

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

Cr. Transfer Application No.S-49 of 2016

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**DATE                      ORDER WITH SIGNATURE OF JUDGE**

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1. For orders on office objection
2. For Katcha Peshi.
3. For hearing of MA 3776/16

26.05.2017.

Mr. Muhammad Hassan Chandio, Advocate for applicant.

Mr. Shahid Ahmed Shaikh, A.P.G.

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**ORDER**

ABDUL MAALIK GADDI, J: Through instant transfer application, applicant Shoukat Ali seeks transfer of the Sessions Case No.416 of 2015 (Re-State Versus Sajid Ali and others) presently pending before the Court of learned Additional Sessions Judge, Tando Adam, to any other Additional Sessions Judge having jurisdiction out of the district on the ground that the applicant, who is also himself witness, and other witnesses of the case have serious life threat, therefore, they cannot appear before the said Court.

2. Learned Counsel appearing for the applicant contended that applicant and his witnesses have serious life threats from the private respondents, therefore, the applicant and his witnesses are unable to proceed with the trial of the case and therefore, said case be transferred to the Court of any other Additional Sessions Judge out of the district.

3. None present on behalf of the private respondents though served.

4. However, learned A.P.G present in Court has raised objection on the ground that no specific allegation has been attributed in the entire application which is general in nature and therefore, on the basis of such general allegations the case cannot be transferred at the whim and choice of the applicant.

5. I have heard the learned Counsel for the applicant as well as learned A.P.G and perused the record as well as comments submitted by the learned Trial Court.

6. From the perusal of the contents of application, it now here reflects that as to on what date or time the applicant was being threatened by the private respondents and as to whether the applicant has either approached to the local police or has reported the incident to the concerned Court. The entire allegations contained in the application are generic in nature. Nothing is on record that the applicant has ever approached to the local police or concerned Court for redressal of his grievance.

7. I am afraid that for seeking transfer of a case under Section 526 Cr.P.C such conduct of the applicant cannot be accepted, as otherwise it would defeat the smooth functioning of the Courts and everynow and then, the people would come to this Court for seeking transfer of their cases on such type of bald allegations. The Thrust of the arguments of the Counsel for the applicant was that the applicant has serious apprehension of being killed or kidnapped by the respondents but instead of seeking help from the local police and/or Trial Court, the applicant has chosen to file instant application without any valid, firm and justifiable reason. Hence, this transfer application appears to have no merit, which is dismissed alongwith listed application.

8. Before parting with the order it may be mentioned here that as and when the applicant feels that there is any danger to him or his witnesses and they are under threat by the private respondents, the applicant shall approach the local police including S.H.O concerned and the SSP Sanghar, who shall provide adequate and necessary protection to the applicant in accordance with law and further the applicant may report such incident to the learned Trial Court, who shall consider such request of the applicant and/or his witnesses before passing any adverse order against the applicant or his witnesses.

Copy of this order be sent to the learned Trial Court for information.

JUDGE