

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S - 57 of 2022

Date of hearing	Order with signature of Judge
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For hearing of case

1. For orders on office objections at Flag-A
2. For hearing of main case

09.12.2022

Mr. Riaz Ali Shaikh, Advocate for the applicant.

Mr. Ghulam Mujtaba Sahito, Advocate for respondent No.6.

Mr. Imran Mobeen Khan, Assistant Prosecutor General.

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1. By filing this Cr. Criminal Transfer Application, the applicant seeks transfer of bail application (*A.B.A. No. 170 of 2022*) in Crime No. 130 of 2022 registered at Police Station Kandiaro, District Naushahro Feroze for offences under Sections 365-B, 376, P.P.C., from the Court of learned Additional Sessions Judge, Kandiaro to any other Court having jurisdiction.
2. It is the only ground taken by the applicant for transfer of the subject A.B.A. that the complainant is classmate of one Additional Sessions Judge namely Mr. Abdul Haq Mangrio (*presently posted at Dadu*) and due to his support, the learned Additional Sessions Judge, Kandiaro is not allowing him to proceed with the matter. Besides, the complainant has also asked the applicant that his bail application will be dismissed as he has good terms with the Presiding Officer of the learned trial Court. The applicant has, therefore, lost his hopes for getting justice.
3. The perusal of the record shows that the applicant/accused and other four (04) accused were admitted to interim pre-arrest bail by the learned trial Court vide order dated 13.06.2022, and thereafter on 29.06.2022, their Counsel filed application for adjournment and matter

was adjourned to 07.07.2022, on which date the present applicant submitted an application along with copy of transfer application and the matter was adjourned to 16.07.2022. On the said date, the learned trial Court recorded the fact in case diary that vide order dated 07.07.2022, the transfer application filed by the applicant was dismissed by the learned Sessions Judge, Naushahro Feroze; however, the present applicant again submitted an application along with copy of transfer application filed before this Court. Afterwards, the applicant remained reluctant to proceed with subject A.B.A.

4. The ground agitated by the learned Counsel for the applicant for transfer of the aforementioned A.B.A., in view of above, appears to be baseless, bald and unsubstantiated, as record shows that there is not a single date of hearing when the Counsel for the applicant showed his intention before the trial Court to proceed with the bail application, rather the applicant sought adjournments on the ground of moving transfer applications before the learned Sessions Judge concerned and this Court. Hence, this criminal transfer application is **dismissed with cost of Rs.10,000/-**, to be deposited within a period of fifteen (15) days hereof with the Accountant of this Court for onward transmitting the same to High Court Bar Library Fund.

Abdul Basit

J U D G E