IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Transfer Application No.S-40 of 2026
(Shah Murad and others versus Sarmad and others)

DATE	ORDER WITH SIGNATURE OF JUDGE

1. For orders on urgent application
2. For orders on stay application
3. For hearing of main case

16.11.2026

Mr. Altaf Hussain Chandio, Advocate for Applicants
Mr. Jaleel Ahmed Memon, Advocate for Respondents
Ms. Sana Memon, Assistant Prosecutor General along with SIP Shahzaib Bhatti, Focal person, SSP Shaheed Benazirabad

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O R D E R

OMAR SIAL, J:- Three (03) FIRs have been registered between the same parties bearing Crime Nos. 100/2024, 105/2024 and 90/2026. The cases arising out of these FIRs are all pending in the courts of Shaheed Benazirabad.

2. This application seeking transfer of the case arising out of F.I.R. No.105 of 2024 has been filed on the basis that the parties have a fierce enmity with each other, which has led to murders. The applicant is apprehensive that more murders will be committed if the transfer is not made. Mr. Jaleel Memon, learned counsel for the Respondents, while not disputing that an enmity has existed and that murders have occurred, resists the transfer on the ground that two prosecution witnesses are incapacitated. He also says that a transfer should not be allowed, as then every person will want their cases transferred. Mr. Memon lastly argues that the witness protection legislation exists and that should be invoked in this situation.

3. I have heard both counsels and the learned Assistant Prosecutor General.

4. The SSP of Shaheed Benazirabad was requested to provide his comments on the cause brought before this Court. The SSP has categorically stated that there is a possibility of a law and order situation and that, in view of the prevailing situation and the apprehension of further bloodshed, it may be preferable to transfer the cases to any other District.

5. Mr. Memon is correct that transferring a case is not the preferred route; however, it is also not in every case that the SSP of the District confirms a party's apprehension of further bloodshed and opines, from a law and order perspective, that

it would be better that the cases are heard in another district. As regards Mr. Memon's submission that the Sindh Witness Protection Act, 2013 is relied upon, I have been informed that the provisions of the said Act have not yet been implemented in spirit. Simultaneously, Mr. Memon is also unwilling to give an undertaking on behalf of his clients that they will not create a law-and-order situation, and that if one is created, they will be liable for it.

6. Given the above, I am inclined to err on the side of caution and give weight to the report filed by the SSP. The cases arising out of the three FIRs noted above are therefore transferred from the docket of the learned Trial Court to the learned Sessions Judge, Matiari, (as also suggested by Mr. Memon) who may try them himself or any other Additional Sessions Judge for disposal according to law.

Criminal Transfer Application stands disposed of in the above terms, along with the pending application.

JUDGE

Ali Haider