

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

Cr.Transfer Appln.No.S-53 of 2017.

Date of hearing	Order with signature of Judge
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For orders on office objection "A"

For hearing of Cases.

Notice issued to respondent No.4.

25.08.2017.

Mr. Habibullah G. Ghouri Advocate for applicant.
Mr. Suhendar Kumar Germani Advocate for Respondents
No.1 to 3.
Mr. Khadim Hussain Khooharo Addl.PG .

Through this application under section 526 Cr.PC the applicant seeks transfer of Criminal Case No.20 of 2016 pending before learned 1st Civil Judge and Judicial Magistrate, Kamber to some other court.

2. Learned counsel for the applicant submits that instant transfer application has been filed as the applicant is being threatened by the accused persons who are influential whereas; threats of murder have also been issued to the applicant. He further submits that applicant has migrated from Kamber to Shikarpur District due to such threats hence, the case may be transferred.

3. Learned counsel for respondents No.1 to 3 submits that it is only a delaying tactics as the applicant has failed to lead evidence before the trial court and due to such failure the case has been closed. He further submits that no material of whatsoever nature has been placed on record regarding the alleged migration of the applicant from Kamber District to Shikarpur District. He further submits that no harassment is being caused by accused persons.

4. Similarly learned Additional Prosecutor General submits that no case for transfer is made out whereas; the applicant has never approached the police officials for seeking protection.

5. From the perusal of the contents of the application, it nowhere reflects that as to on what date or time the applicant was being threatened by the respondents and as to whether the applicant has either approached the local police or has reported the incident to the concerned Court. The entire allegations contained in the application are generic in nature. I am afraid that for seeking transfer of a case under section 526 Cr.P.C, such conduct of the applicant cannot

be accepted, as otherwise it would defeat the smooth functioning of the Courts and every now and then, people would come to this Court for seeking transfer of their cases on such type of bald allegations. The thrust of the arguments of the learned Counsel for the applicant was to the affect that the applicant has serious apprehension of being murdered / killed by the respondents, but instead of seeking help from the local police and / or the trial Court, the applicant has chosen to file the instant transfer application without any valid, firm and or justifiable reasons. Such conduct of the applicant does not warrant any interference by this Court and consequently, the instant transfer application does not merit any consideration and therefore the same is hereby dismissed.

6. However, as and when the applicant feels that there is any danger to the applicant or his witnesses and they are under threat by the respondents, the applicant shall approach the local police including the SHO concerned and the SSP who shall provide adequate and necessary protection to the applicant in accordance with law and further the applicant may report such incident to the learned trial Court who shall consider such request of the applicant and / or his witnesses.

Ashfaq

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