

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**

Cr. Transfer Appln. No. S- 67 of 2024

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Date of hearing

Order with signature of Judge.

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1. For orders on office objection.
2. For hearing of main case.

Mr. Abdul Rehman A. Bhutto, advocate for the applicant.

Mr. Muhammad Bilal Bhutto, advocate for respondents No.1, 3, 6, 8 & 9.

Mr. Aitbar Ali Bullo, DPG.

Date of hearing : 19.11.2024.

Date of Order : 19.11.2024.

**ORDER**

Applicant/complainant Mukhtiar Ahmed Noonari has prayed for the transfer of Direct Complaint/Criminal Case No.02/2023, titled Mukhtiar Ahmed Noonari vs. Shahnawaz & others, from the Court of the Civil Judge & Judicial Magistrate, Thul, to any other Court with jurisdiction in Jacobabad on two grounds: Firstly, the trial Court, instead of issuing the normal process of notices, has issuedailable warrants against the applicant. Secondly, he apprehends danger to his life from the accused persons, who have threatened him with dire consequences if he does not withdraw from the subject case/direct complaint.

2. The trial Court submitted comments dated 28.10.2024, which, upon perusal, reveal that the applicant/complainant is avoiding proceeding with the case. The case is fixed for recording the evidence of the applicant/complainant and his witnesses.

3. The learned Deputy Prosecutor General (DPG) and the learned counsel for the respondents opposed the transfer application, contending that it has been filed by the applicant solely to delay the proceedings before the trial Court.

4. Upon careful consideration of the record, it becomes evident that the grounds advanced by the applicant scarcely justify the transfer of the subject case. Specifically, in ground No.7 of the present transfer application, the applicant has stated that both, he and the accused persons, are residents of Taluka Thul. Consequently, the purported apprehension for his life from the

accused lacks merit. Regarding the applicant's contention about the issuance ofailable warrants instead of the normal process by the trial Court, it appears that before approaching this Court the applicant had also filed transfer application before the learned Sessions Judge, Jacobabad, which was dismissed vide order dated 28.08.2024 observing that per comments of the trial Court theailable warrants were issued inadvertently and the process server was restrained by the trial judge from execution thereof. It is noteworthy that accepting such grounds would result in endless litigation aimed at transferring cases. Apprehensions founded on baseless and speculative grounds cannot serve as a valid basis for transferring a case from one Court to another.

5. In view of the above, I do not find any substance in the instant transfer application, which is hereby **dismissed**.

JUDGE

Qazi Tahir PA/\*