

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Transfer Appln. No. S – 12 of 2022

Date

Order with Signature of Hon'ble Judge

For hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of main case

08-04-2022

Mr. Shahid Ali K.Memon, Advocate for the Applicant
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General

<><><><>..<><><><>

ORDER

As per report of the process server, Respondent No.2 stand duly served, but he is not in attendance. No further notice is required.

Learned Counsel for the Applicant submits that this transfer Application has been filed for transfer of Special Case No.30/2017 (Old) Special Case No.01/2020 (New) from ATC-I at Sukkur to ATC-II Sukkur (in Jail Premises), on the ground that in Criminal Transfer Application No.S-39/2021 vide dated 27-09-2021 already an order has been passed whereby the case of two other co-accused in Special Case No.61/2014 arising out of the same crime has already been transferred to the said Court. In support he has referred to order dated 27-09-2021 (available at page-45).

It appears that the present Applicant, was convicted along with two other co-accused namely Zahid and Jamiat Ali @ Nahdho Laloo vide separate judgments and in Appeal all three judgments were set-aside by the learned Division Bench of this Court including Criminal Jail Appeal No.D-165/2019 filed by the present Applicant. While setting-aside the judgment of the trial Court, the matter was remanded with certain directions and thereafter two other co-accused had filed transfer Application as the trial was already being held in the Jail premises and vide order dated 27-09-2021, the transfer application of the said accused was allowed.

In view of such position and the above order, let the Special Case No.30/2017 (old) and Special Case No.01/2022 (New) State Vs. Abbas Ali arising out of FIR No.51/2013 of Police Station, Ranipur, pending before ATC-I, at Sukkur be transferred to be tried by the Presiding Officer of the ATC-II posted for such purposes in Jail Premises of Central Prison, Sukkur, where Special Case No.61/2014 against co-accused is being tried. Transfer Application stand allowed in the above terms.

Judge

ARBROHI