

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 11 of 2025

(Muhammad Azeem Chachar v. The State & others)

Date of hearing : 11.03.2025

Date of decision : 11.03.2025

Mr. Abdul Sattar Thaheem, Advocate for the applicant
Mr. Khalil Ahmed Maitlo, DPG.

ORDER

Zulfiqar Ahmad Khan, J. – Through this Criminal Transfer Application under Section 526 Cr.P.C, Applicant has prayed for transfer of Sessions Case No.217 /2018, arising out of FIR No.09/2018, registered at P.S. Katcho Bindi-I, District Ghotki, for an offence under Sections 302, 324, 114, 147, 148, 337Fi PPC (re-State vs. Aijaz Ahmed and others), from the Court of learned 1st Additional Sessions Judge, Ghokti to any competent Court of law having jurisdiction.

2. Learned Counsel for the applicant has contended that the applicant has worried that he would not get justice because of the accused party’s influence and the trial Court’s questionable behavior. It is alleged that during hearing of the aforesaid case, the attitude of the learned Presiding Officer is adverse against the applicant/ complainant. Moreover, it is also alleged that the accused party have approached the learned Presiding Officer of the trial Court; hence, the applicant has lost trust in the learned Presiding Officer, and he feels that he will not be given a fair chance to present his case.

3. Arguments heard. Record perused.

4. From perusal of record, seemingly no any concrete/ tangible evidence appears on record to substantiate their claim. With regard to the assertion of the applicant of not receiving justice due to the alleged influence of the accused party and the purported objectionable attitude of the learned Presiding Officer of the trial Court is apprehensive, and such apprehensions must be substantiated with credible evidence. Mere speculation does not suffice to warrant a transfer. Undeniably, each case is to be determined on its own merits, and prior outcomes do not automatically reflect the learned Presiding Officer’s ability to administer

justice impartially in subsequent matters. Secondly, the assertion of the applicant that he has lost faith in the learned Presiding Officer also lacks a factual basis unless supported by specific instances of judicial misconduct or unfair treatment. Regarding fair opportunity, the applicant is required to provide specific instances illustrating the denial of such an opportunity, rather than relying on general statements.

5. In the circumstances at hand, instant application for transfer seems to be meritless and is accordingly **dismissed** along with pending application(s). The trial Court is, however, directed to proceed with the cases ensuring adherence to the principles of natural justice and fair opportunities of hearing.

J U D G E

Faisal Mumtaz/PS