

the copies of the statements of the said persons which are required to be supplied to the accused, persons whose statements have not been recorded by I.O. and who are not called by the prosecution as its witnesses at the trial do not fall within the ambit of this provision. [2002 PCr.LJ 1845]. Stranger can obtain certified copies of the Court record, [1992 PCr.LJ 2320]. Documents, receipts of ornaments allegedly recovered from accused can be brought on record after submission of challan to the Court. [1998 PCr.LJ 271]. Police diary inadmissible. [1976 SCMR 506].

Cannot be co-related with the statement of "all witnesses" recorded by the police. Accused has right to have copies of the statement recorded under Sections 161 and 164, Cr.P.C. [PLD 1988 SC 99]. Accused has right to receive all the copies of the statements of all witnesses recorded under Section 161 in terms of Section 265-C(1)(c), Cr.P.C. irrespective of the fact whether they have been cited as witnesses in the calendar attached to the challan or not, seven days before the commencement of the trial. [PLD 2003 Lah. 290]. It is not necessary to allow examination of any number of witnesses required by the prosecution after examination of listed witnesses. Discretion u/S. 540 to be judiciously made applicable. [2005 YLR 212].

Entitlement of copies of complaint. Section 265-C(2), Cr.P.C. imposes a duty to wait, until period of 7 days expires after supplying of relevant copies to accused and then charge has to be framed. Admittedly, charge has not yet been framed and impugned order has been passed, therefore, order passed under Section 7 of Illegal Dispossession Act 2005 was illegal and without jurisdiction. [PLJ 2016 Islamabad 284]

Omission to comply mandatory provisions. Omission to comply mandatory provisions of Section 265-C vitiates the trial. [2005 YLR 2032]. Requirement of Section 265-C, Cr.P.C. must be complied with before setting the case at trial. High Court directed the trial Court that compliance of Section 265-C, Cr.P.C. be made in its letter and spirit before framing the charge. [PLJ 2007 Cr.C. (Kar.) 410]. Omission to comply with the provision of Section 265-C, Cr.P.C. before framing of charge and recording confessional statements of the accused by trial Court vitiates the entire proceedings. Accused were estopped from challenging their conviction as procedure adopted by trial Court by not following procedural requirement of Section 265(c) of, Cr.P.C. is more an irregularity, curable u/S. 537, Cr.P.C. Case was remanded. [PLJ 2008 Cr.C. (Lah.) 375 (DB)].

Pending adjudication. Mere pendency of application under Section 265-C, Cr.P.C. does not amount to stay of trial. [PLJ 2015 SC 859] Although charge was framed yet there is no likelihood of early conclusion of trial because the accused had submitted on application for submission of complete challan and u/S. 265-C, Cr.P.C. for supply of copies while the complainant has submitted an application for summoning as accused, which were still pending adjudication. [PLJ 2009 Cr.C. (Lah.) 950]

Application for summoning witnesses. Prior to that, an opportunity could be provided to summon witnesses, as Section 265(c), Cr.P.C. requires for production of statements of PWs and requisition of record. [PLJ 2017 Cr.C. (Islamabad) 23]

Framing of charge. Under law the charge is to be framed by the Court so the Court is not bound by the report submitted u/S. 173, Cr.P.C. Court has to frame the charge u/S. 265-D, Cr.P.C. after perusing the police report or complaint and the material provided by the prosecution. [PLJ 2009 Cr.C. (Lah.) 636]

265D. When charge is to be framed.--If, after perusing the police report or, as the case may be, the complaint, and all other documents and