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## Abstract

The current study aims to identify different harmless errors in crimes involving harm to the human body and property. An error that is deemed "harmless" refers to errors made in a judicial decision that do not lead to the overturning of said decision. Many studies have been conducted abroad to identify harmless errors in the background of various subjects, such as constitutional law, criminal law, and civil law. Unfortunately, there is a lack of research on harmless errors in criminal cases in Pakistan. Through the use of qualitative content analysis, this study discovered that despite various issues such as delays, failure to fulfill legal requirements, and incomplete testimonies, the appellate court upheld the conviction of the accused. According to the study, the appellate courts did not give sufficient consideration to the inconsistencies in witness testimonies and other evidence related to minor matters, nor did they adequately address the prosecution's presentation or lack of certain witnesses and evidence. This study will provide valuable insights for both academics and professionals seeking to gain a deeper understanding of the non-malicious errors that can occur in offenses involving harm to the human body and property.

**Keywords:** harmless, offenses, human body, property

## 1. Introduction

The criminal justice system is designed to ensure that justice is served, and wrongs are righted. However, it is an imperfect system, prone to errors and imperfections that can have far-reaching consequences. Not all errors are created equal, and distinguishing between harmless and harmful errors is crucial for maintaining the credibility of the legal system. One such category of errors that has attracted attention in recent years is "harmless errors". Harmless errors, by their very definition, suggest a certain level of inconsequence or irrelevance within the legal framework. Harmless errors refer to mistakes, omissions, or irregularities in legal proceedings that, while technically against the established rules, do not ultimately affect the outcome or the fairness of the process (Landes & Posner, 2001). These errors can occur at various stages of the criminal justice process, from the initial investigation to the trial and even post-conviction appeals (Garrett, 2005). While they may appear minor, the impact of harmless errors can be significant, especially in cases involving offences against the human body and property. At first glance, harmless errors may seem like minor blunders that should not warrant significant attention. However, their significance becomes apparent when we consider the broader implications within the criminal justice system (Kamin, 2002). There is enormous literature abroad discussing the numerous aspects of harmless errors; however, there is not a single study in Pakistani context discussing the harmless errors in criminal cases. The present study intends to fill this gap by analyzing the judicial decisions to examine the harmless errors in offences against human body and property provided in the Pakistan Penal code, 1860.

The said code provides a wide range of offences affecting human body including hurt, murder, and attempt to murder etc. these offences are committed against the human body that lead to physical harm, injury, or fatality. The offences against property in the said code are comprised of theft, extortion, robbery dacoity, high jacking, criminal misappropriation, criminal breach of trust, receiving stolen property, cheating, fraudulent disposition of property, mischief, and criminal trespass. These offences lead to damage, destruction, or unlawful possession of another's property. The current study offers an analysis of harmless errors in the context of offences against the human body and property by exploring the nuances, implications, and challenges associated with such errors, and by shedding light on their often-overlooked significance within the criminal justice system of Pakistan. Moreover, this study delves into the categories of harmless errors and their potential consequences. The present study is structured in six sections; the first section briefly introduced the topic, the second section offers review of the literature, the third section describes the methodology, the fourth section put forward the findings, the fifth section discusses these findings and the last section concludes the study.

## 2. Review of the Literature

Many scholars have extensively studied the causes of factual errors in criminal trials. As an expert, Kate Stith (1990) argued that certain aspects of the legal system, such as the burden of proof and the limitations on the government's ability to appeal against acquittals, can increase the likelihood of mistakes, both in terms of facts and the law. She added that given the limitations of not being able to appeal acquittals and the burden of proof being beyond a reasonable doubt, the prosecution had to navigate carefully to prevent any factual or legal errors. She highlighted the potential impact of using the civil standard of preponderance of evidence instead of beyond a reasonable doubt in criminal procedure and evidence. According to her analysis, this change could lead to an increase in guilty pleas or trials, assuming all other conditions remained the same. Based on her analysis, it appears that the defendant may have benefited from the criminal system's higher burden of proof due to a potential factual error. The use of a higher standard of proof in criminal proceedings demonstrated that the justice system encompassed more than just factual errors. This perspective places a higher emphasis on safeguarding individuals who may have been wrongly accused or convicted, even at the expense of societal interests. In the view of James M. Doyle (2010), there has been a noticeable shift among American criminal justice practitioners towards a greater willingness to acknowledge their mistakes. This demonstrates a commendable commitment to self-improvement and a desire to learn from past errors. Through a meticulous analysis of research and scholarly discourse, he delved into the significance and consequences of various initiatives aimed at reforming the quality of criminal justice.

