

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Transfer Criminal Petition No.94 of 2015

ORDER:

In this petition filed under Section 407 Cr.P.C. the petitioner/accused seeks transfer of S.C.No.22 of 2015 from the Court of V Additional Sessions Judge, Kothagudem (previously pending on the file of Principal District and Sessions Judge, at Khammam) to the Court of Metropolitan Sessions Judge, Nampally at Hyderabad.

2) The petitioner is facing charges under Sec.120(b), 121, 121(A), 124(A), 419, 199 IPC, Sec.25(1A) of Indian Arms Act, Sec.8(1) of APPS Act, Sec.7 of Criminal Amendment Act, Sec.10, 13(1) (a) & (b) and 2 of the Unlawful Activities (Prevention) Act, 1967, Sec.3 r/w 6 of (The Indian) Wireless Telegraphy Act, 1933. His submission is that he is now 78 years old man suffering with problems like diabetes, heart problem, enlargement of prostate gland etc and he is native of Kolkata, State of West Bengal and hence it is very difficult for him to travel from Kolkata to Khammam district to attend the trial in the case. Added to it, he is facing threats from the police and some other anti-social elements. Considering it, his case may be transferred from Khammam district to Hyderabad to enable him to face the trial.

3) Heard.

4) It is seen that the prosecution has not disputed the old age and the sufferings of the accused. The main objection of learned Additional Public Prosecutor is that it is difficult to carry the witnesses from Khammam District to Hyderabad in the event of case being transferred to Hyderabad.

5) In the considered view of this Court, the said objection is not a valid one since a perusal of charge-sheet would show that the I.O cited altogether seven witnesses, all of whom are official witnesses. Therefore, their appearance for trial at Hyderabad may not be a problem. On the other hand, as rightly submitted by the petitioner, it will be difficult for the accused at his old age to travel all the way from

Kolkata to Hyderabad and then again go to Khammam District to attend the case. Therefore, I find force in the submission of the petitioner.

6) In the result, this Transfer Criminal petition is allowed and the S.C.No.22 of 2015 is transferred from the Court of V Additional Sessions Judge, Kothagudem (previously pending on the file of Principal District and Sessions Judge, at Khammam) to the Court of Metropolitan Sessions Judge, Nampally at Hyderabad for disposal according to law.

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

U. DURGA PRASAD RAO, J

Date: 28.04.2015

SCS