

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Transfer Appln. No.S-09 of 2020.

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

28.02.2020

Applicant Waheed Ali is present in person.

Mr. Rafique Ahmed K. Abro, advocate for the respondent No.1.

Mr. Ali Anwar Kandhro, Addl.P. G.

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Through instant Criminal Transfer Application, applicant Waheed Ali son of Nazar Muhammad @ Nazar Hussain seeks transfer of Criminal Complaint No.22 of 2019/Sessions Case No.318 of 2019, filed by him under section 3 and 4 of Illegal Dispossession Act, 2005 from the board of Additional Sessions Judge, Shahdadkot, to any other competent Court of law at Larkana District, for disposal according to law.

2. The applicant is present in person, he states that the respondent No.1 is not only big zamindar, but has also support of notorious persons, therefore, there is risk to his life and therefore, he apprehends any attempt for his kidnapping. He further states that due to fear to his life he has already shifted from his native place to Larkana and as per his knowledge, the case under Illegal Dispossession Act is to be decided within a period of six months, but the learned trial Court is fixing the date of month, which fact is evident from the case diaries and such conduct of the Presiding Officer shows that he is partial towards the respondent hence he has no hope of justice from the hands of Presiding Officer of the trial Court.

3. On the other hand learned counsel for the respondent No.1 states that after taking cognizance of the matter by the trial Court, the complainant failed to get himself examined before the Court so also his witnesses, which fact reflects from the case diaries annexed with the transfer application.



4. It reflects from the perusal of the case file that the applicant filed aforementioned Criminal Complaint before the Court of Sessions Judge, Kamber Shahdadklot at Kamber, which was marked to Additional Sessions Judge-I, Shahdadkot and thereafter the matter was fixed on 25th April 2019, on which date the learned Additional Sessions Judge-I, Shahdadkot, called the report from the concerned SHO and Mukhtiarkar. It further reflects from the record that after receiving such reports the learned trial Court on 07.11.2019 took the cognizance and passed the order for issuance of B.W against the respondent No.1 and thereafter on 21.12.2019, charge was framed against him to which he pleaded not guilty and then the learned trial Court fixed the matter on 23.01.2020, when only the complainant was present hence the matter was adjourned to 06.02.2020 for evidence and on said date the matter was adjourned for want of counsel for the complainant. It further appears that after framing of the charge, the matter was adjourned only for fifteen days.

5. Under the circumstances, I dispose of this Criminal Transfer Application by directing SSP Kamber Shahdadkot @ Kamber to provide protection to applicant and his witnesses if they approach to him to enable them to appear before the trial Court for the purpose of recording his/their evidence on the next date of hearing. The applicant shall ensure appearance of his witnesses as well as his counsel on the next date of hearing before the trial Court when their statements shall be recorded without granting adjournment to accused or his counsel. The learned trial Court is directed to conclude the trial expeditiously and preferably within three months hereof.

6. Office is directed to communicate this order to SSP Kamber Shahdadkot at Kamber for information and compliance.


Judge

M.Y.Panhwar/**