

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Transfer Appln. No. S – 59 of 2020

Date	Order with Signature of Hon'ble Judge
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Fresh case

1. For orders on MA No.3005/2020 (U/A)
2. For orders on MA No.3006/2020 (Ex.A)
3. For hearing of main case

24.08.2020

Mr. Rukhsar Ahmed M. Junejo Advocate for the Applicant
Mr. Khalil Ahmed Maitlo, DPG for the State

ORDER

Aftab Ahmed Gorar, J; Through instant Criminal Transfer Application, the applicant/complainant seeks transfer of Direct Complaint No.79/2014 (Now Sessions Case No.79/2016) Reg: Mohib Ali vs. Allah Wadhayo and others from the file of learned 5th Additional Sessions Judge, Sukkur to the Court of learned 3rd. Additional Sessions Judge (MCTC) Sukkur, on the ground that the State case arising out of the same incident i.e. Sessions Case No.388/2014 re- St.Vs. Ameen and others is pending trial before the Court of learned 3rd. Additional Sessions Judge (MCTC) Sukkur.

Learned counsel for the applicant submits that the State case arising out of the same incident i.e. Sessions Case No.388/2014 St.Vs. Ameen and others is already pending trial before the Court of learned 3rd Additional Sessions Judge (MCTC) Sukkur, whereas, the present direct complaint (Sessions Case No.79/016) Reg; Mohib Ali vs. Allah Wadhayo and others

brought on regular file, now is pending before the Court of learned 5th. Additional Sessions Judge, Sukkur. Learned counsel submits that in order to avoid the conflicting decision, both the matters are to be tried by the one and same Court i.e. 3rd. Additional Sessions Judge (MCTC) Sukkur.

Mr. Muhammad Arif Malik Advocate files *vakalatnama* on behalf of private respondent No.1, which is taken on record. Learned DPG for the State and learned counsel appearing for the private respondent No.1 raised no objection for transfer of the case from the Court of learned 5th Additional Sessions Judge, Sukkur to the Court of learned 3rd. Additional Sessions Judge (MCTC) Sukkur.

In view of the above, the instant Criminal Transfer Application is allowed. Consequently, the Criminal Case No.79/2016 reg- Mohib Ali vs. Allah Wadhayo and others is withdrawn from the file of learned 5th Additional Sessions Judge, Sukkur and transferred to the Court of learned 3rd. Additional Sessions Judge (MCTC) Sukkur for disposal in accordance with law.

Judge