

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Transfer A.No.S- 10 of 2021

Date of hearing	Order with signature of Judge.
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- 1.For orders on Office Objection.
- 2.For hearing of Main Case

26-03-2021

Mr. Muhammad Rehan Khan Durrani Advocate for Applicant.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

The applicant/complainant by way of instant Criminal Transfer Application under Section 526 Cr.P.C has sought for transfer of his Sessions Case from the Court of learned Assistant Sessions Judge-II, Sukkur to any other competent Court of law having jurisdiction mainly for the reasons that learned Presiding Officer has been won over by the accused/private respondents, as they are sending threatening messages to the applicant through people of vicinity so also attitude of the learned Presiding Officer is also aggressive and harsh towards the applicant he is being insisted to proceed with the case, therefore, applicant has lost faith upon learned Presiding Officer to get fair justice. Earlier, the same prayer of the applicant was turned down by learned Sessions Judge, Sukkur vide order dated 15.02.2021. Hence, this application.

Heard learned counsel for the applicant and learned Deputy P.G for the State so also perused the material available on record. On being asked, as to on what date and time, the applicant faced the harsh and derogatory attitude of learned Presiding Officer and through whom the accused sent messages to the applicant? 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