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He thoroughly analyzed the shortcomings and mistakes within the judicial system, delving into the potential fallibility of jury decisions and the significant role that scientific evidence plays in exonerating individuals.

In a thorough examination, Gould and Leo (2010) delved into the origins and consequences of wrongful convictions, focusing on cases where harmful errors took place during the trial proceedings within the American criminal justice system. They offered a thorough analysis of the diverse insights obtained from this extensive collection of literature. In his study, Richard A. Wise (2004) delved into the potential flaws of eyewitness testimony and the significant impact it can have on criminal trials. The study revealed additional cases where the reliance on this specific type of evidence had resulted in detrimental mistakes. The author's purpose in drawing attention to these incidents was to underscore the dangers associated with relying too heavily on eyewitness testimonies within the legal system. The study aimed to assess the effectiveness of various legal safeguards in detecting eyewitness errors. These safeguards include voir dire, motion-to-suppress an identification, cross-examination, jury instructions, and eyewitness expert testimony. In addition, numerous studies have been conducted to suggest methods for preventing errors in judicial trials. For example, according to Johnson (2016), Blackstone's criminal justice framework was criticized for prioritizing the prevention of wrongful acquittals over the possibility of incorrect convictions. He mentioned that the Blackstone principle, which is closely associated with the beyond-a-reasonable-doubt standard, is widely acknowledged. Numerous scholars have explored the interpretation and characteristics of errors that lead to the overturning of trial court decisions. As an example, Margaret A. Berger (1991) examined cases where the court found that the error amounted to a violation of the constitution. These cases were analyzed using a separate standard to determine if the error could be reversed. After a thorough analysis of the cases at hand, it became clear that there were two crucial observations to be made. First and foremost, it became clear that some errors that were initially claimed to be evidentiary errors did not actually fit into this category upon closer examination. Additionally, it is important to consider that in certain cases, factors other than evidentiary errors may have had a substantial impact on the appellate court's decision. It became apparent that the presence of an evidentiary error alone did not carry significant weight in determining whether the reviewing court deemed the error as "reversible.

On the other hand, Mause, (1968) discussed how several standards were used to determine if trial stage mistakes were "harmless," meaning no basis to overturn the decision. He highlighted that before the harmless error statutes, every mistake in a common law country, no matter how tiny, would immediately reverse the trial court's verdict. He added that people assumed automatic reverse would cause two bad effects. However, a too-strict harmless mistake rule could squander judicial resources by overturning and retrying decisions that should have been upheld. He pointed out that how the harmless errors rule affected the appeal process, the judgment of the trial court, and the subsequent retrial process. He concluded that while the harmless error rule had some positive effects, its implementation could be problematic. He recommended that the courts should strike a balance between upholding the judgment of the trial court and correcting errors that could compromise justice. Chaves (2013) found that the American legal system did not guarantee a fair trial. To him, the trial courts could make many mistakes during trial and the function of the appellate court was to examine and correct errors that were harmful to the defendant. He held the view the retrying every case with an error was impractical and expensive, hence many jurisdictions had adopted the harmless-error doctrine. He explained that the harmless doctrine allowed appellate courts to uphold lower court rulings with harmless errors. He held the view that despite the lack of a codified theory, the idea of an error being harmless had always been there.

