

**ORDER SHEET  
IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD.**

Cr. Transfer Application No.S-92 of 2017.

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
	For orders on MA-5943/17. For katcha peshi. For orders on MA-5944/17.
<u>18.09.2017.</u>	

Mr. Zahid Hussain Mallah, Advocate for the applicant/complainant.

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1. Dismissed having become infructuous.

2&3. Through instant transfer application, the applicant/complainant seeks transfer of Sessions Case No.168/2016 re: State v. Muhammad Usman & others registered under sections 302, 324,114,147,148,149,337-H(ii),504 PPC bearing Crime No.52/2016 of Police Station, Kario Ganhwar, District Badin from the file of learned IInd: Additional Sessions Judge, Badin and transfer it to any other Court of District Hyderabad on the ground that applicant/complainant has lost faith upon the presiding officer of the trial Court as well as on the ground that there is serious apprehension as well as danger that if the applicant/complainant will proceed with the case before the said Court, he and his witnesses might be killed at the hands of accused persons.

Learned counsel for the applicant contended that since the complainant and his witnesses have serious lives threats from the accused persons, therefore, the applicant/complainant and his witnesses are unable to proceed with the trial of the case before the said Court and, therefore, the said case be transferred to any Court of District Hyderabad. He also contended that the learned trial Court is given the date as per the choice of the accused persons and not ready to hear the complainant party.

I have heard the learned counsel for the applicant and perused the record.

It is alleged in the application that accused persons issued threats to the complainant party, but in this regard, there is only an application is on record showing that the complainant has made complaint against the accused

persons to SSP, Badin, but this application does not show any date and only month and year is mentioned. This copy also does not receive by the office of concerned SSP, therefore, it appears that complainant has not moved any application to the concerned SSP against the accused persons with regard to the threats of their lives or for providing protection to them. I have gone through the contents of the transfer application. The entire allegations contained in the application are generic in nature and without cogent proof, rather the applicant has also stated that he has lost faith upon the trial Court, therefore, the case be transferred to any other Court of District Hyderabad.

I am afraid that for seeking transfer of the case under section 526, Cr.P.C, such conduct of the applicant cannot be accepted, as otherwise, it would be defeat the smooth functioning of the Courts and every now and then the people would come to this Court for seeking transfer of their cases on such type of bald allegations.

It may be mentioned here that this applicant has also made transfer application before the Sessions Judge, Badin, but the same was rejected on 6.4.2017. It also appears from the record that the case is at initial stage, therefore, the allegation against the Presiding officer of the trial Court appears to be after thought and has not been proved.

In view of the above, this transfer application has no merit and it is dismissed in limine. However, trial Court is directed to provide protection to complainant and his witnesses on each date of hearing as per law. These are the reasons of my short order dated 18.9.2017 announced in open Court after hearing the counsel for applicant.

Office is directed to communicate a copy of this order to the learned trial Court for information.

JUDGE.