

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Cr. Transfer App. No. S – 102 of 2024**  
(*Nazeer Ahmed Matoi v. The State & another*)

Date of hearing : **17.02.2025**

Date of decision : **17.02.2025**

Mr. Waqar Ali Phulpoto, Advocate for applicant.  
Mr. Rahib Islam Nabi Malano, Advocate for respondent No.2.  
Mr. Imran Mobeen Khan, Assistant Prosecutor General.

## **ORDER**

**Zulfiqar Ahmad Khan, J.** – The present transfer application has been filed by the applicant / accused seeking transfer of Sessions Case No.651 of 2024 (*Re: The State v. Nazeer Ahmed*), arising out of Crime No.55 of 2024, registered at Police Station Tando Masti Khan, from the Court of learned Additional Sessions Judge-IV, Khairpur to the Court of learned Additional Sessions Judge, Moro, or any other Court having appropriate jurisdiction.

2. Learned Counsel for the applicant has argued that the complainant, being a practicing advocate, has closed ties with the Presiding Officer, who allegedly dismissed the applicant's bail application twice despite the offenses being bailable. Counsel further contends that on 16.10.2024, the applicant was kidnapped by unknown individuals who pressured him to comply with the complainant's demands, and in his absence, his counsel had to seek an excuse for his non-appearance before the Court. It is also submitted that a criminal miscellaneous application for the registration of an FIR against an unknown driver of a tractor trolley was allowed by learned Additional Sessions Judge-II, Khairpur, but the Investigating Officer, allegedly influenced by the complainant, failed to name the actual accused in the FIR, instead implicating the applicant maliciously. Counsel expresses grave concern for the applicant's safety, stating that the

complainant's party is influential, with connections in both police and political circles, and has threatened the applicant with dire consequences. Additionally, it is argued that the Investigating Officer has failed to comply with the directions to record the applicant's statement under Section 161, Cr.P.C, as well as the statements of his witnesses, relying solely on the complainant's FIR without conducting a thorough investigation. Finally, Counsel asserts that due to the alleged involvement of the Presiding Officer with the complainant's counsel, the applicant has lost faith in the impartiality of the Court and believes that justice will not be fairly administered.

3. On the other hand, learned Assistant Prosecutor General, assisted by learned Counsel for respondent No.2 / complainant, has argued that the applicant's claims are devoid of concrete evidence and are based on speculation rather than established facts; therefore, it is prayed that this transfer application may be dismissed.

4. Comments were called from the trial Court, which were received through a letter dated 16.11.2024. In the comments, learned Presiding Officer has stated that the subject case was received in her Court on 07.09.2024, and is therefore a recent matter, with the charge yet to be framed. The learned Presiding Officer further submitted that the present transfer application has been filed solely after the dismissal of the applicant's bail application.

5. After considering the arguments of the parties, it appears that the allegations made by the applicant, though serious, have not been substantiated with any evidence. There is no proof presented to support the claim that the Presiding Officer has any relationship with the complainant. The incident of 16.10.2024, as described by the applicant, lacks any supporting evidence or documentation. No complaint or FIR regarding the alleged kidnapping or threats has been registered or placed

on record. While the applicant has raised grievances against the Investigating Officer, it is important to note that the actions of the Investigating Officer have no direct bearing on the matter of the transfer application. Moreover, the applicant's assertion that he has lost faith in the learned Presiding Officer due to the alleged involvement with the complainant is not supported by any evidence. Therefore, the applicant has failed to establish reasonable grounds to question the impartiality or fairness of the Presiding Officer in this case.

6. The reference to the previous bail dismissal orders does not, in itself, suggest any bias in the current proceedings. Each case must be evaluated on its own merits, and prior rulings do not, by default, indicate the learned Presiding Officer's inability to administer justice impartially in future matters. Furthermore, the claim that the applicant has lost faith in the learned Presiding Officer is unsupported by any factual basis, unless substantiated by specific instances of judicial misconduct or unfair treatment.

7. In light of the above, it is clear that the allegations made in this transfer application are unsupported by any tangible evidence or documentation. Consequently, the transfer application is hereby **dismissed**. The trial Court is, however, directed to proceed with the case expeditiously and decide the same in accordance with law.

J U D G E

Abdul Basit