

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Transfer Appln. No.S-62 of 2025

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| Date of Hearing | ORDER WITH SIGNATURE OF JUDGE |
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1. For orders on office objection.
2. For orders on M. A. No.5317/2025.
3. For hearing of Main Case.

Mr. Faiz Muhammad Larik, advocate for the applicant.
Mr. Ayaz Ahmed Faras, advocate for the respondents No.1 to 3.
Mr. Aitbar Ali Bullo, Deputy Prosecutor General.

Date of hearing : 05.01.2026.
Date of Order : 06.01.2026.

O R D E R.

Applicant/complainant Ghulam Mustafa Bhangwar has filed this transfer application seeking transfer of Sessions Case No.114 / 2025 (re-The State v. Aachar Ali Bangwar & others), from the Court of 1st Additional Sessions Judge/MCTC, Kandhkot to any other Court of competent jurisdiction at Kashmore.

2. Learned Counsel for the applicant mainly places reliance on the ground that the accused party is threatening the complainant of the case from giving evidence against them. He states that on every date of hearing they come and block his way and threaten him of dire consequences. The Counsel apprehends that complainant's life is in danger by such threats and may result in loss of life of the complainant/applicant.

3. Learned Counsel for the respondents/accused who all three are confined at District Prison, Shikarpur, states that one of the accused, namely, Ziyad son of Manzoor is being declared juvenile, which resultantly make his trial as a juvenile trial, to be conducted under the provisions of Juvenile Justice System Ordinance, 2000 and all such proceedings are to be conducted under the said law. Counsel for the respondents/accused further states that there is only one juvenile Court in the entire district of Kashmore at Kandhkot and this case cannot be transferred to any other Court and cannot be sent to any other district. Question of transfer on this ground is jurisdictionally incorrect. He further states that the general allegation has been made out against the learned trial Judge, which is not permissible under the dicta laid down by the Hon'ble superior Courts. He places reliance upon **2020 SCMR 1243** and **2012**

YLR 2629. He also states that the ground No.3 has been falsely mentioned by the applicant side, as respondent No.1/accused Ziyad has not been granted post arrest bail by the learned trial Court and has in fact been declined. He places the bail order before this Court. He further contends that both the parties belong to the same village and applicant would remain threatened even while staying in his own village. He, therefore, prays for the dismissal of this transfer application.

4. Learned DPG while supporting the contentions of Counsel for the respondents states that since the Juvenile Justice System Ordinance requires a specific procedure to be adopted for the trial of the juvenile accused, such cases cannot be transferred to any other Court except for the ones which are notified within the given jurisdiction.

5. I have heard all the parties and gone through the record. It is fairly clear that the learned Counsel has made certain assertions in the memo of application which have been proved factually incorrect. It is observed that such practice by the Counsels must be restrained. Counsel for the applicant also failed to make any specific allegation against the learned trial Judge except certain vague general allegations which again should not be made against the trial Judge. Even on the jurisdictional question of law, since the matter has to be tried within the criminal jurisdiction of a district and since the juvenile trial is to be conducted, it can only be dealt by a notified juvenile Court. On all the above counts this transfer application cannot be allowed.

6. However, due to life threatening situation, as alleged by the applicant/complainant, the SSP, Kashmore at Kandhkot is directed to provide one time police protection to the applicant/complainant so that he can record his evidence before the trial Court peacefully and without any fear. If such arrangement cannot be made, the learned trial Court may arrange for an electronic via media for recording of the evidence of the applicant/complainant.

7. This criminal transfer application is disposed of in the above terms along with the listed application.

JUDGE