

**ORDER SHEET  
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**Crl. Transfer Application No. S- 92 of 2022**

Date of hearing	Order with signature of Judge.
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**Hearing of Case**

For hearing of main case

**13-03-2023**

Mr. Shabbir Ali Bozdar, Advocate for the applicants.  
Mr. Abdul Mujeeb Shaikh, Advocate for respondent No.2.  
Mr. Sardar Ali Shah, Additional P.G for the State.

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Through instant Crl. Transfer Application, applicants/accused Shahdad Khan and 06 others seek transfer of sessions case No.102 of 2019 (re: *Illahi Bux v. Shahdad Khan and others*) from the Court of learned 3<sup>rd</sup> Additional Sessions Judge, Naushehro Feroze to the Court of learned Additional Sessions Judge, Kandiaro. It appears that earlier applicant Shahzad and 03 others maintained Crl. Transfer Application No.S-59 of 2022, which was disposed of vide order dated 25.07.2022 directing to trial Court to decide alleged sessions case within three months positively.

Learned counsel for the applicants contends that the trial Court failed to conclude the trial within a stipulated period and most of the applicants/accused are resident of Kandiaro, who are facing hardship in attending the Court at Naushehro Feroze, hence this Transfer Application has been filed.

Learned counsel for the complainant and APG contend that there are total 43 accused persons in the alleged sessions case, out of them

33 accused persons have been declared as proclaimed offenders, however, rest of 10 accused persons including some of the applicants/accused are not attending the trial Court regularly; hence, trial could not be concluded within specified period.

Perusal of record shows that even after passing of order dated 25.07.2022 in earlier Transfer Application, the applicants/accused failed to make their appearance before the trial Court and perhaps this is the main cause of delay in trial.

With the consent of learned counsel for respective parties and learned APG, instant Transfer Application stands disposed of directing to trial Court to expedite the matter and conclude the trial within a period of three months. In case, any of the applicants creates any hindrance in the trial by remaining absent without any sufficient cause, trial Court shall be at liberty to cancel his bail.

Instant Crl. Transfer Application stands **disposed of** in the above manner.

**JUDGE**