

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CR. TRANSFER APPLICATION NO.75/2021

Date Order with signature of Judge

1. For order on MA No.1907/2022.
2. For hearing of main case.

16.02.2022

Mr. Mehmood A.H. Baloch advocate for applicant.
Mr. Abdul Ghaffar Kalwar advocate for respondent No.4 and 5.
Ms. Seema Zaidi, Additional P.G.

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Statement filed by counsel for respondents No.4 and 5
alongwith copies of certain documents, is taken on record.

2. Through this criminal transfer application, applicant seeks transfer of Direct Complaint No.2/2019 from the board of 1st Additional Sessions Judge (Model Court) District Thatta to District Malir.

3. Learned counsel for applicant inter alia contends that applicant's two sons were murdered by accused party, his direct complaint is pending before 1st Additional Sessions Judge (Model Court) District Thatta, applicant has no faith over that trial judge as he has acquitted respondent No.6 (accused) hence rule of propriety demands that case may be transferred to any other District.

4. Learned counsel for respondents extends no objection to the extent that case may be transferred from 1st Additional Sessions Judge (Model Court) District Thatta to District Judge or any other Additional Sessions Judge of that District. He has placed on record certain documents showing therein that applicant is residing at Gharo, District Thatta as well he is pursuing his civil and criminal cases within district Thatta.

5. Applicant who is complainant apprehends he has no faith over trial judge whereas learned counsel for accused and learned Additional Prosecutor General Sindh have extended their no objection to the extent of transfer of the case to other judge of same district. Under these circumstances, plea that case may be transferred to District Malir is not reasonable as documents on record reflect that case is being tried and applicant who is complainant is pursuing different remedies before district Thatta. However protection may be provided by trial judge when witness is required to be examined hence transfer application is disposed of. Direct Complaint No.2/2019 is withdrawn from the board of 1st Additional Sessions Judge, District Thatta and learned District and Sessions Judge Thatta shall decide it himself or transfer the same to any other Additional Sessions Judge having jurisdiction. Needles to mention that trial judge shall provide protection to the complainant and witnesses when their evidence is required.

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