

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Transfer A.No.S- 49 of 2020

Date of hearing	Order with signature of Judge.
-----------------	--------------------------------

1. For orders on office objection.
2. For Hearing of Main Case

11-09-2020

Mr. Muhammad Raza Soomro Advocate for applicant.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

Mr. Nadeem Ahmed Malik Advocate files Vakalatnama on behalf of respondent No.2. He also files objections on behalf of said respondent, which are 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 summary proceedings, submitted by the I.O for disposal of case/FIR No.222 of 2019 registered at P.S, B-section, Khairpur under Section 376 PPC, under C-class, from the Court of learned Judge, Consumer Protection Court/Judicial Magistrate Khairpur to any other competent Court of law having jurisdiction mainly for the reason that the applicant has no hope of justice and fair disposal of the case, as attitude of learned Magistrate is hostile towards the applicant.

Learned Deputy P.G as well as learned counsel for respondent No.2 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 above summary case.

Heard learned counsel for the applicant, learned counsel for the respondent No.2 as well as learned Deputy P.G for the State. Admittedly, above summary report is pending before learned Magistrate for disposal in accordance with law. No substantial ground or material has been brought on record on the basis whereof, it could be said that the learned Magistrate is either prejudiced or biased against the applicant, which may justify the transfer of the summary case.

In view of the above discussion, this Crl. Transfer Application being devoid of any merit stands dismissed.

Before parting with this order, it is necessary to give direction to the learned Judge, Consumer Protection Court/Judicial Magistrate, Khairpur to decide the summary report within a period of 15-days after providing an opportunity of hearing to both the parties, in accordance with law and compliance report be submitted to this Court through Additional Registrar.

Ahmad

JUDGE