

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Crl. Transfer Application No.42 of 2024

Date

Order with signature of Judge

FRESH CASE:

1. For order on MA No.5917/2024 (Urgent).
2. For order on MA No.5918/2024 (Exemption).
3. For hearing of main application.

Dated: 8th May 2024

Mr. Raj Ali Wahid Kunwar, Advocate for Applicant.

Ms. Aisha Saeed, A.D.P.P. for the State.

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1. Urgency granted.
2. Exemption granted subject to all just exceptions.
3. Through instant Crl. Transfer Application filed under Section 28 of the Anti-Terrorism Act, 1997. the applicant has prayed that Special Case No.10 of 1999 emanating from FIR No.212/1998 registered at Police Station Liaquatabad, Karachi, under sections 302, 324, 148, 149, PPC read with Section 7 of the Anti-Terrorism Act, 1997 pending before Anti-Terrorism Court No.IV at Karachi may be transferred to any Anti-Terrorism Court at Karachi on the ground that Anti-Terrorism Court No.IV is lying vacant, whereas, according to learned counsel for applicant, the trial has been concluded and the matter is reserved for judgment.

Learned A.D.P.P. appearing for the State, under instructions, submits that the aforesaid Anti-Terrorism Court is not vacant, therefore, instant Crl. Transfer Application is misconceived and not maintainable.

Such fact has been duly verified, however, it appears that in view of the Notification dated 17.04.2024, which has been annexed by

the learned counsel for applicant alongwith instant Crl. Transfer Application as Annexure 'H' at page 77 in which the name of learned Judge has been proposed for appointment as Judge, Accountability Court No.V at Karachi. However, it has not yet been materialized, as the Notification of repatriation of the learned Judge has not been issued by the Government of Sindh, nor movement order has been issued from this Court. Accordingly, there seems no ground seeking transfer of the aforesaid case, as the Court is not vacant. Therefore, instant Crl. Transfer Application is hereby dismissed. However, the applicant will be at liberty to approach the relevant Court with a request for rehearing/announcement of the judgment in the aforesaid Special Case.

CHIEF JUSTICE

Farhan/PS
