

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Transfer Appln. No. S – 98 of 2020

Date

Order with Signature of Hon'ble Judge

For hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of main case
3. For hearing of MA No.6055/2020

07.12.2020

Mr. Ali Gul Abbasi Advocate for the Applicants

Mr. Shabbir Ali Bozdar Advocate for the complainant

Mr. Abdul Rehman Kolachi, DPG for the State

ORDER

Aftab Ahmed Gorar, J; Through instant Criminal Transfer Application, the applicants/accused seek transfer of Sessions Case No.145/2017 Re- State vs. Atta Muhammad and others from the file of learned 1st Additional Sessions Judge (MCTC), Ghotki to any other Court of law, having jurisdiction in District Ghotki, on the ground that the learned Presiding Officer of the trial Court is forcing the applicants to fulfill the demands of the private respondent /complainant.

2. It is contended by learned counsel for the applicants/accused that though both the parties belong to same District Ghotki, whereas, the learned Presiding Officer is favouring the complainant as such developing undue pressure upon the applicants/accused to fulfill the demands of the private respondent, hence they applicants/accused were taken into custody by the trial Judge, hence the applicants/accused have lost faith upon the

learned trial Judge. He lastly prayed that it would be convenient for the applicants/accused, if the case may be transferred to any other Court of law having jurisdiction in District Ghotki for trial.

3. Learned counsel appearing for the complainant/private respondents and DPG for the State opposed the transfer application by contending that the applicants/accused are avoiding to proceed with the matter, therefore, they are using the delaying tactics just to prolong the matter.

4. I have heard the learned counsel for the applicants/accused as well as learned counsel for the complainant and DPG for the State and perused the report of learned trial Court dated 16.11.2020. Admittedly, the case is pending trial since 2017; the charge against the accused persons has been framed on 17.01.2019 and the case is now fixed for preparation of scheduling certificate as per mandate of MCTC so also recording the evidence of the prosecution witnesses, but the accused persons just to create ground for transfer of the case, have leveled false and fabricated allegations against the Presiding Officer in order to prolong the trial. In such circumstances, no case for transfer of the case is made-out. Accordingly, the instant Criminal Transfer Application is dismissed.

Judge