

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 04 of 2022

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| Date of hearing | Order with signature of Judge |
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For hearing of main case

15-04-2022

Mr. Imtiaz Ali Chadhar, Advocate for the Applicant.
Mr. Manzoor Hussain Halepoto, Advocate for Respondent No.2.
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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Through this Transfer Application, the Applicant seeks transfer of Criminal Case No.11 of 2018 arising out of Crime No.122 of 2017 registered under Sections 377 & 34, PPC at Police Station Kotdiji from the Court of Judicial Magistrate-II, Kotdiji to any other Court at Khairpur.

Counsel submits that the complainant is under continuous threat from the accused party and is not able to lead evidence due to such threat, hence, seeks transfer of the case.

On the other hand, Respondent's Counsel has opposed this Transfer Application and submits that as and when the matter is fixed for evidence, the complainant is seeking adjournment.

I have heard the learned Counsel and perused the record. It appears that earlier the Applicant had filed Criminal Transfer Application No.03 of 2022 before the concerned Sessions Judge and who, vide order dated 18-01-2022, has been pleased to dismiss the Transfer Application. On perusal of the record and the arguments so made, the only reason for filing this Transfer Application is that there is continuous threats from the accused party, and therefore, the Applicant is unable to lead evidence. However, no supporting document or FIR to that effect has been placed on record; whereas, even otherwise, this is not valid ground by itself for transfer of the case. The Applicant can approach the concerned officials as well as Justice of Peace for appropriate action.

In view of hereinabove facts and circumstances, this Application does not merit any consideration and is hereby **dismissed**.

J U D G E