

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI

Cr. Misc. Appln No.578 of 2022.

Date: Order with signature(s) of the Judge(s)

Fresh Case.

1. For Orders on MA No.12013/2022.
2. For Orders on Office Objection a/w reply at flag 'A'.
3. For Orders on MA No.11788/2022.
4. For Hearing of Main Case.
5. For Orders on MA No.11789/2022.

13th October, 2022.

Mr. Nisar Ahmed advocate for the appellant.

1. Urgency granted.
2. Overruled.
3. Exemption is granted subject to all just exceptions.

4-5. Learned counsel for the applicant while relying upon the case law reported in PLD 2013 Supreme Court 160 [Re. Nawabzada Shah Zain Bugti and others Vs. The State], 2011 SCMR 713 [Re. Ansar Mehmood Vs. Abdul Khaliq and another] and PLD 1971 Supreme Court 709 [Re. Rashid Ahmed Vs. The State] contends that applicant being complainant filed application under Section 540 Cr.PC before the trial court for production of a bank statement but that application was declined on the plea that cannot be filed at the belated stage.

Admittedly trial court dismissed that application as same was filed when the matter was is fixed for final arguments. Needless to mention that prosecution was at liberty to record evidence and produce any documents when they were leading evidence but they failed to do so, hence, there is no illegality in the impugned order, however, scope section 540 Cr.PC is that court can consider any document if same is essential for just and proper decision. Accordingly, applicant may file relevant

documents through statement before the trial court and trial court may proceed further and provide opportunity of hearing to both parties. Trial court would be competent to examine the document even produce through statement, if same are helpful for reaching just and proper conclusion, as per law.

In view of above, instant Cr. Misc. Application is disposed of alongwith listed application[s].

M.Zeeshan

JUDGE