

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Transfer Application No.S-09 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on M.A No.3375/2026
2. For orders on office objection (s)
3. For orders on M.A No.3057/2026
4. For hearing of main case

30.04.2026

Mr.Loung Khan Jakhrani, Advocate for applicant

1. Granted.

2to4. Through this criminal transfer application, the applicant-Shumail Almani seeks transfer of Sessions Case No.90/2025, from the Court of learned I-Additional Sessions Judge, Tando Allahyar to any other Sessions or Additional Sessions Judge, Jamshoro or Hyderabad. However, the applicant has moved the instant Crl. Transfer Application without exercising remedy before the competent forum, i.e District and Sessions Judge, Tando Allahyar prematurely. Counsel for the applicant argues that the foundational ground for this transfer application is that the applicant has “lost his faith” in the learned trial Court because the Court’s alleged attitude and behavior, “is not good”.

Heard counsel. At the outset applicants plea comes without any substantiated material demonstrating bias, prejudice, hostility, or any conduct capable of affecting the fairness of the proceedings. An allegation in itself does not constitute a basis for transfer of a criminal case from one district to another. It is settled law that mere apprehension, subjective perception or dissatisfaction with interlocutory proceedings does not justify transfer. A party seeking transfer must demonstrate circumstances creating a real likelihood of denial of justice, bias, prejudice, etc. The present application is entirely bereft of articulating any such material. No specific order of the learned trial Court has

been pointed out, which may reflect partiality. No express instance is cited where the applicant was deprived of an opportunity of hearing or an event of any other bias.

Given the above, the basic ingredients for which this court may sympathetically consider transfer is wholly missing. Consequently, the transfer from one district to another, which is a secondary matter and arises for consideration after an initial case is made out for bias, is premature at this stage. Indeed, the additional grounds asserted by the applicant concern alleged incidents between the applicant and the complainant, including assertions of threats, harassment and pending applications before police authorities, but these are not supported by any contemporaneous documentary evidence. Even if assumed to be true these allegations do not provide a legal basis for transferring the case outside the district. In these circumstances, the application is devoid of merit and does not warrant interference in the on-going trial. No ground is made out for transfer of the Sessions Case from the Court of learned Additional Sessions Judge-I, Tando Allahyar to any other court be it to a different court within the same district or to another court beyond/outside the district of the trial Court. Accordingly, the Criminal Transfer Application is **dismissed** in limine along with listed application.

JUDGE