

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Crl. Transfer A. No.S- 39 of 2021**

Date of hearing	Order with signature of Judge.
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**Hearing of Case**  
For hearing of Main Case

**27-09-2021**

Mr. Noor Muhammad Memon Advocate for Applicants.  
Mr. Zulfiqar Ali Jatoi, Additional P.G.

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In response to order dated 20.09.2021, Counsel for the applicants submits that earlier Transfer Application was dismissed for Non-Prosecution and not on merits; hence this Transfer Application is maintainable.

It appears that earlier, Applicants were convicted by two separate judgments of trial Court i.e. Judge, ATC-1, Sukkur dated 28.03.2017 and 19.08.2019 and in Appeal, both judgments were set-aside by this Court by judgment dated 12.12.2019, passed on Crl. Appeal No.D-45 of 2017 etc. and the matter was remanded. The concluding paragraph of the said judgment i.e para-31 is somewhat relevant for this Transfer Application, which reads as under:

**“Before parting with this judgment, it is observed that several illegalities have been committed by Judges ATC-1, Sukkur while passing the impugned judgments dated 28.03.2017 and 19.08.2019. Therefore, copies of this judgment be sent to Mr.Munawar Ali Lodhi, and Mr. Anand Ram Sairani, Sessions Judges, wherever, they are posted for further guidance”.**

Report was called and it appears that pursuant to directions of the Home Department dated 23.12.2019, it has already been notified that the case of applicant No.2 Jamait Ali shall be conducted inside

Central Prison, Sukkur. It is informed by learned Additional P.G that Special Judge is already conducting trial within the premises of Central Prison, Sukkur pertaining to Terrorism cases.

In view of such position, since the trial of one of co-accused is already notified to be held within premises of Central Prison, Sukkur, therefore, this Transfer Application is allowed and it is ordered that trial of Special Case No.30 of 2017 (old), new Special Case No.26 of 2019 re: State-Versus Zahid and others shall be held within the premises of Central Prison, Sukkur by the Presiding Officer, already posted for such purpose.

This Crl. Transfer Application stands allowed in the above terms.

**JUDGE**

Ahmad