

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S –18 of 2021

Date of hearing	Order with signature of Judge
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- 1.For orders on office objection
2.For hearing of main case**

19-11-2021

M/s Aamir Mustafa Kamario and Imdad Ali Malik, Advocates for the Applicant.

Mr. Fakeer Muhammad Arain, Advocate for Respondents No.4&5.

Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Through this Transfer Application, the Applicant seeks transfer of Sessions Case No. 63 of 2021 (**State-Versus Ayoub and others**), arising out of Crime No.67 of 2020 of P.S, Adilpur, pending before the Court of 1st Additional Sessions Judge (MCTC), Ghotki to any other district of Sukkur Division.

2. Learned Counsel for the Applicant submit that there are serious threats to the complainant party from the accused; that the accused have strong hold in Ghotki and are influential persons; whereas they are proclaimed offenders and there is criminal record against them; that the complainant has shifted from Ghotki to Sukkur due to such reason and therefore matter be transferred to any district of Sukkur Division.

3. Respondents' Counsel has opposed this application on the ground that parties reside in same district; that the matter is pending before Model Court at Ghotki; whereas crime has also occurred in the jurisdiction of Ghotki district as well as entire evidence is also in Ghotki, therefore, no case is made out.

4. Learned Additional P.G has argued that if any threats were given to the complainant party then appropriate remedy ought to have been sought; whereas nothing has been placed on record so as to justify that complainant party has really shifted from Ghotki.

5. I have heard learned Counsel for both the parties as well as learned Additional P.G and perused the record.

6. Insofar as the first ground regarding alleged threats to the complainant party by the accused is concerned, Counsel for the Applicant was confronted as to what legal action was taken and he could not satisfactorily respond that any complaint was ever made to the police or the concerned Judge in this regard, therefore, this ground appears to be an afterthought. Secondly, as to shifting from Ghotki, again nothing has been placed on record; whereas even otherwise this cannot be a sole ground for transfer of case from one district to another. Lastly, entire case of the Applicant is based on apprehension, and therefore, same cannot be entertained.

7. In view of above facts and circumstances of the case, no case is made and accordingly this Criminal Transfer Application is hereby dismissed.

Ahmad

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