

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.**  
 Criminal Transfer Application No. **S- 95** of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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Petitioners	:	Muhammad Sadiq & others, through Mr. Ali Bux Mashori, Advocate
Respondent No.1	:	Anwer Ali, in person.
Respondent No.2	:	The State, through Mr. Khadim Hussain Khoonharo A.P.G.
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Date of hearing	:	27.11-2017
Date of order	:	27.11.2017
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**ORDER**

**ZAFAR AHMED RAJPUT, J.-** Through instant Criminal Transfer Application, the applicants/accused seeks withdrawal of Sessions Case No. 204 of 2004 (Re: The State vs. Muhammad Sadiq & others), arising out of Crime No.27 of 2013, registered at P.S Shah Panjo, Distt. Dadu, under sections 302, 148, 149 P.P.C., from the board of 1<sup>st</sup> Addl. Sessions Judge, Mehar to any other competent Court in Larkana.

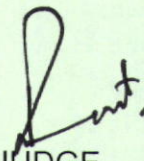
2. The learned counsel for the applicants states that absconding accused Ghulam Rabbani filed Transfer Application No. 34 of 2017 before this Court which was dismissed due to non-compliance of office objections, vide order dated 22.09.2017 and; thereafter, the attitude of learned Presiding Officer of the trial Court became very harsh towards the applicants/ accused as apparently he is annoyed by filing of said Transfer Application; hence, the applicants have lost the hope that they would get justice from the Presiding Officer of the trial Court. He further states that otherwise the applicants /accused and respondent No. 1 complainant are resident of District Larkana while the case is being proceeded in Mehar District Dadu; therefore, for the convenience of the parties it is also prayed



that the said case may be withdrawn from the trial Court and the same be transferred to any other Court in District Larkana.

3. The respondent No. 1 is present in Court and files no objection for the grant of this application. However, learned APG has strongly opposed this application on the ground that the self-procured mistrust and expression of no confidence in the Court should not be encouraged to transfer cases from trial Courts; besides, the parties being residents of Taluka Dokri can easily attend the trial Court in Mehar town.

4. It is the settled principle of law that a criminal case cannot be transferred at the whim of the party expressing no confidence in the Presiding Officer of the Court, particularly where no allegation of partisan ship or adverse interest is alleged or proved. It would setup an unhealthy precedent and would be tantamount to conferring powers of transfer upon parties. So far the other ground is concerned it may be observed that the applicants/ accused and respondent No. 1/ complainant are resident of Taluka Dokri, District Larkana and the trial Court situated in Mehar, District Dadu is not at far away distance from Taluka Dokri, causing the parties any inconvenience to attend it. Hence, this transfer application being devoid of any merit is dismissed accordingly.

  
JUDGE