

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Transfer A.No.S- 39 of 2020

Date of hearing	Order with signature of Judge.
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Hearing of Case

- 1.For orders on o/objection.
- 2.For hearing of main case.
- 3.For hearing of MA 1479/20.

29-01-2021

Mian Mumtaz Rabbani, applicant present in person.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

Vakalatnama filed by Mr. Muhammad Ali Dayo Advocate on behalf of respondents No.1&2 is taken on record.

The applicant being complainant by way of instant Criminal Transfer Application under Section 526 Cr.P.C has sought for transfer of his case from the learned 5th Additional Sessions Judge, Sukkur to any other competent Court of law having jurisdiction mainly for the reason that the said case is being adjourned for final arguments since last so many months together, as such the applicant has lost his confidence.

Pursuant to orders of this Court, learned trial Judge has furnished his comments, wherein it is categorically stated that after filing of instant Crl. Transfer Application before this Court, on each and every date of hearing the learned counsel for legal heirs of complainant chosen to remain absent and adjournments applications were/are being moved through his junior on the ground that transfer application is pending before this Court.

Learned counsel appearing on behalf of respondents No.1&2 as well as learned Deputy P.G. vehemently opposed the instant transfer application on the ground that no substantial ground or material has been brought on record by the applicant/complainant to justify the transfer of the case, when it is fixed for final arguments. To

substantiate their arguments, learned DPG places on record latest status of case before the trial Court to show that now the matter is fixed on 30.01.2021 for final arguments.

Heard applicant in person, learned counsel for the respondents No.1&2 so also learned Deputy P.G for the State. Admittedly, now the case is fixed on 30.01.2021 for final arguments before learned trial Court. No substantial ground or material has been brought on record on the basis whereof, it could be said that the learned trial Judge is either prejudiced or biased against the applicant, which may justify the transfer of the case.

In view of the above discussion, this Crl. Transfer Application alongwith listed application stands dismissed.

Before parting with this order, it is necessary to give direction to the learned trial Court to deliver the judgment within a period of 15-days positively after hearing both the parties, in accordance with law. No unnecessary adjournment on any pretext be granted to either party. Such compliance report be submitted to this Court through Additional Registrar. Office to send copy of this order to learned Sessions Judge, Sukkur today for compliance.

JUDGE

Ahmad