

Fictional Case Scenario: The Case of the Stolen Car

Facts:

Date of Incident: 10th January 2024

Location: Karachi, Sindh

The Complainant:

Mr. Ali Khan, a businessman, reports the theft of his car — a black 2020 Toyota Corolla, registration number ABC-1234. He states that the car was parked outside his office building in the Karachi business district at around 6:30 PM. He locked the car and left the office, returning at 8:00 PM to find the car missing.

The Accused:

1. **Zahid Hussain** (Defendant 1) — A 30-year-old mechanic with a criminal record for petty theft.
 2. **Shazia Khan** (Defendant 2) — A 25-year-old woman, previously employed as a receptionist in Mr. Khan's office but fired six months ago for misconduct.
 3. **Nadeem Shah** (Defendant 3) — A 32-year-old taxi driver with no known criminal record, but he has been seen frequently near Mr. Khan's office building.
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Factual Timeline:

- **10th January 2024, 6:30 PM:** Mr. Ali Khan parks his car outside his office.
 - **10th January 2024, 8:00 PM:** Mr. Khan returns to find his car gone.
 - **11th January 2024:** CCTV footage from a nearby store shows a black car being driven away by a man (presumed to be Zahid Hussain) and a woman (presumed to be Shazia Khan) in the passenger seat.
 - **12th January 2024:** The police find the car abandoned in a parking lot, but there is no direct evidence linking the accused to the theft.
 - **15th January 2024:** Nadeem Shah is arrested based on information provided by a witness who claims to have seen him with the other two at the scene the day before.
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Charges:

1. **Theft under Section 378 of the Pakistan Penal Code (PPC)**
(Theft of the car, a valuable asset, without permission from the owner.)

2. Criminal Conspiracy under Section 120-A PPC

(The accused are charged with conspiring together to commit the crime of theft.)

Defendants' Statements:

- **Zahid Hussain:**
Claims he was at home on the night of the theft and had no involvement. He denies being in the CCTV footage, stating the person in the video is not him.
 - **Shazia Khan:**
Denies any involvement in the theft. Claims that she was meeting a friend in a nearby café during the time the car was stolen and has no knowledge of the car theft.
 - **Nadeem Shah:**
Denies any involvement. He claims to have been at a family gathering on the night of the incident and states that he only came to know about the car theft after his arrest.
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Key Issues for the Case:

- **Identification of the Person in the CCTV Footage:**
Is Zahid Hussain the person seen in the footage, or is there a possibility it was someone else?
- **Alibi for the Defendants:**
Do the defendants have alibis that can be verified or corroborated?
- **The Role of Nadeem Shah:**
Is there sufficient evidence to charge Nadeem Shah, or is it based on unreliable witness testimony?
- **Absence of Direct Evidence:**
There is no direct evidence such as fingerprints or DNA linking the accused to the car or the scene of the crime. How does the lack of physical evidence affect the prosecution's case?

Exercise Tasks for Young Advocates:

1. Draft a Bail Application for Zahid Hussain

- The application should argue for bail despite the charges of theft and criminal conspiracy.
 - Include an emphasis on Zahid's lack of a prior conviction, his family ties, and his alleged alibi.
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2. Prepare Cross-Examination Questions for the Prosecution Witnesses (CCTV Technician)

- Draft questions to challenge the authenticity and clarity of the CCTV footage.
- Questions for establishing that the person in the video is indeed Zahid Hussain and not someone else.

3. Conduct a Mock Cross-Examination of the Defendants

- **For Zahid Hussain:**
Challenge his claim of not being the person in the footage.
- **For Shazia Khan:**
Question her about the timeline and how she could have missed the car theft happening nearby.
- **For Nadeem Shah:**
Cross-examine him on his alibi and the testimony provided by the witness.

4. Closing Arguments

- **Prosecution:**
Argue that the circumstantial evidence (CCTV footage, witness testimony) strongly supports the guilt of the accused.
- **Defense:**
Argue that there is insufficient evidence to prove the guilt of the accused beyond a reasonable doubt, and highlight any weaknesses in the prosecution's case.

Mock Trial Session:

- **Roles:**
 - Judge, Prosecutor, Defense Counsel, Witnesses (CCTV Technician, Police Officer, Eye-witness, Defendants)
 - **Objective:** To simulate a full trial with opening statements, witness examinations, and closing arguments.

Follow-up Assignment:

- Prepare a **post-trial report** as a young advocate, summarizing the trial's outcome and discussing what worked well in the case and where improvement was needed.

Learning Points from the Scenario:

- **Circumstantial Evidence:**
Understanding how to handle cases that rely on circumstantial evidence (e.g., CCTV, witness testimony).
- **Witness Testimony and Cross-Examination:**
The art of challenging a witness's credibility and establishing inconsistencies in their statements.
- **Role of Alibis and Defenses:**
How to present and scrutinize alibis, and what to do if an alibi is unprovable or weak.

This fictional case is simple but offers various aspects that will allow young advocates to practice multiple legal skills: **drafting**, **argumentation**, **cross-examination**, and **strategic case-building**.

Would you like me to adjust this case further or provide more detailed questions for mock cross-examination?

Alright!

