

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Criminal Transfer Application No.S- 08 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For orders on MA 2748/2026.
3. For hearing of main case.

11.05.2026.

Mr. Mir Murtaza, Advocate holds brief for Ms. Maryam Jatt, Advocate for applicants who is reported to be unwell.

Mr. Shahid Shaikh, Additional .P.G for State.

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The applicants/accused in FIR No.23 of 2025 of PS Daulatpur are aggrieved by the order dated 07.01.2026, whereby their application under Section 265-K Cr.P.C. was dismissed on the ground that the issues raised were triable in nature and that the application was not maintainable.

A transfer application moved before this Court must demonstrate either bias or prejudice caused to the aggrieved party. Additionally, if there is an overwhelming threat to the applicants the courts have tended to consider such transfer applications favourably. In this case a mere order, such as the one dated 07.01.2026 (available on pages 51 to 53) in itself cannot be a valid ground for transfer. Indeed the applicant is aggrieved by the order because the High Court had passed orders to approach the Court of competent jurisdiction. This did not mean and this (High) Court's order also does not read in any way to suggest any directions were passed to the Sessions Court to mandatorily accept the plea of the applicants. Indeed if the applicants are aggrieved now, they are at liberty to challenge the order dated 07.01.2026. This is no reason for filing an application to transfer their case. In the present case, an FIR No.23 of 2025 has been lodged by ASI Toto Khan of PS Daulatpur and a trial will now run its course. No contemporaneous evidence is attached with the transfer application to make out a case for its transfer. Lastly, the applicants have reached the doorsteps of the Court without exhausting their remedy

before the District & Sessions Court, which order would have assisted this bench in making a further determination for transfer of the case, if any, was made out.

I have perused the order dated 07.01.2026 passed by the learned Additional Sessions Judge-II, Shaheed Benazirabad, and do not find any cause for transfer of the case. Giving the above reason, this Criminal Transfer Application stands dismissed along with listed application.

JUDGE

Tufail