

Order Sheet

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S - 66 of 2022

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

1. For orders on office objections at Flag-A
2. For hearing of MA No.3814/2022
3. For hearing of main case

13.01.2023

Mr. Shafique Ahmed Laghari, Advocate for the applicant.
Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General.

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1. By filing instant Criminal Transfer Application, the applicant seeks transfer of Sessions Case No.726 of 2021 (*Re: The State v. Hamid Ali Shah & others*) arising out of Crime No.80 of 2021 registered at Police Station Sangi, District Sukkur under Sections 147, 148, 149, 114, 504, 506/2, 395, 337-F(v), 337-F(vi), 337-A(i), 337-F(i), 337-L(2), 427, P.P.C., from the Court of learned Additional Sessions Judge (Hudood), Sukkur to any other Court having jurisdiction.

2. The only ground for transfer of the aforementioned case, so raised by the applicant, is that he has no confidence upon the learned trial Court. In support of that ground, learned Counsel for the applicant contends that while deciding an application under Section 193, Cr.P.C., *though it was partly allowed*, learned trial Judge verbally stated that the case of complainant is a managed one and the accused persons have been falsely implicated; therefore, the applicant has apprehension that the learned trial Judge will acquit the accused and he will be deprived from justice.

3. The allegation made by the applicant that the learned trial Judge verbally stated that his case is a managed one and the accused persons are innocent, there are mere words and without any supporting evidence. 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** along with listed application, with no order as to costs.

Abdul Basit

J U D G E