

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Transfer Appln. No. S – 103 of 2020

Date

Order with Signature of Hon'ble Judge

Fresh case

1. For orders on MA No.7154/2020
2. For hearing of main case

07.12.2020

Mr. Muhammad Junaid Akram Malik Advocate for the Applicants
Mr. Shafi Muhammad Mahar, DPG for the State

ORDER

Aftab Ahmed Gorar, J; Through instant Criminal Transfer Application, the applicants/accused seek transfer of Sessions Case No.590/2017 Re- State vs. Shoukat Ali and others from the file of learned 3rd Additional Sessions Judge,/ MCTC-II, Sukkur to any other Court of law, having jurisdiction in District Sukkur, on the ground of apprehension that the applicants/accused would not get justice as the behavior of the learned Presiding Officer of the trial Court is not good towards them.

2. It is contended by learned counsel for the applicants/accused that though the both the parties belong to same District Sukkur, whereas, the private respondent and the P.Ws are openly saying that the accused persons would be awarded capital punishment; that the behavior of the learned Presiding Officer of the trial Court is not good towards the accused persons, hence they have apprehension that they would be awarded capital punishment, 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 Sukkur for trial.

3. Learned DPG for the State opposed the transfer application by contending that the applicants/accused are avoiding to proceed with the case and have sought frequent adjournments just to delay the trial.

4. I have heard the learned counsel for the applicants/accused as well as learned DPG for the State. Admittedly, the case is pending trial since 2017 and the charge against the accused persons has been framed, whereas, the complainant and the witnesses have been attending the trial Court, therefore, at this stage mere apprehension in the mind of the applicants/accused that they would not get justice at the hands of the Presiding Officer of the trial Court, is no ground for transfer of a criminal case. Apprehension must be reasonable and the reasonableness is to be decided at the peculiar facts and circumstances of each case. No cogent reason or proof has been placed on record by learned counsel for the applicants/accused to show any malafide on the part of learned Presiding Officer of the trial Court, hence the contentions of learned counsel for the applicants/accused are totally misconceived and contrary to law. Accordingly, the instant Criminal Transfer Application is dismissed.

Judge