



The Notion of Limitation in Criminal Law

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Abstract

The relationship between time and prosecution has been the subject of legal debate for centuries and scholars took interest in this area to develop the understanding of the doctrine of time limitation. The majority of experts agree that criminal proceedings are not restricted to taking place within a certain amount of time after a crime has been committed or discovered. This rule has been widely accepted by many legal systems around the globe including Pakistan. Lord Ellenborough asserted in the year 1803, that an indictment-based criminal prosecution is not subject to any limitation at common law. This statement was elaborated by Blackstone's editors by noting that, unless there was a specific statute restricting the time of prosecution, the crown was free to prefer an indictment at any point after the offense was committed and that there was no general statute of limitations governing criminal proceedings. *Nullum Tempus occurrit regi* (no lapse of time bars the king) is said to have been disbanded by laws passed in the initial decade of the sixteenth century in cases to which they applied, one of which, set a thirty-day limitation period for prosecution of treasons committed by spoken words. The purpose of this chapter is to overview the doctrine of time limitation and develop an understanding of how it evolved. The arguments of proponent and opponents of the statutes of limitation will also be discussed in this chapter. With the help of arguments favoring statutes of limitation, the research will try to answer, in what ways might the lack of a statute of limitations contravene standards regarding fair trial? Furthermore, fundamental goals of time limitations in criminal law—to prevent the prosecution of stale allegations will be discussed in detail. At the onset of the research, the notion of time limitation and its rudimentary purposes has been discussed for a better understanding of the subject for further discussion. Then the focus of the research was turned towards Pakistan's legal system, this chapter aims to explore the statute of limitations that control various legal actions there. The research has generally overviewed the Limitation Act. In a nutshell, this chapter served as a portal to the legal landscape to establish a better understanding of the complexity of the doctrine of time limitation particularly in criminal law.

Keywords: Limitation, Criminal Law, Pakistan's Legal System, fair trial, prosecution.

Notion of time limitation

The term "time limitation" in the context of law refers to the window of opportunity during which legal proceedings may be brought, after which a claim is rendered ineffective, or an amount of time that is available and statutes of limitation referred as a fixed period for someone to start legal proceedings. This time limit is a protective and effective mechanism that keeps legal disputes from dragging on unnecessarily while preserving the ability to



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pursue justice. In criminal law, when the preservation of evidence, the credibility of witnesses, and the public interest all come together, the idea of time limitation assumes more significance.

The maxims "Interest Reipublicae Ut Sit Finis Litem" (in the interest of the state as a whole, litigation should be limited) and "vigilantibus non dormientibus Jura subveniunt" (the law will only help those who are vigilant with their rights and not those who sleep upon it) is considered to be the foundation of the law of limitation. In many legal systems, the idea of time has been believed to be unpleasant but enduring and has a strong place. Statutes of limitations, which are procedural rules with time limits that govern a plaintiff's ability to bring a lawsuit, are derived from judicial and legislative sources, and have been around for centuries, and are now largely accepted. They operate by categorizing cases, setting deadlines, and putting accrual and tolling rules into practice.

The Statute of limitation has been present in many legal systems which restrict the time for a case to be heard in court. Depending on how serious the offense is, different time restrictions are put under the law. For instance, in German law, the time frames range from three years for trivial crimes to thirty years for felonies that carry a life sentence. In continental Europe and the United States, general statutes that set deadlines for when criminal cases must be filed are common. There is no general statute of limitations that applies to major criminal cases in England, but statutes that address particular offenses of minor nature frequently have limitations of different periods.

Historical Note

Over many centuries, the idea of "time limit" in legal systems has changed, influenced by societal norms, shifting legal environments, and the need for fairness and effectiveness in the delivery of justice. The origins, progression, and pivotal moments that shaped the idea of time limitation within the field of law are explored in this historical overview.

Ancient Civilizations and Customary Practices

The roots of time limitation can be traced back to ancient civilizations, where customary practices often imposed time constraints on legal actions. Early legal systems recognized the need for timely resolution of disputes to prevent undue delays and ensure fairness. In ancient Roman law, for instance, the concept of "prescription" operated as a time limitation mechanism, preventing claims from being pursued after a certain period had lapsed.

Medieval Influence and Common Law Evolution

During the medieval era, feudal, religious, and customary behaviors came together. The concept of a time restriction was first introduced by ecclesiastical courts, echoing the idea that justice delayed is justice denied. The common law foundation of England progressively adopted the concept of time limits. By the 13th century, English law had adopted the idea of "laches," which meant that pursuing claims too slowly could prevent judicial action.

