

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Transfer A.No.S- 47 of 2021

Date of hearing	Order with signature of Judge.
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Hearing of Case

29-10-2021

Mr. Ghulam Mujtaba Jakhar, Advocate for Applicant/Complainant.
Mr. Daman Ali Leghari, Advocate for private Respondents/Accused.
Mr. Aftab Ahmed Shar, Additional P.G for the State.

ORDER

Muhammad Junaid Ghaffar J., Through this Criminal Transfer Application, the Applicant/Complainant seeks transfer of Sessions Case No.421 of 2021 (State-Versus Loung Khan and others) from the Court of Additional Sessions Judge, Mirwah-Khairpur to any other Court of competent jurisdiction.

2. Counsel for the Applicant/Complainant submits that the Applicant/Complainant has lost confidence in the trial Court inasmuch as learned Judge in open Court has time and again pressurized the Complainant to enter into compromise with the Accused/Respondents, failing which, they would be acquitted at the trial. He further submits that this is a murder case under Section 302 PPC, and such threats and coercion on the part of the trial Court are unwarranted, hence this Application.

3. Counsel for the Respondents/Accused has opposed this Application on the ground that the post-arrest bail of the Accused has been dismissed by the trial Court; whereas examination-in-chief of the PWs has been completed and the Complainant intends to delay the trial, therefore, no case is made-out.

4. Leaned Additional P.G for the State after going through the record has supported the case of the Applicant in view of the fact that it would be fair and in the interest of justice if this Court deems it appropriate to transfer the case to any other Court.

5. I have heard all the learned Counsel including learned APG and perused the record. Though the reasons so assigned on behalf of the Applicant/Complainant are not as such that in every run of a mill case, a matter should be transferred from one Court to other; however, it has been averred that learned trial Court has tried to enforce a compromise, failing which the Accused/respondents can be acquitted and therefore, it would be in the interest of justice and fair play that the matter is transferred from the trial Court to some other Court of competent jurisdiction.

6. In view of the above, this Crl. Transfer Application is allowed. Sessions Case No.421 of 2021 (State-Versus Loung Khan and others) stands transferred from the Court of Additional Sessions Judge, Mirwah-Khairpur to any other appropriate Court, as may be nominated by the concerned District & Sessions Judge.

JUDGE

Ahmad