

**IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR**

Cr. Transfer Appln. No.S – 87 of 2022

Date

Order with Signature of Hon'ble Judge

Fresh case

1. For orders on MA No.5267/2022 (U/A)
2. For orders on MA No.5268/2022 (Ex.A)
3. For hearing of main case

21.11.2022

Syed Tanveer Abbas Shah, Advocate for the Applicant / complainant

ORDER

1. Urgency granted.
2. Granted, subject to all just exceptions.
3. Through instant Criminal Transfer Application, the applicant/complainant seeks transfer of Sessions Case No.266/2019 (*Re- The State vs. Ayaz Ahmed and others*) arising out of Crime No.135/2019 registered at Police Station, Mirpur Mathelo for offences punishable under Sections 324, 337-F(v), 337-F(i) & (iii), 337-A(i), 147, 148, 149, 114 and 337-H(2) PPC from the Court of learned 4th. Additional Sessions Judge, Mirpur Mathelo to any other Additional Sessions Judge of District Ghotki, on the ground that the trial in the aforementioned Sessions Case has not been concluded expeditiously.

The applicant/complainant along with this transfer application has filed case diary as Annexure 'B' page 25 to 29, which reflects that on as many as seven dates of hearing either complainant or his Counsel has remained absent from the Court.

It may be observed that for expeditious disposal of a criminal case responsibility lies upon the prosecution / complainant side to appear

before the Court and lead evidence. However, in the present case the applicant/complainant has failed to show any serious efforts for the conclusion of the trial expeditiously, hence this criminal transfer application being devoid of merits is dismissed in *limine*. However, the learned trial Court is directed to proceed with the matter expeditiously and in case the complainant Counsel remained absent, P.Ws be examined through Prosecutor, as the role of private Counsel of the complainant in the criminal trial is only to assist the prosecution and not to lead the prosecution.

Judge

ARBROHI