

HON'BLE SRI JUSTICE M.S.K. JAISWAL

Transfer Criminal Petition No. 143 of 2011

Order:

This Transfer Criminal Petition is filed to transfer S.C.No.495/2010 from the file of VII Fast Track Court and Sessions Judge, Kakinada, to any Sessions Court at Visakhapatnam or at Srikakulam.

2. The facts, in brief, are that the petitioner herein is L.W.2 and she is the daughter of accused-U.Ramakrishna Rao, who is alleged to have killed his own wife brutally on 13.09.2009. The petitioner herein is said to be an eyewitness.

3. It is contended that there is a threat to the petitioner and other witnesses and it will be difficult for them to go to Kakinada for giving evidence and that they do not expect proper justice in the Court at Kakinada, and therefore, requested to transfer the Sessions Case from Kakinada to any Sessions Court in Visakhapatnam or at Srikakulam.

4. A perusal of the record would show that the incident took place at Kakinada and except the petitioner-LW2, her maternal aunts and uncle, who are LWs 3 to 5, all the witnesses are residents of Kakinada, including the *de facto* complainant, Panch witnesses, inquest panch witnesses, medical officer and the Investigation Officer. That apart, nothing is mentioned as to what type of threat the petitioner is facing about going to Kakinada. Absolutely no complaint of whatsoever said to have been filed by the petitioner to any authorities at any point of time about the alleged threat.

5. In the facts and circumstances of the case, I see no grounds to transfer S.C.No.495/2010 from the file of VII Fast Track Court and

Sessions Judge, Kakinada, to any Sessions Court at Visakhapatnam
or at Srikakulam.

6. In the result, the Transfer Criminal Petition is dismissed.

As a sequel thereto, the miscellaneous applications, if any, pending in the Criminal Petition shall stand closed.

M.S.K. JAISWAL, J

Date: 17.07.2015

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