

Flaws in Investigation and Prosecution: A Case Study of District Malir Karachi

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Abstract

Pakistan's criminal justice system has serious built-in flaws, which are particularly noticeable in the investigation and prosecution stages. The breakdowns of the system in Malir Karachi District even worsen the situation, resulting in low conviction rates and diminished overall public trust in the justice system. This research explores the main obstacles encountered by the prosecutors of Malir and the how the poor quality of police investigations, the late submission of investigation documents, unprotected witnesses, and un-cooperating police and prosecutors are responsible for these issues. The findings of the study further confirm that there is an undeniable correlation between the phenomena of interest, which lies between the judicial process and struggling to achieve the elusive notion of dispensing justice in an effective and efficient manner. Based on conversations with local area prosecutors, this paper attempts to offer practical ways to change the unjust and inefficient processes within the criminal justice system.

Keywords: Criminal Justice System, Prosecution, Investigation, Conviction rates, Pakistan, Malir Karachi, Flaws in Investigation

Introduction

The Pakistani criminal justice system has ineffective practices that deeply root its credibility. Challenges such as untrained law enforcement and inadequate witness protection greatly reduce the results that can be achieved. This is especially true for Malir, one of the Karachi districts. As one of the largest districts of Karachi, Malir has profound social and economic challenges which completely overwhelmed their law enforcement, prosecution, and judicial systems. This reputation

of being one of the poorest, and most, populated districts in Karachi certainly puts Malir at the center of a myriad of issues in the criminal justice system (Malik, 2022).

Since law enforcement authorities mostly handle criminal investigations, Pakistani prosecutors have often been excluded. The split of duties has led to system inefficiencies as prosecutors have to handle cases with insufficiently carried out investigations. Because of their legal knowledge, which guarantees complete behaviours of investigations and appropriate collecting and preservation of evidence, prosecutors should be involved in investigations (Waqar, 2022).

In Malir, the issues aggravating the criminal justice system are several. Many times, undertrained, investigators find it challenging to create strong cases depending on antiquated methods. Furthermore, aggravating the backlog of cases in the courts and causing major delays in trials are the delayed filing of investigative findings, sometimes known as challans. Many times, facing threats, intimidation, or violence, witnesses vital to the prosecution's case either withdraw their testimony or fail to show up for court. Lack of a formal witness protection scheme in Pakistan has made these difficulties worse (Rajput & Benavides-Vanegas, 2022).

Given these major obstacles, this study aims to identify the underlying reasons of these inefficiencies and offer specific recommendations for reform of the criminal justice process stages in Malir. This study attempts to give a thorough analysis of how these defects compromise the legal system and impede the delivery of justice by investigating the interdependence between law enforcement and prosecutors and pointing up areas of coordination breakdown.

Literature Review

Although securing justice depends on the investigation and prosecution phases of criminal justice systems, several studies have revealed that flaws in these areas usually result in low conviction rates and public mistrust of the system. Well-documented in the literature, the criminal justice system in Pakistan suffers from several structural and operational flaws including those related to its investigation and prosecution procedures.

Role of Investigations in Criminal Justice

In criminal justice, the need of thorough investigating methods is first of importance. Asserts that a thorough investigation establishes the groundwork for effective prosecution, guaranteeing the proper collection and preservation of evidence for trial. The police, as the principal investigative authority, play a crucial role in maintaining the integrity of the criminal justice system. Nonetheless, the quality of investigations in Pakistan has been frequently criticized for its unprofessionalism and dependence on antiquated techniques. Police officers often depend on confessions, frequently obtained through coercion, rather than forensic evidence, which considerably undermines the prosecution's capacity to present persuasive cases in court (Ajmal & Rasool, 2022).

In Malir, Karachi, the difficulties in carrying out thorough investigations are very pronounced. Many police departments are underfunded and inundated with cases; many officers lack official training in contemporary investigation procedures. Investigators so routinely overlook important information, which compromises prosecutors' capacity to produce strong charges. Further

compromising the integrity of investigations and producing erroneous and insufficient reports are political pressures and police force corruption (Ali, 2015).

Prosecutorial Challenges and Their Impact

Prosecutors are the gatekeepers of justice, responsible for ensuring that the evidence presented in court meets legal standards and that justice is served in a fair and impartial manner. In Pakistan, however, prosecutors often face numerous challenges that hinder their ability to perform this role effectively. The early involvement of prosecutors in investigations is essential to ensure that evidence is properly gathered and that the investigation is guided in the right direction. Unfortunately, in many cases, Pakistani prosecutors are not involved until the investigation is complete, and they are often left to work with incomplete or poorly handled evidence (Khosro, 2024).

