

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Transfer Criminal Petition No.79 of 2015

ORDER:

In this petition filed under Section 407 Cr.P.C. the petitioners seeking transfer of S.C.No.485 of 2010 on the file of Additional Assistant Sessions Judge—IV FTC, Ananthapur to any Sessions Court at Hyderabad for trial and dispose of the matter.

2) The factual matrix of the case is thus:

a) In Cr.No.45 of 2009, the police of Dharmavaram Rural PS have charge sheeted 8 accused for the offences under Sections under sections 147, 148, 324, 302 r/w 149 IPC. It is informed that trial schedule is given by the Court from 06.04.2015 onwards. Be that it may, the instant petition is filed by the petitioners/accused on the main ground that the present DGP of State of Andhra Pradesh who is the brother-in-law of the deceased—Amma Kesavaiah, is influencing the witnesses and pressurising them to give false evidence so as to ensure conviction and he is also influencing the local police. In these circumstances, the accused apprehend that they may not get fair trial and therefore, the case may transferred from Ananthapur Court to any Sessions Court at Hyderabad for trial.

3) Heard.

4) Learned Public Prosecutor vehemently opposed the petition and submitted that throughout investigation the petitioners/accused have not made any allegation that local police were pressurized to file charge sheet for ensuing conviction but it is only when the matter came up for trial and when schedule is given from 06.04.2015 onwards they have come up with a petition as if DGP is pressurizing the local police to influence the witnesses which is an utter false. Learned Public Prosecutor submitted that in fact the accused belong to Ananthapur which is a faction ridden place and they are trying to win over witnesses and with that motive, this petition is filed and hence the same may be dismissed. Learned Public Prosecutor

further submitted that securing and transporting of witnesses for evidence will be a difficult task if the case is transferred to a different place and in view of this also petition may be dismissed.

5) On the other hand, learned counsel for petitioners submitted that since DGP is wielding power over local police to pressurize the witnesses, there is no possibility for the accused to get fair trial in Ananthapur and therefore, petition may be allowed.

6) On a perusal of petition contentions, it is found that except harping that DGP of AP State is pressurizing the local police to threaten the witnesses to give false evidence, no tangible material in that regard is produced by the petitioners/accused. As rightly submitted by learned Public Prosecutor, all through the investigation stage, such an allegation is not made by the petitioners/accused and it is only when the matter is coming up for trial this transfer criminal petition is filed with such allegation. As such the said contention cannot be accepted.

7) This Court finds no merits in the petition to transfer the case from Ananthapur to Hyderabad.

8) In the result, this Transfer Criminal petition is dismissed.

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

U. DURGA PRASAD RAO, J

Date: 02.04.2015

Murthy