

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CR. TRANSFER APPLICATION NO.99/2022

Date

Order with signature of Judge

01.11.2022

Mr. Muhammad Haneef Samma advocate for applicant
Mr. Mohsin Kadir Shahwani advocate for respondents No.3 to 9.
Mr. Abrar Ali Khichi, APG

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Applicant seeks transfer of Session Case No.1300/2022 from the court of learned 10th ADJ Karachi West, on the plea that on the given date learned trial judge compelled the complainant side to proceed with application under section 265-K CrPC whereas counsel for applicant contends that they intend to examine witnesses and that the intention to decide 265-K CrPC application shows that the learned judge has given his mind perhaps in favour of the applicants of that application.

2. Needless to mention that application under section 265-K CrPC is part of the procedure and that can be decided by the trial court at any stage and yet it is to be determined by the trial court on all criterion of application under section 265-K CrPC as laid down by this court and apex court hence it would not be justified to transfer the case from a judge to another on above ground. Accordingly, criminal transfer application is dismissed. It is expected that learned trial judge will decide the application as well case on merits without being influenced by any party. Criminal Transfer application is dismissed.

J U D G E

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