

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S - 67 of 2022

Date of hearing	Order with signature of Judge
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For hearing of main case

09.12.2022

Applicant, present in person.
Respondents No.2 to 9, present in person.
Mr. Imran Mobeen Khan, Assistant Prosecutor General.

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1. Through this Criminal Transfer Application, the applicant has sought transfer of Sessions Case No. 649 of 2021 (*Re: The State v. Muhammad Javed & others*) arising out of Crime No. 76 of 2021 of Police Station 'C' Section, Khairpur registered for offences under Sections 148, 149, 354, 506/2, 504, P.P.C., from the Court of learned 2nd Additional Sessions Judge, Sukkur to any other Court having jurisdiction.

2. The grounds for transfer of the aforementioned case, so raised by the applicant who is appearing in person, are that the respondents/accused persons are issuing threats to her for withdrawal of above case, else she would be murdered by them, and that the accused persons have disclosed that they would be acquitted of the charge in the aforesaid case by the trial Court without hearing of the case; hence, she has no hope of justice from the trial Court.

3. As regards the first one ground of issuing threats by the accused persons, as agitated by the applicant, it is an admitted position that she never made any complaint to the Presiding Officer of the trial Court for issuing threats to her life with specific date, time and place of issuing such threats. So far the other ground is concerned, it is nothing but an expectation of the respondents/accused persons for their acquittal of the charge, which obviously cannot be a ground for losing hopes of justice from the trial Court. Even if the accused persons are acquitted of the charge, the applicant has the remedy of appeal.

4. It may be observed here that transfer of case from one to another Court cannot be claimed by the applicant(s) as a matter of right or cannot be granted as a matter of routine and the Court before whom the application for transfer is moved has to see whether mistrust shown by the applicant is genuine or otherwise. Besides, while exercising jurisdiction to transfer cases from Courts, balance has to be struck in order to ensure that the cases are not transferred mainly on the basis of unfounded and conjectural apprehensions. It may also be observed here that the Presiding Officers of the Courts have to be given full protection against frivolous allegations in view of the honourous, noble and dignified duty they are performing and while deciding the cases they should not be allowed to be harassed unnecessarily by the litigants to mainly entertain groundless and baseless apprehensions.

5. In view of above, no case for transfer of the case is made out; therefore, this criminal transfer application being devoid of any merit is **dismissed**, with no order as to costs.

Abdul Basit

J U D G E