High Court, thereby disregarding statutory language and creating a dual-step process requiring suits to be transferred unnecessarily between courts—an outcome incompatible with the efficiency objectives of the Act and the Convention. The Court rejected the Plaintiffs' suggestion that Civil Courts should refer all Section 4 applications to the High Court, as this would amount to judicially inserting into the statute a procedure that the legislature did not create and would complicate rather than streamline proceedings.

Conclusion: The Court concluded that applications under Section 4 of the 2011 Act must be heard by the Civil Court in which the legal proceedings are pending. Accordingly, the High Court lacks jurisdiction to adjudicate the stay application filed by the Defendant. Judicial Misc. Application No. 20 of 2025 was therefore directed to be transferred to the Civil Court to be renumbered and adjudicated as a civil suit pursuant to Sections 3 and 4 of the Civil Court Amendment Act, 2025.

12. **Lahore High Court**
Muhammad Anwar Anjum and another v Muhammad Shakeel Sattar
R.F.A. No. 78871 of 2024

Present: **Mr. Justice Khalid Ishaq**

Source: https://sys.lhc.gov.pk/appjudgments/2025LHC6875.pdf
2025 LHC 6875

Facts: The respondent/plaintiff filed a summary suit under Order XXXVII CPC for recovery of Rs.12,000,000 based on a dishonoured cheque dated 08.03.2023 allegedly issued by the appellants/defendants from their joint account. The plaintiff asserted that the appellants, who were facing financial difficulties, had borrowed money which he arranged through his relatives, and that the cheque was issued towards repayment following a Panchayat-based reconciliation. The appellants denied any consideration, claiming instead that the plaintiff, being a banker, had earlier retained their cheques for facilitating various finance facilities and had misused the cheque in question. After granting leave to defend and recording evidence from both sides, the Trial Court decreed the suit. The appellants challenged the decree before the Lahore High Court, arguing that the plaint lacked material particulars of consideration, the evidence was insufficient, and several documents relied upon by the Trial Court had no evidentiary value.

Issue: Whether the respondent/plaintiff had successfully proved that the dishonoured cheque was issued for valid consideration, thereby entitling him to a decree for recovery under Section 118 of the Negotiable Instruments Act, or whether the appellants/defendants had rebutted the statutory presumption of consideration and shown that the cheque was misused?

Rule: Section 118(a) of the Negotiable Instruments Act creates a presumption that every negotiable instrument, including a cheque, is issued for consideration once its execution is admitted. However, this presumption is rebuttable. The defendant bears the burden of presenting a strong and probable defence demonstrating that consideration was absent or highly improbable, after which the burden shifts back to the plaintiff to prove consideration through reliable evidence. Courts require more convincing rebuttal when the execution of the cheque is not denied. The legal principles further require that pleadings contain material particulars, that evidence

cannot extend beyond pleadings, and that documents must be duly proved through competent witnesses; documents merely "marked" without proof have no evidentiary value. Civil cases are decided on the preponderance of probabilities.

Application: Applying these rules, the Court found major deficiencies in the plaintiff's case. The plaint lacked essential details of the alleged payments—no dates, method, persons involved, or specific amounts were pleaded. Although the plaintiff claimed that payments were arranged through relatives, none of those relatives were produced as witnesses. PW-2 and PW-3, both relatives of the plaintiff, admitted that no payment was made in their presence. Further, the Panchayat story lacked names or particulars of the persons involved. The Trial Court relied heavily on bank statements (Mark-O to Mark-U) and other documents that were only "marked" and not proved through competent witnesses, rendering them inadmissible. On the other hand, the appellants successfully established that the plaintiff was a banker who previously retained their cheques in connection with loan processing, thereby making their assertion of misuse plausible. Given the weak and contradictory evidence of the plaintiff and absence of any credible proof of consideration, the statutory presumption under Section 118 stood rebutted. The plaintiff failed to discharge the shifted burden of proving actual payment of Rs.12 million, a highly improbable transaction absent any evidence of financial capacity or credible witnesses.

Conclusion: On the preponderance of probabilities, the Court held that the appellants had successfully rebutted the presumption of consideration and that the plaintiff failed to establish that the cheque was issued against a genuine debt. Consequently, the findings of the Trial Court were declared perverse, based on misreading and non-reading of evidence. The High Court allowed the appeal, set aside the impugned judgment and decree, and dismissed the plaintiff's suit.

Ishfaq Ahmed v. Mushtaq Ahmed
2025 SCP 112

Keywords: Artificial Intelligence; Ethical Concerns; Judicial Reforms; Fair Trial; Article 10(A); Access to Justice; Human Reasoning; Judge; Court of Justice; LLMs; Human Bias

The use of Artificial Intelligence ('AI') in judicial proceedings is a new phenomenon which has been considered efficient in reducing the backlog of pending cases, which stood at 2,221,512 (2.22 million) nationwide as of 2024.[1] The recent judgment of *Ishfaq Ahmed v. Mushtaq Ahmed*[2], delivered by Justice Syed Mansoor Ali Shah and Justice Aqeel Ahmed Abbasi, paved the way for the use of AI in the judicial system of Pakistan. It calls for judicial officers to gain assistance from modern AI tools. The Court discusses the legitimacy of AI use in judicial work, while also underscoring its weaknesses in terms of accuracy in comparison to human adjudication. The judgment prescribes AI as an auxiliary tool to facilitate and expedite the judicial process, rather than substituting human reasoning.

