

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

Cr.Transfer.Appl.No.S- 70 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE
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08.11.2013.

Mr. Altaf Hussain Khokhar, Advocate for applicant.
Mr. Agha Ghulam Abbas, Advocate for respondent No.1.
Syed Meeral Shah, D.P.G. for the State.
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Through instant transfer application, applicant/complainant seeks transfer of Sessions Case No.99/2013, State v. Dilbar Shoro, Crime No.66/2013 registered at Police Station Matiari U/s 376/1, 493, 34 PPC, pending in the Court of learned Sessions Judge, Matiari to District Hyderabad.

Mr. Altaf Hussain Khokhar, learned advocate for applicant/complainant mainly contended that complainant Ghulam Mustafa has threat of his life at Matiari; complainant is unable to appear before the learned Sessions Judge at Matiari. No other ground has been pressed for transfer of the case.

Mr. Agha Ghulam Abbas, learned advocate for accused stated that allegation is false; not a single instance has been quoted by advocate for complainant for any attempt to the life of complainant. He has submitted that transfer application has been filed to prolong the proceedings.

Syed Meeral Shah, learned D.P.G. appearing for the State opposed the transfer application and stated that no cogent ground has been shown in the transfer application for transfer of case from District Matiari to Hyderabad.

Heard learned counsel for the parties and perused the record.

In my considered view, 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 Matiari is insecure place for complainant. Moreover, it is pointed out that evidence of complainant has been recorded before the trial Court. Complainant would be at liberty to approach the trial Court for providing protection on the date when witnesses appear before the trial Court for recording 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. Trial Court shall conclude the trial expeditiously.

JUDGE

Tufail