

43

ORDER SHEET
IN THE HIGH COURT OF SINDHY, CIRCUIT COURT, LARKANA
Crl. Transfer Appln. No.D-04 of 2016

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

27.10.2016.

For Katcha Peshi.

Mr. Saeed Ahmed B. Bijarani, advocate for applicants.

Mr. Khadim Hussain Khooharo, DPG.

Through instant transfer application, the applicants seek transfer of Special Case No.28/2015, arising out of FIR bearing No.16/2015 registered at Police Station Durrani Mahar, District Kashmore at Kandhkot, under Sections 302, 365-A, 506/II, 147, 148, PPC and Sections 6/7 of Anti-Terrorism Act, 1997, from the Court of Special Judge, Anti-Terrorism, Kashmore to that of the Sessions Court concerned.

The instant case is registered under Section 365-A, PPC which is a scheduled offence, exclusively triable by the Anti-Terrorism Court and cannot be allowed to be tried by Court of ordinary jurisdiction. The learned Counsel submits that so far as the facts of the case are concerned, the Section 365-A, PPC is not attracted. We are afraid, we cannot appreciate this argument at this stage when no such material in the shape of evidence suggesting so has come on record. At the same time, it may be observed that if, *prima facie*, Section 365-A, PPC is not attracted, the applicants can move an application in this regard before the trial Court. When confronted with such position, Counsel for the applicants does not press this transfer application, which stands dismissed as not pressed.


JUDGE


JUDGE