

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Transfer Application No. S- 48 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For orders on office objection.
- 2. For hearing of MA No. 3231/2025 (Stay).
- 3. For hearing of main case.

ORDER.
24-08-2026

Mr. Muhammad Aslam Gadani, advocate for the applicant.
Mr. Shafi Muhammad Mahar, DPG for the State.

Through the instant Crl. Transfer application, the applicant seeks transfer of Criminal Case No. 192/2024 Re. The State Vs. Atta Hussain & others arising out of Crime No. 116/2024, offence u/s 337A(i), 147, 148, 149, 504, 506/2 PPC registered at Police Station Kandiaro from the Court of learned 1st Civil Judge & Judicial Magistrate Kandiaro to the Court of learned IIIrd Additional Sessions Judge Naushahro Feroze where the counter case bearing Sessions Case No. 486/2024, offence u/s 324, 337F(i) PPC arising out of Crime No. 105/2024 of PS Kandiaro is pending for disposal according to law.

I have heard the learned counsel appearing on behalf of the applicant and the learned Deputy Prosecutor General for the State, who has conceded to the arguments advanced by the learned counsel for the applicant.

Having given due consideration to the arguments advanced by the learned counsel for the parties, I have perused the material available on record. The perusal of the record reveals that Criminal Case No. 192/2024, Re. The State Vs. Atta Hussain & others, arising out of Crime No. 116/2024, offences under sections 337A(i), 147, 148, 149, 504, and 506/2 PPC, registered at Police Station Kandiaro, is pending before the 1st Civil Judge & Judicial Magistrate Kandiaro. The record further reveals that Sessions Case No. 486/2024, offences under sections 324 and 337F(i) PPC, arising out of Crime No.

105/2024 of PS Kandiaro, is pending before the Court of the learned IIIrd Additional Sessions Judge Naushahro Feroze. From the perusal of the record, it is evident that the date, time, and place of the incident in both FIRs are the same, indicating that both are counter versions of the same incident. The learned counsel appearing on behalf of the applicant has mainly contended that the transfer of Criminal Case 192/2024, Re. The State Vs. Atta Hussain & others, from the Court of the 1st Civil Judge & Judicial Magistrate Kandiaro will meet the ends of justice to avoid conflicting decisions, while the learned DPG has conceded to the said version.

Admittedly, both the FIRs bearing No. 116/2024 of PS Kandiaro and Crime No. 105/2024 of PS Kandiaro are counter versions, which is not opposed by the learned DPG. In such circumstances, propriety demands that such cases be decided by one Court to avoid conflicting judgments. Reliance is placed on the case of Akhtiar Ali Solangi Vs. Qamar-ud-Din and 6 others (2024 YLR 304).

In view of the facts and circumstances of this case, it appears that the applicant has made out a case for the transfer of the case. Accordingly, this Criminal Transfer Application is allowed. Criminal Case No. 192/2024, Re. The State Vs. Atta Hussain & others, arising out of Crime No. 116/2024, offences under sections 337A(i), 147, 148, 149, 504, and 506/2 PPC, registered at Police Station Kandiaro, is hereby withdrawn from the Court of the learned 1st Civil Judge & Judicial Magistrate Kandiaro to the Court of the learned IIIrd Additional Sessions Judge Naushahro Feroze, before whom the case emanating from the same incident (Crime No. 105/2024 of PS Kandiaro) under sections 324 and 337F(i) PPC is already pending, for disposal in accordance with law. Let a copy of this order be issued to all concerned.

J U D G E