

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**TRANSFER CRIMINAL PETITION No. 269 OF 2013**

**ORDER:**

This Transfer Criminal Petition has been filed seeking transfer of S.C.No.102 of 2013 from the file of the IV Additional Sessions Judge's Court at Adilabad to any of the Sessions Court of Nizamabad District or Karimnagar District for conducting fair and impartial trial.

None appears for the petitioner and there is also no representation on her behalf when her name is called.

When this Petition was entertained for the first time on 02.12.2013 by this Court, learned counsel for the petitioner was directed to file a better affidavit duly furnishing all the necessary details. Thereafter, on 12.06.2015, when the matter appeared, this Court has observed that no such affidavit furnishing the necessary details was made available to this Court. Hence, the matter was adjourned, as a last chance, by one more week. However, at request, this matter was adjourned on 22.06.2015. Accordingly, today, the matter is taken up for disposal. A representation is made today that the learned counsel has given up the vakalat.

It is the case of the petitioner that her husband has been done to death by the respondent herein on 30.09.2005 using an axe. Hence, she lodged a complaint with the police at Kadam Police Station, Adilabad District, which was registered as Crime No. 86 of 2005 on 01.10.2005 under Section 302 read with Section 34 of the Indian Penal Code. Accused Nos. 1 and 2 were arrested on 04.10.2005 and they were remanded to custody. The case against accused No.2 appears to have been split up.

The apprehension of the petitioner is that the prosecution may not be carried out carefully by the learned Public Prosecutor attached to the District Court at Adilabad. It is pointed out that there is also threat to the witnesses from Accused No.1 and hence, the petitioner apprehends that justice may not be done to her. However, the learned Public Prosecutor would submit that the learned Public Prosecutor,

who conducted earlier Sessions Case against Accused No.2, has been changed and the present Public Prosecutor attached to the District Court is entirely a different person. The learned Public Prosecutor would therefore, submit that transferring the Sessions Case to some other Court, at this stage, would only delay the entire matter without there being any justification.

The learned Sessions Judge, who will be dealing with S.C.No. 102 of 2013 shall carefully monitor the proceedings, with an eye as to whether the witnesses are under any duress or suffering from any apprehension at the hands of the accused and if so, shall devise appropriate measures for providing necessary protection to such witnesses, who might be willing to speak against the accused. The Sessions Case being one of the very old cases, the incident itself having been taken place more than a decade back, it will not be in the best interests of one and all to have the matter transferred out of Adilabad District as any such move would cause further delay and hardship for the witnesses to go to the new place altogether to participate in the trial.

I am therefore, of the opinion that ends of justice would be adequately served by directing the learned Sessions Judge to provide necessary protection to the witnesses if he has the slightest of doubt in his mind that any of them have come under duress, threat or apprehension.

This Criminal Petition is otherwise meritless and it is accordingly, dismissed.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

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**NOOTY RAMAMOHANA RAO, J**

24<sup>th</sup> June 2015

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