

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Transfer Appln. No. S – 36 of 2020

Date

Order with Signature of Hon'ble Judge

Hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of main case

12.10.2020

Mr. Waseem Ahmed Sundrani Advocate for the Applicant

Mr. Kamran Hyder Abbasi Advocate for respondent No.2

Mr. Khalil Ahmed Maitlo, DPG for the State

ORDER

Aftab Ahmed Gorar, J; Through instant Criminal Transfer Application, the applicant/complainant seeks transfer of Sessions Case No.776/2017 Re- State vs. Muhammad Hassan and others from the file of learned 1st. Additional Sessions Judge, Khairpur to any other Court other than District Khairpur, having jurisdiction, on the ground of apprehension to her life as well as her witnesses while attending the trial Court at Khairpur.

2. It is contended by learned counsel for the applicant that though the both the parties belong to same District Khairpur, whereas, due to serious threats to the life of the applicant/complainant as well as her witnesses, hence she along with her family has shifted to another District, therefore, it would be convenient for the applicant/complainant, if the case may be transferred to District Sukkur for trial.

3. Learned DPG for the State as well as learned counsel appearing for the private respondents opposed the transfer application by contending that the applicant/complainant is avoiding to proceed with the evidence and is procrastinating by seeking adjournments.

4. I have heard the learned counsel for the parties as well as learned DPG for the State and perused the progress report of learned trial Court dated 23.06.2020. Admittedly, the case is pending trial since 2017, whereas, the complainant and the witnesses have been attending the trial Court and their evidence could not be recorded due to frequent adjournments sought by her counsel and sometimes by the defence counsel. Since the applicant/complainant and her witnesses have been appearing before the trial Court, therefore, the ground of apprehension of their lives at the hands of the rival party does not carry any weight. No case for transfer of the case is made-out. Accordingly, the instant Criminal Transfer Application is dismissed. However, the learned trial Court is directed to proceed with the case expeditiously and conclude the trial within a period of three months positively. The parties shall avoid seeking unnecessary adjournments.

Judge