

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl Transfer Apln Nos.51 & 52 of 2022

Date	Order with signature of Judge
	<ol style="list-style-type: none">1. For order on office obj2. For hearing of case

20.06.2022.

M/s. Pir Asadullah Shah Rashidi and Riaz Ahmed Korai, Advocates for the Applicants in Crl Transfer Apln No.51 of 2022
None for Applicant in Crl Transfer Apln No.52 of 2022
Mr. Ali Haider Saleem, Addl. PG

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Learned counsel for the applicants have filed these Crl. Transfer Applications on the counts disclosed in para 8 therein. Earlier notices were issued, however, learned Presiding Officer of Anti-Terrorism Court No.VI, Karachi did not respond to the contents of the memo of transfer applications. On the last date of hearing, specific directions were issued to the Presiding Officer to enable him to file the comments and respond to the issues raised particularly in para 8 of the applications.

Today, I have gone thorough the comments filed by the Presiding Officer of ATC-VI, Karachi. It is urged by applicants` counsel that nowhere in the entire reply of the Presiding Officer, specific allegations contained in para 8 were either responded, denied or refuted. A very bold statement was made by the applicants` counsel that on the first occasion, the witness refused to identify accused person but he [witness] was insisted six times by the Presiding Officer, to identify the accused and on such insistence he then attempted to identify the accused, having left with no choice, which facts have not been disclosed in the evidence recorded, which shows the the demeanor of the Presiding Officer.

Mr. Ali Haider Saleem, learned Addl. PG submits that although a number of witnesses are required to be examined but to the extent that this specific allegation has not been denied or refuted by the Presiding Officer, he left it to the court that if interest of justice requires it may transfer it to any other particular court or be left to the Administrative Judge of ATC for transferring it to any court as deems fit and proper in the circumstances of the case.

Accordingly, since no response of the Presiding Officer against contents of the memo of the applications, specifically denying the facts raised in para 8, I, with the understanding of all the learned counsel, direct the Administrative Judge of Anti-Terrorism Court, Karachi to pass appropriate order for transfer of the cases to any other competent court of Anti-Terrorism for the adjudication of the cases as required under law.

With the above observations, both the transfer applications stand disposed of.

J U D G E

