

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Cr.Transfer.Appl.No.S- 69 of 2013

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|-------------|--------------------------------------|
| DATE | ORDER WITH SIGNATURE OF JUDGE |
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For Katcha Peshi.

04.11.2013.

Mr. Shabeer Hussain Memon, Advocate for applicant.
Mr. Khalid Mustafa Shoro, Advocate for respondents No.2 to 5.
Syed Meeral Shah, D.P.G. for the State.

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Applicant / complainant Muhammad Fakhar Hayat seeks transfer of Sessions Case No.25/2013, State v. Mirza Jhangir and another, Crime No.09/2013 U/s 324, 147, 148, 149, 506(2), 427 PPC registered at Police Station Jamshoro pending in the Court of Assistant Sessions Judge, Jamshoro.

Notice of the transfer application was issued to the respondents / accused as well as State.

Brief facts leading to the filing of instant Criminal Transfer Application are that on 16.01.2013 applicant / complainant Muhammad Fakhar Hayat lodged FIR at Police Station Jamshoro vide Crime No.09/2013 U/s 324, 147, 148, 149, 506(2), 427 PPC. It is alleged in the FIR that respondents / accused fired upon the complainant with intention to kill but fires missed.

After registration of the FIR, investigation was carried out. On the conclusion of investigation, challan was submitted against the accused U/s 324, 147, 148, 149, 506(2), 427 PPC. Presently, the case is pending trial in the Court of Assistant Sessions Judge, Jamshoro at Kotri.

Mr. Shabeer Hussain Memon, learned advocate for applicant / complainant mainly contended that accused are influential persons. Complainant apprehends danger to his life at the hands of accused at Kotri. It is difficult for the complainant to proceed with the case at Kotri.

Syed Meeral Shah, assisted by learned advocate appearing for respondents / accused submitted that all the accused reside at Hyderabad except accused Mirza Jehangir. He has submitted that transfer application has been moved to prolong the trial. Respondents / accused have no criminal back ground. He has opposed the transfer application.

Heard learned counsel for the parties and perused the record.

In my considered view this case cannot be transferred at the wish of complainant for the reasons that there is no sufficient ground in this transfer application. Not a single instance has been quoted to satisfy the Court that Kotri is insecure place for complainant. Moreover it is pointed out that case is fixed for evidence before the trial Court. Complainant would be at liberty to approach the trial Court for providing protection on the date when he appears before the trial Court for recording his evidence. The trial Court may direct the S.S.P. concerned to provide protection to the prosecution witnesses on the date fixed for recording evidence. No ground for transfer of the case is made out. Therefore, Criminal Transfer Application is dismissed.

JUDGE