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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Transfer Appln. No.S-07 of 2018.

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 case.

11.09.2018.

Applicant is present in person.

Mr. Rafique Ahmed K. Abro, advocate for the respondents No.2 to 5 & 7.

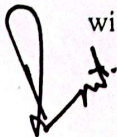
Mr. Khadim Hussain Khooharo, Addl. P. G.

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By means of this Crl. Transfer Application, applicant/complainant seeks withdrawal of Sessions Case No.365/2017 arisen out of Crime No.04/2017 registered at Police Station Bachal Bhayo under sections 324, 337-A(i), F(i), H-ii, 114, 148, 149, PPC from the Court of learned 3rd Additional Sessions Judge Shikarpur to any other Court having jurisdiction.

2. The applicant is present in person and states that he has no faith in Presiding Officer of the trial Court as his conduct is not proper and an apprehension has been created in his mind that he would not get justice from him; that Presiding Officer of the trial Court is pressing him for proceeding of the case in absence of his counsel and also forcing him to settle the matter with respondents No.2 & 7.

3. On the other hand learned counsel appearing for respondents No.2 to 5 & 7 while placing on record certified copies of the case diaries states that in this mater the charge was framed by the trial Court on 01.11.2017 and thereafter number of opportunities were given to applicant for recording of his evidence as well as evidence of his witnesses but almost on all dates of hearing he failed to do so.



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4. Learned Addl. P.G while inviting the attention of this Court towards the comments of the Presiding Officer of the trial Court has maintained that the matter before the trial Court is fixed for evidence since November 2017 but the complainant on one or the other pretext lingering on the same and *prima facie* this application has been filed by applicant with unclean hands.

5. Heard the applicant and learned counsel for the respondents No.2 to 5 & 7 as well as learned Addl. P. G and perused the material available on record.

6. It appears that after framing of the charge by the trial Court, the applicant/complainant and his witnesses are not inclined to record their evidence before the trial Court. It further appears that the applicant/complainant has only apprehended that he has no faith in the Presiding Officer of the trial Court, otherwise he has not mentioned any specific incident creating such apprehension in his mind. Transfer of a case under section 526, Cr.P.C cannot be claimed as a matter of routine or at the will of any party unless it is apparent on the face of the record that the party seeking transfer of his case could not get fair trial from the Court from which transfer of the case is sought. In other words transfer of a case from one Court to another Court could not be sought as a matter of right or could not be granted as a matter of routine and nobody can be allowed to blackmail the Court by leveling flimsy allegations against the Court, and it is duty of the superior Courts to give full protection against such like frivolous allegations while keeping in mind and dignified duty performed by the Judges.

7. For the foregoing facts and reasons, this Crl. Transfer Application being devoid of merit is dismissed accordingly.


Judge