

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

TR.CRIMINAL PETITION No.178 OF 2015

Between:

Jakkamgari Ashappa @ Ashok

... Petitioner

and

The State of Telangana rep. by its Public Prosecutor and another

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 03-08-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers

may be allowed to see the Judgment? Yes/No

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes/No
see the fair copy of the Judgment?

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HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TR.CRIMINAL PETITION No.178 of 2015

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ORDER :

This transfer criminal petition is filed under Section 407 Cr.P.C to withdraw S.C. No.252 of 2012 on the file of the Special Sessions Judge for trial of cases under S.Cs and S.Ts (POA) Act-cum-VII Additional District and Sessions Judge, Mahaboobnagar and transfer the same to the Court of Metropolitan Sessions Judge, Hyderabad.

2) Heard the learned counsel for the petitioner who seeks transfer of the sessions case as stated supra in which charges framed for the offences punishable under Sections 302, 147, 148, 324 read with 149 I.P.C. There were as many as 11 accused therein. The petitioner, by name J.Ashappa @ Ashok, is one of the accused. It is the submission that this is a split up case from the original crime No.34 of 2014 after police final report and consequential committal of

the accused persons earlier S.C. No.238/2008 and trial conducted and it is the submission that some of the accused who faced the trial and the case was ended in acquittal. So far as the petitioner concerned, it is the split up case of S.C. No.238 of 2008 after his abscondence from police could not secure another S.C. No.252 of 2008 allotted and he is now facing trial since apprehended by police and protest not to cause of his surrender and he is undisputedly in police custody.

3) The petitioner now to face trial before the learned Sessions Judge supra, want transfer of the case from Mahaboobnagar to Hyderabad stating that there is a life threat to him and earlier against some of the accused as can be seen from the newspaper clipping allegedly dated 03.04.2009. It is also the submission that there was Crime No.6/2011 registered against one B.Vijay Kumar @ Vishnu one of the relatives of the 1st deceased who shown to be accused in some other case, for his possessing pistol and eight live rounds which crime registered for the offence punishable under Section 25 of the Arms Act from the alleged disclosure saying that he was moving with the pistol and live rounds to finish some of the rivals including by naming the petitioner herein. This crime is registered undisputedly in the year 2011. Even that can be taken as a ground for transfer by showing any further threat survival and even presently prevailing of such circumstances here, the factual matrix shall entirely different as accused is in judicial custody. He will and has been producing with necessary security from the Jail to the Court and vice versa. Then such is the case, the contention of possibility of attacking by the rival group and thereby the case to be transferred no way survives as once he is in judicial custody, it is for the police authorities concerned, if at all for his further safety to take steps while producing from the Jail to the Court or vice versa.

4) Accordingly, with the observations, the petition is dismissed for no grounds even to admit. As a sequel, miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

03.08.2015

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