Among the most important problems in Malir is the lack of cooperation between police and prosecutors. Often powerless to affect the course of inquiry, prosecutors produce weak cases challenging to prosecute. Delayed trials and more case backlogs are among the inefficiencies in the judicial system resulting from this gulf between the two entities (The Role of Prosecution in Improving Justice Delivery: A Case Study of Pakistan's Criminal Justice System, 2023).

Furthermore, the presence of corruption only serves to make the challenges faced by the prosecutors much worse. Prosecutors, like other subordinates within the criminal justice system, are also susceptible to succumbing to certain political or corrupt influences, which, in turn, erodes the justice system's foundation. The prevailing social order with such deep-rooted corruption in law enforcement and the prosecution has reached levels whereby the positive monetary and political benefits for the outcome of cases have greatly overshadowed the concerns for justice. It is no wonder that, as other scholars, these authors assert that there exists a grossly unjust and opaque system (Sarjito, 2023).

Witness Protection and Its Importance

Some of the most notable challenges around witness intimidation and witness security, as central actors in criminal prosecutions, have to deal with is perhaps the most daunting violence faced by witnesses in Pakistan. Witness protection mechanisms, especially in cases with high media scrutiny, are often underreported, as (Parwez et al., 2023) puts it, unjust violence, intimidation, and threats that lead to the retraction of witness statements and non-attendance at tribunal sittings. Witnesses might be obstructed with violence to remain mum regarding crimes being as rampant as political malfeasance and syndicate capitalism in Malir. One of their major problems in the ability to get a conviction is the lack of adequate protection offered to the witnesses. Not having to rely on eyewitness's testimonies as evidence greatly diminishes the chances of successfully prosecuting, which in turn, results in more people being let off the hook (Beqiri, 2013).

Impact of Corruption on Criminal Justice

The criminal justice system of Pakistan suffers from a general corruption. Police officials and prosecutors have been shown to be corrupt in activities including bribery, case manipulation, and result influence driven by political or financial benefit (Rajput & Rajput, 2020). With political

intervention and financial incentives sometimes affecting case results, corruption in Malir greatly hinders efficient prosecution and investigation.

The lack of openness and responsibility in law enforcement and the prosecution agency aggravates the problem of corruption in the court system, therefore complicating initiatives to solve it. The public's faith in the criminal justice system has dropped as many people view it as unfair and think that justice is sometimes commercialized. The view of corruption in the court system, which compromises the institution's legitimacy, is one of the elements causing justice to fail (McDonough, 2013).

Methodology

This study using a qualitative research methodology investigates the systematic flaws in the investigation and prosecution phases of the criminal justice system in the Malir, Karachi, district. The major objective of this study is to understand the challenges prosecutors face resulting from inadequate investigations, delayed police report submission, poor law enforcement and prosecutor teamwork, and absence of witness protection programs.

Research Design

The report offers a thorough analysis of the specific issues that that area faces by use of a case study approach using Malir, Karachi. A qualitative approach was chosen the most suitable for examining the opinions and experiences of those who allow one completely understand the challenges encountered by prosecutors involved in criminal cases. This design facilitates the investigation of the social and legal context affecting the methods of inquiry and prosecution in Malir in whole.

Data Collection

Semi-structured interviews with 25 Malir, Karachi prosecutors helped to get the data. Participants were selected deliberately to guarantee that those with firsthand knowledge of managing district criminal cases would be selected. Senior and novice prosecutors were among the interviews, therefore providing a range of viewpoints.

The interviews were meant to record participants' observations on:

- The cooperation among police and prosecutors.
- The challenges in promptly getting investigative reports.
- The difficulties managing witnesses—including problems with intimidation.
- The effect on criminal trials of political and economic influences.
- general reflections on the systematic inefficiencies in the procedures of inquiry and prosecution.

Every interview was carried out in private to guarantee anonymity and inspire honest, direct answers. The 45 to 60 minute interviews produced rich, qualitative material reflecting the complexity of the Malir criminal justice system.

Data Analysis

Thematic analysis of the data allowed one to investigate it. This method was chosen as it helps to distinguish and clarify trends in qualitative data. Every interview transcript was carefully reviewed to identify important themes resulting from the participants' ongoing problems and challenges. While simultaneously trying to identify appropriate improvements, the study tried to expose the basic elements causing inefficiencies in the research and prosecution phases.

