

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Transfer A.No.S- 84 of 2020

Date of hearing	Order with signature of Judge.
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- 1.For orders on office objection.
2.For Hearing of Main Case

06-11-2020

Mr. Mushtaque Ahmed W. Abbasi Advocate for applicants.
Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

Vakalatnama filed by Mr. Alam Sher Bozdar Advocate on behalf of respondent No.1 / complainant is taken on record.

The applicants being accused by way of instant Criminal Transfer Application under Section 526 Cr.P.C has sought for transfer of their Criminal Case from the court of learned 2nd Judicial Magistrate/MCTC, Ghotki to the Court of learned 4th Additional Sessions Judge, Mirpur Mathelo mainly on the ground that counter-case bearing Sessions Case No.266/2019 is pending trial before the Court of learned 4th Additional Sessions Judge, Mirpur Mathelo.

Learned counsel appearing on behalf of complainant / respondent No.1 as well as learned Deputy P.G. vehemently opposed the instant Crl. Transfer Application on the ground that no doubt both the cases between parties are counter-blast to each other, but one is absolutely triable by learned Sessions Judge and another by learned Magistrate, therefore, the criminal case pending trial before learned Magistrate cannot be entrusted to learned Additional Sessions Judge for its disposal, as such no substantial ground or material has been

brought on record by the applicants / accused to justify the transfer of their case.

Heard learned counsel for the applicants and learned counsel for the respondent No.1 / complainant as well as learned Deputy P.G for the State. On being asked, as to how a criminal case being triable by learned Magistrate (sought to be transferred by the applicants/ accused through this Crl. Transfer Application) can be tried by learned Additional Sessions Judge? No satisfactory reply to it has been furnished by learned counsel for the applicants.

In these circumstances, the grounds taken by applicants are vague and wholly unsubstantiated. No ground, therefore, justifying transfer is made out. Consequently, the instant Criminal Transfer Application being devoid of any merit stands dismissed.

Ahmad

JUDGE