

¹CHAPTER XXII-A

TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION

265A. Trial before Court of Session to be conducted by Public Prosecutor.--In every trial before a Court of Session, initiated upon a public report, the prosecution shall be conducted by the Public Prosecutor.

COMMENTARY

Sections 265-A to 265-N. It is the public prosecutor to lead in support of charge. Not open for the injured witness to move the Court. [1986 PSC (S.C.) 397]. Accused acquitted in complaint case. Moving an application invoking Section 403, Cr.P.C. Case covered by rule of double jeopardy. [1999 PCr.LJ 181].

Complaint case and challan case. Complaint case be taken first. Witnesses listed in police challan examined as Court witness u/S. 540. [2001 PCr.LJ 244].

Sections 265-A and 265-F(2). Sections if read together would mean that in cases instituted upon police report, the Court would ascertain from the public prosecutor the names of the persons whom he wished to produce as P.Ws., whereas the word "complainant" figuring in Section 265-F(2) means "the complainant in the complaint case". Only in the case instituted in the private complaint, it is prerogative of the complainant to name the witnesses whom he would intend to produce. [2004 PCr.LJ 1353].

265B. Procedure in cases triable by High Courts and Courts of Session.--The following procedure shall be observed by the High Courts and the Courts of Session in the trial of cases triable by the said Courts.

COMMENTARY

Procedure mandatory. It is incumbent and mandatory for the Court to strictly follow the procedure laid down for trial of the cases. [2005 YLR 2032].

Chapter XXII-A inst. by Law Reforms Ordinance, 1972, Item 104, was completely substituted by Code of Criminal Procedure (Amendment) Act, 1976. [PLD 1976 Cent. St. 369.]