

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Transfer A.No.S- 08 of 2021

Date of hearing	Order with signature of Judge.
-----------------	--------------------------------

- 1.For orders on MA 967/21.
2.For hearing of main case

01-03-2021

Mr. Rafique Ahmed Muhammadi Advocate for Applicant.

The applicant/accused by way of instant Criminal Transfer Application under Section 526 Cr.P.C have sought for transfer of his Sessions Case from the Court of learned Additional Sessions Judge, Pano Akil to any other competent Court of law having jurisdiction mainly for the reasons that the applicant has lost faith upon learned Presiding Officer to get the justice, as in the earlier round of trial, he was convicted and sentenced by learned Presiding Officer, however, in Crl. Appeal No.S-54 of 2018 preferred by him, the said conviction and sentenced were set-aside by this Court vide judgment dated 11.11.2019 and the matter was remanded to learned trial Court for recording of statement of accused in terms of Section 342 Cr.PC afresh by putting all the incriminating pieces of evidence to accused for explanation/reply.

No doubt, the applicant was convicted and sentenced by learned Presiding Officer in earlier round of trial, but the said conviction and sentence were set aside by this Court and the matter was remanded to learned trial Court for recording of the statement of applicant/accused afresh by putting all the incriminating pieces of evidence, therefore, mere apprehension in the mind of applicant that he would not get justice at the hands of learned Presiding Officer is no ground for

transfer of the case. The material placed on record by the learned counsel for the applicant does not show any mala fide on the part of the Presiding Officer of the trial Court. Apprehension must be reasonable and the reasonableness is to be decided at the peculiar facts and circumstances of each case, hence all the contentions are totally misconceived and contrary to law.

In these circumstances, the instant Crl. Transfer Application being misconceived stands dismissed in limine.

ahmad

JUDGE