Likewise, various studies have been conducted while focusing on the origin and evolution of harmless errors. For instance, Edwards (1995) examined the judicial decisions pertaining to harmless errors. The study discussed the rule's evolution over the past thirty years and reported that the Supreme Court's unprecedented expansion of the concept when faced with constitutional error and the federal appellate courts' increasing tendency to consider errors harmless. He also noticed that the supreme court urged the appellate courts to evaluate the evidence against accused while giving verdict regarding harmful or harmless errors. The study concluded that the judicial approach of the Supreme Court shifted from guilt-based approach to the view that an error influenced the jury. On the same line of inquiry, many researchers have explored the scope and nature of harmless errors in specific cases. For instance, Nancy (2008) explored the complex interplay between the concept of "harmful error" and its importance in the context of habeas corpus proceedings. The author believed that errors that had a negative influence on the trial's outcome had the potential to lead to the overturning of convictions. In addition to this, the study reported that within the domain of legal discourse, there existed a prevailing consensus that individuals who were subjected to imprisonment at the state level and pursued habeas relief commonly raised allegations of constitutional violations pertaining to their convictions and sentences as established by state courts. The study exemplified a groundbreaking endeavor in the identification of a significant detrimental mistake, the investigation of its complex and intricate origins, and the proposal of a clear and rational strategy for Congress to tackle the problem. Likewise, Carter (1993) empirically investigated the occurrence of harmless errors in cases involving capital punishment. He found that the incorporation of the harmless error doctrine into the penalty phase of capital cases seemed to be a logical progression in the courts' inclination to subject a greater number of errors to investigation through the lens of harmless error. He added that the existing comprehension of the harmless error concept in the penalty phase as opposed to the guilt phase has not undergone a comprehensive examination of the rationale behind the theory. He held the belief that this principle was improperly utilized.

Likewise, various analysts discussed the classification and methods of identification of harmless errors. For instance, Winkelman et al. (2014) was of the view that there was no consensus regarding the classification of innocuous errors since analysts had not yet developed a definitive method for detecting such errors. Following a series of experiments conducted on simulated jurors, the authors proposed a method for identifying innocuous errors that was transparent. This study functioned as a proof of concept for a novel method to improve the analysis of harmless errors. The study proposed that ostensibly harmless errors could be identified by determining whether a trial marred by errors ultimately produced the correct verdict. Similarly, Winslow (1978) examined the errors in criminal trial and pointed out that all the errors did not become the reason of reversal of the decision of the trial courts. To him, this aspect permitted appellate courts to immediately affirm the lower court's ruling, facilitating justice. In addition, he looked for the errors that could have influenced the verdict and warranted a reversal. He found that in criminal cases, where defendants' rights and society's interests were at stake, appellate courts had to interpret harmless error cautiously. He recommended to exercise caution

when applying the idea in specific circumstances. The author further suggested that in cases when courts are unable to effectively evaluate the degree of harmlessness, it would be advisable for them to relinquish the application of the harmless error. Similarly, Murray (2016) discussed the ways in which the trial courts should respond to errors. According to him, the procedural errors were almost certain in all but the simplest criminal cases. He added that errors during trials were prevalent and the trial court could quickly correct such errors. If counsel pointed out an error, the court could correct it. He added that, unfortunately, certain errors might have gone undiscovered until the courts were the only recourse and it underscored the significance of finding and fixing faults quickly to avoid such harsh steps. He studied how the appellate courts reviewed and pointed out that the appellate courts must review the errors which the trial courts have declared as harmless errors in all cases though there were some exceptions to this. His analysis revealed that the courts frequently declared the procedural errors as the harmless error.

On the other hand, Griffin (2016) focused on the analysis of criminal error correction and adjudication. The primary focus of his research revolved around the reassessment of existing laws and standards in order to enhance the fairness and accuracy of the criminal justice system. Similarly, Reggio, (2019) examined the legal idea of “harmless error” that allowed courts to uphold a conviction in cases where a small error or technicality had occurred but had not affected the defendant’s fundamental rights. To him, the concept of harmless errors promoted judicial efficiency and decision finality. By changing the statutory examination, the Court added harmless error to constitutional infractions. The error’s impact on substantive rights was replaced by its impact on the jury’s verdict. According to him, the harmless error theory and America’s founding principles were undermined by surrendering individual and institutional constitutional protections for judicial efficiency and finality. Likewise, Greabe (2016) discussed how the identification of harmless errors might be carried out. He noted that the Supreme Court had established a precedent for appellate courts in *Chapman v. California* fifty years ago. This judicial decision mandated the overturning or vacating of criminal judgments tainted by constitutional errors, unless the government could provide clear and convincing evidence that the error had no significant impact on the case. Similarly, Meltzer’s research (1994) emphasized that the court were determined that a conviction should be reversed if any error was found, unless the prosecution could unequivocally demonstrate that the error had no substantial impact on the case.

