

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.240 of 2015

ORDER :

The Transfer Criminal Petition is filed by the petitioner under Section 407 of Cr.P.C to withdraw and transfer the M.C. No.33 of 2015 from the file of the Additional Junior Civil Judge, Chirala to Family Court, Visakhapatnam.

2) Heard the learned counsel for the petitioner and perused the material on record.

3) There are no grounds to transfer M.C. No.33 of 2015 as the respondent in said M.C representing through his mother claimed permanent resident of Visakhapatnam and unable to attend personally as a case for transfer. However, it is made clear that the learned Magistrate can dispense with the appearance of the petitioner that representing through advocate as per the wording of Section 126(2) Cr.P.C to enable the applicant to continuation of proceedings before the Court by invoking Section 126(2) Cr.P.C subject to condition including for appearance as and when required.

4) With the above observations, the criminal petition is disposed of. Consequently, the miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

13.10.2015

ksh