

ss. 265L-265M  
the time of disposal of main case. Opinion of the police was neither binding on the Court nor had any evidentiary value. Trial Court, in circumstances had committed material illegality by refusing to summon said Police Officer as defence witness. [PLJ 2007 Cr.C. (Lah.) 158].

Court has ample powers to acquit accused even if the witnesses are not examined. Provisions of Section 265-K, Cr.P.C. are meant to prevent the rigours of a prolonged trial when it is apparent from the record that there is no probability of the accused being convicted of any offence. Accused, in circumstances, was entitled to acquittal. [PLD 2008 Kar. 310]. Every accused as a matter of law is presumed to be innocent unless proved otherwise. Taking in view all facts and circumstances on record and considering the entire evidence collected by the prosecution in the present case, as a gospel truth, same would establish that no offence had been committed by accused. Neither there was any evidence showing that the offence had been committed by the accused himself nor there was any probability of the accused being convicted in the matter for any offence. Accused was entitled to be acquitted under Section 265-K, Cr.P.C. from the charge of the case in the interest of justice. [PLD 2008 Kar. 310].

**Application for acquittal of charge.** Under Section 265-K, Cr.P.C. at any stage of the case, the Court can acquit the accused if it considers that the charge is groundless and there is no possibility of conviction of the accused. Revision petition accepted. [PLJ 2009 Cr.C. (Lah.) 1177]

**Statutory right of accused.** Accused has a statutory right to seek remedy by way of invoking jurisdiction of the trial Court u/S. 265-K, Cr.P.C. and seek a clean acquittal particularly when continuation of criminal proceedings would end into a mock trial. Provisions of Code of Criminal Procedure cannot be allowed to be misused. Such an attempt is the abuse of process of Court. [PLJ 2009 FSC 401]

**Principle of consistency.** On Principle of consistency he was also entitled to same benefit. [PLJ 2009 SC 293]

**Applicability of.** Although recording of evidence before order of acquittal u/S. 265-K is not requirement of law, yet Section 265-K, Cr.P.C. could not be pressed into service to stifle or thwart prosecution as powers u/S. 265-K were not intended to be exercised arbitrarily and capriciously without providing an opportunity to prosecution or complainant to produce prosecution witnesses. [PLJ 2009 Cr.C. (Qta.) 531 (DB)]

**265L. Power of Advocate-General to stay prosecution.**--At any stage of any trial before a High Court under this Code, before the sentences is passed, the Advocate-General may, if he thinks fit, inform the Court on behalf of Government that he will not prosecute the accused upon the charge, and thereupon all proceedings against the accused shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal unless the presiding judge otherwise directs.

**265M. Time of holding sittings.**--For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.