Various researchers have critically examined the harmless errors principle. For instance, Goldberg (1980) criticized the harmless error idea by saying that it was one of the most poisonous legal ideas. He examined the details of the US Supreme Court’s *Chapman v. California* ruling that affected several criminal appeals. He added that the laws of the fifty states distinguished harmless constitutional error from harmless error due to this decision. He argued that harmless errors undermined constitutional and institutional values. In addition, he focused on evaluating harmless errors doctrine’s nature and function without adding extra information or viewpoints. Similarly, Goff (1998) analyzed the application of harmless errors rule in criminal cases by discussing both positive and negative developments that created a dichotomy of opinions. He held the view that the courts’ harmless error analysis was without proper analysis and inconsistent. Monaghan (1989) criticized the harmless error doctrine on the ground of a valid rule requirement. He pointed out that the opponents had claimed the right was less obvious than others subject to harmless error analysis. He believed that the Sixth Amendment, which had guaranteed the right to a fair trial, the due process requirement of fair warning, and the First Amendment overbreathed doctrine already provided strong indirect protection for the requirement. He concluded that the doctrine is useless in the presence of the said constitutional provisions. Carter (2000) also criticized the doctrine by critically examining the underlying basis and imprecise terminology of the “harmless error” concept. To him, the utilization of the term “harmless error doctrine” can be seen unfavorable due to its dual nature as a commonplace word and a sports metaphor. He added that harmless errors were tacitly treated by courts with a “no harm, no foul” perspective. He believed that this philosophy was embraced without undergoing a comprehensive assessment of potential negative consequences and ethical concerns. The courts’ interpretation of harmless error as “no harm, no foul” has diminished the significance of constitutional violations and redirected attention from equity to precision. The encroachment of the appellate court’s fact-finding power on the defendant’s right to a jury trial has been observed as a consequence of the “no harm, no foul” approach.

The studies discussed and analyzed above have been conducted abroad and brought attention to different aspects and viewpoints concerning the concept of harmless errors. It is worth noting that the researchers of this study made extensive efforts to locate any research on harmful or harmless errors in offenses involving human body and property, utilizing various search engines, but unfortunately, no such study was found in Pakistani context. The absence of prior research on harmless errors in offenses involving human body and property represents a noteworthy gap, which presents both a challenge and an opportunity for researchers. It is crucial to address these gaps in order to advance knowledge, apply practical insights, and develop strong theories.

### **3. Methodology**

The objective of this study was to analyze and classify the non-harmful errors found in cases involving offenses against human body and property, based on the written decisions of appellate courts. The researchers utilized qualitative content analysis as it is a suitable method to achieve the objective of the study (Hsieh and Shannon, 2005). The researchers methodically gathered the data from secondary sources, specifically the written judicial decisions of the appellate criminal courts spanning from 2010 to 2022. The researchers utilized the Pakistan law site as their data set. They accessed cases reported under the sections pertaining to offenses against the human body and property, compiling a list of fifty cases. After identifying the unit of observation, unit of analysis, and the meaning unit, the selected cases were meticulously coded. The codes were carefully examined and organized into sub and major categories. Once the sub and major categories were established, the researchers presented their findings and provided a concise analysis of each sub-category, highlighting the key details of the chosen case.

### **4. Findings**

After the analysis of the data, the following seven categories were created; failure to produce specific evidence, delayed procedure, production of specific witnesses, contradictory evidence, failure to observe procedural formalities, failure to nominate accused, and failure to disclose all facts. These categories are discussed and illustrated in the following paragraphs.

#### **4.1. Failure to Produce Specific Evidence**

The appellate courts did not reverse the decisions of the trial courts when the parties could not produce corroboratory, direct, or circumstantial evidence.

