



Tel No. 021-99202304
Fax No. 021-99202301
E-mail. Pgsindh@gmail.com

PROSECUTOR GENERAL SINDH
CRIMINAL PROSECUTION DEPARTMENT,
GOVERNMENT OF SINDH
4th Floor, Administration Block,
High Court of Sindh, Karachi.
Karachi Dated: 11th September, 2025

SAY NO TO CORRUPTION

CIRCULAR NO. 21 OF 2025

STREAMLINING OF APPELLATE PROCESS - DISPENSING WITH THE REQUIREMENT OF CALLING FOR THE TRIAL COURT RECORD IN PETTY MATTERS AND CASES INVOLVING SENTENCES OF LESS THAN TEN YEARS IMPRISONMENT.

PGS/Admin/40-01/2010/345: The expeditious disposal of criminal appeals is imperative for the administration of justice; Whereas, the routine calling for the entire Lower Court Record in every criminal appeal, regardless of the nature and gravity of the offence, contributes significantly to procedural delays and administrative backlog;

Whereas, the Hon'ble Supreme Court of Pakistan in its landmark judgment in Criminal misc. Application No. 504 of 2025, titled the State through Prosecutor General, Baluchistan vs Complainant bato Khan, has observed that such a practice is unnecessary for appeals in certain categories of cases and has advised the adoption of a streamlined procedure;

DIRECTIVE: - In light of the above and in compliance with the directions of the Hon'ble Supreme Court of Pakistan, the following directive is issued:

(a) Henceforth, it shall not be mandatory for Appellate Prosecutors to routinely call for the complete Trial Court Record for preparing and filing appeals/revisions in the following categories of criminal cases:

(i) Cases involving petty offences; and
(ii) Cases where the sentence of imprisonment awarded by the Trial Court is less than ten (10) years, irrespective of the nature of the offence.

(b) For the aforementioned categories of cases, the appeal/revision memorandum shall be prepared and filed based on a concise set of core documents, which shall be deemed sufficient for the appellate court to adjudicate upon the matter. These documents are:

1. Certified copy of the Impugned Judgement.
2. Certified copy of the Order on Sentence.
3. Copy of the **First Information Report (FIR).
4. Copy of the Final Report/Chargesheet filed u/s [Relevant Section of CrPC].
5. Any other specific document that is strictly relevant to the limited grounds of appeal (e.g., a medico-legal certificate in a specific context).

COMPLIANCE: - (a) All DPPs and Appellate Prosecutors are hereby directed to strictly adhere to this new procedure. The practice of automatically requisitioning the entire lower court record for the specified categories of cases must cease immediately.


(b) The full record may only be called for in exceptional circumstances within these categories, and only after receiving written permission from the competent authority i.e. Prosecutor General Sindh, who must be satisfied that the specific grounds of appeal absolutely necessitate a complete review of the evidence. The reasons for such a request must be recorded in writing.

ENCLOSURE: - A copy of the Judgement passed by the Hon'ble Supreme Court of Pakistan in its landmark judgment in Criminal misc. Application No. 504 of 2025, titled the State through Prosecutor General, Baluchistan vs Complainant bato Khan is enclosed herewith for your ready reference and compliance.

No.PGS/Admin/40-01/2010/3045

1. The Additional Prosecutor General Sindh (All).
2. The District Public prosecutor (All).
3. The Deputy Prosecutor General Sindh (All).
4. The Assistant Prosecutor General Sindh (All).
5. Notice Board.
6. The I.T Section for update on web site.
7. The CMMS In-Charge for upload on CMMS Software.
8. Master File.

(MUNTAZIR MEHDI)
ACTING PROSECUTOR GENERAL SINDH
Karachi dated 11th September 2025


(SAMREEN WAQAR)
DEPUTY DIRECTOR

THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

Bench:

Mr. Justice Athar Minallah
Mr. Justice Irfan Saadat Khan
Mr. Justice Malik Shahzad Ahmad Khan

Crl.M. A. No.504 of 2025 in Criminal Petition No.85 of 2024
(Matter regarding requisitioning of trial Court's record)

along with

Criminal Petition No.85 of 2024, Criminal Petition No.93 of 2024
and Criminal Petition No.94 of 2024

Ghulam Hussain son of
Mewa Khan and another

.....Petitioners in Crl.P.85/2024

Tariq Hussain

.....Petitioner in Crl.P.93/2024

Ghulam Hussain

.....Petitioner in Crl.P.94/2024

Versus

The State through Prosecutor
General, Balochistan

.....Respondent in all cases

For the petitioners:

Syed Rifaqat Hussain Shah, AOR
Mr. Kamran Murtaza, Sr. ASC

For the State:

Ms. Robina Butt, State Counsel.

