

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

**Cr. Transfer Appln. No. S – 96 of 2020**

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Date

Order with Signature of Hon'ble Judge

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**For hearing of main case**

(notice issued)

Letter issued for comments, received)

**27.11.2020**

Mr. Alam Sher Bozdar Advocate for the Applicant

Mr. Khalil Ahmed Maitlo, DPG for the State

**ORDER**

**Aftab Ahmed Gorar, J;** Through instant Criminal Transfer Application, the applicant/complainant seeks transfer of Sessions Case No.31/2019 Re- State vs. Suleman Shar and others from the file of learned 1V-Additional Sessions Judge, Mirpur Mathelo to any other Court of law, having jurisdiction in District Ghotki, on the ground of apprehension that the private respondents would be acquitted of the charge by the trial Court.

2. It is contended by learned counsel for the applicant/complainant that though the both the parties belong to same District Ghotki, whereas, the private respondents are openly saying that they would be acquitted of the charge; that the applicant/complainant was taken into custody by the trial Court due to non-appearance, hence the applicant/complainant has lost faith upon the learned trial Judge. He lastly prayed that it would be

convenient for the applicant/complainant, if the case may be transferred to any other Court of law having jurisdiction in District Ghotki for trial.

3. Learned DPG for the State opposed the transfer application by contending that the applicant/complainant is avoiding to proceed with the evidence by seeking frequent adjournments.

4. I have heard the learned counsel for the applicant/complainant as well as learned DPG for the State and perused the report of learned trial Court dated 19.11.2020. Admittedly, the case is pending trial since 2018 and the charge against the accused persons has been framed on 26.03.2019, whereas, the complainant and the witnesses have been attending the trial Court and their evidence could not be recorded due to frequent adjournments sought by his counsel, hence by filing frequent adjournments by the counsel for the applicant/complainant shows that he is procrastinating and using the delaying tactics. In such circumstances, no case for transfer of the case is made-out. Accordingly, the instant Criminal Transfer Application is dismissed. However, the learned trial Court is directed to proceed with the case expeditiously and conclude the trial within a period of three months positively. The parties shall avoid seeking unnecessary adjournments.

Judge