

Form No: HCJD/C-121
ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

Crl. Misc. No.28-T/2020

Muhammad Abid Raja

Versus

Afzad, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	16-01-2020	Syed Asad Abbas Naqvi, Advocate for petitioner.

This petition has been filed under section 526 of the Code of Criminal Procedure, 1989 (*hereinafter referred to as the 'Cr. P. C.'*) assailing order dated, 27-11-2019.

2. The facts, in brief, are that a complaint under sections 3 and 5 of the Illegal Dispossession Act, 2005 titled '*Muhammad Abid Raja v. Afzad, etc.*' was filed and is pending before the learned Court presided by *Mr Sikandar Khan*, Additional Sessions Judge, Islamabad (West). The matter was remanded by this Court vide order, dated 10-05-2019. The petitioner filed an application seeking transfer of the case to some other Court. The application was dismissed vide order, dated 27-11-2019.

3. The learned counsel has been heard at length. Despite his able assistance, he was not able to satisfy this Court that a valid ground exists to order the transfer of the matter while exercising jurisdiction under section 526 of Cr. P. C. The eventualities prescribed under section 526 of Cr.P.C. are also not attracted in the instant case. Mere apprehension without any basis cannot be treated as a valid ground for transfer of a case from one Court to another. The impugned order does not suffer from any legal infirmity requiring interference and, therefore, the petition being devoid of merit is accordingly ***dismissed.***

(CHIEF JUSTICE)

Luqman Khan.