

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Transfer Application No.01 of 2015

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

- 1) For Katcha Peshi.
- 2) For orders on M.A. No.138/2015

22.06.2015

Mr. Faisal Siddiqui, Advocate for Applicant
Pir Mujeebul Haq, Advocate for Respondent No.2.
Mr. Saleem Akhtar Burriro, Addl: P.G. Sindh

This transfer application has been filed by the victim of Crime No.323 of 2014, registered at P.S. "A" Section Dadu, District Dadu, under sections 365-B, 376 PPC. Respondents Nos.2 and 3 are charged with the offence of committing rape and one of them got pre-arrest bail and the other has also been released on bail. It is alleged that they have harassed the victim and his family so much so that they attacked the house of victim which compelled the applicant to file an application under Section U/s.22-B(c)(ii) Cr.P.C before the Session Court for registration of FIR for her protection. However, despite such application, she has been compelled to move from Dadu to Karachi and now she is residing in Pannah Shelter Home at Karachi. The counsel for the applicant submits that still direct threats from the accused/respondent are coming. Since the accused/respondents are influential persons they have obtained bail before arrest in a non-bailable offence despite direct evidence against them.

Counsel for respondent No. 2 in rebuttal contends that most of the witnesses are residents of Dadu therefore case may be transferred to another Court in the same vicinity and victim may be provided police protection as and when she is required to attend the court.

I have gone through the record of the case and heard the counsel of either side.

In view of the circumstances in which the victim has been forced to take shelter at Panah Shelter Homes in Karachi 400 miles away from her home and she is the most

important witness being the victim. In my humble view she should be given not only protection but also peace of mind so that she could record her evidence without fear. She would not be able to give proper account of incidence unless she has been provided proper protection. P.Ws may also be saved from the possible influence of the accused/respondents.

In view of above, it will be in the fitness of things to transfer the Sessions Case No.984 of 2014 from the Court of II-Civil Judge & J.M Dadu to the court of District and Sessions Judge, Karachi (South), for trial in accordance with law.


JUDGE

Gulsher/PA