

ORDER SHEET**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR****Cr. Transfer App. No. S – 26 of 2020**

Date of hearing	Order with signature of Judge
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1. For orders on office objection at Flag 'A'.
2. For hearing of main case

09.03.2020

Mr. Mir Nawaz Kalhoro, Advocate for the applicant/complainant.
 Mr. Zulifqar Ali Jatoi, Additional P.G.

Through this transfer application applicant/accused Ali Nawaz seeks transfer of Sessions case No.227/2016 Re: The State v. Asif Ali and others, Under Sections 324,114, 337-A(i), F(i), F(iii), F(vi), L(ii), 148, 149, 504 PPC, Crime No.83/2016 of Police Station Daras District Naushehro Feroze, presently pending before the Court of learned Additional Sessions Judge-II Naushehro Feroze to some other Court.

Notice of this application was issued to other side and comments were called.

Mir Mir Nawaz Kalhoro learned advocate for the applicant submitted that P.E was brought on record without material. Applicant has lost faith and applicant is not expecting justice from trial Judge.

Mr. Zulifqar Ali Jatoi, Additional P.G argued that allegations have not been substantiated by some cogent material. Learned D.P.G opposed the transfer application.

Learned trial Judge in her comments has mentioned that Sessions case bearing crime No.83/2016 of Police Station Daras is received by her on the orders of this Court passed in the transfer application. So far the allegation leveled by applicant that accused have declared that they will get acquittal from learned trial Judge is concerned; allegation has been denied in the comments.

I have heard learned counsel for the parties and perused the relevant record. It appears that this is the case of counter version, one case bearing sessions case No.227/2016 was transferred from the court of learned Additional Sessions Judge Moro to Additional Sessions Judge-II Naushehro Feroze by this Court to avoid conflict in the Judgments.

Learned counsel for applicant has argued that learned Additional Sessions Judge-II Naushehro Feorze has brought on record the Direct complaint without any material during preliminary enquiry. It may be observed that case cannot be transferred on the ground that Presiding Officer has passed adverse order against a party. The grounds urged by learned counsel for the applicant are not sufficient for transfer the case from one Court to another, even otherwise allegation leveled against Presiding Officer has not been substantiated by some material. Both cases have already been ordered by this Court to be tried together to avoid conflict of the Judgment. Transfer Application is without merit and the same is dismissed with directions to trial Judge to decide the case expeditiously.

Transfer application is dismissed in the above terms.

Irfan/PA

J U D G E