Complainant:

Bato Khan, in-person

Date of hearing:

28.04.2025

ORDER

Criminal Misc. Application No.504 of 2025

During the pendency of main criminal petition i.e., Crl. Petition No.85/2024, office has filed criminal miscellaneous application No.504/2025, whereby the office has sought guidance regarding the matter of requisitioning the record of the lower Courts in criminal cases.

2. Office through the abovementioned application has submitted that as per earlier practice of this Court, as well as, in the light of the provisions contained in Rule 6 of Order XXII and Rule 10 of Order XXIII of the Supreme Court Rules, 1980, the record of the lower Courts

C.P.M.A. No. 604/2025
Criminal Petition Nos. 85, 93 & 94/2024

was being summoned through the Registrar. It is further mentioned in the above-referred application that under Rule 10 of Order XXIII of the Rules *ibid*, the record of the lower Courts was requisitioned by the Registrar of this Court, after grant of petition or application for leave to appeal by the Court. However, vide order dated 07.11.2018, in Crk. Petition No. 741-L/2015, passed by learned two member bench of this Court, office was directed to ensure that in all the cases, where the conviction/sentence of an accused person has been challenged, the complete record of the lower Courts should be made available at the time of hearing of the case, be it a criminal petition, a jail petition or a criminal appeal. Office has further mentioned in the application that there is shortage of adequate space in the record room and there is also apprehension of misplacing of original record and that the abovementioned practice of summoning of the record in all the criminal cases, results into the wastage of precious time of the Courts and other concerned departments, therefore, a clarification be issued qua the above-referred order dated 07.11.2018, of this Court while mentioning the category of criminal cases, wherein the record should necessarily be made available by the office at the time of hearing of the cases by this Court.

3. We are of the view that there is no need to call for the record of the lower Courts in all the criminal cases specially the cases involving petty matters and sentences less than ten (10) years of imprisonment. We, therefore, clarify and direct that the office shall ensure the availability of the complete record of the trial Court and the High Court, as well as, availability of the police file at the time of hearing of only those criminal petitions, jail petitions and criminal appeals etc which have been filed against conviction/sentence of an accused,

O.M.A.No.501/2025;
Criminal Petition Nos.85, 93 & 94/2024

involving punishment of ten (10) years imprisonment or more or where the sentence of death has been awarded to an accused, whereas there shall be no need to summon the record of the Courts below in the cases involving conviction/sentence of an accused for less than ten (10) years of imprisonment and in such cases, record shall be summoned only after an order has been passed in this respect by the Bench hearing the case.

4. Office has further sought guidance regarding the cases, wherein some accused(s) absconded at the time of earlier trial of the case and after his/their arrest, the trial Courts make requests for sending back the original record of the case so that the trial of the absconding accused may be concluded.

5. In this respect, we direct that in the abovementioned situations, the office shall prepare clear and readable attested copies from the original record of the case, so that the cases pending before this Court may be decided on the basis of said attested copies/record and thereafter the original record shall be sent back to the trial Court without any formal order of this Court, so that the trial Court may conclude the trial of the absconding accused, who has/have been arrested later on.

6. It is further directed that if the records of the Courts below have already been summoned in cases involving convictions/sentences of an accused for a period of less than ten (10) years of imprisonment then the said record be immediately sent back to the concerned Courts/ departments.

7. The office may also place this order before the Hon'ble committee constituted to revise/revisit the supreme Court Rules, 1980, for their kind consideration.

C.L.M.A.No.504/2025
Criminal Petition Nos.85, 93 & 94/2024

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8. This petition stands disposed of in the aforementioned terms.

Criminal Petition No.85 of 2024, Criminal Petition No.93 of 2024
and Criminal Petition No.94 of 2024

9. The complainant in this case has appeared and has sought adjournment so as to enable him to engage a counsel. The request has not been opposed by the learned counsel for the petitioner. adjournment to a date in office.

Islamabad, the
28th of April, 2025
Not Approved For Reporting
Muzam

off