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Intersection of Justice, Crime Scene Investigation and Forensic Evidence in Pakistani Court

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Abstract

The criminal justice system in any jurisdiction demands that the charges against the accused should be proved beyond any doubt. The forensic science helps in restructuring and reconstruction of all the events happened at the crime scene. Although those events are not eye witnessed by the investigators, but certain elements help the forensic expert and crime scene investigator to link the ends of the broken pieces of evidence and reconstruct a story. This article underpins the fact that the evidence must be observed in its context and background. The forensic science encompasses various areas of scientific study which enable the law enforcement agencies to prove the legal cases. The article suggests that the crime scene investigation needs proper, accurate and attentive operation, documentation of crime scene, and collection of evidence. During the collection of evidence certain precautions must be kept in mind while dealing with the hazardous and fragile material.

Key Words: Justice, Crime Scene, Investigation, Forensic Science, Forensic Evidence

Introduction

With the advancement of technology, the criminal has evolved new ways to perform the criminal activities. For the same reason, there is need of improvement and innovation in investigative methodologies and techniques. The traditional crime scene processing in Pakistan includes discovery, inspection and presentation of evidence in the court after collecting evidence from the crime scene. In the country where police officials are not crime scene experts, the lack of training causes loss of substantial evidence and leads to collection of poor evidence which ultimately results in exoneration of criminals from the justice system. It's the need of the time that police officers who inspect the crime scene and get involved in discoveries should be aware of scientific protocols to not destruct the material evidence and to safeguard most of the forensic and physical evidence available at the crime scene.

The crime scene processing is laborious task which requires inordinate caution and attention as every piece of evidence at the spot, if not properly handled and transferred to the laboratory the same would lose the credibility in the eyes of law. The police officers during an investigation tend to rely more on the statements of eyewitnesses rather than making a sophisticated and technological crime scene investigation as a forensic expert. The evidence documentation and the proper reasoning for collection of evidence is the integral part of policing intelligence which can only be done by the trained crime scene personnel. Previously, it was believed by the courts that forensic analysis begins at laboratories and having nothing to do with the crime scene (Frye vs. United States 1923). Whereas with the advancement of technology and development of forensic sciences it is believed that forensic science is equally important for crime scene processing as for laboratory tests (Daubert v. Merrell Dow Pharmaceuticals, Inc., 1993) (Mateen, Tariq & Rasool, 2018).

Research Methodology

The qualitative research methodology is use for the discussion on the topic, which has been accomplished in a doctrinal research method. Inductive and deductive content-analysis is applied on varied primary and secondary resources including legislations, case laws, books, and research articles for this research.

Literature review

In Pakistan there is no option in legal framework that at crime scene forensic expert can go to collect forensic material according to the protocols and standards unless a government contacts them under section 4 of the Punjab Forensic Science Agency Act 2007 (hereinafter as PFSAA 2007) (PFSAA 2007), or where under Investigation for Fair Trial Act 2013 is used by agencies to get information regarding anti-terrorism crime, or under section 510 Code of Criminal Procedure 1898 the forensic material will be sent to and report is sought without calling the expert for cross examination, or under Article 59 of the Qanun-e-Shahadat Order 1984 the court may allow a Scientific or other expert in their relevant field to give expert evidence. Even in Police Rules, 1934 the protocols and guidelines for police personnel do not mention any liaison with forensic experts and do not follow guidelines and directions of care and caution as mentioned in PFSAA's investigation protocols.

The role of Punjab Forensic Agency becomes secondary in case when the police officials who are first respondents to the crime scene, makes blunders in packaging and transmission of the evidence. There have been numerous cases where the investigating officer delayed the transmission of evidence to the forensic laboratory and have not sent evidence at all. In other cases, the police sent the evidence without giving any consideration to chain of custody requirements. Wrong dates are mentioned on the sample and it gives a harsh blow to the case of the prosecution. In most of the cases the delay in postmortems and handing over of samples of blood and other trace evidence to the forensic laboratory's caste a doubt in the veracity of report. This benefit of doubt is obviously given to the accused who gets exonerated due to lack of proper evidence. The forensic evidence in the courts is considered as corroborating evidence to reconstruct the events of crime at the crime scene. If the forensic evidence is not properly presented in the courts which is the duty of police officers, medico-legal officers, medical officers and forensic experts, the prosecution side fails to prove the case beyond doubt. The

lapses in the medical evidence; left the judges with no other option than to accept the ocular account of the eyewitnesses at trial.

