IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Transfer Application No.S-123 of 2024.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Noman Shahzad S/O Abdul Manan
In person.

Respondents: 1. Mujeeb Malano,
2. Najeeb Malano
3. Rahib Ali Malano
(Respondent No.1 being and advocate for self so also on behalf respondents No.2&3).

The State: Through **Mr. Mansoor Ahmed Shaikh,** D.PG.

Date of hearing: **12.10.2026**.

Date of hearing: **06.11.2026**.

Suresh Kumar J:- Through this Criminal Transfer Application, the applicant seeks transfer of Criminal Miscellenious Application No.4001/2024 (Re:Noman Shahzad v. The State and others) from the Court of learned Sessions Judge, Sukkur to the Court of learned Sessions Judge, Khairpur.

2. The relevant facts leading to the instant Criminal Transfer Application, in summary, are that the applicant/complainant, being an educated individual, was falsely implicated in two FIRs, bearing Nos. 188/2019 of P.S. A-Section, Sukkur, and 68/2019 of P.S. Dadloi, due to the illegal acts of Qurban Ali Malano. Both FIRs were recommended for disposal under “B” class during the investigation. Subsequently, on 12.11.2024, his Civil Revision Application No. 36/2024 against the said Qurban Malano and others was allowed by the learned Vth Additional Sessions Judge, Sukkur. On the same day, at approximately 11:55 a.m., when he arrived near the car parking area, the respondents, along with unidentified individuals, intercepted his

vehicle, forcibly grabbed the applicant, pulled his beard, dragged him out of the car, restrained his arms, and subjected him to punches and blows with a pistol. They also threatened him to withdraw from F.C. Suit No. 35/2021, warning that failure to comply would result in his murder, and they damaged two tyres of his car. Thereafter, he approached the police at P.S. C-Section for the registration of an FIR; however, no FIR was registered, as the respondents were influential individuals. Subsequently, he filed an application under Sections 22-A and 22-B Cr.P.C. before the learned Ex.Officio Justice of peace/ Sessions Judge, Sukkur, bearing No. 4001/2024, against respondents No. 1 to 3. The applicant/complainant has lost confidence in the learned Sessions Judge, Sukkur, due to the influence of the respondents; therefore, he has filed the instant transfer application.

3. After the filing of this application, a notice was issued to the respondents as well as to the learned DPG, and comments were solicited from the learned Ex-Officio Justice of Peace/Sessions Judge, Sukkur.

4. I have heard the applicant/complainant in person, respondent No.1, and learned DPG.

5. The applicant/complainant has contended that he has lost confidence in the learned Sessions Judge, Sukkur, due to the influence of the respondents. He has further asserted that the respondents are issuing threats to him to withdraw from the cases, warning that failure to do so will result in consequences. He has also maintained that there exists a reasonable apprehension that the respondents may, directly or indirectly, influence the learned Ex-Officio Justice of Peace/Sessions Judge, Sukkur. He has, therefore, prayed for the transfer of the case

from the Court of the learned Ex-Officio Justice of Peace/Sessions Judge, Sukkur, to learned Sessions Judge, Khairpur, in the interest of justice.

6. Conversely, respondent No.1 has contended that the applicant/complainant has filed the instant transfer application on vague grounds. He has also asserted that no proof has been produced regarding the allegations leveled in the application. Furthermore, he has maintained that the applicant has filed the present application based on presumption and assumption. He has also contended that the applicant has the right to challenge any adverse order, if any, passed by the learned Ex-Officio Justice of Peace/Sessions Judge, Sukkur. Additionally, he has argued that the applicant/complainant is avoiding proceeding with the matter, a fact supported by the comments filed by the learned Sessions Judge, Sukkur. Lastly, he has prayed that the instant transfer application be dismissed.

7. The learned DPG has also opposed the instant transfer application and submitted that no reasonable cause has been shown to justify the transfer of the case from one Court to another.

8. Having given due consideration to the arguments advanced by the learned counsel for the respective parties and having perused the relevant record, it is revealed that the applicant has filed the instant transfer application on the ground that the learned Ex-Officio Justice of Peace/Sessions Judge, Sukkur, may not pass an order on the merits of the case due to the influence of the opposing party, which may cause serious prejudice to the complainant's case. The learned Ex-Officio Justice of Peace/Sessions Judge, Sukkur, has denied the allegations of being influenced by the other side and has further stated in his

comments that the applicant and his counsel have not been appearing; therefore, the application was adjourned sine die. No other substantive material has been brought on record to suggest that the learned Sessions Judge is either prejudiced or biased against the applicant/complainant, which may justify the transfer of the case. Apprehension of bias cannot be extended to judicial bias on the basis of presumption. 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)**.

9. The concept impartiality or bias of a Judge has been discussed exhaustively by the Honourable Supreme Court in its judgment in the case of **Government of NWFP & Another v. Dr. Hussain Ahmed Haroon & Others, reported as 2003 SCMR 104**, and the present matter does not merit favorable consideration upon the anvil of the said judgment.

10. It is well settled law that the transfer of a matter from one Court to another could only be granted in exceptional circumstances, where it was shown that the same would be in the interest of justice. Reliance is placed upon the judgment in the case of **All Pakistan Newspapers Society & others v. Federation of Pakistan & others reported as (PLD 2012 Supreme Court 1).** There same is prima facie not the case in the present matter as no exception circumstance are born out from contentions of applicant. On the contrary applicant and his counsel have been avoiding to proceed with the matter before the learned Sessions Judge, Sukkur.

11. 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 subject Criminal Miscellaneous Application has been established. Consequently, the instant Criminal Transfer Application, being devoid of merit, is hereby dismissed. However, the learned Ex-Officio Justice of Peace/Sessions Judge, Sukkur, is directed to dispose of the application submitted by the applicant/complainant within two weeks of receipt of this order, after giving notice to the respective parties.

J U D G E

Hizbullah/PA