Enlightenment Era and the Birth of Modern Statutes

The Enlightenment period brought forth an intellectual revolution that had a significant impact on legal systems. Legal academics have recently reexamined the function of time restriction in light of the principles of reason, fairness, and equality. As courts became aware



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of the necessity to strike a balance between the pursuit of justice and the averting of expired claims, the idea gained traction. Many governments began to establish statutes of limitations in the 17th and 18th centuries, establishing deadlines for particular legal activities.

20th Century Codification and Uniformity

Worldwide legal systems saw a boom in codification initiatives during the 20th century. Legislators understood the necessity for dependable and predictable legal frameworks as societies evolved. Time limitation regulations were made clearer, more standard, and less ambiguous. The idea of human rights also gained popularity, which had an impact on the introduction of time restrictions to protect fundamental rights and prevent arbitrary government acts.

Digital Age Challenges and Contemporary Considerations

The imposition of time limits faced significant difficulties in the digital era. The world of legal procedures has changed as a result of the accessibility of data storage, computerized transactions, and international communication. There have been issues with how time limits apply to cybercrimes, online defamation, and digital conflicts. Courts struggled to find a way to reconcile the requirement for prompt legal remedy with the fast-moving digital world while implementing traditional time limitation standards.

The development of societal norms, legal theories, and the necessity of effective and equitable justice are all reflected in the historical development of time limitations in law. The idea has evolved and prospered, acting as a crucial instrument for preventing injustice, maintaining legal order, and preserving evidence from the time of ancient civilizations to the complexity of the digital age. Its path is a reflection of the steadfast search for a legal system that honors the past, welcomes the present, and protects the future.

Categories of Statutes of Limitation in Criminal Law

Time constraints in criminal law help to strike a balance between the needs of justice, equity, and pragmatism. Usually, they fall into three primary categories: punishment, complaints, and prosecution. Let's dissect and clarify each category.

Prosecution

The term "time limitations" in prosecution refers to the window of opportunity that the state or prosecuting authority has to file a lawsuit for a suspected criminal offense against a person. Statutes of limitations is another name for these restrictions. Depending on the jurisdiction and the seriousness of the offense, they change. Statutes of limitations are intended to prevent injustices brought about by the passage of time, such as fading memories or lost evidence, by guaranteeing that prosecutions be initiated as soon as an accused offense occurs.

Complaint

Time constraints on complaints refer to the amount of time that a victim or complainant has to formally accuse or register a complaint against the alleged offender. This part of the



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time restriction is essential for guaranteeing that complaints are filed on time, enabling a rapid investigation and possible legal action. There may be legal obstacles to prosecution if a complaint is not filed within the allotted period.

Sentencing: Time constraints on punishment refer to the amount of time that someone found guilty of crimes may be subject to jail time fines or other legal penalties. These restrictions guarantee that sentences are carried out promptly following a conviction, enhancing the efficiency and equity of the criminal justice system.

Boons and Pitfalls of Statute of Limitation

Boons

The returns yielded by time limitation laws extend beyond the realm of criminal justice. By imposing a temporal boundary, these laws encourage prompt resolution of disputes, thus reducing the strain on judicial resources. Additionally, they offer certainty and closure to parties involved, preventing the perpetual threat of litigation. Furthermore, time limitation laws underscore the value of diligent action and preservation of evidence, fostering a sense of responsibility among potential claimants. Time limitation in law serves as a fundamental pillar that upholds the principles of justice, legal certainty, and efficient functioning of legal systems. The lack of a statute of limitations can undermine fair trial standards by leading to evidentiary problems, procedural complications, and imbalances in the legal process. To ensure fairness, many jurisdictions implement statutes of limitations that balance the need for justice with the right to a fair trial. Its rudimentary purposes encompass:

Encouraging Quick Settlements

The primary purpose of time limitation in law is to ensure that legal actions are commenced within a reasonable timeframe, preventing undue delays and protecting the interests of the parties involved. It serves as a safeguard against the prosecution of stale claims, wherein the passage of time could lead to faded memories, lost evidence, and compromised accuracy in legal proceedings. It also helps cases be decided, concluded, and resolved with greater speed by encouraging law enforcement personnel to look into suspected criminal or terrorist conduct as soon as possible. This temporal boundary promotes efficiency by encouraging parties to promptly address disputes and seek resolution.

