

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Transfer Application No.S-51 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Ghulam Rasool S/O Muhammad Ramzan
Abbasi
Through **Mr.Anwar Ali Lohar Advocate.**

Respondent No.1: Nawab Ali S/O Sadiq Lakhan
Through **Mr.Shabbir Ali Bozdar, Advocate.**

The State: Through **Mr. Mansoor Ahmed Shaikh D.PG.**

Date of hearing & order: **17.09.2026.**

Suresh Kumar J:- This criminal transfer application has been filed by the applicant for transfer of the Session case No.-357/2024 Re: State.Vs. Nawab Ali Lakhan and others, from the Court of learned 4th Additional Session Judge-II, Ghotki to any other Court having jurisdiction.

2. The relevant facts of the case, in a nutshell, are that complainant Ghulam Rasool lodged an FIR against respondent No. 1 and others for the offences punishable under Sections 302, 114, 324, 337-F(iii), 337-F(v), 337-H(ii), 148, and 149 PPC, Crime No.109/2023, registered at PS Sarhad, District Ghotki. In the first round of trial, co-accused Hanif Lakhan was acquitted via judgment dated 09.04.2026. It is further alleged that another accused, respondent No. 1 (Nawab Ali), was arrested and is facing trial before the learned trial court. The applicant/complainant has lost confidence in the learned trial court due to the acquittal of the co-accused; therefore, he has filed the present transfer application.

3. After filing of this application, a notice issued to the respondent so also learned DPG and comments were called from learned trial Court.

4. I have heard learned counsel for applicant/complainant, learned counsel for respondent No.1 as well learned DPG.

5. Learned counsel appearing on behalf of applicant/complainant has contended that applicant/complainant has lost his confidence upon the trial court due to acquittal of co accused Hanif Lakhan. He has also contended that learned trial Court has relied upon insufficient evidence, therefore, there exists reasonable apprehension that the earlier findings regarding credibility of complainant evidence may directly or indirectly influence the mind of the learned trial Judge. Therefore, he has prayed for transfer of the case.

6. While advocate for respondent No.1 has opposed the transfer application on the ground that each case is to be decided on its own merits. He has also contended that complainant is avoiding to proceed with the matter. He has lastly prayed that application may be dismissed.

7. Learned DPG has also opposed the instant transfer application and submitted that no reasonable ground or cause has been shown that may justify the transfer of the case from one court to another.

8. Having given due consideration to the arguments advanced by the respective parties' counsel and having perused the relevant record, it is noted that the transfer application has been filed on the grounds that the learned trial judge acquitted co-accused Hanif Lakhan via judgment dated 09.04.2026, which may cause serious prejudice to the case of the complainant. The learned trial court, in its comments, has stated that once evidence in the case of Nawab is recorded, it will be appreciated based on the material available on the record during the trial of the second accused. Furthermore, it contended that the complainant has adopted delaying tactics and is avoiding proceeding with the case. It is well-settled law that merely having an adverse judicial order passed

against any party will not, by itself, be a sufficient ground for the transfer of the case, as the aggrieved person has the remedy to challenge the order before a higher forum. In this regard, reliance is placed upon the cases of Syeda Ruqiyar Shah v. Abdul Shakoor and others (2018 P.Cr.L.J 1211), Abdul Latif v. Syed Kousar Ali Shah Bukhari and others (2017 YLR 1985), and Lutifullah v. The State (2000 P.Cr.L.J 1635). Even otherwise, a party cannot claim the transfer of a case as a matter of routine or as a matter of right unless it is shown from the record that, under the circumstances, a free and fair trial is not apparent on the face of it. In this regard, reliance is placed on the case of Amir Altas Khan v. The State (2002 SCMR 709). No other substantive material has been brought on record to suggest that the learned trial judge is either prejudiced or biased against the applicant/complainant, which may justify the transfer of the case. Apprehension of bias can not be extended to judicial bias, on the ground that since Judge while deciding similar matter has already express the opinion, therefore, the other case of similar nature might have same fate. Reference in this case can be made to Full Bench of this Court in the case of Syed Tahir Hussain Mehmoodi and others v. Tayyab and others (PLD 2009 Karachi 176). This Court has repeatedly held that presiding officers are to be protected equally from frivolous transfer applications in order to achieve transparent and even-handed justice. In this regard, reliance can be placed upon the case of Sain Rakhio v. Abdul Ghaffar and five others (2011 CLC 1160).

9. In view of the above discussions and the guidance taken from the case law, I am of the considered opinion that no case for the transfer of the case has been made out. Consequently, the instant transfer application is dismissed.

J U D G E

Hizbullah