The appellate courts treated the non-production of corroboratory evidence as harmless when the prosecution's case was otherwise proved beyond reasonable doubt standards. The data show that when the confession appeared to be voluntary and true or when the sole statement of the victim rang true or in line with medical evidence or the production of corroboratory evidence was out of the control of the prosecution, the appellate courts regarded the non-production as harmless. For instance, in *Muhammad Irshad Versus State* (2021, Para, 18), the accused confessed before the judicial magistrate that he abducted, raped and killed a six-year-old girl. The counsel of the accused objected that there was no corroboratory evidence to such confession. However, the appellate court observed that the confession was recorded after fulfilling the legal requirements and consequently, the conviction of the accused was upheld. Similarly, in *Manzoor Ahmed and others Versus the State* (2021, para,4), the only available evidence related to abduction and rape of a girl was her statement. The defense council objected that the conviction cannot be passed unless her statement is corroborated by independent evidence. However, the court observed that the statement of the prosecutrix does not admit a slightest doubt and as such by itself constitutes formidable evidence to independently drive home the charge and it did not require a confirmatory D.N.A. evidence. Likewise, the appellate court ignored the non-production of corroboratory evidence in gender-based assault cases when the victim's testimony was corroborated by medical evidence. For instance, in *Shabbir Ahmad Versus the State* (2016, para, 20), the victim alleged that her ex-husband with two other men threw acid on her. The defense council raised the objection that accused's conviction could not be based on her sole statement. However, the appellate court maintained the conviction by holding that there was no need to produce any other corroboratory evidence when the testimony of the victim was corroborated by medical evidence. Likewise, in *Arshad and Others Versus the State* (2005, para, 5), the prosecution could not produce the medical doctor who examined the injured since the doctor was out of the country. The defense council objected that the testimony of the complainant needed corroboration by the medical doctor. However, the appellate court did not accept this objection and observed that in the circumstances when the said witness was not available in the country, it will not affect the conviction of accused when the report of the said doctor had already been produced in the court. Similarly, the appellate court did not reverse the decision of the trial courts when it was alleged that the trial courts convicted the accused without the testimony of eyewitness. For instance, in *Arshad and Others Versus the State* (2005, para, 9), the accused amputated the hand of the complainant and consequently they were convicted by the trial court. The council of the accused raised the objection in the appeal that there was no eyewitness in the case hence the conviction may be set aside. The appellate court did not accept the objection and observed that the complainant displayed his amputated hand as evidence of his condition; hence, there was no necessity to seek additional validation for the prosecution's case by means of eyewitness testimonies. Similarly, in *Bashir Ahmed Leghari v. the State* (2022, para, 3), three accused caused fire arms injuries to the complainant and ran away. The trial court convicted the accused on the basis of the evidence produced by the prosecution. The defense council raised the objection in the appellate court that the prosecution did not recover and produce the fire arms used in the incident. The appellate court noted that the accused ran away and remained fugitive for considerable time after causing injuries to the accused. The court also observed that the accused could dispose the weapon during being fugitive from law, hence, the non-production of weapon in the court was not fatal.

#### **4.2. Delay In Procedure**

The appellate court did not reverse the decision of the trial court on the ground of delay in medical examination, registration of FIR, and post mortem of the deceased when the prosecution explained the delay.

The appellate court condoned the delay in the registration of the first information report on various grounds including the distance, time taken for rescue the victim or administrative formalities. For instance, in *Muhammad Akhtar Versus the State* (2022, para, 11), the complainant registered the FIR of the murder of his brother after one hour of the incident. The appellate court observed that the police station was six kilo meters away from the place of occurrence; hence it condoned the delay in the registration of the case. Likewise, the appellate court also ignored the delay in reporting sexual offences by considering the concerns of the victim's family regarding the reputation of their family. For instance, *Muhammad Siddique Versus the State* (2018), the son of the complainant went missing and he searched him but could not find him. His son came back to home next day and informed his father that the accused kidnapped him and subjected him to sodomy. The defense council raised the objection that there was a delay of lodging FIR. However, the court ignored the delay by observing that the family was reluctant to report the matter to police to save the family honor and reputation. The court further observed that it is natural for the guardian of the victim to consult with their relatives before deciding whether or not to file a report. Similarly, in *Iftikhar Ali Versus the State* (2022), a young female informed her mother that she was raped by her real brother. The mother did not report the matter to the father or police; however, the father of the victim came to know the incident after two days and he reported the matter to the police. The defense council raised the objection that there was delay of two days in reporting the matter to the police, hence the FIR should not be relied upon. However, the appellate court ignored the delay and observed that the mother did not report the matter to father or police to protect her son. In addition, in *Ashiq Hussain Versus Arshad Mehmood* (2021, para, 4), the accused caused fire arm injuries to the complainant and the complainant reported the matter to the police after 30 minutes. The defense council objected that there was a delay in lodging FIR; hence, it must be discarded from consideration. However, the appellate court observed that the police station was two kilo meters away from the place of occurrence and the complainant took thirty minutes to reach the police station. In *Abdul Hafeez alias Azeem versus the State* (2020, para, 15), the accused kidnapped a young boy in the presence of the complainant and demanded ransom from the family of the abductee. The family tried to recover the abductee without seeking the help of the police but they failed. Consequently, they reported the matter to the police after two days and the appellate court ignored this delay by declaring that the family tried to rescue the abductee from the accused.

