

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**Crl. Transfer Application No. S – 16 of 2022**

Date of Hearing: **22-04-2022**

Date of Order: **22-04-2022**

Mr. Mansoor Hussain Maitlo, Advocate for the Applicants.  
Mr. J.K. Jarwar, Advocate for the Respondent No.1.  
Mr. Aftab Ahmed Shar, Additional P.G.

**ORDER**

**Muhammad Junaid Ghaffar J.**, This Crl. Transfer Application has been filed by the Applicants seeking transfer of Criminal Case No.96 of 2018, arising out of Crime No.113 of 2018 registered at P.S, Tharushah, under Sections 337A(i) etc. PPC from the Court of Civil Judge & Judicial Magistrate-II, Bhiria to any other Court having jurisdiction.

Counsel for the Applicants submits that the reason for filing this Transfer Application is that earlier same Court had convicted the Applicants vide Judgment dated 13.01.2020 and thereafter in Criminal Appeal No.04 of 2020, vide Judgment dated 08.12.2021, the conviction was set aside and therefore it is apprehended that learned Trial Court will once again pass the same judgment.

Respondent No.1's Counsel and learned APG have opposed this Transfer Application.

I have heard learned Counsel as well as learned APG and perused the record.

On the last date of hearing, Applicants' Counsel was directed to place on record Judgment dated 08.12.2021, whereby the Appeal was allowed. Today, through statement said Judgment has been placed on record and on perusal of the same, it appears that the only reason for

setting aside the conviction was some procedural irregularity in recording statement under Section 342 CrPC; whereas, the Appellate Court has not touched upon the findings and appreciation of the evidence by the Trial Court. Hence, on this reason, matter cannot be transferred.

In view of such position, this Crl. Transfer is misconceived and is hereby dismissed.

**JUDGE**

Ahmad