

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Transfer Appln. No. S – 119 of 2020

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Date

Order with Signature of Hon'ble Judge

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**For hearing of main case**

(notice issued and comments, received)

**29.01.2021**

Mr. Muhammad Ali Dayo Advocate for the Applicant  
Mr. Shafi Muhammad Mahar, DPG for the State

**ORDER**

**Aftab Ahmed Gorar, J;** Through instant Criminal Transfer Application, the applicant/accused seeks transfer of Special Case No.128/2020 re- State vs. Muhammad Ramzan from the file of learned Additional Sessions Judge, Thari Mirwah to any other Court of law, having jurisdiction in District Ghotki, on the ground that the learned trial Court while recording the evidence of PC-Jinsar Ali being well-conversant with the signature of complainant SIP Ashique Ali Dasti of has incorporated the entire facts of the FIR at its own.

2. It is contended by learned counsel for the applicant/accused that the trial Court while recording the evidence of PC-Jinsar Ali being well conversant with the signature and hand-writing of complainant SIP Ashique Ali Dasti has incorporated the entire facts of the FIR in the his evidence, which definitely would be used against the applicant/accused under all circumstances; that there is no provision under the law that the contents of

the FIR can be reproduced through well-conversant of the signature, whereas, the complainant SIP Ashique Ali Dasti has not come in the witness box; that the applicant has apprehension that he would not get justice from the learned Presiding Officer of the trial Court, hence he has lost faith upon the learned trial Judge. He lastly prayed that it would be convenient for the applicant/accused, if the case may be transferred to any other Court of law having jurisdiction in District Khairpur for trial.

3. Learned DPG for the State opposed the transfer application by contending that the applicant/accused is avoiding to proceed with the case, therefore, using the delaying tactics.

4. I have heard the learned counsel for the applicant/accused and learned DPG for the State. Admittedly, the case is pending trial since 2020 and the charge against the accused persons has been framed; that the examination-in-chief of all the prosecution witnesses has been recorded by the trial Court, whereas, the case is being adjourned for want of cross-examination by the defence counsel. The learned trial Judge has denied the allegations leveled in the transfer application. It is rightly being contended by learned DPG for the State that the applicant/accused is using the delaying tactics. In such circumstances, no cogent ground for transfer of the case is made-out. Accordingly, the instant Criminal Transfer Application is dismissed.

Judge