In the context of criminal law, the notion of time limitation holds special importance. The passage of time in criminal cases can hinder the quest for justice. Witnesses may become unreliable or unavailable, evidence might be lost, and the accused's right to a fair trial could be compromised. Hence, time limitation prevents the state from indefinitely pursuing charges and ensures the accused's right to a timely resolution.

Encourage Repose

It's frequently stated that the main rudimentary purpose of limiting the window in which proceedings may be brought is to encourage repose. But the definition of the word "repose" is rarely given. "Repose" refers to at least four different but related concepts in the context of action limitations: (a) allowing for mental tranquility; (b) avoiding upsetting established expectations; (c) lowering future uncertainty; and (d) lowering the cost of protective measures meant to minimize the risk of untimely claims. Courts have rarely tried to



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separate these four components because they are so closely related to one another. But it makes sense to think about the characteristics of rest separately because some of them are more difficult than others.

Tranquility of mind is one facet of relaxation.

The idea is that the past should eventually be forgotten and wrongdoers—or those who are simply unsure of whether they have committed a wrong—should be freed from the worry that they would be held accountable for past wrongdoing when a specific amount of time has passed. The justification is that it is unfair to continuously threaten to sue an individual. The idea of achieving mental tranquility through action restriction has origins in the idea of amnesty and dates back hundreds of years. It draws inspiration from key ideas in Western society, particularly from Christianity, like forgiveness and faith in people's capacity for change. Such a strategy is thought to promote reform among wrongdoers and give those who have improved their ways the assurance that the new life they have fought so hard to build won't be lost as a result of earlier mistakes.

Avoid established expectations

Respect for long-standing expectations is a second feature of repose. Regardless of how the status quo was created, people eventually grow to depend on it, accept it, and organize their lives around it. Even though someone may have acquired an item inadvertently or even incorrectly, as time goes on, they continue to invest and make other decisions based on the expectation that they will keep it. The psychological, and possibly even moral, balance starts to shift in the defendant's favor at some point.

As Oliver Wendell Holmes, Jr., explained:

“The foundation of the acquisition of rights by lapse of time is to be looked for in the position of the person who gains them, not in that of the loser. A thing that you have enjoyed and used as

your own for a long time, whether property or an opinion, takes root in your being and cannot be torn away without your resenting the act and trying to defend yourself, however, you came by it. The law can ask no better justification than the deepest instincts of man”.

One of the goals of a limitation framework is to safeguard this interest in preserving a status quo that has hardened through time rather than constantly leaving open the option of going back to a previous status quo. This goal is based on the understanding that it might be more unfair to allow an old claim to be brought up again than it would be to put it out of existence.

Protecting Defendants

Another significant purpose of statutes of limitation is to relieve the accused of the duty of defending himself against claims of long-past criminal activity. As time goes on, witnesses that the defendant would need to rely on pass away or pass away themselves; memories fade; and records are destroyed, especially if the events appeared trivial at the time they happened.

"Statutes of limitation are founded upon the liberal theory that prosecutions should not be allowed to ferment endlessly in the files of the government to explode only after witnesses and proofs necessary to the protection of the accused have by sheer lapse of time passed



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beyond availability."

However, in cases where the offender is guilty, factors such as poor economic status that at the time of the offense tended to lessen his punishment become insignificant. Although some of these variables are similarly harmful to a stalled prosecution, it must be kept in mind that the prosecutor decides whether to move forward with the trial.

The desire to ensure that criminal prosecution will be based on evidence that is reasonably fresh and therefore more trustworthy than evidence with a probative value that has grown weaker as man's ability to remember has become impaired is closely related to the protection of the defense as a purpose of limitations statutes. It should be noted, however, that a statute of limitations does not guarantee the timing of a trial because the discovery of an indictment only delays the expiration of the statute, not the date of the trial. At this stage, the goal of the limitation is supplemented by the constitutional right to a prompt trial, which is frequently enhanced by certain statutes.

Checking Diligence on the Part of Law Enforcement Agencies

It has been proposed that statutes of limitations help the state monitor its representatives by necessitating diligence on their part in identifying lawbreakers and swiftly bringing them to justice. It might be claimed that if limitations do put greater pressure on police and prosecutors than is brought on by a public outraged by recent crimes, these pressures are ineffective because current prosecutors are already overworked due to resource and staffing constraints. However, rather than removing the constraint, this issue should be resolved by enhancing the prosecution facilities.

