

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

FRIDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND FIFTEEN

PRESENT

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

TRANSFER CRIMINAL PETITION No.59 of 2010

Between:

Venigandla Rajyalakshmi

..... PETITIONER

AND

Venigandla Venkata Ramanjaneyulu and another

.....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: **31.07.2015**

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers may be Yes/No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked Yes/No
to Law Reporters/Journals

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

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

TRANSFER CRIMINAL PETITION No.59 of 2010

ORDER:

This Transfer Criminal Petition is filed under Sec.407 of Cr.P.C. seeking transfer of CrI.A.No.287/2009 on the file of the IX Additional Sessions Judge (FTC), Guntur to this Court to be heard along with CrI.R.C.No.960/2009.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor, representing the State.

It is the case of the petitioner that she filed a criminal case in C.C.No.28/2007 on the file of the Additional Junior Civil Judge, Ponnur, Guntur District against the 1st respondent, who is her husband, for the offences under sections 341 and 498-A IPC, which was ended in acquittal by judgment dated 01.04.2009. Aggrieved by the same, the petitioner filed CrI.R.C.No.960/2009 before this Court and the same is pending. It is stated that in the meanwhile, the State filed CrI.A.No.287/2009 on the file of the IX Additional Sessions Judge, (FTC), Guntur against the judgment in C.C.No.28/2007. Therefore, the petitioner contended that in order to avoid conflicting judgments in both the appeal and revision, it is necessary to tag on the criminal appeal with the revision pending before this Court.

Admittedly, there is a statutory appeal pending before the lower appellate Court. When the statutory appeal is filed by the State, the petitioner is supposed to withdraw the pending revision and implead herself in the said appeal and raise all her contentions. The statutory appeal cannot be tagged with the revision pending before this Court.

I see no merit in the present transfer criminal petition and the same is accordingly dismissed.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAISWAL,J

Date: 31.07.2015

Dsr