

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Trans. Application No. 76 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of main case.

26-01-2023

Mr. Gul Muhammad Farooqui, Advocate for applicants.

Mr. Talib Ali Memon , A.P.G.

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Omar Sial, J: Ayesha Javed and Yousuf Javed are facing trial in Case No.1658 of 2019 which arises from F.I.R. No. 309 of 2019 registered under sections 489-F, 420 and 34 P.P.C. in the court of the learned 22nd Judicial Magistrate, Karachi East.

2. The grievance of the applicants is 2 fold: (i) that the learned trial judge on 2 dates asked the parties to compromise (ii) that the learned judge in similar cases has passed orders against the applicants. As regards the first grievance, it appears that the applicants have deliberately and intentionally misrepresented the true situation as when asked whether the learned judge had pointed out that there is an arbitration clause in the agreement entered into between them and whether what the learned judge had asked were the reasons for not attempting to settle their dispute through arbitration, the learned counsel candidly conceded that indeed was the case, it does not reflect well upon the applicants when the true facts were not stated before this court. As regards the second grievance, I notice that once before also the applicants had sought transfer of their case from one court to another (which was allowed) and that this is the second time that such a plea is being raised. The applicants cannot be allowed to fish for a court of their choice. If such a precedent is set it will be disastrous for the criminal justice system. I have no doubt in my mind that the learned trial judge will decide each case before her in a neutral and just matter and that she should not operate in an environment where, what appears to be

unnecessary and unjustified pressure, is being exerted upon her. The learned trial judge should proceed with the trial without fear or favour, with complete ease of mind and without giving unnecessary adjournments to either side.

3. Application is dismissed. A copy of this order may be sent to the learned trial judge for her information.

JUDGE