

ORDER SHEET**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR****Cr. Transfer App. No. S – 15 of 2020**

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

1. For orders on office objection at Flag 'A'.
2. For hearing of main case

06.03.2020

Mr. Ali Ahmed Vistro, Advocate for applicants.

Mr. Faiz Muhammad Brohi, Advocate for respondent No.1.

Syed Sardar Ali Shah D.P.G.

Through this transfer application applicants/accused seek transfer of Sessions case No.224/2019 Re: Noor Muhammad Solangi v. Mumtaz Ali and others Under Sections 3, 4 Illegal Dispossession Act, pending before learned Additional Sessions Judge-II Naushehro Feroze.

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

Learned advocate for applicants/accused contended that an application under Section 265-K Cr.P.C is pending before trial Court since 22.12.2019 yet it has not been decided; that applicants/accused have lost confidence in the trial Judge.

Learned advocate for respondent No.1 submitted that mere pendency of an application Under Section 265-K Cr.P.C is no ground to transfer the case from one Court to another.

Syed Sardar Ali Shah D.P.G submitted that no sufficient ground has been shown for transfer of the case.

I have carefully heard learned counsel for the parties and perused the comments submitted by trial Judge wherein it is mentioned that charge has been framed on 10.10.2019 in the meanwhile an application under Section 265-K Cr.P.C has been moved by the accused, the same is fixed for arguments. It is shocking to observe that delay in disposal of an application under Section 265-K Cr.P.C is a serious one. However, it is not the ground for transfer of the case from one Court to another. While dismissing this transfer application it is ordered that learned Additional Sessions Judge-II Naushehro Feroze shall decide an application Under

Section 265-K Cr.P.C within seven (07) days under intimation to this Court. Let copy of this order be sent to trial Court through Additional Registrar of this Court for compliance.

Transfer application is dismissed in the above terms.

J U D G E

Irfan/PA