

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Transfer App. No. S – 88 of 2024

(Babloo Jan Solangi v. The State & others)

Date of hearing : 18.11.2024

Date of decision : 18.11.2024

Mr. Abdul Baqi Jan Kakar, Advocate for applicant.

Mr. Shabbir Ali Bozdar, Advocate files power on behalf of respondent No.5.

Mr. Shoaib Niaz Khaskheli, Advocate files power on behalf of respondent No.7.

Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General.

ORDER

Zulfiqar Ahmad Khan, J. – The applicant seeks transfer of Sessions Case No.405 of 2024, arising out of Crime No.6 of 2022 registered at Police Station Muhabbat Dero under Sections 302, 364 and 34, PPC, from the Court of learned Additional Sessions Judge, Kandiaro to the Court of learned 1st Additional Sessions Judge, Naushahro Feroze or any other Court having jurisdiction.

2. It has been pointed out that a separate case involving another kidnapping and murder of Shahjahan, arising from Crime No.66 of 2021 registered at Police Station Muhabbat Dero under Sections 302, 364, 201, 147, 148 and 149, PPC, is pending before learned 1st Additional Sessions Judge, Naushahro Feroze. A third case, involving the murder of Anees Ahmed, emanating from Crime No.8 of 2022, is also registered at Police Station Muhabbat Dero under Sections 302, 341, 114, 337-H(2), 504, 148 and 149, PPC, and is pending before the same Court.

3. Court has been informed that the present case was initially transferred by learned Sessions Judge, Naushahro Feroze to learned 1st Additional Sessions Judge, Naushahro Feroze, but was later moved to learned Additional Sessions Judge, Kandiaro after filing an application for transfer by the accused party, citing that both parties reside in Taluka Kandiaro and that the bail application of accused had been decided by

learned Additional Sessions Judge, Kandiaro. However, as the accused are already facing trial for related offences in the Court of learned 1st Additional Sessions Judge, Naushahro Feroze, it would be more efficient and consistent for this case to be tried in the same Court.

4. The applicant has raised significant concerns about the safety of himself and his witnesses, as the accused are influential figures in the area of Taluka Kandiaro. There is a real risk of harassment or intimidation if the trial proceeds in Kandiaro, which would undermine the fairness of the proceedings. The transfer to the Court of learned 1st Additional Sessions Judge, Naushahro Feroze is necessary to ensure the safety of the applicant and his witnesses, allowing them to participate in the trial without fear or undue pressure.

5. Additionally, transferring the case to the Court of learned 1st Additional Sessions Judge, Naushahro Feroze would ensure judicial efficiency, as it would consolidate all the related cases involving the same accused in the same Court. This would avoid the possibility of conflicting decisions and streamline the legal process by having all related matters heard together, which is in the best interest of justice.

6. Keeping in view the concerns raised by the applicant and the need for a fair and efficient trial, the application is **allowed**. The Sessions Case No.405 of 2024 (*Re: The State versus Abdul Ghaffar Dahraj and others*) is withdrawn from the file of learned Additional Sessions Judge, Kandiaro and transferred to learned 1st Additional Sessions Judge, Naushahro Feroze, who will proceed with the case in accordance with the law.

J U D G E

Abdul Basit