

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

*Criminal Revision application No. S-251 of 2025*  
*Muhammad Tariq vs Syed Amir Ali & Others*

DATE	ORDER WITH SIGNATURE OF JUDGES
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- Fresh Case
- 1. For order on MA No. 16053/2025 (Urgent/A)
  - 2. For order on MA No. 16054/2025 (Exemption/A)
  - 3. For hearing of main case

**24.11.2025**

Syed Yasir Ali Shah Advocate for the Applicant

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- MA No. 16053/2025: Urgency granted.
- MA No. 16054/2025: Exemption granted subject to all just exceptions.
1. Through this Criminal Revision Application, the Applicant has assailed the order dated 30.10.2025 passed by the learned Sessions Judge, Thatta in Criminal Transfer Application No. 12 of 2025, whereby the Applicant’s application under section 528-A, CrPC., seeking transfer of the case from the learned trial Court, i.e., the Judicial Magistrate, Mirpur Sakro at Gharo, to any other competent Judicial Magistrate at Thatta for disposal, was dismissed. As the learned Sessions Judge, Thatta, after hearing arguments and examining the material on record, passed the impugned order, the same has been called in question through this Revision.
2. Briefly, the Applicant, being the complainant, lodged FIR No. 35 of 2025 at Police Station Dhabeji for offences punishable under Sections 504 and 506(2), PPC, wherein Respondents No. 1 and 2 are facing trial. During the course of the trial, the Applicant alleged that at the time of the hearing, the accused/respondents issued threats to compel him to withdraw the case and even extended murderous threats. On such grounds, he sought transfer of the case from the trial Court to another Court; however, the learned Sessions Judge, Thatta declined the request, while directing the S.S.P. Thatta to ensure protection of the Applicant and his witnesses under the Sindh Witness Protection Act, 2013.

3. Learned counsel for the Applicant submits that due to the apprehension of murderous threats, the Applicant/Complainant is unable to safely appear before the concerned Court. He therefore seeks withdrawal of Criminal Case No. 222 of 2025 from the Court of the Judicial Magistrate, Mirpur Sakro at Gharo, to any other Judicial Magistrate at Thatta, in order to safeguard himself and his witnesses.

4. Heard and perused the material available on record.

5. From the record, it appears that no allegation has been levelled against the Court with respect to the transfer of the matter from one court to another. The only grievance raised by the complainant pertains to the threats allegedly extended to him. However, ample legal remedies and statutory mechanisms are available to the complainant for redressal of such concerns before the competent Courts and forums. It is also noteworthy that the learned Sessions Judge has already passed an order directing the concerned S.S.P. to take appropriate measures in accordance with the Sindh Witness Protection Act, 2013. This statutory framework provides comprehensive safeguards for witnesses who apprehend danger to their life and liberty and outlines the procedure for seeking protection through the relevant authority.

6. It is a settled principle of criminal jurisprudence that the scope of a transfer application is narrow and limited. A criminal case may be transferred only in exceptional circumstances where the applicant succeeds in demonstrating that a fair and impartial trial cannot be conducted before the Court currently seized of the matter. Mere apprehension, allegations, or subjective fears of a party without cogent, credible, and legally admissible material are insufficient to justify the transfer of proceedings.

7. The power of transfer is not meant to be invoked as a substitute for routine grievances, nor can it be exercised to accommodate the convenience or preferences of a party. Superior Courts have consistently held that the authority to transfer a criminal case must be exercised sparingly, cautiously, and only when the ends of justice so require. The applicant must show a real likelihood of bias, hostility, prejudice, or

circumstances that create a reasonable perception that justice may not be done or may not appear to be done. The Honorable Apex Court, in the case of **Pakistan Newspaper Society and others v. Federation of Pakistan (PLD 2012 SC 1)** has held that;

*"bias is said to be of three different kinds:--*

*(a) A Judge may have a bias in the subject matter*

*which means that he is himself a party or has direct connection with the litigation, so as to constitute a legal interest.*

*A 'legal interest' means that the Judge is 'in such a position that a bias must be assumed' .*

*(b) Pecuniary interest in the cause, however, slight, 'will disqualify the Judge, even though it is not proved that the decision has in fact been affected by reason of such interest. For this reason, where a person having such interest sits as one of the Judges the decision is vitiated.*

*(c) A Judge may have a personal bias towards a party owing to relationship and the like or he may be personally hostile to a party as a result of events happening either before or during the trial.*

*Whenever there is any allegation of personal bias, the question which should be satisfied is - "Is there in the mind of the litigant a reasonable apprehension that he would not get a fair trial?"*

*The test is whether there is a 'real likelihood of prejudice', but it does not require certainty."*

*'Real likelihood' is the apprehension of a reasonable man apprised of the facts and not the suspicion of fools or 'capricious persons'."*

8. In the present matter, from the face of the record, no allegation has been brought against the Court regarding any misconduct, bias, or inability to conduct a fair trial. The complainant's sole grievance pertains to alleged threats to his person. Such concerns, however, fall within the purview of other statutory and procedural remedies, including seeking protection under the relevant legal framework. In fact, the learned Sessions Judge has already directed the concerned S.S.P. to take necessary steps under the Sindh Witness Protection Act, 2013, which provides an adequate mechanism to address such fears. Therefore, the grounds raised do not fall within the legal parameters warranting the transfer of the case.

9. A criminal case should not be transferred from a court of competent jurisdiction unless the allegations or grounds seeking such

transfer are supported by strong, cogent reasons or convincing evidence. While considering a transfer application, it must be borne in mind that parties cannot be permitted to pick and choose a court of their own liking or convenience. Reliance in support of the foregoing proposition is placed upon the case of *Altaf Hussain v. The State and another*, P.L.D. 2014 Sindh 287.

10. Keeping in view the facts and circumstances of the case, there appears to be no justification for interference with the impugned order passed by the learned Sessions Judge, Thatta. Consequently, the instant Criminal Revision Application is misconceived and is hereby dismissed in *limine*.

**JUDGE**

*Amjad PS*