The forensic agency at Lahore is performing a great job in providing various forensic services but it could not take upon the role of police officials in reaching the crime scene to gather and document the evidence at crime scene and careful handing over the same to the agency for its scientific examination. Although the Punjab Forensic Agency has established Crime Scene Units (CSU) at various cities who are responsible for collection of the material on crime scene in the presence of investigating officer and then the material collected is transferred to Forensic Agency at Lahore. The CSU units are set up at Lahore, Bahawalpur, Dera Ghazi Khan, Gujranwala, Multan, Sahiwal, Sargodha, Rawalpindi and Faisalabad division of Punjab comprising professionally trained forensic scientist. But there is only one laboratory for the whole Punjab comprising over 30 Million people. Therefore, if the evidence at proper time and in the appropriate form is not handed over to the laboratory then it would only waste the time and expense (Farooq and Waheed 2013).

The courts due to scarcity of use of forensic science methods in unleashing the crime are relying more on the ocular accounts. Even after the bomb blast the court take in to account the deposition of bomb disposal squad. The material discovered from the bomb blast site is ignited before the court to show that it was explosive. Therefore, it can be well averred that Pakistan lags in forensic analysis and investigation of the crime scene (Munir et al 2020).

DNA Analysis in Pakistan and Prospects of Investigation

In Pakistan there is no independent legislation over the admissibility of DNA analysis as the piece of evidence whereas under Article 59 of the Qanoon-e-Shahdat Order the DNA analyst can be called upon as expert witness to present his opinion. Moreover, the Article 164 of the supra order enables the court to take the evidence generated using modern and advanced methods due to advancement in science and technology (Cheema, 2016).

The difference between the DNA report and any other medical evidence is that the former identifies the culprits whereas the later only helps in restructuring of facts pertaining to crime but does not link the accused with the case. The DNA analysis is often considered as the piece of medical evidence whereas it is independent evidence used to establish the identification of an individual. Such analysis became corner stone of criminal investigation in Pakistan after the wake of terrorism and suicide attacks. Due to deformation of bodies after the suicide attack or bomb blast the identification of corpse becomes almost impossible therefore the DNA analysis helps in establishing the identity of the victims (Cheema, 2016).

Courts in Pakistan have made use of DNA techniques in establishing the parentage and legitimacy of an offspring as only secondary corroboratory evidence. The Courts do not decide parentage relying only on the DNA report if no other primary evidence is available or if primary evidence is contradictory to DNA evidence the court will reject DNA evidence (Cheema 2016) whereas utilization of DNA tests in other realms is still negligible. The reason behind not using the DNA analysis in different offences; such as in murder or other violent crimes, is associated with the lack of technical expertise, expensive costs of the test, lack of careful extraction of the evidence at the crime scene (Farooq and Waheed 2013). The delay in registration of F.I.R and

delayed visit of the police officers at the crime scene render all the trace evidence on the site redundant (Munir et al 2020).

DNA Test as a Secondary Evidence

In the cases related to sexual offences the DNA report is considered as the expert opinion in terms of Article 59 of the Qanoon-e-Shahdat Order, 1984. According to Cheema, the courts attach the value of DNA analysis report as secondary or corroboratory. The more emphasize is laid on the traditional modes of forensic investigation i.e. serology report, postmortem and the report of ballistic expert than the report of DNA expert.

In the cases of rape, it has been observed that the courts in Pakistan rely more on double finger test i.e. insertion of two fingers in the vagina of the victim than considering the DNA report. In a case titled as *Muhammad Ameen versus State* (2013), the accused was involved in the accusation of rape, the DNA report was negative, the medico-legal report does not show that any injury or mark of violence on the body of the victim. The court while adjudicating upon the question of grant of bail to the accused, refused to grant the relief because the accused has failed to point out any enmity between the accused and the complainant. The court noted that complainant has taken the risk of stigmatizing his own daughter and the accused has failed to point out any plausible reason that why he has been implicated in the case. The Court disregarded the chemical examiner's report of DNA and refused the bail to the accused person (*Muhammad Ameen versus State* 2013).

In other cases, titled as *Khadim Hussain vs. State* 2013, the Honourable Federal Shariah Court convicted the accused in the case of rape whereas the semen collected on swabs did not match the profile of the accused. The Court held that sole testimony of the victim is enough for conviction. Moreover, the medical examiner has established that sexual offence has been committed to the victim. The accused had absconded, and this fact was taken as strong and supporting event to indict him in the charge of rape (*Khadim Hussain vs. State* 2013).