In *Muhammad Hassan versus the State* (2022, para, 15), the accused killed two person and injured their relatives when they were coming back from a marriage ceremony. The injured witnesses took the deceased to the hospital for post mortem examination and the doctors available in the hospital performed the post mortem examination. Due to the unavailability of the doctors at the hospital, the medical examination of the injured was delayed for two hours. However, the appellate court ignored this delay on the ground of

non-availability of doctors as they were busy in conducting post mortem of the deceased. The court observed that the prosecution cannot be held accountable for the delay which was due to administrative issues at the hospital. Likewise, in *Abdul Rauf alias Kala Versus the State* (2021, para, 6) the accused killed four people at the spot. The witnesses present there shifted the four deceased to the hospital where their post mortem was conducted one by one. The appellate court dismissed the objection of the defense council that there was delay in the post mortems of the deceased by observing that the dead bodies were transported to hospital in the early hours of the same night; however, their post mortems were conducted at different intervals due to insufficient number of doctors. Similarly, in *Zafar Iqbal Versus the State* (2022), three accused caused fire arms injuries to the wife of the complainant in their home at the night time. The complainant had to arrange the vehicles to transfer the deceased to hospital. The defense council objected that there was delay between alleged incident and the post mortem examination of the deceased. The appellate court observed that the incident took place in a remote location shortly before dusk, resulting in a delay in transporting the deceased individual to the hospital. On this ground, the court condoned the delay in conducting post mortem examination.

### **5. Producing Specific Witnesses**

Likewise, the appellate courts did not overturn the decision of the trial courts when the defense council raised objection regarding production of children, police officers, and the victim's relatives as witnesses. For instance, in *Muhammad Bilal Hussain Versus the State* (2022), the accused subjected a child to sodomy and the victim was the only eyewitness in the case. The defense council objected that the testimony of child should not be received in evidence; however, the appellate court observed that the objection lacked merit since the law does not provide any age restriction for witnesses. Resultantly, the appellate court maintained the conviction of the accused. Similarly, in *Ghulam Shabbir Alias Papi Versus the State* (2020, para, 15), the prosecution produced police officers as witnesses to establish the allegation that three accused robbed the complainant at gun point. The defense council raised the objection on the production of police officers as witnesses. However, the court observed that the police officer reached there during the robbery and they exchanged gun fire with the robbers. The police apprehended one accused while two succeeded in running away as a result of the ambush with the police. The appellate court held the view that the testimony of police officials should not be dismissed solely based on their professional status, unless the defense is able to undermine the credibility of the police witnesses by demonstrating their malicious intent or personal animosity towards the accused. Similarly, in *Zafar Iqbal Versus the State* (2022, para, 11), the complainant reported in FIR that the accused killed his wife in his home. The trial courts convicted the accused on the basis of the testimony of the complainant (husband). The defense council raised the objection that the accused cannot be convicted on the testimony of the relative of the deceased. However, the appellate court dismissed the objection and observed that the presence of witnesses who are the husband and brother of the deceased is not unlikely due to their close relationship with the deceased and the evidence cannot be disbelieved mere only the ground that the witnesses were close relatives of the deceased.

