APHC010197542026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3397]**
(Special Original Jurisdiction)

MONDAY,THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION NO: 50/2026

Between:

Mude Gopal Dinesh Naik and Others **...PETITIONER(S)**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner(S):

1. CHINTA NAGA SUMANTH

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR
2. NIRMALBABU A

The Court made the following:

Reserved on 08.05.2026
Pronounced on 15.06.2026
Uploaded on 15.06.2026

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION No.50 of 2026

ORDER:

The petitioner has filed the present petition under Section 447 of B.N.S.S., Act seeking to withdraw D.V.C.No.18 of 2023, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District and transfer the same to the competent Court at Guntur City.

2. The case of the petitioners is as follows:

I. The petitioner No.1 is the husband of the respondent No.2 and their marriage was solemnized on 19.06.2021. In view of the matrimonial disputes between both the parties, the respondent No.2/wife is separately residing at her parents' house at Nandigama. The petitioner No.1 further pleaded that the respondent No.2 lodged a complaint before the Nandigama Police Station, NTR District, under Sections 498-A, 323 r/w 34 IPC *vide* Cr.No.205 of 2022 and after completion of investigation, the Police filed Charge Sheet *vide* C.C.No.2421 of 2022, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District and the same is pending for adjudication. The petitioner No.1 further pleaded that the respondent No.2 filed a Maintenance Case *vide* M.C.No.40 of 2023 and a Domestic Violence Case *vide* D.V.C.No.18 of 2023, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District, and the petitioner

No.1/husband is attending the case proceedings in the aforesaid cases before the Court at Nandigama.

II. The petitioner No.1 further pleaded that he is a Railway Employee working as a Helper in the Southern Railways at Chennai and he was born and brought up at Thiruvallur District, Tamilnadu and is presently residing along with his family members at Thiruvallur District. The petitioner No.1 further pleaded that his parents i.e. the petitioner Nos.2 and 3 herein are Senior Citizens and are aged about 73 and 58 years respectively and the distance in between Thirivallur and Nandigama is approximately 650 Kms. The petitioners further pleaded that they being the non-locals and unfamiliar with the local language and surroundings at Nandigama, are facing severe difficulty in securing proper legal assistance and they have engage three advocates at Nandigama and the said advocates have withdrawn their vakalaths after attending few adjournments and they pressurized the petitioners to settled the matrimonial dispute by paying monetary amounts to the respondent No.2. The petitioners further pleaded that the respondent No.2/wife is having considerable social and local influence at Nandigama and they are also being subjected to intimidation and pressure from local Police. The petitioners further pleaded that after change of local counsels at Nandigama, the learned trial Judge has been posting the aforesaid three cases on different dates. The petitioners further pleaded that even after oral requests and filing a memo seeking posting of all matters on a

single date, the learned trial Judge has not considered the said request of the petitioners.

III. Learned counsel for the petitioners contended that the petitioners are under a reasonable and bona fide apprehension that they may not receive a fair and impartial hearing before the trial Court owing to the prevailing local influence of the respondent No.2 and her family members, which has created an atmosphere not conductive for the petitioners to effectively participate in the proceedings and that the petitioners are constrained to file the present transfer criminal petition seeking to withdraw D.V.C.No.18 of 2023, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District and transfer the same to the competent Court at Guntur City.

3. Heard Sri Chinta Naga Sumanth, learned counsel for the petitioners, learned Public Prosecutor appearing for the respondent No.1/State and Sri Nirmalbabu.A, learned counsel for the respondent No.2. Perused the material available on record.

4. The material available on record goes to show that the respondent No.2/wife filed a maintenance Case vide M.C.No.40 of 2023 and a Domestic Violence Case *vide* D.V.C.No.18 of 2023, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District, and the same are pending for adjudication. Furthermore, the distance in between Nandigama and Guntur is approximately 100 Kms and the petitioners herein are not residing at Guntur and they are residing in Tamilnadu State. Therefore, in those circumstances, it

is not just and proper to transfer the case in D.V.C.No.18 of 2023, from the Court at Nandigama to the Court at Guntur.

5. The grounds urged by the petitioners for seeking transfer of a case is that they are under a reasonable and bonafide apprehension that they may not receive a fair and impartial hearing before the Court at Nandigama. The apprehension of not getting a fair and impartial enquiry is required to be reasonable and not imaginary based upon conjunctures and surmises. As noticed supra, the petitioners herein are not residing within the State of Andhra Pradesh and they are residing in Tamilnadu State. On considering, the aforesaid circumstances, this Court is of the considered view that it is not a fit case to transfer from Nandigama to Guntur. The petitioner Nos.2 and 3 herein, who are the parents of the petitioner No.1 herein are aged about 73 and 58 years respectively. The appearance of the petitioner Nos.2 and 3 herein in a domestic violence case on each and every date of adjournment before the learned Additional Judicial Magistrate of First Class, Nandigama, is not at all required as long as their counsel on record is available and is attending the Court proceedings before the Court at Nandigama. Therefore, on considering the ages of the petitioner Nos.2 and 3 herein, the personal attendance of the petitioner Nos.2 and 3 herein i.e. respondent Nos.2 and 3 in D.V.C.No.18 of 2023, pending before the Additional Judicial Magistrate of First Class, Nandigama, is hereby dispensed with except on the days when their personal appearance is required before the Court at Nandigama or as and when

directed by the learned Additional Judicial Magistrate of First Class, Nandigama, in D.V.C.No.18 of 2023.

6. With the above observations, the Transfer Criminal Petition is **disposed of**. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending and the Interim order granted earlier, if any, shall stand closed.

JUSTICE V.GOPALA KRISHNA RAO

Date: 15.06.2026

SRT