

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 03 of 2025

(Sajjad Hussain Kalhoro & others v. The State & another)

Date of hearing : **26.05.2025**

Date of decision : **26.05.2025**

Mr. Abdul Baqi Jan Kakar, Advocate for applicants.
Respondent No.2, Ghulam Abbas Kalhoro, present in person.
Mr. Muhammad Raza Katohar, Deputy Prosecutor General.

ORDER

Zulfiqar Ahmad Khan, J. – The present transfer application has been filed by the applicants / accused seeking transfer of Sessions Case No.437 of 2023 (*Re: The State v. Abdul Shakoor Kalhoro & others*), arising out of Crime No.02 of 2023, registered at Police Station Pippri, District Naushahro Feroze, for offences under Sections 302, 324, 114, 148, 149, 504, 337(v), 337-H(2), PPC, from the Court of learned Sessions Judge, Naushahro Feroze to the Court of learned Additional Sessions Judge, Kandiaro or learned Additional Sessions Judge-II, Naushahro Feroze.

2. Learned Counsel for the applicants has argued that earlier respondent No.2 had filed Criminal Transfer Application No. S-60 of 2024 for transfer of the same case from the Court of learned Additional Sessions Judge-I, Naushahro Feroze, which was allowed by this Court vide order dated 07.10.2024. Consequently, the matter was transferred to the learned Sessions Judge, Naushahro Feroze, for assigning it to any Additional Sessions Judge at Naushahro Feroze, with a direction to conclude the trial and pass a speaking judgment in accordance with law, preferably within a period of four months. However, it has been contended that the learned Sessions Judge, instead of assigning the case to any Additional Sessions Judge, has commenced the trial in his own Court.

Learned Counsel has further argued that there are currently four other cases pending between the parties, two of which are being tried by the learned Additional Sessions Judge, Kandiaro, and two before the learned Additional Sessions Judge-II, Naushahro Feroze. Therefore, he has prayed for the transfer of the present case to either of the aforementioned Courts for the sake of convenience.

3. Respondent No.2, who is present in person, has filed his objections stating that the present application has been filed merely to delay the proceedings and to defeat the ends of justice. He contends that the applicants are employing dilatory tactics under the garb of seeking convenience.

4. Learned DPG has supported the submissions made by respondent No.2 and added that yet another transfer application is pending before this Court, which reflects a pattern of repeated attempts by the parties to seek transfers rather than allowing the trial to proceed on merits.

5. I have heard the learned Counsel for the parties and perused the material available on record. It is not disputed that by order dated 07.10.2024, this Court had already transferred the case to the learned Sessions Judge, Naushahro Feroze, with specific instructions to assign the matter to any Additional Sessions Judge for early disposal. However, the learned Sessions Judge has chosen to retain the trial in his own Court. Be that as it may, no material irregularity or bias has been alleged or demonstrated against the Presiding Officer of the Court presently seized of the matter.

6. Furthermore, the cases referred to by the applicants as being pending between the parties are, on the face of the record, separate matters arising out of different crime numbers, pertaining to different years. As such, they do not provide a sufficient or convincing basis for

transferring the present trial. The mere pendency of multiple proceedings between the parties, before different forums, does not ipso facto necessitate a transfer, especially when the case is already being tried by a competent Court and no justifiable apprehension or cause has been made out.

7. Repeated filing of transfer applications without substantial grounds not only hampers the pace of the trial but also defeats the purpose of expeditious dispensation of justice. It is imperative that trials, especially in heinous offences such as those under Sections 302 and 324, PPC, be concluded without undue delay.

8. In view of the above, the instant transfer application is found to be devoid of merit and is accordingly **dismissed** along with pending applications. Learned Sessions Judge, Naushahro Feroze, is however directed to proceed with the trial of the case expeditiously and to decide the same preferably within a period of three months from the date of receipt of this order. It is further directed that no unnecessary adjournments be granted to either party, and every effort be made to avoid delay in the conclusion of the trial.

J U D G E

Abdul Basit