

265G. **Summing up by prosecutor and defence.**--(1) In case where the accused, or any one of several accused, does not adduce evidence in his defence, the Court shall on the close of the prosecution case and examination (if any) of the accused call upon the prosecutor to sum up his case whereafter the accused shall make a reply.

(2) In cases where the accused, or any one of the several accused examines evidence in his defence, the Court shall, on the close of the defence case, call upon the accused to sum up the case whereafter the prosecutor shall make a reply.

265H. **Acquittal or conviction.**--(1) If in any case under this Chapter in which a charge has been framed the Court finds the accused not guilty, it shall record and order of acquittal.

(2) If in any case under this Chapter the Court finds the accused guilty the Court shall, subject to the provisions of Section 265-I, pass a sentence upon him according to law.

265I. **Procedure in case of previous conviction.**--(1) In a case where, by reason of a previous conviction, the accused has been charged under Section 221, sub-section (7) the Court, after finding the accused guilty of the offence charged and recording a conviction shall record the plea of the accused in relation to such part of the charge.

(2) If the accused admits that he has been previously convicted as alleged in the charge, the Court may pass a sentence upon him according to law, and if the accused does not admit that he has been previously convicted as alleged in the charge the Court may take evidence in respect of the alleged previous conviction, and shall record a finding thereon and then pass sentence upon him according to law.

265J. **Statement under Section 164 admissible.**--The statement of a witness duly recorded under Section 164, if it was made in the presence of the accused and if he had notice of it and was given an opportunity of cross-examining the witness, may, in the direction of the Court, if such witness is produced and examined, be treated as evidence in the case for all purposes subject to the provisions of the Evidence Act, 1872 (II of 1872).

COMMENTARY

Statement of a witness. If their statements were of any help to the defence, it was its duty to produce and exhibit certified copies of such statements in defence or the Investigating Officer should have been confronted with them by defence. [PLJ 2012 Cr.C. (Pesh.) 168 (DB)]