

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Transfer Application No.S-32 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Sahib Khan Chadhar S/O Khan Muhammad
Through **Mr.Imtiaz Ali Chadhar Advocate.**

The State: Through **Mr. Imran Mobeen Khan, Assistant
Prosecutor General Sindh..**

Date of hearing & order: **12.10.2026.**

Suresh Kumar J:- This criminal transfer application has been filed by the applicant/complainant Sahib Khan Chadhar for transfer of the Session Case No.490/2025 (Re: State.Vs. Khadim Suhag and others), bearing Crime No.549/2025 for offences punishable U/Ss 302,324,114,148,149,337-A(i), 337-H(ii), PPC, registered at PS B-Section Khairpur, from the Court of learned 3rd.Additional Sessions Judge, Khairpur to any other Court having jurisdiction.

2. The relevant facts of the case, in a nutshell, are as follows: On 26 December 2024, the applicant/complainant, Sahib Khan Chadhar, lodged an FIR with the Police Station B-Section Khairpur against the private respondents/accused, Khadim Hussain and others. In the FIR, it was stated that the nominated accused, along with unknown culprits armed with deadly weapons, committed the murder of his nephew, Kamran, and also caused injuries to Jinsar Ali by firing. Following the submission of the challan, the case was transferred to the Court of the learned 3rd Additional Sessions Judge, Khairpur, where it is currently pending adjudication. During the proceedings before the trial court, the applicant/complainant allegedly lost confidence in the trial court; therefore, he has filed the present transfer application seeking the transfer of the case.

3. After filing of this application, notice issued to the respondent so also learned DPG and comments were called from learned trial Court.

4. I have heard learned counsel for applicant/complainant, learned APG, Sindh for State, while none appeared for private respondents/accused.

5. Learned counsel for the applicant/complainant has contended that the applicant/complainant has lost confidence in the learned trial court due to the passing of favorable orders in favor of the accused and the issuance of bailable warrants against the applicant/complainant. He has also contended that the adverse attitude of the learned presiding officer has prejudiced the applicant/complainant. Furthermore, he has asserted that the trial court has given undue favor to the private respondents/accused. Lastly, he has requested that the application be allowed and that the case be transferred from the trial court to any other competent court in District Khairpur having jurisdiction.

6. Learned APG for the State has opposed the instant transfer application and submitted that not reasonable ground or cause has been shown to justify the transfer of the case from trial Court to any other Court.

7. Having given due consideration to the arguments advanced by the respective parties' counsel and perusing the relevant record, it reveals that the applicant/complainant has lost confidence in the trial court due to the passing of favorable orders in favor of the private respondents by the trial court. It is well-settled law that merely having an adverse judicial order passed against any party will not, by itself, be a sufficient ground for the transfer of the case, as the aggrieved person has the remedy to challenge the order before a higher forum. In this regard, reliance is placed upon the cases of *Syeda Ruqiya Shah v. Abdul Shakoor and others* (2018 P.Cr.L.J-1211), *Abdul Latif v. Syed Kousar Ali Bukhari and others* (2017 YLR 1985), and *Lutifulah v. The State* (2000 P.Cr.L.J 1635). Even otherwise, a party cannot claim the transfer of a case as a matter of routine or as a matter of right, unless it is shown from the record that, under the circumstances, a free and fair trial is not apparent on the face of it. In this regard, reliance is placed on the case of *Amir Altas Khan v. The State* (2002 SCMR 709). No other substantive material has been

brought on record to suggest that the learned trial judge is either prejudiced or biased against the applicant/complainant, which may justify the transfer of the case. This Court has repeatedly held that presiding officers are to be protected equally from frivolous transfer applications in order to achieve transparent and even-handed justice. In this regard, reliance can be placed upon the case of *Sain Rakhio v. Abdul Ghaffar and five others* (2011 CLC 1160).

8. In view of the above discussion and the guidance taken from the case law, I am of the considered opinion that no case for the transfer of the case has been made out. Consequently, the instant Transfer Application is dismissed.

J U D G E

Hizbullah .