

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
CrI. Transfer A. No.S-11 of 2020.
CrI. Transfer A. No.S-67 of 2020

Date	Order with the signature of Judge
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18.01.2021.

Mr. Aghis-u-Slam Tahirzada, Advocate for the applicants.

Ms. Sobia Bhatti, A.P.G.

Mr. Ashfaque Ali Khaskheli, Advocate for respondent.

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It is stated by learned counsel for the applicants in both the transfer applications that one case for theft of cheque and other case for misusing the said cheque are pending adjudication before two separate Magisterial Courts, one at Hyderabad and other at Tando Allahyar. By stating so, he sought for disposal of both of the cases by same Magistrate in order to avoid conflict of the judgments.

2. Learned A.P.G for the State and learned counsel for the private respondent have opposed to transfer of either of the case by contending that it would defeat the early disposal of the cases.

3. I have considered the above arguments and perused the record.

4. As per requirement of section 239 (d) Cr.P.C person accused of different offences committed during course of same transaction are to be tried jointly. In the instant matter, the allegation leveled by the applicant is that of theft and misuse of cheques, which prima facie suggest involvement of commission of both the offences during course of same transaction. As such no harm would be caused to either of the

party if, the both cases arising out of same transaction are ordered to be tried by same Court.

5. In view of above, the case pending on the file of learned Judicial Magistrate -VIII Hyderabad is withdrawn from his file and is made over to the file of learned Judicial Magistrate-III Tando Allahyar for its disposal in accordance with law with direction to make disposal of both of the cases within one month.

6. Both transfer applications are disposed of in above terms.

JUDGE

Ahmed/Pa,