### **6. Failure to Observe Procedural Formalities**

The appellate courts did not reverse the conviction of the accused on the ground of failure to observe some procedural formalities by the investigating agencies. For instance, in *Sarfraz Ahmed Versus the State* (2016), the accused handed a written note to the complainant demanding money and extending threats in case of his failure. The complainant contacted on the number given in the written note and agreed upon to pay a specific amount to the sender. The complainant informed the law enforcement agencies about the written note and the phone call and seek their help who thereafter arrived at the premises of the complainant and concealed their presence. The police arrested the accused and recovered fire arms when they came to collect the demanded money. However, the police could not get signed the recovery memo of the fire arms by two independent witnesses as required under section 103 of criminal procedure code. The defense council objected that the recovery of weapon was inconsequential since the police did not fulfill the requirement of section 103. However, the court observed that the failure to get signed the memorandum of recover by two independent witnesses due to the circumstances surrounding the occurrence, which occurred late at night at approximately 12:30 a.m. the court further held that no witnesses would have been available at that time and consequently, the appellate court dismissed the objection. Similarly, in *Allah Bakhsh, also known as Bakhshi, versus the State* (2021, para 7), it was reported in the FIR that nineteen people trespassed and kidnapped the complainant's child and took him for forced labor. The complainant recovered his child after paying the ransom amount and reported the matter to the police. After the investigation, the police apprehended the accused and the trial court convicted them. The defense council raised the objection in the appellate court that the identification parade of the accused was not conducted. The appellate court stated that since the accused's identity had been established beyond a reasonable doubt, it was not in question in this case. The main witness to the incident was the complainant, the person who had been kidnapped. Throughout the hearing, the complainant gave a thorough explanation of what happened and included specifics about the accused's role.

### **7. Contradictory Evidence**

Likewise, the appellate courts ignore some contradictions between eyewitnesses' testimony and other oral or documentary evidence. For example, in *Allah Yar v. State* (2022), the complainant told the police that the accused had injured him with a firearm. The complainant gave testimony in court, saying that the accused shot him after first grabbing hold of his neck. Nevertheless, the absence of mention of the blackening on the wound in the medical report suggests that the fire was not shot from a close distance. Because the eyewitness testimony was in conflict with the medical report, the defense council contended that it should not be trusted. The objection was dismissed by the court by noting that "although learned counsel for the petitioner put the plea that the complainant has alleged that he was first caught hold by the petitioner from his neck and thereafter, he (petitioner) made fire shots at the complainant's body, however, there was no burning or blackening around the complainant's entry wounds which has contradicted the prosecution story. The complainant, however, was not a stationary object and had the ability to move at the time of the incident. Similarly, in *Abdul Hafeez alias Azeem Versus the State* (2020), the complainant alleged that the accused kidnapped his nephew for ransom. The police arrested the accused and the trial courts convicted them. During the appellate proceedings, the defense counsel raised the point

that there were contradictions between witnesses' testimony. However, the argument could not be succeeded and the appellate court observed that the minor discrepancies in statement of all the witnesses are not enough to demolish the case of prosecution because their discrepancies always occurred on account of lapse of time.

#### **8. Witnesses' Failure to Disclose all Facts**

On the same line of reasoning, the appellate courts ignored the objection regarding suppression of facts by witnesses and complainant. For example, in *Muhammad Arshad Versus the State* (2020, para. 5), the complainant made claims in the FIR that the accused repeatedly struck the deceased's head with a hatchet due to which the victim was injured and eventually died. Additionally, the accused also injured two women before leaving the area. The defense counsel pushed the argument in the appellate court that the witness should not be trusted to find the accused guilty because he also sustained physical injury in the encounter, which he failed to disclose in both the trial and the appellate court. The argument was rejected, though, and the appellate court noted that the prosecution had concealed the petitioner's claim that he had sustained personal injuries. After carefully reviewing the petitioner's medical legal report, the court formed the opinion that the injury of the complainant was two weeks old. The court observed that "regretfully, the learned counsel argued that the petitioner never attempted to file a counter-complaint with the local police on the injuries he got during the incident..... the testimony of the witnesses could not be disbelieved just because they withheld certain information from the court".

