

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

**Cr. Transfer Appl. No.06 of 2021**

Date	Order with signature of Judges
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For hearing of main case

**08.03.2021**

Mr. Aftab Ahmed Satti, Advocate for the Applicant.

Mr. Ali Haider Saleem, Deputy Prosecutor General Sindh.

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Learned counsel for the applicant has filed this application for transfer of the Sessions Case No.188 of 2018 from the Court of XIIth Additional District & Sessions Judge (South) Karachi where the applicant's case is currently proceeding at trial. Learned counsel seeks transfer on the ground that the learned Judge of trial Court is very harsh towards the applicant and has convicted him in another case which was not connected to the main case.

On the other hand, learned Deputy Prosecutor General Sindh has opposed this transfer application.

I have heard the arguments of learned counsel for the applicant and learned DPG as well as perused the record.

Transfer of case from one court to another court is not a routine matter. There needs to be some cogent reasons supported by relevant materials in order to justify a transfer of a case from one Sessions Court to another Sessions Court. This is in order to prevent the applicants trying to get the Judges of their own choice who they may perceive might be favorable to them. As such only in exceptional cases can criminal transfer applications be allowed. In this case the ground that the Judge is apparently harsh towards the applicant is not backed up by any material on record and simply a bald allegation is leveled against the Judge. With regard to the trial Court Judge convicting the applicant in another case, I do not consider this to be particularly relevant as this fact does not mean that the trial court is prejudiced or bias to the applicant and will not prevent the trial court Judge from deciding the case against the applicant on merits in accordance with law after assessment of the evidence on record. Learned counsel for the applicant has placed no material on record to

show that the learned trial Judge is biased or prejudiced in any manner towards the applicant whatsoever.

Under these circumstances, this criminal transfer application is dismissed. However, learned Judge of XIIth Additional District & Sessions Judge (South) Karachi is directed to conclude the trial and to decide the matter within 06 months from the date of this order. A copy of this order shall be sent to learned XIIth Additional District & Sessions Judge (South) Karachi for compliance.

JUDGE

MAK/PS