

# IN THE HIGH COURT OF SINDH AT KARACHI

BEFORE:

MR.JUSTICE AQEEL AHMED ABBASI, CJ

## Crl. Transfer Application No.48 of 2024

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Date

Order with signature of Judge

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1. For order on office objection as at 'A'.
2. For hearing of main case.

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**Dated; 22<sup>nd</sup> May 2024**

Mr. Jamshad Ahmed Abbasi, Advocate for Applicant.

Mr. Faheem Hussain, Deputy Prosecutor General for  
the State.

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### **ORDER**

Through instant Crl. Transfer Application, the applicant has prayed that Special Case No.10/1999 emanating from FIR No.212/1998 for the offence under Sections 302, 324, 148, 149, PPC read with Section 7 of Anti-Terrorism Act, 1997 registered at PS Liaquatabad, Karachi may be transferred from Anti-Terrorism Court No.IV at Karachi to any other Anti-Terrorism Court functioning at Karachi on the ground that Anti-Terrorism Court No.IV at Karachi is lying vacant, whereas, the evidence has been concluded and the judgment was reserved for announcement.

On 17.05.2024, when the matter was taken up for hearing, following order was passed: -

*"4. Through instant Crl. Transfer Application filed under Section 28 of Anti-Terrorism Act, 1997, the applicant, who is one of the accused in Special Case No.10 of 1999 emanating from FIR No.212/1998 under Section 302/324/148/149 PPC R/W Section 7 ATA 1997, registered at P.S. Liaquatabad, has prayed for transfer of the aforesaid case from the Anti-Terrorism Court No.IV at Karachi to any other Anti-Terrorism Court at Karachi on the ground that the aforesaid Court is lying vacant, whereas, the*

*applicant is behind the bar and facing trial since last 08 years, however, the case was concluded, whereas, it was fixed for announcement of judgment.*

*Learned DPG present in Court, waives notice, claims copy and requests for time to seek instruction and to file reply/comments, however, submits that instant application filed by the same applicant, which was dismissed on 08.05.2024, therefore, instant application is misconceived and not maintainable. Learned counsel for the applicant in response submits that at the time of such order the learned Judge of the Anti-Terrorism Court No.IV at Karachi, although under transfer, however, Court was not vacant, therefore, such application was dismissed, now, presently, the Court is lying vacant. Learned DPG submits that if the Court is lying vacant the case may be assigned to the link Judge, however, requests for time to seek instruction from the Anti-Terrorism Court No.IV at Karachi, with regard to functioning of the Court within two days. Time is granted.*

*To come up on 22.05.2024.”*

Today, it has been informed by the learned counsel for applicant and learned DPG that Anti-Terrorism Court No.IV at Karachi is lying vacant, whereas, in view of Notification No.REG(HD)1-261/2009, dated 29.05.2019 that in case the Presiding Officer of Anti-Terrorism Court No.IV at Karachi is on leave or for any other reason enable to perform his/her duties the cases can be transferred to the Incharge / Link Judge of Anti-Terrorism Courts No.III, V and VI at Karachi. Learned counsel for the applicant submits that instead of transferring the case to any Incharge / Link Judge the case may be transferred to any of the aforesaid Anti-Terrorism Court to be finally decided after hearing the parties as regular case of such Court, as according to learned counsel, Incharge / Link Judge do not proceed and decide the case. Learned DPG for the State does not oppose such request.

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Accordingly, by consent, Special Case No.10/1999 emanating from FIR No.212/1998 for the offence under Sections 302, 324, 148, 149, PPC read with Section 7 of Anti-Terrorism Act, 1997 registered at PS Liaquatabad, Karachi is withdrawn from Anti-Terrorism Court No.IV at Karachi and transferred to Anti-Terrorism Court No.III at Karachi.

**CHIEF JUSTICE**

\*Farhan/PS\*

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