

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Transfer Appln. No. S – 105 of 2021
Cr. Transfer Appln. No. S – 106 of 2021

Date	Order with Signature of Hon'ble Judge
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Fresh case

1. For orders on office objection at flag 'A'
2. For orders on MA No.6878/2021
3. For hearing of main case

14-01-2022

Mr. Gul Feroz Kalwar, Advocate for the Applicant / Complainant

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ORDER

Muhammad Junaid Ghaffar, J:- Through both these Criminal Transfer Applications, the Applicant / Complainant seeks transfer of **(i)** Criminal Case No.109 of 2021 arising out of Crime No.51 of 2021 under Sections 382, 506/2, 427, 148 and 149 PPC and **(ii)** Criminal Case No.110/2021 arising out of Crime No.46/2021 under Sections 337-A(i), 337-F(i), 337-F(v), 337-L(2), 504, 506/2, 114, 147, 148 and 149 PPC both registered at Police Station, Baiji Sharif, from the Court of 2nd Civil Judge and Judicial Magistrate, Pano Akil to any other Court in Sukkur.

2. Earlier, the Applicant/Complainant had approached the learned District Judge, Sukkur through similar Applications, which stand dismissed vide order dated 19-11-2021. The relevant portion of the said order is reproduced as under;-

"The ground raised in above application that accused party is issuing threats of murder to complainant party to withdraw the case. The applicant has alleged the threats from the complainant side but has not produced any proof, mere mentioning the issuance of threats from accused side in the memo of application without cogent reasons cannot be considered. The applicant has not produced any convincing material nor mentioned such

authority to which he approached to lodge the complaint. Simply on apprehension of the applicant for danger to his life a murder case cannot be transferred. Thus, the reason given by the applicant for her security has no sanctity. It is by now well settled law that a case should not be transferred from the court of competent jurisdiction unless the allegations / ground seeking transfer of the case are supported by strong cogent reasons or convincing evidence. Reliance in this regard is placed upon 2020 MLD 1071 (Re: Noor Muhammad Vs. The State) and PLD 2014 Sindh 287 (Altaf Hussain Vs. The State). Consequently, the above transfer application in hand, devoid of merit is dismissed.”

3. In view of the aforesaid order, no justifiable ground has been made out to seek transfer of the case as apparently it is mere apprehension of the Applicant without any supporting material or document, hence both these Applications do not merit any consideration and are dismissed in *limine* with pending Applications. **Office is directed to place a signed copy of this order in the connected captioned matter.**

Judge

ARBROHI