Following more general topics, including investigative quality, collaboration between law enforcement and prosecutors, witness protection, and corruption, the themes found throughout the study were then grouped. This methodical investigation made it possible to grasp the systematic defects in the Malir criminal justice system.

Results and Findings

The results of the interview expose important problems that Malir, Karachi's prosecutors have to deal with, therefore compromising the potency of the phases of investigation and prosecution. The main causes of the challenges include inadequate witness protection, poor cooperation between law enforcement and prosecutors, and general corruption from incompetent investigations. Themes found throughout the data analysis help to draw the findings shown below.

Deficient Investigations

Prosecutors pointed out as a major problem the lack of thorough investigations. Many of the Malir police officers lack the required equipment for thorough investigations and get inadequate instruction in contemporary investigative methods. Many studies depend more on antiquated, conventional techniques—such as confessions acquired under pressure—than on forensic evidence or thorough investigation tools. Weak cases presented in court result from prosecutors' inability to get convictions resulting from inadequate information and resources.

Many prosecutors said that law enforcement personnel routinely overlook important evidence, therefore impairing their capacity to build strong prosecutions. Sometimes physical evidence—DNA samples, fingerprints, other forensic data—is not obtained or, if obtained, not kept suitably. This challenges prosecutors' capacity to build a strong case fit for court.

Delayed Submission of Investigation Reports

Everyone who was interviewed seemed to focus on the tardiness of the police inquiry reports or the so-called challans. Prosecutors added that sometimes the investigation reports are filed late which impacts the rest of the judicial process. Some delays stem from the police's, such as mismanaged resources and case backlogs. Political manipulation or influence can lead to delays without rhyme or reason. Certain cases of undue delay can vary from months to years and that tends to disrupt the already congested situation in the courts and create further problems in the judicial system.

The narrow jurisdiction also was frustrating for prosecutors when it came to the filing deadline for investigative reports. The failure to present such reports timely renders the prosecutors ill-equipped to present and substantiate their cases in courts, which means long periods of pre-trial detention awaits the accused persons.

Lack of Witness Protection

The absence of a formal witness protection program was a significant concern raised by many prosecutors in Malir. Several interviewees reported that witnesses, particularly in cases involving organized crime or political corruption, face intimidation or threats. In extreme cases, witnesses may be subject to physical violence or coerced into retracting their statements. The lack of a structured and formalized witness protection program exacerbates this issue, as there is no legal framework to ensure the safety of witnesses. In one interview, a prosecutor described a case where a witness in a politically sensitive case was threatened and eventually withdrew their testimony, leading to the acquittal of the accused. The absence of protection for witnesses undermines the entire prosecutorial process, as it becomes difficult to rely on eyewitness testimony, which is often critical to securing convictions.

Poor Coordination Between Police and Prosecutors

Police and prosecutor not working together turned out to be one of the most crucial challenges to effective prosecution. Many times, excluded from the investigation stage, Malir's prosecutors are not active in the early phases of case development. This lack of cooperation guarantees the correct gathering of evidence, guarantees the absence of flaws in the case before it gets to court, or keeps prosecutors from dictating the course of inquiry. Prosecutors said it is challenging to build compelling charges as they frequently find insufficient investigative reports from the police. One prosecutor observed, "It's already too late by the time the case gets to us. We have to make do with what we are given; we cannot change the direction of the research. This gap results in inefficiencies and compromises the general prosecution procedure.

Corruption and Bribery

Another important problem the interviewers found was corruption inside the police and prosecutor offices. Bribery cases—where people might use financial incentives to affect the result of criminal trials—were recorded by prosecutors. Investigators were discovered to have been corrupted by certain police personnel in return for money or other favors. This general corruption seriously compromises the integrity of the criminal justice system and fuels public mistrust in the legal system.

Corruption also affects the prosecution stage; some of the officials under pressure from political or financial interests may distort cases. Many criminal trials fail because of the effect of political intervention and corruption on the judicial system, which generates unequal implementation of the law.

Discussion

The findings of this study reflect the systematic barriers hindering the effectiveness of the investigation and prosecutorial phases of the criminal justice system in Malir, Karachi. These deficiencies are not isolated but reflect more profound issues inside Pakistan's legal and law enforcement systems.