While in another case decided by the Federal Shariat Court in the year 2013, titled as *Zohra Bibi vs. the State* 2013 the court acquitted the accused. The reason behind acquittal was the amount of semen collected on the swab was not enough for semen grouping and conducting the chemical examination for the DNA analysis. The court held that without positive DNA report the conviction cannot be held.

In the case titled as *Mazhar versus the State* 2012, the Honorable Federal Shariat Court has held that the fact of not conducting the DNA test is of no support to the accused in the event when the statement of victim, her father and the doctor is on record (*Mazhar versus the State* 2012).

This can be noted that the problem is that DNA is not collected by Crime Scene experts following all the relevant scientific protocols and rules of guidance, that's why court do not rely on it. In order to amend it court should demand proper crime scene evidence by expert under police presence to overcome contamination, delay and not to lose trace evidence, resultantly the court will have more evidence to evaluate ocular evidence, admissions, or confessions. It can be averred that the recovery and transmission of the trace evidence from crime scene is subject to manipulation and maneuvering by the prosecution and the police department. The broken chain

of custody casts a large dent upon the case of the prosecution. In majority of cases the delay in transmission of the evidence and breaking the chain of custody not only gives benefit of doubt to the accused but also causes miscarriage of justice (Farooq and Waheed 2013). The innocent persons are implicated in false and frivolous litigations and the cases are prolonged unnecessarily by the police department. Moreover, the medical evidence indicates only the cause of death, seat of injuries and estimates the time of death whereas it has nothing to do with the identification of the accused (Munir et al 2020). The identification of the accused is the realm of forensic agency in collaboration with the crime scene investigators. The crime scene investigators in most of the cases are police officials who unnecessarily cause delay in filing of F.I.R and eventually the postmortem and autopsies are delayed leaving the blood of a victim go wasted and the real culprits go escort free. The reliance of ocular version of the eyewitnesses at crime scene and making the DNA analysis and the medical evidence as mere corroboratory piece of evidence not only undermines the importance of forensic science in Pakistan but also helps and harbors the real culprits of the crime from being brought under justice.

Establishing the DNA Data Base

The new emerging concept is among the European countries is establishing the DNA data base, thereby recording and profiling the DNA of habitual offender helps in arrest and criminal investigations (Cheema, 2016). But it has been argued by Tania Simoncelli that maintaining the DNA data base for a country like Pakistan would incur a huge cost. Moreover, the chances of misuse of DNA samples in such a scenario would also increase, if proper checks are not made. If the country maintains the samples of DNA of all the individuals without safeguarding them from being misused the rights of those sampled would be jeopardized (Simoncelli, 2006).

Crime Scene

There are standard operating procedures and protocols providing the general guidelines for conducting the crime scene investigation which includes careful, accurate and comprehensive evidence collection, documentation and transfer of the collected material to the laboratory. Nearly every forensic agency has rules for processing the crime scene but there may come situation where the investigators must become flexible with the rules (Houck & Siegel, 2010).

At a crime scene individual from different profession may be present in order to evaluate the situation according to their own domains. These individuals include first responders, medical professionals, rescue workers, bomb disposal squad, investigating officer, forensic experts, and crime scene experts. Other persons may include victims, suspects, witness to the scene, neighbors, relatives, media persons, politicians, high administration. Every person present at the crime scene must know their duties, roles and limitations (National Forensic Agency Project, 2007). The crime scene can be regarded as a fixed picture which is about to vanish after some time of occurrence of the crime. It is the complex of static and dynamic information but the processing of information has to be done carefully keeping in view the fragility of the scene and the marks that things will leave on it, for instance even picking up of an item will make it impossible to resettle the scene as it was initially (Houck & Siegel, 2010). A small lapse at the scene may lead to irreversible damage to the evidence at site and can lead issues as to admissibility of evidence in the courts at later stage (National Forensic Agency Project, 2017).

Every individual present at the crime scene should not interfere in the professional duties of other co-workers otherwise the evidence present on the crime scene could lead to destruction.

