

ORDER SHEET  
 IN THE HIGH COURT OF SINDH, KARACHI  
 Criminal Transfer Application No. 12 of 2026

Date	Order with Signature(s) of Judge(s)
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1. For hearing of case.
2. For order on Misc. Application No. 2007/2026 (Stay Application).

22.04.2026

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 Mr. Subhan Jawed, Advocate for applicant.  
 Mr. Ali Raza Abbasi, APG.  
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By means of the instant Criminal Transfer Application, filed under Section 526 of CrPC, the applicant/accused seeks transfer of Sessions Case No.1825/2023 (Re: State v. Abdul Rahim) arising out of Crime No.362/2022, registered under Sections 302, 34, PPC at PS Docks, Karachi-West from the board of learned Additional Sessions Judge-X, Karachi-West (“**Trial Court**”) to any other Court of proper jurisdiction.

2. Learned counsel for the applicant contends that the applicant is accused in the above-mentioned case, pending trial before the Trial Court, wherein evidence of the prosecution witnesses has been recorded; however, during the proceedings of the case Trial Judge consistently displayed a harsh demeanor toward the applicant and undue favor toward the complainant party. He further contends that Sajjad was neither named as a prosecution witness in the charge sheet nor his statement under Section 161, CrPC was recorded by the IO during the investigation, yet the prosecution moved an application to summon him as a prosecution witness, prompting objections from the applicant; however, the Trial Court disregarded these objections and granted the application. He also contends that evidence of the prosecution witnesses has been recorded by the stenographer of the Trial Court in absence of the Trial Judge, thereby eroding the applicant's confidence in the Trial Judge.

3. Conversely, learned APG vehemently opposes this application. He, while referring to the comments of the Trial Judge, maintains that the prosecution has concluded its evidence, the accused's statement under Section 342, CrPC, has been recorded, and the case is now fixed for final arguments. Thus, this transfer application at this belated stage appears tainted with ill will.

4. I have heard the learned counsel for the applicant as well as learned APG for the State and perused the material available on record.

5. It is an admitted position that the subject case is now fixed for final arguments before the learned Trial Judge. It may be observed that an application for transfer must be filed at the earliest opportunity after the facts or circumstances justifying it arise. A delayed transfer application, submitted on non-bona fide grounds merely to prolong the trial, does not warrant the exercise of jurisdiction under Section 526, CrPC.

6. So far as the allegation against the Trial Judge is concerned, nothing has been brought on record in support thereof. Even no definite instances have been given. A case cannot be transferred on the vague and absurd allegations and at the whim of a party who moves application expressing no confidence in the Trial Judge desiring transfer of case. This would set up an unhealthy precedent and would be tantamount to conferring powers of transfer upon parties defeating the purpose of Section 526, CrPC.

7. For the foregoing facts and reasons, the instant Criminal Transfer Application being devoid of any merit is dismissed, alongwith listed application.