

ON 12th Feb 2018
Assistant Registrar

AMENDED TITLE/FACE SHEET.

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.

CR. TRANSFER APPL: NO: ~~D-19~~ OF YEAR 2018.

S-54/2018 (New) -

Parvez Ahmed Chandio son of Karamullah
Chandio, adult, muslim, resident of Chandio
House, Gul Colony Taluka Mehar District Dadu.

~~~~~ APPLICANT/COMPLAINANT.

VERSUS

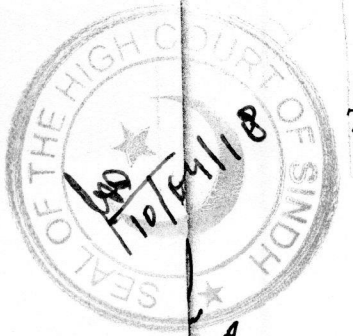
1. The State.
2. Burhan son of Shabir Ahmed by caste  
Chandio, resident of Qambar Shahdad Kot.
3. Sardar Khan son of Shabir Ahmed Chandio,  
resident of Qambar Shahdad Kot. (Both on  
interim pre-arrest bail.
4. Ali Gohar son of Yakhtiar Ali alias Bakhtiar  
Chandio, resident of Soomar Tewro Taluka  
Mehar District Dadu (In custody)
5. Sikandar son of Ali Hassan Chandio,  
resident of Drib Ketchi Taluka Mehar  
District Dadu. (In custody)
6. Ghulam Murtaza son of Muhammad Saffar  
Chandio, resident of Islamabad Mohalla Mehar  
District Dadu. (Absconder)
7. Zulfiqar Ali son of Ghulam Qadir alias Qadoo  
Chandio, resident of Saeedullah Chandio Taluka  
Mehar District Dadu. (Absconder).

~~~~~ RESPONDENTS.

CRIMINAL TRANSFER APPLICATION UNDER SECTION
526 CR.P.C READ WITH SECTION 28-ATA-1997.

DATED: 10.2.2018.


(SYED JAFFAR ALI SHAH)
ADVOCATE FOR APPLICANT.



18
CHER
of the
General

PRESENTED

31-01-2018

Op. Registrar Court

366

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Transfer. Application. No. D-19/2018

PERVAIZ CHANDIO

S/O KARAMULLAH CHANDIO,

Muslim, Adult R/O Chandio House,

Gul Colony, Taluka Mehar

District Dadu,.....APPLICANT/COMPLAINANT

VERSUS

The State.....RESPONDENT

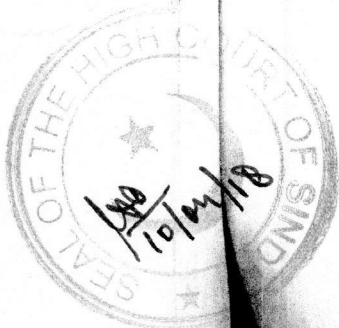
Off: U/S 302, 148, 149, 114, 109, 504 PPC,
R/W Section 6/7 ATA 1997.

Crime No. 20/2018 of
PS A-Section Mehar

CRIMINAL TRANSFER APPLICATION UNDER
SECTION 526 CR.PC R/W 28 ATA, 1997

It is prayed that this Honorable Court may be pleased to transfer the FIR No.20/2018 U/S 302, 148, 149, 114, 109, 504 PPC, R/W Section 6/7 ATA 1997 from the Court of Special Judge ATC Noshferoze to Special Judge ATC Hyderabad, it is pertinent to mention here that yet the special case has been not allotted by the Court but the two of accused namely Sardar Khan Chandio and Burahan Khan Chandio have surrendered before the Court and have obtained the pre-arrest bail from learned ATC Court of Nousheroferoze on 29-01-2018 and complainant has every apprehension that he will not get justice from the said Court hence this Transfer application on following facts and grounds.

(Copy of Interim Bail is attached and marked as Annexure-A)



FACTS

1. That on 17-01-2018 at about 08:30 .am in the morning three persons namely Karmullah Chandio, Mukhtiar Ahmed Chandio and Qabil Chandio were shot dead at Mehar City District Dadu, while they were standing outside of their Home at Gul colony Mehar City. It is pertinent to mention here that Karamullah Chandio was the father of Mukhtiar Ahmed and Qabil Chandio and the murder FIR of two sons along with their father as mentioned herein above was lodged at PS. A-Section, Mehar District Dadu i.e. F.I.R No. 20/2018 u/s 6/7 ATA and 302,109,34 PPC.
2. That the news of such brutal murders in an open place before the people of the area, even at the time of the occurrence police mobile was also available there, during day light and the same incident was widely published in different leading newspapers even in Daily Kaawsih dated: 18-01-2018, wherein the incident of above said three murders was highlighted. Further the son of deceased Karamullah Chandio namely Parvaiz Chandio lodged the F.I.R bearing No. 20/2018 as mentioned herein above, wherein 07 accused were nominated among **which one accused is currently Member Provincial Assembly (MPA) of PS-42 namely Sardar Khan Chandio who was assigned role of abettor in the FIR No. 20/2018 and his younger brother namely Burahan Khan Chandio who is currently member of District Council Qamber@Shahdadt Kot was also nominated in the said FIR of three murders.**

