

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Revision Appl. No.132 of 2026

Presents:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

18.08.2026

Mr. Mallag Assa Dashti, a/w Merrukh Zehri and Palwasha Tareen,
advocate for applicant.
Ms. Rubina Qadir, DPG.

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ORDER

MUHAMMAD IQBAL KALHORO J:- Applicant is standing a trial in Crime No.476 of 2026 U/s 9(2) 7 of Sindh CNS Act, 2024 of P.S. Mochko against recovery of 03 K.G of Ice effected from him on 29.10.2025 from main Hub River road, Mochko Check post, Karachi. It is alleged that the incident was video recorded and USB containing such recording was also produced in the court in a sealed condition along with Challan. During the trial, applicant was supplied all the relevant papers in terms of section 265-C Cr.P.C, barring a copy of USB. Hence, he filed an application seeking copy of USB for the purpose of preparing his defence. His application has been dismissed through the impugned order, hence this revision application.

2. Learned counsel for the applicant has submitted that in terms of section 94 Cr.P.C the trial court has the power to supply all the relevant documents apart from the documents specifically mentioned in section 265-C Cr.P.C. He has relied upon case laws¹ to support his arguments.

3. On the other hand, learned DPG has opposed this application.

4. We have considered submissions and perused material available on record. It goes without saying that USB forms a piece of evidence that is to be used against the applicant in the trial. The USB has allegedly been prepared in terms of section 17(2) of CNS Act to buttress the prosecution case on the point of recovery. It has already been held in a number of judgments that accused has a right to receive all the incriminatory documents collected during investigation to enable him to prepare his defence in advance. Recently, a Division Bench headed by one of us (Justice Muhammad Iqbal Kalhoro) has decided this issue in Cr. Revision

¹ 2023 SCMR 1676, 2016 YLR 62, 2024 P Cr. L J 2005 and 2025 P Cr. L J 837.

Application No.209 of 2025 vide order dated 04.08.2026. In this order following principles have been laid down, which we borrow and apply *mutatis mutandis* for deciding this case:-

i) that where due to dishonesty, negligence or any other reason, the prosecution does not produce any relevant document along with the police report and therefore due to such reason, they are not supplied to the accused u/s 241-A/ 265-C CrPC, then it is not fair to reject request of the accused for providing such documents u/s 94 CrPC, and let him suffer the ordeal of protracted trial and to make him wait to produce the same in defence in terms of 265-F(7);

ii) that when the accused is legally required to confront the prosecution witnesses in their cross examination with certain documents, not supplied to him in terms of section 241-A/265- C Cr.PC, then it would be in the interest of justice to provide him copies of those documents by exercising jurisdiction u/s 94 CrPC, so as to avoid unnecessarily delay, expenses and inconvenience to recall those witnesses at the stage of defence evidence for the purpose of confronting them such documents;

iii) that when an accused applies to the Court to exercise powers u/s 94 CrPC and direct the prosecution or the complainant to produce a document, not covered u/s Section 241-A/ 265-C Cr.PC, specially when such documents are necessary or desirable in the inquiry or trial, then despite provision of section 265-F(7) CrPC, the Court shall make an order for production of said documents u/s 94 CrPC. And that it is so because the Court is a natural arbitrator and it does not act for either the prosecution or the accused and because it is duty of the Court to dispense justice.

5. In view of above, this application is allowed. Applicant is entitled to receive a copy of USB containing video recording of the incident which shall be supplied to him. The trial court shall direct I.T branch etc. of its establishment to prepare a copy of USB in presence of relevant prosecutor, defence counsel and some officer of the court and submit it back to the trial court, which shall then supply to the applicant under valid receipt.

The Cr. Revision application is disposed of in the above terms.

JUDGE

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