

# IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Transfer Application No. 81 of 2025

Applicant : Ahmed Nawaz Solangi s/o  
Muhammad Roshan Solangi, present  
in person through Mr. Razzaq Rahim  
Shaikh, Advocate

Accused Aftab Ahmed Memon, Sub-  
Engineer (6), and Co-accused,  
Mohammad Ayoub Soomro, present  
in person

Respondent No.1 : The State through Mr. Muhammad  
Ahmed, Assistant Attorney General.

Respondent No.2 : Saadullah, Nemo

Date of Hearing : 29.08.2025

Date of Decision : 25.09.2025

## ORDER

**Jawad Akbar Sarwana, J.:** On 19.07.2025, one of the co-accused, Ahmed Nawaz Solangi in Crime No.17 of 2014 registered in P.S. FIA Crime Circle, Sukkur filed this Criminal Transfer Application No.81/2025 under Section 526 Cr.P.C. before the High Court seeking the transfer of the (old) Special Case No.09/2014 (**Re. The State v. Abdul Hameed & Others**) from the Court of the learned Special Judge Anti-Corruption (Central) Sukkur to Special Judge Anti-Corruption (Central) Hyderabad. Counsel for the applicant contended that the Special Case No.09/2014 was proceeding in Hyderabad as above, when the Province established the Court of Special Judge Anti-Corruption Court (Central) at Sukkur, due to which all the cases of Sukkur jurisdiction, including the Special Case No.09/2014 stood transferred from the Special Judge Anti-Corruption (Central) Hyderabad to Special Judge Anti-Corruption (Central) Sukkur. The Counsel contended that the trial “was almost concluded” in Hyderabad in the Special Case No.09/2014, before the said case, along with all the rest of the cases pertaining to Sukkur jurisdiction, was

ordered to be transferred to the Special Judge Anti-Corruption (Central) Sukkur. He argued that Special Case No. 09/2014 should be decided by the Special Judge in Hyderabad, rather than by the Special Judge in Sukkur. He submitted that the Special Judge who was hearing the matter in Hyderabad was/is a more convenient forum. Finally, Counsel contended that the applicant/co-accused will suffer irreparable loss and injury due to further delay in proceedings which will be caused because of the transfer of the case from the Special Judge Anti-Corruption (Central) Hyderabad to be heard afresh by the Special Judge Anti-Corruption (Central) Sukkur.

2. Heard Counsel for the applicant/accused, and learned AAG. I have perused the information available in the transfer application file and perused the Police/FIA file. The FIR No.17/2014 was registered on 25.02.2014 in FIA Crime Circle, Sukkur, against 25 named accused on a complaint received from Respondent No.2/Saadullah, resident of Choharpur, District Larkana – a government contractor registered with Pakistan Public Works Department, Larkana – under sections 409, 109 PPC. Thereafter, a charge was framed on 11.01.2016, by the Special Judge (Central), Hyderabad. According to the copy of the diary sheet of Special Case No. 09/2014 available in this Transfer Application, and almost a decade later, the matter is still being listed for the cross-examination of the PWs as of 15.05.2025. Furthermore, most of the accused in the Police/FIA File are shown as absconders. Meanwhile, the applicant has also filed an application under Section 249-A of the Cr.P.C. in the Court of the Special Judge, Anti-Corruption (Central), Hyderabad.

3. In the above circumstances, no real cause is made out for retaining the Special Case No.09/2014 before the Special Judge Anti-Corruption (Central) Hyderabad, and certainly there is no ground for having it heard before the same Special Judge when there is still some way to go for even the evidence to be completed. Over the years,

several Special Judges of the Courts of Anti-Corruption (Central) in Hyderabad have presided over the hearing of this Special Case No.09/2014, and no special case is made out for the current Special Judge at Hyderabad to continue hearing the matter pertaining to the Sukkur jurisdiction. If more than one Special Judge has heard the case so far, there is no reason articulated in this transfer application that any other Judge hearing the case will prejudice the matter. Indeed, even in Hyderabad, a different Special Judge could potentially hear this matter too. Therefore, if a different Special Judge may hear the case, who may be a different Special Judge from the present Special Judge in Hyderabad, there's no reason why the Special Judge in Sukkur cannot hear this case. There is nothing on record in the Police/FIA file which justifies not treating this case at par with the rest of the cases pertaining to Sukkur jurisdiction, which are/were pending in Hyderabad and are lined up for transfer to the Special Judge Anti-Corruption Court (Central), Sukkur. In many cases, such as Special Case No. 09/2014 pertaining to the Sukkur jurisdiction, hearings were held in Hyderabad because there was no Court of Special Judge Anti-Corruption (Central) in Sukkur. No good cause is made out to make an exception, to single out this case, and to exclusively restrain its transfer out of all the remaining cases pertaining to the Sukkur Jurisdiction, which were previously being heard by the Special Judge Anti-Corruption (Central), Hyderabad. The principle of fairness and transparency requires consistency to be maintained in all matters of the Court, including the transfer of cases. When no justification is made to make an exception and disapply a rule or process applicable to all, then there is no reason for this bench to exercise discretion and withhold a Sukkur jurisdiction case in Hyderabad, meant to be heard by the Special Judge Anti-Corruption (Central), Sukkur. No cause is made out in the transfer application.

4. Given the above, I do not find any reason for the (old) Special Case No.09/2014 to be continued to be retained by the learned Special

Judge Anti-Corruption (Central) Hyderabad and for it not to be transferred to the Special Judge Anti-Corruption (Central) Sukkur as is the case with all cases pertaining to Sukkur jurisdiction meant to be moved from Hyderabad to Sukkur after the Province has established the Special Judge Anti-Corruption (Central) Sukkur. **Accordingly, for the above reasons, this transfer application is hereby dismissed.**

**J U D G E**