The key role of crime scene investigator is to monitor the handling, packaging, preservation, stowing and transmission of the physical evidence available at the crime scene. Crime Scene processing is burdensome and arduous task that requires presence of mind, attention, skill and experience (Houck & Siegel, 2010). The crime scene investigation team may consist of crime scene expert, evidence technician, photographer, draftsmen and any forensic expert. In Pakistan, the Crime Scene Investigation Unit was established in the year 2013, initially the team consisted of three crime scene specialists with a photographer. Later, the evidence technician was also recruited as the part of the league (National Forensic Agency Project, 2017). Every jurisdiction has its own protocol for the crime scene specialists explaining their roles and responsibilities; the National Forensic Agency has also given detailed guidelines for crime scene inspections. The article sets out below to present the general responsibilities of the specialist from a crime scene unit to be performed at the crime scene.

Securing the Place of Occurrence of the Crime or a Crime Scene

The primary responsibility of the crime scene specialist is to secure the whole area where crime has been committed with a view to prevent any kind of change in the background or actual position and situation of the things because a little mishandling in this regard will destroy the evidence which can be important for a scientific examination (Houck & Siegel, 2010). The crime scene investigation team should firstly determine to what extent the crime scene is protected. According to an opinion it is better to make a 'subpeona contact form' thereby registering everyone coming from and coming to the crime scene. In this way all the persons entering the crime scene should be signaled that their entry at the scene may make them a potential witness during investigation (Houck & Siegel, 2010). It is important to make the crime scene secure because even a presumption as to the unsecured crime scene if raised before the Court would give benefit of doubt to the accused person.

Visual and Physical Inspection

Make visual and physical examination and inspection of crime scene for the identification, recognition, assembling and preservation of physical evidence such as fingerprints, tire tracks, shoe prints and tire tracks, blood, semen and saliva, hair and fibers, weapons etc. (National Forensic Agency Project, 2017).

Evaluation of Evidences

Crime scenes can be an emotional experience and requires professionalism and calmness to make an effective investigation. The investigator should walk cautiously and take some preliminary photographs to preserve the picture of the crime scene. There are some problematic areas where careful documentation is necessary as the evidence in such a form would be prone to destruction. Therefore, tight spaces, complex arrangement of the evidence or transient environmental conditions are to be properly documented. These conditions include like preserving the blood in the drink, washroom basin, bathtub etc. (Houck & Siegel, 2010).

Conducting the Crime Scene Operations (Documentation)

It includes photography, making of videos, search of crime scene, sketching, recording of physical evidence, collecting evidentiary material and transporting the same to the laboratories (National Forensic Agency Project, 2017). Photography should be started instantly without any delay. A photographic detail should be maintained thereby describing the time and location of the item whose photograph is taken. While capturing the place of occurrence photographically, it is advisable to set the camera at 360° to obtain coverage of the place of occurrence which is to consider a scene of the crime. The landscape used for photographs of a single location may be in one landscape so that later it helps in reconstruction of the crime scene. The photographs of the entrances and exits must also be captured in order to re-evaluate the crime scene when discussed before the Court without any ambiguity and confusion. Any prior photograph, maps or blueprints of the crime scene can be taken into consideration if possible. But it should be carefully minded that the media, police officials and general public present on the crime scene may also be taking photographs simultaneously which may be helpful for the investigator and is equally vulnerable to distortion. Therefore, the proper documentation through photography is necessary (Houck & Siegel, 2010).

The sketches made on the crime scene can complement the photographs as it may help identify the location of the dead body other material objects on the scene. The sketches should contain the detailed description as to case number, date, time and place of occurrence and situation of the crime, weather and lighting conditions, dimensions of rooms, furniture including detail about the doors and windows, distance between objects, persons, bodies, and the detail of entrances and exits to the place of occurrence of the crime (Houck & Siegel, 2010). It is necessary to conduct and tape interviews of the victims, suspects and witnesses in order to get the clear idea of what would have happened on the crime scene (Punjab Forensic Science Agency Guidelines, 2012).

Collection of Evidence

In the previous part it has been discussed in length that how the evidence is collected from the crime scene. But it must be kept in mind that only collection of facts does not constitute the evidence, every fact whether in the form of physical evidence or testimony should be recorded, maintained and handed down in a proper manner. The Courts are about admissibility of evidence. The criminal justice system in Pakistan requires the prosecution to discharge the burden of proof by proving the allegations beyond the reasonable doubt; therefore, any lapse, gap or lacuna in the evidence would render the perpetrator go free.

