IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Transfer Application No.S-62 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Abdul Razzaque S/O Nazeer Ahmed Abro
Through Mr.Abdul Sattar Mahessar Advocate.

Respondents: (3). Abdul Sattar S/O Malang Faqir
(4). Abdul Jabbar S/O Abdul Sattar
(5). Ghayoor Abbas S/O Abdul Sattar
(6). Mst. Rimsha D/O Abdul Sattar
All by caste Rid.
Through Mr. Muhammad Aslam Gaddani Advocate.

The State: **Through Mr. Shafi Muhammad Mahar Deputy Prosecutor General (DPG) Sindh.**.

Date of hearing: **26.10.2026**.

Date of order: **30.10.2026**.

Suresh Kumar J:- This criminal transfer application has been filed by the applicant/complainant Abdul Razzaque Abro for transfer of the Session Case No.349 /2025 (Re: State.v. Abdul Sattar and others), bearing Crime No.94 /2025 for offence punishable U/S 397 PPC, registered at PS B-Section Khairpur from the trial Court/Additional Sessions Judge-III, Khairpur to any other Court having jurisdiction.

2. The relevant facts of the case leading to this application are as follows: The applicant/complainant, Abdul Razaque, lodged an FIR stating that on January 19, 2025, he, his wife Rimsha, PW Rashid Ali, and his father Haji Gul Hassan were present in their house when the private respondents/accused, along with three unknown accomplices armed with weapons, entered the premises. They threatened that they would never spare him. Subsequently, accused Abdul Jabbar fired a shot from his pistol, which struck the wall of the house. Abdul Jabbar then struck the complainant on the back with the butt of the pistol, while his wife Rimsha was allegedly colluding with the accused. The assailants forcibly robbed gold ornaments and cash amounting to Rs. 360,000 and left the scene, issuing threats. Following this incident, the complainant

lodged the FIR as per the orders of the Ex-Officio Justice of Peace, Khairpur. After the submission of the challan, the case was transferred to the Court of the learned Additional Sessions Judge-III, Khairpur, where it is currently pending adjudication. During the proceedings before the trial court, the applicant/complainant reportedly lost confidence in the trial court, prompting him to file 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 DPG, Sindh for State, so also learned counsel for private respondents/accused.

5. The learned counsel for the applicant/complainant has contended that the applicant/complainant has lost confidence in the learned trial court due to the issuance of non-bailable warrants against him and his witnesses, as well as the adverse attitude of the learned presiding officer, which has prejudiced the applicant/complainant. He further contended that on August 10, 2026, the trial court granted undue favor to the private respondents/accused. Lastly, he argued that the application should be allowed and that the case should be transferred from the trial court to any other competent court within the District of Khairpur that has jurisdiction.

6. Learned DPG for the State has opposed the instant transfer application and submitted that no reasonable ground or cause has been shown to justify the transfer of the case from trial Court to any other Court.

7. Learned counsel for respondents/accused adopted the same arguments as advanced by learned DPG and also prayed for dismissal of this application.

8. Having given due consideration to the arguments advanced by the respective parties' counsel and perusing the relevant record, it is revealed that the applicant/complainant has stated that he has lost confidence in the trial court due to the passing of adverse orders against him and 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 Lutifulalh v. The State **(2000 P.Cr.LJ 1635)**. Even otherwise a party can not claim the transfer of a case as 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. Apprehension of bias can not be extended to judicial bias on the ground that he has issued warrant against the PWs. Reference in this case can be made to Full Bench of this Court in the case of Syed Tahir Hussain Mehmoodi and others v. Tayyab and others **(PLD 2009 Karachi 176)**. 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)** .

9. 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/PA