

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, AT
GILGIT**

Cr. P.L.A. No. 01/2012 (Cr. TRANSFER PETITION)

Before: - **Mr. Justice Syed Jaffar Shah, Judge.**
Mr. Justice Mohammad Yaqoob Khan, Judge.

Hayat Khan s/o Sami Ullah r/o Thak Tehsil Chilas District
Diamer.

Petitioner

Versus

The State and two others

Respondents

**PETITION FOR LEAVE TO APPEAL U/A 60 OF
(EMPOWERMENT AND SELF GOVERNANCE) ORDER,
2009 AGAINST THE IMPUGNED JUDGMENT/ORDERS
DATED 22-12-2011 PASSED BY CHIEF COURT GILGIT-
BALTISTAN.**

Mr. Johar Ali, Advocate for petitioner.

Date of Hearing: - 22-05-2012.

ORDER

SYED JAFFAR SHAH, J..... The petitioner namely Hayat Khan s/o Sami Ullah, father of deceased Mohammad Shakar, has claimed leave to appeal in terms of Article 60 of (Gilgit-Baltistan Empowerment & Self Governance) Order, 2009, against order dated 22-12-2011, passed by a Single Bench of Chief Court, Gilgit-Baltistan, in Criminal Misc. No.84/2011, whereby the Single Bench of Chief Court, has dismissed transfer application filed by petitioner u/s 526 Cr. P.C.

We have heard Mr. Johar Ali, learned counsel for petitioner, who contended that the son of petitioner was murdered by the respondents/accused in the year 1993, within the territorial jurisdiction of Sessions Judge Chilas, and

the local police after necessary investigation has submitted challan before the Sessions Judge Chilas, and the case is at final stage of trial.

The main ground for transfer of sessions case as per learned counsel for petitioner is that due to friendly terms of relative of accused namely Molvi Afsar Jan, with the Sessions Judge Chilas, there is reasonable apprehension in the mind of petitioner, that trial court will not act fairly and impartially in the circumstances as such the case may be transferred from the diary of Sessions Judge Chilas to any other court of competent jurisdiction.

We are afraid that this contention of learned counsel for the petitioner is not sufficient for transfer of case. It is settled principle of law, that the transfer of a case cannot be claimed as a matter of routine and at the wishes of any litigant unless it was apparent on the face of record that party seeking transfer of the case could not get fair and just treatment at the hands of a Judge from whose diary the transfer of the case is sought. One who seeks transfer of the case should approach with cogent and plausible reasons. Self procured mistrust and expression of having no trust or losing confidence in the court merely based on general and vague allegations is hardly sufficient to invoke the jurisdiction of the court u/s 526 Cr. P.C.

In the case in hand, the learned counsel for petitioner has not been able to point out any justification for our interference in the impugned order passed by the Learned Chief Court, Gilgit-Baltistan.

We have also gone through the findings recorded by the learned Chief Court, Gilgit-Baltistan, in impugned order and we find no perversity in the reasoning given by the learned Chief Court, Gilgit-Baltistan.

The upshot of the above discussion is that this petition is dismissed.

Leave refused.

Judge

Judge