

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

**Cr. Transfer Appln. No. S – 106 of 2020**


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<b>Date</b>	<b>Order with Signature of Hon'ble Judge</b>
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1. For hearing of main case
2. For hearing of MA No.7296/2020  
(notice issued)  
Letter issued for comments, which are received)

**07.12.2020**

M/s Shabbir Ali Bozdar and Syed Tanveer Abbas Shah Advocates for  
the applicant/accused

Mr. Abdul Rehman Kolachi, DPG for the State

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Learned counsel for the applicant/accused contends that the co-accused namely Mehmood alias Muhammad Ali and Muhammad Younis have been acquitted by this Court by way of compromise arrived at in between the accused and the legal-heirs of the deceased Umar Bux vide Judgment dated 10.08.2020, whereas, the present applicant after obtaining the interim pre-arrest bail is regularly attending the trial Court and on the intervention of the nekwards of the locality compromise has also arrived at in between him and the legal-heirs of deceased, hence such compromise application was presented before the learned trial Court / 3<sup>rd</sup>. Additional Sessions Judge, Mirpur Mathelo, who refused to entertain the same without any lawful justification. He prays for transfer of Sessions Case No.483/2019 from the Court of learned trial Judge to any other Court having jurisdiction in District Ghotki.

On the aforesaid allegations, the comments were called for from learned trial Judge; pursuant to which the learned Presiding Officer has furnished his comments, which are silent regarding the presentation and entertaining the compromise applications.

When confronted with the comments of the learned trial Court, learned counsel for the applicant/accused submits that he would be satisfied and will not press the instant Criminal Transfer Application, if directions are given to learned trial Court to entertain the Compromise applications and decide the same within 60 days. Learned DPG for the State record no objection to the above proposal made by learned counsel for the applicant/accused.

In view of the above, the instant Criminal Miscellaneous Application along with listed application is dismissed as not pressed. However, the learned trial Court is directed to receive the compromise applications of the applicant and decide the same within 60 days in accordance with law, after completing all the codal formalities under compliance report to this Court through Additional Registrar.

Judge

ARBROHI