

Form No: HCJD/C-121

**ORDER SHEET**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**(JUDICIAL DEPARTMENT)**

Crl. Rev. No.36/2020

Muhammad Gulistan Khan

Versus

The State, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	14-07-2020	Raja Rizwan Abbasi, Advocate for petitioner.

Through this petition, the petitioner namely, Muhammad Gulistan Khan son of Raja Muhammad Akhtar has assailed orders, dated 08-07-2020 and 03-07-2020, passed by the learned Additional Sessions Judge (West), Islamabad.

2. The facts, in brief, are that the petitioner was nominated as an accused in a criminal case i.e. FIR No. 183, dated 04-08-2015, registered under sections 302, 324, 337-F(i), 337-F(ii), 337-F(v) and 34 of Pakistan Penal Code, 1860 at Police Station Secretariat, Islamabad (*hereinafter referred to as the 'FIR'*). Report under section 173 of the Code of Criminal Procedure, 1898 (*hereinafter referred to as the 'Cr.P.C.'*) was filed by the Investigating Officer

on 20-09-2015. Despite considerable delay the trial could not be concluded. The trial now is at its final stage. The statement of the petitioner under section 342 of Cr.P.C. has been recorded. On behalf of the petitioner two applications were filed for summoning notifications regarding territorial jurisdiction of Police Stations Shahzad Town and Banigala, respectively. It was further prayed that a document described as M.L.C. No.2096, dated 04-08-2015, be also summoned and exhibited. The latter application was allowed while the former was dismissed. Earlier another application was filed for summoning the record of territorial jurisdiction of Police Station Secretariat, Islamabad. The same was dismissed vide order, dated 03-07-2020.

3. The learned counsel has been heard at length. He has argued that refusal to summon the record is in violation of the statutory provision described in section 265-F(6) of Cr.P.C. With the able assistance of the learned counsel, the said provision has been carefully perused. It provides that if an accused says that he means to adduce evidence then the court shall call on the accused to enter on his defence and produce such evidence. The language and the legislative intent of the said

provision is unambiguous. It explicitly is related to adducing evidence by the accused and makes it mandatory for the court to call on the latter to enter on his defence and produce evidence. In the facts and circumstances of the instant case, sub section (7) of section 265-F is relevant because the petitioner in his application had prayed for compelling the attendance of a witness and production of the documents described therein. Section 265-F(7) is discretionary in nature because a prayer made thereunder is subject to satisfaction of the court that the application has been filed for bonafide reasons and not for purpose of vexation or to delay or defeat the ends of justice.

4. The petitioner had filed an application for summoning the record regarding territorial jurisdiction of Police Station Secretariat and it was dismissed vide order, dated 03-07-2020. In the application which was dismissed vide the impugned order, dated 08-07-2020, summoning of notification regarding territorial jurisdiction of the Police Station Shahzad Town had been sought. The notifications regarding territorial jurisdiction of the concerned police stations are public documents and can be considered by the trial court at any stage. Moreover,

the defense had an opportunity to put questions to the prosecution witnesses while exercising the right of cross examination. The charge in this case was framed on 20-09-2015. The application appears to have been filed to delay the trial because the proceedings are at its final stage. This Court could not be persuaded that the impugned order was passed arbitrarily or in a fanciful manner. The discretion exercised by the learned trial court has been found to be in consonance with the settled principles, particularly in accordance with the statutory guidelines provided under section 365(F)(7) of Cr.P.C.

5. For the above reasons, this petition has been found to be devoid of merits and thus accordingly dismissed.

(CHIEF JUSTICE)

Luqman Khan/\*