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ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.

Cr. Transfer Application No.S-06 of 2025.

DATE	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection "A".
2. For hearing of main case.

07-03-2025

Mr. Farhat Ali Bugti, advocate for the Applicant.

Mr. Nazir Ahmed Bhangwar, DPG for the State.

Khalid Hussain Shahani, J.- The present transfer application has been filed by the applicant Hashim Kambrani and two others, who are accused in Criminal Case No.269/2024, titled The State v. Pasand and others, arising out of Crime No.92/2023, registered under Sections 302, 324, 148, 149, 114, 109, 504 PPC at Police Station Seeta Road, District Dadu. The applicants seek the transfer of the case from the court of the learned Additional Sessions Judge-IV, Dadu, to another competent court, primarily on the ground that the learned Presiding Officer has allegedly made prejudicial remarks in open court, indicating a predisposition to convict the accused. As a result, the applicants have lost confidence in the impartiality of the trial court and apprehend a miscarriage of justice.

02. Despite the issuance of notice, respondent No.2, Mst. Dhayani, who is the complainant in the aforementioned case, has failed to appear before the court.

03. The learned counsel for the applicant and the learned Deputy Prosecutor General have been heard at length.

04. During the course of arguments, the learned counsel for the applicants reiterated the contentions as set forth in the transfer application.

05. Without delving into the merits of the controversy, it is pertinent to note that such a ground is not legally tenable unless the litigant can substantiate, through the record, that the learned trial judge has acted beyond the scope of jurisdiction with mala fide intent, has deliberately committed a procedural irregularity, or that specific

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prior instances or other compelling factors exist to justify such an assertion. It is a well-settled principle of law that the transfer of a case from one court to another cannot be premised on mere apprehensions, presumptions, or unfounded allegations, but must be supported by cogent and substantial reasons.

06. It is a well-established legal proposition that justice must be administered impartially, free from external pressure or undue influence. Consequently, Presiding Officers must be shielded from frivolous transfer applications to uphold the integrity of the judicial process and ensure the fair dispensation of justice. Permitting litigants to challenge the impartiality of a Presiding Officer without substantive grounds could compromise judicial independence and create an environment where parties attempt to manipulate proceedings through baseless transfer requests. Therefore, while exercising jurisdiction over the transfer of cases from subordinate courts, a judicious balance must be maintained to prevent cases from being transferred on mere conjectures, unfounded allegations, or hypothetical apprehensions. Mere assumptions and presumptions, without cogent and convincing justification, do not constitute valid grounds for the transfer of cases.

07. As no substantial ground has been demonstrated and the present application appears to be premised on mere presumptions and conjectures, a judge is presumed to uphold the highest standards of impartiality and fairness. It cannot be inferred, without substantive proof, that a judge would act beyond the scope of his mandate or prejudice any party, including the applicant, during the trial proceedings. Consequently, in the absence of any cogent justification, the transfer application, being devoid of merit, is hereby dismissed.

Asghar Altaf/P.A

Certified to be True Copy



Assistant Registrar

Sd/- 7.3.
(Khalid Hussain Shahani)
Judge