Recent offenses should be the focus of the state's attention, and depending on how long the statute of limitations is, it tends to ensure that this goal will be accomplished. It is important to keep in mind that someone who has committed crimes in the past and is continuously doing so is committing crimes today for which the law does not exclude prosecution.

On the reverse side, people who were involved in crimes in a bygone era but have avoided repeating them and amends themselves and as a result seem to present little reason for concern over their future behavior. The goal of criminal law, which is to rehabilitate wrongdoers and serve to liberate the citizens from the vexatious fear of prosecution for past crimes, is consistent with the pursuit of only more recent criminals. The certainty that any progress he achieves won't be undone by the enforcement of some long-dormant claim of the state to his freedom would motivate the criminal who has escaped prosecution for several years and who attempts to rehabilitate himself.

Whilst pundits don't seem to have any arguments against criminal law statutes of limitations, it's possible that by lessening the certainty of punishment, the laws may, in some cases, encourage criminal action. Where a first offender's prosecution is stopped by legislation, there may be a particularly high risk that he will be motivated to engage in criminal action again. The criminal law may be most effectively served by removing the persistent offender from society if earlier legal repercussions appear to have had little impact on him. To the degree that this is the case and if there is no reasonable dispute as to his guilt, the statute of limitations is undesirable. Needless to say, the law also precludes the state's desire for retaliation from being fulfilled.



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Giving the prosecutor or the court discretion to halt or stop an investigation if the interests of justice so required would be one potential substitute for limitation statutes. The prosecutor nowadays has a significant amount of discretion due to his power to drop charges or issue a nolle prosequi.

Minimize Evidence Deterioration

The objective of preventing evidence deterioration is another fundamental goal supporting statutes of limitations. The primary goal of statutes of limitations, according to the California Supreme Court, is to prohibit plaintiffs from asserting stale claims after failing to bring their action until the evidence is no longer relevant and the witnesses are no longer available. Therefore, the statutes serve a specific public interest by preventing the statement of claims that have become difficult or impossible to defend due to an unjustified delay in time.

However, preventing evidence deterioration serves several different but related purposes, similar to the policy of encouraging repose: (a) to ensure accuracy in fact-finding; (b) to prevent the assertion of false claims; (c) to lower the cost of litigation; and (d) to maintain the legitimacy of the legal system. These four goals will be examined one at a time.

Returns of Time Limitation in Law

The application of time limitation yields several notable returns based on above discussed rudimentary purposes of the time limitation that contribute to the integrity and effectiveness of legal systems:

Enhanced Efficiency: By promoting prompt initiation of legal actions, time limitation streamlines legal processes, reduces case backlog, and expedites the resolution of disputes.

1. **Balanced Legal Landscape:** Time limitation ensures that legal claims are pursued within a reasonable timeframe, preventing the undue prolongation of disputes and maintaining a balanced legal environment for all stakeholders.
2. **Legal Certainty and Closure:** Time limitation offers finality to legal matters, allowing parties to move forward with confidence, knowing that disputes will be resolved within a specified period and not linger indefinitely.
3. **Preservation of Evidence:** Prompt initiation of legal actions preserves evidence integrity, increasing the likelihood of accurate fact-finding and just outcomes in legal proceedings.
4. **Resource Allocation:** Time limitation optimizes judicial resources by focusing on current cases, enabling courts to allocate their time and efforts effectively and avoid unnecessary expenditure of resources on stale claims.
5. **Prevention of Manipulation:** By imposing time restrictions, time limitation prevents the manipulation of legal actions for strategic or opportunistic purposes, promoting the filing of genuine claims based on merit.
6. **Protection of Rights:** While encouraging the timely pursuit of claims, time limitation also protects the rights of defendants from the enduring threat of litigation, ensuring that legal actions are brought within a reasonable timeframe.
7. **Balance of Interests:** While deterrence is a goal, the fairness of prosecuting significantly old crimes must be weighed against the potential benefits of deterrence. In essence, the rudimentary purpose and returns of time limitation in law converge to create a legal



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framework that emphasizes justice, efficiency, fairness, and legal certainty. This principle acknowledges the imperatives of timely redressal while safeguarding the integrity of legal proceedings and preserving the rights of individuals within the broader context of legal systems.

