

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

TRANSFER CRIMINAL PETITION NO. 258 OF 2013

ORDER:

None appears for the petitioner.

This petition is filed seeking transfer of C.C.No.59 of 2013 pending on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, to the Court of the I Additional Munsif Magistrate, Narasaraopet, Guntur.

The case of the petitioner is that, she was married to the second respondent herein at Narasaraopet on 27.08.2010. She and her husband lived for a while at Hyderabad. However, when she was conceived and was in the family way, her husband left for U.S.A on office work during the fifth month of her pregnancy. Her mother came from Narasaraopet and has taken her to Narasaraopet. She delivered a male child and ever since then, she is not being entertained at the matrimonial home and a demand for additional dowry is raised by the respondents 2 to 6. When the petitioner somehow searched and located the house where the second respondent was residing and when she went there to join the second respondent, respondents 2 to 6 have thrown her out of the house abusing her in filthy language. The third respondent herein, who is the brother of her husband-the second respondent also assaulted her. In those circumstances, she filed a complaint before the Women Police Station, Central Crime Station, Hyderabad, which is registered as Crime No.288/2012. After investigation, a charge-sheet is filed before the XIII Additional Chief Metropolitan Magistrate, Hyderabad and it is now numbered as C.C.No.59 of 2013.

In the meantime, the husband of the petitioner, the second respondent, as a counter blast filed Divorce O.P.No.804 of 2012 on the file of the Additional Family Court at Hyderabad. Upon receipt of

summons and after entering her appearance in the matter, the petitioner filed Tr.C.M.P.No.544 of 2012 before this Court seeking transfer of the said O.P. from the Additional Family Court, Hyderabad, to the Principal Senior Civil Judge's Court at Narasaraopet. That Tr.C.M.P No.544 of 2012 was ordered by this Court on 22.04.2013. The Domestic Violence Case No.9 of 2012 filed by the petitioner is also now pending on the file of the I Additional Junior Civil Judge's Court at Narasaraopet. The petitioner appears to have filed also a Maintenance Case No.17 of 2012, which is also pending on the file of the I Additional Junior Civil Judge's Court at Narasaraopet. In this backdrop, the petitioner sought for transfer of C.C.No.59 of 2013 also to Narasaraopet.

When the marriage is taken place at Narasaraopet, Guntur District, a part of cause of action has taken place at Narasaraopet where a demand of dowry has been made. This apart, the petitioner herein is not employed, but is a housewife, whereas, the second respondent-husband herein is employed. Therefore, he has got greater financial ability to undertake frequent travel and also meet the necessary expenditure.

In those circumstances, this petition is ordered transferring C.C.No.59 of 2013 pending on the file of XIII Additional Chief Metropolitan Magistrate, Hyderabad, to the Court of the I Additional Munsif Magistrate, Narasaraopet, Guntur.

Accordingly, this transfer criminal petition is allowed.

Consequently, miscellaneous applications pending shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

23.06.2015
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