The brief facts of the case are that Ishfaq Ahmed ('petitioner') and Mushtaq Ahmed ('respondent') are real brothers who have been involved in litigation regarding tenancy rights since 2018. The petitioner claims to be the owner of immovable property situated in Moza Rajghar, a tehsil of Lahore district. He rented the property to the respondent on a monthly rent amounting to Rs. 35,000/-, who later committed default in the payment of the same. The petitioner filed an eviction petition against the respondent, which was dismissed. Subsequently, he challenged the dismissal order before the appellate forum, which allowed his appeal in 2021. Being aggrieved by the appellate court's judgment, the respondent invoked the constitutional jurisdiction of the Lahore High Court ('LHC'), which resulted in his favour in 2022. Consequently, in the present case, the petitioner challenges the LHC judgment before the Supreme Court of Pakistan ('Court').

The Court affirms the holding of the lower appellate court as it upholds the petitioner's claim of ownership, and sets aside the judgment passed by the LHC. After settling the original controversy of the case, Justice Shah brings attention to the inordinate delay of 7 years in the final disposal of this case, and emphasizes the need to adapt to technological advancements to help curtail delays that infringe upon the rights of the parties. He recommends the use of AI in the Judicial system to expedite court proceedings. However, the Court warns against excessive reliance, prescribes AI use as only a facilitative tool, and never in a manner that compromises human judicial autonomy, constitutional fidelity, or public trust in the justice system.[3]

The judgment holds significance in the present context when AI is rapidly integrating into all domains of life, and it is more required than ever before to amplify technological assistance in the legal system. Such an approach is in tandem with the fair trial guarantee under Article 10(A) of the Constitution,[4] which envisions efficient judiciary for the timely delivery of justice. However, it goes without saying that automated decisions may not find any legitimacy under the existing laws. The Constitution of Pakistan defines a 'Judge' under Article 260 as any person who is acting as a Judge of the court.[5] The Pakistan Penal Code defines the word 'Judge' as 'every person who is officially designated or empowered by law to give a definitive judgment in legal proceedings of a civil or criminal nature'; while the word 'court of justice' denotes a judge who is empowered by law to act judicially, it can also refer to a body of judges that is empowered by law to act judicially.[6] Whereas Section 367 of the Criminal Procedure Code states that *'every judgment shall, except as otherwise expressly provided by this code, be written by the presiding officer of the court or from the dictation of such presiding officer and shall be signed by him'.*[7] Consequently, the laws of Pakistan require judgments and orders to exhibit human reasoning. The decisions of AI are often based on biased algorithms that can prejudice the right to a fair trial[8]; therefore, human input is necessary to preclude various technical errors.

The present judgment prescribes ways to prevent AI takeover of the judicial system by ensuring its use as a supplemental tool only. The judgment does not support the arbitrary use of AI for recording evidence, writing judgments, or substituting human adjudication; instead, it identifies its rational use in assigning jurisdiction and allocating cases to avoid the arbitrary exercise of discretion by the senior judiciary. This way, AI algorithms can be employed to overcome human bias that derails the process of justice. Additionally, AI can also assist judges in case profiling, recognising handwriting, and evaluating contracts of various natures.[9] It enables judges to make informed decisions by furnishing them with precise and comprehensive data.[10] AI also facilitates the utilisation of forensic evidence and surveillance videos to determine the identities of potential perpetrators.[11] The integration of AI into the judicial system in the modern world is desired mainly due to its feature of predictability, which assists in the outcome of cases. The potential usage of artificial intelligence may also prevent miscarriages of justice in Pakistan's criminal justice system by preventing unjust and wrongful convictions.[12] Therefore, AI tools can be used in meaningful ways to assist the administration of courts without compromising the spirit of judicial reasoning.

However, such assistive use of AI in the administrative functions of the judiciary in Pakistan requires amendments to the rules of the superior courts. Under the Constitution, the Supreme Court and the High Courts are exclusively empowered to make rules regulating their practice and procedure.[13] These rules regulate the case allocation and formation of benches, service of summons and notices, management

of cause lists, procedure for pronouncement of judgments, record keeping, and related functions of the court.[14] The present judgment therefore offers an opportunity to the higher judiciary to bring about such meaningful reforms in the court rules as required for the integration of AI into the routine court proceedings.

Despite the potential advantages, the judgment has discussed the limitations of AI that result in ethical concerns. These challenges include, but are not limited to, transparency issues, technological faults, data privacy concerns, and erosion of public confidence. According to Jawad Raza, despite the remarkable advancements made by the current generation of Large Language Models ('LLMs') in mimicking human-like intelligence, these systems exhibit hallucinations, provide irrelevant context for the real world, and demonstrate unreliable reasoning, which raises concerns regarding the safety, robustness, and true intelligence of AI systems.[15] Judicial adjudication requires human reasoning, impartiality, emotional empathy, and public confidence, which are not reflected in AI systems.

In this backdrop, the judicial community requires enhanced technical proficiency to effectively utilize and assess AI systems to ensure judicial propriety. The incorporation of artificial intelligence in the judicial system holds a promising impact on the overall justice system in Pakistan.[16] However, there is a dire need to establish specific regulations for adopting AI tools in a manner that addresses the ethical concerns. In this regard, the judgment calls on the National Judicial Policy Making Committee and Law and Justice Commission of Pakistan to develop comprehensive guidelines for permissible uses of AI within the judiciary. These policy directives would require incorporation in the court rules to bring into effect the desired regulatory framework to address ethical concerns.

In conclusion, the judgment presents a pragmatic vision for enhancing the efficiency and speed of justice in the country. It provides direction for improving the judicial system through technological advancements that can effectively reduce backlog and curtail delays. While the judgment recognises the upsides of AI, it does not acknowledge its use in matters of reasoning and decision-making due to ethical considerations and apprehensions of miscarriage of justice. Therefore, the benefits of AI can be leveraged to expedite justice; however, necessary caution is required to adhere to the principles of fair trial and avoid technological bias in the judicial system.

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