Pitfalls (Loopholes in Doctrine of Time Limitation)

The primary pitfall that disfavors the doctrine of time limitation is the ‘strong public policy’ that seeks the adjudication of claims based on merits not on procedural grounds. The promotion of claims on their substantive merits is the main argument against the statute of limitations. This was endorsed by the Supreme Court of California that it is the purpose of law to hear a claim whenever possible on merits regardless of the limitation of time. Similarly one of their legislatures has acknowledged this policy’s significance.

“Except as otherwise provided by statute or by rule of court adopted under statute, . . . the policy favoring trial or other disposition of an action on the merits . . . [is] generally to be preferred over the policy that requires dismissal for failure to proceed with reasonable diligence in the prosecution of an action”.

The same approach adopted by Pakistan’s supreme court in a case, it was said that if an offense has been committed it should be enquired and tried properly, mere delay in proceedings and long time has passed is no ground for quashing criminal proceedings.

There exist multiple rationales for evaluating the determination of claims’ validity based solely on their merits. First, resolving conflicts based on the substantive law is the primary purpose of a judicial system. The legal system needs procedural norms to stay in order and to operate more efficiently. Notwithstanding the necessity of such regulations, the legal framework does not exist for them. Instead, they serve the more essential functions of the substantive law. As such, resolving a dispute on a basis other than the substantive merits appears to be missing the mark.

“When a decision is made based on what appears to be a legal technicality rather than the actual issue, nobody feels satisfied.

Second, it is consistent with basic ideas of justice and due process of law to value the resolution of even baseless claims on their merits. “Every person’s right to assert legal protection in the event of an injury is unquestionably the fundamental component of civil liberty. As a result, “on whatever scale, the impediment to a hearing at all appears to be a more severe imposition on justice than any possible injury to the standard of the fact-finding procedure after a case is filed.

Following that, giving every litigant a “day in court” upholds the dignity of the legal system. Not being allowed to be heard when someone feels they have a legitimate complaint is upsetting and degrading. Instilling in people a sense of helplessness and dissatisfaction leads to apathy against the judicial system and potentially toward the political system as well. According to one analyst:

“No democratic political theory can ignore the sense of injustice that smolders in the psyche of the victim of injustice. If democracy means anything morally, it signifies that the lives of all citizens matter and that their sense of their rights must prevail. Everyone deserves a hearing at the very least.”

Fourth, there is a social interest in encouraging the use of legally recognized processes to



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settle conflicts rather than resorting to violence. A portion of the purpose of the legal system is to direct conflicts into a government-regulated dispute resolution process, therefore reducing the likelihood that parties involved may seek out unapproved private remedies like self-help. One strategy to reduce the need for violence is to provide those who feel they have been harmed a chance to be formally heard.

It provides them with an opportunity to express their rage and fury in front of a listenership that is open to hearing their point of view, even if it is not genuinely convinced by what they have to say. “Plaintiffs will be tempted to stop paying the “dues” of [their] obedience when society refuses to grant the “membership benefits” of protection of their fundamental rights, just as members of a club will stop paying dues when the benefits of membership cease. And lastly, knowing that a court is accessible is consoling and reassuring.

People’s sense of security when forming relationships with others—relationships that frequently involve personal exposure or dependency of one kind or another—must undoubtedly be greatly influenced by their faded comprehension that courts are available as a last option to protect one’s entitlements, including, to some extent, one’s claim to fair and just treatment. On the other hand, it is difficult to avoid biasing the kind of interactions, connections, and attitudes that develop between oneself and others when one has suspicions that some persons are not able to rely on efficient legal access.

A manufacturer may not be as driven to adequately investigate the long-term effects of hidden flaws, for instance, if the business knows that its consumers won’t discover latent faults in time to file a lawsuit.

Limitations on actions appear to be in direct opposition to the policy that supports evaluating claims based solely on their merits. Limiting actions may, in part, exacerbate public dissatisfaction with the government and the legal system by preventing parties from using the courts to resolve their disputes. However, the legal system may lose part of its credibility and appeal if it generates unreliable results or outcomes that resemble random dispositions, which may encourage some people to try to settle their conflicts outside of the court system.

The desire to uphold justifiable claims is another policy factor that discourages action limitation. The want to make amends for something you feel has been done unfairly is strong and innate. Individuals must guarantee that others receive just treatment as well as receive justice themselves. The legal adage “for every wrong there is a remedy” expresses this objective.

There are four main reasons why the denial of a legitimate claim goes against our sense of justice. First off, losing a legitimate lawsuit comes at a significant financial expense to the plaintiff. If a plaintiff’s claim is rejected, the legal system will not provide them with compensation for their damages. This can sometimes imply that the plaintiff will receive no compensation at all for their losses. One type of injustice is “failure to provide compensation where morally it is held due”. One definition of unfairness is “the inability to acknowledge legitimate claims.”

