

IN THE HIGH COURT OF SINDH, KARACHI
Crl. Transfer Application No.145 of 2025

Applicant : Ashok Kumar S/o Raju Mal, through Mr. Muhammad Sajjad, Advocate.

Respondents No. 1 & 2 : The State and XVth Judicial Magistrate, Karachi-South, respectively, through Mr. Abrar Ali Khichi, Addl. Prosecutor General, Sindh a/w PI-Hameedullah Niazi, SIO of P.S. City Court, Karachi and PI-Abdul Ghaffar of P.S. Risala, Karachi.

Respondent No.3 : Ashfaq Ahmed s/o Gul Hassan Shaikh, in person.

Date of hearing : 30.01.2026

Date of order : 30.01.2026

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ZAFAR AHMED RAJPUT, CJ.- Through the instant Criminal Transfer Application, the applicant/accused, Ashok Kumar s/o Raju Mal, seeks transfer of Crl. Case No. 1003/2025 from the Court of 1st Addl. Sessions Judge, Karachi-South (**“Trial Court”**) to the Jail Court, Karachi.

2. Learned counsel for the applicant contends that the respondent No.3, namely, Ashfaq Ahmed is an advocate who, on 07.05.2025, lodged an F.I.R. bearing No. 252/2025 against the applicant under sections 420/34, PPC at P.S. Clifton, by narrating an incident dated 03.12.2018; that the applicant obtained interim pre-arrest bail from this Court in Criminal Bail Application No. 1528/2025 and appeared before the Trial Court, where, on 29.10.2025, he was mercilessly beaten by the respondent/complainant and his companion advocates; thereafter, he was falsely implicated by him in Crime No. 153/2025, registered at P.S. City Court, Karachi, under sections 337-A(i), 324, 147, PPC, read with sections 3-4 of the Lawyers Protection Act, 2023; that since the respondent/complainant is an advocate, the applicant has serious apprehensions and threats to his life at the hands of the respondent and his companion advocates; hence, the instant Criminal Transfer Application has been preferred.

3. Conversely, respondent No.3 maintains that it was, in fact, the applicant/accused who attacked him in the City Court along with his companions and he was rescued by his colleague advocates.

4. Heard and record perused.

5. It goes without saying that every accused person has an inalienable right to a fair trial as well as to protection of life and limb, irrespective of the nature of allegations leveled against him. A lawyer taking the law into his own hands not only violates this constitutional protection but also commits a gross breach of professional ethics, as he is expected to uphold the rule of law and to conduct himself as an officer of the Court by using his intellect and legal reasoning rather than by use of force. Even if a lawyer appears in his personal case and uses physical force against his accused/opponent, he ceases to be an officer of the Court and becomes an agent of lawlessness, causing damage to societal belief in a fair and civilized legal system.

6. It may be observed that recent incidents in Pakistan, particularly in Karachi, have highlighted cases wherein the lawyers have engaged in physical violence against their opponents/private party or *vice versa* within the court premises. Such incidents, sometimes referred to in specific context as “*Wugla-Gardi*” (lawyers’ vandalism), undermine the sanctity of judicial proceedings and erode public confidence in the justice delivery system. Physical assault on an accused by a complainant, who is himself an advocate, constitutes grave professional misconduct and has far-reaching adverse consequences for the credibility of the legal fraternity as a whole.

7. It may also be observed that when legal professionals resort to physical force or intimidation, it conveys a dangerous message that disputes cannot be resolved through lawful means and that might prevails over right. Such conduct tarnishes the reputation of the legal fraternity, discourages litigants from seeking

recourse through courts, and weakens societal faith in the rule of law, which is the cornerstone of a civilized justice system.

8. In the case of *Syed Basit Hyder Taqvi v. The State (PLD 2026 SC 75)*, the Apex Court has observed, as under:

“8..... Increasingly, small groups of lawyers have begun to treat the criminal process as a tool for exerting pressure rather than as a mechanism for justice. Lawyers are not only representatives of their clients but also officers of the court and servants of the public interest. This dual role requires a careful balance between protecting a client's rights and upholding the integrity of the justice system. Unfortunately, recent practices show that this balance is at times being lost, for instance, when advocates pressurize the police into lodging FIRs and act as pressure groups on matters that are essentially fee disputes or other civil controversies, thereby converting private disagreements into criminal cases. This practice corrodes professional standards, undermines public trust in the black coat, and, when coupled with a lack of careful scrutiny by law enforcement agencies, further erodes respect for the justice system. The credibility of the Bar rests not on the force it can apply, but on its adherence to law, ethics, and the confidence the public continues to place in it.”

9. In view of the foregoing, and considering that both parties have alleged physical altercations within Court premises against each other, it is necessary to take preventive measures to ensure their safety and security and to preserve the integrity and dignity of judicial proceedings. Therefore, in the interest of justice and to avoid any risk of intimidation, Crl. Case No. 1003/2025 is withdrawn from the Trial Court i.e. 1st Addl. Sessions Judge, Karachi-South and transferred to the Court of IVth Addl. Sessions Judge, Karachi-South, located in Central Prison, Karachi, for trial in accordance with law.

Crl. Transfer Application stands disposed of.

CHIEF JUSTICE