

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Transfer A. No.S-40 of 2018.

Muhammad Jaffar Hussain.Applicant.

Versus.

Learned Sessions Judge, Hyderabad
and others.Respondents.

Mr. Qadir Bux Ghirano, Associate of Mr. Ali Ahmed Palh, Advocate
for the applicant.

Ms. Sobia Bhatti, A.P.G.

Mir Shakir Ali Talpur, Advocate for respondents No.2 and 7.

Date of hearing and order: 27.06.2018.

ORDER

IRSHAD ALI SHAH, J.-. The applicant by way of instant criminal transfer application under section 526 Cr.P.C. has sought for transfer of Sessions Case No.308/2016, pending on the file of learned Sessions Judge, Hyderabad to any of the Court of competent jurisdiction at Tando Allahyar.

2. Learned counsel for the private respondent has questioned the maintainability of the instant application by contending that the applicant is neither complainant nor any of the accused of the case to seek its transfer.

3. In response to above, it is stated by the learned counsel for the applicant that the applicant being witness of the incident and father of the complainant is very much competent to seek transfer of the case.

4. Learned APG sought for dismissal of the instant application being incompetent and misconceived.

5. I have considered the above arguments and perused the record.

6. Admittedly, the applicant is neither complainant nor accused of the case, as such he could not be permitted to seek transfer of the case being witness and / or father of the complainant.

7. The instant application being misconceived is dismissed accordingly.

JUDGE