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ORDER SHEET
IN THE HIGH COURT OF SINDHY, CIRCUIT COURT, LARKANA
Crl. Transfer Appln. No.S-85 of 2016

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
31.10.2016.	

For Katcha Peshi.

Mr. Salahuddin Chandio, advocate for the applicant.

Mr. Mazhar Ali Mangan, advocate for respondent No.2/complainant.

Mr. Khadim Hussain Khooharo, DPG.

None present for respondents No.3 and 4.

Through instant Criminal Transfer Application, the applicant/accused seeks transfer of Sessions Case No.202/2012 (Re: State v. Abdul Razzak Chandio & others) arising out of FIR being Crime No.28/2012, registered at Police Station Mahi Makol, Taluka Kamber, District Kamber-Shahdadkot, under Sections 302, 324, 148, 149, 337-H(2), PPC, from the Court of learned Additional Sessions Judge, Kamber to any other Court of competent jurisdiction stationed at Larkana.

The learned Counsel for the applicant/accused submits that the applicant has nothing adverse against the learned trial Judge but since the complainant party due to enmity is issuing threats of being murdered at their hands if the applicant fails to hold "Jirga" with them in respect of allegation of murder of complainant's father, this transfer application has been filed. He further submits that due to constant threats extended by the respondent No.2, the applicant has shifted to Larkana from Kamber to save his life. He further submits that in this regard NC has already been lodged on 04.10.2016 at P.S Sachal, Larkana. The learned Counsel has placed on record copy of such NC.



The learned Counsel for the complainant submits that the applicant remained absconder in aforementioned case for four (4) years

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and; thereafter, he moved an application for pre-arrest bail before the learned Sessions Judge, Kamber-Shahdadkot, which was got transferred by the complainant party to the Court of learned Additional Sessions Judge, Kamber and the same is still pending adjudication. He, however, submits that no threats have been issued by the complainant party to applicant but despite of such fact the complainant has no objection if this case is withdrawn from the Court of learned Additional Sessions Judge, Kamber and transferred to the Court of learned Sessions Judge, Larkana for expeditious disposal in accordance with law.

Learned DPG records his no objection to transfer the case.

Since serious apprehension has been shown to the life of the applicant and no objections have been recorded by the Counsel for the complainant as well as DPG so also for the general convenience and safety of the parties, Sessions Case No.20-2/2012 is withdrawn from the Court of learned Additional Sessions Judge, Kamber and transferred to the Court of learned Sessions Judge, Larkana, with direction to proceed with the matter expeditiously and decide the same preferably within a period of four (4) months from the date of receipt of this order.

This transfer application stands disposed of.


JUDGE