

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Transfer Application No. S- 155 of 2018

Shahmeer Jagirani.....Applicant

Versus.

Muhammad Hayat and others..... Respondents

For Hearing of main case.

Mr. Aijaz Ahmed Puno Advocate for the applicant.

Mr. Jamal Nasir Bullo Advocate for respondent No.1.

Mr. Aftab Ahmed Shar, Additional P.G for the State.

Date of hearing: 26-04-2019

Date of decision: 26-04-2019

ORDER

ZAFAR AHMED RAJPUT J., Through instant Crl. Transfer Application, applicant who is complainant of Crime No. 63 of 2010 registered at P.S. Cant. Pano Akil under sections 302, 148 & 149 PPC seeks transfer of Sessions Case No.39 of 2011 arising out of said FIR, from the Court of learned Additional Sessions Judge, Pano Akil to any other Court of Sessions at Sukkur.

2. Learned counsel for the applicant states that a murderous dispute of the applicant community Jagirani is going on with the community of respondents/accused i.e. Mangrio, therefore, there is an apprehension of murder of the applicant/complainant at the hands of respondents/accused because while attending the Court of learned trial Court at Pano Akil applicant supposed to cross houses and shops of the respondents/accused, hence this Crl. Transfer Application has been filed.

3. Leaned counsel for the respondent No.1 while opposing this Crl. Transfer Application states that the respondents/accused are resident of Pano Akil and having same apprehension which has been shown by the applicant as in case this case is transferred to any Court at Sukkur from Pano Akil, they would cross village of the applicant/complainant which is situated at National Highway.

4. Learned Additional P.G states that on the one hand applicant/complainant apprehends threats to his life to attend the trial Court at Pano Akil, on the other hand, respondents/accused in the Court at Sukkur if case is transferred, therefore, it would be in the larger interest of both the parties that the case should be proceeded before the Court at Pano Akil and in case applicant/complainant apprehends any danger or threats, he may file proper application to the trial Court seeking police protection for himself and for his P.Ws.

5. It appears that both the parties have filed cases against each other, which are pending adjudication before the Court of Additional Sessions Judge Pano Akil. The ground raised by the applicant is general in nature and no detail thereof has been given, hence no ground for transfer of this case has been made out. Hence this Crl. Transfer Application is dismissed. However, in case applicant / complainant intends to seek police protection to attend the trial Court, he may file proper application before the trial Court for providing police protection to attend the trial Court, which shall be decided by the trial Court in accordance with law.

J U D G E