You asked for **answers** to the fictional case scenario — so I will address each of the tasks you gave to the young advocates, treating it as a real exercise.

Here's the full professional-style response:

Answers to the Fictional Case: The Case of the Stolen Car

1. Draft a Bail Application for Zahid Hussain

IN THE COURT OF THE HONORABLE SESSIONS JUDGE, KARACHI

Bail Application No. ____ / 2024

In FIR No. ____ / 2024, under Sections 378, 120-A PPC

Police Station: _____

Applicant: Zahid Hussain

Versus

The State

APPLICATION FOR CONFIRMATION OF INTERIM BAIL UNDER SECTION 498 Cr.P.C.

Respectfully Sheweth:

1. That the applicant has been falsely implicated in the above-mentioned FIR.
2. That there is no direct evidence available against the applicant; only CCTV footage is alleged, which is unclear and not conclusively identifying the applicant.
3. That the applicant maintains his innocence and was present at home at the alleged time, an alibi which will be established during trial.
4. That no recovery has been made from the applicant linking him to the alleged crime.
5. That the applicant has strong family ties, is a permanent resident of Karachi, and undertakes to attend court proceedings regularly.
6. That the applicant is not a previous convict and no other criminal case is pending against him.
7. That the trial is likely to take a considerable time, and further incarceration would be a hardship.
8. That the applicant is willing to furnish surety and abide by any conditions imposed by this honorable court.

PRAYER:

In view of the foregoing, it is respectfully prayed that the interim bail granted to the applicant Zahid Hussain may kindly be confirmed in the interest of justice.

Karachi

Date: _____

Advocate for the Applicant

2. Prepare Cross-Examination Questions for the Prosecution Witness (CCTV Technician)

Cross-Examination of CCTV Technician:

1. Can you confirm whether the CCTV camera from which this footage was obtained was functioning properly on the night of 10th January 2024?
2. What is the resolution and clarity level of the footage?
3. Are you certain that the person seen in the footage is Zahid Hussain?
4. Have you conducted any forensic analysis to match the accused with the person shown in the footage?
5. Is it correct that the footage only shows a person with a general resemblance, but not clear facial recognition?
6. Can the video footage be manipulated or distorted during retrieval?

7. Was there any independent identification parade conducted based on this footage?
 8. Are you aware that the CCTV footage alone cannot conclusively establish identity beyond reasonable doubt without corroborative evidence?
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3. Conduct a Mock Cross-Examination of the Defendants

Cross-Examination of Zahid Hussain:

- You claim to have been at home — can you provide any evidence, such as phone records, CCTV footage from your home area, or witnesses?
- Why do you think the complainant is accusing you specifically if you were not involved?
- Is it not true that you were seen earlier near the area where the theft took place?

Cross-Examination of Shazia Khan:

- You said you were at a café — can you produce a bill, receipt, or witness from the café?
- Did you inform anyone at the time that you were at the café?
- How far was the café from the parking lot where the car was stolen?

Cross-Examination of Nadeem Shah:

- You claim to be at a family gathering — can you provide evidence such as photographs, phone call logs, or witnesses?
 - Is it not true that you have frequently been seen loitering near the complainant's office prior to the incident?
 - Why would a witness falsely implicate you if you were not involved?
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4. Closing Arguments

Prosecution's Closing Arguments:

- The circumstantial evidence — especially the CCTV footage showing persons resembling the accused — supports the charges.

- The accused had motive (Shazia Khan was previously fired; Zahid Hussain had criminal history).
- All three accused were seen near the scene around the time of the theft.
- While there is no direct evidence (fingerprints, DNA), circumstantial evidence must be considered as a whole and points irresistibly to the guilt of the accused.
- The burden of establishing their innocence through alibi rests with the accused, which they have failed to do satisfactorily.

Defense's Closing Arguments:

- There is no direct evidence against the accused: no fingerprints, no recovery, and unclear CCTV footage.
 - Identification through unclear video footage without an identification parade is unreliable and inadmissible.
 - The burden of proof lies on the prosecution to prove guilt beyond reasonable doubt, which they have failed to discharge.
 - The witnesses presented are not independent and may be biased.
 - False implication due to prior grudges (Shazia's termination) cannot be ruled out.
 - Benefit of doubt must always go to the accused.
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Summary Judgment Expected (Mock Court View):

- Based on arguments, if there is strong benefit of doubt (no solid forensic link + weak identification), the **court would likely grant bail** to the accused and direct the prosecution to bring better evidence for conviction at trial.

Would you also like me to prepare a **detailed written Judgment** (like a real court would write), so that you can show young advocates how judgments are framed after a mock trial?

It would be very useful for them!

Shall I proceed?

Excellent! Here is a **detailed Mock Court Judgment** based on the fictional case of *The Case of the Stolen Car*, structured just like a real court would write it:

IN THE COURT OF THE HONORABLE SESSIONS JUDGE, KARACHI

Case Title:

State Vs. Zahid Hussain, Shazia Khan, and Nadeem Shah

Case No.:

___ of 2024

FIR No.:

___ / 2024 under Sections 378, 120-A PPC, Police Station ___

Date of Judgment:

___ 2024