

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

Cr. Transfer Application No.S-45 of 2017.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.

For katcha peshi.

For hearing of MA-2602/17.

25.09.2017.

Mr. Muzamil Khan, Advocate a/w applicant/complainant.
Syed Meeral Shah Bukhari, Addl: P.G.

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Through instant transfer application, the applicant/complainant seeks transfer of Sessions Case No.144/2016 re: State v. Kamal & others registered under sections 324, 109,504,509,337-A(i) and 34, PPC, out of Crime No.28/2016 of Police Station, Pithoro, District Umerkot from the file of learned Sessions Judge, Umerkot and transfer it to any other District and Sessions Judges at Sanghar or Hyderabad on the ground that private respondents are issuing murderous threats to the applicant/complainant.

It is stated by learned counsel for the applicant that applicant has registered a case against the accused/respondents being crime No.28 of 2016 at Police Station, Pithoro and after due investigation the challan was submitted before the Court where the applicant is appearing for proceedings. He further submits that applicant/complainant whenever appear before the trial Court for proceeding the case, the private Respondents, who are accused in this case are issuing murderous threats to him, therefore, according to him, it is not possible to the complainant to appear before the trial Court for recording evidence against the accused persons.

Learned Additional Prosecutor General Sindh has opposed this application on the ground that in this matter charge has been framed and the incident took place within the jurisdiction of police station, Pithoro.

I have heard the learned counsel for the applicant as well as learned Additional Prosecutor General Sindh and perused the record.

Through this transfer application, the main grievance of the applicant/complainant is that he is receiving murderous threats at the hands

of private Respondents, who are accused in this case, therefore, it is not possible for the complainant and his witnesses to appear before the trial Court for recording their evidence. During course of arguments, I have specifically asked a question from the learned counsel that whether for redressal of his grievance, he has approached to the trial Court or concerned SHO of Police Station, he replied in negative. Nothing on record to show that for redressal of his grievance, either he has moved any application to the trial Court or to the concerned SHO. No reasonable ground has been assigned in this transfer application, therefore, instant transfer application is dismissed in limine alongwith listed applications. However, SSP, Umerkot is directed to provide protection to applicant/complainant and his witnesses on each date of hearing as per law. Office is directed to communicate a copy of this order to the SSP, Umerkot for information and compliance.

JUDGE.