

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Transfer Criminal Petition No.131 of 2014

ORDER:

In this petition filed under Sec.407 Cr.P.C, the petitioner/defacto complainant seeks transfer of C.C.No.1821 of 2012 from the file of IX Metropolitan Magistrate at Kukatpally, Cyberabad to the Principal Judicial First Class Magistrate Court, Ongole, Prakasam District.

2) It is a case under Sec.498-A IPC and Sec.3 & 4 of Dowry Prohibition Act. The petitioner is the *defacto* complainant and first respondent is the accused. The trial is under way. The complainant seeks for transfer of the case on the ground that she is now residing along with her parents at Ongole which is at a distance of 325 kms from Hyderabad and she finds it difficult to attend the C.C.No.1821 of 2012 before IX Metropolitan Magistrate Court, at Kukatpally, Cyberabad as she is unemployed and having a child aged three years and her mother is suffering with disk problem and there is nobody to look-after her child when she come to Hyderabad to attend the Criminal Case.

3) It is seen that petitioner's submission is not convincing. Admittedly the petitioner is the *defacto* complainant and unlike the accused, her attendance in C.C.No.1821 of 2012 before IX Metropolitan Magistrate Court, at Kukatpally, Cyberabad is not necessary on every adjournment date,

except on few occasions when her evidence is taken up in Court. Therefore, I find no compelling circumstance to transfer the case from Hyderabad to Ongole.

4) Accordingly, this Transfer Criminal Petition is dismissed with a direction to the learned IX Metropolitan Magistrate, at Kukatpally, Cyberabad to dispose of the C.C.No.1821 of 2012 at the earliest preferably within four(4) months from the date of receipt of this order.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 19-03-2015
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