

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 15 of 2025

(Irshad Nawaz Khan v. The State & others)

Date of hearing : **21.03.2025**

Date of decision : **21.03.2025**

Applicant is present in person

Mr. Mujeeb-ur-Rehman, Respondent No.3 is present in person

Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General

ORDER

Zulfiqar Ahmad Khan, J. – The applicant seeks transfer of Sessions Case No.137 of 2024, arising out of Crime No.62 of 2024, registered at Police Station A-Section Ghotki, under Sections 114, 337-A(i), 337(F(i), 354-A, 506/1, 34, 337-L(ii) PPC, from the Court of 2nd learned Additional Sessions Judge, Mirpur Mathelo to any other District viz Sukkur or Khairpur having jurisdiction.

2. At the outset, applicant submits that there are criminal litigations over the landed property between the parties and in this regard FIRs have been registered against the accused persons/ Respondents. She adds that the accused persons are influentials of the locality, and on 13.02.2024 when she went to the Court along with her witnesses, they attacked her and caused injuries, as well they also misbehaved with her. She apprehends that there is possibility of mishap if she continues to attend the trial at the said location. She also showed some pictures through her mobile phone where the accused persons are giving inappropriate gestures to her. In the end, she prays that aforesaid case may be transferred from the Court of 2nd learned Additional Sessions Judge, Mirpur Mathelo to any other District viz Sukkur or Khairpur having jurisdiction.

3. The Learned Deputy Prosecutor General agrees with the version presented by the applicant. However, he submits that the

aforementioned case may be withdrawn and sent to learned Sessions Judge, Ghotki, who may assign the same to any other Court at Ghotki, having jurisdiction. At this juncture, applicant has expressed serious concerns regarding safety of herself and her witnesses as she apprehends that there is possibility of any mishap as earlier they have been attacked by the accused party.

4. The transfer of the case from Court of 2nd Additional Sessions Judge, Mirpur Mathelo to any other District is in my view necessary to ensure the safety of the applicant and her witnesses, allowing them to participate in the trial without fear or undue pressure. Additionally, transferring the case to District Sukkur would ensure judicial efficiency, besides this would avoid the possibility of any mishap or influence to the legal process, which is in the best interest of justice.

5. The applicant, a practicing lady advocate, has faced intimidation and inappropriate conduct from the accused during the Court proceedings, which has been substantiated through photographic evidence shown through her mobile phone. The involvement of a female lawyer's dignity and security necessitates a fair and harassment-free legal environment, which is now compromised at the current Court. In this backdrop, this Court is recalling the accused's bail, and he is taken into custody and remanded to concerned prison, with direction to produce before the trial Court on each and every date of hearing.

6. With these observations, the transfer application is **allowed**. The Case No.62 of 2024 (*Re: The State versus Irshad Nawaz and others*) is withdrawn from the file of 2nd learned Additional Sessions Judge and transferred to learned Sessions Judge, Sukkur, who to assign the case to any Court at Sukkur for disposal thereof in accordance with the law. Concerned Sessions Judge is directed to

make sure availability of police men in the Court to protect the applicant. The concerned Court is competent to take further actions in accordance with law against other accused persons, if they continue to harass or intimidate the applicant by recalling the concession of bail, least to say.

J U D G E

Faisal Mumtaz/PS