

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 108 of 2021

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

Fresh case

1. For orders on office objection at Flag-A
2. For orders on MA No.23/2022
3. For hearing of main case

14-02-2022

Mr. Imdad Ali U. Ujjan, Advocate for the Applicant.

.....-

1. Deferred.
2. Exemption is granted subject to all just legal exceptions.
3. Through this Criminal Transfer Application, the Applicant seeks transfer of Criminal Case arising out of Crime No.95 of 2021 of Police Station Hingorja pending before the Court of Judicial Magistrate, Sobhodero @ Ranipur to any other Court having jurisdiction.

Counsel submits that the Applicant has lost faith in the Presiding Officer, hence, this Application.

I have heard the Counsel and perused the record.

Prior to this, the Applicant had also approached the Sessions Judge, Khairpur, and vide order dated 18-12-2021, transfer application was dismissed in the following terms:

“I have considered the arguments advanced by the learned counsel for both the parties and perused the comments and material available on record.

The comments received from the learned trial court reveals that; the subject case is fixed for framing of formal charge and the trial has not been commenced yet. Apparently, the

applicant has filed instant application only to linger on the matter and he 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 and dispose of the same in accordance with law. The application stands disposed of accordingly.”

The only ground, which has been urged, is that the Applicant has lost faith in the Trial Court, which apparently, is not a valid ground for seeking transfer. The learned Sessions Judge has already dealt with such contention in the above terms; therefore, no case is made out. Transfer Application is **dismissed in limine**.

Abdul Basit

J U D G E