

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 09 of 2025

*(Mir Nawaz Kalhoro v. Khadim Hussain Kalhoro & others)*

Date of hearing : 17.02.2025

Date of decision : 17.02.2025

Applicant/ Complainant Mr. Mir Nawaz Kalhoro, Advocate in Person

**ORDER**

**Zulfiqar Ahmad Khan, J.** – Through this Criminal Transfer Application under Section 526 Cr.P.C, Applicant / Complainant has prayed for transfer of Sessions Case No.199/2022, arising out of Direct Complaint No.07/2022, registered at P.S. Moro, for an offence under Section 500, 34 PPC, from the Court of learned 2<sup>nd</sup> Additional Sessions Judge, Naushahro Feroze to any competent Court of law having jurisdiction.

2. Applicant / Complainant, being an advocate, is present in person has contended that he has worried that he would not get justice because of the accused party's influence and the trial Court's questionable behavior. It is alleged that during hearing of the aforesaid case, the attitude of the learned Presiding Officer is adverse against him. Moreover, it is also alleged that the respondents have approached the learned Presiding Officer of the trial Court; hence, he has lost trust in the learned Presiding Officer, and he feels that he will not be given a fair chance to present his case.

3. On admission, notices were issued to the Respondents as well comments have also been called from concerned Sessions Judge, which have been received, available on record. Pursuant to Court's Notice, Mr. Ghulam Sarwar Lund, advocate has filed Vakalatnama on behalf of Respondents No.1 & 3 and statement annexing case diaries, taken on record, and submits that allegations raised by applicant/ complainant are based on mere speculation lack substantial evidence. He further agitates that case has been fixed for final arguments, however complainant, in order to defeat the interest of justice, are using delaying tactics by moving adjournment application so that yet matter could not be concluded.

4. Arguments heard. Record perused.

5. From perusal of record, seemingly no any concrete/ tangible evidence appears on record to substantiate the applicant's claim. With regard to the assertion of the applicant / complainant of not receiving justice due to the alleged influence of the accused party and the purported objectionable attitude of the learned Presiding Officer of the trial Court is apprehensive, and such apprehensions must be substantiated with credible evidence. Mere speculation does not suffice to warrant a transfer. Secondly, the assertion of the applicant that he has lost faith in the learned Presiding Officer also lacks a factual basis unless supported by specific instances of judicial misconduct or unfair treatment. Comments received from the trial Court also suggest that the matter is being fixed for arguments but the applicant/ complainant has failed to appear to argue his case. Regarding fair opportunity, the applicant is required to provide specific instances illustrating the denial of such an opportunity, rather than relying on general statements.

6. In the circumstances at hand, instant application for transfer seems to be meritless and is accordingly **dismissed** along with pending application(s). The trial Court is, however, directed to proceed with the cases ensuring adherence to the principles of natural justice and fair opportunities of hearing.

J U D G E

Faisal Mumtaz/PS