

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Transfer Application No.74 of 2026

Date

Order with Signature(s) of Judge(s)

1.For hearing of case.

2.For hearing of M.A. No.12312/2026.

06.10.2026

Mr. Ameet Kumar, Advocate for the applicant.

Mr. Abrar Ali Khichi, Addl. Prosecutor General Sindh.

Through the instant Criminal Transfer Application, applicant/ accused seeks transfer of Sessions Case No.470/2025, arising out of Crime No.11/2025, registered at P.S. Kot Shahoo District Shikarpur, under Sections 302/201/506B/148/149/337H2, P.P.C., from the Court of IInd Additional Sessions Judge, Shikarpur, to any other Court of competent jurisdiction.

The respondent No.2, despite service chose to remain absent. On 29.09.2026, the matter was adjourned for today for her appearance; however, she has failed to make her appearance.

Learned counsel for the applicant/accused, while inviting the attention of the Court to the subject FIR, (*available as annexure-A at pages 13-15 of the memo of application*), states that admittedly the parties have murderous enmity with each other and the applicant/accused has serious threats to his life in Shikarpur; therefore, he seeks transfer of the subject case from the District Shikarpur to any other nearest District.

Learned Additional Prosecutor General Sindh concedes to the fact that the parties have murderous enmity with each other.

It may be observed that in a normal situation, simply on apprehension of the applicant for danger to his life, a murder case

cannot be transferred. However, such ground is to be adjudged applying the objective test, taking into account totality of the circumstances of a case and not the subjective visualization. In the instant case the applicant is nominated in a murder case. It is an admitted position that there exists murderous hostility between the parties; hence, apprehension alleged by the applicant is not unfounded, baseless or unjustified. Therefore, in the peculiar circumstances of the case, I allow this criminal transfer application. Consequently, the subject case is withdrawn from the board of the IInd Additional Sessions Judge, Shikarpur and transferred to District Sukkur, with a direction to the learned District & Sessions Judge, either to proceed with the matter himself or to assign the same to any other Court of Additional Sessions Judge for its disposal in accordance with law.

The instant Criminal Transfer Application stands disposed of alongwith listed application.

CHIEF JUSTICE