(Copies of News cutting dated: 17-01-2018 and FIR No. 20/2018 are attached and marked as Annexure-B & C)



3. That it is pertinent to mention here that Applicant is the complainant of such FIR so as son of deceased Karamullah Chandio and brother of deceased Muktiar Ahmed and Qabil Chandio.

GROUNDS

- a. That it is pertinent to mention here that the accused have engaged the counsel Advocate Athar Solangi before the Honorable Court of ATC Nousheroferoze in FIR No. 20/2018 and obtained pre-arrest bail on 29-01-2018, it is submitted that learned presiding Officer belongs to Taluka Dokri so as Advocate Athar Solangi and previously learned Presiding officer of ATC Nousheroferoze remain in Taluka Bar Association Dokri for about twenty years along with Advocate Athar Solangi.
- b. That the accused persons are highly influential person of District Qamber@Shahdaddkot as the accused Sardar Chandio is sitting MPA and has influential in District Qamber@Shahdaddkot so as in District Dadu.
- c. That the Applicant and other family members are presently residing at Hyderabad, where the deceased Mukhtiar Ahmed Kids are studying in different Schools and colleges and it is pertinent to mention here that after the death of Karamullah Chandio and his two sons i.e. Mukhtiar Ahmed and Qabil Chandio the back bone of Applicant's family is broken and even the life of the Applicant/Complainant of FIR No. 20/2018 is at stake and in such circumstances the case is under trial before the Court of ATC Nosheroferoz which is difficult for the applicant to pursue the case.
- d. That it is pertinent to mention here that when it came into the knowledge of the MPA Sardar Khan Chandio of PS-42 Qamber@Shahdaddkot that the FIR No. 20/2018 is lodged against him and his younger brother, got annoyed with Applicant and his family



hence the Applicant has every apprehension that he will be killed while going on date again and again at Nosheroferoz, as accused Sardar Khan Chandio is very much influential person of such area.

- e. That it is pertinent to mention here that investigation of crime No. 20/2018 lodged at PS A-Section Mehar is transferred from Dadu Police to Hyderabad Police and Hyderabad police is carrying the investigation under the supervision of SSP Pir Muhammad Shah.
- f. That the Applicant has every apprehension that he will face the consequences as his father and brothers faced and Applicant will not able to proceed with the case at Nosheroferoz due to enmity and the opponent accused is very powerful person who is also sitting MPA of PS-42 and will not leave the Applicant if he proceed with the case at Nosheroferoz.
- g. That Prior to this no such application was moved by the Complainant for transfer of case.

PRAYER

- a) That this Honorable Court may be pleased to withdraw the FIR No. 20/2018 u/s 302, 114, 148, 149, 504 PPC R/W 6/7 ATA 1997 from the Honorable Court of Special Judge ATC Nosheroferoz to learned Special Judge of ATC Hyderabad and entrusted the same to the Special Judge ATC Hyderabad as the investigation of such case is also transferred to Hyderabad Police.
- b) Any Other relief which this Honorable Court deems fit keeping in circumstances.



Karachi,
Dated: 26-01-2018

[Handwritten Signature]

ADVOCATE FOR APPLICANT

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Transfer. A. No: S - 54 of 2018.

1. For orders on MA 1036/18

2. For Katcha Peshi

Notice issued.

Order dated:

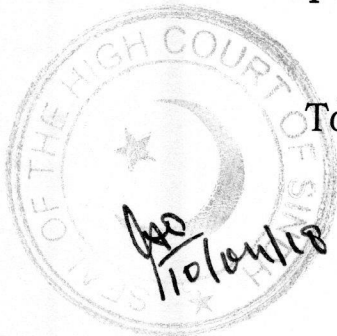
06.04.2018.

Syed Jaffar Ali Shah, Advocate for the Applicants.

Mr. Ather Abbas Solangi, Advocate for respondents 2 and 3.

Mr. Zulfiqar Ali Jatoi, Addl.P.G.

1. This application for urgent hearing having become infructuous is dismissed.
2. It is stated by learned counsel for the applicant that respondents 4 and 5 are confined in District Jail Dadu. Let notice be issued to them through Superintendent District Jail Dadu.



To come up on 20.04.2018.

Sd/-Nadeem Akhtar
Judge