

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Cr. Transfer App. No. S – 83 of 2021**

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

**Fresh case**

1. For orders on MA No.6168/2021 (U/A)
2. For orders on office objections at Flag-A
3. For orders on MA No.6169/2021 (Ex./A)
4. For hearing of main case

**08-11-2021**

Mr. Maqsood Ahmed Leghari, Advocate for the Applicant.

.....

1. Urgency is granted.
2. Deferred.
3. Exemption is granted subject to all just legal exceptions.
4. Through this Criminal Transfer Application, the Applicant seeks transfer of case titled “The State versus Ashique Hussain”, arising out of Crime No.173 of 2021 of Police Station Shaheed Murtaza Mirani under Section 489-F, PPC, pending before the Court of 2<sup>nd</sup> Civil Judge & Judicial Magistrate (MTMC), Khairpur.

Perusal of the record reflects that earlier the Applicant made an application before the concerned Sessions Judge who vide order dated 23-09-2021 has dismissed the application and the relevant findings read as under:

*“I have considered the submissions of applicant/ complainant, and arguments advanced by the learned DPP for the State and perused the comments submitted by the learned trial Judge.*

*The court of learned 2<sup>nd</sup> Civil Judge & Judicial Magistrate, Khairpur has been declared as Model Trial Magistrate Court (MTMC) for trying the offences punishable u/s 489-F PPC and hurt cases. The subject case was transferred to the court of*

*learned 2<sup>nd</sup> Civil Judge & J.M (MTMC), Khairpur on 10.09.2021, from the court of learned 1<sup>st</sup> Civil Judge & J.M, Khairpur for disposal according to law. The comments received from the trial court reveals that the charge in the case was framed on 11.09.2021 and the case was fixed on 16.09.2021 for evidence, meanwhile on 14.09.2021 applicant filed this transfer application, which shows that he has filed instant application only to linger on the matter and failed to agitate any cogent ground for transfer of the case. It is well settled law that the cases cannot be transferred on the will and wish of the parties. Reliance is placed upon the case law reported as 2001 P.Cr.L.J 1952. The application being devoid of merits stands dismissed. The learned trial court is directed to proceed with the matter expeditiously. The application stands disposed of accordingly.”*

Perusal of the aforesaid findings reflects that the 2<sup>nd</sup> Civil Judge & Judicial Magistrate (MTMC), Khairpur has been designated specifically for the purposes of cases under Section 489-F, PPC and hurt cases, whereas, the present case has arisen out of proceedings under Section 489-F, PPC. While confronted, Counsel for the Applicant has not been able to make out any satisfactory ground for transfer of the case, whereas, even otherwise a Court has been designated under the Judicial Policy, therefore, no interference is warranted.

The Criminal Transfer Application is misconceived and is hereby **dismissed.**

Abdul Basit

J U D G E