Impact of Inefficient Investigations on Prosecution

Ineffective investigations are one of the primary reasons why prosecutions in Malir struggle to achieve successful outcomes. The reliance on outdated methods and the lack of forensic evidence severely limits the prosecution's ability to build robust cases. These challenges are compounded by the exclusion of prosecutors from the investigative phase, which further weakens the overall case preparation.

Delays in Court Proceedings

The delays in the submission of investigation reports exacerbate the backlog of cases in the courts, contributing to long trial durations. These delays often result in extended periods of pre-trial detention for accused individuals, which raises concerns about the rights of the accused and the fairness of the legal process.

Corruption and Political Influence

The pervasive corruption within both the police and prosecutorial services compounds the inefficiencies within the system. Corruption results in manipulated investigations, weakened prosecutions, and a lack of public trust in the criminal justice system. Political pressures and financial incentives further influence the outcome of cases, creating an uneven playing field that undermines the rule of law.

Witness Protection and Its Role in Prosecution

The lack of a formal witness protection program represents a significant gap in Pakistan's criminal justice system. Without proper protection, witnesses are often coerced or intimidated into silence, which compromises the prosecution's ability to present strong cases. As noted earlier, witness testimony is often vital to securing convictions, and without a formal protection program, many cases cannot proceed successfully.

Conclusion

The criminal justice system in Malir, Karachi, has certain challenges that make it difficult to provide justice efficiently and promptly. There is a strong correlation between the district's low conviction rates and the systemic problems highlighted in this report, which greatly affect the prosecution process. A witness protection program is nonexistent, investigations are ineffective, reports are late, prosecutors and police do not work together, and corruption is rampant. Public trust in the justice system declines and a culture of impunity takes root as a result of these issues, among other far-reaching consequences. Reforming Malir's investigation and prosecution procedures calls for a multi-pronged approach. This strategy has to deal with these systemic problems, improve collaboration between prosecutors and police, ensure the safety of witnesses, and fight corruption everywhere.

References

- Rajput, I., & Rajput, N. (2020). The impact of forensic science on criminal investigations in Pakistan. *Journal of Forensic Sciences*, 65(4), 202-215.
- Malik, S. (2022). *Defective Investigation leads to Injustice - An Overview of Pakistani Context*. <https://doi.org/10.52131/clts.2022.0201.0010>
- Waqar, M. Y. (2022). Criminal Justice System and its Impacts on Criminal Trial Law, Practice and Procedure in Pakistan: An Analytical Study. *Pakistan Languages and Humanities Review*, 6(III). [https://doi.org/10.47205/plhr.2022\(6-iii\)24](https://doi.org/10.47205/plhr.2022(6-iii)24)
- Ajmal, A., & Rasool, F. (2022). Forensic Evidence in Criminal Justice System in Pakistan. *Global Legal Studies Review*, VII(III), 25–31. [https://doi.org/10.31703/glsr.2022\(vii-iii\).04](https://doi.org/10.31703/glsr.2022(vii-iii).04)
- Rajput, M. A., & Benavides-Vanegas, F. S. (2022). Reformation of Criminal Justice System of Pakistan. *European Scientific Journal*, 18(5), 87. <https://doi.org/10.19044/esj.2022.v18n5p87>
- Khoso, L. A. (2024). Impact of Defective Investigation and Prosecution on Trial in Pakistan. *Social Science Research Network*. <https://doi.org/10.2139/ssrn.4685159>
- The role of prosecution in improving justice delivery: a case study of pakistan's criminal justice system. (2023). *Pakistan Journal of International Affairs*. <https://doi.org/10.52337/pjia.v6i2.806>
- Sarjito, A. (2023). Political Corruption and How to Combat. *Journal of Governance: Jurnal Ilmu Pemerintahan Universitas Sultan Ageang Tirtayasa*. <https://doi.org/10.31506/jog.v8i4.20023>
- Parwez, Z., Sarangi, N. C., & Jabbar, D. (2023). Role of Judiciary in Protecting Witnesses in the Criminal Justice System: A Critical Analysis. *International Journal of Membrane Science and Technology*. <https://doi.org/10.15379/ijmst.v10i2.2776>
- Beqiri, R. (2013). *Balancing the need for the protection of the witness against the right of the accused*.
- McDonough, K. M. (2013). Combating Gang-Perpetrated Witness Intimidation with Forfeiture by Wrongdoing. *The Seton Hall Law Review*, 43(4), 5. <https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1485&context=shlr>