

Date _____ Order with Signature(s) of Judge(s) _____

12.10.2026

Through the instant Criminal Transfer Application, applicant /accused seeks transfer of Sessions Case No.3333/2021, arising out of Crime No.285/2021, registered at P.S. Al-Falah, under Sections 302/109/34, P.P.C., from the Court of 1st Additional Sessions Judge, East-Karachi-M.Cr.T.C, Karachi (**“Trial Court”**) to any other Court having jurisdiction to proceed with the matter in accordance with law.

Learned counsel for the applicant contends that the Deputy District Public Prosecutor of the Trial Court, at the behest of the respondent No.2/complainant, filed an application for amalgamation of the subject case with the Case No.3700/2022, whereupon the counsel for the applicant raised objections and pointed out that such amalgamation would result into a re-trial of the case; however, the Trial Court ignoring the said objections, allowed the application vide order dated 08.04.2026 and framed a joint charge violating Section 265-C, Cr.P.C. on the same day against all the accused persons, which act of the Presiding Officer of the Trial Court clearly shows his biasness; hence, the instant Criminal Transfer Application has been maintained.

On the other hand, respondent No.2 as well as learned Additional Prosecutor General Sindh maintains that since the Case No.3700/2022 was an offshoot of the present case the learned Trial Court rightly passed the order of amalgamation of both the cases.

Heard, record perused.

It is an admitted position that the applicant has already challenged the amalgamation order dated 08.04.2026 before this Court through Criminal Revision Application No.133/2026. The legality and propriety of the said order shall be examined by this Court in the aforementioned Criminal Revision Application.

The applicant is aggrieved by the order dated 08.04.2026 whereby the learned Trial Court allowed the application for amalgamation, which cannot constitute a valid ground for transfer of the subject case terming it biasness and alleging lack of confidence in the Presiding Officer. It may be observed that even a wrong order passed against the party by a Court in good faith would not furnish a ground of bias; hence, it is not a valid ground for transfer of a case. It may be added that orders allegedly wrong in law or improperly passed against the party seeking transfer of the case, cannot be accepted as a valid basis for transfer of the case unless the circumstances attending the passing of such order are capable of raising a reasonable apprehension in the mind of a party that justice would not be done to him. Something more than a mere wrong order is required to justify such transfer so as to create a reasonable apprehension in the mind of the party concerned of not getting a fair and impartial trial.

It may also be observed that self-procured mistrust and expression of no confidence in the Court cannot be encouraged to

transfer a case from the Trial Court, particularly where no allegation of partisanship for reason of any type of adverse interest is proved.

The instant Criminal Transfer Application is; therefore, dismissed being devoid of any merit.

CHIEF JUSTICE

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