

41

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

2<sup>nd</sup> Cr. Transfer Appln. No. S- 100 of 2017.

---

Date Order with signature of Hon'ble Judge

---

For orders on M.A No.565 /2018.

16.02.2018.

Mr. Mazhar Ali Mangan, advocate for the applicant.

Mr. Khadim Hussain Khoonharo, Addl.P.G.

Mr. Habibullah G. Ghouri, advocate for the respondent  
No.5.

====

This matter is otherwise fixed on 19.3.2018 but taken up today on urgent application moved by the applicant.

I have heard the parties and perused the material available on record. Record reflects that earlier Cr. Transfer Appln. No.35 of 2016 was filed by the accused Abdul Razzak for transfer of the Sessions Case No.202/2012 arising out of Crime No.28/2012 registered at P.S Mahi Makol for an offence U/S 302, 324, 148, 149, 337-H(2) PPC from the Court of Additional Sessions Judge, Kamber to Larkana District which was accordingly transferred to learned Sessions Judge, Larkana with direction to proceed with the matter expeditiously and decide the same preferably within a period of four months. Now this application has been moved by the applicant for the transfer of the same case on the ground that said case was transferred to the learned Sessions Judge, Larkana, but he has assigned it to the Additional Sessions Judge, Larkana which in terms of earlier order dated 31.10.2016 passed in Cr. Transfer Appln. No.S-35/2016 he is not competent to do so, and only he himself has to proceed with the matter and decide it.

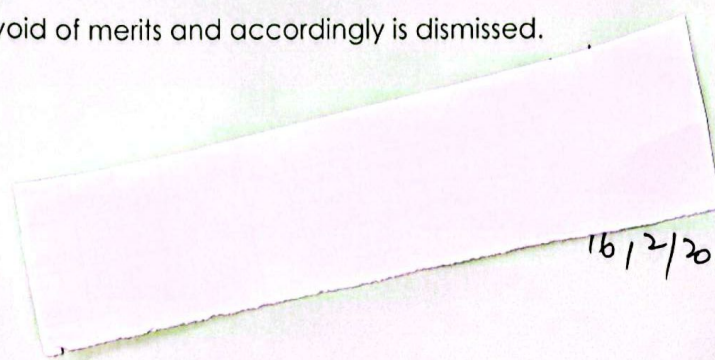
Learned counsel has urged that since the order has been passed and the direction has been given to learned Session Judge, Larkana to try the said case, he can not transfer or assign the same to any other Court.



43

Learned Addl.P.G and learned counsel for the respondent No.5 have submitted that learned Sessions Judge has assigned this case to learned Additional Sessions Judge on the basis of administrative ground and there is no specific direction in the order for him to try the case himself.

I have considered the submissions of the parties and perused the record. No doubt in terms of order dated 31.10.2016 passed in above said transfer application, learned Sessions Judge was directed to proceed with the matter expeditiously but it would not imply that only he shall proceed with the matter and he can not assign the case on administrative ground to any other Court for disposal according to law. The applicant has not been able to show that any prejudice has been caused to him by the case being assigned to the Additional Sessions Judge, Larkana or that learned Presiding Officer of the said Court is not proceeding with the matter in accordance with law. This being the position, I am of the opinion that this application is devoid of merits and accordingly is dismissed.



16/2/2018