

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Cr. Transfer App. No. S – 07 of 2025**

*(Muhammad Nawaz Bhutto v. Fida Hussain Bhutto & others)*

Date of hearing : **20.03.2025**

Date of decision : **20.03.2025**

Applicant, Muhammad Nawaz, is present in person.  
Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General.

## **ORDER**

**Zulfiqar Ahmad Khan, J.** – Through this transfer application, applicant (complainant) seeks transfer of Sessions Case No.32 of 2022 (*Re: State versus Kashif Ali and others*) from the Court of learned Additional Sessions Judge, Ubauro to any competent Court within the District.

2. It is pertinent to mention here that instant transfer application was presented on 17.01.2025. Although a brief was held for Counsel for the applicant on 10.02.2025, when the matter was taken up by this Court for the first time, even then notices were ordered to be issued to the respondents as well as Additional Prosecutor General for 21.02.2025. On that day, Mr. Khan Muhammad Sangi, Advocate filed *vakalatnama* on behalf of the respondents, but the applicant, who was present in person, sought adjournment on the ground that his Counsel was busy before the Hon'ble Supreme Court of Pakistan, and at his request, the matter was adjourned to 20.03.2025. Today again, the applicant is present in person and requests for adjourning the matter on account of his Counsel's engagements at the Principal Seat of this Court at Karachi. His request is declined and the matter is proceeded by treating the grounds of transfer application as the applicant's arguments.

3. It is contended by the applicant that the respondents, being practicing advocates and members of Taluka Bar, Ubauro, regularly

participate in the Bar activities where they present gifts to Judicial Officers. This has created serious apprehension in the applicant's mind that he would not get justice from the trial Court. He has pointed out that on 16.11.2024, one witness appeared before the trial Court for recording of evidence, and it was recorded upon directions of the learned Judge by the Stenographer with the help of Deputy District Public Prosecutor. The applicant has asserted that these factors have caused him to lose faith in the impartiality of the Presiding Judge, prompting him to request for transfer of the case.

4. On the other hand, learned Deputy Prosecutor General has argued that the applicant's claims lack concrete evidence and no case should be transferred on the ground of apprehension alone. He, thus, has prayed for dismissal of this application.

5. It appears that examination-in-chief of one witness was recorded on 16.11.2024 (Page-35). The evidence bears a certificate of the learned Judge in the end of the page that "typed and dictated in open Court". The applicant has placed on record certain photographs of the Court (Page-33), which do not clear that evidence was being recorded at that time. Moreover, no such written application raising objection upon such recording of evidence has been moved by the applicant (complainant) before the trial Court till cross-examination of that witness was recorded on 14.12.2024 and thereafter.

6. The applicant's primary concern revolves around an apprehension that he may not receive fair and impartial justice from the trial Court. He bases this apprehension on the fact that the respondents are active members of Taluka Bar, Ubauro and frequently participate in Bar activities, where they present gifts to Judicial Officers. While the fear of bias is a serious matter, it is important to recognize that Judicial Officers are bound to remain impartial and deliver justice without fear or favour. Participation

in professional Bar events, which are customary in legal communities, does not, in itself, create a conflict of interest or compromise judicial integrity.

7. Moreover, the apprehension expressed by the applicant is unproven by any concrete evidence suggesting that the trial Judge's impartiality has been compromised. The judicial system operates on the presumption that Judges will act fairly unless proven otherwise. Such apprehension, without demonstrable bias or misconduct, does not justify transferring the case.

8. In the circumstances at hand, this application for transfer seems to be meritless and is accordingly **dismissed**. The trial Court is, however, directed to proceed with the case expeditiously and conduct the proceedings with utmost diligence and impartiality, providing all parties a fair opportunity to present their case.

J U D G E

Abdul Basit