

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Transfer Appln No.S-17 of 2013.

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| DATE OF HEARING | ORDER WITH SIGNATURE OF HON'BLE JUDGE |
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12.8..2013.

1. For orders on office objection as Flag 'A'.
2. For Katcha Peshi.

Mr. Shamsuddin Abbasi advocate for applicant/complainant.

Mr. Ali Nawaz Ghanghro, advocate for respondents.

Mr. Naimtullah Bhurgari, State Counsel.

Through the instant transfer application, the applicant/complainant Abdul Sattar Kori seeks transfer of Sessions Case No.436/2012, State Versus Altaf and others, Crime No.39/2012 under section 302, 324, 148, 149, PPC registered at Police Station Drigh pending in the Court of learned Additional Sessions Judge, Kamber to district Larkana, mainly on the ground that complainant apprehends danger to his life while proceeding with the case at Kamber.

Notice of the transfer application was issued to the respondents/accused and State.

Mr. Shamsuddin Abbasi learned advocate for the applicant/complainant argued that previously transfer application was moved before this Court on the same ground it was dismissed but still there is threat to the life of the complainant party while appearing before the trial Court for evidence. He has submitted that on one date of hearing complainant party appeared before the trial Court but accused attacked upon them. He has further submitted that transfer of the case from the Court of learned Additional Sessions Judge, Kamber to district Larkana would be in the interest of justice.

Mr. Ali Nawaz Ghanghro, appearing on behalf of the accused argued that transfer application has already been dismissed on

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the same ground; there is no fresh ground; if there was attack on the complainant party, no such FIR was lodged. He has further submitted that trial is being delayed for want of evidence of the complainant party. He has fairly suggested that Senior Superintendent of Police Kamber may be directed to provide protection to the complainant party on the date of hearing for recording evidence of the complainant party.

Mr. Naimtullah Bhurgari appearing on behalf of State opposed the transfer application and submitted that SSP shall provide legal protection to the complainant party for recording the evidence before the trial Court.

It is the matter of record that transfer application on the same ground has already been dismissed vide order dated 20.1.2013 in Crl. Transfer Appln. No.S-91/2012. There is no fresh ground. It has been argued that accused had attacked upon the complainant party on one date of hearing but no such FIR has been produced by the complainant party to substantiate such contention. In these circumstances, transfer application is without merit, same is dismissed with direction to the SSP Kamber to provide protection to the prosecution witnesses on the date of hearing for recording evidence. The trial Court is also directed to proceed with the case on the date of hearing when witnesses are produced under protection by the police.

12/8/2013
Judge