

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

**Criminal Revision Application No.S-25 of 2026
(Shahmir Bijarani v. The State & others)**

Date	Orders with signature of Judge
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1. For orders on office objections 'A'.
2. For hearing of main case.
3. For hearing of M.A No.3183/2026 (S/A).

24-08-2026.

Mr. Abdul Rehman A. Bhutto, Advocate for Applicant.
Mr. Saeed Ahmed Bijarani, Advocate for Respondent No.2 & 3.
Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General.

Ali Haider 'Ada' J:- Through this Criminal Revision Application, the applicant, who is the complainant in FIR No.100/2025, registered at Police Station Karampur, for offences punishable under Sections 376, 377-B and 34, P.P.C., read with Section 3 of the T.I.P Act, 2018, has called in question the order dated 03.07.2026, passed by the learned Additional Sessions Judge, Kashmore (trial Court), whereby his application under Section 540, Cr.P.C. for summoning the alleged victim, namely Falak, was dismissed.

2. The prosecution case, in brief, is that on 07.10.2025, at about 10:00 a.m., a minor girl, namely Falak, aged about 9/10 years, went to school. When she did not return, the complainant and other members of his family went towards the school, where they allegedly heard noises emanating from a classroom. Upon entering the classroom, they allegedly saw accused persons, namely Kambheer, Ameer Khan and one unknown person holding the minor girl, while accused Kambheer was allegedly committing rape upon her. On seeing the complainant party, the accused allegedly fled from the scene. After completion of the requisite legal formalities, the FIR was lodged.

3. Learned counsel for the applicant submits that the statement of the minor victim under Section 164, Cr.P.C. was recorded during the course of investigation; however, the same was not exhibited during the trial. He further submits that although the minor victim Falak appeared before the learned trial Court and was examined, the aforesaid material aspect was not brought on record. It is further contended that the clothes of the victim, which constitute material evidence, were also not produced during the trial. Learned counsel, therefore, submits that, to avoid any omission or lacuna in the prosecution case and to enable the Court to arrive at a just and proper conclusion, the victim may be recalled for the limited purpose of placing the relevant material on record.

4. Conversely, learned counsel appearing for the respondents/accused submits that the minor victim Falak had already been examined before the learned trial Court; however, he fairly concedes that her statement under Section 164, Cr.P.C., as well as the relevant material articles, were not produced during the course of evidence.

5. Learned Deputy Prosecutor General submits that the matter is of a serious and heinous nature, involving the alleged sexual assault of a minor child. He, therefore, submits that the relevant material ought to be brought on the record for proper adjudication of the case. He, however, submits that there is no necessity for recording the evidence of the victim afresh and that the relevant material may simply be produced to the extent required. He has raised no objection to the limited relief sought by the applicant.

6. Heard and perused the record.

7. Upon perusal of the record, it transpires that the minor victim Falak was examined before the learned trial Court on 14.04.2026, during which she nominated and properly identified the accused persons. However, her statement

recorded under Section 164, Cr.P.C, as well as the relevant material article(s), was not brought on record during the course of her evidence.

8. The scheme of the Qanun-e-Shahadat Order, 1984, provides a complete mechanism for the recording and completion of evidence. Ordinarily, a witness is subjected to examination-in-chief and cross-examination, followed, where necessary, by re-examination in accordance with Article 132 of the Qanun-e-Shahadat Order, 1984. For ready reference, the relevant provision is reproduced herein below:

132. Examination-in-chief, etc.– (1) The examination of a witness by the party who calls him shall be called his examination-in-chief.

(2) The examination of a witness by the adverse party shall be called his cross-examination.

(3) The examination of a witness, subsequent to the cross-examination by the party who called him, shall be called his re-examination.

9. Likewise, Article 133 of the Qanun-e-Shahadat Order, 1984, provides for re-examination where any matter is referred to in cross-examination which requires further explanation. For ready reference, the relevant provision is reproduced herein below:

133. Order of examinations.– (1) Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

(2) The examination and cross-examination must relate to relevant facts but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

(3) The re-examination shall be directed to the explanation of matters referred to in cross-examination; and, if new matter is, by permission of the Court, introduced in re-examination, the adverse party may further cross-examine that matter.

10. In the present case, upon careful perusal of the deposition of minor victim Falak, it is apparent that she admitted the factum of recording of her statement under Section 164, Cr.P.C. Thus, the said statement assumes relevance for the just and proper adjudication of the case, particularly when the same was not produced or exhibited during the course of her evidence.

11. It is well settled that the recording of a witness's evidence does not, in every circumstance, render such evidence incapable of being supplemented by a lawful process where further examination or re-examination becomes necessary for the just decision of the case. Where any relevant material or statement recorded during investigation is required to be brought on record in accordance with law, the same may be placed before the trial Court through the procedure prescribed for re-examination, subject always to the right of the adverse party to test such material by cross-examination.

12. In the circumstances of the present case, **the application does not warrant a fresh examination-in-chief of the minor victim.** The ends of justice would be adequately served by recalling her for the limited purpose of re-examination, so that the statement recorded under Section 164, Cr.P.C. and the relevant material article(s), if otherwise admissible and available on the record, may be duly produced and dealt with in accordance with law. The accused shall, of course, have the right to cross-examine the witness to the extent of any new matter introduced through such re-examination, in terms of Article 133 of the Qanun-e-Shahadat Order, 1984.

13. Accordingly, the impugned order dated 03.07.2026, passed by the learned Additional Sessions Judge, Kashmore, is set aside to the extent challenged. The learned trial Court is directed to summon minor victim Falak and permit her re-examination strictly for the limited purpose of bringing on

record the relevant material article(s) and her statement recorded under Section 164, Cr.P.C. **No fresh examination-in-chief shall be recorded, nor shall the scope of the re-examination extend beyond the aforesaid limited purpose.** The accused shall be afforded an opportunity to cross-examine the witness only with regard to any new matter introduced during such re-examination.

14. Consequently, the instant Criminal Revision Application is disposed of in the above terms.

JUDGE