

IN THE HIGH COURT OF SINDH, KARACHI
Criminal Transfer Application No. 136 of 2025

Applicant : Ghulam Akber Jatoi s/o Tharo Khan,
in person

Respondents : Riaz Mugheri, Khalid Maroof, Dr. Asim,
No. 1, 2, 5, 7, 9 & 10 Aijaz ul Hasan Meo, Abid Ali Shah
and
Saleemullah Odho, respectively, through
Mr. Muhammad Arif Shaikh, Advocate

Respondent : Ghulam Muhammad Mallah, through
No. 8 Mr. Sarfraz Ali Lashari, Advocate

Respondents : Nazim Ali, Ovais Jamal, Sarfraz Jatoi and
No. 3, 4, 6 & 11 Kashif Abbasi, respectively, (*nemo*)

Respondent : The State, through Mr. Abrar Ali Khichi,
No. 12 Addl. Prosecutor General, Sindh
(**Addl. PG**).

Date of hearing : 13-04-2026
Date of order : 13-04-2026

ORDER

ZAFAR AHMED RAJPUT, (CJ) Through the instant Crl. Transfer Application, the Applicant/complainant seeks withdrawal of Direct Complaint No. 19 of 2025 from the board of the Special Judge, Anti-Corruption, Karachi and its transfer to any other Special Judge.

2. The Applicant states that since the Respondents are influential persons and having the support of the ruling party, the Trial Judge is not deciding the case due to pressure and influence, and he has expressed such views that he would not be able to impart justice; that the Trial Judge is not impartial and he is extending favour to the Respondents, therefore, he apprehends that the Trial Judge would decide the case against him; thus, he has lost his faith in him; hence, he has maintained the instant Transfer Application.

3. Conversely, learned counsel for the Respondents and Addl. PG maintain that the Trial Judge has yet not taken cognizance upon the

subject Direct Complaint and the matter is fixed for hearing on enquiry report.

4. Heard. Record perused.

5. In compliance of this Court's order, dated 04.12.2025, the Trial Judge has submitted his comments wherein he, while denying the allegations against him, has categorically mentioned that he remained impartial throughout the proceedings and has not extended any undue favour to the respondents and loss of faith, as claimed by the Applicant, is imaginary and irrelevant. He has also mentioned that the Applicant is not appearing after submission of the enquiry report.

6. It may be observed that transfer of case from one Court to another Court cannot be claimed by the Applicant as a matter of right, and cannot be granted as a matter of routine. The criminal case cannot be transferred at the whim of the party expressing no confidence in the Trial Judge, particularly where no allegation of partisanship or adverse interest so alleged is proved. It would set up an unhealthy precedent and would tantamount to conferring powers of transfer upon the parties. The Court before whom the application for transfer of a case is moved has to see whether mistrust shown by the applicant is genuine or otherwise. Besides, while exercising jurisdiction to transfer cases from Courts, balance has to be struck in order to ensure that the cases are not transferred mainly on the basis of unfounded and conjectural apprehensions.

7. It may also be relevant to observe here that the Presiding Officers of the Courts have to be given full protection against frivolous allegations in view of the honourous, noble and dignified duty they are performing while

deciding the cases, they should not be allowed to be harassed unnecessarily by the litigants to entertain mainly groundless and baseless apprehensions.

8. In the instant case, it is a matter of record that the Applicant is not appearing before the Trial Court after submission of the enquiry report. The ground urged by the Applicant appears to be a “self-procured mistrust”, without any cogent evidence, therefore, the alleged expression of “no faith” in the Trial Judge should not be encouraged to transfer the case. Hence, this Transfer Application being devoid of merit is dismissed accordingly.

Chief Justice