Furthermore, the complainant is deprived of the gratification of getting even by denying a claim as premature. One kind of justice is payback, even though we usually think of it as a criminal law issue. Even while we would all like to think that we have evolved past the innate need for vengeance, it is undeniable that this drive still plays a role in certain civil



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case filings.

Third, the passing of time alone doesn't seem to have any bearing on how a claim should be resolved fairly. Statutes of limitation "are by definition arbitrary," as even courts have admitted. As we've seen, there are several practical reasons why the passage of time could be important, albeit not all of these reasons are related. But putting practical considerations aside, time seems to have little, if any, bearing on whether a defendant should be punished, whether a plaintiff should receive compensation, or whether future wrongdoers should be deterred. Time is neutral in these matters; unless the plaintiff has lacked diligence and the defendant has been prejudiced, its passing has no bearing on the moral standing of either side.

Lastly, the application of substantive law policy is hampered by the loss of a legitimate claim based on the statute of limitations (or any other procedural foundation). Because some wrongdoers can avoid punishment for reasons unrelated to the goals of the substantive law, it leads to the underenforcement of the substantive law. Some wrongdoers will not only escape their "just deserts," but they will also be discouraged from committing crimes again because they will not have to pay damages to their victims or face civil responsibility penalties. They will also provide less than ideal-deterrents for others who follow their example to break the substantive law standards.

Because of this, the substantive law norms are unlikely to be followed as frequently as they would have if the victims' claims had not been blocked by the statute of limitations. Thus, it's possible that socially damaging behavior isn't sufficiently condemned.

Opponents' Argument against Statutes of Limitation under Criminal Law

The opponents reject the idea that the perpetrator is remorseful and ready to make amends. It is hard to provide conclusive proof that the criminal was terrified and subsequently regretted the crime after a specific length of time has elapsed. This is particularly true for professional criminals. Because of a habitual criminal, there is always a threatening situation can exits and this makes it difficult to assume that this dangerous illness will be treated without cause and that it will go away on its own when the statute of limitations has run out.

Rejection of the idea that evidence of a crime's commission has vanished

Although this hypothesis makes sense at first glance, it is not feasible in practice. First off, a lot of traces and the reasons for the crime's evidence are still present because of the time constraint. Because of this, it is unacceptable to drop the prosecution or the punishment because it is hard to find the motivations and the proof, and the offender's misconduct is never pardoned. Second, while the causes of one crime remain the same, the causes of another crime that is identical to it may change. Thirdly, the arguments provided do not address the punishment's statute of limitations.

Delayed discovery

Delayed discovery refers to situations where a legal claim or cause of action is not immediately apparent or discoverable at the time of the underlying event. This concept is particularly relevant in cases where individuals may not become aware of a potential legal claim until a significant amount of time has passed after the occurrence of the event. In the



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context of criminal claims, delayed discovery can have significant implications for the application of time limitations.

In criminal claims, delayed discovery may occur in cases involving offenses such as sexual assault, child abuse, or certain types of fraud where the victim may not immediately recognize or disclose the crime. Factors such as trauma, fear of reprisal, or manipulation by the perpetrator can contribute to delayed disclosure of criminal acts. As a result, victims may not come forward to report the crime or pursue legal action until a considerable amount of time has passed.

Equitable considerations in criminal claims refer to the fairness and justice principles that may warrant exceptions to the strict application of statutes of limitations. These considerations recognize that certain circumstances may justify extending or waiving time limitations in criminal cases to prevent unjust outcomes. Equitable considerations in criminal claims encompass various factors, including:

1. **Fraud or Concealment:** If the defendant has engaged in fraudulent conduct or has actively concealed evidence related to the crime, equitable principles may justify tolling or extending the statute of limitations. This allows for the recognition that the defendant's actions hindered the victim's ability to pursue legal action within the standard timeframe.
2. **Victim Incapacity:** In cases where the victim of a crime was incapacitated or unable to pursue legal action due to physical or psychological trauma, equitable considerations may warrant an extension of the statute of limitations. This acknowledges the impact of the victim's condition on their ability to seek justice within the standard timeframe.
3. **Newly Discovered Evidence:** Equitable considerations may come into play when new evidence relevant to the criminal claim is discovered after the standard statute of limitations has expired. Allowing the introduction of newly discovered evidence can serve the interests of justice and fairness, particularly in cases where the evidence was previously unavailable.
4. **Judicial Discretion:** Equitable considerations also encompass the exercise of judicial discretion to weigh the specific circumstances of a case and determine whether strict application of time limitations would lead to unjust results. Courts may consider factors such as the nature of the crime, the impact on the victim, and the interests of justice when applying equitable principles.

