

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 107 of 2021

Date of hearing	Order with signature of Judge
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For hearing of main case

15-04-2022

Mr. Naeemuddin Z. Kasimi, Advocate for the Applicant.
Mr. Achar Khan Gabol, Advocate for Respondent No.1.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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Through this Transfer Application, the Applicant seeks transfer of Sessions Case No.57 of 2019 arising out of Crime No.87 of 2015 of Police Station Abad, Sukkur under Sections 148, 149, 395, 447, 448, 365, 114 & 506/2, PPC from the Court of Vth Additional Sessions Judge, Sukkur to any other Court having jurisdiction.

Learned Counsel for the Applicant submits that earlier a Transfer Application was filed for the same purposes and on 19-10-2020 the Court was informed that the matter had already been transferred to the Court of Additional Sessions Judge (Hudood), Sukkur, and on that basis the Transfer Application was dismissed as infructuous.

According to him, when the Court of Additional Sessions Judge (Hudood), Sukkur was approached, it transpired that the matter had not been transferred, therefore, this fresh Transfer Application has been filed on the ground that the accused party is continuously threatening the complainant and their lawyers, who are unable to proceed with the matter; whereas, they have influenced the Court and the Applicant does not expect any proper justice from the said Court. In support, he has also filed a statement along with orders diary sheets.

On the other hand, Respondent's Counsel has opposed this Application and submits that time and again they are filing these applications to delay the matter and the accused party has been compelled to file Criminal Miscellaneous Application No. S-897 of 2021, which is also fixed today.

I have heard the learned Counsel and perused the record. Insofar as the earlier order on the Transfer Application is concerned, the same reflects that during the course of arguments, it was pointed out that the case had already been transferred from the Court of Vth Additional Sessions Judge, Sukkur to the Court of Additional Sessions Judge (Hudood), Sukkur, and therefore, the Transfer Application was dismissed as infructuous. While confronted, Counsel for the Applicant submits that the said statement was not made by the Applicant's Counsel but by the Respondent's Counsel; however, perusal of the order does not reflect that as to whom had made such statement. However, it was the responsibility of the Applicant's Counsel to ensure the correctness of such statement before agreeing for disposal of the Transfer Application.

Be that as it may, the ground, which has now been urged, does not appear to be convincing inasmuch as on 08-04-2022, the learned Presiding Officer while maintaining the diary sheet has already accepted the request of the Applicant and their lawyer regarding obtaining CCTV footage, as according to them, during such arguments, there was some quarrel between parties within the Court; whereas, an application has also been filed under Section 227, Cr.P., on which orders have been passed. As to losing confidence in the Court, this is a vague allegation without any supporting material, and therefore, the same cannot be looked into in such a manner.

In view of such position, there appears to be no justifiable ground for transfer of the case in hand, and therefore, by means of a short order in the earlier part of the day, this Transfer Application was **dismissed** and these are the reasons thereof.

Abdul Basit

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