

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Transfer Appln. No.S-24 of 2026
(Wazir Ahmed Jiskani v. Sajjad @ Sajjad Ali & others)

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection.
- 2. For orders on M. A. No.2037/2026.
- 3. For hearing of Main Case.

Mr. Rafique Ahmed K. Abro, advocate for the applicant.

Date of hearing : 28.09.2026.
Date of Order : 28.09.2026.

ORDER.

AMJAD ALI BOHIO, J: The applicant/complainant, Wazir Ahmed Jiskani, seeks transfer of Sessions Case No.37/2026 (re: State v. Sajjad and others), arising out of Crime No.244/2024, registered at Police Station Mehar, under Sections 302, 147, 148, 149, 337-H(2), 114 and 504, PPC, from the Court of the learned 1st Additional Sessions Judge/MCTC, Dadu, to any other Court of competent jurisdiction for disposal in accordance with law.

2. Upon presentation of the above criminal transfer application, learned Counsel for the applicant was heard. He contended that the Presiding Officer had opined in open Court that he would acquit the respondents/accused, who had filed an application under Section 265-K, Cr.P.C. He, therefore, submitted that the applicant had lost confidence in the learned 1st Additional Sessions Judge/MCTC, Dadu, and had no hope of receiving justice from the trial Court. He, therefore, prayed that the aforementioned case be transferred to any other Court.

3. The applicant has placed on record a photocopy of the certified true copy of the case diary dated 11.03.2026 in support of his contention. The same reveals that accused Alam, Imtiaz, Rafique and Anwar had submitted an application under Section 265-K, Cr.P.C., whereupon notice was issued to the complainant/applicant and the case was adjourned to the next date of hearing. The application in hand does not mention the date of hearing on which the learned Presiding Officer allegedly opined that he would acquit the respondents/accused. It is well-settled that a mere apprehension in the mind of an applicant that the case may be decided in favour of the opposite party does

not constitute a sufficient ground for transferring a case from one Court to another.

4. The Hon'ble Supreme Court, in the case of *All Pakistan Newspaper Society and others v. The Federation of Pakistan and others* (**PLD 2012 Supreme Court 1**), has laid down 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'.

5. Keeping in view the aforementioned principles laid down by the Hon'ble Apex Court, it can safely be observed that the applicant has failed to establish any bias on the part of the learned Judge. The mere filing of an application under Section 265-K, Cr.P.C., does not constitute sufficient ground for transferring a case from one Court to another. The contention of the applicant that the trial Court is biased against him is not supported by any cogent evidence. Mere assumptions and apprehensions cannot be treated as tangible evidence. Therefore, a bald assertion cannot form the basis for transferring a case, nor can a case be transferred as a matter of routine or at the whims of a party. The administration of justice requires that litigants should have confidence in the judicial system. However, an application for transfer may be entertained where a party has sufficient reasons, grounds, and supporting evidence to establish pecuniary interest or bias on the part of the judicial officer. Certainly, no such circumstance or evidence is available in the case at hand.

6. Upon examination, the allegation levelled in the application reveals that no substantial or cogent evidence has been attached or annexed thereto in support of the prayer for transfer of the case. The allegation, on the face of it, is vague and unsubstantiated and lacks any material basis. A mere apprehension of not receiving justice at the hands of the Court cannot, by itself, constitute a ground for transfer of a case. That is certainly not the position of law on the subject. A party seeking to establish bias on the part of a Judge must substantiate such allegation through credible and trustworthy evidence.

7. I have carefully examined the record and find no ground justifying the transfer of the case. In view of the foregoing, the instant application is dismissed in ***limine***, along with the listed application.

JUDGE

QaziTahir PA/*