

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 113 of 2024

(Imamuddin Mari v. The State & others)

Date of hearing : **16.12.2024**

Date of decision : **16.12.2024**

Syed Murad Ali Shah, Advocate for applicant.
Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General.

ORDER

Zulfiqar Ahmad Khan, J. – The applicant seeks transfer of Sessions Case No.482 of 2022, arising out of Crime No.49 of 2022, registered at Police Station Darya Khan Mari under Sections 302, 337Hii, 148, 149 PPC, from the Court of learned Additional Sessions Judge, Kandiaro to any other competent Court of law in District Naushahro Feroze having jurisdiction.

2. At the outset, learned counsel for the applicant contends that earlier aforesaid case was being tried by Additional Sessions Judge (MCTC) Naushahro Feroze, however the case was thereafter withdrawn by this Court from the file of Additional Sessions Judge-I (MCTC) Naushahro Feroze and transferred to Additional Sessions Judge, Kandiaro while deciding Cr. Bail Application No.S-125 of 2023, with directions to record evidence of the witnesses within three months. He adds that despite of lapse of stipulated period granted by this Court for recording evidence of witnesses, no any witness has been examined inspite of their presence on each and every date of hearing. It is further contended that both the parties belong to Naushahro Feroze so it would be very suitable for them to appear learned trial Court at Naushahro Feroze.

3. Court has been informed that the present case was initially transferred by this Court while deciding Cr. Bail Application No.S-125 of 2023 through order dated 08.12.2023 from the file of learned Sessions Judge-I (MCTC), Naushahro Feroze to learned Additional Sessions Judge, Kandiaro with direction to record the evidence of witnesses within three months. Comments have already been filed by Additional Sessions Kandiaro, which affirms the contention of learned Counsel for the Applicant

that still no any witness has been examined. Besides, it has been mentioned that connected / off shoot cases including other two Sessions Cases of same parties are also pending on the file of Additional Sessions Judge, Kandiaro and learned Presiding Officer has no objection if the aforesaid case file along with connected off shoot cases be transferred to any other court for disposal in accordance with law.

4. The applicant has expressed serious concerns about the handling of the case, as no material witnesses have been examined by the trial court despite the expiration of the stipulated time period. Furthermore, the applicant and their witnesses are encountering difficulties traveling to Kandiaro for each and every hearing, besides it is noted that both parties reside in Naushahro Feroze city. The transfer to the Court of learned 1st Additional Sessions Judge, Naushahro Feroze is necessary to ensure expeditious disposal of aforesaid case along with connected / off-shoot cases, allowing both the parties to participate in the trial.

5. Learned Deputy Prosecutor General recorded his no objection for transfer of aforesaid cases along with connected/ off-shoot cases from the court of Additional District Judge, Kandiaro to learned 1st Additional Sessions Judge, Naushahro Feroze to ensure expeditious disposal of cases relating to same parties.

6. Keeping in view the concerns raised by the applicant and the need for a fair and efficient trial, the application is **allowed**. The Sessions Case No.482 of 2022 (*Re: Imamuddin Mari versus Abdul Fateh Mari and others*) along with connected/ off-shoot cases involving similar parties is withdrawn from the file of learned Additional Sessions Judge, Kandiaro and transferred to learned 1st Additional Sessions Judge, Naushahro Feroze, who will proceed with the case in accordance with the law. This would also avoid the possibility of undue delay and streamline the legal process by having all related matters heard together, which is in the best interest of justice.

J U D G E