

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

TRANSFER CRIMINAL PETITION No.153 OF 2015

ORDER:

This Criminal Petition is filed by the petitioner under Section 407 Cr.P.C seeking to transfer M.C.No.320 of 2014 on the file of X A.M.S.J.-cum-Spl.Court for trial of JHCBBC, City Criminal Courts, Hyderabad to Additional Family Court, City Civil Courts, Hyderabad.

Heard the learned counsel for the petitioner and the learned Public Prosecutor (Telangana) for the State before notice to respondent Nos.2 and 3 and before admission and perused the material on record.

Respondents 2 and 3 are wife and minor son of the petitioner. Undisputedly, the scope of Section 125 of the Code of Criminal Procedure (for short 'Cr.P.C.') is a quasi criminal and summary whereas the proceedings for divorce and restitution of conjugal rights between the couple requires a separate enquiry under civil liability and the enquiry contemplated for Section 125 Cr.P.C. from the damaged relationship is only narrow and limited.

Having regard to the above, there are no grounds to transfer the M.C. proceedings to try along with divorce and restitution O.Ps. between the parties, pending in another Family Court, Hyderabad. Needless to say, from the difficulty expressing of petitioner's working in Kolkata and he cannot attend for every adjournment for M.C. proceedings that requires to be dispensed with from the ordeal of personal attendance the Court feels it to just apply Section 126(2) Cr.P.C. thereby directed the petitioner herein to apply before the trial Judge (Family court) to dispense with personal appearance and to require recording evidence in the presence of his advocate and subject to condition whenever any personal attendance is required.

Accordingly, this criminal petition is disposed of.

Miscellaneous petitions pending if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 16-07-2015

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**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

TRANSFER CRIMINAL PETITION No.153 OF 2015

Between:

B. Satyanarayana Singh

... Petitioner

and

The State of Telangana, rep., by Public Prosecutor and two others

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 16-07-2015

SUBMITTED FOR APPROVAL:

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment?

Yes/No
2. Whether the copies of judgment may be
Yes/No
marked to Law Reporters/Journals?

Yes/No
3. Whether Their Ladyship/Lordship wish to
Yes/No
see the fair copy of the Judgment?

Yes/No
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