

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 101 of 2024

(Majid Ali Kalwar 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, Applicant has impugned the order dated 02.09.2023, passed by learned Sessions Judge, Ghotki, whereby an application preferred by the present applicant for seeking transfer of Criminal Direct Complaint No.106/2023 (re-Nisar Ahmed vs. Rehmatullah and others), from the Court of learned 2nd Additional Sessions Judge to any competent Court of law having jurisdiction, has been dismissed.

2. Learned Counsel for the applicant has contended that the applicant is worried that he would not get justice because of the Complainant party's influence and the trial Court's questionable behavior. It is alleged that on 17.08.2024, the Respondent No.1 was present in the corridor of the court premises of learned Additional Sessions Judge-II, Ghotki and he disclosed before the present applicant that he is in contact with Presiding Officer and will get favourable order. Moreover, it is also alleged that the respondents have approached the learned Presiding Officer of the trial Court; hence, the applicant 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. Arguments heard. Record perused.

4. It appears that the assertion of the applicant 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. Moreover, unfounded claims of corruption cannot serve as valid grounds for transferring a

case. 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. The assertion that the applicant has 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 applicant is 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