

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Cr. Transfer App. No. S – 83 of 2024**

*(Irshad Nawaz Khan v. The State & others)*

Date of hearing : **19.12.2024**

Date of decision : **19.12.2024**

Applicant is present in person  
Syed Sardar Ali Shah, Additional Prosecutor General  
Respondent No.4 is present in person

**ORDER**

**Zulfiqar Ahmad Khan, J.** – The applicant seeks transfer of Case No.166 of 2024, arising out of Crime No.08 of 2024, registered at Police Station Adilpur, under Sections 395, 324, 427, 147, 148 PPC, from the Court of learned Civil Judge and Judicial Magistrate (Consumer Protection Court) Ghotki to any other District viz Sukkur or Khairpur having jurisdiction.

2. At the outset, applicant submits that there are criminal litigations over the landed property between the parties and in this regard FIRs have been registered against the accused persons/ Respondents. She adds that the accused persons are influentials of the locality, and on 13.02.2024 when she went to Court along with her witnesses, they attacked her and caused injuries, as well they also misbehaved with her, which occurrence has also been reported, being FIR bearing Crime No.62 of 2024. She apprehends that there is possibility of mishap if she continues to attend the trial at the said location. She prays that aforesaid case may be transferred from the Court of learned Civil Judge and Judicial Magistrate (Consumer Protection Court) Ghotki to any other District viz Sukkur or Khairpur having jurisdiction.

3. The Learned Additional Prosecutor agrees with the version presented by the applicant. However, he submits that the aforementioned case may be withdrawn and sent to learned

Sessions Judge, Ghotki, who may assign the same to any other Court at Ghotki, having jurisdiction. At this juncture, applicant has expressed serious concerns regarding safety of herself and her witnesses as she apprehends that there is possibility of any mishap as earlier they have been attacked by the accused party.

4. The applicant has raised significant concerns about the safety of herself and her witnesses, as that the accused persons are influentials of District Ghotki and that there is a real risk of harassment or intimidation if the trial proceeds at Ghotki, which would undermine the fairness of the proceedings. The transfer of the case from Court of learned Civil Judge and Judicial Magistrate (Consumer Protection Court) Ghotki to any other District is in my view necessary to ensure the safety of the applicant and her witnesses, allowing them to participate in the trial without fear or undue pressure.

5. Additionally, transferring the case to District Sukkur would ensure judicial efficiency, besides this would avoid the possibility of any mishap or influence to the legal process, which is in the best interest of justice.

6. Keeping in view the concerns raised by the applicant and the need for a fair and efficient trial, the application is **allowed**. The Case No.166 of 2024 (*Re: The State versus Zulfiqar and others*) is withdrawn from the file of learned Civil Judge and Judicial Magistrate (Consumer Protection Court) Ghotki and transferred to learned Sessions Judge, Sukkur, who to assign the case to any Court at Sukkur for disposal thereof in accordance with the law.

J U D G E