

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Transfer Appln. No. S – 40 of 2020

Date

Order with Signature of Hon'ble Judge

For hearing of main application

Letter sent for report

Comments received

14.12.2020

Mr. Ubedullah Ghoto Advocate for the Applicant/complainant

Mr. Muhammad Tarique Maitlo, Advocate for private respondents/accused

Mr. Khalil Ahmed Maitlo, DPG for the State

ORDER

Aftab Ahmed Gorar, J; Through instant Criminal Transfer Application, the applicant/complainant seeks transfer of Sessions Case No.494/2019 re-State vs. Muhammad Zafar Kaleri and others under Sections 302, 148, 149 PPC arising out of FIR No.20/2019 of Police Station, Khuhra, from the file of learned Additional Sessions Judge, Gambat to any other Court in Khairpur on the ground that there is serious threat to the lives of the complainant and P.Ws while attending the trial Court.

2. It is contended by learned counsel for the applicant/complainant that the father of the applicant/complainant namely Sardar Ali was murdered by the private respondents including absconding accused, whereas, the applicant and his mother Mst. Hazoran and sister Mst. Azra have been shown as eyewitnesses of the incident; that the complainant and PWs at present are residing at Irrigation Colony Town, Taluka and District Ghotki;

that the private respondents are criminal type persons and the sons and brothers of the private respondents are criminal type and they are absconders in cases and are issuing threats to the complainant and PWs Mst. Hazooran and Mst. Azra whereas absconding accused Badar is roaming in the Gambat Town; that there is serious apprehension to lives of the complainant and PWs at Gambat, hence in such a scarcity it is very difficult for the complainant and PWs to attend the trial Court and for recording their evidence. He lastly prayed that the case may be transferred from the Court of Additional Sessions Judge, Gambat to Khairpur.

3. Learned counsel for the private respondents as well as learned DPG for the State prayed for dismissal of the instant Criminal Transfer Application by contending that there is no such threat issued to the applicant/complainant by the private respondents, whereas, the charge has been framed in the case, the applicant/complainant just to linger on the matter has filed the instant Criminal Transfer Application; that so far as the threats are concerned that can be issued anywhere.

4. I have heard the learned counsel for the private parties, learned DPG for the State and also perused the comments furnished by the learned trial Court. Admittedly, the applicant/complainant and private respondents are related to each other, whereas, the private respondents have issuing threats to the applicant/complainant and PWs. Mst. Hazoran and Mst. Azra being the mother and sister of the applicant/complainant. Some of the accused persons are still absconding, who are allegedly issuing threats to

the applicant/complainant, hence the applicant/complainant and PWs Mst. Hazooran and Mst. Azra are finding themselves unsafe while attending the trial Court i.e. Additional Sessions Judge Gambat and in such scarcity, it would not be easier for them to give evidence. In view of the above and for safe administration of justice, the instant Criminal Transfer Application is allowed. Consequently, the Criminal Case No.494/2019 re- State vs. Muhammad Zafar Kaleri and others is withdrawn from the file of learned Additional Sessions Judge, Gambat and assigned to the Court of learned Sessions Judge, Khairpur, who shall either try the same himself and / or entrust it to any other Additional Sessions Judge in Khairpur (Headquarter) for its disposal in accordance with law.

Judge

ARBROHI