The person collecting the evidence must arrange them in an organized and orderly manner. It is better to wear gloves to avoid leaving fingerprints and the evidence collected and packaged should not be held for a longer period. Even the gloves after thirty minutes leave the fingerprints. All the evidences should be sealed with tamper-evident tapes at the place of occurrence of the crime (Punjab Forensic Science Agency Guidelines, 2012).

The detail regarding finding of the evidence, documentation, sealing of the evidence, transmission of the evidence to the agency and the detail about whom and when conducted these actions regarding the evidence will form a chain of custody and proper consideration of these points leads to the integrity of the evidence which should be maintained as a priority during

investigation. The form accompanying the evidence is to be filled out setting out the details of evidence, name and designation of the person submitting it, date and time of submission and what tests are to be conducted (Punjab Forensic Science Agency Guidelines, 2012).

Final Survey

Before leaving the crime scene a final survey is to be made as to counter check all the evidences collected. The photographs of crime scene should be taken as to determine the last situation of the objects, things and bodies at the place of occurrence of the crime, after the team has collected the necessary and available material of evidence. Afterwards, the crime scene can be declared as unrestricted area after the final survey of it as mentioned above. However, it is crucial to keep record of time and date when such area was declared unrestricted, for whom the area was declared unrestricted, and by whom such decision was made to open the place as unrestricted. All the professional experts engaged at the crime scene such as blood spatter analyst must be asked before final release of the crime scene. As the blood spatter analyst may require the subsequent visit to the crime scene and for that purpose a new warrant would be required thereby incurring extra efforts and costs. Therefore, all the personnel engaged in the investigation should be willing before the final release of premises (Houck & Siegel, 2010).

Submission of the Evidence at the Laboratory

From the crime scene the evidence must be carefully transmitted to the laboratory for physical and chemical analysis of the collected evidence (Punjab Forensic Science Agency Guidelines, 2009).

Safety Measures required to be taken at the Crime Scene

It is generally seen that the crime scenes are crowded by media persons, officials from city administration, local people, general public, police officers and crime scene investigating teams. In Pakistan, the crime investigation manuals and guidelines does not provide the basic safeguarding instruction to the investigating officers and first respondents. The notion behind discussing the safety measures while handling the evidence during crime scene investigation is to ensure the rights of victims, suspects and to reduce health risks of the investigation team who may get exposed to certain toxins (Houck & Siegel, 2010).

Sources of dangerous material on the crime scene

Following are the sources of dangerous material on the crime scene in which regard extreme care and caution should be observed. These precautionary measures are prescribed on the Punjab Forensic Science Agency and National Forensic Science Agency official websites. Moreover, other available literature on the subject also suggests the following measures.

Inhalation

The crime scene is never free of air borne contaminants it may occur in the form of dust, aerosol, smoke, vapours, gas or fumes. At the site of suicide bomb blast the air may contain the fumes of chemical used in the bomb (Punjab Forensic Science Agency Guidelines, 2012) which may cause disease or damage permanently organs like stomach, liver, kidneys, central nervous

system, heart (Houck & Siegel, 2010). When these contaminants are inhaled the health complication such as immediate respiratory irritation or trauma might be experienced (Houck & Siegel, 2010).

Potential hazard for Skin

The documentation and operation of crime scene requires assortment and assemblage of evidence including materials and objects which involves direct skin contact and can lead to entry of contaminant in the body. The contaminant when directly touched or comes into direct link with the body of the person it may cause compulsive itch, or pain at the point of contact. Other effects include redness, and swelling or burning (Houck & Siegel, 2010), dizziness, tremors, nausea, blurred vision. In the later effects it may damage the liver and kidney. The use of suitable safety kit that should include gloves, safety glass, goggles, face masks, shields, protective clothing is necessary to protect from any damage upon skin contact (Houck & Siegel, 2010).

Ingestion

Ingestion of corrosive or poisonous material can lead to potential health hazards to mouth, teeth, and throat and even to digestive tract. This is because if such poisonous material is inhaled, they can leave their contact in mouth and throat and these can be absorbed in the stomach and leading to intestines where they can be hazardous to these organs and their healthy operation and function in the body. It is advisable to protect hands from infection therefore; hands must be washed with sanitizer before eating, drinking, smoking and by avoiding food, drinks and cigarettes in the contaminated areas. (Houck & Siegel, 2010)

Potential risk of inoculation

Spiky and piercing sticks and pieces from contaminated glass, syringes, or other sharp objects can insert contaminants directly into the blood. Due diligence for safety and precaution should be practiced while holding objects with piercing edges (Punjab Forensic Science Agency Guidelines, 2012).

