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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Crl. Transfer Application No.S-41 of 2017.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For Hearing of main case.

15.09.2017

Mr. Mohammad Ashique Dhamraho, advocate for the applicants.

Mr. Khadim Hussain Khooharo, Addl. P. G.

Mr. Sarfraz Ali Abbasi, counsel for the respondent No.1.

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Through this Crl. Transfer Application under section 526, Cr.P.C, the applicant has prayed for transferring complaint No.37/2016/Sessions Case No.589/2016 from the Court of VIth Additional Sessions Judge, Larkana, to any other Court.

The only ground which has been agitated and urged upon by the counsel for the applicants is to the effect that during the proceedings an application under section 7 of the Illegal Dispossession Act, 2005, was filed by the complainant and the learned Judge allegedly directed them to give their no objection. Counsel has urged no other ground. The counsel for complainant has opposed this transfer application on the ground that after illegally dispossessing the complainant, the applicant has chosen not to file any objection before the trial Court and has filed instant transfer application to delay the trial of the case.

Learned Addl. P. G has also opposed the transfer application as no valid ground is made out.

I have heard all the learned counsel as well as learned Addl. P.G and perused the record. I am of the view that the grounds so urged upon on behalf of the applicant is not tenable and is rather misconceived for seeking transfer of the criminal case pending before the Court. Report has been furnished by the trial Court wherein such allegation has been clearly denied,

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whereas even otherwise even if such directions were given, the applicant was always at liberty not to give any no objection. It appears to be an admitted position that the applicant has till date not filed its objections to the said application which such fact was admitted by the counsel. In fact if the applicant at the very first instance had filed its objections to such application, no further cause of action would have been left.

In view of herein above facts and circumstances of this case, I am of the view that no valid ground has been made out so as to transfer the case to any other Court, and, therefore, by means of short order in the earlier part of the day, this Crl. Transfer Application was dismissed. Let copy of this order be sent to the trial Court with directions to proceed with the trial as expeditiously as possible.

M. Yousuf Panhwar/\*\*