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THE HIGH COURT OF SINDH AT KARACHI

No.: 2451/MIT-II/Crl. Transfer Appln. No. 128/2022

Dated: 30-11-2022

MOST URGENT

From:

Member Inspection Team-II,
High Court of Sindh, Karachi.

To,

The learned District and Sessions Judges in all districts of Sindh.

SUBJECT: CRL. TRANSFER APPLICATION NO. 128/2022.

I am sending copy of order dated 25-11-2022 passed by this Court in the subject case for submission of your report regarding the break-up as to how many cases have been assigned by the District Judges to Senior Civil Judges/Assistant Sessions Judges under Sindh Arms Act, 2013.

The required report may be submitted to this office within a week.



(Suhail Muhamamad Laghari)
Member Inspection Team-II

Enclosed as above.

IN THE HIGH COURT OF SINDH AT KARACHI

CR. TRANSFER APPLN No. 128 of 2022

Anika Zain W/o Zain Hassan Ali Effendi.....Applicant
VERSUS

The State & Others.....Respondents
S.C. Nos. 781, 782 & 783 of 2021
FIR No. 20/2021 P.S. Jamshed Qaurter Khi.
FIR No. 25, 26 & 27 of 2021 P.S. Mehmoodabad Khi.

O R D E R

25/11/2022

Raj Ali Wahid Kanwar advocate

1. Urgency granted.
2. Office objection deferred for the time being.
3. Exemption is granted subject to all just legal exceptions.

4&5. Heard. Learned counsel for applicant contends that despite of jurisdiction under Sindh Arms Act 2013, cases emanating from FIR Nos.25, 26 and 27 of 2021 were transferred to the Assistant Sessions Judge which is patently illegal and the District Judge was not competent to transfer the same as the offence is triable by the Session Judge under section 35 of the Sindh Arms Act 2013, whereas powers rest with the Assistant Sessions Judge under section 30 of CrPC which authorizes the Assistant Sessions Judges or Magistrates.

Point raised by learned counsel carries weight. Issue notice to respondents as well P.G. Sindh for 14.12.2022. Meanwhile proceedings of all three cases before Assistant Sessions Judge are hereby stayed. Learned Registrar of this court shall assist this court with break-up as to how many cases have been assigned by the District Judges / Senior Civil Judges under Sindh Arms Act 2013.

**Sd/- Salahuddin Panhwar
Judge**

Certified to be true copy

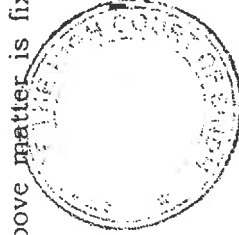
**I.C. Assistant Registrar, Criminal Br
CR/TRANSF/APPLN/NO/128/2022**

Dated: 26.11.2022

Forwarded for information and compliance to:-

1. **The learned Registrar of this Court.**
2. **The learned Assistant Sessions Judge-XII, South Karachi.**

Now the above matter is fixed in Court on **14.12.2022** at 08:15 a.m.



**I.C. ASSISTANT REGISTRAR, CRIMINAL BR.
FAX 99204133**

Handwritten signature