Universal Precautions

Since Pakistan lacks any specific precautions and guidelines for the investigating officers and other persons present on the crime scene. For the purpose of reference, the writer has explained below some universal precautions issued by the Occupational Safety and Health Administration in the United States of America.

- It recommends use of barrier protection means the use of overalls, lab coats, gloves and shoes would ensure prevention of direct contamination from skin contact. In case of wounds, cuts, scratches and other breaks on the skin of the investigating officer or any person conducting investigation, the use of gloves is necessary.
- In case the gloves are torn or punctured the same must be changed immediately.

- Proper eye and face protections should be ensured while collecting dried blood stains to avoid any sort of allergic reactions. The same can be ensured through face shields and glasses.
- While handling the sharp-edged material such as pieces of broken glass, used syringes, needles etc. the leak-proof, puncture resistant containers should be used for transportation to the laboratories. The label must be affixed to the containers thereby giving necessary warning to the person opening the container. The warnings like “bio hazardous material” or signs and writing intimating that the container must not be bend, recap, remove or informing that the containers contain sharp needles and other material should be clearly written over the container.
- At the crime scene the eating, drinking and smoking should be avoided to avoid any contact with the infectious material especially where the body fluids and remains are present.
- The hands should be washed after removal of gloves and gloves and other personal protective equipment must be removed so as it may not contaminate the other clothes.
- The equipment after use should be sterilized and decontaminated with appropriate and medically suggested disinfectant.
- Proper packaging of evidence should be done to eliminate any potential exposure of infection during transmission of evidence, whether it is corpse or bodily fluids and other material.

Safety Measures for Eye

Prescribed and medically tested safety eyeglasses and spectacles should be included in protective protocols for investigative personnel because they must frequently deal with biological, chemical, and radioactive materials. It is advisable to use the face shields especially in the event when there is splashing or flying debris such as in the event of natural disasters and bomb blast sites the place is not free from fumes, debris, and smoke therefore for protection of eyes face shield is necessary. Face shields cannot provide eye protection alone the safety glasses must also be worn. For those investigative personnel who use contact-lens instead of eyeglasses they should use extra care and wear spectacles as an extra safety shield for their lens and eyes (Punjab Forensic Science Agency Guidelines, 2012).

Safety Measure for Foot

It is necessary to cover feet with full coverage shoes or boots specially made for that purpose it is to note that the sneaker or sandals are to avoid. The protective footwear is suggested to further cover the shoes and feet so that the pieces of broken glasses or other sharp edges material should not cause foot injury. It is apprehended that foot injuries may be caused due trampling over rolling objects or some objects can pierce the shoe sole and electrical hazards are also expected from crime scenes. Moreover, potentially hazardous nature of such places also requires using shoe covers for two purposes; firstly, to provide protection to shoes and feet, secondly to

avoid contamination to the boundary and zones outside the crime scene (Punjab Forensic Science Agency Guidelines, 2012).

Other Protection

In some crime scenes such as suicide bombing or bomb blasts noxious fumes are produced which require the rescue person or first responders to wear helmet as the structure sometimes catches fire or is damaged and for respiratory protection and head injury projection helmet must be worn (Technical Working Group on Crime Scene Investigation, 2014).

Conclusion

From the study of criminal cases in Pakistan it can be easily deduced that the cases are mostly dependent on the first crime scene investigation and transmission of the evidence so collected from the scene. The police officials in most of the cases have delayed in the transportation of the evidence and have not maintained the chain of custody. The courts have acquitted the accused on the pretext that the prosecution have failed to cross examine the police officer or moharir for such delay. The question is whether the criminal courts is not provided with the ample powers under the current legal system to summon any witness including the police officials and examine them as to delay in transmission of the evidence. Whether it does not call for disciplinary action against such police officials who sometimes in connivance with the prosecution maneuver the evidence? And sometimes on the instructions of the accused create the dent in the case of prosecution by keeping the evidence at mall khana without any justifiable cause.

The laboratories should be set up at district levels so that the samples of evidence could reach for forensic analysis in time and safely. There is a time to check the police department as the police intentionally retains the evidence and fails to transmit the same within time therefore the evidence loses its value in the eyes of law and the report given by the forensic experts become mere nullity. The sending of irrelevant samples and with such delay wastes the time and expense of the forensic agency and incurs extra costs on the litigants.

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