

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Transfer A.No.S- 06 of 2021

Date of hearing	Order with signature of Judge.
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- 1.For orders on MA 743/21.
- 2.For hearing of Main Case

15-03-2021

Sohail-ur-Rehman Shaikh, the applicant in person.
Mr. Talib Hussain Siyal, Assistant 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 learned 5th Additional Sessions Judge, Sukkur to any other competent Court of law having jurisdiction mainly for the reasons that attitude of learned Presiding Officer is very harsh towards the applicant and serious threats are extended to the applicant by Presiding Officer that he will be sent to jail in case co-accused Fasih-ur-Rehman fails to divorce his wife, therefore, the applicant has lost faith upon learned Presiding Officer to get the justice.

Heard applicant in person and learned Assistant 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 issued him threats for sending him to jail if co-accused fails to give divorce to his wife? No satisfactory reply to it was furnished by the applicant. The material placed on record by 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 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