

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

Tr.Crl.P.No.188 of 2015

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ORDER :

The petitioner/de facto complainant filed this transfer criminal petition to transfer C.C.No.123 of 2014 on the file of the I Additional Junior Civil Judge, Warangal to the competent Court at Mancherial, Adilabad District.

2. Heard learned counsel for the petitioner and also the 1st respondent-State represented by Public Prosecutor and respondent Nos.2 to 7.

3. The petitioner filed complaint against respondent Nos.2 to 7 herein, who are A.1 to A.6 in C.C.No.123 of 2014. Pursuant to the report of the petitioner, police registered Crime No.35 of 2011 dated 02.04.2011 and after investigation filed the final report that was taken cognizance by the learned I Additional Junior Civil Judge, Warangal, under Section 190 Cr.P.C. for the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1881, and after securing the apprehension of accused, hearing on charges and on examination of charges, trial was commenced.

4. It is submitted by the learned counsel for the petitioner that LWs.2 and 3 are parents of the petitioner, out of whom, one is paralytic and that they are unable to

attend the Court at Warangal, which is nearly 200 km. away to their residence at Mandamarri, thereby it is required to be transferred to Mancherial, Adilabad District, which is at a distance of 14 KMs. It is also submitted that when the petitioner attended the Court to give evidence and examined in chief through the Assistant Public Prosecutor, she received threats from respondent Nos.2 to 7/A.1 to A.6 and she described the same in her affidavit.

5. As can be seen from the material on record, there is nothing to show about giving of any report, much less, any complaint to the Court by the petitioner about her receiving threats from respondent Nos.2 to 7/A.1 to A.6. It is needless to say, if she files any written request, the police are bound to escort her to the Court and the police concerned shall by receiving any written request from her, provide escort on the date of her evidence as it is coming for her cross-examination. So far as her parents being unable to move due to old age and one of them suffering from physical disability concerned, it is on such proof that it is unable to secure their presence by some conveyance, on consideration, the learned Magistrate can permit for their examination on commission subject to the complainant or prosecution bearing the costs and as contemplated by the provisions of the Code. But for this, there is no other grievance for transfer and this cannot be taken shelter even under clause (c) of Section 407 Cr.P.C.

to seek transfer. Having regard to the above, there are no grounds to admit this petition.

6. Subject to the above, the transfer criminal petition is dismissed. No costs.

7. Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

13th August 2015.

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