

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Transfer A.No.S- 03 of 2021

Date of hearing	Order with signature of Judge.
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- 1.For hearing of Main Case
2.For hearing of MA 503/21.

12-03-2021

Mr. Nazeer Ahmed Junejo Advocate for Applicant.
Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

The applicant/complainant by way of instant Criminal Transfer Application under Section 526 Cr.P.C have sought for transfer of his Sessions Case from the Court of Civil Judge & Judicial Magistrate, Faiz Ganj to any other competent Court of law having jurisdiction mainly for the reasons that learned Presiding Officer has been won over by the accused as learned P.O is openly expressing that the case against accused is false and his attitude towards the applicant/complainant Officer is also too much harsh and derogatory, therefore, the applicant has lost faith upon learned Presiding Officer to get the justice. Earlier, the same prayer of the applicant was turned down by learned Sessions Judge, Khairpur vide order dated 23.12.2020. Hence, this application.

Heard learned counsel for the applicant and learned Deputy P.G for the State and perused the material available on record. On being asked, as to on what date the applicant faced the harsh and derogatory attitude of learned Presiding Officer and when P.O expressed that the case against accused is false one? No satisfactory reply to it was furnished by learned counsel for the applicant. The material placed on record by the learned counsel for the applicant does not show any mala fide on the part of the Presiding Officer of the trial Court. Mere

apprehension in the mind of applicant that he would not get justice at the hands of learned Presiding Officer is no ground for transfer of the case. Apprehension must be reasonable and the reasonableness is to be decided at the peculiar facts and circumstances of each case. No cogent reason or proof has been placed on record by the learned counsel for the applicant; hence all the contentions are totally misconceived and contrary to law.

In these circumstances, the instant Crl. Transfer Application being misconceived stands ***dismissed.***

JUDGE

Ahmad