

Date _____ Order with Signature(s) of Judge(s) _____

20.10.2026

Through the instant Criminal Transfer Application, applicant /accused seeks transfer of Special Case No.27/2025, arising out of Crime No.23/2025, registered at P.S. ANF, Gulshan-e-Iqbal, under Sections 6/9(i) 3(c) CNS Act, from the Special Court-I (CNS) Karachi (**“Trial Court”**) to any other Court having jurisdiction to proceed with the matter in accordance with law.

Learned counsel for the applicant contends that during the cross-examination of PW-1/Arif Lodhi, the Trial Court did not allow his question, which has caused prejudice to applicant; hence, he has lost confidence in the Presiding Officer of the Trial Court.

On the other hand, learned Special Prosecutor ANF states that the question put by the counsel for the applicant was relating to question of law regarding the application of certain provisions during investigation of the case, which was rightly disallowed by the Trial Court.

Heard, record perused.

It reflects from the perusal of the deposition of PW-1/Arif Lodhi that the Presiding Officer did not allow one question of learned defence counsel in cross-examination of said PW by recording the following reason:-

“The learned counsel ask a question as to whether as per Article-18(4) of Police Rules the Complainant can become Investigating Officer. Since this is a legal question and the reply of the witness would not change the legal application of aforesaid article, therefore, this question is not allowed”.

No doubt, right of cross-examination is of particular importance for accused in criminal trial involving their life and liberty depending on verbal statement of witnesses deposing against them. However, the Court is required to discourage the irrelevant and lengthy cross-examination. The Court is duty bound to direct counsel to confine himself to relevant question relating to facts of the case. Where the question put in the cross-examination does not pertain to any fact relating to the case but of the law the Court may disallow such question, which does not constitute any bias.

It may be observed that questions on pure points of law generally cannot be put to ordinary witness during cross-examination and the application of law are the exclusive domain of the Judge. However, questions involving mixed questions of law and fact, or legal queries directed at designated expert witnesses, within their field may be posed.

It may also be observed that self-procured mistrust and expression of no confidence in the Court on alleged ground cannot be encouraged to transfer a case from the Trial Court, particularly where no allegation of partisanship for reason of any type of adverse interest is proved.

For the foregoing facts and reason, the instant Criminal Transfer Application is dismissed being devoid of any merit.

CHIEF JUSTICE

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