

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 100 of 2024

(Majid Ali Kalwar & others v. The State & others)

Date of hearing : 21.10.2024

Date of decision : 21.10.2024

Mr. Shamsuddin Kobhar, Advocate for applicant.

ORDER

Zulfiqar Ahmad Khan, J. – Through this Criminal Transfer Application under Section 526 Cr.P.C, Applicants have prayed for transfer of Sessions Case No.444/2023, arising out of FIR No.23/2023, registered at P.S. Adilpur, for an offence under Sections 337-A(i), 337-F(i), 337-F(ii), 114, 395, 506/2 PPC (re-State vs. Rehmatullah and others), from the Court of learned 2nd Additional Sessions Judge to any competent Court of law having jurisdiction.

2. Learned Counsel for the applicants has contended that the applicants have worried that they would not get justice because of the Complainant 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 the applicants and co-accused. Moreover, it is also alleged that the respondents have approached the learned Presiding Officer of the trial Court; hence, the applicants have lost trust in the learned Presiding Officer, and they feel that they will not be given a fair chance to present their case.

3. Arguments heard. Record perused.

4. From perusal of record, seemingly no any concrete/ tangible evidence appears on record to substantiate their claim. With regard to the assertion of the applicants of not receiving justice due to the alleged influence of the Complainant 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. Undeniably, each case is to be determined on its own merits, and prior outcomes do not automatically reflect the learned Presiding Officer's ability to administer justice impartially in subsequent matters. Secondly, the assertion of the applicants

that they have lost faith in the learned Presiding Officer also lacks a factual basis unless supported by specific instances of judicial misconduct or unfair treatment. Regarding fair opportunity, the applicants are required to provide specific instances illustrating the denial of such an opportunity, rather than relying on general statements.

5. 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