It's important to note that the application of equitable considerations in criminal claims varies across jurisdictions and legal systems. Courts may interpret and apply these principles differently based on statutory law, case law precedents, and the specific facts of each case.

Overall, equitable considerations in criminal claims aim to ensure that the application of statutes of limitations aligns with principles of fairness, justice, and the protection of victims' rights, particularly in cases where strict adherence to time limitations may lead to unjust outcomes.

Statute of Limitations in Pakistan

In Pakistan, there are no specific statutes of limitation that deal with criminal litigation.



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The Limitation Act, 1908

The development of the Limitation Act of 1908 in Pakistan reflects the complex interplay between historical inheritance, legal evolution, and the need to tailor legal frameworks to a newly independent nation's circumstance. While the Act retains its colonial-era origins, it has adapted over time to Pakistan's evolving legal landscape, making it an integral component of the country's legal system that continues to impact the administration of justice.

Historical overview

The British legal system is where the Limitation Act of 1908 got its start. The British government established this Act in India during the colonial era to offer a consistent framework for time limitation across numerous legal situations. This Act sought to speed up the legal process, avoid unwarranted delays, and guarantee that claims were pursued in a fair amount of time.

The legal frameworks and statutes developed during this period had a considerable impact on the legal systems of nations that arose after independence since the Indian subcontinent was a part of the British Empire. The Limitation Act of 1908 was one of the laws that Pakistan inherited when it was founded in 1947.

Many of the laws that Pakistan acquired from the British colonial era, such as the Limitation Act, 1908, were initially stayed in effect in Pakistan after it gained independence. This served as a framework for court cases and contributed to the continuity of the legal system. Over time, Pakistan's legal professionals and officials assessed how these inherited laws applied to the newly formed country.

As Pakistan's legal system developed, debates concerning the necessity of modifying inherited rules to fit the nation's particular conditions arose. The Limitation Act of 1908 remained substantially unaltered, but several adjustments and alterations were made to meet particular sociological and legal requirements in Pakistan. These changes intended to achieve a balance between the Act's guiding principles and the changing requirements of the nation's legal system.

Salient Features of Limitation Act, 1908

Objectives of the Act

The Act's schedule includes the time limits for several lawsuits. This Act's primary goal is to avoid lengthy courtroom battles and swift case resolutions that result in successful litigation.

The Limitation Act's provisions now apply to all of Pakistan. The Limitation Act of 1908 includes laws relating to the calculation of the limitation period, forbearance of delay, etc. The 29 sections of the Limitation Act are broken down into five parts.

Remedy for Limitation Bars

The basic rule is outlined in Section 3 and states that any suit, appeal, or application brought before the court after the allotted time has passed will be dismissed as time-barred. The right is not lost due to the legislation of limitation; it merely prevents the use of the judicial remedy. In other words, it indicates that the statute of limitations simply specifies the window of time within which legal action must be taken. No time limit is imposed on



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establishing a defense against such acts. As a result, the initial right to sue is still valid.

Commencement of the limitation

The subject of the case determines when the statute of limitations starts to run, and the Act's Schedule contains detailed information on the beginning of this period. It usually begins on the day that the summons or notice is delivered, the day that the decree or judgment is rendered, or the day that the incident giving rise to the suit occurs.

Limitation Period Expiration When the Court Closes

Any suit, appeal, or application must be brought before the court on the day it reopens when a court is closed on a specific day and the statute of limitations expires on that day. This indicates that a party is stopped despite not being at fault because the Court was closed that day. A lawsuit, appeal, or application must be filed, preferred, or commenced on the day the court reopens if the limitation period for the action, appeal, or application expires on the day the court is closed.

By the definition of section four, a court shall be deemed to be closed on any day if, throughout any portion of its regularly scheduled operations, it remains closed on that day. For example, if a court reopens on January 1st and the deadline to file an appeal passes on December 30th (the day the court is closed), the appeal may be preferred on January 1st, the day the court reopens.

