

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Transfer Application No. **S-101** of **2022**

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
10.02.2023.	

1. For orders on office objections
2. For orders on M.A. No. 6149/2022
3. For hearing of Main Case

Mr. Anwar Ali Lohar, advocate for applicant

By means of this criminal transfer application, filed under section 526, Cr. P.C., applicant/accused Mohammad Anwar Mangrio seeks transfer of Crl. Case No.81/2022 (*Re: The State v. Muhammad Anwar Mangrio*), arisen out of Crime/F.I.R No.36/2022, registered at Police Station Daharki, District Ghotki, under sections 489-F, P.P.C. from the Court of 1st Judicial Magistrate (MTMC), Mirpur Mathelo to any other Court having of District Ghotki on the ground that the presiding officer of the Trial Court pressurized him for compromise with respondent No.2/complainant to pay the amount of dishonored cheque. His earlier application for the same relief bearing Cr. T. Application No. 65 of 2022 was heard and dismissed by the learned Sessions Judge, Ghotki vide order dated 19.12.2022.

Heard, record perused.

It may be observed here that transfer of case from one Court to another Court cannot be claimed by the applicant as a matter of right or cannot be granted as a matter of routine. The Court before whom the application for transfer is moved has to see whether the ground raised 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.

In the instant case, it has been observed by the learned Sessions Judge, Ghotki in its order, dated 19.12.2022, that the perusal of the case diaries shows that the applicant made number of adjournment applications to avoid proceedings of the case, which shows that the applicant in fact intends to linger on the trial for ulterior motives and the transfer application is motivated one. It may also be relevant to observe 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.

For the foregoing facts and reasons, no reasonable apprehension exists that the trial Court would not act fairly and impartially; hence, this transfer application being devoid of merit is dismissed *in limine*, along with listed application.

JUDGE