#### **9. Failure to Nominate Accused**

Likewise, the appellate court also ignored the omission of the complainant in mentioning the names of accused in the various legal documents. For instance, in *Asghar Ali v. the State* (2016), the complainant daughter went to her grandfather's residence but failed to come back. The complainant searched her; however, her whereabouts could not be ascertained. The same day, at approximately 5:00 A.M, he found her daughter in an unconscious state in the house of the accused. He reported the matter to the police saying that an unknown accused raped and injured her daughter. The police investigated the case and apprehended the accused who was convicted by the trial court. The defense counsel raised the objection that the accused was not nominated in the first information report; hence, his conviction was not legal. The appellate court dismissed the objection and observed that the complainant did not name any specific accused individuals in his written complaint. This was because his daughter was unconscious at the time, and he stated that he would provide information about the accused individuals when he became aware of their identity. Therefore, the argument put forth by the appellant's counsel that the appellant was not mentioned in the First Information Report lacked merit.

#### **10. Discussion**

The present study intended to categories the harmless errors in the offences against human body and property. The study found that the appellate court did not set aside the conviction of the accused although there was delayed in carrying out certain actions, failure to fulfill certain legal formalities or nominate accused or when witnesses did not disclose all the facts in the courts. The study also found that the appellate courts did not pay attention to the contradictions in witnesses account and with other evidence regarding minor issues, or when prosecution produced or failed to produce certain witnesses and evidence. The data show that the appellate courts do not reverse the accused's conviction although the prosecution do not produce direct, circumstantial or corroboratory evidence. The approach of the appellate courts suggest that the appellate courts can render decisions on the basis of sole eyewitnesses' testimony that is relevant, admissible and worthy of credit. Similarly, the appellate courts do not take it seriously when the production of the circumstantial evidence is not possible in the given circumstances of a case without the negligence or fault of the prosecution. However, the appellate courts do not feel hesitation in convicting an accused on the basis of circumstantial evidence when there is no direct evidence or eyewitness. The analysis also shows that the appellate courts do not consider it as a fatal mistake when the prosecution produces children, relatives of deceased and police official as witnesses. The appellate court can comfortably uphold the accused's conviction if testimony of such witnesses rings true. Furthermore, the appellate courts do not set aside the conviction when there is delay in completing certain legal formalities if the prosecution justifies the delay. The analysis also reveals that the nature of justification depends upon the circumstances of each case and there is not universal formula to condone the delay. Likewise, the appellate courts also ignore the prosecution's errors about observing certain legal formalities when it is not possible due to the peculiar nature of the facts of each case. The findings also show that the appellate court do not reverse the decision of the trial courts when the prosecution fail to nominate accused or disclose all material facts and when there are minor contradictions in eyewitnesses' testimony and expert opinion.

The present study's findings are supported by the research conducted by Gould and Richard A. Leo to the extent that the trial courts commit numerous errors; some are capable of reversing the decision and some are not. Likewise, the study's findings are in line with the findings of Edward (1995) to the extent that various errors committed by the trial courts are inconsequential and the conviction of accuse may be set aside if the errors are of serious nature. The findings of the present study are further corroborated by Doyle's scholarly investigation to the extent that the actors in criminal justice system have started to acknowledge their mistakes and errors. Likewise, the current study finds support from Berger's study to the extent that certain errors that were initially alleged to be evidentiary errors did not actually fall under this category upon closer inspection y the courts. Likewise, the findings of both the study are identical to the extent that even non-evidentiary factors may play a role in influencing the appellate court's response to various errors. Likewise, the current study's findings are in line with Murray's findings (2016) to the extent that procedural errors are possible in criminal trials and the appellate courts evaluated procedural errors and sometimes treated them as harmless. On the same line of reasoning, the present study finds support from Griffin (2016) study to the extent that sometimes the court overturned the decision of the trial courts due to specific errors and sometimes the courts ignore the errors.

#### **11. Conclusions**

An error is considered to be harmless if it would not have had any impact on the final verdict or the outcome of the legal action, even if it had been corrected or averted. For the purpose of upholding the fundamental principles of justice and ensuring that trials are conducted in an equitable manner, it is essential to recognize and handle errors that are not intentionally harmful within the legal proceedings. While it is true that mistakes can occur during the course of the legal process, it is essential to keep in mind that not all of these mistakes necessarily put the credibility of a trial or the verdict at risk. In order to facilitate a more streamlined and equitable distribution of justice, courts and legal systems all over the world have developed methods as a means of distinguishing between errors that have adverse repercussions and those that are unimportant. It is of the utmost importance for legal professionals, judges, and legislators to maintain a state of constant vigilance in their efforts to detect and repair damages caused by errors.

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