Extension in Time Limitation

When a delay is tolerated, an extension of time is granted if there is a good enough reason for it. The possibility of extending the deadline in specific circumstances. It states that an appeal or application may be filed after the deadline if the appellant or applicant can demonstrate to the court that he had a good reason for delaying filing it within that time frame. According to the explanation, the applicant or appellant has been misled by any decision, practice, or judgment of the High Court while determining or estimating the period required. It will qualify as a sufficient cause for the purposes of this provision.

However, the court will dismiss the application, lawsuit, or appeal if a party fails to present a convincing justification for the delay.

Exclusion of Time

The exclusion of time under this Act is covered in Sections 12 through Section 15. The period that must be omitted for determining the statute of limitations for legal actions. When calculating the statute of limitations for any lawsuit, appeal, or application, the day from which such period is to be reckoned, the day on which the cause of action arises shall be excluded.

The following period must be disregarded when calculating the statute of limitations: When the statute of limitations for a lawsuit, appeal, or application has run out.

In the event of an appeal or a request for leave to appeal, revision, or review of a decision:

- a) The date on which the judgment in question was delivered.
- b) The time required to receive a copy of the decree, sentence, or order that is the



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subject of an appeal or that is being sought to be changed or reviewed.

- c) If a judgment or order is appealed against, has its terms changed or reconsidered, or has a request for leave to appeal made:

The amount of time needed to acquire a copy of the verdict If a request is made to rescind an award:

- 1) The amount of time needed to obtain a copy of the award.

According to the explanation for this section, the time required by the court to prepare the decree or order before an application for a copy of the decree or order is made shall not be omitted when calculating the amount of time required to receive a copy of the decree or order.

The time that the defendant has been away from Pakistan and from the regions outside of Pakistan that are under the control of the Federal Government must be eliminated when calculating the term of limitation set for any suit.

The time spent by a party should be prosecuting another civil procedure with due attention and that prosecution shall be in good faith if the party is proceeding in good faith in a court without jurisdiction for any suit or application.

Extension of the Limitation Because of Death

Extension of the limitation period is known as postponement of limitation.

The following situations will prevent the statute of limitations from starting to run:

First off, the statute of limitations will be calculated from the time when there is a legal representative who is competent in commencing in cases where a person who had the right to sue or make an application died before the right accrued or where the right accrued only upon that person's death. Second, when a legal representative of the deceased is appointed, the statute of limitations will begin to run against the person against whom the right to sue or file an application would have accrued if he had lived.

Effect of Fraud

The statute of limitations will not begin in cases where the lawsuit or application is based on fraud, mistake, or concealment by fraud until the plaintiff or applicant learns of the fraud, concealment, or mistake.

Appeal against Death Sentence

Article 150 provides seven days to appeal from death sentence to the high court. Criminal appeal to the high court within sixty days.

Conclusion

In summary, the progression of the statute of limitations as crucial legal instruments intended to advance equity, justice, and efficiency within legal systems is shown by their historical development. Supporters of this doctrine claim that this is essential for maintaining the integrity of evidence and avoiding unwarranted delays in court cases, while detractors assert that they occasionally absolve wrongdoers' liability and deny victims the opportunity to pursue justice. However, statutes of limitations continue to be an essential component of legal systems all over the world, offering a structure for the prompt settlement of legal issues.



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Statutes of limitations are essential in criminal law because they guarantee the quick initiation of prosecutions, protecting the rights of both victims and defendants. These laws create deadlines for filing criminal charges, which strikes a careful balance between the necessity for legal proceedings to be concluded promptly and the interests of justice. How criminal law treats statutes of limitations emphasizes how important they are to maintaining the norms of legality and procedural justice.

The Limitation Act in Pakistan offers a thorough structure for controlling the deadlines for pursuing civil claims. The nation's commitment to guaranteeing the prompt settlement of civil disputes while upholding the integrity of legal proceedings is reflected in this act. The purpose of the Limitation Act is to protect the rule of law and encourage judicial efficiency by setting forth precise deadlines for filing lawsuits. However, the absence of a statute of limitations for criminal offenses in Pakistan presents a legal gap, which will be thoroughly examined and discussed in detail in Chapter Three.

All things considered, statutes of limitations are an essential component of legal systems all over the world, balancing the conflicting goals of efficiency, justice, and fairness. This legislation are essential for defining the parameters of legal proceedings and defending the rights of all parties, whether in criminal or civil cases. The constant review and improvement of statutes of limitations is crucial to the pursuit of justice and the upkeep of a just and equitable legal system as legal environments change.

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